

**RECREATION COMMISSION MINUTES  
TUESDAY, OCTOBER 11, 2022 1:30 P.M.  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, Brooke Steinkamp; Members: Leonard Markir and Rick Gillespie **Also Present:** Recreation Director, James O'Connell; Assistant Recreation Director, Patty Howard; City Attorney, John Turner; and City Clerk, Tammy Bursick

**Excused Absence:** Mr. Christopher Woodruff

**Unexcused Absence:** Mr. Jackson Stewart

**1. CALL TO ORDER**

The Chairman called the meeting to order and the City Clerk performed the roll call.

**2. APPROVAL OF MINUTES**

**A) August 9, 2022**

**Mr. Markir made a motion to approve the August 9, 2022 minutes. Mr. Gillespie seconded the motion and it passed unanimously.**

**3. PUBLIC COMMENT**

None

**4. NEW BUSINESS**

**A) Discuss USTA Proposal**

Mr. John Turner, City Attorney, stated that staff is going to pull the USTA proposal off of today's agenda. He said staff has additional comments to make regarding the proposal and need to put the proposal into the form that they use for lease agreements. He said that the Commission is welcome to discuss the proposal and make suggestions and it will be brought back to them.

Mr. Markir said so they will be providing more information in helping to organize the final draft.

Mr. Jim O'Connell, Recreation Director, stated that this is the proposal sent to the City from USTA and it hits most of the points that they have been discussing this past year. He would be happy to answer any questions that the Commission might have.

Mr. Gillespie asked based on the proposal was the budget analysis reviewed in regards to resurfacing the courts at Riverside Tennis Courts.

Mr. O'Connell said that was not included in the analysis. He explained what Mr. Gillespie was referring to was more of an operating cost analysis.

Mr. Gillespie understood that USTA would be paying for the resurfacing of the courts.

Mr. Markir asked what the cost of resurfacing the courts would amount to.

Mr. O'Connell recalled that they recently had eight (8) of the courts resurfaced and they paid \$60,000 for that, so he would estimate for the remaining courts that need to be resurfaced it would cost around \$30,000. He explained that USTA would be paying the City \$6,000 a year and USTA would collect all the revenue coming in.

Mr. Markir asked if they would consider this a lease or management agreement.

Mr. O'Connell said it would be a three-year initial term license agreement, with an annual review throughout the contract and that both parties have the option to renew for two additional three-year terms, if they agree.

Mr. Gillespie asked if the City was not happy with USTA's services could they get out of the agreement after the first year. Mr. O'Connell answered yes.

Mr. Gillespie had hoped to have a more detailed proposal. He wants to know if the round robin games will remain, how will they proceed with membership fees and hourly rates, and will the courts remain open for free time in the afternoons. He said there was no clarity on these issues.

Mr. O'Connell recalled that the City received an assessment from USTA earlier in the year that included an "operating trial schedule" and what they are proposing on the open sessions in the afternoons is to offer more children programs. He said that continuing the round robins has always been their goal. They realize that the public enjoys that and will make it part of their plan. The fees for using the courts will continue to be set by the City Council and fees collected at the facility would go to USTA.

Mrs. Steinkamp had some problems with terminating employees in order to have this agreement with USTA.

Mr. O'Connell explained that there is one (1) full time position and a couple part time positions that will be eliminated.

Mrs. Steinkamp wondered if they could work it in to allow Mrs. Gabby Dwyer, Recreation Supervisor for the Riverside Tennis Courts, to remain until she retires. She asked when Mrs. Dwyer is scheduled to retire. Mrs. Steinkamp was told that would be up to Mrs. Dwyer.

Mr. O'Connell explained that he thought Mrs. Dwyer would be reaching 55 next year and this would not necessarily affect her eligibility for her pension if she was eliminated from the position. She would still be eligible for retirement.

Mrs. Steinkamp wondered if she could be transferred somewhere else in the City.

Mr. O'Connell said not at this time.

Mr. Gillespie commented that Mrs. Dwyer does other things for the Recreation Department and not just working at the tennis courts. He said that there has been a concern from the public about her employment. He said the public likes having Mrs. Dwyer a part of the team. He wondered if there were any opportunities for her to take on additional responsibilities in the City.

