RESOLUTION NO. 2010-27375

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND ADOPTING OPERATIONAL GUIDELINES FOR SOUTH POINTE PARK RELATING TO PARK HOURS, BICYCLES AND SKATEBOARDS, MOTORIZED VEHICLES, FISHING AND SWIMMING IN THE PARK, THE RENTAL OF THE RECREATIONAL CENTER (COMMUNITY ROOM), FIELDS AND PAVILION (ROOFTOP), AND CITY-PRODUCED SPECIAL EVENTS IN THE PARK AS RECOMMENDED, IN PART, BY THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE AT ITS MEETING OF FEBRUARY 16, 2010.

WHEREAS, the initial discussion concerning the operational issues of the newly reconstructed South Pointe Park (the "Park") was held on February 17, 2009, at the Neighborhood/Community Affairs Committee meeting; and

WHEREAS, the Administration requested direction and guidance on pending issues that would ultimately shape the future uses of the Park including, but not limited, to such matters as park hours, facility and field rentals, motorized and non-motorized vehicles in the park, programming and special events; and

WHEREAS, on May 12, 2009, a community meeting was held at the South Pointe Park community room to gain additional input from the residents as to operational issues; and

WHEREAS, on June 17, 2009, the proposed operational guidelines were discussed at the Neighborhood/Community Affairs Committee (the "NCAC") where input from the residents was received; and

WHEREAS, following its discussion, the NCAC moved the following Operational Guidelines to the City Commission with a recommendation for approval:

- **Park Hours:** Establish the hours as recommended previously, which is sunrise to 10:00pm for the Park, with the hours of the cut walk mirroring the hours of Smith and Wollensky's.
- **Bicycles/skateboards**: Restrict bicycles and skateboards from being ridden on the elevated portion of the serpentine walkway. Bicycles and skateboards to be permitted in all other pathways in the park, including the cut walk. Staff is to monitor the use of the serpentine by children with scooters and report back.
- **Motorized Vehicles:** No unauthorized motorized vehicles in the park.
- **Fishing and swimming:** There would be no swimming or fishing in the park, and fishing would not be permitted until such time as the fishing pier re-opens, and then only from the pier.
- **Recreational Center ("Community Room") Rental;** Rentals of the recreational center will be permitted for single events and under specific terms and conditions and when the center is available (un-programmed) by the park. There will be no alcohol permitted; amplified music is permitted, but only from 10:00 a.m. to 8:00 p.m.; cannot violate the noise ordinance; and the doors must be closed during amplified music. Renters cannot charge admission. The proposed rental fees would be in accordance with rental rates approved and established for interior building rentals in our parks system, as approved

by the City Commission in 2003. Please note that "resident rates" refers to Miami-Dade County residents.

- **Playground Rental:** No rentals of the playground area are allowed as it is too heavily used.
- **Field Rental**: No rental of the fields is allowed.
- **Pavilion (rooftop) Rental:** No rental of the pavilion is allowed.
- **City-Produced Special Events:** City-produced special events are those events that the City's Parks and Recreation Department, Tourism and Cultural Development Department or other City department develop for the purpose of providing recreational, educational and/or cultural entertainment to the general public, primarily focused for our residents. These city-produced events are limited to no more than six (6) per fiscal year and would have priority over any non-city produced special events. No city produced special event can extend longer than two days in duration (setup and removal may not exceed two additional days); setup and removal cannot restrict public access to the park; any live or amplified sound is to face south and not begin earlier than 10:00am and conclude by 10:00 p.m.; no alcohol is permitted; and

WHEREAS, the issue of permitting non-City produced special events in South Pointe Park was referred to the City Commission without recommendation; and

WHEREAS, the South Pointe Park Operational Guidelines item was first included in the July 15, 2009 Commission agenda, but it was not reached and was then included in subsequent agendas and, at the December 9th meeting, it was recommended that, in deference to our new Commissioners, the item be referred back to the NCAC for discussion; and

WHEREAS, the South Pointe Park operational guidelines item was referred back to the February 16, 2010 NCAC meeting where the Administration presented the background and history of the issue and restated its agreement and support of the previously discussed operational recommendations/ guidelines; and

WHEREAS, at its meeting on February 16, 2010, the NCAC members held a comprehensive discussion of the issues and supported the previously recommended operational guidelines for:

- Park Hours
- Bicycles, Skateboards
- Motorized Vehicles
- Fishing and Swimming in the Park
- Recreational Center ("Community Room") Rental
- Playground Rental
- Pavilion (rooftop) Rentals; and

WHEREAS, the NCAC recommended that Field Rentals should be available under controlled conditions; and

WHEREAS, as a result of NCAC direction, the Administration developed the following conditions for Field Rentals at South Pointe Park:

- The east lawn would not be available for field rentals;
- Field rentals would only be available for non-league, non-organized play or small scale private/non-commercial events (fewer than 100 persons) that do not require temporary

structures (e.g. tents requiring permits) or other supports that would require a special event permit;

- Field rentals would be available during the hours of 10:00 a.m. and 6:00 p.m., weekdays (Monday – Thursday) only;
- There would be no field rentals on weekends (Friday – Sunday) or on holidays, and no field rental would be permitted if there is an approved special event occurring at the park on the requested day;
- Field rentals would be for private events not open to the general public;
- Any field rental is for a maximum four (4) hour duration, including set-up and removal;
- There can be no sales/service/consumption of alcoholic beverages as part of a field rental.
- A damage/clean-up deposit may be required at the time the field rental agreement is approved; this deposit will be refunded following the event if the terms and conditions of the rental are met.
- No live entertainment or amplified sound.

It is recommended that field rental fees be in accordance with the rates approved and established for field rentals in our parks system, as approved by the City Commission in 2003. They are as follows:

Resident (Including Miami- Dade County)	Non-Resident
No Admission Fee	No Admission Fee
Day: $150.00	$300.00

Additional costs for field rentals include staffing at $25.00 per hour per staff for a four hour minimum, with the number of staff to be determined by the Parks and Recreation Department. Insurance, janitorial, and/or other direct costs are not included in the field rental amount; and

WHEREAS, the NCAC further recommended that the following categories of special events be permitted under specific terms and conditions:

I) City-Produced Special Events

As previously defined, City-produced special events are those events that the City's Parks and Recreation Department, Tourism and Cultural Development Department, or other City department develops for the purpose of providing recreational, educational and/or cultural entertainment to the general public, primarily focused for our residents. Examples include, but not are limited, to Movie in the Park, Arts in the Park or other activity offered by the City.

- The total number of city-produced events would be six (6) per fiscal year; City-produced special events will have priority over non-city special events;
- No City sponsored special event will extend more than two (2) days in duration. Set up and removal may not exceed two (2) additional days in total;
- Setup and removal cannot restrict public access to the park;
- No sales/service/consumption of alcohol is permitted;
- Any live entertainment/amplified sound:
    - Must face south
    - May not begin before 10:00 a.m.
    - Must conclude by 10:00 p.m. (unless it is a "Movie in the Park")

II) Non-City Produced Special Events

Non-City produced special events were discussed as two types: those with a recreational purpose, and those for entertainment/other. For purposes of the NCAC meeting, staff had identified a non-city-produced "special event" as any organized event that anticipates the attendance of more than 100 persons, or any event that requires a set up beyond that which would be permitted as part of the typical use of a public park or which could be accommodated by a field rental (e.g. a 90-person private picnic that requires permitted tents, an event on a Saturday).

A) Non-City produced recreational special events

These special events would include activities such as a marathon, triathlon, the Barefoot Mailman Walk, etc. These events were generally well-received and the general consensus among NCAC members and residents present at the meeting was that they should be permitted (although certainly with the expectation that they would follow special events guidelines). The city would consider recreational events, such as the Barefoot Mailman Walk, a meeting point for a triathlon, etc. on a case-by-case basis and with sufficient conditions to mitigate any impacts to the neighborhood and park. These recreational special events would be submitted via the Special Events process, as well, but would not be included within any limit on the number imposed for non-city events, should non-recreational special events be permitted. There can be no sales/service or consumption of alcoholic beverages. No amplified sound or live entertainment is permitted, although the use of loudspeakers for event management is allowed.

