

BOARD OF COUNTY COMMISSIONERS

MEMORANDUM

DATE: June 27, 2008

TO: The Honorable Chairman and Members of the Board

THRU: Parwez Alam, County Administrator
Alan Rosenzweig, Assistant County Administrator

FROM: Tony Park, P. E., Director of Public Works

SUBJECT: Miccosukee Canopy Road Greenway Management Plan and Citizens Concerns Regarding the Recently Adopted Special Events Policy

A number of you have been contacted by running advocates within our community regarding the use of the Miccosukee Greenway for track events, and their concerns over the recently adopted Special Events language (Section 11) within Policy No. 06-1 "Use and Scheduling of Parks & Recreation Facilities" (Attachment #1).

I want to ensure you that staff are well aware of these concerns and has been working for nearly a year to come to some compromise with the running community, while still adhering to the Board direction provided through the Special Events Policy. To date, however, the alternatives that have been suggested and discussed have not proven satisfactory to certain members within the running community.

Attached is a document providing a brief background of the Miccosukee Canopy Road Greenway Management Plan, the concerns that have been on-going with regard to the Special Events Policy, and some specific examples of alternatives that have been suggested (Attachment #2).

Please let me know if you have additional questions.

cc: Pat Plocek, Director of Parks & Recreation

Attachments:

1. Special Events, Section 11 of Policy No. 06-1 "Use and Scheduling of Parks & Recreation Facilities"
2. History of the Miccosukee Canopy Road Greenway Management Plan and Efforts to Resolve Concerns and Issues

**Board of County Commissioners
Leon County, Florida**

Policy No. 06-1

Title: Use and Scheduling of Parks & Recreation Facilities

Date Adopted: February 26, 2008

Effective Date: February 26, 2008

Reference: N/A

Policy Superseded: Policy No. 79-8, "County Community Service Facility," adopted September 25, 1979; Policy No. 92-10 amended 10/27/92; Policy No. 94-3, amended April 26, 1994; and Policy No. 02-6, "County Community Service Facilities," adopted July 9, 2002; Policy No. 06-1, "Use and Scheduling of Parks and Recreation Facilities, adopted January 10, 2006

It shall be the Policy of the Board of County Commissioners of Leon County, Florida that:

Policy No. 06.1, adopted January 10, 2006, is hereby amended, and a new amended policy is hereby adopted in its place, to wit:

1. Purpose

- 1.1 The purpose of this policy is to assure that the Parks & Recreation Division facilities are utilized for recreational, athletic, cultural, educational, social, civic, fraternal, governmental, religious, political, charitable, and community service functions that meet the needs and interests of the community, as well as set clear policies, procedures, and rental fees regarding such uses.
- 1.2 Exclusive use of any facility requires an advance reservation and is subject to rental fees, security deposits, and staffing fees (set up and take down). Some facilities may not be reserved for exclusive use.

2. Authority

- 2.1 The Division of Parks & Recreation is responsible for developing, communicating, and monitoring polices, procedures, and standards for the use and scheduling of Parks & Recreation facilities.

3. Facilities Available

- 3.1 The Parks & Recreation Division makes available for rent buildings, rooms, community centers, picnic shelters, campsites, open space, boat ramps, and athletic fields. Times and dates available are at the discretion of the division.

4. Reservations

- 4.1 Reservations shall be made no more than 365 days and no less than seven (7) calendar days prior to the date(s) of use. Reservations are guaranteed after all necessary forms and payments are received and approved at the Parks & Recreation Division administrative office located at 2280 Miccosukee Road, Tallahassee, FL 32308.

Group activities or special events that involve 50+ people attending or participating may require a permit from the Division of Parks & Recreation for use of any park or recreation facility or site. The applicant should submit such permit request no later than 30 days prior to the event. Events involving 100+ people or additional preparation by park personnel must be submitted 60 days prior to the proposed special event date.

- 4.2 All applicants must be at least 18 years of age or older and must provide proof of residency in Leon County for priority consideration.
- 4.3 The Parks and Recreation Division reserve the right to set aside certain dates for functions sponsored in part or by Leon County.

