

Parks and Recreation Advisory Board Minutes Regular Meeting – November 7, 2013

Item 1: Meeting Called to Order by Scott McBrayer at 12:02 p.m.

Meeting Location: Parks & Recreation Conference Room

Roll Call

Board Members Present: David McIlroy
Dr. Scott McBrayer
Gary Schroen
Marc Litzen
Kristy Emerson
Bob Wiig
Jim Doody (Ex-Officio)

Board Members Absent: Scott Coleman

Parks & Recreation Staff Present: Rob Schoeber, Director
Tressa Fisher, Administration Specialist
Traci Wieland, Recreation Superintendent
Emily Krause, Recreation Supervisor
Mike Vendegna, Parks Superintendent

Guests: Ken Walters
Marty Chazin

Item 2: Approval of Minutes

Marc Litzen moved to approve the October 3, 2013 Parks and Recreation Advisory Board minutes. Gary Schroen seconded. The minutes were approved unanimously.

Motion adopted by the Parks and Recreation Advisory Board: Yes 6 No 0

Item 3: Midwest Regional Conference

Rob Schoeber provided an update on the relationship between the Colorado Parks and Recreation Association and the Midwest Regional Association, which is a network of six states. The annual Midwest Conference was hosted in Grand Junction in 2009 and brought approximately 150 delegates and 25-50 exhibitors to the area. The Colorado Parks and Recreation Association has since opted out of the Midwest conference rotation, yet chose not to back out of network. Seeing the potential viability and networking, Colorado (without assistance from the Colorado Parks and Recreation Association) is offering to host the April 2015 conference in Grand Junction. Rob Schoeber discussed what a great opportunity this would be, and stated the Board members would be encouraged to attend the conference.

Item 4: Private Contractors

Rob Schoeber and Emily Krause discussed the ongoing struggles of trying to mandate a process for the numerous, and ever increasing, private contractors who are generating revenue on City property. Private businesses on public property is currently a major issue for parks all over the country (See attached article).

The City's current process is to set the vendors up on a percentage basis of gross sales, yet this is proving very difficult to monitor, with numerous businesses continuing to operate without the City's knowledge and/or approval. Several examples were discussed ranging from photographers using the parks for photo shoots to personal trainers who are chaining their tractor tires to the fence at Stocker Stadium. BLM is also dealing with this controversial issue and recently approached the City requesting a licensing process be implemented for vendors who are using the Tabeguache Trailhead for profit. Both entities are concerned about how to develop a process that is supportive and fair to all businesses while ensuring the use of the properties is acceptable and appealing to the public. City staff is currently working on putting together a proposal for a more flexible process that will hopefully encompass the majority of these contractors, making it more of a win-win situation for everyone involved. Emily Krause said staff is using the City of Denver as a template, taking the time to learn from their implementation process (what worked? what didn't?). She distributed some preliminary draft application documents (See attached) and said enforcement of the process will most likely have to be by the "honor system". The new process will include background and licensing checks, and the goal will be for the sales to be handled very similar to the existing concessionaire process which includes the City, County, Fruita, and Palisade. Rob Schoeber stated staff is striving to develop a fair and equitable process for everyone and will present the plan at next month's Parks and Recreation Advisory Board meeting.

Item 5: Project Updates

Mike Vendegna and Traci Wieland provided a brief PowerPoint presentation on several project updates.

Item 6: For the Good of the Community

Dr. Scott McBrayer stated he had attended last night's City Council meeting, at which a community member requested the Council members deny the 2014 STARS fees. City Council has scheduled a workshop in December to discuss and make a final decision on the City's licensed day camp fees.

Traci Wieland reported Recreation Coordinator Lorie Gregor had just received the 2nd place national award for the North American Mature Publisher's winning cover photo. The photo was taken at the 2012 Senior Games, in which Lorie Gregor laid down in the sand pit to snap a photo of a man competing in the long jump. The cover photo entry was a collaborative effort with the Senior Beacon. Congratulations Lorie!