B) Non-City produced/non-recreational special events

These special events are non-recreational events such as weddings or concerts, or any other event that could not occur via a field rental (e.g. day of week, number of hours, placement of structures, etc.). Staff discussed the unique qualities of this park, and the neighborhood concerns relating to non-City produced/non-recreational special events, and developed parameters for the NCAC's consideration should these be permitted at South Pointe Park. These conditions would be *in addition to any and all current requirements of the special events process* managed by the City's Tourism and Cultural Development Department). Specifically, these included:

- The east lawn would not be available for non-City special events;
- The total number and frequency of non-City, non-recreational special events in a year should be limited. The example provided for the committee was no more than six (6) per fiscal year, no more than two (2) non-City, non-recreational special events in a single month, and no more than one (1) non-City, non-recreational special event per week;
- For purposes of this limitation, this limit would relate to non-city, non-recreational special events to include, but not limited to, weddings, concerts, etc.;
- No permitted non-City, non-recreational special event would extend more than one day in duration. Set-up and removal may not exceed two (2) days in total;
- No non-City, non-recreational special event can be permitted that anticipated an attendance in excess of 500 persons;
- No non-City special event would operate past the park's established closing hour of 10:00 p.m. and could not begin earlier than 10:00 a.m.;

- No amplified sound or live entertainment is permitted; however, the use of loudspeakers for event management is allowed, provided that such use is in compliance with the City's Noise Ordinance;
- No sales/service/consumption of alcoholic beverages; and

WHEREAS, following the discussion of special events, the NCAC recommended that:

- City Produced Special Events be permitted as proposed with the conditions set forth herein; and
- Non-City Produced Special Events (including Recreational and Non-Recreational activities) be permitted with the conditions set forth herein, with the exception that the proposed frequency of no more than six (6) per fiscal year. While staff had proffered no more than six (6) non-city, non-recreational special events per fiscal year, the Committee modified this recommendation to permit no more than six (6) events in a six (6) month period (and no more than two (2) non-city special events in a single month, and no more than one (1) non-city special event per week), and report to back to the City Commission after a six (6) month period; and

WHEREAS, at its meeting on April 14, 2010, the City Commission reviewed the recommendations of the NCAC and approved the following Operational Guidelines for South Point Park:

- **Park Hours:** *Park:* Sunrise to 10:00 p.m. *Cutwalk:* Sunrise to 2:00 a.m.
- **Bicycles and Skateboards:** Permitted on paved walkways only, *excluding* the elevated portion of serpentine walkway.
- **Motorized Vehicles:** Prohibited except for officially authorized government and government contractor vehicles.
- **Fishing or Swimming:** Prohibited in the park.
- **Facility Rental (Community Room in Pavilion Building):** Available when not programmed for public use. No sales/service/consumption of alcoholic beverage permitted. Amplified sound/live entertainment permitted inside between 10:00 a.m. and 8:00 p.m. (with doors closed; no waivers of noise ordinance). Event cannot exceed occupancy limits.
- **Playground/Tot lot:** Rentals not permitted for playground area or adjacent areas with tables.
- **Pavilion:** Pavilion rooftop rentals are not permitted.
- **City-Produced Special Events:**
    - Permitted Use: Cultural or recreational events (or other events) produced or sponsored by the City; open to the general public.
    - Location: Use areas not restricted; mostly use west lawn
    - Frequency: Max of six per fiscal year; max two days per event plus max two days set up and removal per event; setup and removal may not restrict public access to the park.
    - Hours/Duration of Event: Consistent with Park Hours
    - Alcoholic Beverages: No sales/service/consumption of alcoholic beverages permitted.
    - Amplified Sound/Live Entertainment: Permitted from 10:00 a.m. to 10:00 p.m. (or later to accommodate a "Movie in the Park") Speakers must face South. Cannot exceed noise ordinance.

NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA hereby approve and adopt the Operational Guidelines for South Pointe Park set forth herein relating to the park hours, bicycles, and skateboards, motorized vehicles, fishing and swimming in the park, the rental of the recreational center, fields and pavilion (rooftop), and City-produced special events in the park, as recommended, in part, by the NCAC at its meeting of February 16, 2010.

PASSED and **ADOPTED** this 14 day of April, 2010.

