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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PARKS AND RECREATION; AMENDING ORDINANCE NO. 09-04 TO MODIFY PARK FEES RELATING TO THE EDWARD AND ARLENE FELLER COMMUNITY ROOM AT LUDOVICI PARK; PROVIDING FOR AN ADMINISTRATIVE USER FEE WAIVER FOR PALMETTO BAY BRANCH LIBRARY CLUBS, HEREIN AFTER "QUALIFIED ORGANIZATIONS" AS TO THE USE OF THE EDWARD AND ARLENE FELLER COMMUNITY ROOM; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Vice Mayor Brian W. Pariser].

WHEREAS, the Village adopted and established fees, permit conditions, requirements and other guidelines for rental activities at all Park facilities, including the Edward and Arlene Feller Community Room and Amphitheater at Ludovici Park under Ordinance 09-04 relating to "Park Fees"; and,

WHEREAS, the existing fees and conditions are deemed appropriate and comparable to similar neighboring facilities; and,

WHEREAS, the Palmetto Bay Librarian and several of the local Palmetto Bay branch "library clubs", including the Italian Club and the Knitting Club have 10-15 members each and are attempting to use the library for their club events; and,

WHEREAS, the Palmetto Bay Library and the Palmetto Bay community have established an expanding use of the library and library patrons are beginning to form library sponsored educational clubs which are beginning to maximize the library space; and,

WHEREAS, the library does not have sufficient space to accommodate the clubs, and as such the clubs are seated in a corner of the Library during library hours of operation for their meetings restricting discussion and work space; and

WHEREAS, the Edward and Arlene Feller Community Room, like all Village Park areas provides a fee for the use of said facilities; and,

WHEREAS, Palmetto Bay Library branch informal clubs and charitable activities should be encouraged to meet within Palmetto Bay, but do not have the funding available to rent meeting facilities; and

1 Gazebo with use of event/grass area: \$100.00 per hour; three (3) hour minimum; Daily rate:
2 \$600.00.

3
4 * Sound system fees and related needs same as noted under
5 Amphitheatre.

6
7 Amphitheater/Gazebo/Event area:

8 Weekdays: \$100.00 per hour, with a four (4) hour minimum; Daily rate: \$600.00

9 Weekends/Holidays: \$150.00 per hour; Daily rate: \$900.00

- 10
11
- \$500.00 refundable damage/clean-up deposit for any of the above rentals
 - A minimum of one (1) security officer is required for all events. Permittee is to utilize the Security Services of the Village's authorized vendor, who is under contract to provide security services. Additional security, beyond minimum security requirements may be required at the discretion of the Village Manager, in consultation with the Village's Police Department.
 - If valet service is required, Permittee must obtain valet service through company currently under contract to provide such service for the Village of Palmetto Bay.
 - Permittee is required to utilize tents, tables and chairs through company currently under contract to provide such service for the Village of Palmetto Bay.
 - All fees are subject to applicable sales tax.
 - Weekends include Friday, Saturday, Sunday and all Village recognized Holidays.
 - Permittee acknowledges that fees are subject to change.
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25 Administrative Waiver of Fee:

26
27 1. The Village Manager is authorized to provide an administrative waiver of user fees for the
28 Edward and Arlene Feller Community Room for noncommercial, library sponsored clubs or groups,
29 which eligible participants shall hereinafter be collectively known as "Qualified Organizations."

30
31 2. The Qualified Organization uses under this waiver provision can only be used for time
32 periods associated with normal library hours only.

33 -
34 3. The waiver of the fee is only for the Qualified Organizations when there are no fees being
35 charged to participants by an instructor for a profit motive or commercial purpose and sponsored
36 by the Palmetto Bay Library.

37 -
38 4. The Village Manager is to review an application for use of the Edward and Arleen Feller
39 Community room and determine if the use by a Qualified Organization qualifies accordingly,
40 accompanied by appropriate documentation to support the requirements identified herein.