Mr. O'Connell mentioned the two (2) events that Mrs. Dwyer handles, as well as assisting with summer camp.

Mr. O'Connell stated that Mrs. Dwyer's main focus of operation is the programming of the tennis center.

Mr. Gillespie was concerned that there should always be some open courts available for people who wanted to play tennis for free.

Mr. O'Connell stated that Charles Park has tennis courts where anyone can play on them for free. He said that USTA has put out a sample schedule for the courts and it looks like the main changes will be in the afternoon where they will be having more group programs than what the City is currently offering.

Mr. Markir wondered if they (USTA) would be using the current fee schedule when adding these new programs.

Mr. O'Connell explained that if USTA was looking at changing any fees that it would have to be approved by City Council.

Mr. Markir brought up annual renewals and reviews. He said so any fee schedule established now would not change before the next review period.

Mr. O'Connell reiterated that it would only change if it was taken before City Council and approved. He said the fee schedule has not changed in the last two (2) years and there would not necessarily be an annual review.

Mr. Gillespie brought up that USTA has discussed having some big events at Riverside Tennis Courts such as tournaments, etc. He wondered if the City will be notified in advance of these events, how frequently will they be held and will they cause parking problems.

Mr. O'Connell understood that there may be five (5) or six (6) events held a year and he didn't see a problem with that.

Mrs. Steinkamp mentioned that she saw in the proposal that USTA would be hosting events with other organizations.

Mr. O'Connell knew that one of those organizations was the Marty Fish Foundation, who the City currently works with and that will continue. He did not see where there would be a noise or parking issue when these events are held.

Ms. Marie Mirror, USTA Local Coordinator, requested to speak. She said that USTA implements programs with various organizations all over the State. She said they sometimes have one or two events at the same location if the members want it. She said if the members don't want it then they don't offer it. They partner with other organizations to help those organizations thrive.

Mr. Gillespie stated that he would like to see more details in the proposal about membership costs and fees and more clarity as far as open time. He felt the proposal seemed to be more of a legal document and did not include some of the details that he would like to see.

Mr. O'Connell thought that USTA would have some flexibility as far as the scheduling goes for the various programs.

Mr. Gillespie did not think it would be difficult for them to say that some of the courts would be open for free time play.

Mrs. Steinkamp knew that the public has some concerns about the fees that will be charged and is looking forward to hearing what the fees will be.

Mr. O'Connell recalled that he has heard USTA say that they felt the fees offered by the City on a yearly basis were too low and the walk-up fees that the City currently charges were too high. He said from his observation of the courts from 12:00 p.m. to 5:00 p.m., the slots are never filled up.

Mr. Gillespie agreed with Mr. O'Connell's comments. He said that he lives across the street from the tennis courts and there usually are only a couple of people playing during those times. However, he would still like to see some of the courts reserved for open play.

Mrs. Steinkamp agreed that the time for free play on the tennis courts needs to be clarified.

Mr. O'Connell said from what he understands the 3:00 p.m. to 5:00 p.m. window will be scheduled for more children programs.

Mr. Markir felt that they needed to sit down and create a workable and reasonable way to deal with staff and their employees. He said termination for him is not a good thing and not a good image for the City of Vero Beach.

Mrs. Steinkamp commented that the solution would be for the City to partner with USTA and they have offered to do that. She said it doesn't have to be a full takeover. She said it is not the appropriate time for USTA to take full control of the facilities, but a partnership would be amazing. She is not in support of terminating employees. She feels that the timing is wrong. It is not a good image to terminate someone in order to save this money.

Mr. Markir commented that he comes from a business background and when making a deal with someone the first question asked is it a good deal or a bad deal. He does not know if this is a good deal because they don't have a whole lot of information that needs to be included in the proposal. He said that USTA does not know what they are going to generate from revenue because of staffing matters. If they end up netting \$100,000 over a three (3) year span that is 6% for using the City's land. He was not sure if that is a good deal and they would not know that without knowing what the revenue stream is going to be. There is nothing in this license agreement committing how busy they are going to be and what revenue they anticipate bringing in. He questioned what they actually plan on doing. There is nothing in this license agreement saying what the details are going to be and what the revenue is going to be and no criteria that they can measure. They will get to the end of the year and won't know if they are going to be successful or not because they haven't been told in the beginning what their goals are. They are talking about making a big commitment for space. They need to prioritize the time and fees in conjunction with the revenue.

