

ORDINANCE NO. 2004-3445

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS", DIVISION 5, CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT, SECTION 142-302, "MAIN PERMITTED USES"; DIVISION 11, I-1 LIGHT INDUSTRIAL DISTRICT, SECTION 142-485, "PROHIBITED USES"; AND DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," SECTION 142-693 "PERMITTED USES", BY ELIMINATING DANCE HALLS AND ENTERTAINMENT ESTABLISHMENTS ALSO OPERATING AS ALCOHOLIC BEVERAGE ESTABLISHMENTS AND RESTAURANTS WITH FULL KITCHENS AND SERVING FULL MEALS AS PERMITTED USES IN CERTAIN AREAS OF THE CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT, THE I-1 LIGHT INDUSTRIAL DISTRICT, AND THE PS PERFORMANCE STANDARD DISTRICT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach Land Development Regulations contain regulations limiting dance halls and entertainment establishments from certain specified areas; and

WHEREAS, that prohibition on dance halls and entertainment establishments in those specified areas is based upon the impacts that said establishments have upon the surrounding, primarily residential, neighborhoods; and

WHEREAS, the Planning Board has found that restaurants located within those specified areas where the regulations prohibit stand-alone dance halls and/or entertainment establishments tend to have similar negative impacts on the surrounding residential neighborhoods; and

WHEREAS, the Planning Board, at its meeting of October 28, 2003, requested that a proposed amendment to the Land Development Regulations be initiated, addressing dance halls and/or entertainment establishments that operate within restaurants in areas where stand-alone dance halls and/or entertainment establishments would not otherwise be permitted; and

WHEREAS, this proposed amendment accomplishes the above purpose by prohibiting dance halls and entertainment establishments in such areas, by deleting the exclusion for those establishments also operating as full restaurants serving full meals;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," Section 142-302, "Main Permitted Uses", of the Land Development Regulations, is hereby amended to read as follows:

DIVISION 5. CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *

Sec. 142-302. Main permitted uses.

The main permitted uses in the CD-2 commercial, medium intensity district are commercial uses; apartments; apartment/hotels; hotels; and uses that serve alcoholic beverages as listed in article V, division 4 of this chapter (alcoholic beverages). Bars, dance halls, or entertainment establishments (as defined in section 114-1 of this Code) ~~not also operating as restaurants with full kitchens and serving full meals and licensed as alcoholic beverage establishment~~ are prohibited on properties generally bounded by Purdy Avenue on the west, 20th Street on the north, Alton Road on the east and Dade Boulevard on the south.

* * *

SECTION 2. That, Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 11, "I-1 Light Industrial District," Section 142-485, "Prohibited Uses", of the Land Development Regulations, is hereby amended to read as follows:

DIVISION 11. I-1 LIGHT INDUSTRIAL DISTRICT

* * *

Sec. 142-485. Prohibited uses.

The prohibited uses in the I-1 light industrial district are accessory outdoor bar counters, bars, dance halls, or entertainment establishments (as defined in section 114-1 of this Code) ~~not also operating as restaurants with full kitchens and serving full meals and licensed as alcoholic beverage establishment.~~

* * *

SECTION 3. That, Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District," Section 142-693, "Permitted Uses", of the Land Development Regulations, is hereby amended to read as follows:

DIVISION 18. PS PERFORMANCE STANDARD DISTRICT

* * *

Sec. 142-693. Permitted uses.

* * *

- (c) For purposes of this section, pawnshops and dance halls and entertainment establishments ~~not also operating as alcoholic beverage establishments and restaurants with full kitchens and serving full meals~~ are not permitted as a main permitted or accessory use ~~in the redevelopment area south of Fifth Street;~~

however, in the C-PS3 and C-PS4 districts dance halls and entertainment establishments shall be permitted as an accessory use within a hotel of 250 rooms or more with access to the dance hall or entertainment establishment only from the interior lobby and not from the street.

* * *

SECTION 4. REPEALER

All ordinances or parts of ordinances *in* conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY

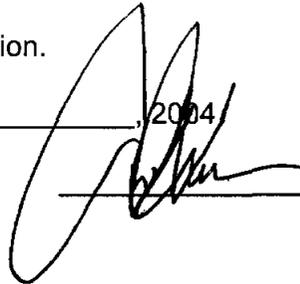
If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

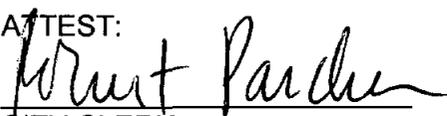
SECTION 6. CODIFICATION

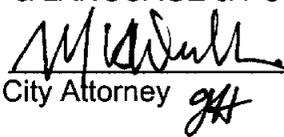
It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

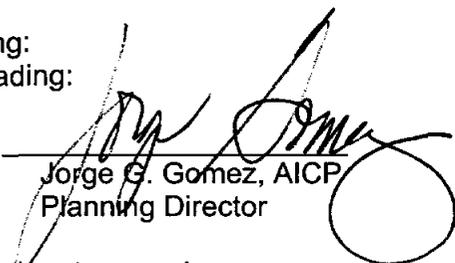
SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this 5th day of May, 2004

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM
& LANGUAGE & FOR EXECUTION

City Attorney 3-3-04
Date

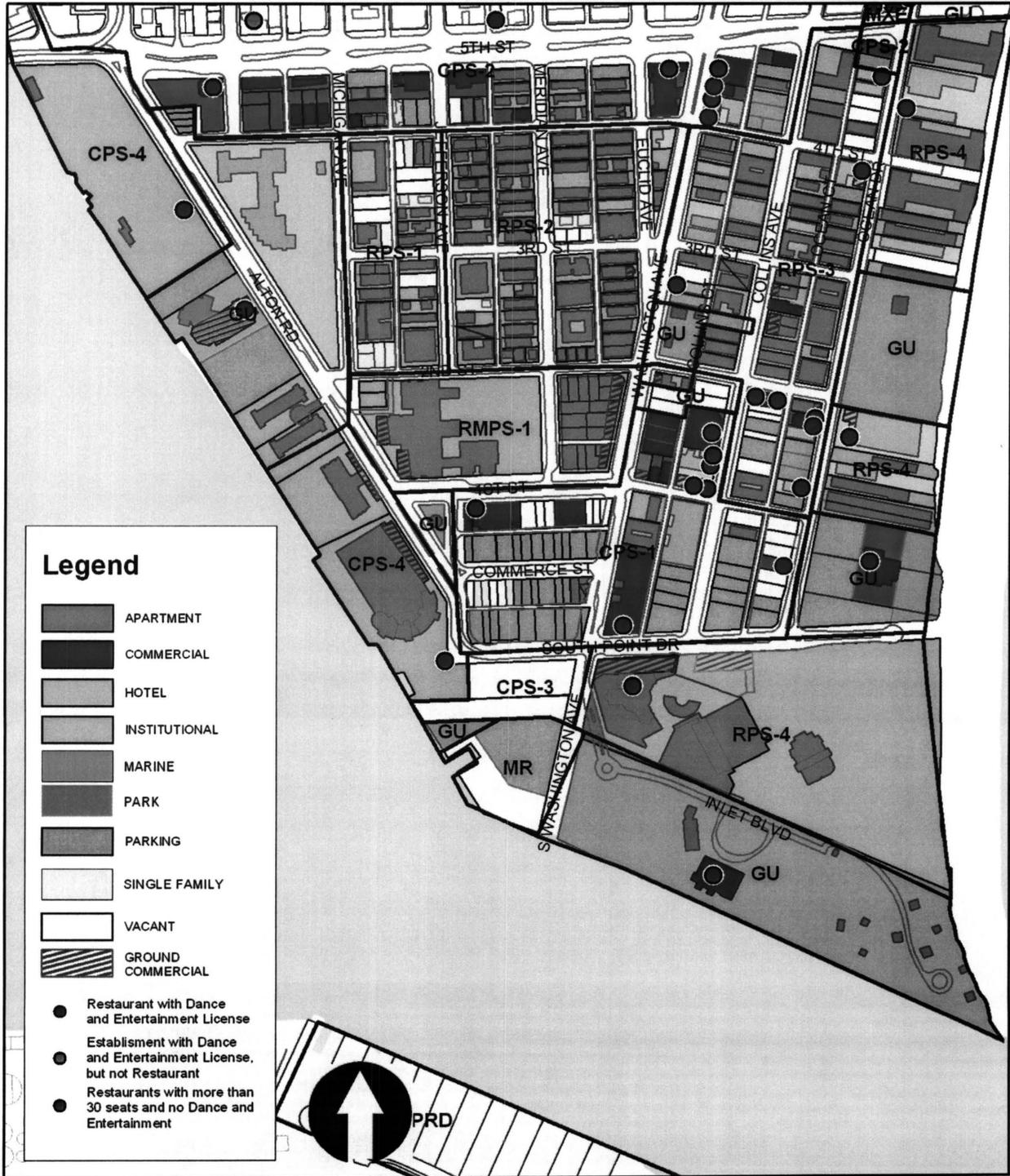
First Reading:
Second Reading:
Verified by: 
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language
F:\PLAN\PLB\draft ordinances\2004\1651 - ord nightclubs also operating as restaurants.doc

LAND USE SURVEY

South Point

Prepared March 25 2004, by the City of Miami Beach Planning Department



Restaurants and Bars in South Point Area

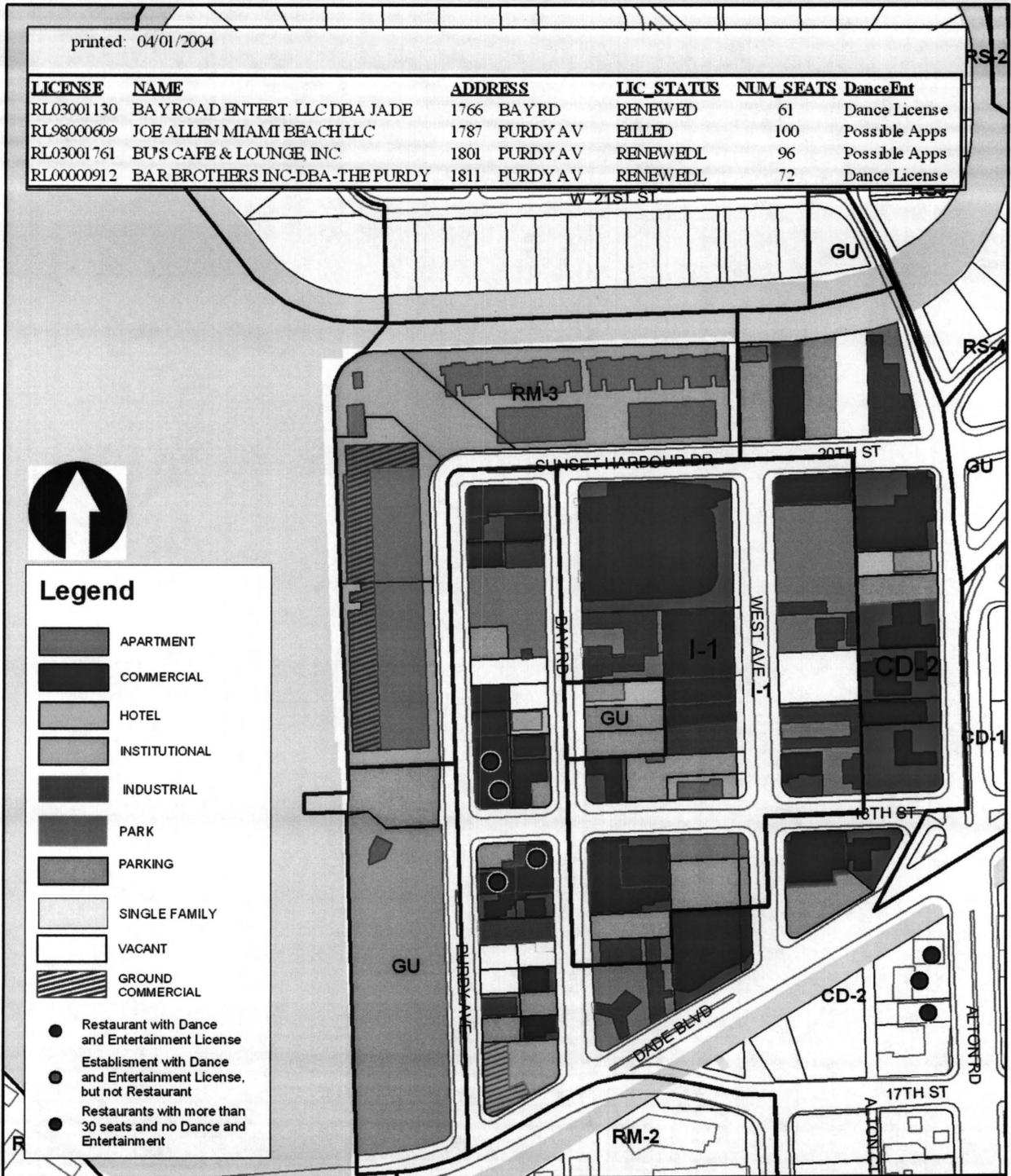
03/31/2004

LICENSE #	NAME	ADDRESS	LIC_STATUS	# of seats	DanceEnt
RL03002074	KOMAR INVESTMENTS INC	161 OCEAN DR	NEW	28	
RL95202943	BEACH MARKET	247 COLLINS AV	RENEWEDL	0	
RL00000905	NEAM'S GOURMENT.	300 ALTON RD	RENEWEDL	1	
RL03001640	d/b/a SUNSHINE & AJ FOOD WITH	747 4TH ST	RENEWED	9	
RL88120595	PENROD'S BEACH CLUB	1 OCEAN DR	RENEWED	300	Dance License
RL01000625	136 Collins Av LC-dba-Opium Ga	136 COLLINS AV	RENEWED	225	Dance License
RL03001232	PURE LOUNGE HOLDINGS LLC	150 OCEAN DR	RENEWED	60	Dance License
RL95213664	MONTY'S ON THE BEACH, LTD.	300 ALTON RD	RENEWEDL	700	Dance License
RL03001562	TAVERNA OPA OF SOUTH BEACH	36 OCEAN DR	RENEWEDL	199	Dance License
RL03001213	CLUB IBIZA INC DBA HARRISON'S	411 WASHINGTON AV	RENEWED	100	Dance License
RL00000422	L'ENTRECOTE DE PARIS	419 WASHINGTON AV	BILLED	49	Dance License
RL98000377	SMITH & WOLLENSKY	1 WASHINGTON AV	RENEWED	600	Possible Apps
RL95202596	NEMO	100 COLLINS AV	RENEWEDL	145	Possible Apps
RL01001078	SHOJI SUSHI	100 COLLINS AV	RENEWEDL	72	Possible Apps
RL03001173	THE ROOM, INC.	100 COLLINS AV	RENEWEDL	30	Possible Apps
RL02002438	LA PIAGGIA INC DBA LA PIAGGA B	1000 SOUTH POINTE	RENEWEDL	114	Possible Apps
RL96222191	GALBEN GROUP, INC. D/B/A BURGE	1100 5TH ST	RENEWEDL	70	Possible Apps
RL04002493	PRIME 112 , LLC	112 OCEAN DR	NEW	80	Possible Apps
RL98000961	SO FI HIDEAWAY	124 2ND ST	RENEWED	30	Possible Apps
RL03000872	LA FACTORIA, LLC	124 COLLINS AV	RENEWEDL	90	Possible Apps
RL03001060	d/b/a PURE LOUNGE/ JOIA RESTA	150 OCEAN DR	RENEWED	60	Possible Apps
RL96226730	BIG PINK	157 COLLINS AV	RENEWEDL	225	Possible Apps
RL01000072	MIAMI BEACH MARRIOTT @ SOUTH	161 OCEAN DR	RENEWEDL	160	Possible Apps
RL84001376	JOE'S STONE CRABS INC	227 BISCAYNE ST	RENEWEDL	512	Possible Apps
RL98000595	ODYSSEY	235 WASHINGTON AV	RENEWEDL	60	Possible Apps
RL99000874	GREEN COMET D/B/A THE WAVE	350 OCEAN DR	RENEWEDL	32	Possible Apps
RL04002103	M.G. GRANDE CORP	400 ALTON RD	APP-PEND	48	Possible Apps
RL95209553	CHINA GRILL SOBE INC.	404 WASHINGTON AV	RENEWEDL	486	Possible Apps
RL03001265	LA LOCANDA	413 WASHINGTON AV	RENEWEDL	30	Possible Apps
RL02002023	ARDEN SAVOY PARTNERS, LLC	425 OCEAN DR	RENEWED	200	Possible Apps
RL98000733	C6-431 PARTNERS, INC. DBA TUSC	433 WASHINGTON AV	RENEWEDL	123	Possible Apps
RL02001158	OCEAN FIVE BISTRO, LLC	444 OCEAN DR	RENEWEDL	70	Possible Apps
RL03001421	FLUTE CHAMPAGNE LOUNGE	500 SOUTH POINTE	RENEWED	60	Possible Apps
RL02001369	d/b/a OASIS	840 1ST ST	RENEWED	60	Possible Apps

LAND USE SURVEY

Industrial District

Prepared March 25 2004, by the City of Miami Beach Planning Department



**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

An Ordinance of the Mayor and City Commission of the City Of Miami Beach, Florida, amending the Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations", Division 5, CD-2 Commercial, Medium Intensity District, Section 142-302, "Main Permitted Uses"; Division 11, I-1 Light Industrial District, Section 142-485, "Prohibited Uses"; and Division 18, "PS Performance Standard District," Section 142-693 "Permitted Uses", by eliminating the exception for dance halls and entertainment establishments that also operate as alcoholic beverage establishments and restaurants with full kitchens as permitted uses in certain areas of the CD-2 Commercial, Medium Intensity District, the I-1 Light Industrial District, and the PS Performance Standard District.

Issue:

Currently the Land Development Regulations of the Miami Beach City Code prohibit "stand-alone" nightclubs in a few selected areas of the City where other commercial establishments would normally be permitted. This regulation had been in place for several years, in the case of the Redevelopment Area south of Fifth Street and the I-1 Light Industrial district in the Sunset Harbour and the CD-2 overlay area that surrounds this district. The Land Development Regulations also contain an exception to this prohibition for establishments that are licensed as restaurants with a full kitchen serving full meals.

Under current regulations the existing establishments with restaurant and entertainment/dancing licenses would be allowed to continue in operation, or be "grandfathered-in" according to the nonconforming provisions of the City Code. The proposed ordinance limits new applications for dance hall and/or entertainment licenses from being approved in the specified areas. The Administration believes that at the very least, the proposed ordinance must be acted upon in order to limit the impact of the restaurant exclusion, as the potential for all existing restaurants to add the entertainment component to the license is great.

Item Summary/Recommendation:

The proposed ordinance will eliminate the exception in those districts that do not permit dance halls. Existing establishments that currently have restaurants licenses with the dance/entertainment component will become legal nonconforming uses and may continue to operate in such fashion.

The Administration recommends that the City Commission adopt the ordinance.

Advisory Board Recommendation:

At the February 24, 2004 meeting of the Planning Board, a motion was made and seconded recommending that the City Commission approve the proposed ordinance. The vote was 5-0 (two members absent)

Financial Information:

Source of Funds:	Amount	Account	Approved
<input type="checkbox"/> Finance Dept.	1		
	2		
	3		
	4		
	Total		

City Clerk's Office Legislative Tracking:

Mercy Lamazares / Jorge G. Gomez

Sign-Offs:

Department Director	Assistant City Manager	City Manager

T:\AGENDA\2004\May0504\Regular\1651 - eliminating dance halls in certain districts 5-5 sum.doc

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: May 5, 2004

From: Jorge M. Gonzalez
City Manager

A handwritten signature of Jorge M. Gonzalez in black ink.

Second Reading Public Hearing

Subject: Eliminating dance halls & entertainment establishments in certain districts

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS", DIVISION 5, CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT, SECTION 142-302, "MAIN PERMITTED USES"; DIVISION 11, I-1 LIGHT INDUSTRIAL DISTRICT, SECTION 142-485, "PROHIBITED USES"; AND DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," SECTION 142-693 "PERMITTED USES", BY ELIMINATING DANCE HALLS AND ENTERTAINMENT ESTABLISHMENTS ALSO OPERATING AS ALCOHOLIC BEVERAGE ESTABLISHMENTS AND RESTAURANTS WITH FULL KITCHENS AND SERVING FULL MEALS AS PERMITTED USES IN CERTAIN AREAS OF THE CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT, THE I-1 LIGHT INDUSTRIAL DISTRICT, AND THE PS PERFORMANCE STANDARD DISTRICT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the Commission adopt the ordinance.

BACKGROUND AND ANALYSIS

Currently the Land Development Regulations of the Miami Beach City Code prohibit "stand-alone" nightclubs in a few selected areas of the City where other commercial establishments would normally be permitted. In the case of the Redevelopment Area(RDA) south of Fifth Street, this regulation was adopted in 1994, when "nightclubs" were added to the list of prohibited uses in CPS districts. This regulation was enacted to protect the adjacent residential neighborhoods from the negative impacts such as unwanted noise, excessive traffic, difficulty finding parking, and issues associated with security, that could normally be associated with nightclub uses.

However, the Land Development Regulations contain an exception to this prohibition for establishments which are licensed as restaurants, which also contain nightclub

(dance hall and/or entertainment) uses. These establishments are permitted south of Fifth Street, as long as they also have a restaurant license and have a full kitchen serving full meals.

In the recent past, citizens who live in the areas in which stand-alone nightclubs are prohibited have complained that establishments which have restaurant licenses but also change into nightclub type operations later in the evening have just as much of a negative impact on the lives of nearby residents as do the stand-alone type of clubs. Responding to such concerns, the Planning Board, at its meeting of October 28, 2003, requested an amendment to the Land Development Regulations, addressing nightclubs which operate within restaurants in areas where stand-alone nightclubs would not otherwise be permitted.

Under current regulations the existing establishments that have restaurant and entertainment/dancing licenses would be allowed to continue operating as previously permitted under the City Code, subject to the provisions of Chapter 118, Article III, "Amendment Procedures," concerning non-conforming uses, and other applicable law. These non-conforming establishments include the likes of Monty's and Penrod's, as well as Opium. The proposed ordinance would only limit new applications for dance hall and/or entertainment licenses from being approved in the specified areas.

The attached map and list show that there are 34 restaurants and bars in the South Pointe area, south of 5th Street, of which 7 currently have the dance/entertainment module included, resulting in 27 establishments that potentially could obtain the dance/entertainment component added to their license should this proposed ordinance not be approved. The Sunset Harbor area (CD-2 and I-1 districts), is also affected by the proposed ordinance, although not to the same degree as the area south of 5th Street. As can be seen in the attached map of this area, there are 4 licensed establishments, of which 2 have the dance/entertainment module.

The Administration believes that at the very least, the proposed ordinance must be acted upon in order to limit the impact of the restaurant exclusion, as the potential for all existing restaurants to add the entertainment component to the license is great as explained in the paragraph above. Indeed, as of the writing of this report, three license applications to add entertainment modules to existing alcoholic beverage establishments have been received and turned down because of this proposed ordinance has created a zoning-in-progress.

The City Commission stated that the grandfathered status of existing establishments is a concern, and that there may be other means by which the impact could be diminished, such as limiting the hours of operation, amortizing uses, etc. To this end, these issues have been referred to the Planning Board for its consideration and recommendation.

PLANNING BOARD ACTION

At the February 24, 2004 meeting of the Planning Board, a motion was made and seconded recommending that the City Commission approve the proposed ordinance.

CITY COMMISSION ACTION

At the April 14, 2004 meeting, the Commission adopted the proposed ordinance on first reading public hearing. At that meeting the Commission also referred 4 items to the Planning Board for review and recommendation; these are:

- Hours of operation for restaurants, bars and clubs.
- Creating a cabaret district.
- Definition of "accessory use" as opposed to "main permitted use."
- Look at the businesses that would become legal non-conforming after the adoption of the proposed ordinance, and how they would be affected by the change of hours.

Commissioner Steinberg asked that the ordinance be reviewed so that legitimate businesses could operate with some form of entertainment, but at the same time making sure that the illegitimate ones causing the problems are stopped.

The Administration will analyze these issues and bring appropriate recommendation to the Planning Board for their consideration.

The Administration and the Legal Department discussed options for different modifications to the ordinance between first and second reading. The conclusion was that the entertainment provided in existing restaurants that have the proper license can continue, and that the current proposal will control future venues in these areas. The issue of entertainment is one that must be reviewed under a separate amendment with perhaps a more clear definition of the term "entertainment."

As a note of information, the term "entertainment" is currently defined in Section 142-1361 of the Code as follows:

Entertainment means any live show or live performance or music amplified or nonamplified. Exceptions: Indoor movie theater; big screen television **and/or background music, amplified or nonamplified, played at a volume that does not interfere with normal conversation. (Emphasis added)**

FISCAL IMPACT

As proposed, the ordinance will allow those businesses with a Dance License module to continue to operate as legal-non-conforming uses. Therefore one can argue that there should be minimal, if any, adverse fiscal impact to the current condition. However, closing the loophole will prevent further proliferation of establishments with

Dance Licenses, and this could affect future growth of resort tax collection in said areas. It can also be expected that if establishments such as these were to proliferate, there would be a corresponding increase in the levels of service the City would be required to provide which, of course, would mean increased expenditures by the City.

Of greater fiscal concern are the impacts which could arise from the decisions reached in considering the items referred to the Planning Board.

CONCLUSION

Pursuant to Section 118-164(2), in all cases in which the proposed amendment changes the actual list of permitted, conditional or prohibited uses within a zoning category, two advertised public hearings on the proposed ordinance are required, with at least one hearing held after 5:00 p.m. on a weekday.

The second public hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing. Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

JMG/CMC/JGG/ML

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, May 5, 2004**, to consider the following:

at 10:15 a.m.:

An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For Those Classifications Represented By The Fraternal Order Of Police (FOP) In Accordance With The Negotiated Agreement A 3% Increase For All FOP Bargaining Unit Employees And An Increase Of 3% To The Minimum And Maximum Of The Salary Ranges Effective The Payroll Period Ending October 5, 2003, And Effective The Payroll Period Ending October 3, 2004; And A 3.5% Increase For All FOP Bargaining Unit Employees And An Increase Of 3.5% To The Minimum And Maximum Of The Salary Ranges Effective The Payroll Period Ending October 9, 2005; Repealing All Ordinances In Conflict; Providing For Severability; And Providing For An Effective Date, And Codification.

at 10:20 a.m.:

An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For Those Classifications Represented By The International Association Of Firefighters (IAFF) In Accordance With The Negotiated Agreement A 3% Increase For All IAFF Bargaining Unit Employees And An Increase Of 3% To The Minimum And Maximum Of The Salary Ranges Effective The Payroll Period Ending October 5, 2003, And Effective The Payroll Period Ending October 3, 2004; And A 3.5% Increase For All IAFF Bargaining Unit Employees And An Increase Of 3.5% To The Minimum And Maximum Of The Salary Ranges Effective The Payroll Period Ending October 9, 2005; Repealing All Ordinances In Conflict; Providing For Severability; And Providing For An Effective Date, And Codification.

at 10:25 a.m.:

An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance; Providing For A 3% Increase For All Unclassified Employees And A 3% Increase To The Minimum And The Maximum Of The Salary Ranges Effective May 3, 2004, And Effective The First Payroll Period Beginning On Or After May 1, 2005; A 3.5% Increase For All Unclassified Employees And A 3.5% Increase To The Minimum And The Maximum Of The Salary Ranges Effective The First Payroll Period Beginning On Or After May 1, 2006; And Providing For A Repealer, Severability, Effective Date, And Codification.

at 10:30 a.m.:

An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance, For Classifications In Group VI, Being All Other Classifications In The Classified Service Not Covered By A Bargaining Unit; Providing For A 3% Increase For All Employees In Group VI, "Others," And A 3% Increase To The Minimum And The Maximum Of The Salary Ranges Effective May 3, 2004, And Effective The First Payroll Period Beginning On Or After May 1, 2005; A 3.5% Increase For All Employees In Group VI, "Others," And A 3.5% Increase To The Minimum And The Maximum Of The Salary Ranges Effective The First Payroll Period Beginning On Or After May 1, 2006; And Providing For A Repealer, Severability, Effective Date, And Codification.

Inquiries may be directed to the Human Resources at (305)673-7524.

at 5:15 p.m.:

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, CD-2 Commercial, Medium Intensity District, Section 142-302, "Main Permitted Uses" Division 11, I-1 Light Industrial District, Section 142-485, "Prohibited Uses" And Division 18, "PS Performance Standard District," Section 142-693 "Permitted Uses," By Eliminating Dance Halls And Entertainment Establishments Also Operating As Alcoholic Beverage Establishments And Restaurants With Full Kitchens And Serving Full Meals As Permitted Uses In Certain Areas Of The CD-2 Commercial, Medium Intensity District, The I-1 Light Industrial District, And The PS Performance Standard District; Providing For Repealer, Severability, Codification And An Effective Date.

Inquiries may be directed to the Planning Department at (305)673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of this ordinance are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice), 305-673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

IN RE: CITY OF MIAMI BEACH COMMISSION MEETING

ITEM NO.: ITEM R5E PUBLIC HEARING

CITY OF MIAMI BEACH
COMMISSION MEETING

MAY 5, 2004

ITEM R5E PUBLIC HEARING

ELIMINATE DANCE HALLS/ENTERTAINMENT
ESTABLISHMENTS IN CERTAIN DISTRICTS

1 COMMISSION MEMBERS:

- 2 DAVID DERMER, MAYOR
- 3 SAUL GROSS, VICE MAYOR
- 4 SIMON CRUZ, COMMISSIONER
- 5 MATTI HERRERA BOWER, COMMISSIONER
- 6 LUIS R. GARCIA, JR., COMMISSIONER
- 7 JOSE SMITH, COMMISSIONER
- 8 RICHARD STEINBERG, COMMISSIONER

9

ALSO PRESENT:

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- 11 JORGE GONZALEZ, CITY MANAGER
- 12 MURRAY DUBBIN, CITY ATTORNEY
- 13 ROBERT E. PARCHER, CITY CLERK
- 14 JORGE GOMEZ, PLANNING DEPARTMENT

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1 (Thereupon:)

2 VICE MAYOR GROSS: Okay. Now we're
3 going to go to the 5:15 time certain, which
4 is the dance hall/entertainment
5 establishments in the South Pointe and in
6 the Sunset Harbor districts.

7 Mr. Manager, if you could introduce
8 the item to us, please.

9 THE CLERK: Yes.

10 VICE MAYOR GROSS: You want to read
11 the title.

12 THE CLERK: Yes, sir.

13 VICE MAYOR GROSS: Okay.

14 THE CLERK: An ordinance the Mayor
15 and the City Commission of the City of
16 Miami Beach, Florida (Inaudible) City of
17 Miami Beach, by amending Chapter 142,
18 zoning district and regulations, Article 2,
19 district regulations, Division 5 CD-2
20 commercial medium intensity districts;
21 Section 142-302, main permitted uses,
22 Division 11; I-1 like industrial divisions;
23 Section 142- 485, prohibited uses; and
24 Division 17, PS performance standard
25 district; Section 142-693, permitted uses.

1 By eliminating dance hall and
2 entertainment establishments also operating
3 as alcoholic beverage establishments and
4 restaurants with full kitchens and serving
5 full meals as permitted uses in certain
6 areas of the CD-2 commercial medium
7 intensity district, the I-1 light
8 industrial district, and the PS performance
9 standard district providing for appeal or
10 severability, codification, and an
11 effective date.

12 VICE MAYOR GROSS: Okay. Thank you,
13 Bob. Mr. Manager, maybe you can tell us in
14 plain English what we're doing today.

15 MR. GONZALEZ: I'll try it in
16 English, and then I'll ask Jorge Gomez to
17 fill in the details, but as you know, this
18 is second reading on an ordinance that came
19 before you at your last meeting, Mr. Vice
20 mayor, which contrary to a lot of perhaps
21 information that's been disseminated has
22 nothing to do with hours of operation,
23 it simply closes a loophole that exists in
24 our code.

25 Right now in the area south of 5th

1 Street in the South Pointe district and in
2 the areas identified near Sunset Harbor and
3 the industrial NPS and so forth districts,
4 there's an absolute prohibition to
5 nightclubs.

6 However, in our code it also allows
7 for restaurants having a full kitchen
8 operating as a restaurant that they may be
9 able to pull a dance hall module of our
10 license which allows them to have
11 entertainment and dancing in those
12 establishments that are operating as
13 restaurants.

14 What has happened is that there are
15 a number of restaurants that have opened in
16 these areas or have existed in these areas
17 that operate as restaurants but have the
18 dance hall license opportunity, and at some
19 point during the evening, they -- they
20 either morph into a dance establishment or
21 just the nature of what their business
22 model calls for, have the impacts that are
23 similar to a dance hall.

24 And so what the planning staff has
25 developed and gone through the planning

1 board and recommended is that at least in
2 those areas where the commission in the
3 past has indicated that there's a desire
4 not to have those types of neighborhood
5 impact establishments, those dance halls,
6 that that loophole be closed. So the
7 ordinance before you is specific to those
8 two areas.

9 Secondly, the ordinance as proposed
10 deals with the issue in a prospective
11 manner. That is, it does not call for any
12 closure of current operations, any properly
13 licensed establishment that is currently in
14 business would convert into a legal
15 nonconforming use in those areas, and this
16 ordinance would not affect their operation
17 as is currently the case.

18 Finally, as it relates to the hours
19 and cabaret districts and all of those
20 other conversations that have been held, at
21 your last commission meeting you'll recall
22 that when that item came up, those matters
23 were referred to the planning board for
24 consideration and discussion. They have
25 not taken that matter up yet. They will at

1 a subsequent agenda and bring you
2 recommendations accordingly.

3 So if you accept the ordinance that
4 is before you today, the -- the basic
5 impact of what you would be accomplishing
6 is essentially eliminating or preventing
7 the proliferation of establishments to come
8 into these areas, operate as a restaurant,
9 and pull a dance hall license which would
10 then allow them to have certain types of
11 activities that would appear more as a
12 dance establishment or at least a
13 neighborhood impact establishment than is
14 currently the case.

15 So that's -- that's what's before
16 you today. I'll ask Jorge to fill in any
17 details according any questions you have.

18 VICE MAYOR GROSS: Just to clarify,
19 Jorge, when is the issue of the hours
20 supposed to be heard and in front of what
21 body is that supposed to be heard?

22 MR. GONZALEZ: Do you have the date?

23 MR. GOMEZ: Yeah, there were several
24 issues that you asked the planning board to
25 explore. One of them was to explore the

1 issues of operation in these areas. The
2 definition of "entertainment" was a
3 question, how do you deal with some of the
4 legal nonconforming issues. All of that
5 will probably be addressed at a discussion
6 item level, not at an ordinance public
7 hearing level by the planning board at
8 their June meeting at the end of the fourth
9 Tuesday in June.

10 VICE MAYOR GROSS: Okay. I don't
11 know that everybody can hear. What he said
12 is that the item that's before us today is
13 not on the hours that the clubs are
14 operating. That's going to be a long
15 discussion that's going to start at the
16 planning board level in June in the fourth
17 Tuesday of the month.

18 What's before us today is not the
19 hours, it's the issue of whether more night
20 clubs should be allowed to open in the
21 South Pointe neighborhood and in the Sunset
22 Harbor neighborhood.

23 This legislation today would not
24 effect any existing businesses that were
25 operating legally, it is really directed at

1 future businesses that would not be allowed
2 to open, and it does that by closing a
3 loophole that was allowing certain
4 nightclubs to pretend to be restaurants but
5 really operating as nightclubs.

6 But nightclubs, just so everyone
7 understands here, we're not a permitted use
8 in Sunset Harbor or in South Pointe
9 regardless of what we were doing today. It
10 was a special exception that if they were a
11 full service restaurant, they could also
12 have a nightclub, and what happened is
13 those -- that was being exploited by some
14 operations that really were not
15 restaurants, they were really clubs, and
16 they were not a permitted use.

17 The issue of the hours is really not
18 what this ordinance deals with today, so
19 I know a lot of you came and we appreciate
20 your coming, and I think I speak for every
21 member of the commission in saying that
22 this commission takes the nightlife very
23 seriously, we recognize that it's an
24 integral part of our community. We look
25 forward to creating a thriving atmosphere

1 for the nightlife industry.

2 We also -- and I'm sure all -- most
3 of you here are probably residents, and
4 I know that all of you want the residents
5 in South Pointe to enjoy their quality of
6 life while at the same time giving the
7 deference to the nightclub industry.

8 So we're here, really, to balance
9 these interests, but we're not here to
10 discuss the hours, which I know is what a
11 lot of people came, because there were a
12 lot of emails going around saying that what
13 was on the commission's agenda today was to
14 roll back hours, not just in South Pointe
15 or Sunset Harbor, which is not on the
16 agenda, but citywide, and that's not been
17 suggested by anybody that I know. So
18 I just wanted to clarify the record as far
19 as that goes.

20 COMMISSIONER GARCIA: You know what.

21 COMMISSIONER BOWER: Mayor.

22 UNIDENTIFIED SPEAKER: (Inaudible.)

23 VICE MAYOR GROSS: Okay. It wasn't
24 suggested at this commission meeting by the
25 mayor or by any -- or by any of the

1 commissioners at the last meeting at which
2 it was discussed.

3 UNIDENTIFIED SPEAKER: The first
4 reading --

5 COMMISSIONER GARCIA: Excuse me, can
6 I have the floor?

7 VICE MAYOR GROSS: Yeah, David,
8 everybody will get their chance.

9 Commissioner Garcia.

10 COMMISSIONER GARCIA: This is
11 specifically what I was addressing when
12 Mr. Diaz was here, the level of anxiety
13 that there is in the community and the lack
14 of understanding that there is.

15 You know, we're doing things
16 little-by-little which people are -- are
17 looking at us the first domino falling down
18 and the curtain will be over. With all due
19 respect to the mayor that is not here right
20 now (Inaudible), which should be running on
21 the city television or the last eight
22 weeks, he pretty much said that he was in
23 favor of rolling back the hours to two
24 o'clock. Okay? And you can (Inaudible.)

25 Now, what I would propose, what

1 I would propose is the same thing, and
2 I will make the motion if you guys want --
3 if you guys want to second it and look into
4 it, we'll do it. I would love to continue
5 this. I won't kill it. I would love to
6 continue it up until the time that we can
7 get together with the planning board and
8 set a cabaret district, set hours citywide.

9 When Mr. Diaz came here as the
10 chairman of the planning board, in his list
11 of priorities, the entertainment was way
12 down, it was right behind concurrency, and
13 to me, that's a great disservice. You know
14 why, that should be even ahead of the
15 single family issue. That should be the
16 issue of today right now.

17 What I would propose -- what I would
18 propose, and I'm sorry all the people are
19 here, would be to open and continue, let's
20 get together, let's have a joint session
21 with the county boys if it's legal, and
22 let's have citywide, citywide input,
23 because you know what, yes, we have had the
24 residents, we have the industry, but you
25 know what, folks, you go out there and you

1 listen to a lot of people, a lot of people
2 that don't live in the area, that are not
3 part of the industry that have the same
4 concerns.

5 So I would make that motion to open
6 and continue up to the time that it could
7 be holistically discussed with the planning
8 board. If there's a second, I would love
9 it. If not, I will continue to discuss it.

10 VICE MAYOR GROSS: Okay. Is there a
11 second to that motion?

12 All right. If not, Commissioner
13 Bower.

14 COMMISSIONER BOWER: I also want to
15 say, you know, that there is a large stress
16 in the community that have been suffering
17 for this issue for over two and a half
18 years, if not longer, and that it is time,
19 and even though, you know, it is time that
20 we address.

21 This is a simple issue that has been
22 blown out of proportion that has no reason
23 to have all the people that we have here,
24 because what we're doing, and you explained
25 it very clearly, is just closing a

1 loophole.

2 Are we going to address the rollback
3 to 2 a.m., the 5 a.m., the whatever a.m.
4 you want to do? Not today, not any time
5 soon, and if many of you were here when the
6 discussion happened, that that will air and
7 will have all the input from everybody that
8 is concerned at the planning board,
9 including the residents and including the
10 fact that they have been battling this
11 issue for a long time.

12 So I couldn't second that motion
13 only because of that, and I move to open
14 the public hearing.

15 VICE MAYOR GROSS: Okay. Let's take
16 some public comments.

17 COMMISSIONER GARCIA: Can I answer?
18 I would like to answer Commission Bower.

19 VICE MAYOR GROSS: Okay. Quickly,
20 because we have a lot of people.

21 COMMISSIONER GARCIA: Thanks God
22 we live in a free country, but there's no
23 censure here, okay, because this reminds
24 me, this reminds me of World War II.

25 The -- the policy of our peace men, you

1 know, we are pissing this group right now
2 and then we're pissing the next group and
3 the next group, and before you know you're
4 going to bring a (Inaudible) all throughout
5 the city. You know what, (Inaudible) go
6 out and wait until -- until -- until the
7 people from 1500 Ocean Drive come over or
8 the people from (Inaudible) come over.

