



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.2.

9/12/2023

Subject:

Public Hearing, Re: Ordinance Amending Chapter 78, Article III, Section 78-82, "Parks and Recreation, Use of Parks, Permits."

Fiscal Impact:

None

Dept/Office:

District 4

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing and adopt the proposed ordinance amending Chapter 78, Article III, Section 78-82, "Parks and Recreation, Use of Parks, Permits."

Summary Explanation and Background:

On August 22, 2023, the Board of County Commissioners approved legislative intent and permission to advertise amendments to Chapter 78, Article III, Section 78-82, "Parks and Recreation, Use of Parks, Permits."

The purpose of the proposed amendments is to limit special event permits at Wickham Park to a maximum of fifteen consecutive days or two consecutive weekends, Friday through Sunday. Additionally, for the public's enjoyment of Wickham Park, beginning in 2025, and for the months of January, February, March, and April, one weekend per month shall be without permitted special events.

The attached ordinance would amend Chapter 78, Article III, Section 78-82, "Parks and Recreation, Use of Parks, Permits."

An amendment to the County Code requires the intent and the proposed amendment be published on the County's Legal Ad and Public Notices webpage for at least ten days prior to the Board meeting at which the public hearing will be heard. The posting requirement was successfully completed on September 10, 2023.

Clerk to the Board Instructions:

Please provide a copy of the Clerk to the Board Memorandum to Commissioner Feltner, District 4, and to Mary Ellen Donner, Parks and Recreation Director.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

September 13, 2023

M E M O R A N D U M

TO: Mary Ellen Donner, Parks and Recreation Director

RE: Item G.2., Public Hearing for Ordinance Amending Chapter 78, Article III, Section 78-82, "Parks and Recreation, Use of Parks, Permits"

The Board of County Commissioners, in regular session on September 12, 2023, conducted the public hearing and adopted Ordinance No. 23-25, amending Chapter 78, Article III, Section 78-82, "Parks and Recreation, Use of Parks, Permits." Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK**

Kimberly Powell
Kimberly Powell, Clerk to the Board

Encl. (1)

cc: Each Commissioner
County Attorney
County Manager

ORDINANCE NO.2023-25

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, RELATING TO PARKS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; AMENDING THE PROVISIONS OF CHAPTER 78, ARTICLE III, SECTION 78-82(b)(1)-PARKS AND RECREATION, USE OF PARKS, PERMITS –THE BREVARD COUNTY CODE OF ORDINANCES; PROVIDING A LIMITATION ON THE LENGTH OF SPECIAL EVENTS AT WICKHAM PARK; PROVIDING FOR A LIMIT ON THE NUMBER OF SPECIAL EVENTS EACH MONTH AT WICKHAM PARK PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Board of County Commissioners seeks an amendment to Chapter 78, Article III, Section 78-82 of the Code of Ordinances of Brevard County, Florida; and

WHEREAS, Board of County Commissioners seeks to limit the number of Special Events at Wickham Park in Melbourne that limits the use of the Park and it's multiple activities by residents; and

WHEREAS, beginning in 2025, Special Events at Wickham Park would be limited to fifteen consecutive days or two consecutive weekends, Friday through Sunday; and

WHEREAS, beginning in 2025, during the months of January, February, March and April, there shall be one weekend per month without a permitted Special Event.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. CHAPTER 78, ARTICLE III, SECTION 78-82(b)(1) Brevard County Code of Ordinances is hereby amended to read:

Sec. 78-82. Permits.