Rob Schoeber reported the City of Grand Junction also recently received the Starburst Award from GOCO for the Lincoln Park renovations for the "outstanding use of lottery dollars". In addition, the Colorado Lottery has potentially selected a photograph of Rocket Park, taken by Marketing Coordinator Karen Peterson, which will be featured on a scratch ticket this spring

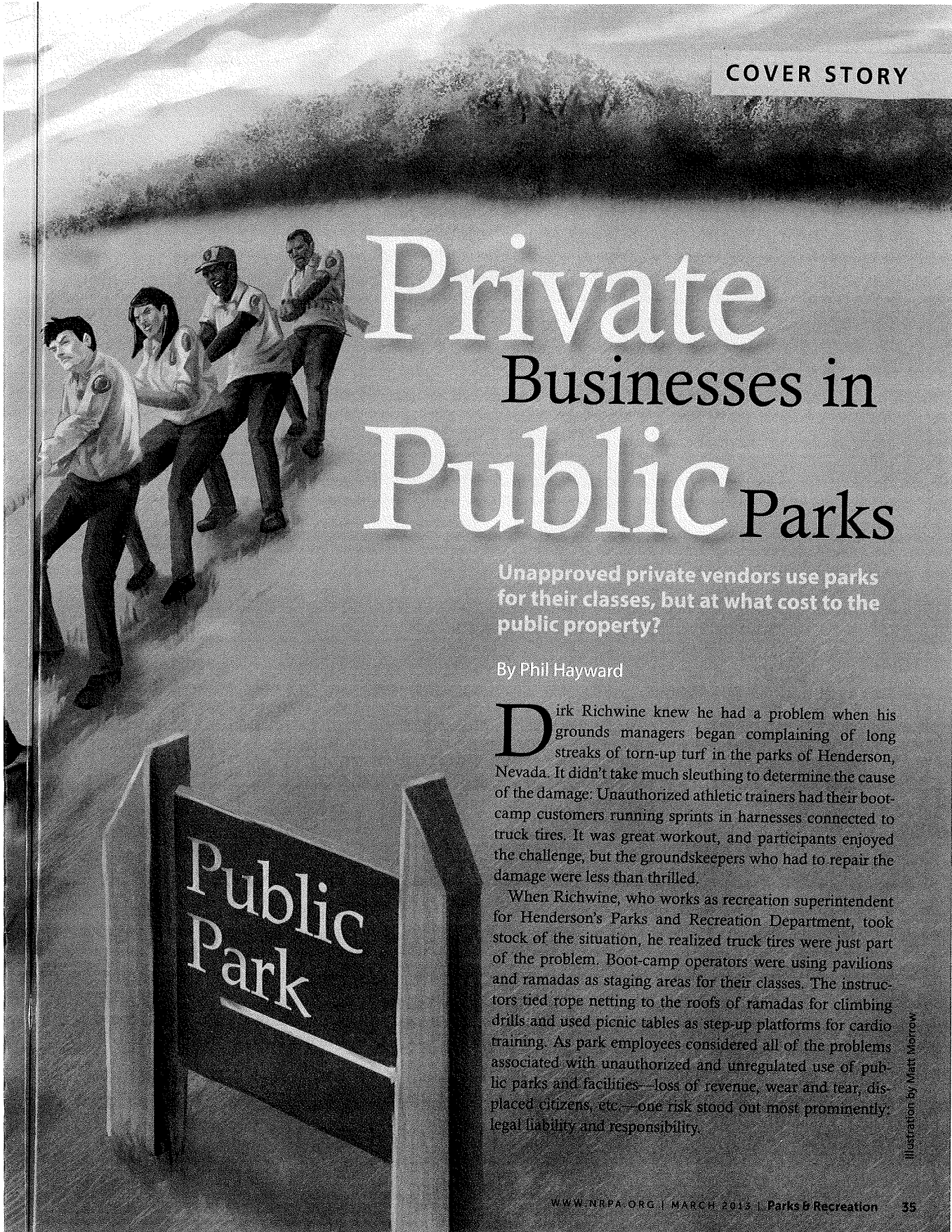
Item 7: Adjourn

Meeting adjourned at 1:00 p.m.