41 -
42 5. Any person or group that wishes to rent the Edward and Arlene Feller Community room for
43 published user fees, shall have use priority over any Qualified Organization utilizing the
44 "administrative waiver" provision of this Ordinance and the Qualified Organization will be required

1 to move their meeting to another time or date to accommodate a paid user or the Village use of the
2 room which will also have priority use.

3
4 6. Village use of the Edward and Arlene Feller Community room will also have use priority
5 over any "administrative waiver" Qualified Organization, and the Qualified Organization will be
6 required to move their meeting to another time or date to accommodate the Village's use of the
7 room.

8
9 7. Any "administrative waiver" Qualified Organization will have to complete the Edward and
10 Arlene Feller Community room facility use agreement, but will not be required to pay the fee, if
11 determined by the Village Manager that the Qualified Organization meets the requirement of the
12 administrative waiver provision.

13
14 8. The qualifying Qualified Organization will not be required to provide insurance.

15
16 9. Use of the Edward and Arlene Feller Community Room may be suspended or revoked by
17 the Village Manager if the Qualified Organization does not comply with the terms of the facility use
18 agreement.

19
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21 * * *

22
23 **Section 2.** All ordinances or parts of ordinances in conflict with the provisions of this
24 ordinance are repealed. The fee schedule shall be adopted in accordance with the Florida Statutes.

25
26 **Section 3.** If any section, clause, sentence, or phrase of this ordinance is for any reason held
27 invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the
28 validity of the remaining portions of this ordinance.

29
30 **Section 4.** This ordinance shall take effect immediately upon enactment.

31
32
33 PASSED AND ENACTED this [] day of _____, 2011.

34
35
36 Attest: _____
37 Meighan Alexander
38 Village Clerk

Shelley Stanczyk
Mayor

39
40 APPROVED AS TO FORM:

41
42 _____
43 Eve Boutsis
44 Village Attorney

1
2 FINAL VOTE AT ADOPTION:
3
4 Council Member Patrick Fiore _____
5
6 Council Member Howard Tendrich _____
7
8 Council Member Joan Lindsay _____
9
10 Vice-Mayor Brian W. Pariser _____
11
12 Mayor Shelley Stanczyk _____
13
14
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16
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To: Mayor and Village Council

Date: September 12, 2011

From: Eve A. Boutsis, Village Attorney

Re: Street Naming – Repeal

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO NAMING, RE-NAMING AND CO-DESIGNATION OF VILLAGE ROADS, STREETS, AND PUBLIC WAYS; REPEALING SECTIONS 21-52- THROUGH 54, AND MODIFYING SECTION 21-55; PRECLUDING FURTHER NAMING, RE-NAMING OR CODESIGNATING OF PUBLIC STREETS, ROADS, OR PUBLIC WAYS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Howard Tendrich].

BACKGROUND AND ANALYSIS:

The Mayor and Village Council of the Village of Palmetto Bay in 2005 created Chapter 21, Article II relating to naming, renaming or co-designating public facilities, roads, streets and public ways. The Village has received numerous requests to rename or co-designate Village Streets and as the Village is a built out community with long recognized street names it can become confusing due to the number of signs and co-designations. The Village has a process for naming, renaming, or co-designating Village public facilities, which can include sidewalks, structures, trees, etc., there are more than sufficient methods of recognizing prominent persons or entities without creating confusion in street names.

The Mayor and Village Council discussed this matter during the July Committee of the Whole, during which time Council Person Tendrich indicated his desire to amend the Village's Code to remove the sections of the Code relating to street naming. He also indicated a desire to move forward with the naming of trees, sidewalks or Village structures but to remove the clutter of co-designation from the Village of Palmetto Bay streets.