5. Fees

- 5.1 Full rental fees, security deposits, staffing fees, and permit applications are due at the time of the reservation is submitted.
- 5.2 Payment by check, cash, credit card, or money order is required for the building and staff fees.
- 5.3 A security deposit shall be required for any damage/clean-up expense. The deposit will be returned if no damage occurs and the facility is clean after use. The Parks & Recreation Division reserves the right to bill the applicant for additional expenses relating to, but not limited to, janitorial services, maintenance/repair services, staff time, or emergency services that were required because of the use.
- 5.4 Checks or money orders must be made payable to the Leon County Board of County Commissioners.

- 5.5 Applicants shall forfeit the rental opportunity if the checks are not honored by the bank. Any future requests will require fees paid by cash or money order only. Applicant will be responsible for bank service fee.
- 5.6 The Parks & Recreation Division may require additional staff for rentals where attendance is expected to exceed 50 people. An off duty sheriff deputy/deputies may also be required at the applicants expense.
- 5.7 The Parks & Recreation Division may require two division representatives for any teen event if the attendance exceeds 50 people. If attendance is, greater than 50 people the applicant must hire one off-duty Leon County Sheriff deputy for each additional 50 people. In addition, the applicant must provide adequate adult supervision at all times. (Refer to Section 7.13). All teen events that occur after 6:00 P.M. may require a deputy.
- 5.8 Request for a waiver of the user fee for non-profit organizations that would like to collaborate with Leon County must be made in writing at the time of rental request. Included in the request shall be the purpose of the rental activities to be conducted as well as a brief description of the organization, purpose, goals, and pertinent information including the 501 (c) (3) determination letters from the IRS along with the Department of Revenue Consumers Certificate of Exemption.

Request for a waiver by groups providing education opportunities for citizens and those providing programs for County senior citizens, must be made in writing at the time of rental request. Included in the request shall be the purpose of the rental activities to be conducted as well as a brief description of the purpose, goals, and if the citizens are paying a fee for this activity.

Based on the information provided, the Director of the Division of Parks & Recreation will make a determination of the eligibility of a waiver.
- 5.9 All fees will be established by Resolution of the Leon County Board of County Commissioners.

6. Cancellations

- 6.1 Cancellations must be made in writing and received by the Parks & Recreation Division at least seven days in advance of the use date in order to receive a refund. If notice is not received before the seven day period, the rental fee is forfeited. However, security deposits and staff set up and take down fees will be refunded. The receipt must be presented for refund to be processed.

The refund will be mailed in approximately four to six weeks. Refund checks will be made out to the entity whose name appears on the payment check and mailed to the address shown on the rental agreement.

7. General Rules and Regulations

- 7.1 Use of the facility is guaranteed for the period specified in the permit, use beyond that period is neither expressly nor implicitly granted. Event set-up and take down must be included in the rental period.
- 7.2 The minimum rental period for a building or room use is ½ day (4 hours).
- 7.3 Building capacities are based on fire safety codes and are not to be exceeded for any reason.
- 7.4 Facilities are to be left in the same conditions as before use. Chairs, tables, and other furnishings are to be returned to their designated storage place. Floors are to be swept and cleaned if necessary and trash cans are to be emptied. All decorations, fasteners, and other items brought into the facility are to be removed and disposed of properly. Decorations that mar surfaces are not permitted.
- 7.5 Leon County signs, forms, and other materials are not to be removed or altered unless authorized by the division representative in charge.
- 7.6 The Leon County Parks & Recreation Division will not be responsible for providing or supervising any specialized equipment such as cooking equipment, storage, sound reproduction or amplification equipment, stages, platforms, special lighting equipment, film projecting apparatus, power extension cords, or any other specialized equipment. The division representative in charge may disallow the use of specialized equipment for safety reasons or to ensure division policy is followed. The number of tables and chairs provided are limited to the number on site and available. Any additional tables and chairs are the responsibility of the applicant.
- 7.7 The Leon County Parks & Recreation Division shall not be held responsible for loss or injury incurred in the use of any facility if said loss or injury is a result of circumstances beyond the control of Leon County or its officers or agents. It is incumbent upon the user to ensure that all normal safety practices are observed. Dangerous undertakings are strictly prohibited. All accidents or injuries must be reported to a Division representative immediately.

