

Condensed Title:

An ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending Article VI of the City Code, entitled "naming of public facilities and establishment of monuments or memorials;" amending section 82-501(c) thereof, entitled "generally;" amending section 82-502 thereof, entitled "definitions;" and amending section 82-503 thereof, entitled "naming of public facilities;" said amendments providing and establishing criteria for the co-naming of streets in the City of Miami Beach in honor of Miami Beach Police Officers who died or were killed in the line of duty; and providing for repealer, severability, and an effective date.

Key Intended Outcome Supported:

N/A

Supporting Data (Surveys, Environmental Scan, etc.):

N/A

Issue:

Should the Administration adopt the Ordinance on First Reading and Schedule a Second Reading, Public Hearing?

Item Summary/Recommendation:

First Reading

On May 1, 2008, Commissioner Richard L. Steinberg requested that the issue of co-naming City of Miami Beach streets in honor of fallen Miami Beach Police Officers be brought to the Neighborhoods/Community Affairs Committee for consideration. This public memorial honoring fallen police officers has widespread support by the men and woman of the Miami Beach Police Department, and was a request made by a member of the Department at the 2008 Police Memorial Ceremony.

Currently, the existing City Code provisions for naming of public facilities and establishment of monuments or memorials" prohibit the naming, renaming, or co-naming of City streets.

On July 2, 2008, the Neighborhoods/Community Affairs Committee, including Mayor Matti Herrera Bower, and Commissioners Saul Gross, Richard Steinberg, Edward Tobin and Deede Weithorn, met and discussed this issue. At the end of the discussion, Commissioner Weithorn moved to have the City's Legal Department amend the existing Naming Ordinance. Commissioner Tobin seconded the motion.


To ensure the integrity of this provision, and to be honored as a fallen officer, the deceased officer must have been a sworn officer in good standing with the Department at all sworn ranks, and either killed while in the line of duty, or died while on duty at the time of the incident.

As a result of the Neighborhoods/Community Affairs Committee's recommendations, the proposed amendment is herein brought to the City Commission for approval on First Reading. Upon Second and Final Reading, the MBPD intends to bring the names of those MBPD Officers who have been killed and/or died in the line of duty, back to the Committee (and to the City Commission), with the recommendation that those City streets where they were killed and/or died in the line of duty, be co-named in their honor.

Advisory Board Recommendation:

Neighborhoods/Community Affairs Committee approved the item at their July 2, 2008 Meeting.

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">  </div> OBPI	1		
	2		
	3		
	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Manager Michael Gruen, Planning and Research Office

Sign-Offs:

Department Director	Assistant City Manager	City Manager
Carlos Noriega, Chief <i>CN</i>		<i>George</i>





MIAMI BEACH

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: October 7, 2008

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ARTICLE VI OF THE CITY CODE, ENTITLED "NAMING OF PUBLIC FACILITIES AND ESTABLISHMENT OF MONUMENTS OR MEMORIALS;" AMENDING SECTION 82-501(c) THEREOF, ENTITLED "GENERALLY AMENDING SECTION 82-502 THEREOF, ENTITLED "DEFINITIONS; " AND AMENDING SECTION 82-503 THEREOF, ENTITLED "NAMING OF PUBLIC FACILITIES;" SAID AMENDMENTS PROVIDING AND ESTABLISHING CRITERIA FOR THE CO-NAMING OF STREETS IN THE CITY OF MIAMI BEACH IN HONOR OF MIAMI BEACH POLICE OFFICERS WHO DIED OR WERE KILLED IN THE LINE OF DUTY; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

Adopt the above ordinance on First Reading and schedule a Second Reading, Public Hearing.

ANALYSIS

On May 1, 2008, Commissioner Richard L. Steinberg requested that the issue of co-naming City of Miami Beach streets in honor of fallen Miami Beach Police Officers be brought to the Neighborhoods/Community Affairs Committee for consideration. This public memorial honoring fallen police officers has widespread support by the men and women of the Miami Beach Police Department, and was a request made by a member of the Department at the 2008 Police Memorial Ceremony.

Currently, the existing City Code provisions for naming of public facilities and establishment of monuments or memorials" prohibit the naming, renaming, or co-naming of City streets.

On July 2, 2008, the Neighborhoods/Community Affairs Committee, including Mayor Matti Herrera Bower, and Commissioners Saul Gross, Richard Steinberg, Edward Tobin and Deede Weithorn, met and discussed this issue. At the end of the discussion, Commissioner Weithorn moved to have the City's Legal Department amend the existing Naming Ordinance. Commissioner Tobin seconded the motion.

To ensure the integrity of this provision, and to be honored as a fallen officer, the deceased officer must have been a sworn officer in good standing with the Department at all sworn ranks, and either killed while in the line of duty, or died while on duty at the time of the incident.

As a result of the Neighborhoods/Community Affairs Committee's recommendations, the proposed amendment is herein brought to the City Commission for approval on First Reading. Upon Second and Final Reading, the MBPD intends to bring the names of those MBPD Officers who have been killed and/or died in the line of duty, back to the Committee (and to the City Commission), with the recommendation that those City streets where they were killed and/or died in the line of duty, be co-named in their honor.


