

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING THE "AD HOC NIGHTLIFE INDUSTRY TASKFORCE ADVISORY COMMITTEE," FOR A PERIOD OF ONE YEAR (SUBJECT TO EARLIER OR LATER SUNSET BY CITY COMMISSION) TO ADVISE THE ADMINISTRATION AND CITY COMMISSION ON NIGHTLIFE ISSUES, AND TO PROVIDE A FORUM TO ADDRESS QUALITY OF LIFE ISSUES AFFECTING OUR RESIDENTS AND NIGHTLIFE BUSINESS OWNERS; AND PRESCRIBING THE PURPOSE, COMPOSITION, POWERS AND DUTIES OF THE COMMITTEE.**

**WHEREAS**, The Nightlife Industry Task Force ('NITE') was originally established in 2001 to advise the City Manager on nightlife issues, and to provide a forum to address quality of life issues affecting our residents, as a result of the City's popularity; and

**WHEREAS**, The NITE also strived to enhance communication and cooperation between the Nightlife Industry, the City Commission, and the City Administration, and to provide more specific trends impacting the industry and creating a mechanism to quickly and proactively address issues; and

**WHEREAS**, since 2001 the City's status as a world-class tourist destination has increased tenfold, inviting national and international attention not only to the City's famous beaches and nightlife but also to crime and debauchery that impact the City during high-impact periods and events, such as the Spring Break and Memorial Day Weekend; and

**WHEREAS**, cities such as New York City have also taken the step to create task forces to address the quality of life issues associated with nightlife (see Exhibit "A"); and

**WHEREAS**, it would be benefit the City to revive the Task Force and re-establish communication between the City's nightlife industry, the City Commission, and the City Administration; and

**WHEREAS**, the purpose, composition, and powers and duties of the Committee members, and administrative liaison to the Committee are set forth in Exhibit "A" attached to this Resolution.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby establish the "Ad Hoc Nightlife Industry Task force Advisory Committee," for a period of one year (subject to earlier or later sunset by City Commission) to advise the Administration and City Commission on nightlife issues, and

to provide a forum to address quality of life issues affecting our residents and nightlife business owners; and prescribing the purpose, composition, powers and duties of the Committee.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Dan Gelber, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*DA Real for DAP*  
\_\_\_\_\_  
City Attorney  
*CS*

*9/6/2022*  
\_\_\_\_\_  
Date

## EXHIBIT "A"

### Ad Hoc Nightlife Industry Task Force Advisory Committee

#### A. Purpose

1. The Nightlife Industry Task Force ('NITE') will review, formulate and coordinate information, proposals and issues raised by the City Manager, the Mayor, members of the City Commission, the nightlife industry and other concerned citizens. The Task Force will prepare recommendations on how to improve the City's interaction with the nightlife industry.
2. The Task Force will address the needs and concerns of the nightlife industry by making recommendations on issues affecting the relationship between the City and the nightlife industry in order to make the city more sensitive to the nightlife industry needs, while maintaining a balanced perspective as to quality of life issues affecting both residents and visitors.
3. The Task Force will meet on a monthly basis, or as frequent as the Task Force deems necessary to make a final recommendation. The Task Force will sunset at the end of 12 months unless determined by the Mayor and City Commission that it should be extended.

#### B. Membership Composition

1. The Task Force shall be composed of fifteen (15) members, with seven (7) direct appointments made by individual city commissioners and the mayor, and eight (8) at-large appointments, all of whom shall be appointed to serve for a term of no more than one (1) year at a time, and two (2) nonvoting ex officio members, as follows:
  - A. Fifteen (15) representatives from nightclubs, restaurant and entertainment establishments, hotel industry, counsel to the nightlife industry, Greater Miami and the Beaches Hotel Association and the South Beach Hotel and Restaurant Association;
  - B. One (1) ex-officio city commission liaison designated by the city commission who shall report to the city commission actions of the Committee;
  - C. One (1) ex-officio member of city staff liaison designated by the city manager who shall report the committee's actions to the city manager.
2. Membership criteria for the NITE: individuals must be residents of the city for a minimum of two (2) years, or demonstrate ownership/interest in, or employment relationship with, r a business established in the city for a minimum of two (2) years. Exceptions to the foregoing may be approved, by a majority vote of the City Commission for individuals with specific knowledge or expertise relative to the nightlife Industry.

