



MIAMIBEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING

SUPPLEMENTAL MATERIAL

CITY MANAGER'S LARGE CONFERENCE ROOM, 4TH FLOOR, CITY HALL

MARCH 11, 2011 3:00PM

Neighborhoods/Community Affairs Committee
Commissioner Jerry Libbin, Member
Commissioner Edward L. Tobin, Member
Commissioner Deede Weithorn, Member
Commissioner Michael C. Góngora, Alternate

SUPPLEMENTAL MATERIAL FOR ITEM # 7

DISCUSSION OF POTENTIAL POLICIES FOR THE NOMINATION/NUMBER OF MEMORIAL OR COMMEMORATIVE PLAQUES. *(Referral requested February 9, 2011, Commission item R7A)*

Hilda M. Fernandez, Assistant City Manager
Kevin Smith, Parks and Recreation Department Director

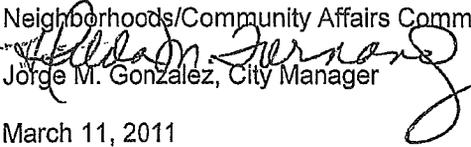
C: Mayor and Members of the City Commission
Duncan Ballantyne, Assistant City Manager
Hilda M. Fernandez, Assistant City Manager
Jorge Gomez, Assistant City Manager
Jose Smith, City Attorney
Robert Parcher, City Clerk
Kristin Tigner, Building Department Assistant Director
Robert Santos-Alborná, Acting Code Compliance Director
Barbara Hawayek, Customer Service Manager
Dolores Mejia, Special Projects Administrator



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

COMMITTEE MEMORANDUM

TO: Neighborhoods/Community Affairs Committee Members
FROM: 
Jorge M. Gonzalez, City Manager
DATE: March 11, 2011
SUBJECT: **Referral To The Neighborhoods/Community Affairs Committee a Discussion of Potential Policies For The Nomination/Number Of Monument or Memorial Plaques**

BACKGROUND

At the January 11, 2011, the Neighborhoods/Community Affairs Committee, Committee members held a discussion and ultimately moved to recommend the approval of a monument in honor of Stanley Levine. While discussing the Levine monument issue, the members also expressed concern as to the increase in the number of requests for monuments and memorial plaques over the past several months, and indicated that they felt that the current process for Commission consideration of monuments/memorial plaques should be reviewed, and additional procedures developed to serve as guidelines in authorizing future requests for monuments/memorial plaques. Additionally, at the conclusion of the discussion the Neighborhoods/Community Affairs Committee, and as a part of the above motion, also approved a moratorium on any future monuments/memorial plaque requests until these draft guidelines to limit these requests are developed by the Administration and returned to the committee for review, discussion and, if approved, referred to the full Commission for action.

ANALYSIS

The Administration contacted various governmental entities in our surrounding communities to ascertain if they had similar guidelines. Entities contacted included the cities of Boca Raton, Coral Gables, Fort Lauderdale, North Miami Beach and Miami, as well as Miami-Dade County and the Village of Key Biscayne. Although several of them have procedures for the approval of memorials, similar to those currently found in the Miami Beach City Code (Chapter 82 – Public Property, Section 82-504, *Monuments or memorials*; see attached copy), none of the agencies have guidelines to limit these types of requests.

As noted in the attached Section 82-504, subsections (1), (4) & (7) speak to the considerations provided for in the current code. The balance of the eight subsections speak to the process that needs to be followed for approval of a monument/memorial plaque to occur. Any recommendations with regards to additional guidelines can be further codified in Section 82-504.

Based on the discussion held at the January 11, 2011 Neighborhoods/Community Affairs Committee, relevant information from our City Code and the review of other communities' standards, the Administration is proffering the following options for discussion by the Committee in several categories.

- 1) Number of recommendations submitted: An option would be to limit the number of recommendations an elected official can sponsor. For example, the Committee may wish to consider limiting elected officials in sponsoring the designation of only one (1) monument or memorial for an individual or for an event during each term of office (or some other number, such as two).