The proposed amendment would eliminate from Chapter 21, Article II the ability to name, rename and co-designate streets, roads or public ways. Section 21-51 Naming, Renaming and Co-Designating Village Facilities remains unchanged. Sections 21-52 through 54 would be eliminated, stricken. Section 22-55 would be amended as follows:

21-55 Costs Associated with Name Change

Street Naming Memorandum
September 12, 2011
Page 2 of 2

The responsibility of payment of the cost of installing signage on the municipal facility or property bearing the new name ~~and the cost of replacing any existing street signs with signs bearing the new street name or co-designation~~ shall be determined by the Village Council on a case-by-case basis upon recommendation of the Village Manager.

FISCAL/BUDGETARY IMPACT:

None.

RECOMMENDATION:

It is a decision of the Village Council as to policy.

* * *

1
2 **Section 21-51 Naming, Renaming and Co-Designating Village Facilities**
3

4 The Village Council may, by resolution adopted after a public hearing, name, re-name or co-
5 designate any Village facility under the following procedures and criteria:
6

7 a. Every resolution regarding proposed naming, renaming or co-designation of any
8 Village of Palmetto Bay facility shall be sponsored or co-sponsored by a Council member;
9

10 b. The organization or individual after whom the municipal facility is to be named shall
11 have made a significant contribution to the community, thereby furthering the Village's good
12 name and image. The contribution may demonstrate achievement through volunteerism,
13 leadership, financial contribution and/or other services considered extraordinary or long
14 term in nature.
15

16 c. In consideration of a substantial gift in cash, property and/or improvements, the
17 donor may be offered a naming opportunity for a defined period of time. The Village
18 Council has the authority to refuse any gift or proposed name that is not considered to be in
19 the best interest of the Village of Palmetto Bay.
20

21 d. Consideration shall be given to whether there is a historical significance, geographical
22 identifiers and/or natural characteristics of the facility.
23

24 e. Consideration shall also be given to whether the individual has already had sites
25 named after him/her in Miami-Dade County. Names should not be a duplicate of other
26 public facilities to avoid confusion. Naming shall not be considered should it diminish the
27 historic integrity of a site.
28

29 f. The Village Council shall have final approval with regard to the design and
30 placement of markers, memorials, statutes or monuments on Village property.
31
32

33 ~~Section 21-52 Naming, Re-Naming and Co-Designating Village Roads, Streets or Public~~
34 ~~Ways~~
35

36 ~~The Village Council may, by resolution adopt after a public hearing, name, re-name or co-designate~~
37 ~~any road, street or public way within the Village of Palmetto Bay under the following procedures~~
38 ~~and criteria:~~
39

40 ~~a. Every resolution regarding proposed naming, renaming or co-designation of any~~
41 ~~Village of Palmetto Bay road, street or public way shall be sponsored or co-sponsored by a~~
42 ~~Council member;~~
43

44 ~~b. Proposals for naming, re-naming or co-designating of a Village of Palmetto Bay~~
45 ~~road, street or public way shall be considered by the Council once, per year, at the Council~~

1 meeting in April. If a special consideration should arise, the Council Person who sponsors
2 the matter shall state same and seek a majority vote of the Council to allow the
3 consideration.

4
5 e. ~~The Organization of individual after whom the road, street, or public way is to be~~
6 ~~named shall have made a significant contribution to the community, thereby furthering the~~
7 ~~Village's good name and image. The contribution may demonstrate achievement through~~
8 ~~volunteerism, leadership, public service, and/or other services considered extraordinary or~~
9 ~~long term in nature.~~

10
11 d. ~~No such road, street or public way shall be named, re-named or co-designated for~~
12 ~~any living person.~~

13
14 e. ~~Consideration shall also be given to whether the individual or organization has~~
15 ~~already had any road, street or public way named after it/him/her in Miami Dade County.~~
16 ~~Names should not be a duplicate of other roads, streets or public ways with the same name~~
17 ~~to avoid confusion. Named roads, streets or public ways shall not be changed where there is~~
18 ~~an historical tradition attached to the existing name.~~

19
20 f. ~~The Village council shall have final approval with regard to the signage on the road,~~
21 ~~street or public way.~~

22
23 g. ~~Named roads, streets or public ways shall not be co-designated because of the~~
24 ~~resulting confusion, except under special circumstances.~~

25
26 **Section 21-53 ~~Responsibility of the Village Clerk.~~**

27
28 Upon adoption of a resolution naming, re-naming or co-designating any Village road, street
29 or public way, the Village Clerk shall provide a certified copy of the adopted resolution to
30 the Village's Building and Planning Department, the Village's Public Works Department and
31 the United States Postal Service.