9 Let's do it -- let's look at
10 it right now. Let's get the industry,
11 let's get the residents, let's get the
12 powers that be and let's work -- let's work
13 on it holistically, and there won't be
14 anxiety, there won't be winners, there
15 won't be losers.

16 VICE MAYOR GROSS: All right.
17 Commissioner Garcia, I will say this, the
18 reason that the two neighbors were singled
19 out that we're addressing is that those two
20 are primarily residential neighborhoods
21 that have -- folks.

22 COMMISSIONER GARCIA: Commissioner,
23 commissioner, commissioner.

24 VICE MAYOR GROSS: Excuse me, I have
25 the floor. Those are primarily residential

1 neighborhoods that have nightlife industry
2 inserted directly mixed in with the
3 commercial. So we tried --

4 COMMISSIONER BOWER: And not only
5 that --

6 VICE MAYOR GROSS: There was a prior
7 attempt to look at it on a broader level
8 last year at the planning board, and
9 it wasn't successful. And the reason that
10 it was brought back is that the holistic
11 approach didn't work, it didn't go
12 anywhere, and so they said -- we said let's
13 look at it in the two neighborhoods that
14 we're having the biggest problem.

15 Let's make sure we don't have
16 anymore proliferation in those two
17 neighborhoods to at least stop the problem
18 from getting worse, and then let's figure
19 out how to address the problem that we do
20 have, and that's what's going to go to the
21 planning board.

22 COMMISSIONER GARCIA: Well, I --

23 VICE MAYOR GROSS: Commissioner
24 Cruz.

25 COMMISSIONER CRUZ: I understand

1 what we're doing here today, and it's no
2 secret we're trying to close the loophole,
3 but obviously we don't get that many group
4 showing up unless something is of major
5 consequence, because we hardly get this
6 type of audience.

7 Now, the reality that they're here
8 is because the mayor did stipulate and
9 he brought the hours into question. That
10 muddied the waters. Consequently, we have
11 created a hysteria within the business
12 community, and unfortunately, although
13 we're going to try to stay on a narrow and
14 focused agenda, we do have to recognize
15 that the concern is about the rolling back
16 of the hours, and personally, and I have
17 met with the residents from the areas and
18 I am in full support of this particular
19 ordinance which does close a loophole, but
20 I need to state in the here and now that
21 the roll back is a very significant issue.
22 It goes to the heart of what South Beach,
23 Miami Beach, has become in the
24 international community.

25 And although, as many of you will

1 remember, I was not the darling of this
2 industry in the past election, I sit up
3 here to look after the best interest of
4 this community in general, and this
5 community is being defined at this
6 particular place and time by its nightlife,
7 and we cannot take that.

8 Look, this is not -- this is not
9 about applause or whatnot, it's a real
10 serious issue, because the tension that
11 exists between the business community and
12 the residential community is a real one,
13 and it's been existing for a very long
14 time.

15 We have to give it its due. That
16 this particular ordinance that we're going
17 to face is required, because we do not need
18 proliferation, because we as a city made a
19 mistake by allowing industries to go into
20 places that they should not have?

21 Absolutely, and we must address
22 that, but we are not going to and nor has
23 it been our intention here to look at this
24 in less than a serious note and address the
25 issue.

1 Do we have to look at a cabaret
2 district? Absolutely. That we also need
3 to see the impact of the cost from an
4 economic perspective of services that the
5 five o'clock causes? Absolutely, but
6 we also have to look at what it brings into
7 the city and more importantly the
8 intangible as a marketing tool as to who
9 we have become.

10 But again, we're not dealing with
11 the hours, and I state it, and I have
12 addressed it now so that you see we're not
13 going to be looking at it lightly. It's a
14 very important factor as to who we are,
15 because we are, yes, Art Deco, and we are
16 the beaches. And let's remember, the beach
17 is our number one natural resource, and
18 that's the reason why most of us came down
19 here, but we have evolved.

20 So we're not taking this situation
21 for granted and we're not taking
22 it lightly, but for today, today we're
23 looking at a very specific and narrow
24 agenda that is going to address the
25 proliferation of nightclubs, which

1 I personally don't think that should
2 continue because of the problems it has
3 created.

4 But we also have to deal with the
5 reality we have here now, and we won't be
6 addressing the hours, nor I personally, and
7 I don't speak for anyone else, I will not
8 be taking lightly what it means to us to be
9 a community that's seen as an entertainment
10 hub.

11 So please understand this is today
12 one issue. The other will be coming forth,
13 and we're not -- it's not a foregone
14 conclusion. It may be the mayor may have
15 his vision, that's fine. We all up here
16 have a difference of opinion, and we will
17 address it. So don't think that your
18 concerns are not being heard, but they will
19 be heard in a very methodical and
20 analytical fashion.

21 VICE MAYOR GROSS: Okay. Final
22 comment.

23 COMMISSIONER SMITH: Can I just note
24 one final comment?

25 VICE MAYOR GROSS:

1 Commissioner Smith, sure.

2 COMMISSIONER SMITH: You know,
3 Commissioner Garcia mentioned the falling
4 dominos theory, and I just want to make
5 sure that everybody understands that which
6 ever way the commission votes on this
7 issue, and it seems to have support here on
8 the commission, whichever way we go on the
9 nightclub south of 5th Street and in Sunset
10 Harbor should in no way reflect anybody's
11 opinion as to whether or not we favor or do
12 not favor the hours rollback.

13 That's a matter for another day
14 which will be debated, and that issue will
15 stand or fall on its own merits. So
16 whatever we do here will not indicate that
17 the dominos are falling. It's not -- far
18 from it.

19 COMMISSIONER GARCIA: That's not
20 quite true, commissioner. You know,
21 let's -- let's talk about it. No, it's --
22 it started with the historic preservation
23 district. You know, you have a district in
24 South Beach (Inaudible) support. Then all
25 of a sudden you -- you have a history of

1 the historic preservation district in
2 Mid-Beach. Now you're getting one on North
3 Beach that doesn't belong there. So it's
4 (Inaudible.)

5 VICE MAYOR GROSS: Okay. Let's --
6 let's keep on point.

7 COMMISSIONER GARCIA: And that's
8 what the people are afraid of. The people
9 are afraid that (Inaudible.)

10 VICE MAYOR GROSS: Commissioner
11 Bower.

12 COMMISSIONER BOWER: Thank you.

13 COMMISSIONER GARCIA: (Inaudible.)

14 COMMISSIONER BOWER: What I am going
15 to talk about is this: I think
16 Commissioner Smith said something that is
17 very key here, because, you know, everybody
18 perceives everything as their world, and in
19 my perception, even though I speak and I
20 say things, maybe people take it in a
21 different manner than I am thinking about
22 it.

23 I have never thought of rolling back
24 the hours, and when people tell me about
25 rolling back the hours, I'm always at odds,

1 why are they discussing this issue. And
2 I think now listening to everybody what is
3 most disturbing to the residents in the
4 area, it's not the nightclubs that are in
5 doors that stay open until five clock at
6 night, in the morning, those nightclubs
7 nobody complains.

8 When we discuss the hours and maybe
9 when that theme comes up, it comes up with
10 open air nightclubs and venues, those are
11 the only ones that residents have
12 complained about. When the residents are
13 not able to, in their homes, just like you
14 have a right to work and have a nightclub,
15 they have a right to be at their house and
16 be able to sleep at night.

17 So I don't -- you know, I am not in
18 favor of rolling back hours, and nobody has
19 ever -- I mean, they put that word into my
20 mouth, and it's not true.

21 I think Miami Beach is a wonderful
22 place to live. I think that we have grown
23 because we're tolerant, because we can live
24 and decide issues discussing it and talking
25 to each other, and I think that that's

1 what's going to happen with these issue.
2 We need to be good neighbors to each other.

3 The residents need to understand the
4 livelihood of the people that work in the
5 nightlife, and the nightlife needs to
6 understand that, yes, when you came here
7 there might have not been residents in that
8 area, but in that area now there's over
9 2,000 or 3,000 people that live there that
10 have newly arrived.

11 So you know what, I'm a
12 preservationist, and I would like to see
13 nothing touched in the architectural
14 district that we have, but as they always
15 tell me, you've got to go with the time,
16 you've got to change the things, and you
17 have to adjust. So that's what we're doing
18 now.

19 VICE MAYOR GROSS: Okay. Thank you,
20 Commissioner Bower. We're going to take
21 public comment now. If I can ask folks to
22 make their remarks in two minutes. I'm
23 sure we have a lot of people that would
24 like to speak.

25 MS. BLECKER: Commissioner Gross?

1 VICE MAYOR GROSS: Yes.

2 MS. BLECKER: I ask for a point of
3 privilege. There are a number of
4 approximately ten citizens from Sunset
5 Harbor here, none of whom could find a
6 seat, and we would like -- have not spoken
7 before, we have under two minutes for
8 everybody and to the point. If you can
9 take us first and we can get on our bus and
10 go home, and --

11 VICE MAYOR GROSS: Okay. Shh.

12 MS. BLECKER: And there will be no
13 sense in talking if we have this all over
14 the room.

15 VICE MAYOR GROSS: Right. I think
16 the best way for us to do it, you're at the
17 mic, you're welcome to speak first. I'd
18 like to go across the room is the fairest
19 way to do it, because I don't want to start
20 picking out specific people or groups that
21 are going to speak in a sequence. Okay?

22 COMMISSIONER BOWER: Do we have a
23 sign-in sheet?

24 MS. BLECKER: No.

25 COMMISSIONER BOWER: Could we have a

1 sign-in sheet.

2 VICE MAYOR GROSS: Well, Matti,
3 let's -- let's do it -- we'll go across the
4 room. I think -- yeah.

5 UNIDENTIFIED SPEAKER: (Inaudible.)

6 UNIDENTIFIED SPEAKER: (Inaudible.)

7 VICE MAYOR GROSS: All right. Let's
8 get started, please. Make your remarks.

9 MS. BLECKER: My name is Judith
10 Cohen Blecker, I live at 1900 Sunset Harbor
11 Drive. I have lived in Miami Beach since
12 1932, before many of you were born, and
13 I've lived in various areas that are now
14 known as South Beach. I've lived in Sunset
15 Harbor since 1997, and I have no intention
16 to moving to Aventura or Kendall.

17 In my neighborhood nightclubs bring
18 traffic, noise, crowds all night long.
19 Club goers have no respect for our
20 community. There's a children's playground
21 in Island View Park, and on any given
22 morning the playground is littered with
23 broken beer bottles, drug paraphernalia,
24 and human excrement from the night before.

25 Please, I urge you to vote yes, stop

1 more nightclubs from moving into our
2 neighborhood.

3 VICE MAYOR GROSS: Okay. Thank you.

4 MS. HOLFORT: Randy Holfort, 1390
5 Ocean Drive, president. I am very --

6 VICE MAYOR GROSS: Folks, please.

7 MS. HOLFORT: I'm very -- I'm very
8 dismayed about all of this happening, that
9 we've got divided. This has been so
10 divisive, I've heard -- and I'm a resident,
11 and I heard the Mayor Dermer when he said
12 this. His was based on the amount of
13 policing we had. I was looking at the
14 television before I came here, and I see
15 the vision that should be happening, i.e.,
16 the interloping.

17 What is needed is that we work
18 together, Davie, whoever brings in
19 cleaning, clean up this, we need more
20 police, because the FBI and the CIA are
21 working together for Homeland Security.
22 We need to all start to work together. The
23 police force -- if we have -- we -- when
24 you ask what does it take to have it to
25 five o'clock, the police officers say you

1 have to double it. I said okay, if I'm
2 Disney, we got to double it, we need this
3 amount of number, let's use some creative
4 thinking here.

5 We probably need to make the police
6 force maybe one third more, but in the
7 meantime, use the interloping until you
8 could get up to snuff, because if you had
9 to double it, it would take four or five
10 years of which we do not have.

11 Another one is our legal department.
12 We're continuing to write laws and pray
13 that everybody goes along, well -- and
14 if they don't go along, we're afraid that
15 we might get sued. If I were the city
16 attorney and I -- and Opium sued me because
17 of some sort of whatever, with all of the
18 evident we have, if I lost to Opium,
19 I would be the worst lawyer in the world.
20 Okay?

21 We need to start to look at -- you
22 know, we live in a country, unfortunately,
23 that you can get away from murder with the
24 right attorney. We are not a poor city.

25 Remember that thing about -- I'm

1 going to end this. Remember that thing
2 about you can't sue City Hall? What
3 happened here. Okay?

4 VICE MAYOR GROSS: All right. Thank
5 you, Randy.

6 MS. HOLFORT: You know, we need to
7 enforce -- oh, one more thing. We're doing
8 a disservice to Nikki Beach and those
9 people who are complying, because we're
10 telling them you're stupid, because the
11 other guy is still getting away with it.
12 We need to send just a message how we want
13 it to be.

14 VICE MAYOR GROSS: All right. Thank
15 you. And, folks, if I can ask you also
16 just to make sure you introduce yourself
17 before you speak so we know who you are for
18 the record. Thank you.

19 MS. RUBINSON: For the record, my
20 name is Jamie Rubinson. I'm now a
21 registered lobbyist for 136 Collins Avenue,
22 LC, although, I'm not here strictly on
23 their behalf.

24 You may be aware that there has been
25 a petition circulating, and that petition

1 is very specific, and these people are here
2 today because of Commissioner Garcia's
3 point of view.

4 We understand and we believe that
5 this is a slippery slope, and we believe
6 that the message that you send to any
7 investor, any restaurateur that is going
8 to come to this city and invest money is
9 that once they invest it, they don't have
10 the right to drive their businesses.

11 In doing this, we had the
12 opportunity to meet a number of South
13 Pointe residents who are here to speak, and
14 I can tell you that these 250 signed
15 letters to the commission are -- the
16 majority of which are representing our
17 registered voters, there's over 80 in the
18 South Pointe area, and many people worked
19 very hard, there's only one set, you each
20 will get a hand delivered set tomorrow, but
21 these are real registered voters or they
22 say they are.

23 I've been cautioned -- I've been
24 cautioned that there's physical addresses
25 and date of births, and I'm going to read

1 you very quickly, because --

2 VICE MAYOR GROSS: Are those all
3 witnessed?

4 MS. RUBINSON: Somebody did. Trust
5 me, they're all different, and I have the
6 originals. Make no mistake about it, these
7 people knew what they were talking about,
8 and they were specifically referring to R5E
9 today, then called R5D. And the residents
10 that you will hear from will express their
11 point of view, but what it says is:

12 "I am a hundred percent opposed to
13 the proposed legislative acts to prohibit
14 any new restaurants with an entertainment
15 or dancing component south of 5th Street
16 and in the Sunset Harbor area, and I" --
17 can I finish? It's -- "and the proposed 2
18 a.m. cut off on the sale of alcohol south
19 of 5th Street.

20 The prosperity of the south of 5th
21 Street area and Sunset Harbor area depends
22 on a solid resident base and an abundance
23 of restaurants to service them. Any
24 regulation on restaurants creates a
25 disincentive for new proprietors to make an

1 investment in those areas, diminishes the
2 value of the current investments, and
3 creates a barrier to the long-term success
4 of all restaurants," and it goes on.

5 I just want to be clear that these
6 250 or so -- and there's actually about 750
7 of visitors and tourists that were
8 collected, all of this in four days by five
9 or six people.

10 VICE MAYOR GROSS: Okay. Would you
11 like to submit those to the clerk?

12 MS. RUBINSON: Yes, I will. And
13 very, very, very, very quickly, we really
14 would welcome the opportunity, I have
15 spoken with Frank Del Vecchio, we do not
16 believe it's ever too late, and we would
17 like to form, and I was hoping there was an
18 official way to form it, like the blue
19 ribbon task form, but form a coalition
20 of -- just a proposal, six business owners
21 and six residents, some of whom are in
22 favor and some of whom are against, to work
23 on this issue.

24 VICE MAYOR GROSS: Okay. Thank you
25 very much. Okay. Maria, our newest member

1 of the Our Public Places.

2 MARIA: That's right, that's right,
3 thank you very much. I'm Maria
4 (Inaudible), thank you for having me. I am
5 a resident of Sunset Harbor. I live at
6 1900 Sunset Harbor Drive. The heart of
7 Sunset Harbor neighborhood is a mixture of
8 businesses patronized by locals and nearby
9 residents, many of whom walk to their
10 destination. It is a viable walking
11 neighborhood.

12 We are patrons of the local
13 restaurants, of the Publix, of the local
14 businesses. This area has gentrified and
15 is an asset to Miami Beach. All of the
16 businesses have daytime use and provide
17 services for our community and there are,
18 as you know, some restaurants that are
19 wonderful restaurants such as Joe Allen.
20 We are important, I think, patrons of
21 restaurants such as Joe Allen.

22 Nightclubs, on the other hand,
23 operate until 5 a.m. As you and Matti
24 pointed out, that's not a problem operating
25 until 5 a.m., and there are plenty of

1 examples of businesses that work and
2 operate very well within that.

3 The problem is the noise caused at
4 night when you're trying to sleep at 5 a.m.
5 or 3 a.m., and you can't because of the
6 thumping, thumping, thumping. That is the
7 problem, and the garbage and the noise and
8 the excess traffic.

9 We want to protect and maintain our
10 neighborhood. I urge you to vote yes and
11 stop the proliferation of new nightclubs.

12 VICE MAYOR GROSS: Okay. Thank you.
13 Next speaker.

14 MR. VELAZQUEZ: Hi, my name is
15 Rafael Velazquez. I'm a resident of ocean
16 Point, 344 Ocean Drive. I haven't been
17 here in a while as you -- as you all know,
18 and let me tell you, this issue brought me
19 out here, because it goes to the heart of
20 what Miami Beach is all about. It goes to
21 the heart of what these people on the beach
22 are all about.

23 Look at the chambers, you see them
24 filled as only on very few occasions.
25 I live on the 3rd floor on Ocean Drive in

1 between 3rd and 4th Street. I live with my
2 view to the side, to the west side, and let
3 me tell you, there are nights, Memorial Day
4 Weekend, you know, when people go out,
5 weekends, you know, special events, all the
6 fests and carnivals that we have here.

7 Let me tell you over the years Miami
8 Beach has developed. I hear screams,
9 I hear yells sometimes, I hear bottles
10 being thrown, and you know when I wake up
11 what I think to myself? That's Miami
12 Beach.

13 UNIDENTIFIED SPEAKER: That's right.

14 MR. VELAZQUEZ: And -- and you
15 know -- and -- and you know something,
16 I love it.

17 VICE MAYOR GROSS: You might want
18 to -- you might want to consider quitting
19 while you're ahead after that line.

20 MR. VELAZQUEZ: No, (Inaudible.)

21 COMMISSIONER BOWER: Are you
22 married?

23 MR. VELAZQUEZ: No, I'm not married
24 yet.

25 COMMISSIONER BOWER: Not married

1 yet. Do you have a child? No.

2 MR. VELAZQUEZ: I mean, you know,
3 I hope not.

4 COMMISSIONER BOWER: I wonder how
5 you would feel if you were married and had
6 a child and they couldn't sleep.

7 VICE MAYOR GROSS: Okay.

8 MR. VELAZQUEZ: Let me -- let me
9 tell you something. I love Miami Beach,
10 and I came here and I live here knowing
11 what Miami Beach is all about, and
12 I know -- and I -- and I know that the
13 light -- the nightlife is vital to the
14 industry and to the best interest of the
15 beach.

16 If I ever were in a position where
17 I say to myself, it's unsupportable for me
18 and my family or anybody else not to live
19 here, you know something, I move to
20 Mid-Beach, I move to Brickell.

21 VICE MAYOR GROSS: Okay. Thank you.

22 MR. VELAZQUEZ: Or Key Biscayne, but
23 I love Miami Beach and the way it is.
24 We don't want to cap it like other cities,
25 like Los Angeles, like New York. Leave

1 Miami Beach what Miami Beach is, unique and
2 the best in this country. Thank you very
3 much.

4 VICE MAYOR GROSS: Shh.

5 UNIDENTIFIED SPEAKER: How do you
6 follow that?

7 VICE MAYOR GROSS: Okay. You might
8 want to consider getting involved in
9 politics there.

10 UNIDENTIFIED SPEAKER: That's your
11 job.

12 MR. YONERELLI: I'm William
13 Yonerelli. I'm a resident of the City of
14 Miami Beach, I live at 5601 Alton Road.
15 I serve as president of the South Florida
16 Gay and Lesbian Chamber of Commerce and
17 also as a member of the Gay and Lesbian
18 Tourism Committee for the Greater Miami
19 Convention and Visitors Bureau.

20 I am very opposed to what's going on
21 here. I think the restriction and
22 prohibitions on business here will have a
23 devastating effect on the economy to the
24 City of Miami Beach. Particularly, I think
25 that business will be driven northward to

1 Fort Lauderdale and into the City of Miami,
2 and I don't believe that the investors in
3 the clubs that have put their lives up here
4 should be treated that way. I -- I appeal
5 to the commission to vote no on this.

6 VICE MAYOR GROSS: Okay. Thank you
7 very much.

8 MR. YONERELLI: Thank you for
9 listening.

10 MR. REYNOLDS: Good evening. My
11 name is Clark Reynolds, and I reside at
12 1900 Sunset Harbor Drive. I've been there
13 for seven years. I love the area, and
14 particularly I love walking to the various
15 services I use such as Publix, Lincoln
16 Road, Walgreens, Joe Allen's. I like the
17 mixed use of the area, in the area,
18 it makes it very interesting.

19 I love going to restaurants and
20 nightclubs, and I certainly had many late
21 nights on the beach in past years, but
22 various uses in a dense urban area must be
23 compatible, and there has to be respect
24 between the various parties.

25 Sunset Harbor over the last decade

1 has become a high-intensity residential
2 area, and it is not compatible with
3 additional nightclubs as you have heard
4 from the residents.

5 Please pass this ordinance and look
6 for a way to accommodate the nightclub
7 needs for South Beach in a way that all the
8 community can benefit from and enjoy, and
9 I'm not in favor of rolling back the hours.
10 Thank you.

11 VICE MAYOR GROSS: Okay. Thank you,
12 Clark.

13 MR. BAXTER: Hi, my name is Harry
14 Baxter.

15 VICE MAYOR GROSS: Harry, just speak
16 into the microphone.

17 MR. BAXTER: Yeah, my name is Harry
18 Baxter. I just moved here from Los Angeles
19 less than three months ago, but I am now a
20 registered voter in Miami Beach, and
21 I moved here -- I visited here a number of
22 times, love it here, and I thought the best
23 place to live would be around 14th and
24 Collins.

25 I've since found, hey, this a crazy

1 area, a little bit too crazy for me. So
2 what am I going to do? I'm going to move a
3 few blocks to where it's quieter. I don't
4 know, maybe that seems a little logical.
5 It's -- it's too crazy there, so I'm -- I'm
6 just going to move a few blocks away where
7 it's quieter.

8 So anyway, there's an enormous
9 influx of people that come in here every
10 weekend to Miami Beach from New York,
11 Boston. This is a fickle crowd. If we do
12 things to make it not as appealing to them,
13 they will find somewhere else to go.

14 I don't know this gentleman, I've
15 never met him, the gentleman who runs
16 Opium, but I just want to say, God bless
17 you. And what -- how generous for you to
18 make that donation to the little league
19 team. What a -- what a wonderful thing.

20 And I think that all these residents
21 are complaining, they should be thanking
22 him as well, because it's helping their
23 property values having these businesses.
24 And I believe -- are you all elected
25 officials up here?

1 Okay. Well, if they don't end up
2 sharing our views, we can replace them with
3 people who do share our views. Thank you.

4 VICE MAYOR GROSS: Okay. Next
5 speaker please.

6 MS. LUBBOCK: My name is --

7 VICE MAYOR GROSS: Folks, please.

8 MS. LUBBOCK: Good evening. My name
9 is Judith Lubbock. My husband and I moved
10 to 1800 Sunset Harbor in June of 1998.
11 We were among the first residents to move
12 into the south building. Everyone told us
13 what a great location we had, close to
14 Lincoln Road, restaurants, shopping, all
15 kinds of fun things, but we would be away
16 from the noise and crowds.

17 We love Sunset Harbor Drive for the
18 marina, the park, the children's playground
19 for our grandchildren. There were no clubs
20 on Sunset Harbor Drive then. Sunset Harbor
21 is our home.

22 I took offense, therefore, when
23 speakers suggest that those of us who
24 object to more nightclubs in the
25 neighborhood should get -- that we who

1 object should move to Aventura or Kendall
2 or wherever, and although I'm really
3 nervous about speaking in front of a group
4 like this, I feel I must do so to ask you
5 to help protect the quality of life in
6 Sunset Harbor against encroachment of the
7 club scene.

8 Please do not allow more nightclubs
9 with the many problems they bring to the
10 residents. Do not allow that to take over
11 our neighborhood. Close the loophole,
12 please. Thank you.

13 VICE MAYOR GROSS: Thank you.

14 COMMISSIONER GARCIA: You know what,
15 I do agree with you. If the mayor wouldn't
16 have -- wouldn't have opened his mouth and
17 said that we're going to roll back the
18 hours to two o'clock, you know this
19 wouldn't be a problem, you know. That's
20 the anxiety that we have right now, you
21 know.

22 VICE MAYOR GROSS: Shh. Next
23 speaker, please.

24 MR. HAMMER: My name is Jack Hammer.
25 I live at 1900 Sunset Harbor Drive. I've

1 been there since 1988 before the building
2 was even built. I lived on my boat in the
3 marina. In the early days when Sunset
4 Harbor was started, there were no
5 nightclubs, there were no restaurants,
6 there was nothing over there, and one of
7 the reasons that motivated me to buy there
8 was the fact that it was a quiet
9 neighborhood out of the mainstream and the
10 carnival was not going on in the Sunset
11 Harbor area.

12 Right now we have a few restaurants,
13 and I'm not against or opposed to anything
14 we have. I don't want a proliferation of
15 more, because the reason why I bought there
16 is because of piece and quiet, and it was
17 out of the mainstream.

18 And I know a lot of night club
19 owners have invested money, have put their
20 money up, and I have made a big investment,
21 too. Some of us have paid as much as
22 \$1 million for our condos at Sunset Harbor,
23 and we worked all our life to have the
24 lifestyle we thought we had, and all I'm
25 asking is please don't change our

1 neighborhood.

2 And remember Sunset Harbor -- the
3 Sunset Harbor development is assessed at
4 over 150 million dollars of which we're
5 paying over \$300,000 a year in taxes.
6 Thank you.

7 VICE MAYOR GROSS: Thank you.

8 MR. CAPONE: Hello, commissioners
9 and absent Mayor Dermer. By the way
10 (Inaudible.)

11 VICE MAYOR GROSS: Michael,
12 -Michael, introduce yourself for the
13 record. Everybody knows who you are, you
14 don't need introduction, but --

15 MR. CAPONE: I own a couple of
16 apartments in Sunset Harbor, by the way,
17 and I've never had a tenant (Inaudible) --

18 COMMISSIONER GARCIA: Wait, I still
19 don't know who you are.

20 UNIDENTIFIED SPEAKER: Michael who?

21 COMMISSIONER GARCIA: Michael who?

22 MR. CAPONE: Capone.

23 COMMISSIONER GARCIA: Oh, okay. I
24 never met you before, my friend. I didn't
25 know who you were, you know.

1 MR. CAPONE: I think we decided to
2 get active here in the last couple of
3 days --

4 COMMISSIONER SMITH: Are you the one
5 who all these emails out?

6 MR. CAPONE: -- when our mayor told
7 the Miami Herald --

8 COMMISSIONER BOWER: I'm sorry, let
9 me interrupt you. Michael what and where
10 do you live? I'm sorry, I didn't catch
11 that. I didn't.

12 VICE MAYOR GROSS: His name is
13 Michael Capone. That's his name.

14 COMMISSIONER BOWER: Where do you
15 live? Where do you live?

16 MR. CAPONE: I have some apartments
17 in Sunset Harbor.

18 COMMISSIONER BOWER: Where do you
19 live?

20 VICE MAYOR GROSS: Matti.

21 MR. CAPONE: 47th Street.

22 COMMISSIONER BOWER: Okay.

23 VICE MAYOR GROSS: Okay. Let the
24 man speak, please.

25 MR. CAPONE: When the mayor said to

1 the Miami Herald that if you want a party,
2 you can go off the beach, and there's a
3 nightlife district in Miami, it got me
4 riled up and it got me to send everybody
5 and to voice our opinion on what nightlife
6 is today.

7 The point that we're here to make is
8 that people do not just come here because
9 of the weather or the beaches and certainly
10 not because of ads that you've placed in
11 travel magazines or come here because of
12 that. People come here because of the hype
13 that we in the nightlife industry have
14 created.

15 The nightlife industry spends
16 millions of dollars every year on PR and
17 national advertising. You open up any
18 People Magazine or any Us Weekly or any
19 airport rack publishing, and on any given
20 day you will see a picture of someone or
21 some celebrity in a nightclub preferably
22 south of 5th Street and definitely not in
23 Fort Lauderdale with the same weather and
24 the same beaches and a lot less income per
25 year. That's the only point I'm trying to

1 make here.

2 I'm in full support of working with
3 the neighborhood and trying to help the
4 neighbors and clean up the streets and
5 clean up the noise. Creating a 2 a.m. --
6 which is not the topic of today, but I want
7 to stop it in its tracks -- would not do
8 anything but create a sidewalk party that
9 will last until 3:30 a.m., people running
10 around with beer cans and doing drugs in
11 the streets, littering even more and
12 loitering even more.

13 We'll be back here three months
14 later, and you'll have another law to
15 arrest people who are loitering south of
16 5th Street past 3 a.m.

17 If people want to go to sleep at
18 eleven o'clock at night or midnight, they
19 don't want to go to sleep at 3:30 in the
20 morning. Whether you go to sleep at 3:30
21 in the morning or 5:30 in the morning is
22 irrelevant.

23 The problem is to fix the cleanup of
24 the street, to put more police people out
25 here, to put more cleaning capacities and

1 more crews and to work with the
2 neighborhood and to fix the problem, not to
3 stop other nightclubs from coming in, not
4 to stop other -- am I out of time?

5 VICE MAYOR GROSS: The mayor is back
6 anyway, too.

7 MR. CAPONE: And helping --

8 MAYOR DERMER: What is this, a
9 garbage contract we're discussing? What
10 are we doing here? Oh. All right. I see
11 we got a very lively light bunch today.

12 All right. Michael, the bell rang,
13 so if you can wrap it up, ten seconds. Do
14 you need to wrap it up?

15 MR. CAPONE: I made my point.

16 MAYOR DERMER: Okay, sir. Thank
17 you. Let's get the next gentleman. Come
18 on. Welcome. Nice to see you.

19 MR. DOSA: Hello everybody. My
20 name -- my name is Frank Dosa.

21 MAYOR DERMER: Okay.

22 MR. DOSA: And I live in South
23 Beach, 93 (Inaudible) Avenue, and I was one
24 of the people who sent some email to try to
25 mobilize the community, the night -- not

1 the nightlife community, because I'm not
2 part of the nightlife community, but
3 I enjoy the nightlife. And I can see a lot
4 of people here today that I used to see
5 during the night in the club, and I thank
6 you everybody to come here and show their
7 support of the nightlife.

8 I sent this email and tried to bring
9 people here not because especially --
10 specifically of the ordinance about South
11 Pointe and about Sunset Harbor. I come
12 here and I sent this email because there is
13 an ongoing threat against the nightlife
14 since 18 months, and South Beach is renown
15 every year -- everywhere in the world
16 because of the nightlife.

17 I personally choose to live here
18 because of the nightlife, and there are a
19 lot of people who have done the same. So
20 even if we're not discussing that, and
21 I was very surprised today to agree with
22 Commissioner Garcia, it doesn't happen to
23 me that much, but even if we're not here
24 today to discuss about that, this is
25 exactly what is in the center of

1 everybody's preoccupation.

2 It's totally out of common sense to
3 think about rolling back the hours. That's
4 one thing.

5 Second thing, even in the audience
6 today you're not going to solve the real
7 problems. The real problems are not about
8 the future clubs, the real problems are
9 about the existing clubs, and what you have
10 to solve is not the potentiality of
11 somebody wanting to open a restaurant and
12 turning that into a nightclub, what you
13 have to solve is how you going to have a
14 resident and the partygoers collaborate and
15 living in the same place.

16 This is what you have to resolve.
17 You have to address police, you have to
18 address cleaning of the street, you have to
19 address security.

20 Let me finish, because I think my
21 time will be up soon, with three things.
22 When I take my bicycle and drive through
23 the Art Deco neighborhood, and I go to the
24 beach and I see the water under the palm
25 tree, I say, God, I love this city.

1 When I go to the bank and the girl
2 next to me have low rise jeans, and she
3 still have some sand on the low of her
4 back, I say, God, I really love this city.
5 And when I go out and I dance myself out
6 until 4:30 and after that I make a stop at
7 (Inaudible), it's five o'clock, it's
8 crowded, you will see guys trying -- I mean
9 to the last minute to get laid, and you
10 will see girls enjoying that and
11 (Inaudible) to the last minute, and I will
12 see it's five o'clock a.m., and Washington
13 Avenue is packed, a traffic jam at five
14 o'clock, and when I see, I say, God,
15 I really love this city. Keep the people
16 awake.

17 MAYOR DERMER: Let's get -- all
18 right. Welcome. If you could introduce
19 yourself to us.

20 MR. HEIGER: My name is Dar Heiger,
21 and I'm a resident at the Yacht Club at
22 Portofino at 90 Alton Road. I'm the -- my
23 wife and I have been here for three years.
24 I'm a two-term president for the Yacht Club
25 at Portofino Association, and we moved here

1 for one thing and one thing only -- I'm
2 sorry about that.

3 We moved here for one thing and one
4 thing only, and that is the neat feeling
5 we have south of 5th. We have at our
6 fingertips wonderful restaurants, wonderful
7 bars where there's dance clubs, where
8 there's entertainment halls, whatever you
9 want to call it. We have one of the top
10 ten clubs in probably the whole world two
11 blocks away, Opium Garden.

12 UNIDENTIFIED SPEAKER: (Inaudible)
13 People Magazine.

14 MR. HEIGER: There you go. And
15 I have spent the last three days soliciting
16 these surveys, talking to many, many
17 residents, five hours Saturday, four hours
18 Sunday, and I don't think I talked to one
19 person, one person south of 5th that was
20 for any change in what we have and what
21 we love down there.

22 There's two issues here. Time, it's
23 just stupid, it's suicidal, and it's just
24 preposterous to roll back the hours to two
25 o'clock. We're a 24/7 city. It's akin to

1 Buenos Aires, Barcelona, Madrid, and
2 London, and I'd like to keep it that way.

3 The second issue is enforcement.
4 If you want to come -- put the noise down,
5 then Mr. Mayor, we would love more police
6 down at 1st and Alton. We would love to
7 see more cops around. We can't buy a cop
8 south of 5th, and all the taxes that my
9 building pays, the 361 units we pay and the
10 rest of south of 5th plus the resort taxes
11 that these -- these clubs and restaurants
12 pay, we certainly should provide more
13 garbage pickup, more police protection, and
14 just more -- more enhanced security, so
15 that's why I say leave it alone.

16 MAYOR DERMER: Thank you. Thank you
17 for your comment. Welcome. If you could
18 introduce yourself for us, please.

19 MR. RITEGER: My name is J.R.
20 Riteger, and I am a rather quiet citizen
21 and resident of Miami Beach. I don't think
22 I know any of you except for Luis Garcia,
23 and I guess I sent Harold Rosen for my
24 problems the rest of the time to keep him
25 in business, but I came here eight years

1 ago for several reasons.

2 I saw a diversity that wasn't only
3 the environment and, you know, the -- the
4 tropic atmosphere and the beautiful
5 scenery, but I saw a diversity of culture,
6 I saw a diversity of art and theatre, and
7 I saw a diversity of restaurants and
8 nightlife that were unparalleled anywhere
9 else I had traveled in the world.

10 And it was a jewel, and I think it's
11 a jewel to the world, and I think that to
12 do anything to affect or restrict the
13 nightlife and the entertainment world here
14 is going to hurt the city. It's going --
15 there's a trickle down effect, there's a
16 tremendous trickle down effect that I don't
17 think you've measured.

18 I think the economic consequences
19 have to be measured, but also there's a
20 trickle down effect of the people that come
21 here. I think that Miami Beach is a magnet
22 for attracting entrepreneurs, for business
23 people, for entertainers, and it's made
24 this city rich in culture and rich in
25 people, which is -- this city's greatest

1 asset is the flamboyant personalities and
2 entrepreneurs that come to this -- this
3 city, but it leads me to another point, a
4 much broader point.

5 I think when government or
6 communities find restriction in
7 legislation, the key to everything, you
8 find that it comes back to haunt you and it
9 potentially destroys you, and I'm very
10 concerned about that. I'm concerned that
11 every time one interest group has a
12 problem, we pass a law to -- to correct it,
13 and that affects another interest group.

14 Well, the next time you pass a law,
15 it affects the original interest group that
16 was upset. Eventually everybody is upset,
17 and you -- you cut off and choke free
18 enterprise, commerce, and lifestyle, and
19 the beautiful Miami Beach that we all know
20 is no longer what we know, it's going to
21 change as a result of this.

22 And, you know, I just hope that, you
23 know, you consider the fact that this --
24 this community grew over the last 15 years
25 tremendously without a lot of restriction.

1 There's something to say for lack of
2 restriction, because this community grew
3 without restriction. Now if you start to
4 choke it off, I think you're going to
5 reverse yourselves and see our economy and
6 our community decline, both in people and
7 in money.

8 MAYOR DERMER: Thank you for your
9 comment.

10 MR. BIDE LL: Hi, my name is Doug
11 Bidell. I'm a full-year resident of Miami
12 Beach. I live in one of the high-rise
13 condo buildings in South Beach, and someone
14 mentioned property taxes, I pay almost
15 \$10,000 a year in property taxes to the
16 city, but I don't believe this ordinance is
17 a wise thing for the city going forward.

18 I followed this issue closely.
19 I believe Commissioner Steinberg has had --
20 he's had the correct take on it in
21 everything I've read in the after action
22 reports when this has been discussed in
23 that we're not dealing with you closing a
24 loophole, we're really dealing with a
25 problem with enforcement.

1 The city has allowed history --
2 historically, things to get to where they
3 are right now, and had the codes that were
4 on the books been enforced, we wouldn't
5 even all be here talking about this right
6 now.

7 MAYOR DERMER: Okay.

8 MR. BIDE LL: You know, the way
9 I look at it, if I move to a neighborhood
10 that welcomes pets and one owner goes out
11 and he allows his dog to get loose, and
12 that dog bites me. I go to the police and
13 I deal with that dog owner and that dog,
14 I don't come to City Hall and ask you to
15 ban all new dogs in my neighborhood.

16 Now, it's --

17 COMMISSIONER BOWER: Is the dog
18 named Opium?

19 MR. BIDE LL: No, the dog is not
20 named Opium. Thank you. I just think in
21 passing this law, you know, it looks like
22 you're just closing a loophole, but I think
23 you're actually sending out a very powerful
24 message to the community, to the business
25 community that Miami Beach may not be as

1 welcoming to new businesses, and I think
2 if we start driving new businesses away
3 from here, the only thing that's going to
4 happen is my property taxes are going to go
5 above ten thousand, and I'm going to be
6 coming down here asking you why -- why are
7 they so high now.

8 MAYOR DERMER: Okay. Thank you for
9 your comment.

10 MR. BIDE LL: So I urge you to not go
11 through with this.

12 MAYOR DERMER: Sir, welcome.
13 Welcome.

14 MR. ALVAREZ: My name is Gregory
15 Alvarez, and I own a small hotel in the
16 South Pointe area. I've been here for ten
17 years, and this is really sad that all of
18 yous already have your minds made up.

19 Right now if I had to start a new
20 business, it would not be in South Beach.
21 All I'm repeating is the same thing
22 everyone here is saying, and no one is
23 listening to this.

24 You're driving away business.
25 You're driving away small business. And

1 I'm sorry, Mr. Mayor, you might think it's
2 funny, but I'm below 5th, I have a small
3 hotel. This ordinance as is affects small
4 restaurants and a small hotel, small
5 parties, just having some entertainment.
6 There's no separation for dancing or the
7 entertainment aspect of it. Okay?

8 So a small hotel technically can't
9 even have a wedding with a band. Okay?
10 This is ridiculous. A small restaurant
11 can't have a child's party with clowns.
12 I mean, it sounds funny, but this is --
13 this is what we're talking about.

14 So please at least let's see how
15 we can separate this dance hall from the
16 entertainment, because the bottom line is
17 if there was another big club coming in,
18 they would not want to be going to South
19 Pointe, they would not be wanting to go to
20 Sunset, they go across town to get a
21 24-hour liquor license. That's the bottom
22 line, so please, think about this. Thank
23 you.