- 2) Limitations on who can be recommended for a monument/memorial: During discussions the issue has come up regarding the approval of memorials for living persons. While the City Code as it relates to the naming of buildings is specific as to whether a living person can be named, the section of Code dealing with monuments/memorials is not. As such, it may be recommended that the Commission consider language consistent with naming of buildings. Such language can include the following:
- "A monument/memorial plaque shall not be recommended or approved for living persons unless such persons are over 100 years of age; or, for living persons under 100 years of age, unless the recommendation is (i) approved by a majority of the members of the committee; and, (ii) approved by the city commission by 5/7ths vote"*

The Committee may also wish to add language comparable to that included in naming relating to the standing of the individual recommended for a monument/memorial plaque. This could include language such as:

"The individual must be in good standing and will not be eligible if the individual committed an illegal act which became known to the city prior to or at the time of the nominating action. Those found to be in violation of an illegal act after the approval/installation process shall have the monument/memorial removed following a discussion and majority vote for removal at the Neighborhoods/Community Affairs Committee or other appropriate Commission Committee"

Lastly, the Committee may wish to add language that the candidates for consideration must have made documented, significant contributions to the city.

- 3) Potential criteria for events: As monuments and memorials can also be approved to commemorate events, the Committee may wish to include criteria for the recommendation of events, such as that the event may be recommended if it has had a significant, documented impact to the residents of the City of Miami Beach, whether the event is local, national or international in nature.
- 4) Compliance with applicable requirements: It is recommended that any monument or memorial, including memorial plaques, recommended by a Commissioner must comply with all established City policies, procedures, standards and guidelines for monuments/memorials.
- 5) Responsibility for costs: While the costs of a monument and a memorial may vary, these are typically unbudgeted expenses. The Committee may wish to consider a policy whereby the person, family, organization, association, corporation or other entity requesting the monument or memorial must pay the full cost of the design, manufacturing and installation of the monument or memorial, or identify funding to cover the costs of the monument/memorial. We would further suggest that the person, family, organization, association, corporation or other entity requesting the monument or memorial plaque be responsible for all maintenance, repairs and/ or replacement of certain types of monuments or memorials, unless already required pursuant to other applicable City Code provisions (such as Art in Public Places).

OTHER POTENTIAL CHANGES

Should the Committee wish to proceed by incorporating any of these suggested guidelines in the current code through an ordinance amendment, then it would also be recommended that the following be considered by the Commission for amendment in the City Code.

- 1) Incorporate "plaques" as a type of "memorial" – at present we have included plaques as memorials although they are not specifically listed in the Code.
- 2) Change the order in which memorials and plaques are approved. At present, a proposed monument/memorial must:
 - a. Be heard at the appropriate Committee (currently the Neighborhoods/Community Affairs Committee

- b. If approved by Committee, be referred to the full City Commission for consideration
- c. The Commission must then set a public hearing, which must be advertised at least ten days before the public hearing
- d. If approved by the City Commission at the close of the public hearing (with sufficient majority votes (5/7ths), and consistent with the criteria established, then the Commission refers the monument/memorial to the Art in Public Places Committee for their recommendation as to "location, aesthetic quality, maintenance, and other related issues" (in accordance with their criteria).

Alternatively, it would be recommended that the process be streamlined as follows:

- a. Recommendations for monuments or memorials are referred by the sponsoring commissioner to the appropriate committee
- b. If the Committee approves (with the required majority) the placement of a memorial plaque, that recommendation is forwarded to the full City Commission for the full City Commission to set a public hearing
- c. If the Committee approves a monument or a memorial that is not a plaque (e.g. a site, bust, sculpture, structure, art work), the recommendation is forwarded to the Art in Public Places Committee for their review and recommendation as to location, aesthetic quality, maintenance, and other related issues (in accordance with their criteria); the AiPP recommendation is subsequently forwarded to the full City Commission to set a public hearing
- d. At the close of the public hearing, the City Commission may approve the establishment of the monument or memorial, subject to consistency with the criteria established in the Code

CONCLUSION

The Committee has placed a moratorium on the consideration of any additional monuments or memorials pending the establishment of criteria for their consideration to address the increased number of proposed monuments and memorials. The previous recommendations are provided for your consideration as potential criteria to address issues relating to the number of monuments/memorials that can be sponsored, and who can have a monument/memorial established in their name. Some suggestions are also provided establishing a mechanism to ensure that there is funding to provide for the proposed monument/memorial. Should it be the desire of the Committee to proceed with amending the ordinance to include these or similar guidelines, it is also recommended that the Committee consider other amendments to streamline the approval process in the future.

HMF/ks

Miami Beach, Florida, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> Chapter 82 - PUBLIC PROPERTY >> ARTICLE VI. - NAMING OF PUBLIC FACILITIES AND ESTABLISHMENT OF MONUMENTS OR MEMORIALS >>

ARTICLE VI. - NAMING OF PUBLIC FACILITIES AND ESTABLISHMENT OF MONUMENTS OR MEMORIALS
[116]

Sec. 82-501. - Generally.

