

ORDINANCE NO. 2022-4491

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE VI, ENTITLED "NAMING OF PUBLIC FACILITIES AND ESTABLISHMENT OF MONUMENTS OR MEMORIALS," BY AMENDING SECTION 82-503 THEREOF, ENTITLED "NAMING OF PUBLIC FACILITIES; CO-NAMING AND RE-NAMING OF STREETS," BY AMENDING SUBSECTION 82-503(b) TO EXEMPT "ADOPT-A-BENCH" OR "BRICK PAVER" NAMING PROGRAMS APPROVED BY THE CITY COMMISSION FROM THE REQUIREMENTS OF SUBSECTION 82-503(a); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on November 9, 2016, the City Commission passed Resolution No. 2016-29649 supporting the creation of the Adopt-A-Bench Program (the "Program"), which provides the public an opportunity to commemorate park benches in honor of loved ones at an initial adoption fee of \$10,000; and

WHEREAS, on June 6, 2018, the City's Brick Paver Program was created via Resolution No. 2018-30380, to provide the public an opportunity to purchase commemorative brick pavers on the beachwalk corridor, between 53rd and 64th Streets, at a cost of \$ 1,000 per paver, with the program available to individuals only (with no corporate sponsorship option); and

WHEREAS, at the September 11, 2019 City Commission meeting, the Mayor and City Commission adopted Resolution No. 2019-30947, establishing a tiered fee structure for "adopting" City benches, eliminating the element of commemorative bench plaques from the Program, and delegating to the Parks and Recreation Department with the authority to administratively approve future applications for the Program to streamline the process, and eliminating the Brick Paver Program in its entirety; and

WHEREAS, since the removal of the plaque element from the Adopt-A-Bench program, all interested parties to date have either declined to participate or ceased communication after learning that the commemorative plaque element was removed from the program, including one of the Program's only two participants, who adopted a bench at the original price point of \$10,000; and

WHEREAS, at the December 8, 2021 City Commission meeting, a discussion regarding the "Adopt-A-Bench" Program and the 2019 repeal of the Brick Paver Program was referred to the Neighborhoods and Quality of Life Committee; and

WHEREAS, at the March 7, 2022 Public Safety and Neighborhoods Quality of Life Committee (the "PSNQLC" or the "Committee") meeting, the Committee discussed and recommended for the City Commission to: (1) reinstate the commemorative bench

plaque element to the Program; (2) repeal the tiered fee structure and establish a fixed donation fee of \$10,000 to adopt any existing or new benches in City parks; and (4) provide that all net proceeds from the Program be applied to Parks and Recreation programming, and beautification and improvement projects; and

WHEREAS, based on community feedback that the Parks and Recreation Department has continually received, this Program could be successful if the bench plaque element was re-instated as a component to the Program; and

WHEREAS, further, the Committee recommended that the City Commission continue to delegate to the Parks and Recreation Department the authority to administer and approve any Adopt-A-Bench Program applications in order to streamline the process; and

WHEREAS, with the re-establishment of the commemorative bench plaque element of the Program, an amendment to the City's Naming Ordinance codified in Section 82-503 is required to continue allowing the Parks and Recreation Department the authority to administer and approve any Adopt-A-Bench or Brick Paver Program applications.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That section 82-503 of Article VI of Chapter 82 of the Code of the City of Miami Beach is hereby amended as follows:

CHAPTER 82 PUBLIC PROPERTY

* * *

Article VI. Naming of Public Facilities and Establishment of Monuments or Memorials

* * *

Sec. 82-503. Naming of public facilities; co-naming and renaming of streets.

* * *

(b) *Naming of interior portion(s) of a public facility (including naming of interior portion(s) of a park).*

- (1) Except as provided in subsection (b)(3), ~~Where~~ an interior portion of a public facility, (including the naming of an interior portion of a park or the naming of an interior portion of a building located within a park) is to be named, or renamed, the procedures in subsection 82-503(a)(1) through (5) shall apply.

- (2) At the close of the public hearing, the city commission may approve the proposed name, or rename for, the subject interior portion of the public facility, by a 5/7ths vote.

(3) The requirements of this section shall not apply to any "Adopt-A-Bench" or "Brick Paver" naming program approved by the city commission via resolution, provided that any commemorative naming of a bench or an engraved brick paver shall be limited to commemorating individuals only, with no corporate sponsorship permitted. The terms of the city's bench naming or brick paver naming program shall specify that all namings conferred on city property as part of the city's program shall be subject to review and approval by the city manager or the city manager's designee, at their sole discretion. The city manager or designee shall further retain the right to alter, relocate, permanently move, remove or replace a bench/plaque or brick paver naming for any or no reason, provided, however, that if the city manager or designee determines that any naming must be permanently removed from participation in the program, the city shall reimburse the donor for the full amount of the donation made to the program.

