

ORDINANCE 68 - 21

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, BY CREATING ARTICLE IX, NAMING OF CITY ASSETS; PROVIDING PURPOSE, DEFINITIONS, POLICY, AND PROCEDURE FOR NAMING OR RENAMING OF CITY ASSETS OR COMMEMORATIVE WORK; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cape Coral wishes to establish guidelines for the naming and renaming of public assets owned, operated, and controlled by the City of Cape Coral.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Code of Ordinances, Chapter 2, Administration, Article IX, Naming of City Assets; is hereby established as follows:

ARTICLE IX: - NAMING OF CITY ASSETS

§2-164 – Purpose

The purpose of this article is to establish uniform guidelines for naming and renaming of public assets owned and operated by the City of Cape Coral. Through this guidance, the City of Cape Coral has established a policy that will reserve the naming or renaming of parks, recreational facilities, and other city assets for circumstances that will best serve the interests of the City, as well as ensure a worthy and enduring legacy for Cape Coral's parks and recreation system and other public facilities.

§2-165 – Definitions

As used in this article, the following words or terms shall have the meanings indicated.

CITY ASSETS. All public facilities including, but not limited to, parks and recreational facilities owned, operated, and controlled by the City of Cape Coral.

DEPARTMENT DIRECTOR. That individual who is the Department Director responsible for the city asset that is proposed for naming or renaming.

DONATION OR GIFT. A contribution in the form of cash, an endowment, personal property, real property, financial securities, equipment, in-kind goods or services. For purposes of this article, the terms "donation" and "gift" shall be synonymous.

DONOR. A person or other legal entity that proposes or provides a donation to the City.

NAMING. The selection and approval by the City Council for the initial naming of a City Asset other than streets within the public right-of-way.

NOT-FOR-PROFIT ORGANIZATION. A corporation or association that conducts business for the benefit of the general public without shareholders and without a profit motive.

PARKS. All traditionally designed parks, gardens, natural open spaces, trails, and specialized parks under the stewardship of the City of Cape Coral.

RECREATIONAL FACILITIES. Major improvements or structures such as public buildings, community centers, aquatic facilities, pavilions, tennis courts, sports fields, and fountains located within lands under the stewardship of the City of Cape Coral.

RENAMING. The selection and approval by the City Council of a new name for an existing City Asset other than streets within the public right-of-way, including parks and recreation facilities.

PARKS AND RECREATION ADVISORY BOARD. The advisory committee established by the Cape Coral City Council to make recommendations and furnish input and helpful information to the City Council to assist it in its policy making as it pertains the City's parks, including park or recreational facility naming.

§2-166 – Policy. The policy of the City is to reserve naming or renaming of City Assets and placement of Commemorative Works for circumstances that will best serve the City's interests and ensure a worthy and enduring legacy for the City.

A. Naming Goals

The following will be considered when naming or renaming a City Asset:

1. Whether the proposed name engenders a strong positive image.
2. Whether the proposed name is appropriate having regard to the site's location.
3. Whether the proposed name has historical, cultural, or social significance for future generations.
4. Whether the proposed name commemorates places, people, or events that are of continued importance to the City, region, state, or nation.
5. Whether the proposed name has symbolic value that transcends ordinary meaning or use as well as enhances the character and identity of the site.
6. Whether the proposed name has broad public support.

B. Naming Criteria

1. The following should be considered in determining names for City Assets:

- a. Context and geographic location. Sites should be given names that directly reflect or are contextually related to the site with common-use names that have developed over time being favored; furthermore, a name should assist the public in identifying its location. The City shall first consider the name of the community area, the names of nearby geographic features, and the names of adjacent schools and streets when it is considering a naming/renaming request.
- b. Natural or geological features. Names may be based on distinctive, predominant, and defining natural features.
- c. Historic Events and Places. The history of a major event, place or person may play an important role in the naming or renaming of a site as communities often wish to preserve and honor the history of a neighborhood, the City, local landmarks, or persons of social, cultural or historical significance to the local area. The relationship of the event, person, or place to the City Asset must be demonstrated through research and documentation.
- d. Outstanding individuals. Naming a City Asset for an outstanding individual is allowed posthumously (at least six months since date of passing), and where that person's significance and good reputation have been accepted in the City's, state's, and/or nation's history.

When considering the naming of a City Asset after a person, consideration will be given when:

- i. The person was exceptionally dedicated or demonstrated excellence in service in ways that made a significant contribution to the land, community, the City of Cape Coral, State of Florida, or the United States; or
- ii. The person volunteered and gave extraordinary help or care to individuals, families, or groups, or support to the community; or
- iii. The person risked his or her life to save or protect others; or
- iv. The person demonstrated commitment to equity, inclusion, and justice.