JMG/CN/RAM/MG

T:\AGENDA\2008\October 7\Consent\Naming and Co-naming of Public Facilities Ordinance Memo (9-29-08).doc

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ARTICLE VI OF THE CITY CODE, ENTITLED "NAMING OF PUBLIC FACILITIES AND ESTABLISHMENT OF MONUMENTS OR MEMORIALS;" AMENDING SECTION 82-501(c) THEREOF, ENTITLED "GENERALLY;" AMENDING SECTION 82-502 THEREOF, ENTITLED "DEFINITIONS;" AND AMENDING SECTION 82-503 THEREOF, ENTITLED "NAMING OF PUBLIC FACILITIES;" SAID AMENDMENTS PROVIDING AND ESTABLISHING CRITERIA FOR THE CO-NAMING OF STREETS IN THE CITY OF MIAMI BEACH IN HONOR OF MIAMI BEACH POLICE OFFICERS WHO DIED OR WERE KILLED IN THE LINE OF DUTY; AND PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, in an effort to honor City of Miami Beach Police Officers who have made the ultimate sacrifice and service to the City of Miami Beach, and who have been killed or died in the line of duty, the Mayor and City Commission find that it is in the public interest to amend the City's procedures for naming of public facilities and establishment of monuments and memorials, as codified in Sections 82-501 through 82-505, of the City Code, to provide for the co-naming of City streets in memory of the service and sacrifice of these officers.

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

SECTION 1.

That Chapter 82, Article VI, Sections 82-501(c), 82-502, and 82-503, respectively, are amended as follows:

* * * *

Sec. 82-501. Generally.

- (a) No public facility located in or owned by the city shall be named except in accordance with the procedures set forth in this article.
- (b) No monument or memorial shall be established within the city except in accordance with the procedures set forth in this article.
- (c) Effective upon adoption of this article, no street located in the city shall be hereafter named, renamed, or co-named after any person or persons, living or deceased, except as provided in Section 82-503(d) hereof. The Bass Museum of Art, the city-owned building, located at 2200

Liberty Avenue, Miami Beach, Florida (the Miami City Ballet Building), and the city-owned cultural facility referred to as the "Jackie Gleason Theater of the Performing Arts," located at 1700 Washington Avenue, Miami Beach, Florida, shall be exempt from the provisions of this article, as hereinafter provided: The Miami City Ballet Building shall only be exempt for so long as:

- (1) Said building is occupied, operated and maintained by Miami City Ballet, Inc., a not-for-profit corporation;
- (2) The building is used as the principal headquarters, administrative offices, and studio and teaching facilities of the Miami City Ballet; and
- (3) Miami City Ballet, Inc., remains in good standing and free from defaults under that certain lease agreement for the Miami City Ballet Building between the city, as landlord, and Miami City Ballet, Inc., as tenant.

The exemption for the Miami City Ballet Building shall automatically terminate upon the earlier of the expiration or other termination of the aforesated lease agreement between the parties.

Ord. No. 2000-3266, § 1, 9-27-00; Ord. No. 2006-3507, § 1, 3-8-06; Ord. No. 2007-3562, § 1, 6-6-07)

Sec. 82-502. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Committee means the community affairs committee created by the city commission on March 18, 1998, or any other such committee designated by the city commission to review and recommend names for public facilities and approve the establishment of monuments or memorials to be located within or owned by the city.

Memorial means a site, art work or structure created to preserve the memory of a significant event(s) or person(s).

Monument means a bust, sculpture, or similar structure, erected in honor of a significant event(s) or person(s).

Plaza means an open public square.

Public facility means any public building, plaza or park owned by the city.

Street means that area of a public right-of-way improved, designed, and ordinarily used for vehicular traffic and/or parking including, without limitation, avenues, roads, drives, lanes, boulevards, courts, and alleys. For purposes of this article, streets shall only be intended to include City-owned streets, and not State-owned and/or controlled streets.

(Ord. No. 2000-3266, § 1, 9-27-00)

Sec. 82-503. Naming of public facilities/Co-naming of street.

* * * *

(d) Co-naming of streets.

- (1) Streets located in the city may be co-named in honor of Miami Beach police officers who died or were killed in the line of duty.**
- (2) Whenever a request and/or proposal is made to co-name a street after a Miami Beach police officer who died or was killed in the line of duty, the co-naming shall first be considered and reviewed by the committee according to the following procedures:**
 - (A) Any person, organization, association, corporation or other entity, including a member of the city, may propose that a street be co-named in honor of a Miami Beach police officer who died or was killed in the line of duty, by submitting the proposal and/or request in writing to the committee. At a minimum, such proposal and/or request shall include the following: (i) the name of the officer; (ii) the street to be co-named; and (iii) the reason for the request and a factual summary including the date and circumstances under which the officer died or was killed in the line of duty.**
 - (B) Within a reasonable time after receipt of the proposal and/or request, the committee shall meet to consider and review same. Notice of the meeting shall be given to the person and/or organization that made the request and/or submitted the proposal.**
 - (C) After reviewing the proposal and/or request, the committee shall transmit a written recommendation to the city commission regarding the proposal and/or request; the recommendation may also include any alternative proposals by the committee.**
 - (D) Within a reasonable time after receiving the recommendation from the committee, the commission shall call a public hearing regarding the co-naming. Notice of the public hearing shall be published at least 10 days prior to the hearing in a newspaper of general circulation in the city.**
 - (E) At the close of the public hearing, the city commission may approve the proposal and/or request. Any proposal and/or request to co-name a street pursuant to this subsection 82-503(d) must be approved by a five-sevenths vote of the city commission.**

SECTION 2. 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 Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to