* * *

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the 2 day of July, 2022.


PASSED AND ADOPTED this 22 day of June, 2022.

ATTEST:



Rafael E. Granado, City Clerk

JUN 23 2022



Dan Gelber, Mayor



Underline denotes additions

Doubleunderline denotes additions after first reading

~~Strikethrough~~ denotes deletions

(Sponsored by Vice Mayor Kristen Rosen Gonzalez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney 

5-27-22

Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Rafael A. Paz, City Attorney
DATE: June 22, 2022

10:05 a.m. Second Reading Public Hearing

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE VI, ENTITLED "NAMING OF PUBLIC FACILITIES AND ESTABLISHMENT OF MONUMENTS OR MEMORIALS," BY AMENDING SECTION 82-503 THEREOF, ENTITLED "NAMING OF PUBLIC FACILITIES; CO-NAMING AND RE-NAMING OF STREETS," BY AMENDING SUBSECTION 82-503(B) TO EXEMPT "ADOPT-A-BENCH" OR "BRICK PAVER" NAMING PROGRAMS APPROVED BY THE CITY COMMISSION FROM THE REQUIREMENTS OF SUBSECTION 82-503(A); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ANALYSIS

See attached Commission Memorandum.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

N/A

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Office of the City Attorney

Sponsor

Vice-Mayor Kristen Rosen Gonzalez

ATTACHMENTS:

Description

- ▣ Commission Memorandum - 2nd Reading
- ▣ Ordinance - 2nd Reading

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAFAEL PAZ, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR DAN GELBER
MEMBERS OF THE CITY COMMISSION
ALINA T. HUDAK, CITY MANAGER SECOND READING

FROM: RAFAEL PAZ, CITY ATTORNEY 

DATE: June 22, 2022

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE VI, ENTITLED "NAMING OF PUBLIC FACILITIES AND ESTABLISHMENT OF MONUMENTS OR MEMORIALS," BY AMENDING SECTION 82-503 THEREOF, ENTITLED "NAMING OF PUBLIC FACILITIES; CO-NAMING AND RE-NAMING OF STREETS," BY AMENDING SUBSECTION 82-503(b) TO EXEMPT "ADOPT-A-BENCH" OR "BRICK PAVER" NAMING PROGRAMS APPROVED BY THE CITY COMMISSION FROM THE REQUIREMENTS OF SUBSECTION 82-503(a); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Pursuant to the request of Vice-Mayor Kristen Rosen Gonzale, the above-referenced Ordinance is submitted on Second Reading for consideration by the Mayor and City Commission at the June 22, 2022 City Commission meeting.

At the December 8, 2021 City Commission meeting, a discussion regarding the "Adopt-A-Bench" Program and the 2019 repeal of the Brick Paver Program was referred to the Neighborhoods and Quality of Life Committee.

At the March 7, 2022 Public Safety and Neighborhoods Quality of Life Committee (the "PSNQLC" or the "Committee") meeting, the Committee discussed and recommended for the City Commission to: (1) reinstate the commemorative bench plaque element to the Program; (2) repeal the tiered fee structure and establish a fixed donation fee of \$10,000 to adopt any existing or new benches in City parks; and (4) provide that all net proceeds from the Program be applied to Parks and Recreation programming, and beautification and improvement projects. Further, the Committee recommended that the City Commission continue to delegate to the Parks and Recreation Department the authority to administer and approve any Adopt-A-Bench Program applications in order to

streamline the process.

On May 4, 2022, the Mayor and City Commission adopted a resolution to proceed with the Program. Accordingly, an amendment to the City's Naming Ordinance codified in Section 82-503 is required to continue allowing the Parks and Recreation Department the authority to administer and approve any Adopt-A-Bench or Brick Paver Program applications, without having to go through the cumbersome and rigorous approval process otherwise required for naming of public facilities.

The proposed Ordinance would amend subsection 82-503(b) to exempt "Adopt-A-Bench" or "Brick Paver" naming programs approved by the City Commission from the requirements of subsection 82-503(a), in recognition that naming of a bench or a brick paver does not warrant the same level of review required for naming of an entire facility or street.

On May 4, 2022, the Mayor and City Commission approved the proposed Ordinance on first reading. In response to the discussion at first reading, the proposed Ordinance has been amended to specify that the terms of any naming conferred on City property as part of the City's program shall be subject to review and approval by the City Manager or the City Manager's designee, at their sole discretion. In addition, the City Manager or designee shall also retain the right to alter, relocate, permanently move, remove or replace a bench/plaque or brick paver naming for any or no reason, provided, however, that if the City Manager or designee determines that any naming must be permanently removed from participation in the program, the City shall reimburse the donor for the full amount of the donation made to the program.

RAP/FA/ag