Mr. O'Connell explained that at this time the City is not making money with the tennis courts and this proposal does have a net positive for the City. The current fee schedule does give better rates for City residents and he would expect that to continue. Their fee schedule has a lower price for City residents versus non-City residences.

Mr. Markir questioned how would they evaluate how successful USTA is at the end of the year.

Mr. O'Connell said the City has reviewed some of USTA's financial documents. He said they are able to provide more programming than the City does and his mission as the Recreation Director is to provide more programming when possible and he feels this proposal would do that. The City continues to look at a net loss every year and this would turn it into a \$6,000 profit.

Mrs. Steinkamp questioned if recreation programs are supposed to make money and show a profit. She said this may sound great on paper, but they are talking about terminating someone who has worked for the City for 22 years. This does not sit well with her since she knows there are other options, such as partnership. She said they could do this partnership with USTA and in a few years Mrs. Dwyer will be ready to move on. She encouraged them to move to a partnership rather than a takeover. It will take a few years to work out the kinks and in the meantime they will be protecting their employee and in three (3) to five (5) years they should have this mastered.

Mr. Gillespie noted that he attended the two (2) meetings that USTA spoke at that were held at the Community Center. He said that the one (1) common theme was that USTA was more than willing to help out the City without having some sort of contract. They could partner with them and they could help the City out without disrupting what they currently have. There is not enough information in this proposal that he could recommend to proceed with it. It is very difficult for him to stomach a long term dedicated employee who not only works at the tennis facility, but does other things for the Recreation Department getting terminated. It doesn't sound like Vero Beach to him.

Mrs. Steinkamp could not see where this was justified. She noted some of the other cities who welcomed USTA's help, but their situations were different than ours. She asked why the City can't accept their help with an agreement.

Mr. Markir would like to see the Recreation Commission hold a public hearing or workshop and invite the public in to get their input.

Mrs. Steinkamp expressed how many meetings they have held and received input from the public on the USTA matter. She said they have spent hours discussing this issue. They have heard from the people and received their input, which is that they don't want USTA taking over the tennis courts. She reiterated that she is in favor of having USTA help the City out and guide them down the right path.

Mr. Markir agreed that they have heard from both sides. Some people are in favor of USTA and some are opposed. However, this is the first time anyone has had a chance to look at the proposal from USTA.

Mrs. Steinkamp expressed a couple of things in the proposal have not changed and that is USTA managing the facility and terminating an employee.

Mr. Turner explained the negotiations that the City has with USTA is between the City, City Manager, and Recreation Director. They will be the ones to come up with a proposal that is in the best interest for the City. The proposal will not include the day to day operations that USTA will undertake. The agreement will be similar to the one (1) granted to Pickleball University. The Recreation Commission's job is to come up with a recommendation that will be taken to City Council, but it does not include management decisions and staffing of employees. They can have their opinion, but those kind of decisions are handled by management. He doesn't see USTA coming up with a detailed agreement. He said the Recreation Commission's input and some of their ideas have been very good, such as

having open play time for the public. He said lets wait until we get the finished product, but he appreciated their input.

Mr. Gillespie did not expect to see a lot of the details in the proposal, but thought that there would be more than what they presented.

Mr. O'Connell briefly went over some of the other agreements that they have with other organizations and what they look like. He said they are win/win situations where the organizations have taken over and are able to provide more services then the Recreation Department is able to. He said in most cases it has worked out well.

Mrs. Steinkamp mentioned that the pickleball courts are not free to use at any time at Pocahontas Park and anyone wanting to use them must pay Pickleball University.

Mr. O'Connell reported that he was in the process of setting up a place for people to play pickleball at Charles Park. It will be free to anyone wanting to play.

Mrs. Steinkamp felt that the City should be providing affordable programs to the public.