ATTEST:

Philip Levine, Mayor

5/27/15
Rafael E. Granado, City Clerk

MIAMI BEACH INCORPORATED MARCH 26TH 1915

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 5/15/15 Date

T:\AGENDA\2010\April 14\Regular\ Amended Resolution - Establishment of South Pointe Park Operational Guidelines (Revised on 5-7-15 VP).doc

PROPOSED SOUTH POINTE PARK OPERATIONAL RULES *(rev. 4/14/10)*

GENERAL

PARK HOURS	*Park:* Sunrise to 10:00 p.m. *Cutwalk:* Sunrise to 2:00 a.m.
BICYCLES & SKATEBOARDS	Permitted on paved walkways only, *Excluding* the elevated portion of serpentine walkway.
MOTORIZED VEHICLES	Prohibited except for officially authorized government and government contractor vehicles.
FISHING OR SWIMMING	Prohibited in the park.
FACILITY RENTAL (Community Room in Pavilion Building)	Available when not programmed for public use. No sales/service/consumption of alcoholic beverage permitted. Amplified sound/live entertainment permitted inside between 10:00 a.m. and 8:00 p.m. (with doors closed; no waivers of noise ordinance). Event cannot exceed occupancy limits;
PLAYGROUND/TOT LOT	Rentals not permitted for playground area or adjacent areas with tables.
PAVILION	Pavilion rooftop rentals are not permitted.

SPECIAL EVENTS

TYPE	CITY-PRODUCED SPECIAL EVENTS
PERMITTED USE	Cultural or recreational events (or other events) produced or sponsored by the City; open to the general public.
LOCATION	Use areas not restricted; mostly use west lawn.
FREQUENCY	Max of six per fiscal year Max. two days per event plus max. two days set up and removal per event; setup & removal may not restrict public access to the park.
HOURS/DURATION OF EVENT	Consistent with Park hours
ALCOHOLIC BEVERAGES	No sales/service/ consumption of alcoholic beverages permitted.
AMPLIFIED SOUND/LIVE ENTERTAINMENT	Permitted from 10:00 am to 10:00 pm (or later to accommodate a "Movie in the Park") ▪ Speakers must face south ▪ Cannot exceed noise ordinance

Condensed Title:

A Resolution, approving and adopting the basic operational guidelines for South Pointe Park relating to park hours, bicycles and skateboards, motorized vehicles, fishing and swimming in the park, rental of the recreational center, fields and pavilion (rooftop) and special events as recommended by the Neighborhoods/Community Affairs Committee on February 16, 2010.

Key Intended Outcome Supported:

Increase Satisfaction with Recreational Programs

Supporting Data (Surveys, Environmental Scan, etc.): Miami Beach Customer Survey indicates 84.9% of residents rated the City's Recreation programs as either excellent or good.

Issue:

Shall the Mayor and City Commission adopt the resolution?

Item Summary/Recommendation:

The initial discussion concerning the operational issues of the newly reconstructed South Pointe Park was held on February 17, 2009, at the Neighborhoods/ Community Affairs Committee meeting. The Administration requested direction on issues such as park hours, facility and field rentals, motorized and non-motorized vehicles in the park, programming and special events.

Subsequent meetings with the community and the Neighborhoods/ Community Affairs Committee were held over the next several months to gain additional input from the residents and Commission related to the operational issues resulting in recommendations from the Committee being forwarded to the full Commission. The item was first included in the July 15, 2009 Commission agenda, but it was not reached. It was then included in subsequent agendas. At the December 9th meeting it was recommended that, in deference to our new Commissioners, the item be referred back to the Neighborhoods/Community Affairs Committee for discussion. At the December 9, 2009 Commission meeting, the item was referred to the February 16, 2010 Neighborhoods/Community Affairs Committee meeting to allow the new Commissioners to understand the issues under consideration. At the meeting the Administration presented the background and history of the issue.

The Neighborhoods/Community Affairs Committee members held a comprehensive discussion and supported the previously recommended operational guidelines for Park Hours, Bicycles, Skateboards, Motorized Vehicles, Fishing and Swimming in the Park, Recreational Center ("Community Room") Rental, Playground Rental and Pavilion (rooftop) Rentals. However, the Committee recommended that Field Rentals and a limited number of Special Events should be permitted under specific conditions, and as noted in the attached.

It is recommended that the Commission approve the proposed operational guidelines for South Pointe Park

Advisory Board Recommendation:

Discussed and/or recommended by the Neighborhoods/ Community Affairs Committee on February 17, 2009, June 17, 2009 February 16, 2010.

Financial Information:

Source of Funds:		Amount	Account
	1		
	2		
OBPI	Total		

Financial Impact Summary: Field Rentals and Community Room rentals shall generate revenue for the City.