32
33 **Section 21-54 ~~Notice of Street Name Change~~**

34
35 The Village Clerk shall publish notice of any street name change in a newspaper of general
36 circulation within the Village in substantially the following form:

37
38 **Notice of Street Name Change**

39 Public notice is hereby given that the Village Council of the Village of
40 Palmetto Bay, Florida, has enacted a resolution changing the name
41 (co-designation) of _____ to _____. This name change is
42 effective immediately and has been duly recorded with the United
43 States Postal Service.

1 Vice-Mayor Brian W. Pariser

2

3 Mayor Shelley Stanczyk

4

5

6



To: Mayor and Village Council

Date: September 12, 2011

From: Eve A. Boutsis, Village Attorney

Re: Charter Revision Commission
Amendment

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC COMMENTS; CREATING SECTION 2-51 OF THE VILLAGE'S CODE OF ORDINANCES ENTITLED "CHARTER REVISION COMMISSION"; TO PROVIDE FOR PUBLIC COMMENTS AT CHARTER REVISION MEETINGS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Howard Tendrich].

BACKGROUND AND ANALYSIS:

The Mayor and Village Council of the Village of Palmetto Bay desire to provide public comment during Charter Revision Commission meetings. The Charter, at Section 6.2 entitled "Charter Revision" provides the schedule for and composition of charter revision commission proceedings. However, the Charter is silent as whether such meetings should provide public comment. The Village Council believes in open government and desires to provide public comment period(s) during all Charter Revision Commission meetings and desires to amend the Village's Code to specifically provide for same. Based upon the foregoing, the Mayor and Village Council desire to create Section 2-51 of the Village's Code relating to holding public comment during Charter Revision Commission meetings. The proposed ordinance reflects the following:

* * *

Section 2-51 ~~Reserved.~~ Charter Revision Commission

(a) *Public Comments.* All Charter Revision Commission meetings provided for under Section 6-2 of the Village's Charter shall provide for public commentary at the end of each meeting.

* * *

FISCAL/BUDGETARY IMPACT: None.

RECOMMENDATION: Approval

1 **Section 2-51 ~~Reserved.~~ Charter Revision Commission**

2 (a) *Public Comments.* All Charter Revision Commission meetings provided for under Section 6-2
3 of the Village's Charter shall provide for public commentary at the end of each meeting.

4
5 * * *

6 **Section 2.** All ordinances or parts of ordinances in conflict with the provisions of this
7 ordinance are repealed.

8
9 **Section 3.** This ordinance shall be codified and included in the Code of Ordinances.

10
11 **Section 4.** If any section, clause, sentence, or phrase of this ordinance is for any reason
12 held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the
13 validity of the remaining portions of this ordinance.

14
15 **Section 5.** This ordinance shall take effect immediately upon enactment.

16
17 PASSED AND ENACTED this [] day of _____, 2011.

18
19
20 Attest: _____
21 Meighan Alexander Shelley Stanczyk
22 Village Clerk Mayor

23
24 APPROVED AS TO FORM:
25
26 _____
27 Eve A. Boutsis
28 Village Attorney

29
30
31 FINAL VOTE AT ADOPTION:
32
33 Council Member Patrick Fiore _____
34
35 Council Member Howard Tendrich _____
36
37 Council Member Joan Lindsay _____
38
39 Vice-Mayor Brian W. Parisier _____
40
41 Mayor Shelley Stanczyk _____
42