#### C. Powers and duties

1. At the request of industry representatives and as part of the City's Major Events Plan (MEP), the NITE will serve to advise the City Manager on nightlife issues and to provide a forum to address quality of life issues affecting our residents, as a result of the City's popularity. The NITE will endeavor to continue and enhance communication and cooperation between the Nightlife Industry and the Administration. The purpose of this Task Force is to provide more specific details regarding trends impacting the industry and creating a mechanism to quickly and proactively address issues in an effort to keep the public updated on event planning.
  
2. The NITE's charge and scope of work should include, but not be limited to:
  - a. To serve in an advisory capacity to the City Manager with respect to matters pertaining to the nightlife industries and businesses in the City, and its impact on the quality of life of our City.
  - b. To advise the City of nightlife industry trends and events that may require an increase or adjustment in the level of City services.
  - c. To make recommendations as to the needs and concerns of the public and the nightlife industries and businesses in the City, including how those needs can best be met.
  - d. To advise on methods of promoting the safe growth and stability of nightlife industries and businesses in the City.
  - e. To focus on and make recommendations regarding targeted marketing initiatives.
  - f. To participate with the City and the nightlife industry in projects approved by the City Commission, which may be established to better the community and improve the quality of life in the City.
  - g. Review and make recommendations regarding the City's MEP. Review and make recommendations regarding the laws affecting the nightlife industry.

#### **D. Conflict of interest.**

In accordance with Florida law, under circumstances presenting a conflict of interest, an advisory board member should abstain from voting with respect to any measure in which the advisory board member has a personal, private, or professional interest and which inures to his special private gain or the special gain of a principal by whom he is retained. The City Attorney's Office liaison shall assist advisory board members in addressing any potential voting conflicts, as necessary.

#### **E. Administrative Liaison**

The supporting departments for the Task Force shall be the City Manager's Office, Public Works Department, and the Police Department. The City Attorney's Office shall provide counsel to the Task Force.

## Exhibit A

The city has removed dozens of dining sheds and is considering more regulations for those that remain.

By [Dodai Stewart](#)  
Photographs by Timothy Mulcare

Sept. 4, 2022

It was 8:15 p.m. on a steamy Saturday night on the Lower East Side, and every table on Canal Street outside of Clandestino was occupied and buzzing.

The roadway tables next door at Le Dive were full as well, and at Cervo's, down the street, and at Dimes, up the block. Laughter, chatter and the sound of clinking dishes hung in the air.