City Clerk's Office Legislative Tracking:

Kevin Smith, Parks & Recreation Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
KS	HMF	JMG

T:\AGENDA\2010\April 14\Regular\Establishment of South Pointe Park Operational Guidelines. Summary.doc

MIAMIBEACH

AGENDA ITEM R7B
DATE 4-14-10

MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: April 14, 2010

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND ADOPTING THE BASIC OPERATIONAL GUIDELINES FOR SOUTH POINTE PARK RELATING TO PARK HOURS, BICYCLES AND SKATEBOARDS, MOTORIZED VEHICLES, FISHING AND SWIMMING IN THE PARK, THE RENTAL OF THE RECREATIONAL CENTER (COMMUNITY ROOM), FIELDS AND PAVILION (ROOFTOP), AND SPECIAL EVENTS IN THE PARK AS RECOMMENDED BY THE NEIGHBORHOODS/ COMMUNITY AFFAIRS COMMITTEE AT ITS MEETING OF FEBRUARY 16, 2010.**

BACKGROUND

The initial discussion concerning the operational issues of the newly reconstructed South Pointe Park was held on February 17, 2009, at the Neighborhoods/ Community Affairs Committee meeting, prior to the opening of the park. The discussion focused on a number of issues, including the park's proposed maintenance, security and programming plans, and the assigned responsibilities of various departments contributing to the successful operations of the new South Pointe Park. The Administration also requested direction and guidance on pending issues that would ultimately shape the future uses of the park. These included, but were not limited, to such matters as park hours, facility and field rentals, motorized and non-motorized vehicles in the park, programming and special events.

On May 12, 2009, a community meeting was held at the South Pointe Park community room. The purpose of the meeting was to gain additional input from the residents as to operational issues.

On June 17, 2009 the proposed operational guidelines were discussed at the Neighborhoods/Community Affairs Committee. Input received from the residents was referenced, as appropriate (Attached, please find the memorandum submitted for the June 17, 2009, Neighborhoods/Community Affairs Committee titled "Follow-up Discussion Concerning the Potential Operational Issues Related To the Newly Reconstructed South Pointe Park"). As you will note, the item provided suggested parameters for various operational issues for the Committee's consideration.

Following their discussion on June 17, 2009, the Neighborhoods/Community Affairs Committee moved the following operational guidelines to Commission with a recommendation for approval:

- **Park Hours:** Establish the hours as recommended previously, which is sunrise to 10:00pm for the park, with the hours of the cutwalk mirroring the hours of Smith and Wollensky's.
- **Bicycles/skateboards**: Restrict bicycles and skateboards from being ridden on the elevated portion of the serpentine walkway. Bicycles and skateboards to be permitted in all other

pathways in the park, including the cut walk. Staff is to monitor the use of the serpentine by children with scooters and report back.

- **Motorized Vehicles:** No unauthorized motorized vehicles in the park.
- **Fishing and swimming:** There would be no swimming or fishing in the park, and fishing would not be permitted until such time as the fishing pier reopens, and then only from the pier.
- **Recreational Center ("Community Room") Rental:** Rentals of the recreational center will be permitted for single events and under specific terms and conditions and when the center is available (un-programmed) by the park. There will be no alcohol permitted; and amplified music is permitted, but only from 10:00am to 8:00pm, cannot violate the noise ordinance, and the doors must be closed during amplified music. Renters cannot charge admission. The proposed rental fees would be in accordance with rental rates approved and established for interior building rentals in our parks system, as approved by the City Commission in 2003. Please note that "resident rates" refers to Miami-Dade County residents, as well.
- **Playground Rental:** No rentals of the playground area are allowed as it is too heavily used.
- **Field Rental**: No rental of the fields to be allowed.
- **Pavilion (rooftop) Rental:** No rental of the pavilion to be allowed.
- **City-Produced Special Events:** City-produced special events are those events that the City's Parks and Recreation Department, Tourism and Cultural Development Department or other City Department develop for the purpose of providing recreational, educational and/or cultural entertainment to the general public, primarily focused for our residents. These city-produced events were to be limited to no more than six (6) per fiscal year and would have priority over any non-city produced special events. No city-produced special event can extend longer than two days in duration (setup and removal may not exceed two additional days); setup and removal cannot restrict public access to the park; any live or amplified sound is to face south and not begin earlier than 10:00am and conclude by 10:00pm; and no alcohol is permitted.

The remaining issue that did not reach a conclusion was the issue of permitting non-city produced special events in South Pointe Park; this issue was referred to the City Commission without recommendation.