- 7.8 It is not the purpose of the County to make the parks and recreation facilities available to any person, group of persons, or organizations for personal gain or private profit.
- 7.9 The division representative that may be present during the use period shall ensure the facility is open on time, clean and orderly, and the facility is used safely and properly. In no way is the division representative an employee or agent of the applicant.
- 7.10 Alcohol, fireworks, and weapons are not permitted on Leon County Parks & Recreation Division managed property. Tobacco products are not permitted inside Parks & Recreation Division facilities.
- 7.11 Vending of any merchandise is not permitted without written permission from the Parks & Recreation Division Director.
- 7.12 No fires are allowed except in provided barbeque grills and pits.
- 7.13 Individual minors or groups of minors must be properly supervised by adults when using park facilities. Groups composed of minors, including teen events, must be supervised by one (1) adult for each fifteen (15) minors throughout the rental period.
- 7.14 Any person or group in violation of the established rules and regulations, established laws, or constituting a public nuisance, may be required to leave the facility and premises. In addition, the Parks & Recreation Division representative may cancel the rental and deny any future rentals (Refer to Section 8.6).
- 7.15 Applicants' reserved areas are those specifically designated in the permit. Other buildings, rooms, athletic fields, courts may be scheduled by other participants or remain open to the general public.
- 7.16 Permits/reservations cannot be transferred, assigned, or sub-let to any other group or organization for any reason.
- 7.17 Animals, except service animals, are not allowed in Parks & Recreation Division buildings.
- 7.18 The applicant is responsible for all actions, behavior and damages caused by his/her guests/attendees.
- 7.19 Structures that require installation of poles, wires, wood supports, etc. must have prior approved by the Division Director or his representative.

7.20 It is recommended that the applicant or its designee occupy picnic shelters by 11:00 AM the day of the rental.

8. Denial of Rental

The Parks & Recreation Division reserves the right to deny use of facilities based on any the following criteria:

- 8.1 The facility is not available for the requested date and time. This would include events that conflict with Parks & Recreation Division events, conflicts with County government or related business, or if the facility is already rented.
- 8.2 Uses deemed potentially damaging to the facility.
- 8.3 There are simultaneous non-compatible uses of adjacent facilities.
- 8.4 The proposed activity violates Federal, State, or Local Laws.
- 8.5 Potential noise or sound levels deemed to be disruptive and offensive to surrounding neighborhoods and to the comfort of guest or facility visitors.
- 8.6 Individuals or groups that have demonstrated in previous rentals with the Parks & Recreation Division or other entities not to be in the best interest of Leon County. This may include but not limited to, non-payment, improper use, damage, failure to adequately control participants or spectators, breach of contract, non-compliance of rules, or inaccurate information provided on the application.
- 8.7 Activities that, due to traffic or congestion, would cause access problems for scheduled events or the surrounding community.
- 8.8 Activities that are offensive to the accepted community standards.
- 8.9 Activities that are discriminatory in nature in matters such as sex, race, religion, creed, color, or national origin.
- 8.10 Activities that are incompatible with Leon County mission to provide for the health, safety, and welfare of the public.
- 8.11 In lieu of denial of rental application, the Parks and Recreation Division may require additional permitting or security of individuals or groups whose prior rental of County facilities has resulted in documented traffic congestion, damage to facility, non-compliance with County rules and policies, or complaints of noise or offensive behavior.

9. Use of facilities by Leon County Board employees

- 9.1 Employees and employee organizations shall be permitted to use County facilities on the same basis, and subject to the same conditions that apply to the general public. However, such use shall be limited to the extent that it does not conflict with the best interest of the County, and that the facility is not required for the use of the County, government, or other related businesses.

