

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager
From: Sarah Hannah-Spurlock, Assistant City Manager
Agenda Date: November 5, 2014
Subject: Commercial Use of Public Property

Background

At the August 5th Commission meeting, Commissioner Johnston requested that a Commission discussion regarding commercial use of public facilities and property be added to an agenda. She mentioned, as an example of such use, fitness instruction at Bayview Park in which people pay to participate. A staff committee has since met to discuss the issue and formulate some thoughts for Commission consideration.

Issue Description

Staff identified many uses that could potentially fall within this realm of use:

- Weddings on the beach
- Personal trainers, yoga instructors, etc. conducting class in parks and on the beach
- Watersports launch, instruction and rentals on the beach
- Private sport coaching (i.e., baseball and soccer) at City fields
- Photographers and videographers in parks, and on beaches
- Open air movies at Bayview Park
- Cell service provider parking on City property with antennae
- Walking and bicycling tours on City streets

Staff also discussed the primary concerns that may lead the City Commission to legislate regulation of such use:

- Liability of the City should any participant be harmed or sustain injury
- Community concerns with consistency and equity for all providers of service on public property. For example, mobile vendors and street performers and artists are currently regulated, but wedding planners are not
- Cost recovery for expenses incurred by the City as a result of such use

Options to Address Issue

There are different options should the Commission decide to regulate commercial use of public property. One option would be to require businesses to purchase a separate annual license for the privilege of such use. This option might require that businesses have a bona-fide commercial location as their primary business location, insurance with

the City as an additional insured, and a Business Tax Receipt. Use of public property would be on a first- come, first- served basis. Another option would be to charge providers of these services to pay on a per-use basis as many cities and counties in Florida do. This option would provide a revenue stream to the City. There may be other options to consider that are a hybrid of these two options. The City Commission may also chose to continue non-regulation of this use.

Staff Recommendation

Staff is seeking Commission direction and feedback on how and if to proceed with regulation. Should the City Commission decide they wish to consider regulation, staff recommends that workshops be held in the community with interested parties to get their feedback on proposed legislation. Based on the input we receive, staff will develop a policy to bring forward to the Commission for formal consideration.

Attachment

Please find attached for reference, Monroe County's use policy and fee schedule.

cc: Greg Veliz, Assistant City Manager
Don Craig, Director of Planning
Jim Young, Director of Code
Marilyn Wilbarger, Senior Property Manager
Kevin Bond, Senior Planner II
Carolyn Walker, Chief Licensing Official