COMMISSION DISCUSSIONS/ACTIONS

The item was first included in the July 15, 2009 Commission agenda, but it was not reached. It was then included in subsequent agendas (September 9th and December 9th, 2009). At the December 9th meeting it was recommended that, in deference to our new Commissioners, the item be referred back to the Neighborhoods/Community Affairs Committee for discussion.
The item was referred to the February 16, 2010 Neighborhoods/Community Affairs Committee meeting. At the meeting the Administration presented the background and history of the issue. The Administration further restated its agreement and support of the previously discussed operational recommendations/ guidelines including:

- Park Hours
- Bicycles, Skateboards
- Motorized Vehicles
- Fishing and Swimming in the Park
- Recreational Center ("Community Room") Rental
- Playground Rental
- Field Rental
- Pavilion (rooftop) Rentals
- City-Produced Special Events

The Administration requested that Committee review the previous recommendations and provide direction on the various issues, as well as providing guidance related to the pending issues of non-city produced/non-recreational special events in South Pointe Park.

The Neighborhoods/Community Affairs Committee members held a comprehensive discussion of the issues and recommended the previously discussed operational guidelines for Park Hours, Bicycles, Skateboards, Motorized Vehicles, Fishing and Swimming in the Park, Recreational Center ("Community Room") Rental, Playground Rental, and Pavilion (rooftop) Rentals.

Following discussion on potential uses of the park, the Committee also recommended that Field Rentals should be available under very controlled conditions. As a result of the Committee direction, the following conditions for Field Rentals at South Pointe Park have been developed for consideration:

- The east lawn would not be available for field rentals;
- Field rentals would only be available for non-league, non-organized play or small scale private/non-commercial events (fewer than 100 persons) that do not require temporary structures (e.g. tents requiring permits) or other supports that would require a special event permit;
- Field rentals would be available during the hours of 10:00 A.M. and 6:00 P.M., weekdays (Monday – Thursday) only;
- There would be no field rentals on weekends (Friday – Sunday) or on holidays, and no field rental would be permitted if there is an approved special event (City-produced, non-city recreational, etc.) occurring at the park on the requested day;
- Field rentals would be for private events not open to the general public;
- Any field rental is for a maximum four (4) hour duration, including set-up and removal;
- There can be no sales/service/consumption of alcoholic beverages as part of a field rental.
- A damage/clean-up deposit may be required at the time the field rental agreement is approved; this deposit will be refunded following the event if the terms and conditions of the rental are met.
- No live entertainment or amplified sound is permitted; a loudspeaker would only be permitted for event management (as needed).

It is recommended that the proposed field rental fees be set in accordance with the rates approved and established for field rentals in our parks system, as approved by the City Commission in 2003. They are as follows:

Resident (Including Miami-Dade County)	Non-Resident
No Admission	No Admission
$150.00	$300.00

Additional costs for field rentals include staffing at $25.00 per hour per staff, four hour minimum, and the number of staff to be determined by the Parks and Recreation Department. Insurance, janitorial and/or other direct costs are not included in the field rental amount.

SPECIAL EVENTS

The issue of Special Events at South Pointe Park has generated the most discussion in terms of operational issues for the Park. The Park's unique characteristics, as well as its location, availability for parking, proximity to dense residential etc., are all considerations. Three very specific and distinct categories of Special Events were discussed by the Committee. The Committee recommended that all three (3) categories of special events be permitted under specific terms and conditions.

City-Produced Special Events

As previously defined, City-produced special events are those events that the City's Parks and Recreation Department, Tourism and Cultural Development Department or other City department develop for the purpose of providing recreational, educational and/or cultural entertainment to the general public, primarily focused for our residents. Examples include but not are limited to Movie in the Park, Arts in the Park or other activity offered by the City. The Committee recommended that these events be permitted, with the following conditions as recommended by staff:

- The total number of city-produced events would be six (6) per fiscal year;
- City-produced special events will have priority over non-city special events;
- No City sponsored special event will extend more than two (2) days in duration. Set up and removal may not exceed two (2) additional days in total;
- Setup and removal cannot restrict public access to the park;
- No sales/service/consumption of alcohol is permitted;
- Any live entertainment/amplified sound:
    - Must face south
    - May not begin before 10:00 A.M.
    - Must conclude by 10:00 P.M. (unless it is a "Movie in the Park")

Residents have generally indicated that they are supportive of this type of special event. It should be noted that based on current programming schedules and resources, it is likely that the City would not produce as many Special Events as would be permitted based on this recommendation by Committee.