24 MAYOR DERMER: Okay. Thank you for
25 your comment. Miss, who is that at the

1 podium?

2 Welcome.

3 FRANK: Frank (Inaudible) 1800
4 Sunset Harbor Drive. I've communicated to
5 most of you my views on this. As a
6 resident of Sunset Harbor, David and
7 I moved there six years ago. We moved to
8 Miami Beach because of the uniqueness and
9 the diversity that this community has going
10 for it. That's why we live here.

11 I take offense when people tell me
12 that we should not be allowed to enjoy the
13 quality of life that comes with living in
14 our home because the nightlife industry and
15 some place in Miami Beach is going to be
16 jeopardized if we or our neighbors are
17 disturbed at five o'clock in the morning.

18 And it's not so much in our
19 particular instance, the noise from the
20 club, it's the people that leave the club
21 that are then congregating on the street.
22 So I am not, for one, in favor of rolling
23 back hours to 2 a.m., as I told you all,
24 I think that's economic suicide, but I am
25 in favor of compartmentalizing

1 entertainment venues away from residential
2 pieces of real estate in Miami Beach.

3 We would -- you would never
4 entertain this discussion about putting a
5 nightclub/restaurant on Pine Tree
6 (Inaudible.) You would not do that.
7 Sunset Harbor is a neighborhood undergoing
8 change. That change is metamorphosizing
9 it into a residential neighborhood.

10 There are more residents in Sunset
11 Harbor today than there are business
12 owners. Joe Allen is an excellent
13 neighbor. It is a wonderful restaurant
14 establish. It is closed and empty by one
15 o'clock in the morning, and it is a good
16 neighbor. I cannot say that for some of
17 the other businesses and entertainment
18 establishments in our neighborhood, and you
19 all know who that is. They are totally
20 irresponsible, and they give the
21 entertainment industry a bad name.

22 I endorse this measure. It is
23 narrowly defined, it is narrowly focused.
24 It will prevent new restaurants opening
25 into our neighborhood and morphing into

1 bars.

2 None says we don't want restaurants.
3 More Joe Allens in our neighborhood I think
4 would be openly embraced by everyone in our
5 neighborhood, but we do not want to become
6 the next Washington Avenue. Thank you.

7 MAYOR DERMER: Thank you, sir.

8 Welcome.

9 MR. HUTZ: Good afternoon. My name
10 is Steve Hutz. I've been on Miami Beach
11 since 1942, and I love Miami Beach. I'm a
12 resident, I have my business here. I also
13 have my convention center, my hotels, my
14 tourists, and no matter where I go in the
15 world, I carry with me wherever I go the
16 reputation of Miami Beach.

17 Miami Beach has an aura. It's not
18 just the beach, it's not the sun, and it's
19 not the publicity. It's what people talk
20 about after they've been here. The message
21 that we're sending can be sent in a
22 different way.

23 The business community, the hotels,
24 the restaurants which started to organize
25 are concerned not about this one particular

1 small issue, this coming in front of you
2 today, they're concerned about a mentality.
3 They're concerned about the problems
4 between the wants and the demands of the
5 residents and the needs of the business
6 tourism and entertainment community.

7 You're charged with being careful,
8 because you've got to weigh the issues of
9 both and look at the long-term effects on
10 this city. This city is different. It is
11 not Coral Gables, it is not just a resident
12 community, and there's nobody that moves to
13 Miami Beach that doesn't know that it's
14 tourist driven.

15 We need the entertainment areas.
16 We need the nightclubs and the restaurants
17 open until five o'clock in the morning.
18 We have a band shell in North Beach.
19 We put up a residence, a high-rise right
20 next to the band shell. The people that
21 moved in to that residence shouldn't
22 complain that there's concerts being held
23 in the band shell.

24 South Beach we had a dog track.
25 We had South Pointe Park with a band shell

1 with music, with events. If we buildup
2 apartment houses around an existing
3 entertainment area, we should not allow the
4 residents that move into that area to
5 complain that they don't like the area.

6 We have -- I just want to make one
7 more quick point. Our town is driven by
8 tourism. The tourists arrive by airplanes.
9 The airplanes come into Miami International
10 Airport create a lot of noise. We needed
11 an extended runway, another runway. The
12 residents around the airport that moved
13 around the airport complained they didn't
14 want the extra landing area because
15 it created more noise. If we didn't have
16 it, we couldn't maintain the level of
17 tourism that our growth depends on.

18 So sometimes when you're in a unique
19 area or you have a unique project like the
20 airport, you have to balance the equities,
21 and that's what we're asking you to do
22 today is balance the equities and look at
23 the economic impact that your actions may
24 have on this city. Thank you.

25 **MAYOR DERMER:** Thank you. Yes,

1 ma'am, welcome.

2 MS. BAKER: I'm Marilyn Baker.
3 I live at 1800 Sunset Harbor Drive, and
4 I brought a gift for each of you. Because
5 you will need it if you come to visit our
6 neighborhood.

7 UNIDENTIFIED SPEAKER: (Inaudible.)

8 MAYOR DERMER: That's it, Marilyn?
9 Just the -- that's it? That's it?

10 MS. BAKER: I want you to --

11 MAYOR DERMER: The mic.

12 UNIDENTIFIED SPEAKER: The mic.

13 MS. BAKER: I'm here to ask you to
14 pass the amendment to close the current
15 loophole that enables the establishment of
16 additional nightclubs in the neighborhoods.
17 Thank you.

18 MAYOR DERMER: Thank you very much.
19 Joe, welcome.

20 MAYOR SALESTINE: Good afternoon,
21 again, to the commission, Joe Salestine,
22 mayor for the City of North Miami, the city
23 right next door to you. On March 9, 2004,
24 the citizens of this great city passed a
25 charter amendment directing the government

1 of this body not to pass any legislation
2 that would affect the finance budget of
3 this city without a special study to
4 determine whether you would be affected by
5 that.

6 I think the passage, if we, as the
7 city attorney, you're the lawyer, if this
8 ordinance -- this is a good question,
9 if this ordinance has nothing -- this
10 amendment has nothing to do with this
11 ordinance, through you, Mr. Mayor, I'd like
12 to --

13 MAYOR DERMER: Well, Joe, Mr. Mayor,
14 the charter amendment that you refer to
15 does not require an economic study, but
16 I will pose the question to the attorney to
17 see if that is confirmed.

18 UNIDENTIFIED SPEAKER: That's
19 correct.

20 MAYOR DERMER: That's why he's the
21 attorney.

22 MAYOR SALESTINE: Okay.

23 MAYOR DERMER: Go ahead.

24 MAYOR SALESTINE: I was under the
25 impression that the charter amendment --

1 and I trust his judgment as a lawyer, I was
2 under the impression that the charter
3 amendment required a study prior to any
4 decision that --

5 MAYOR DERMER: No, the it's for
6 us -- it's for us to consider the economic
7 impact.

8 MAYOR SALESTINE: Yes.

9 MAYOR DERMER: Now, with legislation
10 over a five-year period, and we make those
11 considerations. The manager, as a matter
12 of fact, has done that, talked to -- made
13 some considerations as to economic impact
14 and service, because as you know, we're
15 talking about -- and this debate I'll
16 engage in later, I want to take all the
17 public testimony, but in a nutshell, just
18 with money brought in, it costs us money
19 for police, fire, and sanitation, too.

20 So there's two sides to that
21 economic impact, but we do consider it in
22 our -- in our deliberations, in our voting.

23 MAYOR SALESTINE: Okay. I stand
24 corrected, but the only and final I want to
25 give opportunities to others, the -- the

1 notion of there will be no additional
2 businesses coming to the beach just like
3 it's something --

4 UNIDENTIFIED SPEAKER: (Inaudible.)

5 MAYOR SALESTINE: Well, no
6 additional nightclubs that will be open
7 until five o'clock will be really damaging
8 to the area. Thank you.

9 MAYOR DERMER: Thank you, sir.
10 Thank you. Yes, sir, welcome.

11 MR. BRANDT: Yes, thank you very
12 much. My name is John Brandt. I'm a
13 resident of 300 South Pointe Drive, better
14 known as Portofino, and I'm quite well
15 aware of the many issues that Portofino and
16 our fellow neighbors have had with
17 establishments.

18 And I, too, unfortunately, sir, pay
19 that \$10,000 in taxes, but when I did that,
20 I bought a total package, and I was willing
21 to pay that \$10,000 in taxes, and that was
22 with the city that had a lot of
23 establishments that I can walk to, whether
24 it be ten feet away, a hundred feet away,
25 or three miles away, and that's -- I am

1 willing to put up with loud noise and with
2 booming cars that drive down my street,
3 because I bought a lifestyle in Miami Beach
4 and that's what I want to pay for.

5 So to the lady, my fellow resident
6 who bought ear plugs, I bring something
7 that all of us enjoy and that's money, it's
8 called tax dollars (Inaudible.) Thank you
9 very much.

10 MAYOR DERMER: Thank you for your
11 comment. Okay. Clotile. Clotile,
12 welcome.

13 MS. LUZ: I'm sorry, but the dollar
14 is down these days. I've got Euros.
15 Anyway, I think it's very sad. Clotile
16 Luz, I live at 301 Ocean Drive. I think
17 it's very sad that so many opportunities
18 were missed in the last two years while
19 this discussion has been kind of
20 fermenting.

21 I don't think such a confrontation
22 was inevitable, and I do think that the
23 nightclub industry and the hotels missed so
24 many opportunities to make an
25 accommodation. They were hearing pleads --

1 pleading neighbors saying what are you
2 going to do, look what's happening to where
3 we live, and instead of taking action,
4 making positive propositions, saying we can
5 make some arrangements with our valet
6 parking, we can hire people to clean up,
7 we can have some control over how people
8 leave the premises.

9 They did not take any positive
10 steps, and I think that it's not only the
11 fault of the city, I think they responded
12 with incredible arrogance saying, you know,
13 the only people complaining are old.

14 It's too bad, because, Mr. Mayor,
15 you remember Mayor on the Move night at --
16 at the police department, some of the most
17 vocal people were in their twenties and
18 had -- you know, were trendy young guys who
19 are not here tonight, and they were the
20 most incensed by what they have to put up
21 with in South Pointe with the noise.

22 We attended another workshop with
23 Mr. Bloomberg on special events organized
24 by Mr. Sclar, and he said you can talk
25 about everything, but you can't talk about

1 noise. In other words there was denial,
2 there was arrogance, and there were
3 insults, and they did not take any measures
4 such as simply cutting down on the noise
5 and admitting there was a problem, and that
6 is the same attitude we're encountering
7 today.

8 I don't think it had to be that way.
9 I think historically cities are facing
10 this. In New York Mr. Bloomberg is dealing
11 with noise, and for some reason --

12 UNIDENTIFIED SPEAKER: (Inaudible.)

13 MS. LUZ: I beg your pardon?

14 UNIDENTIFIED SPEAKER: They're
15 killing the city (Inaudible.)

16 MS. LUZ: They're not killing the
17 city.

18 MAYOR DERMER: (Inaudible) please,
19 don't engage in side (Inaudible.)

20 MS. LUZ: You know, I just think
21 that the -- the confrontation has reached a
22 pitch which is very unfortunate, and I am
23 sorry that there is such arrogance and
24 insults coming from one side, and I don't
25 know why they didn't make any positive

1 recommendations to correct themselves in
2 those two years.

3 MAYOR DERMER: Thank you for your
4 comment. Welcome.

5 MR. BELNICKI: Thank you for your
6 time. I just wanted to say that --

7 MAYOR DERMER: Please introduce
8 yourself, sir.

9 MR. BELNICKI: I'm Adam Belnicki.
10 I'm a registered voter here. And I live at
11 1900 Sunset Harbor Drive.

12 MAYOR DERMER: Welcome.

13 MR. BELNICKI: I just wanted to come
14 up, I wasn't going to speak, but so many
15 from -- so many people from Sunset Harbor
16 have been up here talking about the noise.
17 I just wanted to dispute that.

18 I live there every night. I sleep
19 there. I'm on the side facing the street.
20 I don't hear this noise that they're
21 hearing. Yeah, there's some things that
22 every now and then, but I think it's been
23 greatly exaggerated.

24 I'm all for trying to clean up the
25 area a little bit. It does get a little

1 rowdy at times as far as the trash and
2 whatnot, but I don't hear the noise that
3 they're doing. I don't understand why, you
4 know, a select few from one or two
5 buildings can put such a movement together
6 and make it representative of the entire
7 Sunset Harbor area, because that's not --
8 and the people that I talk to in Sunset
9 Harbor, that's not how they feel, and
10 that's not -- they don't hear everything
11 that these people are hearing, they're not
12 having all the problems with sleeping that
13 they're having.

14 I just think this is being greatly
15 overexaggerated to benefit a few people
16 that live in that area, and I'm one of
17 them.

18 MAYOR DERMER: Thank you.

19 MR. BELNICKI: I have one more
20 thing. I want you to know that the
21 majority of the people here that are -- are
22 trying to get this done today are also
23 lobbying the people who live -- most of
24 them are on the Sunset Harbor Condo Board
25 Association, and they're lobbying to have a

1 restaurant outdoors open in their area.
2 The irony of this, I can't believe, I hope
3 it's not lost just on me. I mean, this is
4 ridiculous. They're lobbying up a
5 restaurant opening up in Sunset Harbor
6 that's outdoors. I mean, and then they're
7 lobbying to get everything closed down,
8 because they think it's going to increase
9 their property value right there.

10 I don't understand why somebody
11 opening up a business right underneath
12 their apartment is going to increase their
13 property value, but the guy across the
14 street is causing all the problems.
15 Instead, go to the guy causing the problem
16 and talk to him about it. Don't -- don't
17 legislate when you don't have to, let free
18 market work itself out.

19 MAYOR DERMER: I thank you for your
20 comment. Thank you. (Inaudible.)
21 I must -- I must tell everybody, I
22 understand your enthusiasm and your wanting
23 to applaud, but please, for us to move
24 briskly, we usually lose, you know, about
25 15, 20 seconds in the applause, so if you

1 can restrain from doing that, we'll move
2 the hearing quicker.

3 Yes, ma'am.

4 MS. HELMAN: Sheila Helman, 465
5 Ocean Drive. I've owned property on South
6 Beach since 1979, and nobody is giving the
7 proper person the credit, Barbara Capitman
8 who started the whole resurgence of the
9 beach and made it what it was.

10 At that time we had Joe's Stone
11 Crabs, we had Piccalo's, we had the
12 famous -- and everyone waited online to get
13 in there. So the people still came before
14 the other group with the nightclubs and the
15 noise and the dirt were here. They came
16 because we had beautiful hotels and we had
17 beaches and we had beautiful shopping
18 areas. This was the place, the weather was
19 great.

20 I'm not against the restaurants,
21 I am against the nightclubs south of 5th
22 Street. When I walk in the morning,
23 I don't want to have to jump over the
24 vomit, the smell of urine, the defecation,
25 every -- the litter that's there that comes

1 when these people get out of the nightclubs
2 at five o'clock in the morning.

3 My street should be clean, and they
4 never can be as long as we allow this to
5 happen. South of 5th Street was and is a
6 residential area. Some forces allowed
7 Opium to come in, that was a big mistake,
8 especially without a roof on it, but they
9 came in and they're there and we can't help
10 it. They're there, but we can control
11 what's coming.

12 Restaurants and nightclubs on South
13 Beach are like screen doors in the wind.
14 They open and close regularly. Let's not
15 have that happen on South Beach, let that
16 stay residential. We were there before the
17 nightclubs. Thank you.

18 MAYOR DERMER: Thank you. Okay.
19 Ma'am, welcome.

20 MS. CRITES: Hi, my name is Beatrice
21 Crites. I live in 300 South Pointe Drive
22 known as Portofino, and I believe it's the
23 most beautiful place in Miami Beach in my
24 opinion. I'm here to support the
25 nightlife, and a lot has been said. I'm

1 not here to create controversy, but I will
2 support the nightlife as long as I can.

3 God bless Eric and Michael, they do
4 a good job of bringing tourism and a lot a
5 money and prosperity to Miami Beach. Thank
6 you.

7 MAYOR DERMER: Thank you. Welcome.

8 MR. LIEBERMAN: My name is Nathan
9 Lieberman. I'm a large property owner in
10 South Beach, actually one of the largest.
11 I have over 200 apartments, residential
12 apartments, that are low to middle income.
13 Most of my residents are waiters and
14 bartenders, and during the summer,
15 I definitely see a decline in business,
16 which, you know -- you know, the more bars
17 and clubs and everything we have in South
18 Beach definitely benefits me, and I'm sure
19 every other apartment owner in South Beach.

20 My properties which are not south of
21 5th and are not in these other districts
22 that you're talking about, the sidewalks
23 and gutters are filthy, so obviously
24 there's a problem, you know, with cleaning
25 not only in these districts because of the

1 nightclubs but also just because of
2 we don't have enough sanitary what it is.

3 Anyways, Adam Smith said the best
4 involvement the government -- the best
5 government involvement in business is zero,
6 and I think that you guys should back off,
7 because you're not really helping anything.
8 You know, just let business -- let
9 business, you know, run itself, and it will
10 do fine.

11 MAYOR DERMER: Thank you. Next
12 speaker, welcome.

13 MR. KELSEY: Good afternoon, David
14 Kelsey, South Beach Hotel and Restaurant
15 Association. I'd like to first clear up a
16 few things for the record. First, it seems
17 to be stated that this is residents versus
18 business, and I think you should be aware
19 from the people that are here that there
20 are a lot of residents here that are in
21 support of business and in support of
22 nightlife.

23 Not only do they work in South
24 Beach, most of them live here, and many of
25 them vote here. So let's not just say it's

1 residents against business, it's not.

2 I think we're misstating the problem.

3 There are some residents who do not
4 like nightlife. That's a fact. We know
5 that, we see that, but the greater
6 percentage of residents in South Beach
7 support nightlife because they work in the
8 nightlife and tourism industry. It's their
9 jobs.

10 You know, Luis said earlier that
11 people were here because of fear, they are
12 concerned, and it's true. They're
13 concerned for their businesses, they're
14 concerned for their jobs, and many of us
15 are concerned for our community.

16 It came back to life in the -- in
17 the late 1980's. It prospered because
18 we had nightlife, and the nightlife was
19 really the fire that igniting everything
20 and that has made us so famous. All of the
21 press we get worldwide is about our
22 nightlife. I mean, 99 percent of it is
23 about nightlife. It's what keeps visitors
24 coming here. We don't want to do anything
25 to diminish that.

1 Saul, I was -- I was very concerned
2 with some of your opening statements.
3 Everyone who watched the last commission
4 meeting when this issue came up heard all
5 of you tell the planning board to deal with
6 the 2 a.m. issue because you could not hear
7 it at that time in the ordinance because
8 it hadn't been advertised.

9 You were also told that it had to go
10 to the planning board first, but every one
11 of you voted to send these issues to the
12 planning board, and the primary issue was
13 the 2 a.m. rollback. You talked about it.

14 The other issue you talked about was
15 doing something about the grandfather
16 provision which allowed the existing
17 businesses to keep going. You instructed
18 the planning board to see how you could get
19 around that, how you could sunset these
20 things. Naturally, that's going to scare
21 the business people, and it's going to
22 scare their employees.

23 And that's why we're all here today,
24 because we know this is the first step, and
25 we want to prevent the first step from

1 being taken. We want you to understand
2 that our business community is basically
3 built on tourism, and anything you do to
4 basically diminish our attraction to
5 visitors by curtailing or restricting or
6 cutting back hours of our nightlife is
7 potentially very harmful to the whole
8 community.

9 I want to deal with a couple of
10 other issues quickly if I may. First, the
11 issue of the charter amendment that was
12 passed in March. Let me just read you what
13 that question was to the voters, because
14 I think with all due respect to Murray
15 Dubbin, he misunderstands the charter.

16 The proposed ballot question, and
17 I'm reading from the documents from the
18 clerk's office, amending Article 5 to
19 require economic impact statement, the
20 heading: "Shall the Miami Beach City
21 Charter, Article 5, therefore regarding
22 budget and finance be amended to require
23 that the city commission consider the
24 long-term economic impact, at least five
25 years, of legislative acts."

1 To me that means you need an
2 economic impact statement, and what I saw
3 in your agenda package was listed as
4 physical impact, two two-sentence
5 paragraphs which don't even include the
6 impact of increased resort taxes from new
7 business. It only talks about expenses.

8 Lastly, and let me go quickly,
9 I agree with the residents about the
10 problems in South Pointe and also in Sunset
11 Harbor. Those problems when you listen to
12 the people at your last commission meeting,
13 almost every single person came up and said
14 there are no police, there's no traffic
15 control, there's poor sanitation. The
16 crowds are rowdy when they leave the clubs.

17 Now, whose job is that? It's your
18 job. We --

19 COMMISSIONER GARCIA: David
20 (Inaudible) Mr. Manager, you want to come
21 out here.

22 MR. KELSEY: Let me just conclude
23 with this. Okay. For almost ten years now
24 I have come before various commissions and
25 various city managers to suggest that

1 we create an entertainment district that
2 basically recognizes where our visitors
3 are, where they're staying, where they're
4 playing, where they're dining, where
5 they're shopping, and everybody knows what
6 that is. That is Ocean Drive, that is
7 Collins Avenue, that is Washington Avenue,
8 that's Lincoln Road, and Espanola Way, and
9 it's from 1st to 23rd Street. That's South
10 Beach.

11 We still don't have anything that
12 protects that area that provides services.
13 We need management of that area.

14 MAYOR DERMER: (Inaudible) wrap
15 it up.

16 MR. KELSEY: We need policing for
17 that area, dedicated and in your budget and
18 preferably private so that we can get
19 prompt action on these issues. This is
20 really absurd to wait ten years to threaten
21 the whole community, to threaten their
22 livelihood with roll backs of hours because
23 you guys have failed to provide the basic
24 services that you've known for ten years
25 are needed. Thank you.

1 MAYOR DERMER: Welcome.

2 MR. GLICKER: My name is Frank
3 Glicker. I also live in 1900 Sunset Harbor
4 Drive. In fact, I've lived there since '97
5 when it opened, and I find it a lovely
6 place to live except for certain problems,
7 one of which has been the noise that's been
8 discussed, and I do personally know people
9 in both the 1900 building and particularly
10 the 1800 building south of us that are
11 dealing with a terrible problem with the
12 noise around five in the morning.

13 But the reason I'm speaking is to
14 point out that the speaker who also lived
15 at 1900 had mentioned this open air
16 restaurant.

17 First of all, the building and the
18 board and the owners of 1900 have nothing
19 to do with the restaurant. The original
20 developer kept a building on the north side
21 of 1900 Sunset Harbor Drive for eventually
22 to be used for restaurant and other
23 purposes.

24 He sold that property on the ground
25 level to another developer who then plans

1 to put in a restaurant. First of all, it's
2 not an open air restaurant at all. In
3 fact, our board, the board, the condominium
4 board arranged to have a meeting with the
5 developer who, remember, again, we had no
6 control over. This was the original
7 developer that brought him in.

8 And we discussed what they would do
9 to keep the noise level down and keep it
10 down to a closing about twelve o'clock, not
11 a closing of two in the morning or anything
12 like that. But the thing was that they did
13 agree to things like putting a glass around
14 it so that the noise could not get out to
15 disturb the owners.

16 In fact, it wasn't even clear that
17 the noise level in the restaurant would be
18 loud enough to annoy owners, but at least
19 we have some control over it, and I just
20 wanted to clarify that. It wasn't a case
21 that the building went out to get a
22 restaurateur to put a good restaurant in
23 on the first floor. Thank you.

24 MAYOR DERMER: Thank you, sir.
25 Let's see a show of hands who still needs

1 to --

2 BEE: I -- I --

3 MAYOR DERMER: We've got these folks
4 here. Okay. On this side anyone else who
5 is waiting to speak? All right, we're
6 almost there. Okay. Yeah, go ahead.

7 BEE: Not to be critical of one side
8 or the other, I'd just like to make some
9 observations. My voice is going today.
10 First of all, one of the most interesting
11 comments I heard here today, David --

12 MAYOR DERMER: Excuse me, ma'am.
13 Yes, Bee.

14 BEE: Someone said they don't know
15 why Miami Beach needs clubs to have floor
16 shows, that the best floor show in town and
17 the best sideshow in town was right here in
18 this room, and there isn't -- and there
19 isn't even a cover charge.

20 MAYOR DERMER: Bee, are you
21 volunteering to work for us?

22 BEE: You know, all through the
23 years Miami Beach grew, grew before these
24 people were a glint in daddy's eye.
25 We grew and we grew fast and proudly and

1 successfully, and all through those years,
2 we didn't have problems, because --
3 David -- David brought something up before,
4 speaking about zoning. In those days
5 we had common sense planning and common
6 sense zoning. Zoning was not in the midst
7 of residential areas that had a special
8 zoning, and it was apart from where people
9 were living at that time.

10 At that time we had, as I say,
11 common sense planning and common sense
12 zoning before the days when the
13 administration and the elected officials
14 came up with the bright idea of mixed use.
15 Well, what the devil, you first opened the
16 doors with liberalized zoning and mixed use
17 and say, sure, we can all party together.

18 We can't. Some sleep, some party,
19 and I think it's high time that the whole
20 concept of zoning on Miami Beach was
21 reevaluated. The industry of entertainment
22 has always played an important role here,
23 however, it's got to be in its proper
24 place.

25 MAYOR DERMER: Okay. Thank you.

1 Welcome. Welcome.

2 MS. LEVINSON: Hi, you've been
3 through a long day. My name is Judith
4 Berson Levinson. I'm a 30 year resident of
5 Miami Beach, and I in no way condone
6 residents being disturbed by establishments
7 that violate the rules, but we need to
8 focus on the ones that violate the rules
9 and not throw out the baby with the bath
10 water.

11 But I'm here today, I felt compelled
12 to be here today, first of all, to endorse
13 the points that Commissioner Steinberg made
14 last month when he said that the biggest
15 fault is that the city is not enforcing the
16 laws we already have on the books.

17 If the noise ordinance was enforced
18 properly, this drastic curtailment would
19 not be necessary. One of the other
20 speakers mentioned a meeting that Stewart
21 Lumberg called, and it was on the subject
22 of special event permits, and they were
23 told not to discuss noise. That's true,
24 because the subject was special events
25 permitting and the residents did not -- are

1 only talking about noise. And I -- I --
2 I -- my heart goes out to them, we need to
3 take care of that, but we should not repeat
4 history.

5 For those two say that we have
6 beautiful beaches and the tourists will
7 come anyway, I have to tell you, I own two
8 hotels in South Beach, and I manage them
9 myself, and I have offered free tours to
10 perspective guests, free tours of the
11 historic Art Deco district, not one person
12 has ever taken me up on my offer.

13 The first question they ask when
14 they arrive or when they call are about the
15 clubs, can we get them in, can we get them
16 VIP in, and the beaches are even secondary.
17 If they want to go to a beach -- let me
18 just talk.

19 If they want to go to a beach, they
20 can go to Fort Lauderdale, but I don't want
21 that we're going to pass something that
22 when they want to go to a club, they're
23 going to go to Miami, because that will
24 affect all of us.

25 Miami Beach, you know I'm a

1 historian, Miami Beach was born of and has
2 always been a party town, and yes, there
3 have always been conflicts. There were
4 conflicts even at the Edison Hotel between
5 the people in the room and the music
6 downstairs.

7 I give out ear plugs to all of my
8 guests who enter all of my hotel rooms with
9 a little poem that says it gets noisy here,
10 and if you want more ear plugs, they're
11 available, but please, please make sure
12 that the remedies already in place have
13 been fully enforced to ensure the quality
14 of life for all the residents, and then
15 if that doesn't work, let's go to a more
16 Draconian measure, but let's not start with
17 that. Thank you.

18 MAYOR DERMER: Thank you. Welcome.

19 MS. NOLAN: Hi, my name is Karen
20 Nolan. I own the Laundry Bar in South
21 Beach and Boy Bar in North Beach. I --
22 thank you. I used to own a condo at the
23 Roney Palace, and when they announced that
24 the balconies were crumbling and that the
25 structural integrity of the building was in

1 question, I got out. I got nervous and
2 I sold my unit.

3 I got to tell you, you guys are
4 making me very nervous, very nervous.
5 I would be very hard pressed at this point
6 in time to invest anymore money in South
7 Beach knowing what I know today, and I have
8 to tell you, I came here not really
9 understanding the issues.

10 I did think this was a session where
11 rollback hours were going to be discussed.
12 I didn't really understand the residence
13 issues. I -- I have to admit I wasn't very
14 well versed, but after hearing everything
15 today, the rollback issue scares the
16 pajamas off me. So I'm trying to be
17 polite.

18 Anyway, thank you. I thank you for
19 listening to my (Inaudible.)

20 MAYOR DERMER: Thank you for your
21 comment.

22 Welcome.

23 MR. O'LARA: My name is Mark O'Lara.
24 I live at 400 Alton Road. I'm -- I'm a
25 person who goes out to the restaurants at

1 least three times a week. I go to the
2 nightclubs, and I love nightlife, but not
3 where you sleep, not where you live.
4 That's -- it belongs somewhere -- somewhere
5 else. I'm not going to take up a lot of
6 your time, you can figure out where I'm
7 coming from.

8 One thing you can learn from my dog,
9 and that is that you -- you don't poop
10 where you sleep, and there's a lot of poop
11 south of 5th. Thank you.

12 MAYOR DERMER: Thank you.

13 Welcome.

14 MS. RIDINGER: My name is Lauren
15 Ridinger -- my name is Lauren Ridinger, and
16 I live on North Bay Road, and I personally
17 pay \$270,000 a year in taxes to live on
18 North Bay Road, which I choose to do
19 willingly because I enjoy the lifestyle
20 that Miami Beach has to offer.

21 I also just in February had my
22 company bring 20,000 people to the American
23 Airlines Arena, Market America, and
24 we brought \$17 million into the Miami Beach
25 economy over a three-day period, and

1 we could have brought that to any other
2 city across the country, but we chose to
3 bring it to Miami, because we believe that
4 people have the right to experience the
5 incredible lifestyle that Miami Beach has
6 to offer, and I think that the nightlife is
7 a big part of that.

8 And I think if you take that away
9 from people like, you know, the Opiums of
10 the world who have done a phenomenal job
11 not just in their community, but bringing,
12 you know, up the economy of Miami Beach,
13 then you're driving people like myself out
14 of Miami Beach and stopping others from
15 coming from behind us. So I hope you'll
16 reconsider it and not, you know, roll back
17 the hours and -- and let the nightlife --
18 the nightlife be. Thank you.

19 MAYOR DERMER: Thank you.
20 (Inaudible) let me -- let me see also where
21 are we at with speakers. Hands please.
22 Okay. Just whoever raises their hand,
23 don't give me a new one. All right? Let's
24 just freeze it at this, if we could,
25 because we all would like to get -- get on

1 with this matter.

2 Go ahead. Thank you.

3 MR. HARRIS: Richard Harris, I live
4 south of 5th. Show of hands how many
5 people are against changing the ordinance?
6 Leaving it alone, club people? Right, not
7 a close call.

8 UNIDENTIFIED SPEAKER: Leave things
9 the way it is.

10 MR. HARRIS: Leave things the way
11 it is, show of hands? Okay. Now, how many
12 of the people with their hands up live
13 south of 5th or in Sunset Harbor.
14 Everybody else put their hands down. So
15 it looks like about 5 to 10 percent. So
16 I think that's well noted.

17 I think that also we should look on
18 point here in that this should be a very
19 focused debate. This is about zoning and
20 it's about a very small part of South
21 Beach. This isn't about nightlife, it's
22 not about liking nightlife or liking clubs,
23 because I love a good party.

24 I liken this to being in a crowded
25 elevator, there's ten people capacity, door

1 opens, you're in there with the ten people
2 and 20 people get in. Now it gets stuck
3 between floors. That's basically what's
4 happened here. What I think you guys have
5 to do is you have to look at where we're
6 at, stop the proliferation, and assess.
7 Thanks.

8 MAYOR DERMER: Thank you, sir.
9 Okay. Go ahead.

10 MR. VITA: Hi.

11 MAYOR DERMER: Welcome.

12 MR. VITA: My name is Peter Vita.
13 I'm probably going to tell you something
14 you've heard often before and then
15 something you'll probably hear a lot more
16 of shortly if things continue to go the way
17 they are. I am from New York, a successful
18 business man who came to Miami Beach, fell
19 in love with it, and moved down here.

20 That's what you've heard before.
21 What you're going to start hearing a lot
22 more of is I was an investor in the most
23 successful club in the United States called
24 Prive, voted No. 1 by People Magazine for
25 the year 2003, and I got out, and I got out

1 because of the efforts that are undertaken
2 by small groups of people to ply their
3 points of view over the benefit that
4 everyone should have in this city, and
5 I have been appalled at the lack of
6 solution orientated efforts by the City of
7 Miami Beach in terms of solving the
8 problems that exist, in particular in the
9 clubs south of 5th Street.

10 There are solutions. There are
11 reasons for the problems. It probably
12 makes a lot of sense to build Murano Grande
13 down there, and the income tax dollars
14 benefit everybody, but when you put it in a
15 place when the people already have a
16 license for a nightclub, then you are
17 making a decision to basically live with
18 the problems that we now have, and to look
19 at that -- look at that investment being
20 made there and then not make an investment
21 back into solving the problems is what got
22 me out of the club business, and I hope
23 we don't see a lot more of this in Miami
24 Beach.

25 MAYOR DERMER: Thank you, sir.

1 Welcome.

2 MR. MIZOUI: My name is Tofik
3 Mizoui. I'm an owner of the Oasis
4 restaurant.

5 UNIDENTIFIED SPEAKER: Can't hear
6 you.

7 MR. MIZOUI: I'm surprised, because
8 the ordinance in front of you is
9 specifically for dance and entertainment,
10 have nothing to do with hours or anything
11 like that, and I haven't had one more
12 restaurant that is south of 5th --

13 MAYOR DERMER: One moment, sir. Can
14 we shut that door, please, so that it will
15 shut the noise from outside, please. Thank
16 you, go ahead.

17 MR. MIZOUI: I haven't had one
18 restaurant beside me south of 5th Street
19 that applied for dance and entertainment.
20 I have a feeling that you all just want to
21 close my restaurant specifically.
22 It doesn't make any sense. You're trying
23 to close a loophole so I can't have belly
24 dancer.

25 I tell you the economic that

1 happened to me. My restaurant is down 80
2 percent since I'm not allowed to have a
3 belly dancer. 80 percent. My restaurant
4 closes at twelve o'clock. I don't stay
5 until five o'clock in the morning.

6 Why do you have to close a loophole
7 like that? Why can't I have belly dancer
8 when two streets down you have Opa with 20
9 belly dancers in there. It doesn't make
10 any sense. I don't see any other
11 restaurants in here who applying for dance
12 and entertainment. I'm not only one in
13 here.

14 What's going on? Why is it like
15 that? Why is the whole loophole just for
16 one restaurant. Everybody else in here is
17 not because of dance and entertainment,
18 everybody here because they want to roll
19 back from five o'clock to two. That's why
20 they're here.

21 COMMISSIONER CRUZ: Sir, just a
22 question, do you have currently a dance
23 license in your place?

24 MR. MIZOUI: I applied for dance and
25 entertainment, and I got all the

1 qualification on February 9th.

2 COMMISSIONER CRUZ: Because this is
3 a prospective I ordinance.

4 UNIDENTIFIED SPEAKER: He does not
5 have it today, though. (Inaudible.)

6 UNIDENTIFIED SPEAKER: (Inaudible.)

7 MR. MIZOUI: They don't want to
8 issue it to me. I don't know why when
9 I applied for everything and got it by
10 February 9th. You didn't start this
11 process until February 24. What is the
12 reason that they're not giving it to me?
13 I'd like to know.

14 MAYOR DERMER: Okay. Thank you for
15 your comment.

16 COMMISSIONER GARCIA: Well, wait a
17 second. Can we get an answer for that?

18 COMMISSIONER CRUZ: Jorge, can you
19 address that, and when we have this issue
20 with the development, there was a bright
21 line that was established, and anyone that
22 had submitted an application was judged in
23 one fashion. I don't know --

24 MR. GOMEZ: You're talking about
25 single family regulations when we did that?

1 COMMISSIONER CRUZ: This is way back
2 when we -- in '98.

3 MR. GOMEZ: '98, okay.

4 COMMISSIONER CRUZ: When were
5 dealing with the development issues.

6 MR. GOMEZ: Okay. As I explained to
7 his lawyers from Holland & Knight this
8 morning, when he applied for the licenses,
9 which is before the 90-day zoning and
10 progress period, we requested additional
11 information, and that information did not
12 get back to our office until after we began
13 zoning and progress, and we advised him
14 that then he had to wait until this process
15 was finished.

16 MR. MIZOUI: (Inaudible.)

17 COMMISSIONER CRUZ: You need to let
18 him finish.

19 MR. GOMEZ: I also advised his
20 attorneys this morning or somebody who
21 represented to be your attorney that his
22 issue really deals more with the form of
23 entertainment and the type of restaurant
24 that he has, in other words, there's going
25 to be further discussions at the planning

1 board level where all of these things may
2 be sorted out, because I think that is --
3 there was some sentiment in the commission
4 that it's not -- this is not the kind of
5 establishment perhaps that you want to try
6 to (Inaudible) for entertainment, but
7 again, there -- I want to remind the
8 commission he was not the only one who
9 applied in that time as he stated right
10 now.

11 We had two other applications.
12 We have a total of three applications that
13 have applied during this 90-day period.
14 The 90-day periods will run out May 24th.
15 Unless you take some action today, we will
16 lose zoning and progress, and I suspect
17 that the other 20 restaurants, because
18 I already have 3 sitting in our offices,
19 will also apply for entertainment licenses.
20 So I just want the commission to consider
21 that.

22 COMMISSIONER GARCIA: I got a
23 question for you.

24 MR. MIZOUI: Just for the record.

25 COMMISSIONER GARCIA: What is the

1 harm of a belly dancer? I mean, this --
2 this is what makes our city a laughing
3 stock of everybody else. You know what
4 I mean? That this --

5 MR. GOMEZ: Commissioner, that's why
6 I believe that that is something that needs
7 to be addressed when the planning board
8 discusses the various issues including the
9 definition of "entertainment."
10 Unfortunately, right now (Inaudible.)

11 COMMISSIONER SMITH: You -- you
12 defined -- the code defines "entertainment"
13 a certain way, and I think you've outlined
14 it on Page 176.

15 MR. GOMEZ: Correct.

16 COMMISSIONER SMITH: And there's
17 certain things that are -- that fall within
18 it and other things that don't fall within
19 in.

20 MR. GOMEZ: Correct.

21 COMMISSIONER SMITH: And one of the
22 charges we gave you at the last commission
23 meeting is that we needed to look at that
24 definition so that folks like him and --

25 MR. GOMEZ: Right.

1 COMMISSIONER SMITH: -- others that
2 may want to have a -- something on TV or a
3 comedian or a violin or something like that
4 could -- could have that.

5 MR. GOMEZ: Correct.

6 COMMISSIONER SMITH: And -- and so
7 we --

8 MR. GOMEZ: That's the type of
9 ordinance that will come back to you after
10 we go through the process of (Inaudible)
11 and come back with something for you.

12 MAYOR DERMER: Okay.

13 COMMISSIONER SMITH: Okay.

14 MAYOR DERMER: Thank you. Let's
15 continue the public hearing, please.
16 Sir -- sir -- oh, I'm sorry, well,
17 whatever, we're -- actually, it's your
18 turn, yes, go ahead.

19 MR. DELEON: Good evening, my name
20 is Al DeLeon. I work at 1615 West
21 Avenue -- sorry, I live at 1615 West
22 Avenue. I work at 205 and 221 Collins.
23 I'm here representing my employer, Judy
24 Clayton.

25 I'd like to address the fellow that

1 spoke right in the beginning about the loud
2 noise, the yelling, the bottles breaking.
3 If that's how -- what he wants, if that's
4 how he feels, I'll find a place downtown
5 where it's gunshots and all the other
6 things that are wonderful to certain parts
7 of Miami. We don't want that here.

8 As far as the nightclubs, there's
9 only two that are near us that cause a
10 little bit of a problem, and sometimes, not
11 very often, our guests come to me and say,
12 you know, it's a little too noisy, can you
13 find me another room. If we don't have it,
14 I have to find them a different hotel, a
15 different apartment.

16 I ask you to please support this
17 measure. We've had enough. There's enough
18 down there now to support everybody.
19 I like the nightclubs myself, I go to them,
20 and after this I'm going to have a drink at
21 Laundry Bar. Thank you.

22 MAYOR DERMER: Okay. Thank you,
23 sir. All right, let us go -- yes, welcome.

24 MR. STROM: Good -- good even, my
25 name is Ed Strom. I'm a registered voter

1 here in Miami Beach. I've lived here for
2 approximately five years. I, too, love the
3 nightlife, but I think this whole
4 discussion, the timing is wrong. This is
5 not about closing a loophole, this is about
6 sending a message out to the rest of the
7 country and the world about what -- about
8 what you guys, the commissioners, view as
9 the future of this city.