Respectfully submitted,

Tressa Fisher
Administrative
Specialist

COVER STORY



Private Businesses in Public Parks

Unapproved private vendors use parks for their classes, but at what cost to the public property?

By Phil Hayward

Dirk Richwine knew he had a problem when his grounds managers began complaining of long streaks of torn-up turf in the parks of Henderson, Nevada. It didn't take much sleuthing to determine the cause of the damage: Unauthorized athletic trainers had their boot-camp customers running sprints in harnesses connected to truck tires. It was great workout, and participants enjoyed the challenge, but the groundskeepers who had to repair the damage were less than thrilled.

When Richwine, who works as recreation superintendent for Henderson's Parks and Recreation Department, took stock of the situation, he realized truck tires were just part of the problem. Boot-camp operators were using pavilions and ramadas as staging areas for their classes. The instructors tied rope netting to the roofs of ramadas for climbing drills and used picnic tables as step-up platforms for cardio training. As park employees considered all of the problems associated with unauthorized and unregulated use of public parks and facilities—loss of revenue, wear and tear, displaced citizens, etc.—one risk stood out most prominently: legal liability and responsibility.

Illustration by Matt Morrow

COVER STORY

"We were getting complaints from the public, and when we observed what they were doing, we found it to be dangerous," Richwine says.

With a population of 270,000, Henderson is comparable in size to Buffalo, New York, and Newark, New Jersey. And like municipalities of all sizes, Henderson shares similar concerns over rogue operators in its parks. While boot camps have become the face of unauthorized private vendors, other groups and individuals pose the same set of problems. Sports clinics, sports leagues, and coaches taking over tennis and basketball courts top the list. But it's the recent phenomenon of boot camps that really got the attention of park and recreation managers.

A Google search of "boot camps" in any city will turn up a wide range of businesses varying in size and sophistication. Many even post calendars and schedules on their websites listing parks as class sites. Some, of course, are formally affiliated with park agencies. But a recent query of NRPA members

through the association's NRPA Connect online network produced a torrent of responses from agencies upset with unauthorized park vendors.

Some, like Henderson's parks agency, have fashioned regulatory programs that manage to accommodate private vendors without hurting the everyday experience of their citizens.

Others, however, tell *Parks & Recreation* that unregulated vendors often flaunt posted regulations governing park usage.

But the agencies with successful programs say ample measures can be taken by any park system to achieve equitable accommodations.

"We know that trainers are using our parks in Morris County, New Jersey," says Denise Lanza, assistant deputy director of the county's parks commission. "We would like to get them to do so, which would include a fee. But we can't always connect with them to let them know this is required."

For Lanza, the issue goes beyond rules and regulations. Trainers can use Morris County parks, but they

need to pay in order to do so.

"It seems unethical to use publically supported space for purely commercial gain," Lanza says. "It's certainly a way to keep operating costs down when you don't have to rent an indoor space."