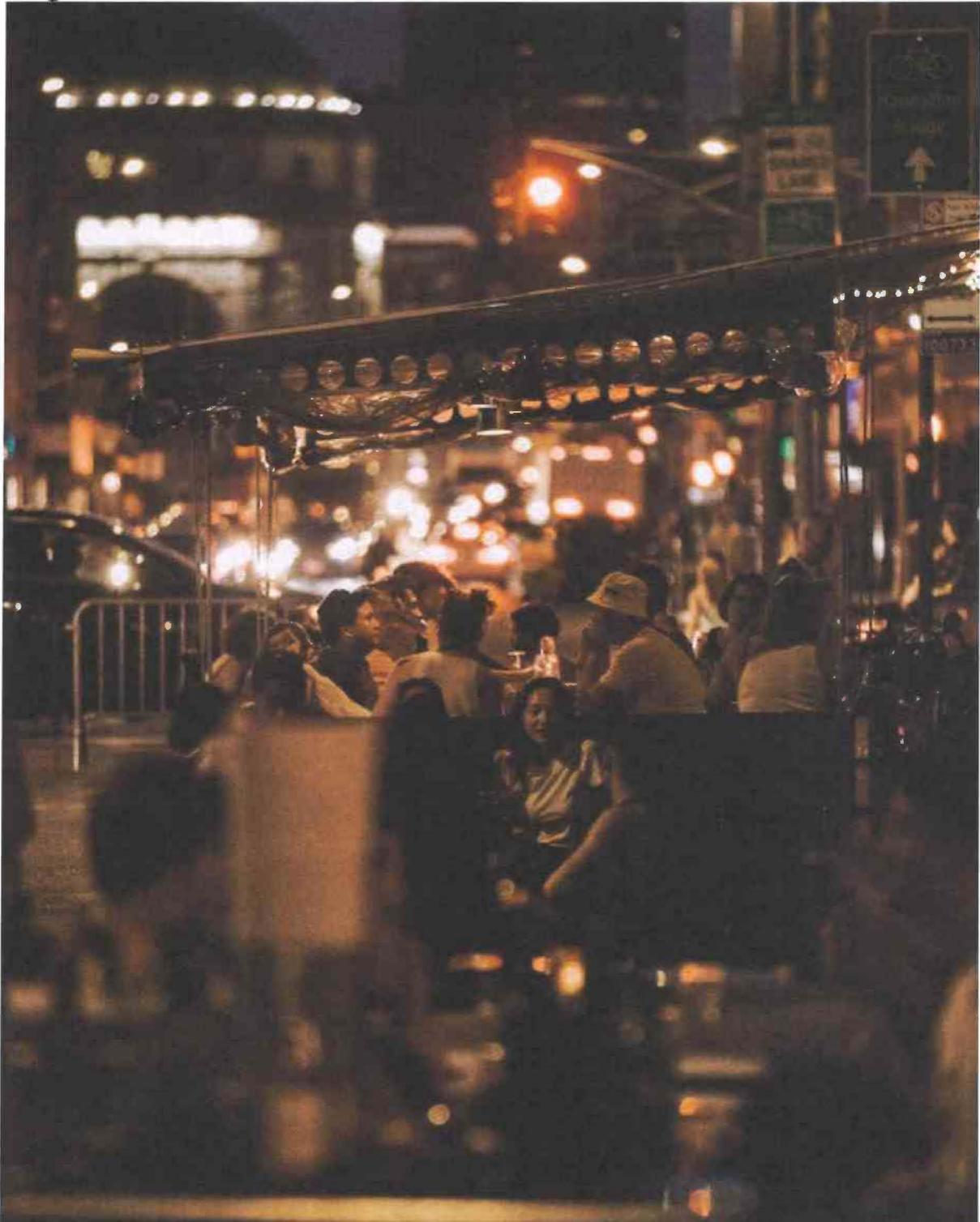
But just around the corner on Ludlow Street, tenants in upstairs windows were [filming neighborhood scenes](#) and posting them on Twitter, [where they described](#) the street as “trashed” and the patrons as having “zero regard for the neighborhood” — and blaming a mayor who, one resident wrote, “prioritizes nightlife over communities.”

More than two years after the necessities of the pandemic ushered in a new era of outdoor dining in New York City, what seemed to be a once-in-a-generation chance to change the streetscape has reached a pivotal moment.