10 I suggest instead of addressing this
11 measure today, if you postpone it until you
12 had the discussion about the rollback --
13 rollback, once that's settled and the
14 message is sent to the business community,
15 then you can address the issue of this
16 loophole. That's my comment.

17 MAYOR DERMER: Okay. Thank you.
18 Welcome. Yes, ma'am, welcome.

19 MS. HENSON: Hi, my name is Sherry
20 Henson. I come to you guys as a resident.
21 I'm in support of nightlife for several
22 different reasons. I am a resident, I live
23 on the Venetian Causeway. Previous to me
24 getting married, I did live in the south of
25 5th area at 145 Meridian Avenue. That's

1 the Courts.

2 Yes, I am married, that's what one
3 of the board members said, and I'm in
4 support of nightlife for many reasons.
5 Because I'm on the Realtor Association of
6 Greater Miami Beaches, my livelihood and my
7 job depends on it. If people don't want to
8 visit here, people will not buy homes and
9 people will not buy real estate from me.

10 Therefore, by taking this away,
11 taking this loophole away and not letting,
12 you know, the nightclubs and the
13 restaurants exist, in essence you're taking
14 my livelihood away, so I plead with you
15 today, here, the committee, please, you
16 know, don't change this, don't take
17 it away.

18 MAYOR DERMER: Okay. Doctor,
19 welcome.

20 MR. SUNSHINE: Mayor, members of the
21 commission, my name is Morris Sunshine.
22 I live in South Pointe. I rise to support
23 this motion. I think this ordinance is
24 very carefully and thoughtfully drafted.
25 It effects only two neighbors. It protects

1 the property of the people who are already
2 in business. It -- it does not have
3 anything whatsoever to do with hours, and
4 in some ways the premises meeting was a
5 scam.

6 I cannot resist practicing law
7 without a license. I see Gary how smiling,
8 he knows that, but since I heard the
9 dissertation a little while ago about the
10 charter and the charter's requirements for
11 an economic impact analysis, and since
12 I saw Attorney Dubbin criticized for his
13 failure to understand the charter, I must
14 rise in his defense, the defense of the
15 elderly.

16 UNIDENTIFIED SPEAKER: And the not
17 so elderly.

18 DR. SUNSHINE: Two things, one
19 trivial but material.

20 COMMISSIONER GARCIA: (Inaudible.)

21 DR. SUNSHINE: The charter clause
22 which was read to you contains the
23 expression, "economic impact
24 establishment." The critical word is
25 "economic." Economic analysis is not the

1 kind of analysis tax collectors do and
2 CPA's do.

3 If you plan to do an economic
4 analysis, I want to hear about it, because
5 it's going to be a major operation.
6 Remember, economic analysis deals with
7 intangibles, and it details with values.

8 Now to get to the heart of the
9 matter. With respect to the charter,
10 Mr. Dubbin. You need some instruction,
11 sir. The charter is an entire piece. It
12 is an entire piece, and if you wish to
13 apply that section which has to do with
14 recurring and economic impact analysis,
15 then you must also apply -- you must also
16 apply Paragraph 15 of the city charter, and
17 that paragraph mandates, I think --
18 I think, because I haven't heard yet,
19 I think it mandates that the citizens are
20 entitled to be protected against
21 unnecessary and excessive noise.

22 And therefore, any time that you
23 insist that the city manager certify that
24 he has done an economic analysis, whatever
25 he has done, I think I will rise and demand

1 that he assure me that the legislation on
2 the table will not abridge my citizen right
3 to be protected against successive and
4 excessive noise. Thank you.

5 UNIDENTIFIED SPEAKER: Boy, there's
6 some (Inaudible) here.

7 UNIDENTIFIED SPEAKER: (Inaudible.)

8 MAYOR DERMER: Yes, welcome. Nice
9 to see you.

10 MR. COUSINS: Mayor, commissioners,
11 my name is Phillip Cousins. First of all,
12 I live at 240 Collins Avenue, and it may
13 not have come to your attention yet that my
14 condo president, Joe Valeri, passed away.

15 UNIDENTIFIED SPEAKER: Oh, no.

16 MR. COUSINS: He just died last
17 night. Chief Delucca called our contacts
18 to let me know that it was an (Inaudible.)

19 COMMISSIONER GARCIA: (Inaudible) on
20 the email, I read it this morning for
21 anybody read the email who was there.

22 MR. COUSINS: I'm mentioning this
23 partly because I'm speaking now not only as
24 a resident but also because of the
25 perspective that 240 Collins building has

1 from where I sit looking out my window,
2 that music, that nightlife, that growth.
3 I've lived there seven years so far, and
4 one thing that Joe helped me understand is
5 that people here are here because we love
6 Miami Beach.

7 So my message isn't so much about
8 love, but it's about Joe, and that's what
9 he's made me think about today, because
10 if he were here, he would be representing
11 80 years of contribution. So let's keep
12 that in mind, because we're not really here
13 to fight with each other.

14 The second thing, that's really
15 important, because we love this place,
16 that's why we're all here. Thank you. The
17 second thing, Joe and I had been working on
18 a project for a while to try to figure out
19 how to map all of these points of view
20 together, because from his perspective as
21 running a condo and a neighborhood
22 association, it all is really the same
23 problem, it's one thing.

24 So I would suggest that, please,
25 when we look at this challenge, the

1 challenge of keeping our streets clean,
2 which Joe would monitor every night at
3 midnight, is the same problem as how do
4 we keep noise under control, which is the
5 same problem as how do we sustain economic
6 development.

7 Now, I know all of you just by
8 gossip and other mechanisms are, I think,
9 going on a retreat pretty soon. Please use
10 that time to think about everything that
11 people have said today and look at our
12 future and how all these issues fit
13 together as one big problem, not as a whole
14 bunch of little ones. Thanks very much.

15 MAYOR DERMER: Thank you, sir.

16 Welcome, Steve.

17 STEVE: Hi. Mayor, commissioner,
18 just as a practical suggestion, one of the
19 reasons that we got to where we are today
20 is because we passed the legislation
21 several years ago restricting nightclubs
22 along Washington Avenue and the Collins
23 Avenue for 300 foot limitations, and a
24 result we drove a lot of the businesses
25 into the areas that are currently in

1 conflict right now.

2 And so we have a dilemma that seems
3 like from the one hand it's very important
4 that we do send out a message that this
5 city commission and this City of Miami
6 Beach is in full support, as I heard some
7 of the commissioners today, of the
8 nightlife.

9 And I think underlying a lot of
10 what's going on today is this feeling that
11 we're getting all the time when we meet
12 with you guys, it's always a question of
13 fighting restrictions and restrictions and
14 restrictions.

15 And it hasn't been a great job of
16 public relations either on what today's
17 factual amendment was actually about,
18 because on the ground the factual change
19 today isn't in and of itself all that
20 resounding. Everybody's getting
21 grandfathered in, and I think in the sense
22 that was a common sense thing to do under
23 the political situation.

24 However, the nightlife industry
25 deserves more than lip service regarding

1 how we're appreciated, and instead of just
2 restrictions, we should -- we should be
3 looking for something -- this is an
4 intelligent group of people. I've had the
5 pleasure of working with some of you guys,
6 and I know that there's a sophistication
7 there.

8 I'm suggesting that we revisit the
9 whole nightlife zoning situation, and not
10 just go piece at a time restrictions, but
11 what is prohibiting us from going back in
12 the entertainment area and eliminating
13 these 300-foot limitations between clubs,
14 because we have -- that's artificial.
15 We passed that seven, eight years ago
16 before we went to 21 and over as a way of
17 eliminating high school kids.

18 We're already -- we're 21 and over
19 now. We want to go into a commercial
20 district. You want to get away from the
21 noise. We have this huge commercial
22 district where there would be no conflict.
23 Let's revisit that. Eliminate the 300-foot
24 limitation. We have a lot of potential
25 viable places that new and flesh blood can

1 come into this industry, and we could be
2 sending out a message and make a better
3 product for the future.

4 MAYOR DERMER: Thank you. Ruth,
5 welcome.

6 MS. REMMINGTON: Hi, I'm Ruth
7 Remmington. I live at 1000 South Pointe
8 Drive, and I hope the commissioners don't
9 fall for the line that passing this
10 ordinance that we're talking about today is
11 sending a message.

12 This particular ordinance is about
13 stopping sneaky nightclub operators from
14 starting a restaurant and then turning
15 it into a nightclub when it's not allowed
16 now.

17 There's more nightclubs that have
18 been going on in Miami Beach in the last
19 few years. There's also been a lot of
20 development, and the development has
21 brought in a lot of new residents, and this
22 is about balance.

23 As an example, you know, our
24 neighbor who runs Oasis, you know, I wish
25 that -- that his argument that he just

1 wants a belly dancer were correct, but I'll
2 read you an expert of somebody who lives on
3 the south side of the Courts who are
4 miserable because of Oasis. This is an
5 excerpt from a letter from Jeanette
6 Martinez, a mother of small children who
7 lives there, and she says:

8 "A typical night consists of long
9 lines of people standing outside to get in.
10 Valet parking attendants parking cars
11 illegally on 1st and in the back alley
12 where clear non-parking signs are shown.
13 There's very loud music coming from the
14 inside, and it becomes louder every time
15 the front door is opened.

16 The sidewalk is blocked because
17 tables and chairs have been placed outside
18 for clients to sit. Nightclub flashing
19 lights can be seen through their
20 curtains -- through my curtains, people
21 living -- leaving the restaurant have had a
22 few drinks, talking, screaming, laughing,
23 leaving behind empty bottles and trash."

24 And that's happening right under the
25 windows of -- of residents, and it is a

1 mixed area, but nightclubs are not the only
2 ones who.

3 UNIDENTIFIED SPEAKER: Let her
4 finish (Inaudible.)

5 MAYOR DERMER: Please folks, come
6 on.

7 MS. REMMINGTON: Nightclubs are not
8 the only -- are not the only game in town.
9 There are residents, and we have to find a
10 balance, and this ordinance is not about
11 rolling back hours, and I really hope you
12 pass it. Thank you.

13 MAYOR DERMER: Thank you for your
14 comments. Let us go -- welcome. Let me
15 get a hand check again. There are no new
16 ones, there are no new ones, are there?
17 I want -- I would -- let's get a list of
18 the final speakers. We're going to take
19 another ten speakers, and that's it. Give
20 me a list aside from these two that are
21 speaking now. Ms. Rama give her your name.

22 MS. RAMA: Hi.

23 MAYOR DERMER: Did you get her --
24 did you get -- give her -- get Ms. Rama's
25 name. Okay. And then we've got ten more,

1 and that's it, then we're closing shop.
2 If you're on the list, you're on the list,
3 go ahead.

4 MR. HEFFRON: Me start?

5 UNIDENTIFIED SPEAKER: You start.

6 MAYOR DERMER: Yes, please, welcome.

7 MR. HEFFRON: My name is Raymond
8 Heffron. I live at 1800 Sunset Harbor.
9 I am a former board member and chairman of
10 the city-created Sunset Harbor Task Force.
11 For approximately six years I've been on
12 civic committees, and I can tell you the
13 general consensus within our community is
14 for controls.

15 Why? Because of the apparent abuses
16 that we all collectively have allowed, and
17 what I would like to address are the
18 causative factors that is prompting this
19 discussion today.

20 What the residents are crying out
21 for is a proactive aggressive code
22 compliance. We do not have it. Noise
23 control, we do not have it. Clean streets
24 and a visible police presence assigned to
25 specific neighborhoods. We also encourage

1 planning board solicitation of community
2 input to avoid decisions which adversely
3 impact the harmony of neighborhoods. These
4 forces should be our first line of defense
5 towards enhancing and protecting citizen
6 rights. This also applies to the tourism
7 industry.

8 While laws exist, loophole and
9 blatant abuse of laws occur because of the
10 (Inaudible) oversight and general failure
11 to enforce code. This inertia emboldens
12 habitual violators to push the envelope,
13 hoping indifference eventually becomes
14 acceptance of the status quo.

15 We beseech you. Listen to us, hear
16 both sides. We share many things in
17 common. Basically, what we are looking for
18 is harmony within the community. Thank
19 you.

20 MAYOR DERMER: Thank you.

21 MS. RAMA: Hi, my name is Linda
22 Rama, and I am vice president of Sunset
23 Harbor North 1900. I also have been vice
24 chair of the Sunset Harbor Task Force.
25 I want to clear up something.

1 First of all, we've been working
2 very hard for years as Mr. -- Commissioner
3 Garcia knows and everyone else knows.
4 We've been trying to work with everybody,
5 all the industry around our area.

6 I've lived here over 30 years. I am
7 very pleased what's happening; however,
8 there are a lot of things that have not
9 been addressed. We're very tired of coming
10 here and never getting phone calls, never
11 getting any -- anything accomplished.

12 We want you to understand that
13 we all have to live together, but you need
14 to help us, and you have not. You have
15 failed. We need cleaner streets. We need
16 parking. You cannot bring nightclubs into
17 Sunset Harbor. We can't even park there
18 ourselves. We have children playing there,
19 there's glass there.

20 We have joggers at five and six
21 o'clock in the morning, they're coming out
22 of the bars, they have no respect for each
23 other, there's never a good morning and,
24 hi, I had a great time, and now I'm
25 jogging. It's always abuse, there's always

1 spitting.

2 I mean, if we're going to work
3 together, let's work together, but you need
4 to work with us. We need your help. I'm
5 very tired of coming here and asking for
6 it, and I hope you pass this. It's very
7 important for us.

8 MAYOR DERMER: Thank you. Okay.
9 Next we have Joe Mahoney. Welcome.

10 MR. MAHONEY: Thank you, Your Honor,
11 and commissioners, nice to see you. I'm
12 sorry about the way I dressed, I heard
13 about this at the last minute. First off,
14 I'd like to say I love Miami Beach.
15 I moved away 17 years ago. I've been back
16 now two months.

17 It's noisy. I live of 5th Street,
18 all right, on Meridian Avenue. It's noisy,
19 no doubt about it, but I'm also brand-new
20 to the area, and I needed (Inaudible.) All
21 right?

22 So when I walked in here I was
23 proceed residents. By the time I heard the
24 first speaker, I was pro -- but now I'm
25 resident and on the edge, so you guys have

1 got to clarify this for me.

2 MAYOR DERMER: You should run for
3 office, you'd be perfect.

4 MR. MAHONEY: The day will come
5 Dermer, the day will come. All right.
6 Enough said. Thank you.

7 MAYOR DERMER: Thank you, sir.

8 UNIDENTIFIED SPEAKER: (Inaudible.)

9 MAYOR DERMER: All right. Let's get
10 David Wallack followed by Tracy Gordon.

11 MR. WALLACK: David Wallack, Mango's
12 Tropical Cafe. A long, long time ago on
13 South Beach, we had the word "moratorium."
14 Stop, constriction of business, and South
15 Beach stopped, and as it stopped, it died.

16 We have to keep moving in order to
17 survive. That's what business is about.
18 That's what our city is about. When you
19 put a tourniquet on something, it's to stop
20 something from flowing. This ordinance is
21 a tourniquet. We are going to stop
22 business from flowing. We will curb jobs,
23 we will curb tax revenue at a time where
24 I believe our city manager is looking for
25 where he can make tax revenue grow.

1 David Kelsey brought out the most
2 important point, and although David gives
3 it in a way that some people absolutely
4 recoil from, he still gives the truth. On
5 Ocean Drive in 1992 and '93 and '94
6 we begged for police on a Sunday.

7 Now, Lincoln Road was closed. There
8 was no South Pointe. Washington Avenue had
9 not even gotten going yet. Ocean Drive was
10 where everybody was. We had two police on
11 Sunday for maybe 25,000 people coming
12 through. Two police, and that was because
13 we begged and we got it. We had one.

14 Seven policeman where the entire
15 shift, and how many were walking at the
16 same speed as all the pedestrians? None.

17 We have a serious problem in this
18 city, and that means that business and
19 government have to come together, because,
20 quite frankly, the residents are just
21 caught in the middle. All these people
22 moved to Miami Beach because we are who
23 we are, and that's what made us great, the
24 Renaissance, nightlife, the beach is not
25 even nearly as beautiful as it used to be

1 before they dredged it. It used to be
2 magnificent. Now it's a nice beach, but
3 it's not the beach.

4 I once did a survey. She did 250
5 people, I did 3,500 people when the
6 planning board wanted to shut down and did
7 shut down the dancing and Alex Fox at the
8 Breakwater on Ocean Drive. What we did at
9 the Breakwater by shutting the nightlife --

10 MAYOR DERMER: Dave, I've got to ask
11 you to (Inaudible.)

12 MR. WALLACK: -- was that all of a
13 sudden right in the middle of Ocean Drive,
14 it became dark at 11:30. The Breakwater
15 went dark. As soon as Miami Beach gets
16 dark, because we are a mini New York,
17 crime, drugs, prostitution, and violence
18 fill in the darkness. Make South Pointe
19 quiet and dark early in the evening without
20 filling in city services of police --

21 MAYOR DERMER: David, I've got to --

22 MR. WALLACK: -- and what will
23 happen is these people will get banged on
24 their head in their million dollars condos,
25 and that's Miami Beach.

1 One more point, one more point.

2 MAYOR DERMER: Please, David, you've
3 got to --

4 MR. WALLACK: I grew up on South
5 Beach, I grew up on Miami Beach, Mr. Mayor.

6 MAYOR DERMER: That's enough,
7 already.

8 MR. WALLACK: Mr. Mayor, I grew up
9 on Miami Beach. This is my city. I've
10 watched it grow, and I've helped it as best
11 as I could. This -- this ordinance is a
12 constriction which you will have difficult
13 in changing.

14 MAYOR DERMER: Okay. Last thought.

15 MR. WALLACK: Please weigh the
16 economics of it before you chop.

17 MAYOR DERMER: Thank you, sir.

18 MR. WALLACK: Thank you.

19 MAYOR DERMER: Okay. Let us get --

20 MR. WALLACK: And city services are
21 the future.

22 MAYOR DERMER: Okay. Let us go to
23 Tracy Gordon followed by Rick Delgado.
24 Tracy, welcome.

25 MS. GORDON: Good evening. My name

1 is Tracy Gordon, and I -- I live at 135
2 Ocean Drive, prior to there I lived at 335
3 Ocean Drive, and prior to that I lived in
4 my loft at 88 West (Inaudible) in Tribeca,
5 New York City.

6 I'm here to represent three people,
7 a former resident, a present resident, and
8 a future resident, maybe. The former
9 resident is my brother. His name is
10 Gilbert Stafford, he lived here for ten
11 years and worked in the nightlife industry.
12 I'm here because he can't be here. I know
13 that it would crush him, the things that
14 are going on in this chamber.

15 I'm a little nervous, so excuse me
16 (Inaudible.) And basically what you're
17 doing to the clubs like Opium and Prive,
18 I don't really understand all of the
19 technicalities, all I'm saying is don't
20 roll back the hours. I moved to this
21 neighborhood knowing what I was getting
22 into.

23 The president resident is me.
24 That's why I moved here, I like the
25 nightlife industry, and the future resident

1 is my mother. My mother is near 60,
2 I guess. I don't want to say an older
3 woman, but when she came here last year,
4 all she could do is tell her friends how
5 she hung out with her daughter until six
6 o'clock in the morning, and they couldn't
7 believe it, and she told me that -- this
8 month, yesterday, was her birthday, and
9 she'll be coming here on the 19th of the
10 month looking for a residence, and she
11 wants to live south of 5th.

12 And before my mother gives her
13 500,000 to \$1 million, I want to make sure
14 that the place is the way that she wants to
15 be, the place is the way that she left
16 it the last time it was here. I don't want
17 to tell her to invest in something that's
18 going to change, so when you guys
19 straighten this out, can you let me know,
20 because I've got a phone call to make.

21 MAYOR DERMER: Okay.

22 MS. GORDON: Okay.

23 MAYOR DERMER: Thank you. Let us go
24 to Rick followed by Santiago Echemendia.
25 Santi is present? Okay.

1 MR. DELGADO: Thank you for the
2 time. My name is Rick Delgado, born and
3 raised in South Beach. I've pretty much
4 lived everywhere, and currently I'm
5 employed in different places, odd jobs here
6 and there in the nightclub business, but
7 I've also produced events, one being the
8 Miami Beach Fitness Festival that I've done
9 for the past six years, and Volleypaloosa,
10 an Ocean Drive event that I've been doing
11 for ten years.

12 And the one thing that is always
13 asked halfway through the event is where am
14 I going tonight, what am I doing tonight,
15 I want to go out.

16 So the nightlife, I believe, has
17 created this wheel, this powerhouse that
18 has attracted so many businesses, and not
19 only businesses but also production.
20 If you look at mine, I'm producing two
21 event address, Volleypaloosa and the Sport
22 and Fitness Festival, also look at Victoria
23 Secret just had an event on the beach.

24 Everything is intertwined.
25 It cross-pollinates, and I believe if you

1 are going to restrict competition, because
2 I believe new business, nightclubs,
3 restaurants, and everything coming in,
4 if you restrict it, you're going to start
5 to chip on that wheel that's been so
6 powerful for us, for all of us here,
7 I believe, and that has created such an
8 incredible charm across the world, across
9 the world.

10 I mean, look at Art Basel came into
11 town. Look at the Winter Music Conference,
12 they all come for a reason, and I believe
13 the nightlife, it is intertwined.

14 If you start to restrict, I believe,
15 you are going to start to break that wheel,
16 that powerhouse, and I believe that if you
17 also start to restrict the hours of
18 operations, you're not only going to
19 economically start to kill these owners
20 which put all their life and energy into
21 what they're doing, but is also going to
22 hinder what we all love and what I've grown
23 up to become, somewhat of a night creature,
24 so thank you for your (Inaudible.)

25 MR. ECHEMENDIA: Good afternoon.

1 Santiago Echemendia, 201 South Biscayne
2 Boulevard on behalf of Penrod's Brothers.
3 We're concerned about becoming a legal
4 nonconforming use. I have what I think,
5 I am hopeful will be an embraceable
6 reasonable compromise, and that is the
7 zoning and progress terminates June 24th,
8 I think I heard Jorge say.

9 UNIDENTIFIED SPEAKER: (Inaudible.)

10 MR. ECHEMENDIA: May 24th. You
11 still have a May -- well, you have a May
12 26th hearing date that you can adopt a
13 temporary moratorium to look at this issue
14 on a more comprehensive level. You have a
15 two-day -- unfortunately, you have a
16 two-day window between the 24th and the
17 26th.

18 But a temporary moratorium would
19 enable you for a six-month period of time
20 to look at the issue of enforcement, to
21 possibly not render those that are legal
22 today legally nonconforming but them
23 continue to be legal and then put more
24 stringent conditions on those that apply
25 for dance hall and entertainment licenses.

1 That's really the reasonable way to go with
2 this. Thank you.

3 MAYOR DERMER: Thank you, sir. All
4 right. Let us go to Mallory followed --
5 yeah, Mallory I've got to the list. I'm
6 going to follow that with Josh and then
7 Juan, Rafael, and Frank will round us out.

8 MR. KAUDERER: Hello. My name is
9 Mallory Kauderer. I live in Miami Beach.
10 I've been a resident here for about 12
11 years and a business owner, commercial and
12 residential property, a nightlife business,
13 a photo studio, and I have a lot to say,
14 but we haven't a lot of time, so I'll keep
15 it brief.

16 The -- this is a tourist-based
17 economy, and we all know that in this room,
18 I think, I hope. You concern me recently
19 with some of the things that you've said in
20 the press, and that's why I'm here today.

21 The -- I also have had from my
22 various business filled out, I think, just
23 over 200 of these surveys and letters to
24 the city which I can provide tomorrow when
25 my staff get the balance of them together,

1 but I believe it's just over 200, and those
2 are all very -- many of those are voters
3 and residents of Miami Beach who are very
4 concerned about what's going on here, and
5 that was only done in a couple of days.

6 The -- I've invested here, I've
7 earned money here, I've raised a family
8 here. I certainly, certainly would not be
9 investing anything else now, and I am
10 strongly considering liquidating some of
11 what I own here based upon what I'm
12 hearing, because I see the beginning of
13 end, and that means moving me and moving my
14 family.

15 And its everyone in this room's
16 fault, because you're in control of what
17 happens in this community to a very large
18 degree. You're in control about what
19 happens in this building, and it's very,
20 very difficult to do business here, and I
21 don't think that many of you appreciate
22 that.

23 Some of you did appreciate that when
24 you ran for office, when you got our money,
25 when you solicited our votes, when you

1 misled us into voting for you, and some of
2 you I'm looking at right now as I scan the
3 room.

4 The people that came here are
5 like -- what my wife and I recently thought
6 of doing, are we going to live on the golf
7 course or are we going to live off the golf
8 course. Now, our issue wasn't any golf
9 balls falling in our backyard, but when you
10 move onto the golf course, expect it,
11 because they're going to hit your backyard.

12 This ordinance is poorly thought
13 out. It is -- the definitions require
14 refinement. I don't even understand why
15 you're voting on it yet, because it really
16 doesn't cover the issue completely, and
17 David Wallack is very much correct in what
18 he stated about it, and this gentleman had
19 a good suggestion. I have some of my own.

20 We have a city services issue.
21 That's sanitation, parking, and police, and
22 these are the things that you're supposed
23 to do. You're not supposed to ordinance us
24 to death. Keep us keep coming back here to
25 talk to you, keeping calling you and

1 writing you letters of what you should or
2 shouldn't be doing. You're all intelligent
3 people, you're all business people that
4 we voted on because we respected you.

5 MAYOR DERMER: Listen, I have to ask
6 you to wrap it up if you could.

7 MR. KAUDERER: I'll wrap it up.
8 What I want to know and I think what a lot
9 of the people that are in this room, and
10 unfortunately, many of them have left, but
11 the TV cameras are here, is what this
12 commission individually thinks today about
13 rolling back the hours and about
14 eliminating the ability of businesses that
15 are already open to stay open.

16 These are very two important things
17 that are the lifeblood of the community and
18 important to people investing in this
19 community, and we know what the mayor
20 thinks, because we're not sure -- we're not
21 sure. I mean, I'm not sure. I mean, what
22 do you think? Do you think one thing and
23 then you think another thing --

24 MAYOR DERMER: (Inaudible.)

25 MR. KAUDERER: -- (Inaudible) for

1 about 18 months. Before that --

2 MAYOR DERMER: Mallory, your time
3 has been expired for a while, and some
4 folks are waiting. If you could please
5 wrap it up.

6 MR. KAUDERER: Would this commission
7 be willing to individually state what they
8 think on these positions so we can all hear
9 that?

10 MAYOR DERMER: Mallory, I have to
11 ask you -- I have to ask you, please.

12 MR. KAUDERER: We can start -- we
13 can start from right to left or left to
14 right.

15 MAYOR DERMER: Mallory, I have to --
16 Mallory, your time is expired.

17 COMMISSIONER GARCIA: Mallory, I'll
18 start right here.

19 MAYOR DERMER: No, no, no.

20 MR. KAUDERER: Fine, let's start
21 right there, Commissioner Garcia.

22 COMMISSIONER GARCIA: I'll be happy
23 to start right here. No, I -- I --

24 MAYOR DERMER: Let's finish the
25 public hearing.

1 COMMISSIONER GARCIA: No, he might
2 rule me out of order, but I will definitely
3 make my views known.

4 MAYOR DERMER: I don't want to rule
5 anybody out of order, I just want to finish
6 the public hearing. That's all.

7 MR. KAUDERER: I'm sure you do, it's
8 embarrassing for you.

9 MAYOR DERMER: Come on.

10 MR. KAUDERER: I'm sure you want to
11 finish it.

12 MAYOR DERMER: Josh, come on. Thank
13 you. Thank you Mallory for your comments,
14 I appreciate it.

15 MR. KAUDERER: Thank you, Luis for
16 standing up and possibly wanting to say
17 what the public wants to hear.

18 MAYOR DERMER: Come on.

19 COMMISSIONER GARCIA: Well, I --
20 I --

21 MAYOR DERMER: Welcome.

22 MR. FISHER: My name is Josh Fisher.
23 I'm a resident of South Pointe, and, well,
24 it's not my nature to suck up, but somebody
25 has to really express some appreciation for

1 you all, because you've been put in a
2 really difficult position that is really
3 basically very unfair.

4 You're attempting to do a little bit
5 of land use planning, the most fundamental
6 thing a government body can do in a city,
7 and to have what you're trying to do
8 tonight characterized as being trying to
9 kill the golden goose in our town is just
10 flat out unfair to you, and you really have
11 my empathy.

12 UNIDENTIFIED SPEAKER: Don't worry,
13 we're veterans here, we've been --

14 MR. FISHER: Yeah, I know you've all
15 got the scars.

16 UNIDENTIFIED SPEAKER: That's why
17 we get the big bucks, Josh.

18 MR. FISHER: What is it, 6K a year
19 or something I remember reading once.

20 MAYOR DERMER: The mayor makes 10.

21 MR. FISHER: Do you get paid in
22 cash, that was the other thing (Inaudible.)

23 MAYOR DERMER: Go ahead.

24 MR. FISHER: So the simple fact is
25 that when South Pointe and Sunset Harbor

1 were planned, they were planned to be
2 residential neighborhoods, and our city has
3 got lots of residential neighborhoods.
4 It's got a nightlife district, and I don't
5 know anybody in my residential neighborhood
6 who isn't there for the life and vibrancy
7 of the city.

8 And anybody who thinks that can be
9 sustained by simply willie-nillie ignoring
10 planning, letting businesses do whatever
11 they feel like any place they feel like
12 doing it to whatever hour they want to do
13 it anywhere is just not really sensible
14 about the problem.

15 The problem is we built thousands
16 and thousands of apartments and are
17 building more, and those apartments are in
18 a place which is wonderful, I love living
19 there, my neighbors love living there,
20 those of us who have come down in the last
21 few years and hadn't lived here before are
22 stunned at what a terrific place it is, but
23 it has some incompatible uses that you
24 never intended to have there. You have a
25 loophole in the ordinances that are

1 allowing something, allowing a license you
2 can't come in and get to be gotten by a
3 means that is different from the means by
4 which you get that license, and you're
5 being asked to plug that loophole.

6 And again, I want to thank you for
7 having to endure what it is that you're
8 having to put up with in order to do this
9 most sensible thing.

10 MAYOR DERMER: Thank you, sir. Let
11 us have Juan followed by Rafael followed by
12 Frank.

13 MR COVIAN: Juan Covian, Portofino
14 Towers. You know, almost everybody that
15 has come to the podium has either a sign
16 that says they love the nightlife, they
17 don't want to kill the goose, and those
18 that didn't bring the sign have almost
19 expressed exactly the same thing, they
20 moved here because they love the vibrancy
21 of the city.

22 And part of that is because the
23 nightlife of the city is great. The people
24 that are responsible for the nightlife has
25 done a fantastic job, and they should be

1 congratulated for that. At the same
2 time -- at the same time they should
3 also --

4 MAYOR DERMER: You could stand up
5 if you want. This is not a senate hearing
6 or anything, you can stand up.

7 MR COVIAN: They should also be
8 congratulated, because I have never seen a
9 better utilization of scare tactics in my
10 life. They have basically done everything
11 under the sun to try to show us how passing
12 an ordinance that basically all that
13 it does is correct what is a little
14 loophole by which people are doing what
15 they're not supposed to do, they're telling
16 us that passing that ordinance is going to
17 create Armageddon, I mean, it's going to be
18 the destruction of our way of life, and
19 I think that is just terrible.

20 I am here to support the passing of
21 the ordinance. I think it is time.
22 I asked you last time to belly up to the
23 bar. It's time to get this over, because
24 what is going to continue to happen is get
25 worse and worse and worse.

1 COMMISSIONER GARCIA: Mr. Mayor, I'd
2 like to ask a question.

3 MR COVIAN: Thank you.

4 MAYOR DERMER: Sure. Commissioner
5 Garcia has a question.

6 COMMISSIONER GARCIA: Mr. Covian,
7 don't go away. Don't go away, because you
8 and I met in the presence of other
9 individuals.

10 MR COVIAN: Uh-huh.

11 COMMISSIONER GARCIA: Because, you
12 know, what you're expressing right now is
13 not exactly what you expressed to me at the
14 time. How do you feel about the
15 grandfathering clause?

16 MR COVIAN: I think that if it looks
17 like grandfather clock, each one of them
18 should be looked individual.

19 COMMISSIONER GARCIA: No, no, what
20 did you tell me at the time?

21 MR COVIAN: I told you that exactly.

22 COMMISSIONER GARCIA: No, no, that's
23 not what you told me, Mr. Covian.

24 MR COVIAN: I told you exactly.
25 I said I think it's a mistake to either

1 endorse it blindly or to reject it blindly.
2 Each one of those clocks should be looked
3 at individually, the ones that are there
4 now, and say should you keep it or
5 shouldn't you keep it. I think that's only
6 logical, and I said that the first meeting.

7 COMMISSIONER GARCIA: Well, first of
8 all, the way I recall it wasn't exactly
9 those words, and you said no way that
10 I would go with the grandfathering clause.
11 Okay? That's what you told me.

12 MR COVIAN: That's what I'm saying.

13 VICE MAYOR GROSS: Luis, he's not a
14 trial.

15 COMMISSIONER GARCIA: Well, you know
16 Commissioner Gross.

17 MR COVIAN: Luis --

18 COMMISSIONER GARCIA: Commissioner
19 Gross --

20 MR COVIAN: Luis, listen to me. I'm
21 saying exactly the same. I would not go
22 for a blind endorsement of the grandfather
23 clause no more than I would go for a blind
24 saying everyone should go in. It should be
25 looked at individually.

1 COMMISSIONER GARCIA: First of
2 all -- first of all, that's not what you
3 told me that time. Okay. Okay. I
4 remember. Number two, what I was getting
5 at -- what I was getting it is that type of
6 mentality is what has got everybody else
7 scared right here, because you know what,
8 right now you're -- right now you're
9 proposing to close a loophole, okay, but in
10 reality what you want is to put people out
11 of business.

12 MR COVIAN: I didn't say that.

13 MAYOR DERMER: Juan, let us get
14 Rafael -- Rafael, and our last speaker will
15 be Frank, and we'll close the public
16 hearing.

17 MR. RIVERA: My name is Rafael
18 Rivera, and I live on 211 Collins Avenue.
19 I've been living in South Beach for all my
20 life, 24 years, and I've grown to love this
21 place, it's a very beautiful place.

22 I'm coming over here to represent
23 the minorities, taxi drivers, culinarians,
24 people that live off the tourism business,
25 and I'm just -- I'm going to make this

1 brief and short, we live off of them, and
2 we work hard to make this place what it is
3 today.

4 MAYOR DERMER: You said taxi drives
5 and?

6 MR. RIVERA: Taxi drivers and
7 culinarians.

8 MAYOR DERMER: Oh, culinarians.
9 Okay.

10 MR. RIVERA: People that work in
11 restaurants.

12 MAYOR DERMER: I got it.

13 MR. RIVERA: Even bouncers, you
14 know, bartenders.

15 MAYOR DERMER: I heard you, I heard
16 you.

17 MR. RIVERA: The list goes on and on
18 and on. We live off the tourism, and to
19 be -- I'm -- to be honest with you, as far
20 as I'm concerned, we pay like more taxes
21 than any other county so we could have
22 security with the police. We pay a cent
23 more or something like that, correct me if
24 I'm wrong but whatever.

25 The point that I'm trying to make is

1 that I agree that we should have some sort
2 of stipulations like have more police
3 officers. If we're going to have all these
4 tourists like the Source Awards, the Latin
5 Grammys. Everyone around the world is
6 looking at Miami Beach because we --
7 because of the nightlife, you know, and
8 because what we've become -- what we are
9 today, and I just -- I just wanted to say
10 that, I came over here to say that.

11 MAYOR DERMER: I thank you, sir.
12 Thank you.

13 MR. RIVERA: Thank you.

14 MAYOR DERMER: Our last speaker.
15 Welcome.

16 MR. DEL VECCHIO: Frank Del Vecchio,
17 301 Ocean Drive. I think this ordinance is
18 pro-residential to these two residential
19 neighborhoods. It will be good for
20 residential investment, it will be good for
21 the beach economy, and what it does,
22 it stops the inevitable conflicts in these
23 residential areas if there is going to be
24 an increase in nightlife.

25 I think, however -- in those areas.

1 I think there's something missing that
2 you're going to have to turn to. I think
3 you should enact this ordinance. I think
4 the pro-business aspect of this kind of
5 planning, which I think should be holistic,
6 it should deal with residential investment,
7 it should deal with the asset of nightlife
8 and entertainment, and that part of the
9 equation hasn't really been adequately
10 addressed.

11 I think we need to take the next
12 step, which -- which was generally referred
13 to the planning board, but it was not
14 articulated in a way in which the nightlife
15 industry and the business community can see
16 within it something of value to them, and
17 they have legitimate concerns.

18 We're all concerned about police,
19 sanitation, services, and (Inaudible) over
20 regulation in the residential districts and
21 in the commercial district. I need --
22 I think you need to take a holistic view of
23 where nightlife investment, new nightlife
24 investment should be welcomed and
25 supported.

1 You need to look at the
2 entertainment district, its boundaries, how
3 it's regulated. You've have several issues
4 of existing zoning that may no longer be
5 appropriate. You know the issue of
6 services. So I think we need to have --

7 I think you should enact this
8 ordinance, but I think you need to do a
9 major look at our entertainment district,
10 and it should get the same kind of focus
11 that you've been giving to residential
12 quality of life. You've recognized the
13 change in these residential districts and
14 how they should be improved, and I think
15 we -- we -- we members of neighborhood
16 organizations appreciate and understand the
17 pressures on the commercial district, and
18 we would like to work on that, too. Thank
19 you.

20 MAYOR DERMER: Thank you, sir.
21 Okay. Motion to close the public hearing?

22 VICE MAYOR GROSS: I'll move it.

23 MAYOR DERMER: Okay. Motion to
24 close the hearing is now closed. There's a
25 motion.

1 VICE MAYOR GROSS: I'll make -- I'll
2 make a motion.

3 MAYOR DERMER: Motion, Commissioner
4 Gross on the ordinance or any other
5 (Inaudible)?

6 VICE MAYOR GROSS: Yeah, I think
7 that we need to send a few messages today,
8 because there are two communities, and
9 I think we need to send different messages
10 to the two communities. The first one to
11 the nightclub community, I say let's not
12 discuss rolling back the hours. I think
13 that's a mistake. I think that we should
14 direct the planning board not to consider
15 rolling the hours back from five to
16 two o'clock.

17 Because for whatever reason, the
18 message has gone out that has scared the
19 nightclub industry. That's not our purpose
20 in doing that, and I think that would send
21 a strong message both locally and abroad to
22 other people in the county, other places in
23 the United States, and internationally as
24 well, I don't think that we should be
25 sending a message that we want to roll the

1 hours back. That's number one.

2 Number two, the ordinance that's
3 before us has a lot of validity, and
4 I think that we should pass it, because
5 I think that's a separate issue from the
6 hours issue, and I think the residents
7 deserve to know that there's not going to
8 be anymore proliferation of nightclubs in
9 these two residential neighborhoods.

10 So in a way we can please both sides
11 here by doing that, and I think that's the
12 right thing to do, but I think the city
13 also does need to accept responsibility for
14 not providing the kind of services that
15 need to be provided. I think that's one
16 thing everybody in the room can agree upon.
17 We -- we do have to do better in providing
18 cleanliness and police and safety.

19 But I think the last -- one of the
20 other pieces of the equation that we do
21 need is an ordinance that really was not --
22 didn't receive a lot of attention at the
23 last meeting, but it discusses the rules
24 under which the clubs are expected to be
25 good citizens, and if they don't, then

1 there are ramifications to that.

2 Because I think really the failure
3 that we've had is that the city has had no
4 way of saying to the clubs, we want you to
5 be good citizens, we want you to be
6 successful, but at the end of the day,
7 if you don't do that, there are going to be
8 consequences, your license will either be
9 revoked or it will be suspended, and
10 we have to agree with the nightlife and
11 with the residents on exactly what those
12 rules are, because the uncertainty to
13 business is a very bad thing.

14 I'm in the real estate business,
15 I've heard people talking in the last month
16 since we -- since we meet, I'm not
17 investing in that neighborhood, I'm not
18 buying that building. That's a bad thing.
19 That's not good for anybody on the beach,
20 and the lack of certainty is what creates
21 that.

22 So I would say let's not roll back
23 the hours, let's set guidelines that the
24 businesses have to live by. If they don't,
25 they're going to be subject to having their

1 license suspended or revoked, let's pass
2 this ordinance, and let's provide better
3 city service.