- 1. A City Asset paid for in part or in full by a Donor and named after or on behalf of a Donor may have time limits placed on the name at implementation. Requirements for upkeep may also be contingent for naming purposes.
- 2. In the event a City Asset is eliminated for any reason, the City may also eliminate the name of said item with no further requirement to rename a like or similar item to replace the eliminated asset.

B. Time Limits.

All departments, agencies, and appointed boards and committees are hereby required to use the official name of all named or renamed City Assets in all communications including, but not limited to, maps, plans, documents, signage, and in all media formats.

D. Official Name Use Requirements.

Names that have become widely accepted by the community will not be changed unless there are compelling reasons and strong public sentiment from the broader community for doing so. Historical or commonly used place names will be preserved wherever possible.

C. Renaming of a City Asset is Discouraged.

- i. Nominated pursuant to the requirements of this article.
- ii. Made significant contributions toward improving the quality of life in the City; and
- iii. Affirmed by a super majority vote of all members of City Council entitled to vote.
- b. Notwithstanding any other provision in this article, the City Council may, in its sole discretion, name a park or recreation facility after a person who donates parkland.

Notwithstanding the foregoing, the City may name a City Asset after a living person who meets the following criteria:

3. Exceptions.

- a. Proposed name duplicates the name or feature of another City Asset.
- b. Proposed name endorses or advocates a specific religion or specific religious entity.
- c. Proposed name has obscene connotations.
- d. Proposed name demeans or maliciously portrays any ethnic or racial group.
- e. Proposed name is an individual that has been found guilty of a felony crime.
- f. Proposed name endorses or advocates a specific political organization.

2. Applications for naming/renaming City Assets will not be accepted in the case of any of the following conditions:

- e. Donations. The City has benefited from the generosity of some of its residents, businesses, foundations, and others. On occasion, the significance of such donations may warrant consideration of requests from either the donor or another party to acknowledge such a gift by naming or renaming of a City Asset.

F. Commemorative Works.

Commemorative works such as plaques, markers, and other appropriate memorials designed to blend with and complement the existing environment may be placed at a park or recreational facility when deemed appropriate.

1. A Commemorative Work request may be initiated by the public for City Council consideration with the requestor bearing all costs for the design, acquisition, construction, and installation of the Commemorative Work. A payment equivalent to the anticipated maintenance cost of the Commemorative Work located at the City Asset for the first year after dedication shall be required after approval and provided prior to dedication. City Council may elect to bear the cost of the Commemorative Work in lieu of the applicant with approval by a supermajority vote.
2. A Commemorative Work request may be initiated by the City Council, with the City to bear all costs of the Commemorative Work.

G. Designation Method.

The City Attorney, at the direction of the City Council, shall prepare an ordinance for Council consideration in officially naming or renaming a City Asset.

§2-166 – Procedure for Naming or Renaming or Commemorative Work.

A. Applications recommending the naming or renaming of a City Asset will be accepted and considered by the City Manager or designee only when the application is received from either:

1. A community-based organization in existence for at least three years. Community organizations include, but are not limited to, advisory councils, community foundations, chambers of commerce, charitable service clubs, and youth associations; or
2. An individual only when said application is accompanied by at least one of the following items:
 - a. A supporting petition with at least 200 signatures.
Petitions must state the intent and include printed names, signatures, addresses, zip codes and telephone numbers of each signer as proof of residency. Only Cape Coral residents over the age of 18 years of age shall be qualified to be counted as a legitimate signature on such petitions.
 - b. Letters of support, articles, and other evidence demonstrating broad-based community support for the application, including at least one letter of recommendation from representatives in the community, such as a community organization (HOA/Civic Association).
 - c. Documentation of that individual's significance and good reputation in the history of the City, State, or Nation.

Written documentation of approval by next of kin to be honored (if available/possible) is required as part of the application.

The submission must include the justification for the proposed name, including how the name meets the criteria in this policy.

B. Parks, Recreational Facility, or Other Recreational Asset.

1. If the application is for the naming or renaming of a park, recreational facility, or other recreational asset, then the application shall be presented to the Parks and Recreation Advisory Board by the Director of Parks and Recreation. The Parks and Recreation Advisory Board will discuss and hear public discussion for the naming or renaming

consideration of a park, recreational facility, or other recreational asset at a regularly scheduled meeting.