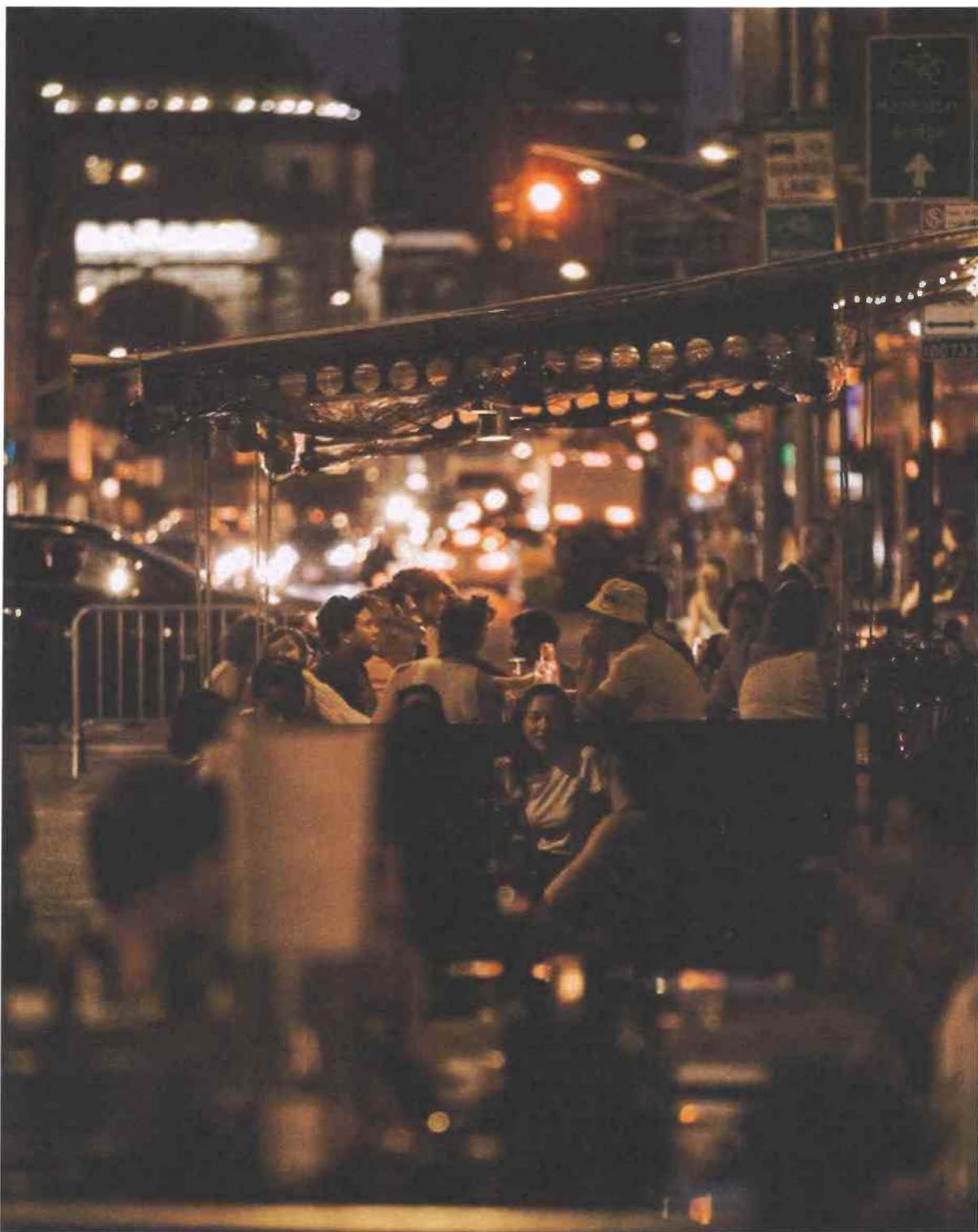
What was once temporary is becoming permanent: restaurant seating both on sidewalks and in the roadways by the curb. In mid-August, Mayor Eric Adams announced that while [abandoned dining sheds would be destroyed](#), outdoor dining was “here to stay.”

But as the summer winds down, the city faces decisions about what having dinner outside will look like going forward — a debate that raises larger questions about how New York should use its precious public space, and whose needs it should serve.

Image



The dense number of restaurants on the Lower East Side has created large seating areas on the street. Some residents say the noise is unbearable and the neighborhood is being “trashed.”



Some New Yorkers are suing the city, claiming that the program has affected their safety and ruined their quality of life, pitting neighborhood residents against the small businesses that help make those neighborhoods special, and make New York a magnet for visitors.

While the Department of Transportation [issued temporary guidelines for restaurants in 2020](#), the Adams administration has not yet dictated specific standards that businesses

must follow for their outdoor dining operations going forward. According to the mayor, the planning of the new, permanent program — including the development of regulations that might help ease some of the problems neighbors have — is being slowed by litigation.

The new guidelines could cover design, pest control and public health. While the emergency of the pandemic allowed restaurants to use sidewalks and roadways, expect changes next year: Much like obtaining a sidewalk cafe license, restaurants will have to submit an application and pay a fee to seat guests outside on public property.

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— *Marc Lacey, Managing Editor*