4 MAYOR DERMER: Let me -- let me do
5 this. There's a motion. The motion as I
6 understand it, the ordinance, direction to
7 planning not to roll back hours, and to
8 deal with --

9 COMMISSIONER BOWER: I will second
10 that motion, but I need to --

11 MAYOR DERMER: I just want to
12 articulate the element --

13 COMMISSIONER BOWER: I need to ask a
14 question.

15 MAYOR DERMER: No, no, hang on, hang
16 on. I just want to articulate it properly.
17 Your two components along with the
18 ordinance to the to roll hours and --

19 VICE MAYOR GROSS: Well, this
20 providing better services is a direction to
21 the manager, but the other one, we need to
22 have a community meeting on this -- the
23 rules by which we're going to have the
24 clubs live by in terms of the periodic
25 violations, and over time if they

1 demonstrate that they're not going to be
2 good citizens, at one point the license is
3 going to be subject to suspension or
4 revocation.

5 MAYOR DERMER: Okay. That's
6 (Inaudible.)

7 VICE MAYOR GROSS: And that's what
8 the federal court has asked us to do in the
9 litigation that was pending with Opium.
10 They said, you know, the city had tried to
11 revoke their license, and the Court said
12 you don't have any criteria to do this.
13 We want you to establish those criteria.

14 MAYOR DERMER: Okay. Is there a
15 second to the (Inaudible.)

16 UNIDENTIFIED SPEAKER: I'll -- I'll
17 second it.

18 COMMISSIONER BOWER: No, but I want
19 to ask a question.

20 MAYOR DERMER: (Inaudible.)

21 VICE MAYOR GROSS: One other item,
22 because I agree with Frank, and also
23 it might have been David Kelsey who said
24 it. We do need to look at what
25 neighborhoods we want to encourage

1 nightlife to flourish in, and what we're
2 saying here is don't open new nightclubs in
3 South Pointe. Okay?

4 Let's go to the planning board,
5 let's pick the entertainment district,
6 let's say what neighborhoods we want new
7 nightclub investment to be in, which is
8 what Commissioner Garcia has been saying.

9 COMMISSIONER GARCIA: For four
10 years.

11 VICE MAYOR GROSS: And let's --
12 let's give certainty to people who want to
13 invest in our community and open businesses
14 so that they can be successful.

15 MAYOR DERMER: Okay. There's a
16 motion and a second. And that, I think,
17 was a good motion, because you got both
18 sides clapping for you. I've got to
19 commend you on that one.

20 Go ahead, what is your --
21 Commissioner Cruz had his light on first,
22 and then we'll entertain Bower, Garcia,
23 Smith, Steinberg.

24 COMMISSIONER CRUZ: That's the wise
25 thing to do here. And again, because of

1 the uncertainty that was going out and as
2 I stated at the beginning, this was a
3 narrow ordinance directed at closing a
4 loophole, but not to discourage the
5 nightlife industry. That's why the
6 rollback became such a critical issue, and
7 it's not something that we want to send a
8 message wholesale that we're shutting down,
9 because we're not.

10 So maintaining and putting aside the
11 whole rollback issue is a smart thing to
12 do. However, the entertainment component
13 which you brought up and David Wallack has
14 in the past and now Frank Del Vecchio has
15 brought up as far -- as well as David
16 Kelsey, we need to look at that, because
17 we do need to at least tell the people that
18 do want to invest, this is an area that
19 you're going to invest that we are going to
20 respect the ground rules.

21 It's the same thing we did when
22 we had the development issues back here in
23 '98. We drew the line and said this is
24 what we'll allow to do in these areas and
25 not in these. There's nothing worse for

1 investment than uncertainty for both
2 residents and business people.

3 Hopefully, this will put it to a
4 rest that we welcome both and that the
5 nightlife industry, which has become an
6 extremely important industry for us, will
7 be respected and tolerated, but the clubs
8 also have to do their fair share.

9 They have to maintain their outside.
10 They have to control their crowds.
11 Taxicabs are a huge problem in the
12 neighborhoods, because they go back and
13 forth. That's not the problem of the
14 nightclub, but we as a body need to send
15 that message out as well, because it's --
16 it is out of control, and it's not
17 necessarily in the control of the clubs to
18 be able to do that.

19 We're going to have to do a better
20 job. We need to define exactly what it is
21 that we expect from them, and we need to do
22 it and hold them accountable to it, because
23 if we tell them what we expect, then they
24 have ground rules, and it is unacceptable
25 to have at five in the morning or from,

1 what, one to five, which is really when
2 they're thriving, you know, huge masses of
3 people congregating outside and creating
4 problems, and the clubs have to understand
5 that and work with us on that, because that
6 will only inure in your favor if you can
7 handle that.

8 And outside of that, look, I think
9 we've come a long way, and I think that
10 this will hopefully put this at ease and we
11 can all have a good and quiet summer,
12 because I dreaded spending another
13 commission meeting getting phone calls. So
14 hopefully everyone can rest assured that
15 their interests are preserved.

16 MAYOR DERMER: I had Bower, then
17 I had -- how did I do the order, Bower,
18 Garcia, Smith, and Steinberg. I'm sorry,
19 well, let me get Richard after Bower, he's
20 usually hanging out there. Okay.

21 COMMISSIONER BOWER: Okay. My
22 question is I -- I don't disagree with this
23 so far, except I'm not quite sure where
24 we're handling the outside entertainment
25 and the noises that it creates, because

1 we're -- I was never concerned with rolling
2 back any -- any hours any place, but my
3 concern is with the outdoor entertainment,
4 and I don't know, Saul, how you are
5 addressing that issue in this motion, which
6 is why we send it -- at least it was my
7 perception that that's why we sent it to
8 the planning board, because if it's --

9 VICE MAYOR GROSS: Right, I --
10 uh-huh.

11 COMMISSIONER BOWER: -- if it's in
12 doors, I'm not concerned, it's the --

13 VICE MAYOR GROSS: Well, I agree
14 with you, but I think what we also had sent
15 to the planning board was consider the
16 rollback of the hours as well, and I think
17 that that was an error, and that's what I'm
18 saying today.

19 COMMISSIONER BOWER: But what if --
20 well -- well -- no, but I want to --

21 MR. GONZALEZ: Commissioner Bower, I
22 want to understand your question.

23 COMMISSIONER BOWER: Yes.

24 MR. GONZALEZ: Is it the concern
25 with entertainment or with outdoor open

1 air?

2 COMMISSIONER BOWER: Outdoor open
3 air.

4 VICE MAYOR GROSS: And Matti is
5 saying --

6 MR. GONZALEZ: The collateral --

7 VICE MAYOR GROSS: She's talking
8 about the collateral impacts of the
9 nightclubs, I believe, when the people --

10 MR. GONZALEZ: Are outside.

11 VICE MAYOR GROSS: (Inaudible) out
12 of the nightclubs.

13 MR. GONZALEZ: I think you're
14 talking about an open air.

15 COMMISSIONER BOWER: (Inaudible.)

16 VICE MAYOR GROSS: Open air,
17 we already dealt with that.

18 MR. GONZALEZ: We did that one.

19 COMMISSIONER BOWER: We dealt with
20 that?

21 VICE MAYOR GROSS: Yeah, that's
22 done.

23 COMMISSIONER BOWER: All over?

24 MR. GONZALEZ: In south -- in South
25 Pointe.

1 VICE MAYOR GROSS: In South Pointe.

2 COMMISSIONER BOWER: Only?

3 VICE MAYOR GROSS: Yes.

4 COMMISSIONER BOWER: And that is
5 grandfathered in?

6 MR. GONZALEZ: You allowed for
7 grandfathering in as well.

8 VICE MAYOR GROSS: Yeah.

9 COMMISSIONER BOWER: In the -- in
10 the (Inaudible.)

11 MR. GONZALEZ: In South Pointe.

12 COMMISSIONER BOWER: So how do
13 we resolve in your -- in your issues of,
14 you know, code of conduct, are we going to
15 address, then, issues -- that's the last
16 ordinance we passed, the issue is if you
17 break the law and the noise.

18 MR. GONZALEZ: The -- what you
19 passed as first reading in your last
20 meeting and asked us to go out and do some
21 outreach, which we have some meetings
22 trying to get scheduled, is the issue of
23 our occupational license and habitual
24 offenders where we would determine at what
25 point the multiple violations make you a

1 habitual offender, which allows us to
2 pursue a license revocation hearing before
3 the special master or some other
4 (Inaudible.)

5 COMMISSIONER BOWER: Well, that
6 actually will take care of the problem.

7 MR. GONZALEZ: That should come
8 back, I believe it's in your June meeting.
9 Is that when (Inaudible.)

10 VICE MAYOR GROSS: But let's make
11 sure we have plenty of dialogue
12 (Inaudible.)

13 MR. GONZALEZ: Yeah, and that's the
14 intent is that -- that's why we put it to
15 June, to allow for sufficient time to reach
16 out to the neighbors and to the business
17 owners so that we can reach consensus.

18 COMMISSIONER BOWER: Okay.

19 UNIDENTIFIED SPEAKER: What about
20 entertainment without dancing.

21 MAYOR DERMER: Hang on one second,
22 here. Commissioner Steinberg (Inaudible.)

23 COMMISSIONER SMITH: I'm going to
24 deal with that.

25 MAYOR DERMER: He's going to race

1 that issue.

2 COMMISSIONER STEINBERG: I have a
3 question of clarification for the
4 administration and that's there -- you have
5 listed seven restaurants in South Beach
6 that you identify as having dance licenses
7 and two in the Sunset Harbor area. Is
8 it your opinion that we're grandfathering
9 in those nine establishments, all of them?

10 MR. GONZALEZ: The -- the intent of
11 this ordinance would grandfather any
12 licensed legal establishment. Those are
13 the seven that are listed in our report.
14 I'd like to actually read them into the
15 record at some point once the ordinance is
16 passed.

17 COMMISSIONER STEINBERG: Because
18 I want to clarify, I don't want anyone to
19 go out not thinking that they are or aren't
20 grandfathered. I just want to --

21 MR. GONZALEZ: Right, I think
22 we should clarify those.

23 COMMISSIONER STEINBERG: I want
24 people to know where they stand going out
25 of here.

1 MR. GONZALEZ: Exactly.

2 COMMISSIONER STEINBERG: So there's
3 no --

4 MR. GONZALEZ: That's appropriate,
5 and that's something we were planning to do
6 as part of the motion was to make sure that
7 we were very clear on which establishments
8 are as far as our understanding through our
9 occupational license have legal standing
10 and would be vested with the legal
11 nonconforming use, and if you want to do
12 that now, we can do that now, or we can do
13 it -- Jorge (Inaudible.) Go ahead, yeah.

14 MR. GOMEZ: These are the following
15 restaurants with the entertainment license
16 that are currently in existence. That
17 would be Penrod's, Opium, Pure Lounge,
18 Monty's, Taverna Opa, Harrison's,
19 (Inaudible), and that's it. Those are the
20 seven that right now.

21 MR. GONZALEZ: And then South
22 Pointe. And then what are the --

23 MR. GOMEZ: South of 5th Street.

24 MR. GONZALEZ: And then the ones on
25 Sunset.

1 MR. GOMEZ: On Sunset.

2 VICE MAYOR GROSS: You don't read
3 Joya, did you?

4 UNIDENTIFIED SPEAKER: Pure lounge.

5 MR. GOMEZ: Pure lounge.

6 VICE MAYOR GROSS: But that's
7 different, pure lounge is a different
8 business.

9 MR. GOMEZ: No, they have the same
10 liquor license for the entire complex.

11 VICE MAYOR GROSS: No, no, I don't
12 think so.

13 MR. GONZALEZ: No, let's do them
14 separately, Jorge. Notice down here they're
15 listed twice, Pure Lounge and Joya. Down
16 about a little bit past half of your list,
17 right above (Inaudible.)

18 MR. GOMEZ: I'm sorry, yes, yes.

19 VICE MAYOR GROSS: You see, Pure is
20 a different animal.

21 COMMISSIONER BOWER: Is Opa
22 (Inaudible) now.

23 MR. GOMEZ: Opa has an entertainment
24 license, yes.

25 VICE MAYOR GROSS: No, there's a

1 Taverna Opa and --

2 MR. GOMEZ: Taverna Opa.

3 COMMISSIONER BOWER: So when it came
4 to land use and we spent all that time in
5 land use making sure that it wasn't going
6 to be a noise making entertainment, and you
7 told me no.

8 MR. GOMEZ: Right, they have --

9 COMMISSIONER BOWER: No, 300 times
10 until I finally voted for this. It's now a
11 cabaret?

12 MR. GOMEZ: The entertainment is
13 only indoors, they're not allowed to
14 have --

15 COMMISSIONER BOWER: So then it's
16 not --

17 MR. GOMEZ: It doesn't --
18 it doesn't -- it has an entertainment
19 license for outdoor only.

20 COMMISSIONER GARCIA: For outdoor
21 entertainment.

22 MR. GOMEZ: The ordinance that you
23 passed --

24 MR. GONZALEZ: Matti, that's the
25 loophole that you're trying to close.

1 MR. GOMEZ: That's the ordinance
2 that you passed was about outdoor
3 entertainment.

4 COMMISSIONER BOWER: Yeah, but my
5 God.

6 MAYOR DERMER: Okay.

7 MR. GONZALEZ: That's the loophole
8 you're trying to close with this ordinance,
9 to prevent that from happening, that's a
10 restaurant that has a dance license.

11 UNIDENTIFIED SPEAKER: (Inaudible.)
12 So now Taverna Opa cannot open.

13 MAYOR DERMER: Fine, let us go to
14 Commissioner Steinberg (Inaudible.)

15 COMMISSIONER STEINBERG: And in
16 Sunset Harbor are there any that are being
17 grandfathered in?

18 MR. GOMEZ: Right now Sunset Harbor
19 has Jade and the Purdy Lounge, and
20 I believe that there was a -- that's
21 it I think, those are the only two that
22 we have licensed right now.

23 COMMISSIONER STEINBERG: Okay.
24 Secondly, I want to -- it's interesting,
25 because when we were here at the last

1 meeting, the conversation of rolling back
2 the hours, some of my colleagues were
3 trying to pin me into reporting that, and
4 there's been a little bit of a
5 metamorphosis and people changing their
6 opinions and now all of a sudden advocating
7 not doing that, so I find that to be quite
8 interesting.

9 I for one never supported the idea.
10 I reluctantly went along with it saying
11 that we'd discuss it between then and now
12 and on the referral of the planning board,
13 but it's interesting that at the time the
14 sentiment up here was somewhat different,
15 and there were people that were trying to
16 pin me into doing something and take a
17 position on it, and I refused to do so.

18 As I said at the last commission
19 meeting and maybe not in these words, the
20 finger should not be pointed at the
21 industry or the residents. The finger to a
22 large extent should be pointed at the city.
23 The city has failed. We have failed to
24 have ordinances that we can enforce
25 properly. We have failed to enforce our

1 noise ordinance. We have failed to provide
2 the sanitary services that we need.
3 We've failed to provide the police services
4 that we need.

5 And we should not punish the
6 residents or the business because of that,
7 but instead we should find the resources to
8 address this, and especially in South
9 Pointe where we have the RDA and we have
10 the ability to use money from the RDA for
11 policing, we should be making sure we have
12 adequate, sufficient -- we have adequate
13 funding to provide the policing necessary
14 to make sure that the industry can coexist
15 with the residents. There's no reason why
16 we shouldn't be able to do that.

17 When it came to the issue probably
18 over a year ago on open air entertainment,
19 I was the only vote, I believe, against
20 that, and I voted against it because I said
21 what was next. Where were we going next,
22 and it seemed that there wasn't a whole
23 look at how to go forward and how to plan
24 where the industry would be and how it would
25 be.

1 So instead what happens is you have
2 groups in one area that become vocal and
3 then we react, and then you have a group in
4 another area that becomes vocal and then
5 we react.

6 Well, the nightlife industry here to
7 a large extent has always shifted slightly
8 throughout the city, and my theory is as
9 soon as you pigeonhole it into one area too
10 tightly, the next shift will not be from
11 one couple of blocks to another couple of
12 blocks, it will be across the bay or to
13 Fort Lauderdale, and that will -- and that
14 will have drastic impacts on the economy of
15 our city.

16 All of my colleagues have an
17 alternative ordinance that legal put
18 together which was part of the discussion
19 that we had last time here about only
20 allowing the -- well, the loophole that
21 exists today was created, and I think the
22 intent behind it was actually very right,
23 the intent was there are legitimate
24 restaurants that have the -- that should be
25 able to have entertainment or dancing, and

1 the example of belly dancer, if there's
2 nothing more going on there, is a perfect
3 example.

4 A place that has TVs that wants to
5 have sports programming and turn the volume
6 up for Super Bowl is another example.
7 There are -- there are legitimate uses in a
8 real restaurant to do that, and what I had
9 suggested doing was looking to the state
10 statutes that deal with what type of liquor
11 license people have.

12 And I'll call on Gary (Inaudible)
13 from legal to get into the details of the
14 alternative amendment that you came up
15 with, and I thank you for doing that and
16 for your hard work that ties it to the
17 state liquor license, so that a restaurant
18 with an SRX alcohol beverage, which means
19 that a majority of their sales must be from
20 food, they must continue to sell food at
21 all times.

22 So you can't have a restaurant
23 during the day or part of the night and
24 turn it into something else. It actually
25 goes to what the intent of it was. The

1 commission's intent was saying if you're a
2 legitimate restaurant, we'll let you be a
3 legitimate restaurant and have these other
4 uses. That was the commission's intent at
5 the time, and that's why they put the
6 language in there.

7 Unfortunately, the way the language
8 is in there, it's so vague that it's
9 created a loophole. It was not intended as
10 a loophole, it was intended to allow
11 legitimate businesses to exist, and I will
12 not support this ordinance unless it is
13 tailored in a way to allow legitimate
14 restaurants to exist. And I'll -- I'll
15 turn to Gary to explain the amendment.

16 MAYOR DERMER: Gary.

17 MR. HELD: Well, I know we've been
18 here a long time, I don't know how much you
19 want me to go into it, but the intent of
20 the ordinance as codified was to exempt
21 restaurants that we considered bona fide
22 restaurants, that we defined as having a
23 full kitchen, and I believe serving full
24 meals -- serving full meals. That has
25 turned into not resulting in bona fide

1 restaurants.

2 When you look at rules that
3 determine what is a bona fide restaurant,
4 the state license for alcohol for
5 restaurants does that, it requires --
6 it has five criteria starting with at least
7 51 percent of the total gross revenues must
8 come from retail sales of licensed premises
9 food and nonalcoholic beverages.

10 The -- there are five criteria, the
11 intent of the five criteria is to truly
12 establish that there's a bona fide
13 restaurant, so if you wanted to maintain
14 the bona fide restaurant exemption --

15 COMMISSIONER STEINBERG: Can you
16 read from the five, Gary.

17 MR. HELD: In Dade County there are
18 two size limitations. The first is that
19 it be a minimum of 4,000 square feet, the
20 second that it be a minimum of 250 seats.
21 That is not a standard statewide rule that
22 was -- that was increased for Dade County
23 alone.

24 The third standard is the 51 percent
25 rule from license -- from food and

1 nonalcoholic beverages. The fourth
2 standard is that full course meals must be
3 available at all times when the restaurant
4 is serving alcoholic beverages, and
5 it defines a full course meal as including
6 salad or vegetable, entree, beverage, and
7 bread.

8 The fifth criteria is that the
9 establishment is a bona fide restaurant
10 primarily engaged in food and nonalcoholic
11 beverage sales and service, and that has
12 been explained to me as a component of
13 their advertising and what they hold out
14 the business to be.

15 So the amendment, the alternate
16 ordinance merely substitutes the state SRX
17 alcoholic beverage license for the phrase
18 "full kitchen serving full meals" to
19 establish that it be a bona fide
20 restaurant.

21 Admittedly, there are establishments
22 that don't qualify for SRX that are
23 restaurants that may be bona fide
24 restaurants but for one reason or another
25 don't have the SRX license. For example,

1 if you're between 60 seats and 99 seats,
2 you don't qualify for an SRX license,
3 because you don't meet the minimum size.
4 Also there are restaurants that are over
5 200 seat that is have chosen a 4COP, which
6 is the (Inaudible) license, because they
7 don't either want to be subject to the
8 state audit rules or, you know, other
9 strict rules meeting the SRX criteria.

10 So there are gaps in this that will
11 only create a limited exemption for those
12 that meet the five criteria even though
13 there may be other kinds of bona fide
14 restaurants.

15 MAYOR DERMER: Okay.

16 COMMISSIONER BOWER: Can I just ask?

17 MAYOR DERMER: Sure.

18 COMMISSIONER BOWER: So -- so
19 if there is a smaller restaurant that does
20 not seat 250, they cannot have
21 entertainment?

22 MR. HELD: Not under this alternate.
23 There is an option, but it's very
24 burdensome administratively. It's to look
25 at whether a restaurant could qualify for

1 the SRX rules but for the size of the
2 establishment and the number of seats, but
3 that means that we would be in the
4 business, we the city, of doing the audits
5 to evaluate the other criteria rather than
6 relying on the state to do its audits and
7 maintaining the SRX rules.

8 MAYOR DERMER: Okay. Was there
9 anything else Richard or was that --

10 MR. GONZALEZ: That -- just to
11 clarify that, that amendment would not
12 allow a restaurant that chose not to sell
13 liquor from opening up, you would require
14 the SRX license.

15 MR. HELD: That's correct.

16 MR. GONZALEZ: You have to have the
17 liquor license (Inaudible.)

18 MR. HELD: Right, then you have an
19 after hours club which is a whole 'nother
20 story.

21 MR. GONZALEZ: Okay.

22 COMMISSIONER STEINBERG: Actually,
23 let me make a motion on the amendment.
24 I'll move the amendment. Well, the mover
25 accepted as a friendly amendment is the

1 first question.

2 COMMISSIONER SMITH: Richard, let me
3 explain -- let me explain the problem I'm
4 having here. I'm not trained as an alcohol
5 expert.

6 COMMISSIONER STEINBERG: Nor am
7 I (Inaudible.)

8 UNIDENTIFIED SPEAKER: I don't know
9 what the ramifications -- I don't know what
10 the ramifications of this license are, how
11 many people could take advantage of it,
12 whether you can transfer it from one
13 location to another, I don't know how many
14 people it would effect, so we're kind of
15 operating blindly here.

16 I mean, I don't mind studying the
17 issue, and I don't mind coming back and
18 giving you an opinion as to how I feel at
19 the meeting, but to -- to introduce a
20 totally new concept to an ordinance that
21 we have already debated for weeks, I don't
22 know that this is the right forum for us to
23 be able to do that.

24 COMMISSIONER STEINBERG: With all
25 due respect, because I had brought this up

1 at the last meeting, this is not new. The
2 direction from this body was between first
3 and second reading for the administration
4 and legal to do this analysis and get back.

5 I don't want to be faulted for the
6 fact that the administration and legal did
7 not do the thorough -- do an analysis well
8 enough for you to be satisfied, but the
9 reality is I don't want to go through this
10 again. I don't want to have to have these
11 people come back here again to debate this
12 issue again, to have to find five votes now
13 to change this.

14 I mean, the reality is right now
15 if there's not three votes for it, if I can
16 get two other people to agree with me on
17 this, it happens. Conversely, I need five
18 votes to add it in later.

19 UNIDENTIFIED SPEAKER: Well, today
20 is the first day that (Inaudible.)

21 UNIDENTIFIED SPEAKER: Commissioner,
22 Commissioner Steinberg, Mr. Smith, as you
23 know, I do a lot of legal work on alcoholic
24 beverage licenses, so let me just make a
25 statement for the record.

1 It's impossible to qualify for the
2 SRX license in Dade County unless you have
3 4,000 square feet and 250 seats. I can't
4 think of hardly any places that are left in
5 this town that would be qualified for that
6 license. Joe's Stone Crabs is one of the
7 few places that would actually make it.

8 COMMISSIONER SMITH: So it's in your
9 opinion as an expert in liquor law --

10 UNIDENTIFIED SPEAKER: It would --
11 it's the worst possible thing we can --

12 COMMISSIONER SMITH: -- this
13 wouldn't affect anybody?

14 UNIDENTIFIED SPEAKER: No, because
15 if you put the SRX designation on
16 qualifications, then you're automatically
17 saying you have to have 4,000 square feet
18 under roof, and you have to have 250 seats
19 on the floor, and I don't know of any of
20 the places that are available --

21 COMMISSIONER STEINBERG: I
22 understand --

23 UNIDENTIFIED SPEAKER: -- that you
24 could possibly buy or rent that would
25 qualify.

1 UNIDENTIFIED SPEAKER: (Inaudible)
2 to Gary.

3 COMMISSIONER STEINBERG: I think
4 there are four SRX licenses in South
5 Pointe?

6 MR. HELD: Yeah, Monty's On the
7 Beach, Smith and Wollensky, Big Pink, and
8 China Grill.

9 UNIDENTIFIED SPEAKER: Right, that's
10 how big you have to be, so if you --

11 COMMISSIONER STEINBERG: That's
12 fine, but at least -- at least those places
13 that are legitimate restaurants, if they
14 want to remain legitimate restaurants and
15 have this accessory use, they can. Think
16 of the -- the flip side is you're telling
17 them they can't. The flip side is you're
18 telling those people that are true
19 restaurants, and the commission's intent
20 when they passed this initially was clearly
21 to allow a bona fide restaurant to have an
22 accessory use of dancing or entertainment.

23 UNIDENTIFIED SPEAKER: (Inaudible.)

24 UNIDENTIFIED SPEAKER: I'm saying
25 that you're -- you're -- you're -- the

1 equality of that, you're discriminating,
2 because the places that are that large --

3 COMMISSIONER STEINBERG: I'm just --

4 UNIDENTIFIED SPEAKER: -- are the
5 only ones that are going to be able to
6 qualify for that particular (Inaudible.)

7 MAYOR DERMER: Steve, I
8 appreciate --

9 COMMISSIONER BOWER: But I wanted to
10 help him.

11 UNIDENTIFIED SPEAKER: (Inaudible.)

12 UNIDENTIFIED SPEAKER: See, but
13 there's something.

14 COMMISSIONER BOWER: You can't help
15 him or the other gentleman (Inaudible.)

16 UNIDENTIFIED SPEAKER: (Inaudible.)

17 UNIDENTIFIED SPEAKER: Okay. I just
18 wanted to go on the record because there
19 was a question.

20 MAYOR DERMER: Sir, sir, we're not
21 taking (Inaudible.)

22 UNIDENTIFIED SPEAKER: I just want
23 to say one thing.

24 MAYOR DERMER: Sir.

25 UNIDENTIFIED SPEAKER: My restaurant

1 is 66 seats. How could it be bona fide?

2 MAYOR DERMER: Sir, sir, please be
3 seated. Thank you.

4 Richard, you have a sentiment here
5 that Jose is not comfortable with it as far
6 as not dismissing it, but it has not --
7 this has not traveled through committee,
8 this has not been debated internally in the
9 city.

10 COMMISSIONER SMITH: Well, I'm not
11 saying that we're not telling --

12 COMMISSIONER STEINBERG: And we are
13 going -- we are going -- the rationale here
14 is we are closing a loophole. We are not
15 closing a loophole, then. We are changing
16 the law. The law was to allow restaurants
17 to have -- legitimate restaurants have the
18 ability to have entertainment and to have
19 dancing.

20 If a place, a legitimate restaurant
21 wants to have those and still wants to
22 function as a legitimate restaurant --

23 COMMISSIONER BOWER: (Inaudible.)

24 COMMISSIONER STEINBERG: -- then
25 they should be able to. That is the

1 original intent of the commission. If our
2 intent here is to close the loophole
3 because there's been abuse of it, then
4 we should look for a way to prevent the
5 abuse but not prevent legitimate business,
6 and that's what I asked the administration
7 and legal to do before first and second
8 reading, and this is what they came up with
9 as a possibility to do that.

10 If you want to go back and look at
11 it after, I'm fine with that, but I don't
12 want to throw out the baby with the bath
13 water. I don't want to take this further
14 than it has to go, and if we need to expand
15 it a little bit later, we can.

16 I'm not saying that we can't come
17 back to it, but why if we have a
18 classification that we know are people that
19 have to abide by the state laws, subject to
20 state audit, that they are legitimate
21 restaurants, they are exactly the people
22 that this commission when they passed the
23 ordinances in the past intended to allow to
24 operate, and now we're telling them, I'm
25 sorry, we're changing the game.

1 We told you if you were a legitimate
2 restaurant you can come in and comply or
3 get this license, no more. We're no longer
4 closing the loophole, we are changing the
5 law.

6 COMMISSIONER BOWER: But what I want
7 to know is those four names that were
8 brought up, they don't have any -- they
9 don't -- they're not complaining because
10 they don't do that, but I wanted to help
11 the ones that were here that are smaller
12 that don't qualify. What can we do for
13 those?

14 COMMISSIONER STEINBERG: I don't
15 mind that. If legal can tell me a way for
16 us to do that.

17 COMMISSIONER BOWER: (Inaudible.)

18 MAYOR DERMER: Sir, please.

19 UNIDENTIFIED SPEAKER: Let me help
20 you out.

21 MAYOR DERMER: No.

22 UNIDENTIFIED SPEAKER: Let me help
23 you out.

24 MAYOR DERMER: Sir.

25 UNIDENTIFIED SPEAKER: Why don't you

1 just roll back to two o'clock.

2 MAYOR DERMER: Sir, sir.

3 UNIDENTIFIED SPEAKER: (Inaudible)

4 ledge restaurants to two o'clock.

5 MAYOR DERMER: Sir, sir.

6 COMMISSIONER BOWER: Sit down. Sit

7 down.

8 MAYOR DERMER: Please, please.

9 COMMISSIONER GARCIA: Mr. Mayor,

10 sometime I would like to get into the

11 discussion.

12 MAYOR DERMER: I'm going to get you

13 in. I have -- Richard, any further

14 discussion?

15 COMMISSIONER STEINBERG: If you can

16 find a way, Commissioner Bower, that we can

17 pass today or if legal can come up with

18 something, this -- it's been three weeks

19 since they were given the charge to find

20 a --

21 MAYOR DERMER: (Inaudible) question

22 by (Inaudible.)

23 COMMISSIONER STEINBERG: -- and the

24 answer -- this is the answer that

25 we think --

1 MAYOR DERMER: All right. Hang on.

2 COMMISSIONER SMITH: Is the reason
3 that you're proposing this so that the four
4 restaurants that were mentioned will not be
5 deemed nonconforming?

6 COMMISSIONER STEINBERG: No, it's in
7 case someone --

8 COMMISSIONER SMITH: Is that the --
9 is that the idea?

10 COMMISSIONER STEINBERG:
11 If someone -- no, my idea was if someone is
12 a true restaurant, a bona fide restaurant,
13 not someone who is parading to be a
14 restaurant, a bona fide restaurant that
15 wants to have these uses. If it's a
16 place -- for example, in North Beach, we've
17 all probably been to the Greek restaurant
18 on 71st Street.

19 They have belly dancer on the
20 weekend. They presumably need a dance
21 license because they have belly dancer, and
22 probably an entertainment license also
23 if they turn up the music loud enough.

24 MAYOR DERMER: Gary, you wanted to
25 comment?

1 MR. HELD: You know, this has been
2 raised before. The referral to the
3 planning board includes looking at the
4 definition of "entertainment" and planning
5 and legal both believe we can deal with
6 that at that time.

7 MAYOR DERMER: Okay.

8 COMMISSIONER STEINBERG: But my --

9 MR. HELD: (Inaudible) restaurants
10 with the limited entertainment.

11 COMMISSIONER STEINBERG: My concern
12 is you'll need five votes at that time to
13 change the definition of "entertainment."
14 We're going to have residents that are
15 going to be out here telling us not to do
16 that, that we're opening up Pandora's box
17 by doing that, and I don't want to put the
18 commission in that position to the extent
19 that we don't have to.

20 If we can create an exemption for
21 legitimate business, and others may come
22 on. There are four right now, there could
23 be a fifth one tomorrow who applies for
24 that license or a restaurant. For example,
25 Joe's didn't have -- has a CPO4 license,

1 but perhaps their food sales I assume are
2 high enough, they probably could go to a
3 license to the -- to the other license
4 if they wanted to and get dancing or
5 entertainment if they chose.

6 MAYOR DERMER: All right. Let us --
7 let us continue the discussion if we can.
8 Commissioner Smith, then Commissioner
9 Garcia.

10 COMMISSIONER GARCIA: Go ahead.

11 MAYOR DERMER: I have you after --

12 COMMISSIONER GARCIA: (Inaudible)
13 no, I -- I (Inaudible.)

14 MAYOR DERMER: Okay. Commissioner.

15 COMMISSIONER SMITH: Gary, you --
16 you made a statement just a couple of
17 moments ago about the referral to planning
18 to consider what exactly is an
19 entertainment establishment and what is
20 allowed and what is not allowed.

21 Obviously, we don't really see a
22 problem with belly dancer in and of itself
23 or a comedian or a Super Bowl show or a
24 Heat game or a band -- a Mariachi band or
25 whatever -- whatever -- whatever

1 we suggested is an extreme reaction to --
2 to the ordinance.

3 I think we need to find a definition
4 that deals with that issue. I mean, we --
5 we know we don't want DJ's at five o'clock
6 in the morning, we don't want bands at five
7 o'clock in the morning, but there's --
8 there's -- there's a middle road here, and
9 I think that that issue needs to --

10 MR. HELD: Right, and that's not an
11 issue for tonight, it's an issue that will
12 be discussed, and we probably will be able
13 to come up with something to satisfy the
14 small business needs.

15 MAYOR DERMER: Okay. Commissioner
16 Garcia.

17 COMMISSIONER GARCIA: Yeah, but
18 on -- on that note, we will come up with
19 something. I mean, what are you going to
20 come up with, when are you going to come up
21 with, and that's what scares me.

22 You know, my good friend Mary
23 Dollins out there says that there's an old
24 Mexican occurs where you (Inaudible) on
25 Cinco de Mayo that says, may your life be

1 filled with lawyers, and, you know, this is
2 basically what's happening here. Okay?

3 I -- I -- I started with an idea,
4 okay, which I made -- I made a motion to
5 postpone the passing of this ordinance
6 until it was properly crafted. Okay. You
7 know, I -- I -- this man, he came out with
8 a good proposal that he almost had me.
9 Okay?

10 When this ordinance first came
11 about, I voted to -- I voted to approve
12 it on first reading with some caveats, to
13 go -- to go to the planning board for not
14 to roll back the hours, you know, I -- but
15 for the creation of a cabaret district.
16 Okay?

17 Mr. Mayor, with all due respect to
18 you, you shoulder -- you shoulder all the
19 blame on this uncertainty right here,
20 because (Inaudible.)

21 MAYOR DERMER: Thank you.

22 COMMISSIONER GARCIA: No, you know,
23 I said it before, you weren't here, I'm
24 going to make sure I, again, to you in your
25 face, you know, when --

1 MAYOR DERMER: You don't have to,
2 it's all right.

3 COMMISSIONER GARCIA: But I will.
4 But I will.

5 MAYOR DERMER: All right.

6 COMMISSIONER GARCIA: You know, at
7 the -- at the (Inaudible) you know, which
8 is around TV a number of times, you kept
9 saying you will even be willing to
10 (Inaudible) roll back the hours.

11 MAYOR DERMER: That's not accurate.
12 That's not accurate. That was never
13 mentioned.

14 COMMISSIONER GARCIA: Well, you
15 know, look -- look at the tape. Anyway --

16 MAYOR DERMER: I know the tape.
17 I know -- I wrote the speech. I said the
18 speech, I know what's in it.

19 COMMISSIONER GARCIA: Well, you
20 know, you said it.

21 MAYOR DERMER: Well, I'm not
22 gonna -- we'll leave it as is.

23 COMMISSIONER GARCIA: If you didn't
24 do it there, you did it at the subsequent
25 meeting. Okay? So with that said, that

1 created a tremendous amount -- a tremendous
2 amount of uncertainty in the community, and
3 that's why the people are here, because,
4 you know, most of the people are here not
5 because of this loophole that we're
6 trying -- that we're trying to close, most
7 of the people are here because they feel
8 that they are going to --

9 MAYOR DERMER: (Inaudible.)

10 COMMISSIONER GARCIA: That they are
11 going to roll back the hours, you know.
12 (Inaudible) and some people have stressed
13 feeling that they don't want to grandfather
14 anybody in, okay, and that creates anxiety.
15 Okay?

16 MAYOR DERMER: Your position --

17 UNIDENTIFIED SPEAKER: (Inaudible.)

18 MAYOR DERMER: Your position --
19 please, sir, please, please, please.

20 COMMISSIONER GARCIA: My position --
21 my position -- first of all, I don't think
22 the hours should be rolled back, not now,
23 not ever, number one.

24 Number two -- number two, any
25 business that's in operation right now

1 that's been playing by the rules, you do
2 not change the rules of the game at this
3 place and time. Okay? That's an
4 investment of money, and you know what,
5 they -- they deserve to be -- they deserve
6 to be -- to recoup their money.

7 Number three, I think the city is to
8 blame for the lack of services. For
9 years -- for years I have been -- I have
10 been asking for the creation of districts
11 like the ones we have before. They used to
12 work, they were properly, the streets were
13 clean, there were walk patrol, and you know
14 what, we haven't had it.

15 If there's a district that deserves
16 to be made a semi-autonomous district, it's
17 South Beach. You go the RDA. You can get
18 funding from the RDA for -- for the
19 services down there, you know.

20 MAYOR DERMER: I don't know
21 if that's quite accurate, but I'm not going
22 to debate that issue with you right now.

23 COMMISSIONER GARCIA: You know what,
24 you can do it, people are receptive. We --
25 we as a city, let's face it, Mr. Manager,

1 we are not the most efficient entity in the
2 world. The streets are dirty, the police
3 are not on the streets, and, you know, and
4 the complaints are not answered -- are not
5 answered on -- on -- on a timely manner.

6 COMMISSIONER BOWER: You know why
7 the streets are dirty --

8 COMMISSIONER GARCIA: With that --
9 with that said, also -- also.

10 COMMISSIONER BOWER: -- and we don't
11 have enough police and we don't have -- why
12 there's all that? Because there's not
13 enough money in the budget. You know every
14 time somebody stands up here, oh, please,
15 my foot, you know.

16 COMMISSIONER GARCIA: You know what,
17 guy -- you know what, guys.

18 COMMISSIONER BOWER: When we are
19 here debating issues of how much we're
20 going to pay for the unions, and when
21 people -- we're fighting here to raise a
22 little bit of 2.50 for a square foot in
23 Lincoln Road for -- to pay for the cleaning
24 of Lincoln Road one time a year for the
25 tables, everybody comes, all the businesses

1 come out, and we say let's not raise it.

2 When we raise the park fees, there's
3 nobody here because the citizens are not
4 really -- you know.

5 COMMISSIONER GARCIA: Mr. Mayor, do
6 I have the floor.

7 MAYOR DERMER: Hang on.

8 COMMISSIONER GARCIA: Do I have the
9 floor? You know --

10 COMMISSIONER BOWER: Yes, I have the
11 floor.

12 COMMISSIONER GARCIA: I have the
13 floor.

14 COMMISSIONER BOWER: You know,
15 I have the floor.

16 MAYOR DERMER: We're not taking the
17 discussion back (Inaudible.)

18 COMMISSIONER GARCIA: You know what,
19 I -- I have been -- I have been --

20 COMMISSIONER BOWER: It really
21 saddens me what goes on in this city.

22 COMMISSIONER GARCIA: I have been
23 very patiently.

24 MAYOR DERMER: We'll come back.
25 Okay.

1 COMMISSIONER GARCIA: You know what,
2 I have been very patient to listen --
3 listening to the arguments for a while.
4 I haven't opened my mouth, I haven't
5 participated. The only thing I'm asking is
6 the same good manners that I have shown to
7 my fellow commissioners.

8 MAYOR DERMER: You don't want those.

9 COMMISSIONER GARCIA: Well, you know
10 what, to be honest with you, at this point
11 in time --

12 MAYOR DERMER: Go ahead.

13 COMMISSIONER GARCIA: -- it's very
14 (Inaudible.)

15 MAYOR DERMER: Go ahead.

16 COMMISSIONER GARCIA: You know what,
17 if we want to have the -- if we want to
18 have the night club, we won't have to worry
19 the police, you know why, because we won't
20 have money -- we won't have money to pay
21 for police services.

22 COMMISSIONER BOWER: You know why,
23 because (Inaudible.)

24 MAYOR DERMER: All right. All
25 right. All right. All right. All right.

1 Now, let's bring us back to context,
2 please.

3 COMMISSIONER GARCIA: No, no, let --

4 MAYOR DERMER: Hang on.

5 COMMISSIONER GARCIA: I'm not
6 finished.

7 MAYOR DERMER: But we have a motion.
8 I'm just refreshing the memory of the
9 people as to what we're voting on, what's
10 on the table.

11 Commissioner Gross has made a motion
12 in support of the ordinance, asking also
13 that there be no rollback sent to
14 discussion of planning.