2. If there are multiple applications for the naming or renaming of a park, recreational facility, or other recreational asset, after review by the Parks and Recreation Advisory Board, the top three recommended names will be chosen. The City will accept public comments and recommendations on the recommended names for a period of no less than 30 days ("Public Notice Period"). Public notice of the recommended names will be placed at a minimum in a local newspaper once during the 30-day period, along with a posting notice at the site of the subject park or recreational facility, or utilizing any other form of social/electronic media to inform the citizens that the City will be considering the naming or renaming of a park, recreation facility, or other recreational asset. Citizen comments and recommendations must be submitted in writing to the Department Director and be postmarked within the 30-day Public Notice Period.
3. If there is a single application for the naming or renaming of a park, recreational facility, or other recreational asset, after review of the proposed name at a Parks and Recreation Advisory Board meeting, the City will accept public comments and recommendations on the proposed name for a period of no less than 30 days ("Public Notice Period"). Public notice of the proposed name will be placed at a minimum in a local newspaper once during the 30-day period, along with a posting notice at the site of the subject park or recreational facility, or utilizing any other form of social/electronic media to inform the citizens that the City will be considering the naming or renaming of a park, recreation facility, or other recreational asset. Citizen comments and recommendations must be submitted in writing to the Department Director and be postmarked within the 30-day Public Notice Period.
4. After the 30-day Public Notice Period, the Parks and Recreation Director, upon recommendation from the Parks and Recreation Advisory Board, will submit the proposed name(s) to the City Manager, who will forward the recommendations and any citizen comments to the City Council for consideration and final selection at an upcoming scheduled meeting.

C. Other than Park, Recreational Facility, or Other Recreational Asset.

1. When a person or historical event is recommended as the name for a City Asset other than a park, recreational facility, or other recreational asset, the City Manager or designee shall submit the following information to City Council for its consideration regarding the proposed person or historical event:
 - a. The full name of said person, persons, group, or event;
 - b. The residence of said person or persons, if appropriate, including street address;
 - c. The association, if any, of said person, persons, group, or event, if appropriate, with the site or facility to be named;
 - d. A brief biography of said person, persons, or group, or account of the historical event, if appropriate, including all other dates relevant to the naming.
2. The City will accept public comments and recommendations on the recommended name(s) for a period of no less than 30 days ("Public Notice Period"). Public notice of the request will be placed at a minimum in a local newspaper once during the 30-day period, along with a posting notice at the City Asset, if applicable, or utilizing any other form of social/electronic media to inform the citizens that the City will be considering the naming or renaming of a City Asset. Citizen comments and recommendation(s) must be submitted in writing to the City's designated representative and be postmarked within the 30-day Public Notice Period.
3. After the 30-day Public Notice Period, the City's designated representative will submit the recommended name(s) to the City Manager or designee, who will forward the recommendation(s) and any citizen comments to the City Council for consideration at an upcoming scheduled meeting.

D. Commemorative Works.

1. A Commemorative Works request may be initiated by the public or City Council. Upon receipt of an application from the Public, the City Manager or designee shall submit the request to the City Council for its consideration, with the requestor bearing all costs for the design, acquisition, construction, and installation of the Commemorative Work. A payment equivalent to the anticipated maintenance cost of the Commemorative Work at the City Asset for the first year after dedication shall be required after approval and provided prior to dedication. Detailed information, including concept, size, shape, type of material, annual maintenance costs, and total costs, if appropriate, shall be required in the application to be considered for approval by the City Council. City Council may elect to bear the cost of the Commemorative Work in lieu of the applicant with approval by a supermajority vote.

If the Commemorative Work request is initiated by the City Council, the City shall bear all costs of the Commemorative Work.

2. The City will accept public comments and recommendations on the request for a period of no less than 30 days ("Public Notice Period"). Public notice of the request will be placed at a minimum in a local newspaper once during the 30-day period, along with a posting notice at the City Asset, if applicable, or utilizing any other form of social/electronic media to inform the citizens that the City will be considering the placement of a permanent Commemorative Work at a City Asset. Citizen comments and recommendation must be submitted in writing to the City's designated representative and be postmarked within the 30-day Public Notice Period.

3. After the 30-day Public Notice Period, the City's designated representative will submit the recommendation(s) to the City Manager or designee, who will forward the recommendation(s) and any citizen comments to the City Council for consideration at an upcoming scheduled meeting.

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 17th DAY OF November, 2021.


JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER
TATE
SHEPPARD
HAYDEN

aye
aye
aye
aye


NELSON
WELSH
LONG
COSDEN

noy
aye
aye
aye

ATTESTED TO AND FILED IN MY OFFICE THIS 29th DAY OF November, 2021.


KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:


DOLORES D. MENENDEZ
CITY ATTORNEY

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