10. Request to use Parks & Recreation Facilities by Private Organizations on a regular basis

- 10.1 The purpose of this section is to provide the requirements for organizations that want to use facilities for reoccurring events.
- 10.2 Upon request by a private organization, the Parks & Recreation Division will verify the availability of the facility.
- 10.3 The Parks & Recreation Division will provide the representative with a Licensing Agreement. Upon completion of the Agreement, it will be submitted to the Parks & Recreation Director at 2280 Miccosukee Road, Tallahassee, FL 32308. A copy of the organization's 501 (c) (3), Internal Revenue Service status letter, or Florida Department of Revenue tax certificate needs to be included. All groups may be required to pay building rental fees.
- 10.4 Once approval or denial is given, a Licensing Agreement or Letter of Denial is sent to the organization with a copy to the Community Center Supervisor.
- 10.5 If approval is given, the organization makes all arrangements with the Community Center Supervisor for use of the facility. A copy of the organization's Tax Exempt form needs to accompany each payment or be on file if taxes have been waived.
- 10.6 A private organization is allowed to use the facility on a regular basis for 12 months with no more than two six-month extensions.
- 10.7 The Parks & Recreation Division reserves the right to deny the usage of a facility, based on Section 8.
- 10.8 Organizations are not allowed to store equipment/items at the facilities.
- 10.9 Organizations are not allowed to decorate facility with their literature.
- 10.10 The Parks & Recreation Division reserves the right to cancel the Licensing Agreement at any time due to non-payment, non-compliance with rules and regulations, or misuse of the facility.

11. Special Events

11.1 Definitions:

A. Special Event

A preplanned activity proposed to be held on Leon County park property for the purposes of entertainment, celebration, amusement, cultural recognition, arts and crafts displays, sports demonstrations and/or competitions, non-profit fundraisers, or similar activities that impact normal park operations and interfere with the use of the park by the general public, including activities that involve a caterer, vendor, party planner and/or specialized equipment.

B. Applicant

An organization or individual that is conducting/hosting the Special Event. The Special Event Form will be issued in the name of the Applicant, and the Applicant will be responsible for submission of required documentation and for all payments and damages provided herein. This Special Event Form cannot be transferred or sublet to another party. (Refer to Section 7.16)

C. Attendance

Includes event participants, spectators, volunteers, and/or event crew.

D. County Co-sponsored Special Event

A Special Event hosted in part by Leon County and other individuals and/or organizations.

E. County Sponsored Special Event

A Special Event hosted by Leon County.

F. Event Organizer

The individual that is considered the lead planner for the activity being proposed, and will be the point of contact for the Parks & Recreation Division.

11.2 Policy Statement:

Leon County supports Special Events to enhance the quality of life for its citizens. Leon County recognizes that there may be many social, cultural, and financial benefits in hosting special events in the County. Such benefits include a better quality of life, economic growth, increased tourism, and recreation opportunities. Recognizing the importance of Special Events, the County shall establish policies and procedures that will allow for the planning and management of personnel and financial resources in the support of such events conducted at County park facilities.

11.3 Special Event Fees:

Refer to Sections 5 and 6.

11.4 Special Event Procedures:

- A. Persons and/or organizations planning to conduct a Special Event in a County Park must complete a Special Event Form and submit it to:

Leon County Parks & Recreation Division
2280 Miccosukee Road
Tallahassee, Florida 32308

- B. Submission deadlines:

Refer to Section 4.1

- C. A Site Map may be required depending on scope and size of event. It should include but may not be limited to placement of things such as:

1. Barricade locations
2. Vendor locations
3. Portable restroom locations
4. Trash receptacle locations
5. Park roads requested for closure
6. Tent locations, etc.
7. Trail closures
8. Off site parking
9. Handicap parking locations

- D. Security Plan may be required depending on scope and size of event. Requirements will be determined in coordination with the park staff and the local law enforcement office. Event organizer may be required to hire off duty law enforcement officers in addition to other security that may be needed on site. Approval by local law enforcement is required prior to proceeding with other event arrangements.
- E. Traffic flow plan may be required depending on scope and size of event. If so, include route for run/walk, entering and leaving the event, or any other request affecting the flow of traffic.
- F. Application information will be used by staff to draft a Special Event Form for use of the park.
- G. A certificate of liability insurance will be required naming Leon County as additional insured in an amount predicated on the anticipated attendance, as determined by Leon County Risk Management.
- H. Trash receptacles will be provided by the Parks & Recreation Division for Special Events with anticipated attendance of less than 200. If anticipated attendance is 200 or more, the Applicant must arrange for additional receptacles and dumpster(s) and provide the Parks & Recreation Division with the name and phone number of the company providing the receptacles and dumpster(s), the date of delivery, and the date of removal. Indicate placement on the Site Map, so it can be approved by the Parks & Recreation Division
- I. The Applicant may be required to provide portable restrooms depending on scope and size of the Special Event as determined by the Parks & Recreation Division. Multi-day events will require daily cleaning service. Portable restrooms may be placed one day prior to the Special Event, and must be removed from the site within 48 hours after the end of the Special Event. Applicant shall provide the name and phone number of the provider, the date of delivery and the date of removal. Indicate location on the Site Map.
- J. The Applicant shall provide a Clean-up Plan to explain how Applicant will ensure that all debris will be properly disposed of, how all equipment brought in for the Special Event is to be removed, and how the park and/or facility will be restored to the same condition as it was prior to the Special Event.