(b) The department shall issue a permit when all of the following conditions are met:

- (1) The desired park (or requested portion thereof), recreational facility, or department managed lands has not been reserved for other use at the time requested. Beginning in January 2025, special event permits at Wickham Park shall be limited to a maximum of fifteen consecutive days, or two consecutive weekends. Beginning in January 2025, January, February, March, and April of each year shall have a minimum of one weekend without a special event.
- (2) The applicant has provided fees as established by resolution of the board of county commissioners for the activity.
- (3) The applicant is in full compliance with all laws, ordinances, rules and regulations, permitting and licensing requirements.
- (4) The applicant has provided current proof of public and/or liquor liability insurance as required by the board of county commissioners.
- (5) The applicant has provided a plan and payment for security as required in subsection (c).
- (6) The proposed activity or activities will occur in an area designated for such activity or activities.
- (7) If the proposed activity includes commercial activity and/or is open to the public; as defined in section 78-76 and the applicant is a nonprofit or a not-for-profit organization, then the applicant must show proof of the applicant or applicant's organization's a nonprofit or a not-for-profit status.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held by a court of competent jurisdiction to be invalid or

Officially filed with the Secretary of the State on September 27, 2023.

unenforceable, such decision shall not affect the validity of the remaining terms, provisions, clauses, sentences, or sections of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall be made a part of the Brevard County Code of Ordinances, and that the sections of this ordinance may be renumbered to accomplish such intention.

Section 5. Effective Date. This ordinance shall take effect immediately upon its adoption.

DONE, ORDERED, AND ADOPTED by the Board of County Commissioners of Brevard County, Florida, in regular session, this 12th day of September, 2023.

Attest:

BY: 

Rachel Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

BY: 

Rita Pritchett, Chair

As approved by the Board on September 12, 2023.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 28, 2023

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2023-25, which was filed in this office on September 27, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

Donna Scott

From: Municode Ords Admin <MunicodeOrds@civicplus.com>
Sent: Friday, September 29, 2023 10:40 AM
To: Donna Scott
Subject: RE: Brevard County, FL Code of Ordinances - 1993(10473)

We have received your files.

Thank you and have a nice day.

Ords Administrator
Municodeords@civicplus.com
1-800-262-2633
P.O. Box 2235
Tallahassee, FL 32316

When available, please send all documents in WORD format to Municodeords@civicplus.com. However, if WORD format is not available, we welcome any document format including PDF.

SVj (she/her/hers)

Production Support Specialist Supplement Department • **CivicPlus**
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Powering and Empowering Local Governments

From: Donna Scott <donna.scott@brevardclerk.us>
Sent: Thursday, September 28, 2023 10:03 AM
To: Municode Ords Admin <MunicodeOrds@civicplus.com>
Subject: Ordinances to file with Municode

You don't often get email from donna.scott@brevardclerk.us. [Learn why this is important](#)

Hello,

Attached is Ordinance Nos. 23-24 and 22-25 to be filed with Municode.

Thank you,
Donna Scott
Assistant Clerk to the Board
321-637-2001



Brevard County, Florida
Clerk of the Court
Rachel M. Sadoff

This email was scanned by Bitdefender

Under Florida law, all correspondence sent to the Clerk's Office, which is not exempt or confidential pursuant to Chapter 119 of the Florida Statutes, is public record. If you do not want the public record contents of your e-mail address to be provided to the public in response to a public records request, please do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

This email was scanned by Bitdefender

Donna Scott

From: County Ordinances <CountyOrdinances@dos.myflorida.com>
Sent: Thursday, September 28, 2023 9:21 AM
To: Donna Scott; County Ordinances
Subject: RE: BRE20230912_ORDINANCE2023_25
Attachments: Brevard20230927_Ordinance2023_25_Ack.pdf

Good morning,

Please find the attached acknowledgment letter for Brevard County Ordinance No. 2023-25, which was filed in this office on September 27, 2023.

Best,

County Ordinances
Florida Administrative Code and Register
Room 701 The Capitol | Tallahassee, Florida

From: Donna Scott <donna.scott@brevardclerk.us>
Sent: Wednesday, September 27, 2023 2:12 PM
To: County Ordinances <CountyOrdinances@dos.myflorida.com>
Subject: BRE20230912_ORDINANCE2023_25

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Hello,

Attached is Ordinance No. 2023-25, to be filed with the State for Brevard County.