Mr. O'Connell agreed that is exactly what their mission is. It is to provide the most and best program facilities to as many of their patrons as they can. They want to try to make sure no one is being turned away from any of their programs.

Mr. Turner expressed that some of these organizations have invested a lot of money into their facilities, such as Pickleball University and the Rowing Club. The City cannot afford to do what they have done and that is why they continue to explore these different opportunities as they come up.

Mr. Michael Darty commented that he is a tennis player, a tennis coach, and all about growing tennis. His opinion about Riverside Park is that it used to be beautiful and over the years has become less busy. The courts are not taken care of and they get worse and worse. There are four (4) courts that still need to be replaced. When wind screens fall down they are not put back up. He said when running a tennis club they will not make a lot of money because there is a lot of competition. He was sure that USTA would welcome Mrs. Dwyer's application. He knows all they want is their employees to be certified. He said if she had her certifications it would be a plus for her. He said some of the things that have not been done very well is maintaining the courts as they should be. USTA wants to keep existing programs now and enhance that. He said at the present time those courts are so under-utilized. He felt that people needed to be a little more open-minded to USTA coming to Vero Beach.

Mrs. Steinkamp commented that USTA has offered multiple times to come in and help the Recreation Department with the fee schedule on a partnership facility and it didn't seem like they wanted to hire Mrs. Dwyer. She said she is not against USTA, but feels like the whole thing has gone on for a long time and they should be able to provide more information then what has been given.

Mr. O'Connell reiterated that the Recreation Department offers what they can with the staff that they have. They don't have the staffing that USTA has in order to offer additional programs. He appreciated USTA's assessment of their facility and offering their help, but they are limited as to staffing to provide in-house programing.

Mr. Gillespie commented that they have been waiting to review the proposal and he is not sure why they were sent a proposal that wasn't finalized.

Mr. Turner explained because it is a public record and everyone wanted to see it. He said that at this time he is the only attorney working for the City and there is a lot going on. He has not had the time to put this proposal into a lease agreement form that the City uses. Also there is additional language that needs to be incorporated into the lease agreement.

## **5. OLD BUSINESS**

### **A) Update on FRDAP Grant for Charles Park Playground Equipment**

Mrs. Patty Howard, Assistant Recreation Director, reported that she was able to submit the paperwork for the grant to help with the new playground equipment at Charles Park. She said they probably will not know if they receive the grant until around May. It is a 50/50 grant where the City would have to match the funds, which is \$175,000.

Mr. Markir asked if they were given what the life expectancy for the plastic equipment would be.

Mrs. Howard commented that this is the same company that the City used 30 years ago when the current playground equipment was installed and it has held up very well. She said that they did get a warranty with this equipment.

## **6. RECREATION DIRECTOR'S UPDATE**

Mr. O'Connell commented that they did receive a request for more pickleball courts in Vero Beach. He will be adding some pickleball courts at Charles Park, but will still have one (1) side of the court left for tennis for anyone wanting to play. It will be a very unofficial court, but for people wanting to play pickleball there will be an option for them.

Mr. O'Connell mentioned that there was not a lot of damage in their Parks from the hurricane. It was mostly yard debris. He said that there were some shingles that came off of the roof at Leisure Square, but that was basically all the damage that they had.

The City's Halloween Parade will be coming up in a few weeks and it will be held on 14<sup>th</sup> Avenue this year. They will start the parade at the Vero Beach Women's Club and end up at the Community Center. The event is free to the public and everyone participating from the ages of 1-17 will get a free goody bag.

Mr. O'Connell mentioned that the Vero Beach Lifeguard Association donated a four wheeler to the City and it is currently being used at their beaches. The four wheeler's value is around \$6,000.

Mrs. Howard reminded everyone that registration for the fall gymnastic classes is this Saturday. She said the Christmas Pageant will be held on December 4<sup>th</sup> with two (2) performances scheduled to take place.

There were some questions about beach erosion that came up and Mr. O'Connell noted that he was not the right person to ask about that. He said the Public Works Department handles that sort of matter.

**7. MEMBER'S MATTERS**

None

**8. ADJOURNMENT**

Today's meeting adjourned at 2:52 p.m.

/tb