Sec. 82-502. - Definitions.

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

Sec. 82-504. - Monuments or memorials.

Sec. 82-505. - Acceptance of monetary donations in consideration for the naming or renaming of public facilities.

Secs. 82-506—82-535. - Reserved.

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. The Bass Museum of Art, the city-owned building, located at 2200 Liberty Avenue, Miami Beach, Florida (the Miami City Ballet Building) and all or any portion(s) of city-owned property comprising the public cultural facility known as the "Altos Del Mar Sculpture Park," located within a portion of Altos Del Mar Park, on Collins Avenue between 76th and 77th Street, Miami Beach, Florida (the ADMSP Sculpture Park), shall be exempt from the provisions of this article. 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 ADMSP Sculpture Park shall only be exempt from the provisions of this article for so long as:

- (1) The Sculpture Park is occupied, operated and maintained by Altos Del Mar Sculpture Park, Inc., a not-for-profit corporation;
- (2) The Sculpture Park remains free and open to the general public; and
- (3) Altos Del Mar Sculpture Park, Inc., remains in good standing and free from defaults under that certain management agreement between the city and Altos Del Mar Sculpture Park, Inc., dated June 3, 2009.

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. The exemption for the ADMSP Sculpture Park shall automatically terminate upon the earlier of the expiration or other termination of the aforesated management agreement.

(Ord. No. 2000-3266, § 1, 9-27-00; Ord. No. 2006-3507, § 1, 3-8-06; Ord. No. 2007-3562, § 1, 6-6-07; Ord. No. 2008-3620, § 1, 11-5-08; Ord. No. 2009-3666, § 1, 12-9-09)

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; Ord. No. 2008-3620, § 1, 11-5-08)

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

- (a) Whenever a name is needed for a new public facility or whenever there is a proposal to rename an existing public facility within or owned by the city, the naming, or renaming, shall first be considered and reviewed by the committee according to the following procedures:
- (1) Any person, organization, association, corporation or other entity, including a member of the city commission or the administration of the city, may propose a name for a new public facility, or may propose renaming an existing public facility, at any time by submitting a proposed name in writing to the committee.
 - (2) Within a reasonable time after receipt of the proposal, the committee shall meet to consider and review same for the naming, or renaming, of the public facility. Notice of the meeting shall be given to all persons who have proposed names for the public facility.
 - (3) After reviewing the proposal in accordance with its established selection criteria, the committee shall transmit a written recommendation to the city commission regarding the proposal; the recommendation may also include any alternative names proposed by the committee.
 - (4) Notwithstanding any other provision of this section, public facilities and plazas shall not be named, or renamed, for living persons unless such persons are over 100 years of age; or, for living persons under 100 years of age, unless the naming or renaming is (i) approved by a majority of the members of the committee, (ii) approved by the city commission by 5/7ths vote, and (iii) submitted to the electorate of the city by referendum at the next regularly scheduled election and approved by a majority of the electorate voting in such referendum; or unless the naming or renaming is in exchange for a monetary donation pursuant to section 82-505 herein; however, this provision shall not apply to streets and public facilities named or renamed prior to June 29, 1991.
 - (5) Within a reasonable time after receiving the recommendation from the committee for the naming or renaming, the city commission shall call a public hearing.
 - (6) Notice of the public hearing regarding the naming or renaming of the public facility, shall be published at least ten days prior to the hearing in a newspaper of general circulation in the city.
- (b) Interior portion(s) of a public facility, or plaza.
- (1) Where the interior portion of a public facility, or where a plaza is to be named, at the close of the public hearing, the city commission may approve the proposed name for, or otherwise rename, the subject interior portion of the public facility, or of the plaza. In selecting the name, the city commission shall be governed by its established selection criteria; however, the name selected need not be one recommended by the committee.
- (c) Exterior portion(s) of a public facility, or park.
- (1) Where an exterior portion(s) of a public facility, or where a park is to be named, the city commission may only consider a name approved by a majority of the members of the committee.
 - (2) Additionally, any name so approved by the city commission must be approved by a five-sevenths vote and must be submitted to the electorate of the city by referendum at the next regularly scheduled election. The name selection shall be approved by a majority of the electorate voting in the referendum. Notwithstanding any other provision of this article, the referendum requirements of this section shall not apply where any city owned facility, not already named for an individual or individuals pursuant to subsection 82-503 (a)(4), is to be named or renamed to include the name of the city and the function of the facility or the current name of the facility.
 - (3) The Miami Beach Garden Center and Conservatory shall be exempt from the referendum requirement of this section.
- (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:
 1. The name of the officer;
 2. The street to be co-named; and
 3. 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 ten- 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.