Thank you,
Donna Scott
Assistant Clerk to the Board
321-637-2001



Brevard County, Florida
Clerk of the Court
Rachel M. Sadoff

This email was scanned by Bitdefender

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

1. Contractor: Ordinance Amending Chapter 78		2. Amount:	
3. Fund/Account #:		4. Department Name: Parks and Recreation	
5. Contract Description: Special Events amendments at Wickham Park			
6. Contract Monitor: Patricia Strickland		8. Contract Type:	
7. Dept/Office Director: Mary Ellen Donner		Select from pulldown:	
9. Type of Procurement: Request for Qualifications (RFQ)			

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

☒
☐

Purchasing

☐
☐

Risk Management

☐
☐

County Attorney

☐
☐

SECTION III - REVIEW AND APPROVAL TO EXECUTE

APPROVAL

COUNTY OFFICE

YES

NO

SIGNATURE

User Agency

☒
☐

Donner, Mary Ellen

Digitally signed by Donner, Mary Ellen
Date: 2023.08.28 17:00:37 -04'00'

Purchasing

☐
☐

Risk Management

☐
☐

County Attorney

☒
☐

Caron, Justin

Digitally signed by Caron, Justin
Date: 2023.08.28 17:06:03 -04'00'

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status, Title, Type, and Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date, Effective Date, and Expiration Date	<input type="checkbox"/>
Contract Absolute End Date (No Additional Renewals/Extensions)	<input type="checkbox"/>
Material Group	<input type="checkbox"/>
Contract Documents Uploaded in CM database (Contract Form with County Attorney/ Risk Management/ Purchasing Approval; Signed/Executed Contract)	<input type="checkbox"/>
"Right To Audit" Clause Included in Contract	<input type="checkbox"/>
Monitored items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>