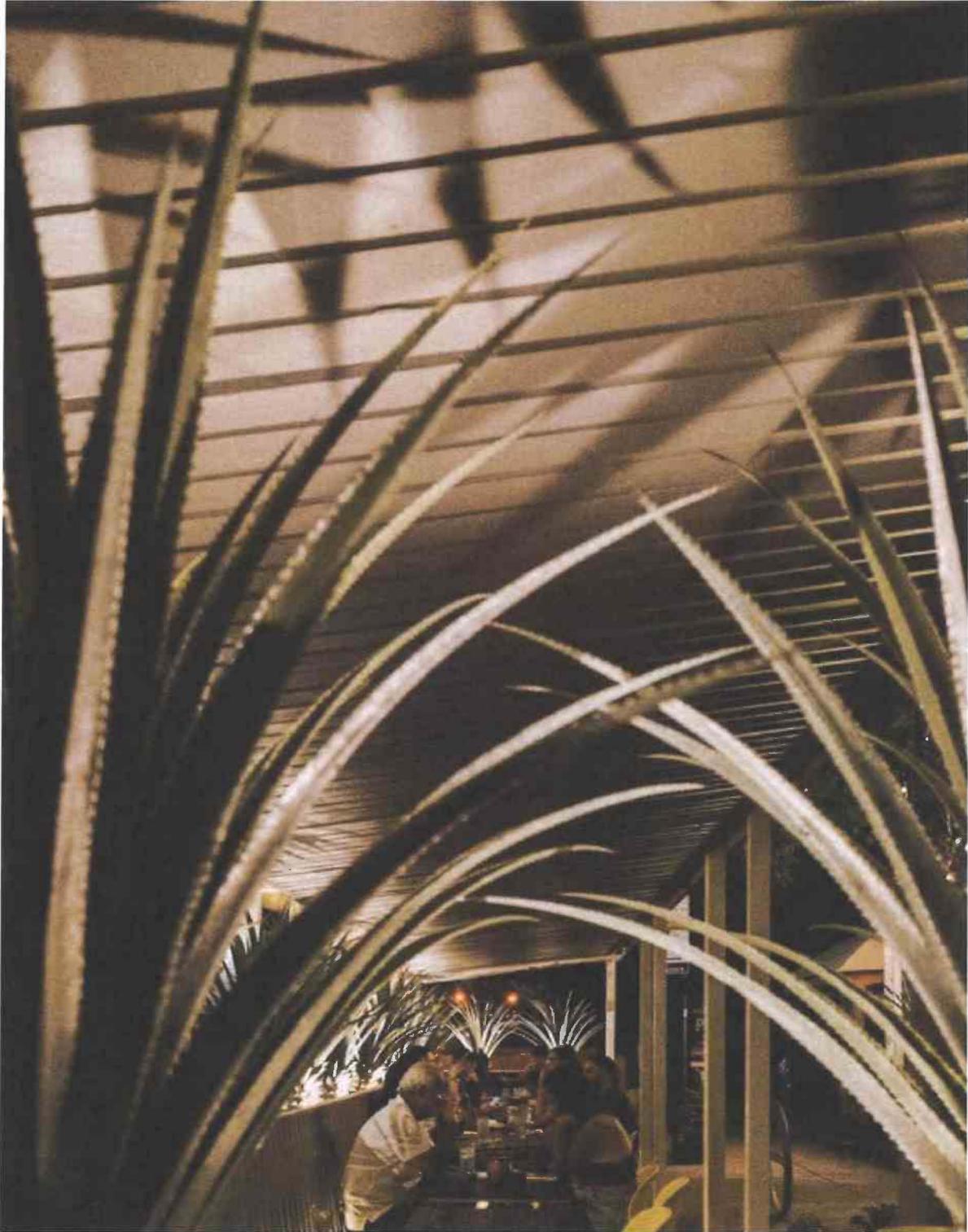
In addition, a new task force will address quality of life issues in the program, which the city calls [Open Restaurants](#).

Many of the dining sheds cobbled together by restaurants over the last couple of years are now dilapidated and weather-beaten. Some are covered in graffiti or have exposed extension cords hanging overhead.

Image



The Open Restaurants program is becoming permanent. Soon, restaurants will have to apply to create seating on sidewalks and in the roadways by the curb.



And while other dining sheds have been transformed and upgraded to become sturdy, impressive, year-round structures that replicate indoor spaces, with speakers for music and heaters, they often block access to the curb for pedestrians, taxis and emergency vehicles.

Some residents argue that the city should just put an end to this type of outdoor dining.

The plaintiffs in the lawsuit say they are being adversely affected by the Open Restaurants program. The emergency conditions created by the coronavirus have waned, the lawsuit argues, but the dining sheds remain, bringing noise, sanitation problems and an increase in rats.

“I understood the necessity of something like that at the height of the pandemic,” said Tanya Bonner, a plaintiff who lives in Washington Heights. “But that’s not where we are right now.”

Ms. Bonner said outdoor dining had contributed to unbearable noise in Washington Heights and nearby Inwood. “I think that the word is out that you can just come up here and just do whatever — a free for all.”