(Ord. No. 2000-3266, § 1, 9-27-00; Ord. No. 2001-3319, § 1, 9-20-01; Ord. No. 2002-3384, § 1, 11-13-02; Ord. No. 2008-3620, § 1, 11-5-08)

Sec. 82-504. - Monuments or memorials.

- (a) Whenever there is a proposal to establish a monument or memorial on public property in the city, it shall first be considered and reviewed by the committee according to the following procedures:
 - (1) Any person, organization, association, corporation or other entity, including a member of the city commission or the administration of the city, may propose the establishment of a monument or memorial at any time by submitting a proposal in writing to the committee.
 - (2) Within a reasonable time after receipt of the proposal, the committee shall meet to consider and review same. Notice of the meeting shall be given to all persons who have proposed the establishment of the monument or memorial.
 - (3) After reviewing the proposal in accordance with its established selection criteria, the committee shall transmit a written recommendation to the city commission regarding same.
 - (4) The city commission may only consider a proposal to establish a monument or memorial that has been approved by a majority of the members of the committee.
 - (5) Within a reasonable time after receiving the recommendation for the establishment of a monument or memorial from the committee, the city commission shall call a public hearing.
 - (6) Notice of a public hearing regarding the establishment of the monument or memorial shall be published at least 10 days prior to the hearing in a newspaper of general circulation in the city.
 - (7) At the close of the public hearing, the city commission may approve the establishment of the monument or memorial. In approving the establishment, the commission shall be governed by its established selection criteria. Additionally, any proposal to establish a monument or memorial must be approved by a five-sevenths vote of the city commission.
 - (8) Upon approval of the establishment of the monument or memorial, the city commission shall forward the proposal to the art in public places committee. The art in public places committee will then make its recommendation to the city commission regarding the location, aesthetic quality, maintenance, and other related issues, in accordance with the its established criteria.

(Ord. No. 2000-3266, § 1, 9-27-00)

Sec. 82-505. - Acceptance of monetary donations in consideration for the naming or renaming of public facilities.

- (a) Whenever there is a proposal to name or rename a new or existing public facility, or interior portion of a public facility, within or owned by the city, in consideration for monetary donations, the naming or renaming, shall first be considered and reviewed by the committee according to the following procedures:
 - (1) Any person, organization, association, corporation or other entity, may offer a monetary donation in consideration for naming or renaming a new or existing public facility, or interior portion of a public facility, at any time, by submitting a proposal in writing to the committee.
 - (2) Within a reasonable time after receipt of the proposal, the committee shall meet to consider and

- review same. Notice of the meeting shall be given to all persons who submitted the proposal.
- (3) After reviewing the proposal in accordance with its established selection criteria, the committee shall transmit a written recommendation to the city commission regarding the proposal.
 - (4) Within a reasonable time after receiving the proposal from the committee, the city commission shall call a public hearing.
 - (5) Notice of a public hearing regarding the proposal shall be published at least ten days prior to the hearing in a newspaper of general circulation in the city.
 - (6) At the close of the public hearing, the city commission may approve the proposed name. The naming of the interior portion of a public facility, or of a plaza, shall require a simple majority vote of both the committee and the city commission.
 - (7) Where the exterior portion(s) of a public facility, or a park, is to be named, such approval shall require a majority vote of the committee and a five-sevenths vote of the city commission.
 - (8) Public facilities may be named or renamed after an individual, living or deceased, or in honor of a family.
 - (9) A public facility will not be named or renamed after an individual who has committed an illegal act which became known to the city before or after the donation.
 - (10) Referendum requirements shall not apply to this section.

(Ord. No. 2000-3266, § 1, 9-27-00)

Secs. 82-506—82-535. - Reserved.

FOOTNOTE(S):

⁽¹¹⁶⁾ **Editor's note**— Ord. No. 2000-3266, § 1, adopted Sept. 27, 2000, repealed the former Article VI, §§ 82-501—82-505, and enacted a new Article VI as set out herein. The former Article VI pertained to the naming of public facilities and streets and establishment of monuments or memorials, and derived from Code 1964, § 39-24—39-27; Ord. No. 95-2998, § 1(39-26), adopted June 21, 1995; Ord. No. 96-3046, § 1, adopted July 3, 1996; Ord. No. 98-3128, § 1, adopted July 1, 1998; Ord. No. 99-3190, § 1, adopted June 23, 1999; Ord. No. 99-3170, § 1, adopted Feb. 17, 1999. ([Back](#))