G.2.
July 2

Wickham Park Special Events		2023			
Event	Sponsor	Date(s)	Overall Attendance	Event Location	
Brevard Renaissance Fair	Brevard Renaissance Fair	Brevard Renaissance Fair Charitable Foundation Set up Dec. 12; Event Jan. 6, 7, 13-15; 20-22; 27, 28 Feb. 3, 4 Tear down complete Feb. 15	5000-7000 per day	Amphitheater	
Tooth Trot	Brevard Dental Society	Jan. 28	650-700	Greenspace	
Wild Game Cookout	GWMAA/Rockledge Rotary	Setup- Feb. 4; Event-Feb. 5	200	Regional Pavilion	
321 Food Fest	Battle Bros/Children's Hunger Project	Setup-Feb. 10; Event 11-12; Tear down 13th	Estimate 6000-8000	Regional Pavilion	
Strawberry Festival	Buckler Promotions	Setup -Feb. 17; Event 18-19; Tear down 20	Estimate 6000-8000	Regional Pavilion	
MOPAR Super Swap	MOPARS of Brevard	Setup- Feb. 23; Event 24-25	1000	Equestrian Area	
Brianna Marie 5K	Brianna Marie Foundation	Mar. 4	500	Pav. 4, 5, 6	
India Fest	Manav Mandir Inc.	Setup-Mar. 6-10; Event 11-12; Tear down 13	5000	Regional Pavilion	
Melbourne Spring Art & Craft Expo	Latitude 88/Patriot Shows	Setup-Mar. 15-17; Event 18-19; Tear down 20	Estimate 6000-8000	Equestrian Area	
Poocherella	Touch of Grey Rescue	Setup- Mar. 31; Event Apr. 1	Estimate 5000	Regional Pavilion	
Spring Family Fun Fest	Three Wishes Hope Foundation	Apr. 7-8	1200	Regional Pavilion	
Blueberry Fest	Buckler Promotions	Setup Apr. 14; Event Apr. 15-16; Tear down Apr. 24	Estimate 6000-8000	Regional Pavilion	
Melbourne Art Festival	Melbourne Art Festival Inc.	Setup Apr. 20-21; Event Apr. 22-23; Tear down 24	7000-9000	Regional Pavilion	
2023 Brevard Great Strides	Cystica Fibrosis Foundation	Apr. 28	150	Backlake loop	
Spring Craft & Vendor Show	Pop-Up Specialty Events	Apr. 28	500	Pavillion 1	
Florida Vietnam & All Veteran Reunion	Vietnam & All Veterans of Brevard	Setup Apr. 26-29; event Apr. 30-May 7; Tear down Complete: May 8-10	6000-7000	Regional Pavilion Backlake area & Amphitheater	
Run for the Gecko 5k	The Running Zone Foundation	13-May	500-800	Greenspace	
Space Coast Burger Battle	Battle Bros/Children's Hunger Project	Set up May 12; Event May 13; Tear down 14-15	5000-7000	Regional Pavilion	
Tyler Jam	Tyler Kowalczyk Foundation	20-May	100-200	Regional Pavilion	
Summer Craft & Vendor Show	Pop-Up Specialty Events	27-May	500	Regional Pavilion	
SAAZ Bottoms Up Beer Run 3K	Spacecoast Assoc. for the Advance. of Zymurg	Jun. 3	400	Pav. 1, 3 Greenspace	
Brazilian Market of Brevard	Vania Discher	Jun. 10	500	Regional Pavilion	
Lifting up God & Country	Jesus is the Key	Jul. 4	500	Amphitheater	
Rainbow Run 5k	Space Coast Pride	Jun. 17	200-500	Regional Pavilion	
Space Coast Talent Show & AUCE Pop Up	Ryneisha Hold	Jul. 15	TBD	Regional Pavilion	
Space Coast Wing Battle	Battle Bros/Children's Hunger Project	Setup Aug. 18; Event Aug. 19; Tear down 20-21	Ticket cap 2000	Regional Pavilion	
Bounce City Day	Bounce City 321	Aug. 26	>700	Amphitheater	
Brevard Recovery Fest	Brevard Recovery Fest	Setup Sept. 8; Event Sept. 9; Tear down 10-11	5000	Regional Pavilion	
Running Wild 5K	Florida Wildlife Hospital	Sept. 30	200	Pavillion 4, 5, 6	
Melbourne Fall Art & Craft Expo.	Latitude 88/Patriot Shows	Setup Oct. 5-6; Event Oct. 7-8; Tear down 9	6000-8000	Equestrian Area	
Love a Stray	Love a Stray Rescue Inc.	Oct. 7	200	Pavillion 4, 5, 6	
Junkin Punkin Vintage Market	Farmhouse Friar	Setup Oct. 12-13; Event 14-15; Tear down 16	6000-8000	Equestrian Area	
Brazilian Market of Brevard	Vania Discher	Oct. 28	500	Regional Pavilion	
Woof Wag Wiggle	Space Coast Boxer Rescue	Nov. 4	300	Regional Pavilion	
Out of Darkness 5K	Foundation for Suicide Prevention	Nov. 4	200	Regional Pavilion	
Brevard Epilepsy Walk	Brevard Epilepsy Association	Nov. 4	200	Pavillion 4, 5, 6	
Native Rhythms Festival	Native Heritage Gathering Inc.	Setup Nov. 6-9; Event 10-12; Tear down 13	3000	Amphitheater	
Hoot in the Park	Florida Wildlife Hospital	Nov. 18	500	Regional Pavilion	
Tacos & Treats Throwdown	Battle Bros/Children's Hunger Project	Setup Dec. 1; Event Dec. 2; Tear down 3-4	2000	Regional Pavilion	
Junkin Punkin Vintage Market	Farmhouse Friar	Setup Dec. 8; Event Dec. 9; Tear down 10	4000-6000	Equestrian Area	

Special Events 2023