15 COMMISSIONER BOWER: (Inaudible)
16 made the motion.

17 MAYOR DERMER: And --

18 COMMISSIONER GARCIA: Can I -- can
19 I have the floor.

20 MAYOR DERMER: No.

21 COMMISSIONER GARCIA: You know what,
22 no, no, at this point in time you
23 interrupted me. The Commissioner Bower
24 interrupted me, and I'm losing my patience,
25 you know what --

1 MAYOR DERMER: Commissioner, you
2 have to calm down, calm down a little.

3 COMMISSIONER GARCIA: You know what,
4 my rights are being violated here,
5 Mr. Mayor. What are you talking about?

6 MAYOR DERMER: (Inaudible.)

7 COMMISSIONER GARCIA: You know
8 (Inaudible) what I said, you used to have
9 enough class -- you used to have enough
10 class (Inaudible.)

11 MAYOR DERMER: Don't -- don't.

12 COMMISSIONER GARCIA: The heck with
13 it, you know.

14 MAYOR DERMER: Just relax.

15 COMMISSIONER GARCIA: You know at
16 this point in time, you provoked all this,
17 you know, with -- with your incendiary
18 remarks, and we have been listening to
19 three hours while you (Inaudible.)

20 MAYOR DERMER: (Inaudible.)

21 COMMISSIONER GARCIA: (Inaudible.)

22 MAYOR DERMER: Recess, five minutes,
23 five minute recess.

24 COMMISSIONER GARCIA: Yeah, you know
25 what, this is censure, man.

1 MAYOR DERMER: Cool down.

2 COMMISSIONER GARCIA: What the hell.
3 You know what, I have the floor when you
4 come back. Don't be a coward. Don't be a
5 coward. Don't run away from here.

6 (Thereupon, meeting stands in recess
7 for a five-minute break.)

8 MAYOR DERMER: Let's reassemble,
9 folks, if we is have our seats. If we can
10 have our seats, please. How are you?

11 Folks, come on now, it's getting
12 late. Let's try and get our seats. What
13 we will do is we're going to have
14 Commissioner Gross will repeat the motion
15 that is on the floor, and then Commissioner
16 Garcia will have the floor.

17 Commissioner Gross, please repeat
18 your motion.

19 VICE MAYOR GROSS: Okay.

20 MAYOR DERMER: Refresh us where
21 we are.

22 VICE MAYOR GROSS: I say number one
23 that we forever renounce the rollback of
24 hours from five to two, and that we -- that
25 we specifically address -- direct the

1 planning board not to address that issue.

2 MAYOR DERMER: Okay.

3 VICE MAYOR GROSS: Okay. That's
4 number one. Number two, that we continue
5 the public dialogue to flesh out the
6 ordinance that we passed on first reading
7 that would specify the circumstances under
8 which a club that's not being a good
9 citizen could have their license either
10 suspended or revoked after repeated
11 violations.

12 And at that hearing, though, I think
13 that June date is too soon to work that
14 out. I mean, it's a serious -- it's a very
15 serious issue, we have to achieve some kind
16 of consensus, so I would say, you know,
17 July if -- but I think June, to get it on
18 the agenda, is not going to be time, and I
19 don't think one meeting is going to do
20 that.

21 MAYOR DERMER: Okay. So the passage
22 of those two amendments.

23 VICE MAYOR GROSS: Yeah, then
24 we pass -- we pass the ordinance, and also
25 we should include, though, that the city

1 needs to do a better job of, you know,
2 providing the services and enforcing the
3 rules through code. And then the last
4 piece of it was to direct the planning
5 board, though, to look at where we want to
6 encourage nightlife investment, you know,
7 in the different entertainment sections of
8 the city and proactively, you know, make
9 that statement and direct the -- and look
10 at the Washington Avenue issue, look at
11 it on Ocean Drive with the cabaret
12 district, look at that entertainment piece
13 holistically as to where we want to let
14 investors know with certainty that this is
15 a place that you should go.

16 MAYOR DERMER: Okay.

17 VICE MAYOR GROSS: Okay.

18 MAYOR DERMER: Thank you.

19 Commissioner Garcia.

20 COMMISSIONER GARCIA: Thank you.

21 Thank you very much.

22 VICE MAYOR GROSS: Well, let's see
23 if there's a second, first.

24 COMMISSIONER SMITH: I'll second it.

25 MAYOR DERMER: There was a second.

1 VICE MAYOR GROSS: Oh, I'm sorry.

2 MAYOR DERMER: That will be
3 confirmed again.

4 COMMISSIONER CRUZ: I second it.

5 MAYOR DERMER: Seconded by
6 Commissioner Cruz and Smith.

7 COMMISSIONER GARCIA: Thank you very
8 much, Mr. Mayor, let me see if I can finish
9 my statement before I was rudely
10 interrupted.

11 Again, my intention in the beginning
12 has been the creation of a cabaret
13 district. This is an issue that I brought
14 up to the commission before there was a --
15 before there was a Commissioner Gross,
16 before there was a Commissioner Steinberg,
17 and you know, we never found any fertile
18 grounds for that -- for that idea to
19 foster. So that makes me very, very happy.

20 As far as the rollback of the hours,
21 also I do agree with that. I think that
22 that's basically what -- what all these
23 people are here, they fear that the hours
24 are going to be rolled over, that the party
25 might be rolled over, that the industry

1 might be crippled. Okay? So again,
2 that's -- that's another -- that's another
3 point that I agree with you.

4 As far as to stop the proliferation
5 of nightclubs, I do still think that South
6 Beach is a different animal than Sunset
7 Harbor, and I want to tell you why. South
8 Beach, yes, it's more -- more of a
9 residential area.

10 MAYOR DERMER: South Pointe.

11 COMMISSIONER GARCIA: I mean, I'm
12 sorry, South Pointe, I do -- I do
13 apologize. However, Sunset Harbor, if you
14 look at the map, I wish it was passed
15 around here, it was mostly an industrial
16 area. Where is Miami creating the
17 nightclubs?

18 UNIDENTIFIED SPEAKER: (Inaudible.)

19 MAYOR DERMER: Folks, folks, please.

20 COMMISSIONER GARCIA: The -- the
21 nightclubs that Miami is creating, they're
22 creating downtown in the industrial areas,
23 the areas that go dark at night, the areas
24 that before there weren't any apartments
25 out there, you know, they were empty.

1 So again, this is a little harder
2 (Inaudible) people out there, but, you
3 know, before there was the first building
4 out there, there was a boat factory, there
5 were tow yards.

6 UNIDENTIFIED SPEAKER: (Inaudible.)

7 MAYOR DERMER: Sir, please. Please,
8 no more screaming from the audience.

9 COMMISSIONER GARCIA: Okay. So at
10 that point in time I think those two things
11 need to be separated, they cannot be
12 treated the same way. You know, it's --
13 again, what I -- what I proposed at the
14 beginning of this meeting, and I still
15 think it's a valid issue is for us to look
16 at it before we -- we pass this on
17 second -- second reading.

18 I can agree with about 75 percent of
19 your issues. One thing that I would like
20 to be included is for the small clubs,
21 specifically the three clubs that have
22 (Inaudible) plans to be considered -- to be
23 considered in the pipeline and to be -- you
24 know, to be grandfathered in.

25 I think that would be -- you know,

1 you're talking about days, you're talking
2 hours practically, and the way the
3 bureaucracy -- the way the bureaucracy
4 works in this city, I think that would be a
5 good recommendation.

6 Again, I voted for this ordinance on
7 first reading, because I thought it was
8 closing a loophole. Since that time,
9 again, because of comments made as far as
10 the rollback of the hours, the level of
11 anxiety grew. This ordinance, you know,
12 it's not that big -- it's not that big of
13 an ordinance, but it's as a message that
14 we might have been sending. I think with
15 Commissioner Gross's -- Commissioner
16 Gross's recommendation, I think we could --
17 we could somewhat neutralize the message.

18 With that said, I could -- you know,
19 would also like to see the -- the small
20 operators, the ones that apply, to be
21 included on the -- on the ordinance, to be
22 included and be grandfathered in, and I
23 will -- you know, I will consider voting
24 for the ordinance that way.

25 MAYOR DERMER: Okay. Any further

1 discussion from anyone?

2 COMMISSIONER BOWER: (Inaudible.)

3 MAYOR DERMER: Yes, commissioner.

4 COMMISSIONER BOWER: Your motion
5 includes better sanitation service, better
6 police service, and -- and the motion is
7 the ordinance, again, and what was the
8 other thing?

9 VICE MAYOR GROSS no roll -- no
10 rollback of the hours, plus we don't --
11 we move forward with adopting the other
12 ordinance but not in June, maybe July.

13 COMMISSIONER BOWER: And I --
14 I don't have concerns with those, but
15 I have a concerns of wondering how we are
16 going to do, and I guess the question is to
17 the city manager, you know, when we've had
18 the police here saying that they don't want
19 anymore extensions of long hours, because
20 there are, you know, they're over taxed,
21 and when we have sanitation that all over
22 the city we have the same problem of no,
23 you know, the sanitation better.

24 I have a problem, and I guess it's a
25 moral problem more than, to include that in

1 that motion that I think it's not going to
2 happen, because if the manager, to make
3 this happen, has to take the policemen from
4 middle beach or North Beach to move them to
5 now where we have to say, let's improve
6 that, those residents are going to be
7 upset.

8 So I'm okay with your motion, except
9 that I think that those pieces that are
10 budgetary pieces that somehow either you
11 have to cut another area in the city to
12 move it to this area are taken out, and
13 I have a -- just a philosophical problem.

14 VICE MAYOR GROSS: Yeah, I -- let
15 me -- I agree with you. I didn't mean to
16 mandate in this motion that we're
17 allocating extra dollars. What I was
18 saying is let's acknowledge in the motion
19 that we failed to provide the kind of
20 services that we should.

21 COMMISSIONER BOWER: (Inaudible.)

22 VICE MAYOR GROSS: And also direct
23 the manager to try to improve it, but I'm
24 not -- you know, that's not -- part of the
25 motion is not to say put more police there,

1 it's to say do a more effective -- the city
2 needs to do a more effective job in
3 delivering the services, however the city
4 manager, you know, can arrange to make that
5 happen, and some of it may be from the
6 direction from of the commission and clear
7 direction, and this ordinance --

8 COMMISSIONER SMITH: What -- what
9 Matti is concerned about, and I tend to
10 agree with her is that whatever we do
11 should not be to the detriment of other
12 areas (Inaudible.)

13 VICE MAYOR GROSS: I agree, I agree.

14 MR. GONZALEZ: That becomes a budget
15 issue.

16 MAYOR DERMER: Yeah, I agree.

17 MR. GONZALEZ: I think that's a
18 discussion you better served from a
19 resource allocation perspective. I mean,
20 the direction I'm hearing -- I hear a lot
21 of (Inaudible) I've heard a before.

22 COMMISSIONER BOWER: That's why
23 I asked the question if it should be in the
24 motion.

25 MR. GONZALEZ: And we -- exactly,

1 and we've enhanced services there.

2 MAYOR DERMER: Why don't we take
3 that out of motion.

4 VICE MAYOR GROSS: Fine.

5 MAYOR DERMER: Okay.

6 COMMISSIONER GARCIA: Again, what
7 I would like to offer as a suggestion to
8 pay for that, that extra police, extra
9 sanitation, would be, again, the creation
10 of a district. And the creation of the
11 district is not a panacea, it's not a free
12 ride, because the (Inaudible) are required
13 to ante up some money. You know what, they
14 would have control of their services, and
15 I'm sure that these merchants right there
16 would be very happy to ante up money
17 if they know they're going to get the
18 services.

19 You know, this is something that,
20 again, going back probably ten years ago
21 was when it was done away with trying to
22 run -- 1994, we had the districts, we had
23 viable districts, they worked, and there's
24 to reason why they cannot work again.

25 Again, you know, just the same way

1 that Mr. -- Mr. Jones contributed \$12,000
2 to send kid to a ballpark -- I mean, to
3 play ball away from here, which is very
4 commendable, Mr. Jones, I'm sure, you know,
5 the neighbor -- the businesses are making
6 the money, are bringing the money in would
7 be very happy to ante up to expand the
8 services as long as they know the services
9 are going to be to that area. So I mean,
10 that's -- that's something to consider.

11 MAYOR DERMER: Okay. Further
12 discussion on the matter?

13 COMMISSIONER STEINBERG: I just want
14 to -- I want to see if I can get a second
15 on my motion which is to adopt the
16 alternative or to add the language that is
17 presented in the alternative to use the
18 state SRX license in place of the current
19 language in the ordinance as far as full
20 kitchens (Inaudible.)

21 MAYOR DERMER: You're offering it as
22 an amendment basically?

23 COMMISSIONER STEINBERG: Correct.

24 MAYOR DERMER: Is there a second to
25 the amendment?

1 Hearing none, that will die. Back
2 to the original --

3 COMMISSIONER GARCIA: Could I --
4 could I offer an amendment to include the
5 starting the creation of a district?

6 MAYOR DERMER: There's -- certainly.
7 You -- there's an amendment to study
8 (Inaudible.)

9 MR. GONZALEZ: I just want to be
10 very clear, I think what you're talking
11 about commissioner is a business
12 improvement district.

13 COMMISSIONER GARCIA: A business
14 improvement district.

15 VICE MAYOR GROSS: Well, or
16 alternatively to meet with the clubs to
17 work with them to figure out how to be
18 better neighbors and to work with the
19 residents together so that they can try and
20 address some of these issues of the
21 collateral impact on the neighborhood at
22 night when the people spill out of the
23 club. I mean, that's really the issue.

24 COMMISSIONER GARCIA: Well,
25 Commissioner --

1 VICE MAYOR GROSS: So the
2 cleanliness, the noise, you know, people
3 drinking beer out of the cups as they leave
4 the place, that whole litany.

5 MR. GONZALEZ: That's in their hands
6 today and --

7 COMMISSIONER GARCIA: But -- but --
8 but.

9 VICE MAYOR GROSS: Well, I'm just
10 saying, that that's the litany of
11 complaints that we hear from the residents,
12 and I think there are solutions to that.

13 COMMISSIONER GARCIA: But you know
14 what, that problem can be solved.

15 UNIDENTIFIED SPEAKER: (Inaudible.)

16 UNIDENTIFIED SPEAKER: They don't
17 allow that to happen. Their liquor license
18 is in jeopardy if they do that.

19 UNIDENTIFIED SPEAKER: Well, I don't
20 want you to have a dialogue.

21 MAYOR DERMER: All right, let us --

22 COMMISSIONER GARCIA: You know, you
23 know, again, if they -- if they are sure
24 that they can -- that they can provide
25 better services so their -- to their area,

1 if they increase their contribution to the
2 city, I'm sure, you know, and if they have
3 the control over that, I'm sure the
4 situation would be -- would be corrected.

5 MAYOR DERMER: Are we ready -- yes.

6 UNIDENTIFIED SPEAKER: (Inaudible.)

7 VICE MAYOR GROSS: One other
8 clarification, though.

9 MAYOR DERMER: All right.

10 VICE MAYOR GROSS: Because this
11 grandfather question is sort of lingering
12 out there, but it's undefined. What I want
13 to make clear is that anybody with a legal
14 license --

15 COMMISSIONER SMITH: Nonconforming.

16 VICE MAYOR GROSS: Legal
17 nonconforming use would be grandfathered,
18 but anybody who got their license through
19 the subterfuge of pretending to be a
20 restaurant but is really a club, I don't
21 think they have a legitimate license,
22 because they got around the whole intent of
23 this to open a club.

24 So I think we don't want to make a
25 legal judgment in this motion about who is

1 a legal nonconforming uses and who isn't.
2 That's -- you know, that's a separate
3 issue, but what we're saying is if you have
4 a legal license, if you're a legal
5 nonconforming use, you're grandfathered.

6 COMMISSIONER STEINBERG: But Saul,
7 there needs to be some certainty for people
8 as they leave here.

9 VICE MAYOR GROSS: Well, I'll give
10 you an example. Pure, which opened --
11 which basically opened under the loophole
12 I don't believe is a legal nonconforming
13 use.

14 COMMISSIONER STEINBERG: Are there
15 others? I mean, I don't want -- you have
16 nine business here, and they all -- someone
17 may argue that each of them are
18 nonconforming -- or illegal uses that are
19 nonconforming.

20 So we just enumerated nine business
21 here that were being grandfathered in. Now
22 we're saying that some of those, even
23 though they were mentioned here in saying
24 they were being grandfathered in, may not
25 be grandfathered in. I mean, these

1 businesses have a right to know --

2 VICE MAYOR GROSS: But they know.
3 The point here is that they were -- they
4 were entitled to a license as a restaurant,
5 right? That's what the code says, a full
6 service restaurant. Now, you know and
7 we -- everyone knows that Pure does not
8 operate as a full service restaurant.

9 COMMISSIONER STEINBERG: I've never
10 been there.

11 VICE MAYOR GROSS: Well, they went
12 to the planning department and they said
13 how do we get open, and they said, well,
14 you know, you have to have a full kitchen
15 and you have to serve full meals.

16 Now, you go there at three o'clock
17 in the morning, they're not serving full
18 meals. So, you know, I don't -- in their
19 case, I don't think that they have a
20 legitimate license.

21 MR. DUBBIN: Let me -- may
22 I suggest, these are all very factually
23 driven as to what -- what was a legal
24 operation, what was not a legal operation.
25 I don't think you can stand -- sit up here

1 and make a judgment that will cover all the
2 situations. All you can do is declare
3 that's your intent, which is really
4 contained in the ordinance -- proposal,
5 that those legal -- those that were
6 operating legally will continue as a legal
7 nonconforming use.

8 VICE MAYOR GROSS: Right.

9 MR. DUBBIN: Now, that doesn't mean
10 we're not going to be in court trying to
11 prove that they were illegally operating or
12 defending against that, because those are
13 factually driven, but it's your intent that
14 the operation be a legal operation and then
15 become a legal nonconforming use.

16 COMMISSIONER STEINBERG: Let us --

17 VICE MAYOR GROSS: That's correct,
18 that's right.

19 COMMISSIONER STEINBERG: But Murray,
20 how do you define --

21 VICE MAYOR GROSS: That's right,
22 I think he's right.

23 MR. DUBBIN: What's that?

24 COMMISSIONER STEINBERG: Not
25 complying with the ordinance that

1 (Inaudible.)

2 VICE MAYOR GROSS: Exactly. That's
3 right.

4 UNIDENTIFIED SPEAKER: Take whatever
5 action you need.

6 VICE MAYOR GROSS: Right.

7 MAYOR DERMER: Okay. As we can
8 already, obviously.

9 VICE MAYOR GROSS: That's right.

10 MR. DUBBIN: Make it clearer.

11 MAYOR DERMER: All right. That is
12 the motion, seconded.

13 COMMISSIONER GARCIA: Well, where do
14 we stand -- where do we stand with the
15 creation of a district? Could that be part
16 of the motion?

17 MAYOR DERMER: You take that, you've
18 heard discussion, that is not -- unless you
19 want to offer it has an amendment, the
20 mover is not accepting it at this point.

21 VICE MAYOR GROSS: Well, I would
22 accept a broader one, which is that, you
23 know, in the course of discussing the
24 ordinance with the clubs and with the
25 residents about under what circumstances

1 they would be considered a habitual
2 violator and that their license would be
3 subject to --

4 COMMISSIONER GROSS: At least
5 (Inaudible.)

6 VICE MAYOR GROSS: I know, I'm
7 saying during that same discussion that
8 we also discuss with them this issue of how
9 they can participate in mitigating the
10 negative collateral impacts from people
11 pouring out of their club late at night.
12 I mean, that's the big issue.

13 COMMISSIONER GARCIA: But the big
14 issue is that the clubs do not trust the
15 administration, because the administration
16 has (Inaudible.)

17 VICE MAYOR GROSS: That's why
18 I rather them do it themselves. I don't
19 think they need the city --

20 COMMISSIONER SMITH: I don't know
21 that we want to link an ordinance --

22 VICE MAYOR GROSS: Your mic.

23 COMMISSIONER SMITH: I don't know
24 that we want to link an ordinance which is
25 presently under challenge in court and

1 which we have to redraft.

2 VICE MAYOR GROSS: Which one is
3 that?

4 COMMISSIONER SMITH: The habitual
5 offender ordinance.

6 VICE MAYOR GROSS: Uh-huh.

7 COMMISSIONER SMITH: The license
8 revocation ordinance. I don't know if you
9 want to along that with anything else.
10 I think that that should either stand or
11 fall on its own. I don't want to link
12 it with districts. Districts don't have
13 anything to do with that.

14 VICE MAYOR GROSS: No.

15 MR. GONZALEZ: I think what
16 Commissioner Gross is saying is when we go
17 out to the community and we've been
18 directed to go out and neighbors and the
19 businesses and discuss this proposed
20 amendment which you passed on first
21 reading, that at that same time we talk
22 about various strategies from a business
23 improvement district to a self-imposed self
24 fee -- some kind of condo association type
25 of setup or whatever the case may be,

1 discuss how it is that we might be able to
2 solve this collateral damage issue.

3 VICE MAYOR GROSS: Those options --

4 UNIDENTIFIED SPEAKER: Yeah, but --

5 VICE MAYOR GROSS: -- it's got to be
6 floated with or without (Inaudible.)

7 COMMISSIONER GARCIA: Yeah, but --
8 but you know -- but you know what --

9 VICE MAYOR GROSS: Yeah.

10 COMMISSIONER GARCIA: And again,
11 Mr. Manager, I'm going to be a cynic on
12 this, you know, in what good faith would
13 the administration deal on that issue,
14 because I know that this is not something
15 that you're looking forward to create, a
16 special district.

17 MR. GONZALEZ: Commissioner --

18 COMMISSIONER GARCIA: Seriously.

19 MR. GONZALEZ: I follow the
20 direction of this commission.

21 COMMISSIONER GARCIA: But you're
22 going to --

23 MR. GONZALEZ: We always negotiate
24 in very good faith. I have had
25 conversations with almost all -- most of

1 the residents or their representatives.
2 I've had conversations with the business
3 owners --

4 COMMISSIONER GARCIA: Could I --
5 could I --

6 MR. GONZALEZ: -- or their
7 representatives. Whatever direction you
8 give me, we will implement. We've had
9 conversations around this before, and
10 if there's a better solution than the city
11 providing that service, because it always
12 costs the city more.

13 COMMISSIONER GARCIA: (Inaudible.)

14 MR. GONZALEZ: That makes sense.

15 COMMISSIONER CRUZ: If the
16 commissioner wants to make at that separate
17 motion, let's vote on this motion and then
18 we can make a separate motion, and we will
19 vote on that, and he will know the
20 sentiment of the commission. That's the
21 easiest way. You're interested in a
22 district, make a motion and we'll decide on
23 it.

24 COMMISSIONER GARCIA: Wait a second,
25 I want to address what the man said.

1 COMMISSIONER CRUZ: That's fine, but
2 if you want to make a motion, you can do
3 that.

4 COMMISSIONER GARCIA: Could I --
5 could I -- could I request that a
6 commission liaison be appointed to the
7 negotiations, and I will volunteer to be
8 (Inaudible.)

9 MR. GONZALEZ: There's not a
10 negotiation. There's a conversation
11 (Inaudible.)

12 COMMISSIONER GARCIA: (Inaudible.)

13 MR. GONZALEZ: It's a public
14 meeting. Anybody could come.

15 MAYOR DERMER: I think let's get --
16 let's get this off of table, Commissioner
17 Gross's motion and second, and then we'll
18 deal with any other matters that the
19 commission entires.

20 VICE MAYOR GROSS: All right. Let's
21 call the question.

22 MAYOR DERMER: The question has been
23 called. This is a five-sevenths vote.

24 THE CLERK: All right.
25 Commissioner, I just want to verify one

1 thing, that the issue of -- the issue of
2 the -- the city accepting responsibility
3 for the service, we removed that as part of
4 the motion?

5 VICE MAYOR GROSS: Yes.

6 THE CLERK: Because it's a
7 budgetary --

8 VICE MAYOR GROSS: That's right,
9 we can acknowledge in the motion that we've
10 done a bad job at providing (Inaudible)
11 service.

12 THE CLERK: We're not going to do
13 anything with that. Okay.

14 VICE MAYOR GROSS: Yeah.

15 THE CLERK: Okay.

16 UNIDENTIFIED SPEAKER: What are
17 we -- what are we voting on?

18 MAYOR DERMER: We are voting --
19 commissioner -- Commissioner Gross's --
20 we are voting on the ordinance which has
21 been seconded along with the hours not
22 being discussed at the planning board along
23 with basically clubs being good citizens
24 and possibly entertainment districts,
25 looking into that aspect.

1 MR. DUBBIN: And Mr. Mayor,
2 I recommend that there be two votes,
3 because by adopting an ordinance, you're
4 passing a law, and you can't pass a law
5 that's -- by throwing other stuff in it.

6 MAYOR DERMER: We do --

7 VICE MAYOR GROSS: We did on first
8 reading, but, you know, I don't care.

9 MAYOR DERMER: (Inaudible.)

10 VICE MAYOR GROSS: That's fine
11 we can do --

12 MAYOR DERMER: Let's do the
13 ordinance, let's go the ordinance itself.

14 THE CLERK: Okay.

15 MAYOR DERMER: Okay. On the itself
16 there's a motion and second on the
17 ordinance, a five-sevenths vote. Please
18 call the question, call the roll.

19 COMMISSIONER BOWER: On the
20 ordinance?

21 THE CLERK: Just on the ordinance.
22 Commissioner Garcia.

23 COMMISSIONER GARCIA: No, I cannot
24 vote for an ordinance that I don't trust
25 the -- the commitment of the administration

1 or the commission, no.

2 THE CLERK: Commissioner Bower?

3 COMMISSIONER BOWER: Yes.

4 THE CLERK: Commissioner Steinberg?

5 COMMISSIONER STEINBERG: No.

6 THE CLERK: Commissioner Smith?

7 COMMISSIONER SMITH: Yes.

8 THE CLERK: Vice Mayor Gross?

9 VICE MAYOR GROSS: Yes.

10 THE CLERK: Commissioner Cruz?

11 COMMISSIONER CRUZ: Yes.

12 THE CLERK: Mayor Dermer.

13 MAYOR DERMER: Yes.

14 THE CLERK: Five in favor, two
15 against. The ordinance carries.

16 MAYOR DERMER: Okay. Now let's go
17 and start discussing some of these other
18 issues.

19 VICE MAYOR GROSS: Yeah, the other
20 issue would be the direction to the
21 planning board not to consider the
22 rollback -- that the sentiment of the
23 commission is not to consider rolling back
24 the hours.

25 COMMISSIONER STEINBERG: I second.

1 UNIDENTIFIED SPEAKER: Oh, you're
2 going to do them as one individually.

3 UNIDENTIFIED SPEAKER: That would be
4 a resolution.

5 VICE MAYOR GROSS: That would be a
6 resolution to the planning board. You do
7 not -- you do not want them to consider
8 it period.

9 MR. DUBBIN: Mr. Mayor --

10 MAYOR DERMER: Yes.

11 MR. DUBBIN: May I suggest that the
12 way it be worded is that the request be
13 withdrawn from the planning board.

14 VICE MAYOR GROSS: Withdrawn.

15 COMMISSIONER STEINBERG: I'll second
16 that.

17 MAYOR DERMER: Okay. That's a
18 motion by Gross, second by Steinberg. All
19 in favor?

20 Opposed? Hearing none, that will
21 pass.

22 Now let us go to the issue -- your
23 next issue, the entertainment district
24 discussion?

25 VICE MAYOR GROSS: Well, we already

1 referred that issue, I think.

2 UNIDENTIFIED SPEAKER: Referral.

3 MR. GONZALEZ: Yeah, that's going to
4 planning, the entertainment district is
5 different than yours, commissioner.

6 VICE MAYOR GROSS: Formal referral
7 than -- well, without objection.

8 COMMISSIONER GARCIA: I would like
9 to make a motion (Inaudible) reinforce the
10 fact that we would like to (Inaudible.)

11 MAYOR DERMER: Well, for discussion
12 of the planning board you're saying?

13 VICE MAYOR GROSS: Turn your mic on,
14 too.

15 COMMISSIONER GARCIA: Yeah, for
16 discussion of the planning board, I would
17 like to emphasize that this commission's
18 feeling is that the cabaret district be
19 created.

20 UNIDENTIFIED SPEAKER: No, not the
21 (Inaudible.)

22 COMMISSIONER BOWER: A what?

23 COMMISSIONER GARCIA: A cabaret
24 district.

25 VICE MAYOR GROSS: Cabaret district.

1 COMMISSIONER BOWER: Oh, I'm sorry,
2 I thought you --

3 COMMISSIONER SMITH: Can I -- can
4 I get clarification on exactly what that
5 means.

6 COMMISSIONER GARCIA: That means
7 that will be an area in the future that
8 will prevent -- it will prevent meetings
9 like this. There will be guidelines, of
10 course. And again, keep in mind that the
11 creation of a cabaret district is not going
12 to supersede county ordinances about noise;
13 however, it will be an area that cabarets
14 can flourish, can -- you know, people can
15 go.

16 You know, like if you go to New
17 Orleans, you go to Bourbon Street. Here
18 they will know that they can go to Ocean
19 Drive or -- or Washington Avenue or Collins
20 Avenue, and, you know, there will be --

21 MAYOR DERMER: I'm in favor of
22 discussion.

23 VICE MAYOR GROSS: Me too, I don't
24 have a problem with discussion.

25 MAYOR DERMER: I don't know

1 (Inaudible) sentiment, but certainly
2 discussion is fine, and see -- let the
3 planning board operate in a way that
4 they're free to (Inaudible) the issue.

5 COMMISSIONER GARCIA: Well, you
6 know --

7 UNIDENTIFIED SPEAKER: I think
8 eventually, commissioner --

9 COMMISSIONER GARCIA: Mr. Mayor, my
10 concern, though, in the past the planning
11 board has been on the record as trying
12 to -- trying to turn the lights on at two
13 o'clock, you know. It happened with --
14 it happened with the Breakwater, it's
15 happened with Mango, with the Edison.

16 I mean, they have -- they were
17 taking some steps that were -- again,
18 that's part -- that's part of the fear of
19 the community, that this is only the first
20 step. So I'm --

21 MAYOR DERMER: Well, you want to
22 make it as direction to look -- to
23 institute a cabaret district.

24 COMMISSIONER GARCIA: Correct.

25 MAYOR DERMER: Is there a second to

1 that motion?

2 COMMISSIONER CRUZ: I'll second it.

3 MAYOR DERMER: Second by
4 Commissioner Cruz. All in favor?
5 Opposed?

6 VICE MAYOR GROSS: Okay. The last
7 piece of it, Mr. Mayor, which the way we do
8 it by reso or however, is the good citizen
9 piece for the clubs, which is both that
10 we bring back the ordinance for second
11 reading that talks about this --

12 MAYOR DERMER: Wow, what is that?
13 Is that Cinco de Mayo. My gosh, Roman,
14 what do you got going at your club?

15 UNIDENTIFIED SPEAKER: What the hell
16 is going --

17 UNIDENTIFIED SPEAKER: What is
18 happening.

19 MAYOR DERMER: I don't know what
20 it was. It was a band, a drum, fireworks
21 are here. Okay.

22 UNIDENTIFIED SPEAKER: Cinco de
23 Mayo, yeah.

24 MAYOR DERMER: Let me just break for
25 one moment. I want to commend everybody

1 for their -- for -- it was a difficult
2 hearing, but we got through it. I want to
3 commend everybody for doing such a good job
4 with it. I appreciate it very, very much.
5 I commend also the hard work on this
6 ordinance that legal, especially, I know
7 has gone through a lot. Planning's gone
8 through a lot, committees, commission has
9 gone through a lot.

10 I also want to take a moment to
11 commend Roman for your donation. I thought
12 that was one of the big successes of the
13 night of \$12,000 to fly the kids to the
14 Little League World Series, I think that
15 was wonderful, and I hope that some of your
16 other colleagues in the nightlife industry
17 will follow suit from your example of doing
18 this, and -- and work with some good
19 programs for kids in the community.

20 And we'll keep the dialogue going,
21 we'll keep working this issue as, you know,
22 as long as it takes, we appreciate it very
23 much.

24 ROMAN: Thank you.

25 MAYOR DERMER: Now, let us -- let us

1 continue. Commissioner Gross, you had one
2 more thought?

3 VICE MAYOR GROSS: Well, it's the
4 good citizen part which is both the --

5 MAYOR DERMER: Okay. One more --
6 back up. Roman, in your discussion, you
7 did bring up something to me, and I'm going
8 to, with your permission, say it publicly
9 in reference to the flyering, which was an
10 issue that Commissioner Gross brought up.

11 Roman has voluntarily said no more
12 flyers on the street, that he's not going
13 to hire promoters, kids, or anything like
14 that to put anything on the street.

15 Come on up. Am I mischaracterizing
16 what --

17 ROMAN: No, no, what I said -- what
18 I said, mayor, is that I would sponsor a --
19 if other businesses obviously went along
20 with me, because I can't be the only one
21 riding a bicycle if everybody else is
22 cruising in a Porsche, but the idea is that
23 I will -- we will sponsor, a group will
24 sponsor and we'll endorse an end to
25 flyering as --

1 COMMISSIONER BOWER: Ordinance.

2 ROMAN: If an ordinance is passed --

3 MAYOR DERMER: And end to flyering.

4 ROMAN: -- we will be the first to
5 sponsor the ordinance and to abide by it.

6 MAYOR DERMER: See, that's not an
7 ordinance, per se, but it would be a
8 voluntarily agreement that the clubs --

9 VICE MAYOR GROSS: And I think
10 there's been a reduction in the flyering in
11 the last couple of weeks.

12 ROMAN: I -- the biggest problem is
13 that we have competition coming from other
14 towns. If we --

15 MAYOR DERMER: Well, we're just
16 concerned with our own here and their
17 behavior here.

18 ROMAN: Yeah, but it's -- it's
19 the --

20 UNIDENTIFIED SPEAKER: (Inaudible.)

21 ROMAN: Exactly.

22 UNIDENTIFIED SPEAKER: (Inaudible.)

23 ROMAN: It's -- you know, businesses
24 come to, as we talked about before
25 successfully --

1 MAYOR DERMER: All right. Let's put
2 that in abeyance then. I -- I thought
3 we were further along than that.

4 ROMAN: But -- but the sentiment is
5 there, the sentiment is there, mayor, that
6 we're definitely willing to work with the
7 commission.

8 MAYOR DERMER: Okay. Thank you.
9 I -- you know, I --

10 VICE MAYOR GROSS: Well, just --
11 I want part -- no, I want part of this
12 whole conversation to be an acknowledgment
13 that there are collateral damages at night
14 after the public spills out of the clubs,
15 that there's going to be a dialogue between
16 the clubs and the residents to try and work
17 to resolve that issue, because I don't want
18 to sweep that under the rug.

19 COMMISSIONER BOWER: How do we do
20 that?

21 MAYOR DERMER: Okay. Well, I think
22 we got a Nightlife Industry Task Force,
23 they dialogue quite a bit. Maybe us being
24 more involved with them, discussing
25 options.

1 VICE MAYOR GROSS: Well, I think as
2 we discuss the ordinance we passed on first
3 reading, which is, you know, the teeth
4 behind the nightclubs --

5 UNIDENTIFIED SPEAKER: As a
6 resident, I'll help head up a task force,
7 and Roman will from his side, and we'll get
8 together and we'll work together.

9 VICE MAYOR GROSS: Okay.

10 ROMAN: I mean, that's the idea.
11 The idea is to have meet things where
12 residents will field concerns from other
13 residents, I will field concerns maybe from
14 other businesses in the area, and we will
15 per dialogue -- you know, we're all
16 reasonable and we're all quite bright.

17 MAYOR DERMER: Okay.

18 ROMAN: So we'll find a solution.

19 UNIDENTIFIED SPEAKER: And we as the
20 nightlife task force could invite the
21 residents and those that represent them to
22 the meetings, and we would be happy to take
23 the time to dialogue them.

24 VICE MAYOR GROSS: Well, what a good
25 note to end the meeting on, right.

1 MAYOR DERMER: It's a positive note.
2 Very good. Thank you all very much for
3 coming out, I appreciate it very much.
4 (End of recording.)

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I, Matthew J. Haas, Court Reporter and
Transcriptionist, do hereby certify that I was
authorized to and did listen to and
stenographically transcribe the foregoing
recorded proceedings and that the transcript is a
true record to the best of my professional
ability.

Dated this 21st day of January,
2017.



MATTHEW J. HAAS
Court reporter

IN RE: CITY OF MIAMI BEACH COMMISSION MEETING

ITEM NO.: ITEM R5D PUBLIC HEARING

CITY OF MIAMI BEACH
COMMISSION MEETING

APRIL 14, 2004

ITEM R5D PUBLIC HEARING

ELIMINATE DANCE HALLS/ENTERTAINMENT
ESTABLISHMENTS IN CERTAIN DISTRICTS

1 COMMISSION MEMBERS:

- 2 DAVID DERMER, MAYOR
3 SAUL GROSS, VICE MAYOR
4 SIMON CRUZ, COMMISSIONER
5 MATTI HERRERA BOWER, COMMISSIONER
6 LUIS R. GARCIA, JR., COMMISSIONER
7 JOSE SMITH, COMMISSIONER
8 RICHARD STEINBERG, COMMISSIONER

9

ALSO PRESENT:

10

- 11 MR. GOMEZ GONZALEZ, CITY MANAGER
12 MURRAY DUBBIN, CITY ATTORNEY
13 ROBERT E. PARCHER, CITY CLERK
14 MR. GOMEZ GOMEZ, PLANNING DEPARTMENT

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1 (Thereupon:)

2 MAYOR DERMER: The 11:30, R5D,
3 eliminate dance halls/entertainment
4 establishments in certain districts. This
5 is first reading, five-sevenths vote is
6 required. Please read the ordinance.

7 THE CLERK: An ordinance of the
8 Mayor and the City Commission of the City
9 of Miami Beach, Florida, amending the code
10 of the City of Miami Beach by amending
11 Chapter 142, zoning district and
12 regulations, Article 2, district
13 regulations, Division 5, CD-2, commercial
14 medium intensity district; Section 142-302,
15 main permitted uses, Division 11, I-1 light
16 industrial district; Section 142-485,
17 prohibited uses, and division 18, PS
18 performance standard districts; Section
19 142-693, permitted uses.

20 By eliminating dance halls and
21 entertainment establishments also operating as
22 alcoholic beverage establishments and
23 restaurants with full kitchens and serving
24 full meals as permitted uses in certain
25 areas of the CD-2 commercial medium

1 intensity district, the I-1 light
2 industrial district, and the PS performance
3 standard district providing for repeal or
4 severability, codification and an effective
5 date.

6 MAYOR DERMER: And this is a public
7 hearing. Is there a motion to open the
8 public hearing.

9 COMMISSIONER BOWER: Move it.

10 MAYOR DERMER: Public hearing is now
11 open. Just for show of hands, those that
12 are here to speak in favor of the
13 ordinance, if you can raise your hands in
14 favor.

15 Okay. And those who are here to
16 speak against the ordinance? Oh, this is
17 getting -- okay. It's going to be a
18 process today.

19 VICE MAYOR GROSS: We're breaking
20 for lunch.

21 MAYOR DERMER: Well --

22 COMMISSIONER GARCIA: Yeah, you want
23 to cater lunch, Mr. Mayor?

24 MAYOR DERMER: Yeah, what we'll do
25 is we'll have our brief opening, of course,

1 and some questions, and then we'll take
2 some testimony. What I would just request,
3 everybody, if you could limit your remarks.
4 We'll give everybody two minutes, and
5 if you need a little more time, then we'll
6 give you a little more, but if somebody has
7 said something already that has basically
8 stated your position pretty consistently,
9 I'd appreciate if you were to waive your
10 time to allow us to progress. Thank you
11 all very much for being here, go ahead.

12 MR. GOMEZ: I'll try to do this,
13 Mr. Mayor.

14 MAYOR DERMER: Yes.

15 VICE MAYOR GROSS: Let me just
16 preface these zoning remarks a little bit.
17 The -- this issue is one that has been
18 brewing in the community for a while.
19 We've had a number of public hearings even
20 here on the floor of the commission.

21 Staff had been working on a series
22 of different zoning regulations that would
23 address some of these quality of life
24 issues that have risen, particularly as
25 it relates to the area south of 5th Street.

1 I've met with the -- many of the
2 homeowners south of 5th Street, as have
3 you, as have I'm sure all of you at various
4 times. We've had our Mayor on the Move
5 meeting. Clearly, the issue of noise and
6 the degradation of quality of life in that
7 area is something that is of an urgent
8 matter.

9 Late last year we brought a number
10 of ordinance-type measures to the planning
11 board, and they didn't endorse all of them.
12 They asked us to work on some of them and
13 not work on others. This is something that
14 kept going as part of their recommendation.
15 We're here now at first reading, and it --
16 the timing is propitious.

17 It follows a Mayor on the Move
18 meeting we had last month where we heard
19 loud and clear that there was a concern
20 about the proliferation of nightclubs in
21 the South Pointe area.