A Victim of Its Own Success

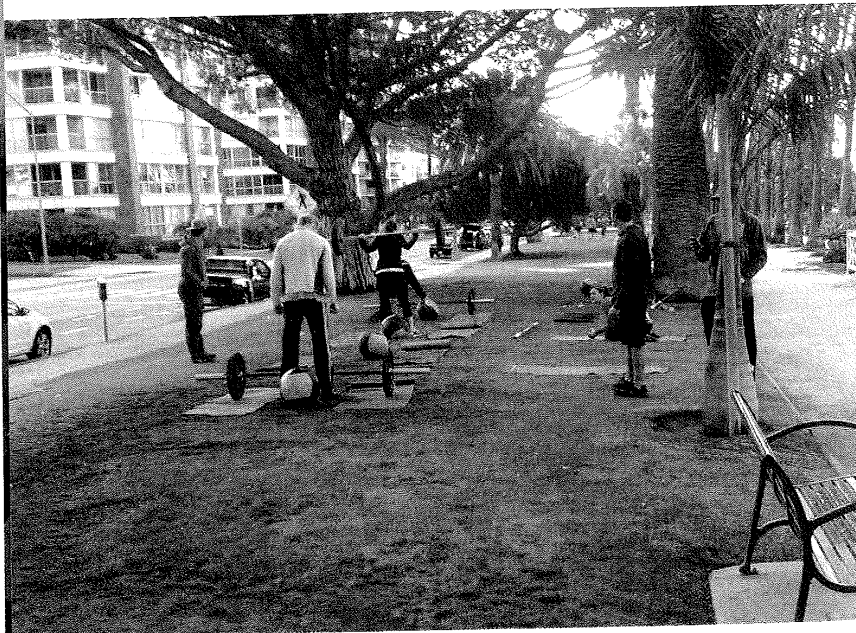
Palisades Park in Santa Monica, California, may well epitomize the impact of rogue exercise classes and fitness boot camps. The narrow, verdant strip of parkland is framed by the Pacific Ocean on one side and the City of Santa Monica on the other three, which in turn is bordered by the City of Los Angeles. Even without boot camps, Palisades Park has all the users it can handle. But when exercise classes and boot camps began disrupting the activities of regular park users, the city's Department of Community and Cultural Services had to take action.

Until recently, the park had a "rogue" vendor for the past 10 years, a yoga instructor tolerated by the city in the absence of problems. Then came a wave of classes that crowded out the regular users, particularly residents of the condos, apartments, and hotels across the street.

Karen Ginsberg, the city's director of Community and Cultural Services, describes the National Historic Landmark park as intended for walkers, joggers, parents with strollers, and picnickers.

Ginsberg found a sympathetic ear with Santa Monica's Recreation and Parks Commission, and her department undertook a one-week usage survey of Palisades Park last October. The survey recorded usage between 6 a.m. and 7 p.m. for the week.

"We wanted to see where the classes were, the types of activities going



Damaged turf in Palisades Park is directly attributed to unauthorized classes held here.



on, how big the classes were, and what equipment was being used," Ginsberg says. "It's not that we hadn't been out there before, but we wanted to do it in a systematic way."

They learned a lot.

Seventy-three group classes and 74 semi-private and private classes operated during the survey week. The highest concentration occurred at the north end of the park. Seventy-five percent of the group classes and 82 percent of the private and semi-private classes took place between 7 a.m. and 1 p.m. Some classes had as many as 40 participants.

Ginsberg learned that between 90 and 95 percent of the classes used some type of equipment: mats, bench presses, kettle bells, cones, ropes, and signage. Some classes attached equipment to trees, which is prohibited at all times.

Ginsberg's department is currently compiling a set of regulations to deal with unauthorized vendors. They've checked out the situation in other cities to assess their approaches, and her department is also receiving guid-

ance from elsewhere in Santa Monica's city government.

She stresses that they're seeking balance in their approach. "We want health and fitness, and we want to accommodate the needs of all users," she says. "There's a lot of consensus for regulating fitness groups." Even the vendors are asking for guidance, she says. "They want to know what they can and can't do."

If all goes according to plan, Santa Monica's city council will take action by mid-March, and any regulations it approves can be in effect by the start of the city's fiscal year on July 1.

Rights Versus Privileges in Henderson

In Henderson, Nevada, the issue came to a head after a slow buildup.

"We had a boot-camp person who felt it was her right to run her business in a public park and that we were impacting her business—she couldn't understand that the park was for the public good. She had a truck and a trailer that she would park lengthwise

This Zumba class is offered through a partnership between the City of Reno and a private trainer.

in a parking lot where we had a spray pad," Richwine recalls. "It was just crowding the park, and park users were getting upset because she would do whatever she wanted. So we had to put all this infrastructure together."

That was when Richwine delegated Michele Howard, the department's recreation coordinator, to produce a comprehensive set of regulations and an application process for private vendors to complete in order to do business in the city's parks. The guidelines clearly state that "any commercial for-profit business that is interested in using a city park as a location for delivery of a program or service is required to obtain a Commercial Fitness Rental Permit."