Ms. Bonner, who is a professor in the communications department at St. John’s University, is also the co-founder and chair of the WaHi-Inwood Task Force on Noise. She grew up in Chicago and has lived in New York for 17 years, “So I am not wimpy when it comes to living in a city,” she said.

“But what I do expect, and the way I was raised, even in a big city, is to be respectful of your neighbors — and be respectful of your community. Because a healthy community is a thriving community.”

Image



Tanya Bonner is one of 35 people who have filed a suit against the city, claiming that the Open Restaurants program has a negative impact on quality of life.



Robert Camacho, 61, the chair of Brooklyn Community Board 4, is a disabled and self-described “loud Puerto Rican” who arrived in Brooklyn when he was 3 months old and has lived in Bushwick since 1974.

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He said that because so many restaurants have set up dining areas along the curb, he can't find a parking space close to home — or close to the grocery store. "Give us our street back," he pleaded, bemoaning the problems the program has created for "seniors that can't walk."

In addition, Mr. Camacho is concerned that when it comes to outdoor dining, "There is no enforcement mechanism. There's no quality of life mechanism. There's no one supervising and making sure that things are going right and correct."

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Meera Joshi, the city's deputy mayor of operations, recently announced the creation of a task force to address quality of life issues associated with Open Restaurants. The effort will be a collaboration between the Department of Transportation, the Department of Sanitation and the Parks Department, with assistance from the Police Department.

As of Sept. 2, the task force had already removed 55 sheds that were either abandoned or in violation of guidelines.

During the darkest months of the pandemic, outdoor dining was a lifeline that kept many restaurants from shutting down. But now it means increased capacity — and a boost in business.

Jeff Kadish, the founding partner of Bottom Line Hospitality and an operating partner of Bodega 88, a Latin-themed sports bar and restaurant on the Upper West Side, said that when the pandemic hit, being able to expand saved the restaurant.

Image



Outdoor dining was a lifeline that kept many restaurants from shutting down. Now it means increased capacity — and a boost in business.



The bar added more sidewalk seating and created a dining area on Columbus Avenue. “It’s Covid, Wild West, you’re allowed to use the roadway, go for it,” he said. Mr. Kadish said that Bodega 88’s outdoor seating had benefits for both diners and staff, and he pointed out that the restaurant wound up employing more people because of increased capacity for guests.

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But upstairs from Bodega 88, Michael Kenna and all of his neighbors in his co-op building spent upward of \$20,000 on noise-reducing windows.

Mr. Kenna, who is one of the plaintiffs in the lawsuit, said the bar had actually tripled its capacity and was known for drawing a crowd on the sidewalk and in the street on Columbus Avenue. When it comes to road noise or conversations — “you get used to that stuff,” he said. But the bar’s outdoor speakers? “Hearing the thumpa, thumpa, thumpa of music until midnight every night — and my bedroom is right there — is maddening,” he said.

Andrew Rigie, the executive director of the New York City Hospitality Alliance, said that even people who support the Open Restaurants program are aware that there are issues that need to be addressed.

Mr. Rigie is working with the task force assembled by City Hall, and noted that there are some legal and zoning changes that need to take place before the permanent version of Open Restaurants goes into effect.

The result is that eating outside in New York in 2023 probably won't look exactly like it does now, Mr. Rigie said. He said the hospitality alliance would like to see the city approve multiple versions of outdoor dining setups that all have more standardized looks, with specific requirements for building materials. "We're talking about outdoor dining, not recreating indoor dining outside."