22 And so what we have before you today
23 is an area that -- a zoning change that
24 effects that area and the area near the
25 Sunset Harbor condominiums, industrial area

1 and CD2 area, and it only effects those
2 areas, and it addresses proliferation and
3 future items.

4 What I ask in my write-up as part of
5 this ordinance is, notwithstanding the
6 proliferation, you still have the issue of
7 the current uses and, you know, whether
8 you're going to allow legal nonconforming
9 uses to continue or not, and if not, how
10 you might approach it is something that
11 is -- is worthy of debate here on the
12 floor.

13 I'm sure a lot of the residents and
14 the club owners will give you their
15 thoughts on it, but I'll let Jorge walk you
16 through the specifics of it.

17 UNIDENTIFIED SPEAKER: Okay.
18 Commissioner, do you have a question.

19 COMMISSIONER GARCIA: You know, let
20 me throw something in the air for public --
21 public consumption, and this might ease
22 some of the tension on both sides. How
23 about creating a cabaret district?

24 You know, and again, I think
25 if we can float that idea and we can get

1 (Inaudible) support from both sides, we can
2 work together (Inaudible.)

3 VICE MAYOR GROSS: That's a possible
4 outcome from this. This -- this what your
5 considering today affects only the area
6 south of 5th Street, but it could end up
7 that (Inaudible.)

8 COMMISSIONER GARCIA: Yeah,
9 (Inaudible) because I -- my -- I have --
10 I have spoken to both sides and the
11 residents, and I see the residents' point
12 of view. At the same time I see the
13 industry's point of view --

14 VICE MAYOR GROSS: Sure.

15 COMMISSIONER GARCIA: -- that this
16 could be the first dominos to fall before,
17 you know, you kill the city.

18 VICE MAYOR GROSS: Uh-huh.

19 COMMISSIONER GARCIA: So this could
20 be a win-win situation. We could --

21 VICE MAYOR GROSS: And that's a
22 debate you guys can -- can do here, because
23 I think it's a valid point and one that
24 should be -- you know, you should take up.
25 It's how you make sure that you don't get

1 those unintended consequences and deal with
2 this appropriately.

3 MAYOR DERMER: Commissioner Bower?

4 COMMISSIONER BOWER: I just want to
5 urge, because I have heard, you know, the
6 Cabaret district is an idea that has
7 floated around, and I think that you are
8 probably very correct that it is something
9 that we should look at, but when we do
10 that, we involve the neighbors that are
11 under that part of -- because, you know,
12 I just (Inaudible.)

13 COMMISSIONER GARCIA: Sure.

14 VICE MAYOR GROSS: Right now staff
15 is not working on any proposal like that.

16 COMMISSIONER GARCIA: (Inaudible.)

17 COMMISSIONER BOWER: No, no, I
18 understand, but I just want to put that on
19 the record.

20 COMMISSIONER GARCIA: You know,
21 commissioner, this goes back to the
22 previous commission, because I remember
23 I brought the issue back --

24 COMMISSIONER BOWER: Right.

25 COMMISSIONER GARCIA: -- probably

1 three, four years ago.

2 COMMISSIONER BOWER: Right.

3 COMMISSIONER GARCIA: And at that
4 time, you know, the commission (Inaudible)
5 was very much opposed to it and a so --

6 COMMISSIONER BOWER: Well, and
7 it could be when I hear from the neighbors,
8 that I'm still opposed to it.

9 COMMISSIONER GARCIA: (Inaudible.)

10 UNIDENTIFIED SPEAKER: I don't
11 remember that issue.

12 VICE MAYOR GROSS: But Commissioner
13 Garcia --

14 COMMISSIONER GARCIA: That was
15 (Inaudible.)

16 VICE MAYOR GROSS: What you're
17 talking about, if I understand it,
18 Commissioner Garcia, in the commercial
19 districts you're talking about maybe
20 creating some kind of cabaret.

21 COMMISSIONER GARCIA: Yeah, you
22 see --

23 VICE MAYOR GROSS: But we're here
24 today talking about the residential
25 district.

1 COMMISSIONER GARCIA: No, no, and
2 I agree with you, but what I'm trying to
3 do, I'm trying to minimize the friction
4 between one group and another, because
5 I think that this idea that we can both get
6 behind, work it out, and work our solution,
7 a long-term solution. You understand?

8 Right now you're going to hear from
9 one side, you know, all the noise, all the
10 complaints and whatever, and from the other
11 side you're going to hear all the -- all
12 the concerns about killing the industry.

13 So I think if we start, if we break
14 this down to the point of, you know, work
15 together instead of against each other, you
16 know, it would -- it would go a long way
17 and it would -- it might expedite the
18 process.

19 VICE MAYOR GROSS: Maybe, I just
20 don't think that there's going to be any
21 nightclubs that are going to come up and
22 stand up here and say that they think they
23 should be allowed to make loud noise in a
24 residential district until five in the
25 morning.

1 COMMISSIONER GARCIA: (Inaudible.)

2 VICE MAYOR GROSS: Okay. So --

3 COMMISSIONER GARCIA: Commissioner
4 Gross, we got -- we have county laws,
5 county ordinances that can be enforced.

6 MAYOR DERMER: Okay. Let's try to
7 move along a bit. Welcome Jorge Gomez,
8 planning director.

9 MR. GOMEZ: Again, to try to sort of
10 focus the discussion what this ordinance
11 does, you as a commission as a matter of
12 policy stated that in these two particular
13 areas south of 5th Street and the area,
14 what we call the Sunset Harbor area which
15 is from Dade Canal and Alton Road over to
16 the west, that you did not want to allow
17 dance halls or entertainment
18 establishments. You set that policy and
19 you put that into the code.

20 What you did also do is that
21 if those establishments were also operating
22 as restaurants, the dance halls or the
23 entertainment establishments, then they
24 were exempt from the prohibition.

25 We've heard testimony in various

1 community meetings and at various other
2 venues as to how that exemption has begun
3 to cause problems and has affected the
4 quality of life for the residential uses,
5 and we're proposing this ordinance that
6 says in those areas where you've already
7 banned the dance halls and the
8 entertainment establishments, that you
9 should remove the exemption for the
10 restaurant, and that's basically what's
11 happening here.

12 In the South Pointe area, for
13 example, and we've included that list in
14 your package, there's about 30 licensed
15 restaurants. 7 of those restaurants have
16 the dancing or the entertainment license.
17 That leaves a potential of another 23
18 establishments in South Pointe alone that
19 could because of the exemption add the
20 entertainment and/or the dance hall
21 license.

22 We have a much smaller number in the
23 Sunset Harbor area, but, you know, the
24 potential is there where people could come
25 in and put a restaurant and have those

1 entertainment establishments. The basic
2 policy question before you is if you
3 banned -- already have banned the dance
4 halls and entertainment establishments, do
5 you still want to have that exemption with
6 the restaurants.

7 MAYOR DERMER: Okay. Thank you.
8 If you could remove the board, unless
9 there's some questions from commissioners
10 on -- let's begin the public hearing
11 if we could. Let's start and work our way
12 across the room.

13 Who would like to kick us off? A
14 show of hands. I've got somebody --
15 anyone, here, here, here, here? I'm going
16 across. Okay. Let's get this gentleman.
17 Welcome. Come on up.

18 If you can state your name, give us
19 a quick address, if you could, and tell us
20 what you think.

21 MR. O'LARA: Good morning, everyone.
22 My name is Mark O'Lara. I'm a resident of
23 Murano Grande, 400 Alton Road. My opinion
24 is that most of the commissioners are
25 well-meaning servants of the Miami Beach

1 community. I want you all to envision
2 where we should be as a community, business
3 and residential, five years from now.

4 Please roll back the club hours of
5 hours of operation. Police and sanitation
6 costs will decrease substantially if clubs
7 close at 2 or 3 a.m. Roll back the last
8 call, will lower taxes and open up more
9 resource to an already overburdened police
10 department and sanitation department.
11 Cleaner, safer streets bring more business
12 to the beach.

13 Some special interests want to
14 mislead you into thinking the issue at hand
15 is a conflict between residents and
16 business. That is untrue. Ask any
17 business on the beach or anywhere else for
18 that matter, and they will tell you that
19 the most important customer is the
20 returning customer. Those customers are
21 residents.

22 The nightclub crowd accounts for
23 most of the litter and police calls, and a
24 very small portion of the revenue. Let's
25 look at the success of Fort Lauderdale.

1 The name "Fort Lauderdale" at one time was
2 synonymous with spring break. Now they've
3 grown their tourism and attracted visitors
4 that spend more. I think that is a better
5 direction for Miami Beach.

6 If you're a commissioner with
7 sympathy for small businesses, then you
8 must roll back the nightclub hours.

9 If you're a commissioner with sympathy for
10 realtors or developers, you must roll back
11 these hours. If you're a commissioner with
12 sympathy for the nightlife industry, you
13 must act as a conduit to the community to
14 compromise or they will face inevitable
15 conflicts according to existing Miami Beach
16 codes. I have to couple of more.

17 MAYOR DERMER: Go ahead, finish up.

18 MR. O'LARA: If you're a
19 commissioner with sympathy for the
20 residents, then you know what to do.
21 I think our mayor is probably the best
22 mayor this city has ever seen. In closing,
23 I want to -- I want you to envision.

24 MAYOR DERMER: Probably a couple of
25 people up there or their families would

1 disagree, but that's -- but thank you
2 anyway.

3 MR. O'LARA: I've never met them,
4 but --

5 MAYOR DERMER: I'm not going to
6 argue with you on that one.

7 UNIDENTIFIED SPEAKER: What about
8 that guy Jay.

9 MAYOR DERMER: Yeah, Jay -- Jay also
10 was a pretty good mayor.

11 UNIDENTIFIED SPEAKER: All right.
12 Meeting adjourned.

13 MR. O'LARA: I want you to envision
14 where we should be as a community of
15 businesses and residential citizens five
16 years from now. Is this direction we're
17 going toward, is it -- is it towards a more
18 culturally refined community or is -- is
19 your vision more a vision to see Miami
20 Beach become the capital of spring break
21 for the world. Thank you very much.

22 MAYOR DERMER: Thank you for your
23 comments. All right. Let's move along.
24 Yes, come up here, Mr. Fisher, welcome.

25 MR. FISHER: Thank you, mayor and

1 commissioners. I'm Josh Fisher, I'm the
2 vice president of the Murano and Portofino
3 Condominium Association speaking for
4 myself.

5 So I think the issues are pretty
6 familiar here. We have in the middle of
7 the night many nights a week a pretty
8 serious invasion south of 5th, and I know
9 when I bought my unit, I think I can say
10 it's true of most of my neighbors and the
11 thousands of units we're putting up there
12 and we've been putting up for the last few
13 years, my picture was this was a place
14 where you could have a terrific urban
15 environment, very different from a suburban
16 environment, very close to the
17 entertainment district and all that that
18 engenders, but at the same time you could
19 be in a residential environment where
20 people could raise families, good access to
21 Miami, good access to what Miami Beach
22 offers, and the ocean.

23 By and large, you know, it's a --
24 it's a new area, it's tough for the city
25 services to get ramped up, but we can see

1 all of those things improving. The one
2 thing that's gone backwards even in the
3 close to two years now I've lived here is
4 the invasion we have every single night,
5 and this invasion does not come from the
6 tourists who fill our hotels and it doesn't
7 come from the residents living in our
8 buildings, this is yet another group.

9 And this is a group that comes and
10 makes our streets pretty difficult to walk
11 around in late at night or early in the
12 morning when you walk your dog, if you're
13 early enough on weekends, or bringing your
14 kids to school.

15 If nothing else, the litter that's
16 left behind is incredible. Fred Beckman
17 and Al Samora have walked the streets with
18 us, and they have really worked hard to
19 deal with all the construction litter and
20 all the normal litter, but nobody can cope
21 with what we find on Sunday mornings after
22 the night of nightclubs.

23 And, you know, the picture that
24 people had was not that this is what
25 we were getting. This one aspect has

1 really gone pretty awry, and that is not
2 the majority of the businesses in our area.
3 The restaurants are fabulous. My neighbors
4 and I all patronize them. I think we're
5 probably the largest group who does, and
6 they seem to be doing very well. It's just
7 quick buck artists who have been putting in
8 nightclubs late at night in an area that's
9 not meant for them.

10 I'd just like to comment -- I'll
11 just be another minute if that's okay. I'd
12 just like to comment on some of the
13 publicity that's been coming out of a few
14 people, which is the idea that these
15 arrogant new condo owners, and you'll hear
16 this, I'm sure, in the course of this
17 morning, these arrogant new condo owners
18 are trying to change the character of South
19 Beach, and nothing could be further from
20 the truth.

21 It's pretty insulting thing to say,
22 actually. People made a big investment to
23 get this residential neighborhood, this
24 urban residential neighborhood, turning
25 it into Aventura, a fine place, but not

1 what people want. It's the farthest thing
2 from people's minds, and the thing that
3 could actually have the negative effect
4 would be letting this all just run
5 unfettered.

6 And I think what we have here is
7 essentially a loophole. Nightclubs were
8 not intended in these districts, and we're
9 letting them in for an unintended reason.
10 You know, we moved here for the ocean, too,
11 and as much as we love the ocean, we have
12 to take measures to make sure that
13 it doesn't flood our homes, and that's what
14 we've got here.

15 We have nightlife and entertainment,
16 we have to make sure it doesn't flood where
17 we live. It doesn't make you anti-beach
18 and anti-ocean to want that.

19 MAYOR DERMER: Thank you, sir.
20 Okay. Come on up here.

21 MS. REMMINGTON: I'm Joan Remmington
22 from Murano Grande. I'm not arrogant. I'm
23 a lady from Brooklyn who loves this city.
24 We moved here in October, and we intend to
25 die here, but --

1 MAYOR DERMER: Well, we hope it's a
2 long time off.

3 MS. REMMINGTON: -- not soon, not
4 soon, but -- but certainly after growing up
5 in Brooklyn, New York and in Boston, cities
6 that really have become so great because
7 they changed a lot of their act, whether
8 it's the -- the part in Boston that was
9 night clubs and the girlie shows in New
10 York City, and it's a turning point.

11 I think it's such a great place, and
12 I hope it will become a place where you can
13 live and dance, too, but it's just --
14 it needs to be done.

15 MAYOR DERMER: Okay. Come on up.

16 MS. BLECKER: Good morning, mayor,
17 commissioners, city manager. My name is
18 Judith Blecker. I've lived in Miami Beach
19 since 1932, so you know I've seen a lot of
20 changes. Today I'm speaking as a resident
21 of Sunset Harbor North.

22 We want to thank you for trying to
23 address an issue that has had a negative
24 impact on the quality of our lives. When
25 we moved to Sunset Harbor, we knew that the

1 neighborhood had businesses, but that they
2 would be working primarily during the day.
3 Since then, the city has permitted the
4 following: Two restaurants, Joe Allen's
5 and BU's Lounge; two nightclubs, Purdy
6 Lounge and Jade Lounge, and an art gallery
7 that's connected by an interior staircase
8 to the Jade Lounge and operates as a
9 nightclub. If you go by there at night,
10 you see the lines of people waiting to get
11 into the upstairs.

12 Our streets have been filthy with
13 bottles, beer cans, plastic cups, and
14 flyers, and particularly the children's
15 park across the street has been impacted by
16 that. We have people drinking and
17 urinating in them on the weekends, and
18 taxis and other vehicles parked illegally.

19 The other night my husband and
20 I were coming home from a concert, and
21 we couldn't get through, we had to go
22 around by Publix and come back on the other
23 side because the people were busy talking
24 and simply would not move.

25 Police code compliance and

1 sanitation seem to be missing, and we'd
2 like to know why the laws are not enforced
3 and why our complaints go unanswered. The
4 residents in Sunset Harbor, Sunset South,
5 North, and the town homes, pay an estimated
6 three point million dollars in property
7 taxes annually. Our tax dollars need to be
8 used to solve these problems.

9 I have a petition with 213
10 signatures from the residents of the Sunset
11 Harbor neighborhood requesting the
12 following: Sanitation cleanup on Sunset
13 Harbor Drive and Island View Park on
14 Saturday, Sunday, and Monday mornings, just
15 as it is done on Collins Avenue and
16 Washington Avenue. Rolling back the hours
17 of the liquor sales in the Sunset Harbor
18 neighborhood to 2 a.m.

19 Please don't allow restaurants to
20 operate as nightclubs or art galleries to
21 operate as nightclubs, and please do not
22 grandfather the problem, take care of
23 it now. Thank you all very, very much.

24 MAYOR DERMER: Thank you. Ma'am,
25 if you -- ma'am -- ma'am, if you can give

1 that to the clerk, your petition, and we'll
2 make that part of the record.

3 Erica, come on up.

4 MS. BRIGHAM: Hi, Erica Brigham.
5 I bought a building at 735 2nd Street in
6 1988, and I now live there. I was a member
7 of the South Pointe Advisory Board for many
8 years until it was disbanded approximately
9 two years ago, and I have a feeling that
10 if it had still been allowed to exist, the
11 problem might not have gotten quite as bad
12 as it is now, because at least there were
13 city personnel that would come to the South
14 Pointe Advisory Board meeting from the
15 police, from code enforcement, and from
16 other parts of the administration when they
17 were asked to, and it is in the past two
18 years that this has gotten out of control.

19 Although, historically it's been out
20 of control for years. This is a
21 court-ordered settlement between the city
22 and Amnesia dated 1970 -- 1997 where
23 Amnesia was going to agree to put a roof
24 on, and as you all know, that's been the --
25 sort of the catalyst for -- for the

1 problems that have existed in South Pointe
2 from the very beginning of the
3 redevelopment process when people really
4 started moving in and rehabbing their
5 projects.

6 One thing that bothers me more than
7 anything else is the fact at that there is
8 an NXE district which is mixed use
9 entertainment, and the South Pointe area,
10 residential area were supposed to have only
11 neighborhood businesses, and a good
12 restaurant service serves as a neighborhood
13 business as, of course, Joe's Stone Crab
14 and all the other restaurants down there,
15 but I don't really understand how this
16 slipped through, and the zoning simply
17 should never have allowed it.

18 If -- if Ed Resnik were still
19 around, he would not have allowed it, I'm
20 sure of that, because he didn't even want
21 sidewalk cafes south of 5th Street.

22 We live on the American Rivera,
23 we have worldwide publicity. There's no
24 place like it in the world. It's sort of
25 the prototype for what everyone wants for

1 the new urbanism, a wonderful walking
2 community with wonderful gorgeous
3 architecture that everybody can relate to
4 in one way or another, and we shouldn't --
5 we should enhance the quality of life, and
6 there's plenty of venues for good
7 entertainment, there's plenty of people
8 with money who will be attracted by good
9 entertainment from all over the world.

10 MAYOR DERMER: Thank you. Thank
11 you. Okay. So to gauge where we're at,
12 who wanted to speak on this end that has
13 still not gotten a shot? We've got about
14 another three speakers. When I go to the
15 next end, I'm not coming back to this end,
16 so tell me. Okay. Go ahead.

17 MR. SASOVILLE: Great. Hi, I'm Paul
18 Sasoville from Sunset Harbor South. I just
19 want to add a little balance to it. Sunset
20 Harbor South is a great mixed area. When
21 people moved in there, they knew there
22 would be restaurants and bars and
23 residential.

24 I do want to say that we would like
25 just to see some of the existing code

1 enforced as far as sanitation and police
2 and keeping it quiet before they shut down
3 those businesses. So rather than limit the
4 hours to 2 a.m., let's try to just to keep
5 them open until 4 and just do a better job
6 of following the existing code.

7 MAYOR DERMER: Thank you for your
8 comments. Okay. Next let us get Ruth come
9 on up here.

10 MS. REMMINGTON: Hi, I'm Ruth
11 Remmington. I live at 1000 South Pointe
12 Drive. I think this is a pretty obvious
13 loophole to close, and I just -- I'm
14 anticipating this side of the room starting
15 to speak, and I just want to say, again,
16 we're not against business, we need so many
17 things in South Pointe, and I would imagine
18 Sunset Harbor might also, but we need more
19 restaurants, we need a dry cleaner, we need
20 a book store, we need a newsstand, we need
21 another couple of coffee shops. We need a
22 pet store.

23 We need all kinds of shops, and --
24 and we welcome all those businesses, and
25 we'd be happy to work with the business

1 community to -- to support those businesses
2 if they come to South Pointe.

3 And what we don't need are
4 restaurants that are disguising themselves
5 as restaurants and really are something
6 else. The restaurants that do open there
7 are -- are doing gangbuster business, and
8 we could certainly support a lot more, but
9 we don't need them open until 5 a.m.
10 Thanks.

11 MAYOR DERMER: Thank you. Anybody
12 else? Yes, sir, come on up.

13 MR. HARRIS: Good afternoon.
14 Richard Harris from Portofino. I've been
15 living on the beach for the last eight
16 years and frequenting it since 1975.
17 I first want to turn back to the audience
18 and look at a show of hands again of who is
19 in favor of this amendment.

20 And then who is opposed to the
21 amendment. And then of the people opposed
22 to the amendment, how many people live
23 south of 5th? I mean, I think that is
24 quite interesting to note.

25 The second point I'd like to make is

1 that I think that you all have to look at
2 this from a business perspective, and like
3 any business, if you're going to grow an
4 area by adding more business or a club or
5 infrastructure, that you have to analyze
6 whether or not the area can handle the
7 particular -- well, I think like Matti
8 says, where are they going to park.

9 You have to look at whether or not
10 you have the control and whether or not you
11 have the enforcement, and, frankly, whether
12 or not you have the money.

13 As I, you know, run through those
14 quick points in my head, right now it seems
15 to be a free-for-all. Loopholes are great
16 for some, especially during tax time, but
17 this particular loophole to me opens the
18 door for chaos on the beach.

19 This last weekend I, you know, woke
20 myself up at five in the morning to -- to
21 personally witness, you know, what all the
22 hubbub was about, because I had only heard.
23 Firsthand is always best, and I was
24 embarrassed, appalled with the noise, the
25 disrespect for the neighborhood, the

1 litter. Absolutely, this must be -- be
2 closed, this loophole, and the
3 grandfathered in strategy that may be put
4 forth I think has to be analyzed, because
5 this is a residential area first and the
6 people must be heard.

7 MAYOR DERMER: Thank you, thanks for
8 your time. Okay. Joe. Anybody else after
9 Joe. Was there another hand? Yes, we'll
10 get Morris, and that will close with you on
11 this side, and we'll move to the other.

12 Go ahead, Joe. Welcome.

13 MR. VELARI: Good afternoon,
14 commissioners, mayor, city manager. My
15 name is Joe Velari. I live at 240 Collins
16 Avenue, and we all know what's happening at
17 136 Collins Avenue. That's my favorite
18 line. You can quote me.

19 I own this property that I'm in now
20 from 1997. My wife -- I'm sorry, 1987. My
21 wife and I moved here in 1991, and that's a
22 lot of taxes we're still paying, and
23 we come down here from Rhode Island. Rhode
24 Island is a small place up north, it's in
25 the United States, and up there they have a

1 funny little saying that's says,
2 "If it ain't broke, don't fix it."

3 But, boy, this is broke, and you
4 guys got to fix it. Yes, I was on the
5 board with Erica the same time. We hated
6 to see that dissolution -- dissolve, but
7 such is that. Okay.

8 MAYOR DERMER: Thank you, sir.
9 Appreciate it. Okay. Morris, doctor.

10 MR. SUNSHINE: For the record, my
11 name is Morris Sunshine, and I live in
12 South Pointe. This is a perfect
13 illustration how better zoning and better
14 planning and better legislation means less
15 enforcement, less strain on code, less
16 strain on the police, it's forward looking.

17 I remember this issue of restaurants
18 turning into nightclubs, discussing that
19 with Dean Grandon who is Jorge Gomez's
20 predecessor back in 1995. Things sometimes
21 move slowly in Miami Beach, but today is
22 the day to stop an issue which has been on
23 the table for nine years at least.

24 I attended the meeting of the
25 Nightlife Industry Task Force yesterday

1 chaired by Steve Polisar, and I'm sure you
2 know Steve. There was no objection to this
3 particular legislation that I heard while
4 I was there, though I'm sure you'll hear
5 some today.

6 Finally, I would like to say that
7 if you -- well, penultimately, if you would
8 like to know what we confront in South
9 Pointe, all you have to do is read the last
10 issue of the Sun Post. It gave, I think, a
11 very realistic description what life is
12 like down there after dark.

13 And finally, mayor, I'd like to
14 commend you for raising -- during one of
15 your Mayor on the Move meetings, for
16 raising the issue of rolling back the hours
17 for alcohol beverage establishments to
18 2 a.m. I think it's time this became a
19 public issue, that we discuss this matter,
20 and I hope that you will take that issue in
21 the future seriously. Thank you.

22 MAYOR DERMER: Thank you. Okay.
23 Let us -- yes, ma'am, come on up.
24 We can -- yes, why don't we help her out
25 over here. Come on up, right next to the

1 podium so the camera can get you. There
2 you go. You got it.

3 MS. COHEN: Hi everybody. My name
4 is Sabrina Cohen, and I live in Sunset
5 Harbor South Tower. I've been there for a
6 little bit over two years, and I'd just
7 like to say that I've -- I grew up in Miami
8 Beach, I've lived here my whole entire
9 life, and I'm ecstatic about what South
10 Beach and Miami Beach is becoming.

11 To me it's very exciting, and I love
12 the fact that I have Purdy Lounge across
13 the street from my house and Jade and
14 I have friends in the building that I know
15 as well they like it, and I think that's
16 what South Beach is all about.

17 I think -- I'm not telling anybody
18 to move from South Beach, but there's
19 Aventura, there's Bay Harbor, there's
20 Kendall, those places are much quieter, but
21 I do not think that South Beach and Miami
22 Beach is equivalent to those places,
23 I think there's more excitement here, and
24 I think that's what brings tourism and more
25 people to come down here to have a good

1 time.

2 And the beach stretches for miles
3 and miles. I mean, you have Collins Avenue
4 and all those condominiums down there are
5 quiet, so if that's what, you know, people
6 need or are seeking, I think, you know --
7 you know, that's why they're there.
8 I think primarily, though, South Beach and
9 Lincoln Road and all the clubs that are
10 going on, I think that's what keeps the
11 city exciting, and I think it should -- you
12 know, if anything, maybe sanitation and
13 cleaning up and the bottles, that needs to
14 be, you know, under closer observation and
15 under tighter restrictions, and that needs
16 to be looked into a little more, but for
17 the most part, I think it adds value to our
18 society here or our community here.

19 MAYOR DERMER: I thank you very much
20 you're your comments. Okay. That will do
21 it for this side of the room. We're moving
22 on to this here. Frank, would you like to
23 start, and then we'll come across.

24 MR. DEL VECCHIO: Frank Del Vecchio,
25 301 Ocean Drive. The -- the people who are

1 buying the expensive new condos in South
2 Pointe --

3 MAYOR DERMER: You've got an
4 assistant now handing these memos. All
5 right.

6 MR. DEL VECCHIO: That's my brother,
7 Joe Del Vecchio.

8 MAYOR DERMER: Oh, hi, Joe. Nice to
9 see you.

10 COMMISSIONER GARCIA: You mean
11 there's two of you?

12 MAYOR DERMER: That means twice --
13 that means twice the paperwork now, right?

14 MR. DEL VECCHIO: Just you wait.

15 COMMISSIONER GARCIA: There goes
16 another tropical forest.

17 MR. DEL VECCHIO: They could have
18 afforded Aventura, Biscayne, Key Biscayne,
19 but they love what Miami Beach has to
20 offer. This is not a battle between
21 businesses and the nightlife industry,
22 which I think has been misled. We want the
23 predominantly residential area of Miami
24 Beach, which is south of 5th, which was
25 zoned residential, which had a nightclub

1 prohibition, to be a predominantly
2 residential and recreational area with all
3 of the supporting businesses, tourists and
4 residents benefit from having well-placed,
5 lovely, safe, beautiful walking areas a few
6 blocks from the entertainment district.

7 We have an entertainment district
8 which is run down. The city's resources
9 cannot keep up with the policing, the
10 sanitation costs, the code costs. We would
11 like the city's budget, which is being
12 wasted in trying to clean up South Pointe
13 residential streets from the litter and
14 trash and disruption, which is brought in
15 every weekend and on major event weekends
16 by three to five thousand occupancy
17 existing nightlife establishments with a
18 loophole that could bring in many more.

19 I think we have a -- a common
20 business and economic interest with the
21 business community and with the nightlife
22 and entertainment community.

23 Now, Commissioner Garcia always
24 talks about being holistic and about a
25 balance. I think we're looking at this

1 holistically. These residents bring their
2 families, their business associates, their
3 friends to shop here, they patronize the
4 hotels, they patronize the restaurants.

5 Our two kids were down -- they're
6 not our kids anymore, they're in their
7 thirties. They came down. They went to
8 the clubs. They went to Crobar. I was
9 going to try to get them to go to Opium,
10 but I thought that would not be politically
11 appropriate. They, too, were surprised at
12 the kind of outside activity that is now
13 being attracted into our residential area.

14 If we can concentrate our resources
15 in the mixed use entertainment area,
16 support those businesses, give them clean
17 streets and enforcement and let them
18 operate properly, I think we have the
19 balance we are looking for.

20 What we are doing here today is
21 simply asking the city commission to close
22 a loophole which was never intended, which
23 permits restaurants south of 5th and in
24 Sunset Harbor to operate as nightclubs
25 until 5 a.m. That's not right, it's not

1 right for the business, it's not right for
2 the residents, it has an adverse impact on
3 tourists. We like you, we patronize you,
4 and I think this will not be a disaster for
5 the -- for the nightlife industry. Thank
6 you.

7 MAYOR DERMER: Thank you, sir. All
8 right. Moving across. Any hands here?
9 Any folks from the back want to come in?
10 Any competing view at all? Nothing? Okay.
11 Come on.

12 MS. CLAYTON: Good morning,
13 commissioners, mayor, city manager. I've
14 been here since 1985. I hope -- I'm going
15 to try and stay --

16 UNIDENTIFIED SPEAKER: Your name.

17 MS. CLAYTON: -- nonemotional.

18 UNIDENTIFIED SPEAKER: Judy, just
19 for the record just say your name and
20 your --

21 MS. CLAYTON: Judy Clayton, sorry.
22 205 and 221 Collins. In 1987 I was
23 appointed as chair of finance of the
24 original redevelopment agency. At that
25 time the South Pointe Towers wasn't even

1 up. What we did, we got together with Rob
2 Parkins, we worked very hard with the city
3 to get the developers to come down here.

4 I'm very, very upset and sad, I'm
5 sorry, that what I'm seeing after all our
6 hard work, the RFP, the first one we put up
7 was The Courts, and we worked so diligently
8 and so hard, worked with the police, worked
9 with the code compliance and code
10 enforcement to get the buildings up and
11 operating, beautified, and consequently,
12 what upsets me so much is that here today
13 after all our hard work, we had a vision of
14 a world-class city, we had a vision of
15 making South Pointe the place to come.

16 We did our PR, we did the image and
17 the PR. We worked diligently with the
18 police, and for me to walk out on the
19 corner of 2nd and Collins -- I have
20 pictures of my building when it was --
21 it was the ugliest building in the whole
22 beach. Let me tell you, it was ugly.

23 And when I walk out now and see all
24 of our hard work and all the buildings that
25 we tried so hard to get the developers to

1 come and beautify this beach, and I walk
2 out now and I see what's happening to our
3 neighborhood, because as they call it, a
4 loophole.

5 I'm in the entertainment business.
6 I'm an entertainer. I'm a singer. I have
7 records out. I would love to have my
8 record played in Opium, and if it was
9 located at another place. I would love to
10 have the entertainment have another
11 section. We are not against entertainment.
12 It's just that it cannot survive here with
13 our vision of what we had when we started
14 this whole action back in 1987.

15 I beg of you, don't let the domino
16 effect go back to a ghetto, because that's
17 what we started out as. Thank you.

18 MAYOR DERMER: Thank you. Okay.
19 Come on up, please.

20 MR. MOZOU: Hello, my name is Tofik
21 Mozoui. I own the Oasis in South Beach,
22 it's right on 1st Street between Alton and
23 Washington. I have a small restaurant.
24 It's a 60-seat restaurant. It's a Greek
25 and Mediterranean restaurant, and part of

1 our heritage is to have belly dancer, and
2 it's an entertainment, and because of that,
3 I'm not allowed to have my belly dancer
4 come and dance at my restaurant.

5 I have been closed by the policeman
6 at one o'clock because they said I don't
7 have the dancing and entertainment for
8 having a belly dancer in my place. They
9 threw all my customers out. I'd love to
10 have all those people come to my place.
11 They're all my neighbors, and I do live on
12 221 Meridian. This is our neighborhood.

13 I don't like the big clubs to do
14 what they're doing, but my restaurant will
15 be affected greatly because of that. Thank
16 you.

17 MAYOR DERMER: Thank you. Sir.
18 Okay. Come on up.

19 MS. ETTTELSTEIN: (Inaudible.)

20 MAYOR DERMER: Please.

21 MS. ETTTELSTEIN: Good morning. My
22 name is Terry Etttelstein. I live at 100
23 Meridian Avenue, Apartment 214. I am this
24 gentleman's neighbor. Our apartment faces
25 in towards the pool at The Courts, but

1 we are essentially across the street from
2 from his establishment. We have actually
3 gone over and had dinner when it first
4 morphed from a sort of take-out deli-type
5 place to a restaurant, and we enjoyed our
6 dinner there.

7 The problem is that the belly
8 dancer, I don't think, is really what the
9 problem is. It's the glass on the street
10 the next morning, the cars honking, people
11 waking us up at 5 a.m. when the
12 establishment closed. The -- the notion
13 that it's s belly dancer that's causing the
14 problem is entirely wrong.

15 You need to walk the streets, and
16 we're two blocks away from Ocean and three
17 from -- or three from Ocean and two from
18 Collins, and the people who walk on the
19 street in the middle of the night wake us
20 up.

21 There's yelling and traffic, and
22 drunken brawls, and I'm not sure that --
23 I signed up to live in a -- in a
24 residential area. I was told that by the
25 developer, and what's happening is we're

1 being assaulted by activities that are
2 entirely inconsistent with that character.

3 MAYOR DERMER: Thank you.

4 MS. ETTTELSTEIN: And I used to come
5 here in the 1970s with my children, and my
6 mother was actually one of those people in
7 (Inaudible) waiting room who would come to
8 the Deledo for three months every winter,
9 and we always lamented that we couldn't
10 enjoy the character of the place, the
11 history, the art history, and we were
12 thrilled by the redevelopment south of 5th,
13 and that's what caused us two years ago to
14 buy what is our vacation home but will be
15 our retirement home in 2001, but we can't
16 live in a place where we can't sleep at
17 night.

18 MAYOR DERMER: Thank you, ma'am.
19 Yes, sir. We'll get the gentleman -- we'll
20 get you first, come on, and we'll get you
21 second. Welcome.

22 MR. JOHNSON: Hi, David Johnson, 208
23 Jefferson Avenue. I thought the comments
24 of the last two people were interesting,
25 because the -- the -- I've been in south of

1 5th Street for eight years now, and it's
2 tremendous what the residents and the
3 redevelopment agency and you as
4 commissioners have accomplished in that
5 neighborhood, it's really fabulous, but
6 without a question in the last couple of
7 years there's been a serious decline.

8 And I think what's -- the real
9 source of that is the clientele that is
10 coming to these places, and unfortunately
11 some of them, I think the Oasis, I don't --
12 I'm not right across the street from it,
13 but I suspect that it's probably a place
14 that really doesn't cause that much
15 trouble, but you have to -- you can't
16 discriminate between individual
17 establishments.

18 And the problem is that particularly
19 the larger ones are attracting a clientele
20 that is extremely rowdy on the streets and
21 it leaves all the litter and is
22 disrespectful to the residents and so
23 forth.

24 So you've got to strike a balance,
25 but it seems to me that the balance has

1 to -- has to come down in favor of -- of
2 the residents and the establishments that
3 are able to attract a clientele that don't
4 cause problems, and if -- I think that
5 closing up the loophole is your only option
6 at the moment to -- to address that. Thank
7 you.

8 MAYOR DERMER: Thank you, sir.

9 Yes, sir. A show of hands on this
10 side who is waiting to speak still. Oh,
11 okay. All right.

12 MR. ESDALE: How you guys all doing?
13 For the record, my name is Jared Esdale.
14 I've been on this beach for about ten
15 years, and I came here knowing the fact
16 that I wasn't coming to live in a quiet
17 area, I was coming to live in an area that
18 was going to be fun for me, as well as I'd
19 be able to still, you know, live here, and
20 there were quiet sections.

21 My parents have been on this beach
22 for close to 25 years as well. They're
23 business owners, and part of the business
24 that comes in here is the tourists that
25 come and go into their store and buy.

1 I have news that most of the people that
2 live here all year round are not -- are not
3 the people bringing us money, because when
4 it's not season, we're not doing any
5 business at our store. Okay?

6 If you want a quiet area, you go to
7 where I grew up in New Jersey in a suburb
8 area where there's families, where
9 everybody knows each other, and it's a
10 quiet neighborhood, but that's not what
11 South Beach is all about.

12 This is supposed to be a fun place
13 to live. This is supposed to be a place
14 where you can go have a good time, and not
15 exactly get -- get crazy and throw bottles
16 all over the place either, don't get me
17 wrong, but I truly believe that me
18 personally, I also work over at the Purdy
19 Lounge, and I personally every single
20 morning go out and clean up any bottles
21 I see, you know, in front of our
22 establishment or on the beach as well as
23 does everybody else that works with me.

24 So I just think that -- that really,
25 you have to really look at where you --

1 where you move to. This isn't supposed to
2 be an area that's supposed to be a quiet
3 area. We're supposed to be here to have
4 some fun as well, and I just think
5 everybody should take that into
6 consideration. Thank you.

7 MAYOR DERMER: Thank you. Next --
8 next speaker. Next speaker, yes, come on
9 up. Next, come on up.

10 MS. TENESOVA: My name is Daniella
11 Tenesova, and I'm here --

12 COMMISSIONER BOWER: (Inaudible.)

13 UNIDENTIFIED SPEAKER: Get closer.

14 MS. TENESOVA: -- and I live here
15 for 26 years. I've been here when we sold
16 the -- the -- the (Inaudible.) I've been
17 here when everything has happened. I came,
18 and I cannot forget it that I came from a
19 city, three -- four million city there,
20 every other house, basement of the houses
21 are now night -- nightclub.

22 I cannot forget that Gina
23 (Inaudible) walking with high -- high heels
24 was stopped by the police, tell her to take
25 her -- to take her shoes off because it's

1 two o'clock in the morning. I cannot
2 forget this. I think what they are
3 talking -- talking here are saying that
4 Miami Beach -- and I don't know who told
5 them that Miami Beach, and who can really
6 say, that South Miami Beach, it has to be
7 something that you cannot control.

8 Now, we -- what we are asking is --
9 is more civilized life in this site. This
10 is what we like. And we have seen it, and
11 it could be done. I cannot get out in the
12 morning in front of my building, it's
13 impossible. They are screaming like crazy.

14 Are these people that are bringing
15 the money here? No. I -- I have -- I am
16 seeing every night Joya's restaurant
17 treating at least 3,000 people. You know
18 what, there is no noise, and these people
19 are not other people. These people are
20 there to observe it on purpose. These
21 people only have older people, but not too
22 old, and the (Inaudible) are using the
23 promises, the gardens, and they go -- go --
24 they -- I don't know how they find the
25 parking, they are right (Inaudible) and

1 this is what we want to have in South
2 Beach. Thank you.

3 MAYOR DERMER: Thank you. Let me
4 get this gentleman, we'll work our way
5 around. Yes.

6 MR. STEVENS: Good morning. How you
7 all doing?

8 MAYOR DERMER: Good afternoon.

9 MR. STEVENS: My name is Brad
10 Stevens, good afternoon. Without beating
11 a -- beating this with -- this issue here,
12 it's all about quality of life, yes, and
13 basically you've seen from the residents
14 that it's a joke.

15 As far as people moving out of these
16 sections and going to places like Aventura
17 and up north and big beaches, well, that's
18 not an option, because people bought here
19 and they want things to change here.

20 The nightclub industry will survive
21 if you roll back the hours, obviously,
22 because you know what's going on in the
23 design district and downtown and other
24 places, it's always going to survive, and
25 the argument that the nightlife is the

1 foundation of what's happening here in
2 South Beach and the culture is just
3 ludicrous.

4 Miami Vice, the modelling industry,
5 all the models, the designers, Gianni
6 Versace, those are the things that put a
7 blueprint or a fingerprint on what's
8 happening in South Beach. There needs to
9 be a balance, and something -- something
10 has to be done.

11 As far as the gentleman with Oasis,
12 I don't know much about the place, but
13 I did get an email showing pictures of the
14 sound system in there, and it's like set up
15 for a big disco. I don't know if you guys
16 received any of that email, but -- Joya,
17 that's another place. The entrance is in
18 the alley. It's very disturbing to the
19 people that live in that area of the alley.
20 People are coming out all drunk, and it's
21 just -- it's not an appropriate place to
22 have an entrance.