Applicants must pay a \$25 application fee to be considered for three- and six-month slots, which cost \$300 and \$600 respectively. They must agree to a 24-point array of regulations, including:

COVER STORY

- A city license
- \$1 million in liability insurance that must also include the city as being insured
- Proof of good standing with Nevada's secretary of state

If an agency's goal is universal community health and wellness, then boot camps could be said to complement that mission. One problem, says Tom O'Rourke, director of Charleston County, South Carolina's Parks and Recreation Commission, is that unlicensed vendors operate in a vacuum.

a different light," he continues. "The 6 a.m. boot camps that are independent are usually put on by fitness people trying to make money—not that there's anything wrong with that. But if a boot camp is just one utility that gets you to a higher goal of total fitness, it could be better."

A Winning Marriage in Reno

That's a goal Andy Bass, recreation manager for Reno, Nevada's Parks, Recreation, and Community Services, has had since his college days.



Reno officials have created a well-working partnership to offer fitness opportunities to the entire community.

"When a renegade person puts on a boot camp in a public park, no one knows but the attendees," O'Rourke says. "If a municipal recreation department puts on the same program and sells its benefits, it gives the municipal department credibility within their community and makes elected people feel like they are making their communities healthier.

"A department-wide health and wellness initiative puts your park in

Once he got established in Reno's parks and recreation program, he became aware of unregulated vendors. Like O'Rourke, Bass saw advantage in the greater good that could be achieved if private vendors partnered with the city to provide fitness programs. In fact, Bass and his colleagues preempted private fitness providers by enlisting them in community programs.

"Our program is different," Bass says. "Our goal was to promote healthy lifestyles and ways to fight obesity in the community.

"We went to fitness centers in our

city to have them offer free fitness classes," he continues. "They said 'What?!'"

He then explained to them his goal of community fitness and identifying partners to accomplish this at zero cost to the community. In 2012, Bass had found enough private fitness clubs and centers to send trainers to four outdoor classes in Reno parks and four indoor classes when the weather turned cold. Some trainers conducted the classes as part of their jobs for their companies while others volunteered their time, frequently accepting small donations from participants.

Bass describes the venture as successful for both the participants and the hosting clubs. Participants, who come from all demographic groups, have shown demonstrable improvement in fitness and weight loss. The fitness clubs, on the other hand, get exposure through television and newspaper coverage, which has brought them new customers.

"It's a true partnership," Bass says.

However, the most difficult part in the Reno program was finding partners, he admits. Once they had them, the program went smoothly. The long-term challenge, on the other hand, is the free nature of the classes. "Getting the word out takes marketing," Bass says. "Everyone who hears about it says 'Wow!'"

He believes any agency can emulate the Reno program. It takes very little staff time—"just me," he says. "It pretty much takes care of itself."

Legal Issues

James Kozlowski is an attorney and associate professor in the School of Recreation, Health, and Tourism at George Mason University in Virginia. He also writes "Law Review," a monthly column for *Parks & Recreation*. His column in this issue (page 22) explores the case law surrounding a ban on public smoking in parks. Kozlowski sees parallels between smok-

ing bans and restricting unauthorized use of parks.

“The same reasoning [banning public smoking in parks] could apply to commercial and unauthorized/unpermitted coaching/sports activities in parks,” Kozlowski says. “Just like public smoking, public agencies are certainly not ‘powerless,’ and such practices should not be tolerated, because they allow private entities to put public parkland to unauthorized uses. Such unauthorized uses need to be defined.”

Agencies that feel stymied or powerless in dealing with unauthorized businesses should reconsider their situation, Kozlowski believes. “If, indeed, ‘many simply tolerate the practice or feel powerless to enforce what regulations they have,’ they are not doing their job to provide public recreational opportunities, not unfettered and unregulated use of parkland by commercial or private sports entities or individuals,” he says. “There are numerous examples of ordinances, regulations, and policies that define unauthorized and/or unpermitted uses and activities. Such policies should certainly be written to avoid claims of arbitrary and ad hoc enforcement,” Kozlowski continues. “And, such regulations should include reasonable time, place, and manner restrictions not targeted to a particular suspect class (e.g., race, creed, color, religion, national origin).”