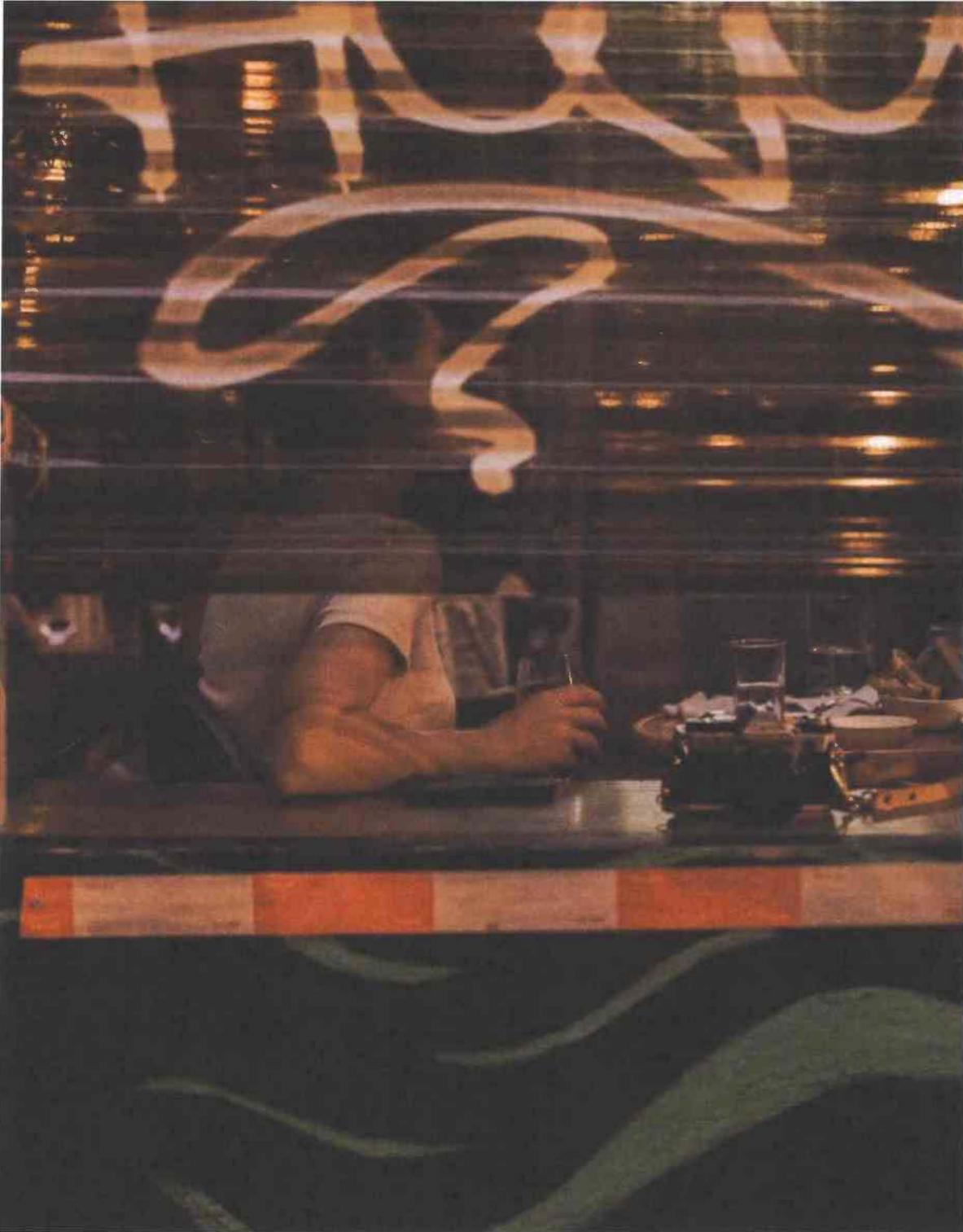
In addition, New York may see fewer restaurants opting for curbside dining in the future, once there is a formal application process — along with fees — in place.