Non-City Produced Special Events (Recreational and Non-City Produced/Non- Recreational Events)

Non-city produced special events were discussed as two types: those with a recreational purpose, and those for entertainment/other. For purposes of the Committee meeting, staff had identified a non-city-produced "special event" as any organized event that anticipates the attendance of more than 100 persons, or any event that requires a set up beyond that which would be permitted as part of the typical use of a public park or which could be accommodated by a field rental (e.g. a 90-person private picnic that requires permitted tents, an event on a Saturday).

<u>Non-City produced recreational special events</u>

These special events would include activities such as a marathon, triathlon, the Barefoot Mailman Walk, etc. These events were generally well-received and the general consensus among committee members and residents present at the meeting was that they should be permitted (although certainly with the expectation that they would follow special events guidelines). The city would consider recreational events, such as the Barefoot Mailman Walk, a meeting point for a triathlon, etc. on a case-by-case basis and with sufficient conditions to mitigate any impacts to the neighborhood and park. Other conditions include, but are not limited to:

- These recreational special events would be submitted via the Special Events process,
- There can be no sales/service or consumption of alcoholic beverages.
- No amplified sound or live entertainment is permitted, although the use of loudspeakers for event management is allowed.
- While there is currently no limit on the number of these events, there can be no more than two in a single month and no more than one in a given week.
- Cannot use the east lawn.

<u>Non-City produced/non-recreational special events</u>

These special events are non-recreational events such as weddings or concerts, or any other event that could not occur via a field rental (e.g. day of week, number of hours, placement of structures, etc.). Staff discussed the unique qualities of this park, and the neighborhood concerns relating to non-

City produced/non-recreational special events, and developed parameters for the Committee's consideration should the Committee recommend permitting these types of special events at South Pointe Park. These conditions would be *in addition to any and all current requirements of the special events process* managed by the City's Tourism and Cultural Development Department). Specifically, these conditions included:

- The east lawn would not be available for non-city special events;
- The total number and frequency of non-city, non-recreational special events in a year should be limited. The example provided for the committee was no more than six (6) per fiscal year, no more than two (2) non-city, non-recreational special events in a single month, and no more than one (1) non-city, non-recreational special event per week.
- For purposes of this limitation, this limit would relate to non-city, non-recreational special events to include, but not limited to, weddings, concerts, etc.
- No permitted non-city, non-recreational special event would extend more than one day in duration. Set-up and removal may not exceed two (2) days in total;
- No non-city, non-recreational special event can be permitted that anticipated an attendance in excess of 500 persons,
- No non-city special event would operate past the park's established closing hour of 10:00 P.M. and could not begin earlier than 10:00 a.m.
- No amplified sound or live entertainment is permitted, although the use of loudspeakers for event management is allowed.
- No sales/service/consumption of alcoholic beverages.

Following the discussion of the special events (city-produced/sponsored, recreational and non-recreational), the Committee recommended that City Produced/Sponsored Special Events be permitted as proposed, with the conditions presented; and that Non-City Produced Special Events (including Recreational and Non-Recreational activities) be permitted with the conditions presented, except the proposed frequency. While staff had proffered no more than six (6) non-city, non-recreational special events per fiscal year, the Committee modified this recommendation to permit no more than six (6) events in a six (6) month period (and no more than two (2) non-city special events in a single month, and no more than one (1) non-city special event per week), and for staff to report back to the City Commission after a six (6) month period.

A matrix reflecting the operational issues, and delineating the conditions recommended for field rentals and the three types of special events is attached as Exhibit A.

CONCLUSION

The Administration recommends that the Commission adopt the basic operational guidelines for South Pointe Park as they relate to the park hours of operation, bicycles and skateboards, motorized vehicles, fishing and swimming in the park, the rental of the recreational center, fields and pavilion (rooftop), and special events in the park, as recommended by the Neighborhoods/ Community Affairs Committee at their meeting of February 16, 2010.