For examples of case law surrounding this topic, please visit <http://mason.gmu.edu/~jko-zlows>.

Phil Hayward is a Virginia-based writer and former editor of *Parks & Recreation* (phayward88@gmail.com).



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Outdoor Professional Service Permit Application

1340 Gunnison Ave., Grand Junction, CO 81501 * 970-254-3866 * Fax 970-242-1637

Today's Date: Business Name:

Contact Person: Email:

Mailing Address:

Phone #1 Phone #2 Fax #

What type of service will you be providing or what class(es) will you be teaching?

In which park(s) would you like to perform this service?

- Canyon View Duck Pond (OM) Lincoln Rocket Las Colonias
- Columbine Eagle Rim Pomona Sherwood Matchett
- Dixson Hawthorne Riverside Westlake River Trails

How many hours per week would you use the park(s)?

How many clients/students do you expect per class?

By signing below, I verify that all of the above information is true. I have also read and agree to comply with the following terms and conditions:

1. Liability Insurance
2. Payment
- 3.
4. Advertising
5. Term/Termination

Signature:

To apply, return this Application, Certificate of Liability Insurance, completed BIS form, and \$50 payable to Grand Junction Parks and Recreation (non-refundable, whether denied or approved)



Outdoor Professional Service Monthly Revenue and Activity Report

1340 Gunnison Ave., Grand Junction, CO 81501 * 970-254-3866 * Fax 970-242-1637

Due no later than the 10th day of the month following the reporting month. If the 10th is a weekend or holiday, report will due the following business day. Payment can be made by cash, credit card or check made payable to Grand Junction Parks and Recreation.

Business Name: Contact Name:

Month:

Day of Month	# Clients	# Clients x \$0.45
1		\$0.00
2		\$0.00
3		\$0.00
4		\$0.00
5		\$0.00
6		\$0.00
7		\$0.00
8		\$0.00
9		\$0.00
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11		\$0.00
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24		\$0.00
25		\$0.00
26		\$0.00
27		\$0.00
28		\$0.00
29		\$0.00
30		\$0.00
31		\$0.00
TOTALS		\$0.00

I verify that all of the above information is true. Signature: _____ Date: _____

Denver Parks officials draft scaled-back fees for exercise classes

By Jeremy P. Meyer The Denver Post The Denver Post
Posted:

DenverPost.com

Denver Parks and Recreation has introduced scaled-back fees for a proposed permit system that charges commercial groups to hold exercise classes in city parks.

Over the summer, the department stirred controversy when it proposed the permit system, which would charge exercise groups upward of \$390 a month to hold classes such as yoga workouts and stroller jogging in the parks.

Parks officials this week came back to City Council with reduced fees and longer terms for the permits. The highest fee now would be \$300 for six months for a class of up to 25 to use three of the city's most popular parks. The City Council still must approve the fees.

"We are talking about private businesses creating an impact in our parks and creating a fee to offset those impacts," said Lauri Dannemiller, parks manager. "It is not about penalizing health activities in our parks."

Months ago, the private outdoor fee-based activity proposal created a stir when exercise groups complained the proposed fees were too high. The new suggested rates, however, have quelled some of the furor.

Teddi Bryant, who owns Hot Mamas Exercise, said she has a fundamental problem with the fees.

"We already pay taxes, and this is a way for (the city) to create more revenue instead of going the taxation route," said Bryant, who offers a stroller class in Washington Park. "But saying that, the new fees are extremely reasonable."

Previously, Bryant would have had to pay \$10.80 for each class. Now, she will have a one-time fee of \$150 for six months.

The new rates for the so-called Private Outdoor Fee Based Activity permits are \$300 for six months for a class of six to 25 on the grass and \$150 on the trails at one of the city's Tier 1 parks — City Park, Washington Park and Sloans Lake.

At a Tier 2 park, the cost is \$200 on the grass and \$100 on the trails.

Classes of less than six people would pay \$100 for six months.

Nonprofit organizations would pay half of those rates.