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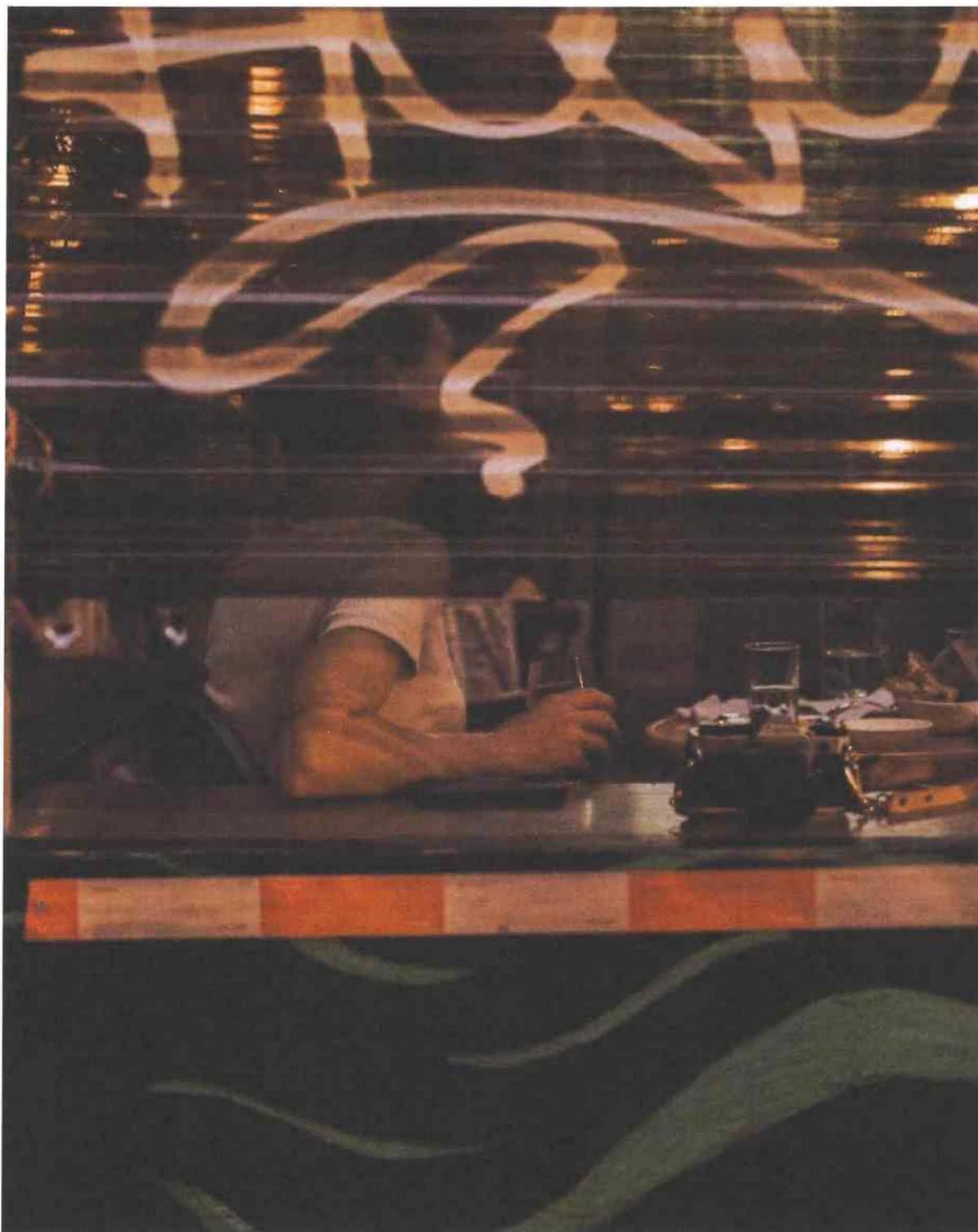
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In the meantime, people will continue to relish the opportunity to sit outside for dinner and entertainment, where New York is the show.

Image



The city has assembled a task force to address quality of life issues associated with Open Restaurants. As a result, eating outside in 2023 probably won't look exactly like it does now, according to one hospitality executive.



In Bushwick at the intersection of Wyckoff Avenue and Troutman Street on a recent Saturday night, throngs of people were gathered, some waiting for gorditas from a brightly lit taco truck, some sitting at tables in the street, some clumped in a line waiting to get into the venue Lot 45.

It was Davin Hazard's first time in Bushwick and she was sitting at the nearby restaurant Sea Wolf with a friend, and Arthur, a French bulldog they were dog-sitting.

"The opportunity to get fresh air, to people-watch on the sidewalk, is an incredible thing," Ms. Hazard, 29, said as she took in the animated, bustling scene. "And I think it feels like a very true New York experience."

She was sympathetic to Bushwick residents like Mr. Camacho, she said, but she had actively sought out a restaurant where she could bring a dog and dine outside. "This can be a compromise, right?"

Back on the Lower East Side, Bonnie Turtur, 37, was sitting by herself at a table outside of Dimes. Her husband had just left the restaurant with their child: "Our baby was throwing a tantrum," she said.

When informed that people whose apartments overlook the restaurant were suing the city over noise, garbage and rats, Ms. Turtur paused for a moment. "I understand. If I lived upstairs, I'd probably be ... I might be complaining." Did the block where Ms. Turtur currently resides in SoHo have any dining sheds?

"No," she said, "which is nice."