- K. Parking for the Special Event will be required to stay within the designated parking lots at the park. All other vehicles will have to be parked off site. The Applicant will be required to submit a plan showing the location of the off site parking, permission letter from the owner to use the area, and describe how the users will be transported to and from the site of the event. All associated fees for parking must be paid by the applicant.
- L. The Applicant will be responsible for all signage required for the Special Event.
- M. The County Parks & Recreation Division will only perform additional maintenance to a site for a Special Event that complies with the "Best Management Practices" for maintaining the site for the use it was designed. Anything requested by the Applicant that does not conform to "Best Practices" as articulated in the Florida Forest Stewardship Management Plan will be denied.
- N. The number of Special Events allowed at any one site may be limited by the County. Applicants may be required to combine their Special Event with other events to reduce the number of Special Events held per site.
- O. The Applicant shall sign the Special Event Form and return it to the Parks & Recreation Division with payment of all fees and deposits within 14 days of its receipt. If not received during the 14-day period, the Parks & Recreation Division will cancel the Special Event reservation request. The insurance certificate confirming the required coverage is due a minimum of 14 days prior to the Special Event date. Failure to provide the above will result in the forfeiture of all pre-paid fees and the use of the park.
- P. A damage deposit is required in addition to the regular event fee. The deposit amount shall be \$100 or 25% of the fee, whichever is greater. If the reserved area is found to be in good condition following the event, the deposit will be refunded four - six weeks after the Special Event. If repairs are needed, the Applicant's deposit will be utilized to repair damage to park property resulting from the Special Event. In addition, the Applicant will also be responsible for the cost of any damage repair over and above the deposit amount.
- Q. If the Applicant cancels in writing at least 30 days prior to the event, then fees and deposits paid can be applied to another event or will be refunded. If the Applicant cancels in writing 15 - 29 days prior to event, then the total deposit and one half of the fees can be applied to another event or refunded.

If notice is not received before the 14-day period, the rental fee is forfeited. However, security deposits and staff set up and take down fees will be refunded. The receipt must be presented for refund to be processed. The refund will be mailed in approximately four to six weeks. Refund checks will be made out to the entity whose name appears on the payment check and mailed to the address shown on the Special Event Form.

- R. Applicant is required to obtain all permits, licenses and certificates required by County, City, State, Federal, or other applicable regulatory agencies. Examples of these are the County Temporary Use Permit (Ordinance 10-6.804), and the City Tent Permit (Land Development Code Section 10-423).
- S. Failure to abide by Parks & Recreation Division Rules and Regulations will result in forfeiture of the Applicant's deposit and may result in future event privileges being suspended.

11.5 Denial of Use

Refer to Section 8.

Revised 2/26/08

**Miccosukee Canopy Road Greenway Management Plan and the
Recently Adopted Special Events Policy**
Prepared by the Leon County Department of Public Works
June 27, 2008

History of the Management Plan and its Provisions

The Management Plan approved by the State and the County, on February 2002, sets the management requirements for the Miccosukee Canopy Road Greenway. This management plan went through several public hearings prior to being approved. The management plan states on page 12 that "... planned uses for the Greenway include passive recreational activities including walking, biking, skating and horseback riding, as well as natural science and resource management education and alternative transportation." Furthermore, on page 15, the Plan states, "Except for emergency and maintenance vehicles and special events, vehicle access will be strictly limited to established parking areas/trailheads where parking and future facilities are planned . . . Special event overflow parking will be identified and provided as necessary. This parking will avoid preservation and conservation natural features."