JMG/ HMF/KS
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EXHIBIT A

PROPOSED SOUTH POINTE PARK OPERATIONAL RULES *(rev. 3/10/10)*

GENERAL

PARK HOURS	*Park:* Sunrise to 10:00 p.m. *Cutwalk:* Sunrise to 2:00 a.m.
BICYCLES & SKATEBOARDS	Permitted on paved walkways only, *Excluding* the elevated portion of serpentine walkway.
MOTORIZED VEHICLES	Prohibited except for officially authorized government and government contractor vehicles.
FISHING OR SWIMMING	Prohibited in the park.
FACILITY RENTAL (Community Room in Pavilion Building)	Available when not programmed for public use. No sales/service/consumption of alcoholic beverage permitted. Amplified sound/live entertainment permitted inside between 10:00 a.m. and 8:00 p.m. (with doors closed; no waivers of noise ordinance). Event cannot exceed occupancy limits;
PLAYGROUND/TOT LOT	Rentals not permitted for playground area or adjacent areas with tables.
PAVILION	Pavilion rooftop rentals are not permitted.

SPECIAL EVENTS

TYPE	CITY-PRODUCED SPECIAL EVENTS	NON CITY-PRODUCED RECREATIONAL SPECIAL EVENTS	NON CITY- PRODUCED, NON-RECREATIONAL SPECIAL EVENTS	FIELD RENTALS
PERMITTED USE	Cultural or recreational events (or other events) produced or sponsored by the City; open to the general public.	Organized recreational events not produced by the City (e.g. biathlons, triathlons, kite flying) that require a special event permit because: ▪ More than 100 people expected; and/or ▪ cannot be handled as a field rental; and/or ▪ Requires placement of tents, etc. and/or	Non-recreational special events not produced by the city (e.g. wedding, company picnic, etc) that require a special event permit because: ▪ More than 100 people expected; and/or ▪ Cannot be handled as a field rental; and/or ▪ Requires placement of tents, etc Max of 500 persons	Recreational or non-recreational use of a field for non-league, non-organized play/small scale private/non-commercial events that do not require a special event permit because: ▪ Only the use of the field (no buildings); ▪ Fewer than 100 persons; ▪ Requires no temporary structures/supports. Max of 100 persons
LOCATION	Use areas not restricted; mostly use west lawn.	No use of the east lawn	No use of the east lawn	No use of the east lawn
FREQUENCY	Max of six per fiscal year Max. two days per event plus max. two days set up and removal per event; setup & removal may not restrict public access to the park.	No limit, but: ▪ Max. two in a single month ▪ Max. one in a given week	Max. of six per six months* Max. two in a single month Max. one in a given week Max. one day per event plus max. two days set up and removal per event. *for trial period	No limit, but: ▪ Only Monday-Thursday ▪ No field rentals on holidays ▪ Field rentals not permitted the same day as any special event in the Park. Max. rental for four (4) hours duration, including set-up and removal.

HOURS/DURATION OF EVENT	Consistent with Park hours	Consistent with Park hours	Event hours from 10:00 am to 10:00 pm	Field rentals permitted from 10:00 am to 6:00 pm only
ALCOHOLIC BEVERAGES	No sales/service/ consumption of alcoholic beverages permitted.	No sales/service/ consumption of alcoholic beverages permitted.	No sales/service/ consumption of alcoholic beverages permitted.	No sales/service/consumption of alcoholic beverages permitted.
AMPLIFIED SOUND/LIVE ENTERTAINMENT	Permitted from 10:00 am to 10:00 pm (or later to accommodate a "Movie in the Park") ▪ Speakers must face south ▪ Cannot exceed noise ordinance	No live entertainment or amplified sound. Limited use of loudspeakers for event management permitted. Schedule for use to be approved in advance, but no later than 8:00 pm.	No live entertainment or amplified sound. Limited use of loudspeakers for event management permitted no earlier than 10:00 am and no later than 8:00 pm.	No live entertainment or amplified sound. Limited use of loudspeakers for event management permitted no earlier than 10:00 am and no later than 6:00 pm.
OTHER	▪ City-produced special events have priority over non-City	▪ Must apply for special event permit; ▪ All regular special event requirements will apply (e.g. notifications/sign-offs, parking & sanitation plan, security deposit, etc) ▪ Special Event Permit to include use conditions/ restrictions	▪ Must apply for special event permit; ▪ All regular special event requirements will apply (e.g. notifications/sign-offs, parking & sanitation plan, security deposit, etc) ▪ Special Event Permit to include use conditions/ restrictions	▪ Refundable deposit for damage/clean-up may be required. ▪ Field rental fee applies ▪ Staffing / fee may be required. ▪ Field Rental application to include use conditions/ restrictions