It is staff's understanding that "special events", as referenced here, is defined as County-sponsored events for the benefit of the greenway and all the public users such as the openings of both the Edenfield and Thornton Rd. parking areas and the tree plantings held at the Thornton Rd access. All of these events were hosted by the County and saw limited, if any, parking needs outside of the designated areas.

Over the years, the County's Parks & Recreation Division has worked with different track organizations to hold cross-country races on the Greenway in the fall of each year, albeit, not a "County-sponsored" event. Originally, when these events were approved for the venue by Mr. Paul Cozzie, they were considerably smaller and did not have the parking issues that are now being experienced. Last year there were five events held on the Greenway. These events have grown to the point that they now have exceeded the capacity of the venue, particularly as it relates to parking, causing the need for several hundred cars to park on the Greenway. This parking is against provisions in the Management Plan strictly limiting vehicles to established parking areas.

Friends of the Greenway Involvement

The Management Plan states that the County will work with the Friends of the Miccosukee Canopy Road Greenway (Friends) in the management of this area. In December 2007 during a meeting with the Friends, it was discussed that the Parks & Recreation Division should have a policy on use of the Greenway by special interest groups. On January 4, 2008, Mr. Park & Mr. Plocek met with representatives from the Friends to review their draft proposal of a policy.

County staff determined that it was in the best interest of the County to comprise a draft policy that addressed Special Event usage of all park facilities, not just that of the Miccosukee Greenway. At the January 23, 2008 Friends meeting, the Director of Parks & Recreation presented a comprehensive, draft policy for use of parks for Special Events. The draft was distributed at the meeting for discussion and comments. Representatives from FSU and the City Parks were present at this meeting. Comments provided at that meeting were included in the policy that was later presented to the Board for review and direction.

Adoption of the Special Events Policy

On February 26, 2008, the Special Events policy was presented to the Board. In addition to other details, the proposed policy required the County be reimbursed by the hosting entity for all work performed, above and beyond normal maintenance activities, in preparation for any special event in any park facility. This provision was incorporated due to fiscal constraints being experienced by the County because of recent statewide tax reform measures. The Board approved the policy as presented.

After the policy was adopted, several track organizations expressed their concerns regarding the reimbursement and parking provisions, and the impact the policy would have on the cross-country races which had previously been held at the Miccosukee Greenway. Staff attempted to clarify with these groups that reimbursement costs would be calculated based on the actual costs incurred by the County for event preparation. Such costs could not be determined until an event representative met with the county staff and advised them of their specific preparation needs for a specific event. In addition, staff attempted to work with the organizations to find parking alternatives.

Efforts to Resolve Issues and Concerns

Public Works staff, along with the Friends, has been meeting with the different track coaches since the fall of 2007 trying to resolve issues and identify overflow parking areas, so that the cross-country track events could continue at the Greenway. With regard to parking, in particular, alternatives such as shuttling from off-site parking locations, car-pooling, and limited expansion of the Edenfield parking area have been suggested by County staff. County staff even negotiated the use of a church parking lot next to the Greenway so that this alternative could be provided for parking during the event.

Public Works staff met with track team representatives at the church site on May 19, 2008, to show them the parking lot. Meeting participants indicated that they did not think off-site parking was a viable option. As an alternative to the parking area at the church, it was also suggested that the event could be staged at the Thornton Road area of the Greenway. This alternative, however, would require that a new cross-country course be developed and met resistance by several of the track representatives. A third alternative presented was to double the parking area at Edenfield from 50 to about 100 cars. However, such an expansion still would not accommodate the number of vehicles (approx. 200-500) that would be associated with certain track events.

Leon County Schools have historically utilized the Edenfield area of the Greenway for track events as well. They, too, would be required to park off-site or in the designated parking lot at the site. Due to an Inter-local Agreement with the School Board, school races would be exempt from any fee related to the preparation of the track for a special event. After a meeting with Rickey Bell to discuss the off site parking issue, he decided to move the Middle School meet to Chiles High School. We have not received a response from the other High School events regarding whether they plan to use the Greenway for their event.

Parks & Recreation staff has contacted the Gulf Winds representative and have been told that they intend to move their event to a City/Water Management parcel. According to a City Park representative, there may be a charge for work performed by City employees at this location.

Staff has not heard back from any other groups on their decisions at this time.