23 There's many issues that everybody
24 has here, but I guess -- I guess my bottom
25 line is I'm opposed to it, so thank you.

1 MAYOR DERMER: Okay. Thank you.
2 Let's get Juan, and we'll follow Juan with
3 Ira, Ira Elegant followed by Gary. Go
4 ahead.

5 MR. COVIAN: Juan Covian, Portofino
6 Towers, South Pointe Towers. And no pun
7 intended, but I think it's time to belly up
8 to the bar. The commission has to make a
9 decision. The decision -- the only
10 decision is the one that has to go with the
11 residents. It is time to close the
12 loophole. Period.

13 It is time to give us back our city.
14 We have an area that is the pride of the
15 world, that we moved here because what it
16 was, but we have the right to have a
17 residence also. You know, it's really
18 funny. I think the majority of these
19 people, a lot of them, a lot of people that
20 everybody says we should move away from
21 this area because they really belong in
22 Aventura, a lot of those people go out to
23 eat to all those restaurants three and four
24 times a week.

25 So we are the biggest supporters of

1 the business, per se. We are not the
2 biggest supporter to what they do in terms
3 of the trashing, in terms of the noising,
4 everything that they do that is a disaster,
5 it's just killing our neighborhood.

6 We don't want to look five years
7 from now at this time as being the golden
8 times of Miami Beach, because we are --
9 if we don't stop the way we're going, we're
10 just going to go down hill more and more,
11 please.

12 MAYOR DERMER: Thank you. Ira.
13 We'll have Gary and then (Inaudible.)

14 MR. ELEGANT: Mr. Mayor and members
15 of the commission, Ira Elegant, Buchbinder
16 & Elegant, 46 Southwest 1st Street, Miami,
17 Florida. I'm representing Barbara
18 (Inaudible) the party.

19 In listening to everything today and
20 in reviewing the report that you've
21 received, it's a good staff report, you
22 really have distinct areas. You have
23 concerns south of 5th Street which are
24 really different than the -- then really
25 the industrial pocket near Sunset Harbor.

1 That is the only industrial pocket that's
2 existed on Miami Beach from the inception.

3 The reality is that folks purchased
4 there, they bought at Sunset Harbor, and
5 there's been a balance. My client has
6 attempted to work with the residents,
7 address their concerns.

8 For example, they'll be double doors
9 at that restaurant and lounge. There will
10 also be sound attenuation equipment. They
11 do the usually safeguard to be sure that
12 people don't leave with glasses and
13 other -- and other things of that kind.

14 The problem that we have is that
15 if you paint with this broad brush that's
16 suggested for this amendment, you're
17 dealing with two distinct areas.

18 I'm not here to deal with south of
19 5th Street, that may be a different thing,
20 and I think you've heard a number of
21 speakers address the concerns, because that
22 is truly partially residential and
23 partially the uses that have been
24 described.

25 When you deal with the Sunset Harbor

1 area, you have a distinct difference. You
2 have the industrial uses, you have other
3 heavy uses that existed when Sunset Harbor
4 was -- was built, and the reality is there
5 are two clubs, restaurants, that are
6 identified in the staff report, my client
7 and one other. There are two other
8 restaurants. They don't function as clubs
9 and do not provide any entertainment.

10 If you do consider this, at the very
11 least you've got to consider the
12 grandfather factors. One of the concerns
13 that I have with the grandfather issues are
14 certainly if -- if a use was destroyed by,
15 let's say, a hurricane or some unintended
16 action, certainly that use should be able
17 to be reestablished within a given period
18 of time.

19 In addition to that, if you don't
20 have that provision, you'll have insurance
21 issues which will almost render the
22 premises uninsurable.

23 I respectfully suggest to you that
24 insofar as the Sunset Harbor area is
25 concerned, that probably should go on for

1 further discussion and perhaps refinement.
2 South of 5th, that's another issue. How
3 far, if you do address this, certainly
4 we've got to deal with the grandfather
5 issues.

6 I know that many people have spoken
7 about hours, that's for another day and
8 another time. That's really not before you
9 today under the ambit of what's been
10 presented. We suggest to you that the
11 ordinance as it exists be left as
12 it presently is contained in the code for
13 the Sunset Harbor area, south of 5th is
14 another issue.

15 I mean, you have a delicate balance
16 between residents' concerns and very
17 substantial investments, and you've got to
18 come up with a fair balance. Thank you.

19 MAYOR DERMER: Let me ask you a
20 question before you go, Ira, and I believe
21 you to be correct that it is not properly
22 before us today as far as the hours are
23 concerned, but that is interjected as a
24 side issue into this whole conversation
25 when we look at it, and I'm curious, what

1 is your position or your client's position
2 as to a 2 a.m. rollback in your particular
3 area of Sunset Harbor.

4 MR. ELEGANT: I'll let my client
5 address that because, frankly, I haven't
6 been hired for that.

7 MAYOR DERMER: Okay.

8 MR. ELEGANT: But he's here.

9 MAYOR DERMER: That's a good answer.
10 All right. All right.

11 MR. ELEGANT: Come up.

12 MAYOR DERMER: All right. You're
13 retaining him now for the hours?

14 MR. ELEGANT: No, no, he's the
15 client.

16 MAYOR DERMER: Go ahead. What --
17 what is -- what is your position on that,
18 I mean how --

19 MR. DONOVAN: We don't want to
20 really limit any of our hours at all.

21 UNIDENTIFIED SPEAKER: Can you state
22 your name, please.

23 MR. DONOVAN: I'm John Donovan. I'm
24 the owner of the Purdy Lounge (Inaudible)
25 and my daughter, Caitlin.

1 MAYOR DERMER: Welcome.

2 MR. DONOVAN: I mean, we're -- we're
3 basically just trying to eke out a living,
4 and you rolling back the hours are limiting
5 us possibly of making money, and all we're
6 trying to do is -- you know, we're not
7 insurgents, you know, we're not members of
8 the Taliban. We're good neighbors, dads
9 and moms, members of the community, we're
10 regular folks that just want to eke out a
11 living.

12 We've always had our door open to
13 hear any complaints from any of the
14 neighbors. We live in an environment
15 that -- that has the luxuries of a city and
16 unfortunately the noise of city life.

17 We feel we enhance the quality of
18 life. I mean, we're in the midst of
19 installing double doors. We've hired a
20 contractor, but everything takes five times
21 longer in South Florida than you expect
22 it to take, and --

23 UNIDENTIFIED SPEAKER: Longer on the
24 beach.

25 MR. DONOVAN: Yeah, Miami Beach.

1 We're talking to police now to patrol
2 outside to eliminate the possibility of
3 loitering, if there is any loitering going
4 on. I know the community will see the
5 difference. Recently Club Mays, which was
6 Salvation just closed, and I felt
7 personally that was 70 percent of the
8 problems, because that club could hold, you
9 know, 1,300 people.

10 And, you know, in closing, we are
11 members of the community. I mean, we're
12 fathers, mothers, friends, neighbors.
13 I work hard.

14 MAYOR DERMER: If I may ask you, and
15 listen, this is not about you and your
16 family, you have a lovely wife and family.

17 MR. DONOVAN: (Inaudible.)

18 MAYOR DERMER: You seem like a hell
19 of -- you seem like a hell of a nice guy to
20 me, but I'm just -- I'm just curious as to
21 do you feel you can make a living with a
22 2 a.m. closing versus 5 a.m.?

23 MR. DONOVAN: No, I think that Miami
24 Beach is a 5 a.m. city. I mean, it
25 costs --

1 MAYOR DERMER: No, no, I'm talking
2 about you.

3 MR. DONOVAN: I'll use a perfect
4 example.

5 MAYOR DERMER: You talked about --

6 MR. DONOVAN: I'll give you a
7 perfect example.

8 MAYOR DERMER: Hang on. You talked
9 about you as it related to your family.
10 I'm talking about you as it relates to you,
11 too.

12 MR. DONOVAN: Exactly, (Inaudible.)

13 MAYOR DERMER: But don't give me
14 Miami Beach, tell me 2 a.m., you've got a
15 particular establishment there that sells
16 alcohol. You can't live with 2 a.m. at all
17 or is it not making enough money?

18 MR. DONOVAN: I have an
19 establishment in Coral Gables. As know
20 it's 2 a.m., and quite honestly, we don't
21 really make that much money there. We're
22 open for lunch, we're open for dinner,
23 we're open until 2 a.m., and Saturday
24 forget it, Saturday night we rang \$2,400,
25 and this is in the city of Coral Gables.

1 So you start -- what you're doing is
2 you're eliminating the nightlife, the
3 reason why people come into an area.
4 I mean, you start -- they're just going to
5 go to another place that's open until five.
6 So I mean, we make about 35 percent more
7 out of the Purdy Lounge than we do in Coral
8 Gables, and that 35 percent is probably
9 made between 2 and 5 a.m.

10 You know, unfortunately for the
11 people who lived there, it's zoned an
12 industrial area. You know, I mean --

13 MAYOR DERMER: Well, you're --

14 MR. DONOVAN: -- we picked our
15 location (Inaudible.)

16 MAYOR DERMER: Your issue is correct
17 when you say it's zoned in an industrial
18 area, but my understanding is there is no
19 rights to particular bar hours or liquor
20 license hours, so though you may be there
21 in an industrial and you may have a proper
22 establishment there, you don't have any
23 kind of right to a 5 a.m. versus a 2 a.m.,
24 so -- but that is going to be something
25 that I think that this commission is going

1 to tackle, we're going to explore, we're
2 going to talk about it.

3 MR. DONOVAN: I'm kind of confused
4 as to why -- I don't know why we do not
5 have the right. I mean, it's there
6 already, what, you're just going to take
7 away (Inaudible.)

8 MAYOR DERMER: My understanding
9 according to the legal advice that I have,
10 is that correct, Mr. Attorney, that you
11 have a right to a liquor license that may
12 be grandfathered, however, you do not have
13 a right as to those hours of 5 a.m.

14 MR. DONOVAN: (Inaudible), that's
15 what I'm kind of confused about.

16 MAYOR DERMER: That's the law. So
17 that's what -- why this is on the table
18 now. Okay? All right. Thank you very
19 much. Let us go -- let's go to
20 Mr. Wallack. I mean, I haven't seen you,
21 Dave, in a while, and you're wearing a
22 suit. My God. First time in years that
23 I've seen this.

24 MR. WALLACK: Is the tie nice?

25 MAYOR DERMER: Have you become the

1 solicitor general for North Beach or
2 something? What's going on here?

3 MR. WALLACK: Actually, I thought
4 there would be a lot of older people in the
5 room today, so I dressed a little more
6 formally.

7 MAYOR DERMER: Oh-oh, not a good
8 kickoff. Back up a little bit. Take a
9 step back and start again.

10 MR. WALLACK: Mr. Mayor, I am also
11 representing the Ocean Drive Association in
12 some of my comments, and so I would ask for
13 just a couple of more minutes than two
14 minutes, not many more but just a couple.

15 MAYOR DERMER: Sure, go ahead.

16 MR. WALLACK: The chamber of
17 commerce came to me a couple of months ago
18 and actually asked me to write a position
19 on noise and what I thought, how I thought
20 it should be remedied and the difficulties,
21 especially that many of these residents --
22 all of these residents are complaining of.

23 It was my position then, and I
24 standby it now, that zoning is the proper
25 recourse for our city to take to organize

1 entertainment. It is the only method by
2 which you can actually create the rules for
3 each zone with a logic that would stand the
4 test of law, I believe.

5 But we must remember the success of
6 our city is predicated not on our beach,
7 not on our concrete structures, it's
8 predicated on people, it's predicated on
9 human life, it's predicated on tourism.
10 That is the business of our city.

11 When you change the basic success
12 factor and you remove, let's say, a column
13 in this building, will this building
14 collapse? Maybe not, maybe just it will
15 sag a little bit, but if you pull another
16 main column, it may collapse.

17 I heard Fort Lauderdale mentioned.
18 Fort Lauderdale was a pretty wild scene in
19 the heyday of its spring break, however,
20 when they closed it the way they closed it,
21 it sent them into a spiralling depression
22 of 15 years.

23 My message to this commission is to
24 do this properly. Not to do it with an
25 axe, but to do this with a surgical blade

1 and create the proper zoning for your
2 entertainment zones.

3 We need to workshop. You need to
4 define the economic ramifications of what
5 it means to roll back to 2 a.m., Mr. Mayor.
6 Rolling back to 2 a.m., obviously this
7 gentleman is a bit new in the community and
8 new in business here. Let me explain to
9 you what rolling back to 2 a.m. would
10 actually mean.

11 It would mean literally thousands of
12 people unemployed. In my property, 900
13 Ocean Drive, when my parents ran it, they
14 had four employees in the season. I have
15 240 employees on the same property. I'm
16 only one property. Half of my employees
17 live on South Beach.

18 All of the small condos and the
19 apartments of South Beach are filled with
20 the employees of Lincoln Road and their
21 cafes. The employees of Ocean Drive, the
22 restaurants, the hotels that have sprung
23 up, and of the South Pointe area.

24 They spend their paychecks in the
25 stores that have sprung up to service them

1 living in the apartments. How many
2 hundreds of thousands and millions would be
3 lost in their tax revenue alone in spending
4 their paychecks. Will the residents pick
5 up those losses that the city suffers to
6 our tax revenue.

7 These are questions that you have to
8 look at an examine. "Preservation" is a
9 word that has been bandied around and
10 bandied around, and Saul, I know you are a
11 preservationist. Mr. Mayor, I know you are
12 a staunch preservationist, and Matti,
13 I know you are as well.

14 I'm not going to sit and go through
15 every single person on the board, because
16 it's not necessary, but I know these are
17 the three that have stood out, but to me
18 preservation goes beyond the concrete,
19 because we had the concrete when we were
20 dead. It's not the concrete, and it's not
21 the beach.

22 The concept of Miami Beach is also
23 what needs to be preserved, the concept of
24 why the buildings were built and in
25 which -- and the method in which they were

1 built reflected the mindset of the concept.

2 In the 1920's we were a resort.

3 We were a place to enjoy all night long 24
4 hours a day with casinos that were illegal.
5 In the thirties we had prohibition in this
6 country. You could not get a drink. In
7 Miami Beach the alcohol flowed more than
8 New York and more than Chicago.

9 In the forties we were filled with
10 thousands upon thousands of servicemen
11 training for World War II, and the party
12 flowed all night as well. In the fifties
13 with Frank Sinatra, Dean Martin, and Jerry
14 Luis, the stars of the hotels, it was
15 partying into the night, and you went to
16 Wolfies at four in the morning to see Sammy
17 Davis, Jr., and Frank Sinatra.

18 In the sixties Jackie Gleason,
19 Arthur Godfrey. It's all based in
20 entertainment. It's all based in
21 personalities. The Beatles, Cassius Clay,
22 and then we have the seventies and the
23 early eighties. Devastation. The party
24 stopped, the people got older, and they
25 died, and that is what happened to our city

1 as well.

2 The city services rolled back. City
3 salaries, benefits, forget about it, there
4 was no money to be had in this city, and
5 then we came back out. What led us coming
6 out? Entertainment. Miami Vice and all
7 the other movies that came in that era.

8 We must move in stages. And I am
9 not saying that this is a bad move by the
10 city. I think it's obvious you're going to
11 pass this ordinance. I think that any fool
12 sitting in the audience knows that, but
13 there are, as Ira Elegant said, certain
14 considerations that you should in your
15 discussion make note of.

16 We are a 5 a.m. city. To roll back
17 to 2 a.m. in any district you must realize
18 down to your bones will kill the
19 entertainment factor in that area. It will
20 not survive. 30 to 40 percent of every
21 restaurant, business, nightclub and cafe
22 will not be able to survive that in the
23 entire city, and you can factor all of that
24 income as well as 30 to 40 percent of all
25 employees that live in this city would

1 migrate, because as a bartender or waiter
2 or a server, you can live in any city in
3 the world. They would just migrate out,
4 break their leases, leases would mean
5 nothing.

6 We are a 5 a.m. city. That is our
7 unique asset. We don't have any other
8 unique asset in this city. Our hotels are
9 not unique, our beaches -- our beach is not
10 unique. You can go from here to North
11 Carolina and you can find a beach. You can
12 go up the west coast, you can find
13 absolutely beautiful beaches, you can go to
14 Panama City and find a gorgeous beach,
15 Cancun, the Bahamas, there are beaches all
16 over the place now, we're not the only one,
17 therefore, it is not unique. It's
18 beautiful and it adds to what we are, but
19 it is not unique.

20 Disney World is 2 p.m. If you want
21 to put us in direct competition with
22 Orlando, watch us die. Straight across the
23 board, and the only thing you'll have is
24 about 15 to 20 years of these faces before
25 I'm back in the ACLF business, and I want

1 to be head of the board. And I don't say
2 that -- I don't say that negatively,
3 because that's the truth and that's the
4 reality of our lives and who we are in each
5 season that we live our lives in.

6 The key is entertainment and your
7 organization of it. I am not standing here
8 opposed to this ordinance, however,
9 entertainment is the golden goose,
10 entertainment is our success, it is our
11 prosperity.

12 The way you grandfather and the way
13 you use a sculpturing tool is the key to
14 the success of this ordinance. Aside from
15 we on Ocean Drive have been begging for
16 more police protection, people walking the
17 beat rather than in cars and more clean up.
18 We even formed our own district to support
19 the city and pay for more police and more
20 clean up. There are areas of the city,
21 Ocean Drive included, that are still --
22 that would still like to participate with
23 your counsel, your government in creating
24 more city services.

25 So it's not that we don't want

1 organization. We do. Please do
2 it judiciously with consideration to our
3 industry. Remember people in our hotels as
4 far as the Loews, the Fontainebleau, they
5 all go to Nikki Beach. Not all but many.

6 They go to Opium, and I'm not saying
7 Opium has been running a clean shop, and
8 I'm not here to rubber stamp, and
9 if they've been abusive, they've been
10 abusive, but not all operators are, and
11 this city still can find ways to garner
12 control.

13 When you say we want to take our
14 streets back, please remember the tourists
15 created this city. The tourists created
16 the resurgence of this city, and it is
17 tourism that is our true business and our
18 only business. Residential came as a
19 result of tourism. Thank you.

20 MAYOR DERMER: David -- David --
21 David, before you go, just a couple of
22 quick questions. I want to -- I want to
23 focus on your position so I understand it.

24 As to the 2 a.m. versus the 5 a.m.
25 closing time for argument's sake, would you

1 be adverse to having a 2 a.m. closing time
2 for, hypothetically speaking, let's say
3 below 6th Street in the Purdy area and
4 let's say along Ocean Drive you had a
5 5 a.m., and that Ocean Drive district would
6 include 900 Ocean, Mango's. Would you be
7 adverse to doing that.

8 MR. WALLACK: I cannot stand the
9 concept of destroying Nikki Beach. It's
10 internationally known. I don't like the
11 concept. 2 a.m. would destroy these
12 businesses. It would turn them into
13 restaurants, period, and they're not
14 restaurants alone.

15 When you go to 2 a.m., David, you
16 have to realize you are taking something
17 and changing it. You are taking their
18 clientele and saying go home, get a new
19 clientele tell and change your business,
20 because --

21 MAYOR DERMER: But you would be up
22 here fighting against that if that were the
23 case that --

24 MR. WALLACK: I think that's where
25 the grandfathering and your contemplation

1 of the ripple effect and the domino effect
2 of your action need to be studied. I truly
3 think that this is really the job of an
4 economic expert to really show you how many
5 dominos are stacked up here. I don't think
6 you truly realize it, how many families,
7 how many children eat from 2 a.m. until
8 5 a.m.

9 MAYOR DERMER: If we went into a
10 2 a.m. closing in certain areas of the
11 city, you think it would be -- the dominos
12 would collapse on top of us, it would be
13 the end of Miami Beach, we'd spiral into
14 Somalia.

15 MR. WALLACK: Well, I -- I would
16 not -- I will not go ahead -- I could not
17 go ahead as an expert and stand here, and
18 I think I am one of the city's true experts
19 in this field, and (Inaudible.)

20 MAYOR DERMER: Everybody's an expert
21 in our city.

22 MR. WALLACK: Well, I say -- I'm on
23 the front lines of tourism, and I've been a
24 resident here since 1955. I think I know
25 South Beach pretty well. I've been here

1 before the prosperous period, and I've been
2 here during, and I've been successful,
3 quite frankly, in the ACLF business and
4 creating them for the state of Florida as
5 well as creating probably the number one
6 nightclub in the south. So I think that
7 I have something to say that maybe so.

8 I would say that even where I am at,
9 I would probably want to run thoughts
10 against economic experts in different
11 fields to truly understand how far the
12 ripple effect goes in the economics -- the
13 economic fabric of our city to answer your
14 question exactly.

15 I can say for certain that it would
16 be between 30 and 40 percent of all
17 businesses that would collapse, let's say,
18 if overall you rolled this city back to
19 2 a.m. There would be very few that could
20 survive.

21 VICE MAYOR GROSS: But that's not
22 what he's asking you, David. He's asking
23 you about residential zoning districts
24 which don't -- aren't allowed to have night
25 clubs to begin with, you know, and changing

1 the hours of liquor sales in those
2 residential districts that aren't permitted
3 to have nightclubs.

4 MR. WALLACK: Well, I'll tell you
5 what it -- what -- I don't know what
6 it wouldn't do, but what it would do is
7 severely curtail the business of Penrod's,
8 Pearl, Nikki Beach. It would severely,
9 if not put under, Opium Gardens, and I'm --
10 there are probably some other smaller
11 businesses that could maybe survive or eke
12 out a living as a restaurant, but certainly
13 not make it worth your while to work, you
14 know, as hard as we do work in this
15 industry.

16 If you -- I know that the cabaret
17 district is an eventuality, I knew it many,
18 many years ago, and I believe that is so,
19 and that is a five o'clock zone, and
20 if we change that, then we will destroy the
21 entire city. However, I also know that the
22 Ocean Drive area alone is not enough to
23 fill all the hotels even if we are a -- the
24 only five o'clock zone. It's not enough in
25 the diversity.

1 The diversity is what creates art.
2 Diversity is what art is about. Opium
3 Gardens, you may not like it, but it is a
4 piece of art. It represents an aspect of
5 art. Pearl and Nikki Beach are an aspect.
6 They each bring a certain clientele from
7 around the world that fill our hotels.

8 What would suffer the most David,
9 what would suffer the most is the entire
10 Collins Avenue corridor from 1st Street all
11 the way up to 88th Street, the smaller
12 hotels on the west side of the street.
13 They would not be able to survive that
14 impact of losing a major portion of our
15 tourist business.

16 MAYOR DERMER: Commissioner Cruz.

17 COMMISSIONER CRUZ: David, you
18 bought up something and now you've entered
19 into -- you've crossed the line of now into
20 hotels and the fact that the draw --

21 MR. WALLACK: The ripple effect.

22 COMMISSIONER CRUZ: -- and the
23 tourism, but I think the impression that
24 we have up here collectively and what
25 they're telling us, realistically it's

1 really the numbers that assault us on any
2 given weekend from Thursday to Sunday
3 night. It really isn't the clientele
4 that's coming and staying at the hotels and
5 going to the restaurants and going out to
6 one of these places.

7 I think we do have, even if we had a
8 cabaret district which, as you know,
9 business will always adjust to the
10 conditions and try to garner what it needs
11 to survive, but I think the real problem,
12 and we all have the pink elephant in the
13 room and no one wants to say it, is really
14 the bridge -- I was going to say the -- the
15 cause of bridge and tunnel, that's my New
16 York days, but really the Causeway, because
17 if you look at any given weekend what is
18 coming across the Causeway, it is amazing.

19 So the problem really comes down to
20 not what's filling the rooms but the
21 assault we get from the mainland that's a
22 lot of young kids who you see, because you
23 look into the cars, all you've got to do is
24 be in a car driving and look into the other
25 cars, and you see that it's mainly young

1 kids coming from other areas that are
2 driving up and down. They're playing the
3 loud music, and in general creating a
4 problem. It's not the tourism which we're
5 attracting, because the room rates that
6 we have going these days, we are an
7 expensive destination that is very
8 discriminating.

9 I would say Miami Beach has become a
10 boutique tourism destination. Forget about
11 boutique hotel, we are a boutique
12 destination driven by high quality standard
13 hotels and a nightlife that is very
14 discerning with the proliferation of
15 high-end establishments of VIP rooms and
16 Ocean Drive which has (Inaudible.)

17 MR. WALLACK: First those two. The
18 high-end night clubs fill the boutique and
19 the high-end hotels. That's the fuel.
20 Every (Inaudible.)

21 COMMISSIONER CRUZ: No, because the
22 VIP rooms, as you and I both know, because
23 you do also have a VIP room, becomes a very
24 select crowd, so that is -- that is a --
25 the numbers are minimal compared to the

1 general numbers that you get to fill up the
2 bigger dance floor and the like, but
3 it's -- I just wanted to differentiate
4 between the fact that we are getting --
5 I think the main problem we're fronting --
6 confronting, the kids coming over across
7 the causeway.

8 And as the mayor has asked,
9 if we look at certain areas, and because as
10 you said, we have to look at it with a
11 surgical scalpel and say --

12 MR. WALLACK: Right.

13 COMMISSIONER CRUZ: -- you know,
14 these areas were historically residential,
15 they were intended to be residential, and
16 by an act of oversight on the part of the
17 city, we allowed certain establishments to
18 creep in and begin to just sort of
19 proliferate.

20 MR. WALLACK: Yeah.

21 COMMISSIONER CRUZ: That is what
22 we're trying -- no one is saying we're
23 going to put out the entertainment
24 industry, because most of the people here,
25 because they have chosen to be here is

1 because they like the ability to go to a
2 restaurant, to a nightclub from time to
3 time and just even walk the streets and
4 feel the energy that, you know, vibrates
5 from just the essence of being out here.

6 The thing is, we do have a crisis,
7 and I think we all recognize that.

8 MR. WALLACK: Zoning is the answer.

9 COMMISSIONER CRUZ: We have a
10 crisis, and we're trying to do it the way
11 you said.

12 MR. WALLACK: Zoning is the answer.

13 COMMISSIONER CRUZ: With zoning,
14 but --

15 MR. WALLACK: I would say before you
16 go to 2 a.m. --

17 COMMISSIONER CRUZ: So the mayor's
18 question was germane. Isn't that a way of
19 moving forward?

20 MR. WALLACK: Yes.

21 UNIDENTIFIED SPEAKER: And is
22 it going to devastate the entire city?

23 MR. WALLACK: No, no.

24 COMMISSIONER CRUZ: Right, so
25 I think (Inaudible.)

1 MR. WALLACK: Zoning is the proper
2 answer.

3 COMMISSIONER CRUZ: Right.

4 MR. WALLACK: Zoning -- zoning is
5 the proper answer. You're leaning into the
6 concept, and we have a lot of attorneys on
7 the board, really attractive nuisance.
8 We've become an attractive nuisance to
9 people outside the clubs, as you say, just
10 hanging out on the street. They're young,
11 they're this, they're that, they're rowdy,
12 they're filthy, they're wild.

13 And our city maybe does not have the
14 resources to police it or we happen to
15 (Inaudible.)

16 MAYOR DERMER: No, no, David, I've
17 got to stop you here. I've got to stop you
18 here, and this is, I think, really you're
19 getting to the essence. You just said 20
20 seconds ago zoning is the answer.

21 MR. WALLACK: Correct.

22 MAYOR DERMER: And then you said,
23 oh, there's a problem because there's too
24 many people hanging out, this is attractive
25 nuisance. If the attractive nuisance

1 doesn't exist or it is limited, then you're
2 not going to have all the people hanging
3 out there if you're not going to have the
4 service.

5 MR. WALLACK: But wait, David --
6 David, you're wrong. You don't close the
7 swimming pool --

8 MAYOR DERMER: So you keep
9 contradicting yourself over and over.

10 MR. WALLACK: You don't close the
11 swimming pool because you have some
12 people -- one person who drowned and they
13 can't swim and you got -- you got to teach
14 them, no.

15 MAYOR DERMER: No, no, no.

16 MR. WALLACK: Don't close the
17 swimming pool.

18 MAYOR DERMER: But swimming pools
19 have hours in certain places.

20 MR. WALLACK: But you have to
21 realize --

22 MAYOR DERMER: Everybody -- you
23 know, you don't have a 24-hour swimming
24 pool going in certain neighborhood also,
25 you know.

1 MR. WALLACK: Again, what I'm saying
2 is --

3 MAYOR DERMER: Or 24-hour tennis
4 courts.

5 MR. WALLACK: Let's take Ocean Drive
6 for a moment, because it's a different
7 zone, and you're going to be discussing
8 this. It's a five o'clock area. If you
9 make it a 2 clock area, it will go dark.

10 MAYOR DERMER: Yeah, but David, this
11 is always --

12 MR. WALLACK: These people on their
13 strolls --

14 MAYOR DERMER: It's always blaming
15 the city. See, it's the old argument that
16 has gone on.

17 MR. WALLACK: No blame, no blame.
18 Organization.

19 MAYOR DERMER: It's always -- no,
20 no, what happens is when -- when there is
21 resistance in trying to regulate through
22 the zoning that you're advocating from the
23 industry, the nightlife industry, there's
24 always a shifting of the focus of the
25 issue, and we've sat here many, many years

1 listening to this, shifting of the -- to a
2 service issue, but the problem and focusing
3 in on the problem is out of your own
4 mouth --

5 MR. WALLACK: No, I agree.

6 MAYOR DERMER: Using your words, you
7 said it's zoning.

8 MR. WALLACK: All I'm saying is that
9 it's 2 a.m. rather than three or four, take
10 a look at --

11 MAYOR DERMER: All right. Now we're
12 getting somewhere. We're moving back a
13 little. All right.

14 MR. WALLACK: I'm saying take a
15 look --

16 MAYOR DERMER: We're around three or
17 four now?

18 MR. WALLACK: No, no, I'm saying --

19 MAYOR DERMER: All right.

20 MR. WALLACK: -- David, in those
21 areas --

22 MAYOR DERMER: Yeah.

23 MR. WALLACK: -- if you take five
24 o'clock away from our city in general and
25 these areas have emanated out of our

1 success -- I have neighbors behind me, I've
2 spent millions for my neighbors that
3 I didn't need to spend but for my
4 neighbors, and I don't have problems with
5 my neighbors, so I know what you're talking
6 about. I know -- I lived on my alley for
7 15 years. I know what the garbage truck is
8 at 7:30 in the morning everyday clanging
9 and clanging and waking you up. I know
10 what people are. I know what that is.

11 What I am saying is even in the
12 areas that we create as five o'clock
13 entertainment zones to keep the vitality,
14 it still has to be managed properly. In an
15 area such as South Pointe, you have the
16 ability, and that's correct, this city does
17 have the ability to say 2 a.m. You can say
18 11 a.m., you can say whatever you want, you
19 have that power, but you also have the
20 power to roll back a little slower and take
21 a look, and roll back and take a look
22 before you just axe it.

23 MAYOR DERMER: So you have no
24 objection to a phasing in.

25 MR. WALLACK: That is correct.

1 I think that is -- I think that is the
2 responsible thing to do. I think that it's
3 the way that the entertainment industry can
4 also make its proper adjustments so that
5 we're in step with the city, you can't get
6 in step and in sync with a city that just
7 lowers the guillotine. It's just too
8 quick.

9 MAYOR DERMER: If we were to have,
10 let's say, a 4 a.m. for six months and six
11 months after that a 3 a.m., and after that
12 go to a 2 a.m.

13 MR. WALLACK: I would be able -- you
14 would be able --

15 MAYOR DERMER: In phasing you have
16 no objection?

17 MR. WALLACK: I would say you would
18 be able to study it as you go and see the
19 effect and ripple effect as it occurs all
20 the way up to the Fontainebleau from what
21 you do at South Pointe.

22 MAYOR DERMER: Okay. I thank you
23 for your comment.

24 MR. WALLACK: Thank you.

25 MAYOR DERMER: Let's get Gary and

1 we'll try to move along as briskly as
2 possible so we can bring the discussion
3 more up here.

4 MR. KNIGHT: I'm Gary Knight.
5 I reside at 2401 Collins, and I'm speaking
6 on my own behalf. I'm in support of this
7 effort by my neighbors in Sunset Harbor and
8 South Pointe to -- to restrict -- to -- to
9 pass this legislation. I'm in favor of it.

10 I want to -- I want to make a couple
11 of different observations that I think
12 you've heard heretofore about some of the
13 issues that I think have to do with the --
14 with -- with -- with what is being
15 considered.

16 This is a very serious public policy
17 question. I don't want to live in a
18 city -- I came here because -- for one
19 reason, my house had been destroyed by
20 Hurricane Andrew. Second, I looked at Key
21 Biscayne, and I thought it was pretty dull.
22 Third, I came to Miami Beach, and Miami
23 Beach had an interesting set of activities,
24 especially located around Lincoln Road and
25 Ocean Drive at that time in the 1992.

1 And the -- what was interesting
2 about Ocean Drive is a lot of -- a lot of
3 people walking and blading and
4 skateboarding and bicycling and running and
5 so on, and a -- an interesting mix and
6 diverse number of people. And the same
7 thing applied on Lincoln Road with the
8 addition of a lot of cultural venues.

9 We can all develop our own wig
10 history of what saved Miami Beach or what
11 brought Miami Beach back, whether it was
12 the modelling industry and Gianni Versace
13 or the gay community or nightclubs or Miami
14 Vice or historic preservation. The reality
15 is it was a basket of elements, and it was
16 all weaved together, and we were pretty
17 fortuitous.

18 So the question now is how do
19 we preserve this wonderful place and to do
20 it in a -- in a way in which we can
21 preserve civil society at the same time.

22 I'm -- I'm -- I -- I -- there are
23 other 5 a.m. towns in the world beside
24 Miami Beach and maybe New York City, for
25 example, Paris, but when you go out of a

1 club in Paris at five in the morning, no
2 residents are disturbed.

3 So I think there are -- there are
4 ways to manage some of these problems that
5 we have -- we have to consider. One is --
6 has to do with we legislate for the -- the
7 best operators or the worst operators, and
8 currently we're having to legislate for the
9 worst operators, because we have some
10 pretty bad -- bad operations, and I -- and
11 I -- I think that one way to begin to do
12 this is to have our planning department,
13 we have our planning department crack down
14 on those organizations that are in
15 violation of the law regardless of what
16 they are said and presented to the city.

17 For example, in your -- in your
18 materials that you have for this meeting,
19 Monty's is listed as having a seating --
20 700 seats. China Grill, 486. Joe's Stone
21 Crab, 512. All sounds reasonable.

22 Opium at 136 Collins, 225. Does
23 that seem farfetched? I think so. In the
24 Sunset Harbor area, you have Joe Allen, a
25 place that operates pretty late at night,

1 100 seats. No problem. Jade Lounge, 61.
2 That doesn't strike me as -- as correct.
3 For one thing, if it's a restaurant, I'm
4 unaware of it, and I've never seen food
5 served, and I've never -- and I've been
6 there, and I've never seen only 61 people
7 in the place.

8 So I think it's time, perhaps, that
9 the planning department not just plan and
10 review but also get out at midnight, at
11 2 a.m., visits all the levels of the places
12 that we have licensed and actually
13 enforce -- and actually for the planning
14 director to be given the authority by the
15 manager to say to a place you are not --
16 are in violation of what you said you were
17 going to do, we're shutting you down.

18 That's point number one. Point
19 number two, one of the -- one of the things
20 that has happened here and I think one of
21 the reasons we have the crowds again goes
22 back to what we -- what you all did, or
23 several of you did when you were on the
24 commission when -- when you banned people
25 under 21 from the after hours clubs.

1 Commissioner Garcia remembers and
2 Commissioner Bower, we were all out one
3 very late night, we were a 5 a.m. town for
4 that particular morning and visited a
5 number of the after hours clubs, and after
6 that you then banned people under 21 in
7 bars and clubs, and I think that was a very
8 wise thing.

9 What that led to for a period of
10 time was a calming of our streets around
11 6th and 7th and Washington, and it led to
12 that because up until then, young women
13 were being led into the clubs with wrist
14 bands, those who were 18 to 21, and the
15 young men were out on the streets looking
16 to get in.

17 I would -- I would suggest to you
18 that two things have happened. First, a
19 lot of the venue for the 18 to 21-year-old
20 crowd to get drinks in a more easy fashion
21 has migrated from clubs to pool decks and
22 hotel lounges and restaurants, and that's
23 one of the reasons restaurants are
24 beginning to act like clubs, and again, the
25 door policy lets the young women in, and

1 all of a sudden we have the young men
2 outside looking for the young women who are
3 able to get in and the young men are not,
4 and we had a recent bust by the police in a
5 couple the clubs in the south end of the
6 city and on 6th street of a lot of underage
7 dinners.

8 I believe in addition to the kind of
9 law that you're -- you're -- you're
10 reviewing today, which should be passed in
11 my opinion, I believe a militant and
12 aggressive and, if necessary, undercover
13 support for the no drinking under 21 in the
14 hotels, restaurants, bars, and clubs needs
15 to be done, and I think that will also lead
16 to a -- a reduction of the problems that
17 we're having. Thank you.

18 MAYOR DERMER: Okay. Thank you.

19 UNIDENTIFIED SPEAKER: (Inaudible.)

20 UNIDENTIFIED SPEAKER: No, I agree
21 with Gary. I was going to -- well, I'll
22 save my remarks for later. I think you
23 made some excellent points.

24 MAYOR DERMER: Okay. Come on up
25 here, Carl, you wanted to speak after. Any

1 folks other -- okay. Let's take just a
2 couple of more and then we'll close
3 (Inaudible.)

4 MR. CULVEY: David Culvey -- oh, I'm
5 sorry.

6 MAYOR DERMER: Go ahead, please. Go
7 ahead.

8 MR. CULVEY: 841 19th Street,
9 formerly a residence of south of 5th
10 Street. I would just like to comment,
11 I don't think zoning is the problem -- is
12 the solution entirely. I think the problem
13 is enforcement. I think it's a little bit
14 of a cop-out from the commission to sit
15 here and say we really can't afford to
16 manage this huge success of the beach.

17 You know, taxes have skyrocketed,
18 the beach is booming. It would be as
19 if you said, well, the beach itself is
20 really crowded now, so we can't afford to
21 keep it clean. You know, I think there's a
22 little bit of an onus to enforce what
23 you -- what is in place.

24 I've always been for down zoning, so
25 if you want to say zone is the problem,

1 I would say yes, FAR is the problem on the
2 beach. The beach is simply overbuilt, and
3 I fought against that for decades, but what
4 I'm saying is I think that you have to take
5 a little bit of responsibility to enforce.

6 When I had a business south of 5th
7 and I had a party, at 11:15 we would have
8 the cops there with their little decibel
9 machine and, "wham," 250 bucks. The second
10 time 500 bucks. If you were to enforce
11 more stringently, I think that you can
12 remove some of the anomalies which are
13 making everyone so furious.

14 For example, Amnesia. Amnesia was
15 not a loophole. Let's be honest.
16 It wasn't. It was an outrage. We all knew
17 it when it was built. That's not a
18 loophole, it wasn't a mistake, right, and
19 it's been there forever, and it has
20 infuriated everyone.

21 I just want you to be careful
22 about -- about just, you know, react --
23 overreacting. My empathy is with all the
24 residents. I've always been for reducing
25 the building on the beach, preserving the

1 buildings. I've heard some speakers say
2 it's not about the buildings. Well, I've
3 got news for you, it was about the
4 buildings. It's always been about the
5 buildings, because the models or whatever
6 community, they never would have come
7 if it weren't for the buildings. So it was
8 always about the buildings.

9 And so all I'm -- all I'm saying is
10 be careful, because the beach right now,
11 it's booming and it's -- it's -- you know,
12 it's a huge success, but there is this buzz
13 and that opinion-forming community that
14 it's not as edgy as it was. We know it's
15 not. So just be careful and try to enforce
16 better.

17 You can't say that you can't have
18 nightlife because you're going to have
19 chaos and that the answer is atrophy. It's
20 up on you guys. You get the money from the
21 residents, from the business. You've got
22 to get rid of the anomalies that are
23 infuriating everyone, and they've been
24 there forever, and enforce the rules.

25 It is possible to have a club that

1 stays open late that doesn't destroy the
2 neighborhood. It's -- it's not legal to
3 break bottles on the beach. If you did
4 that consistently, you'd be arrested, and
5 what I'm saying is more enforcement, take
6 care of some of the anomalies, and I'm not
7 opposed at all to picking out areas and
8 maybe being more stringent about -- about
9 them.

10 I was against plastic chairs south
11 of 5th. I was against -- yeah, I think
12 they should be illegal. I think it's, you
13 know, disgraceful. And I had a restaurant
14 south of 5th, and I was against sidewalk
15 tables.

16 So I'm not -- I'm here just to say
17 be careful, be careful, because if you
18 suddenly slam two o'clock and that gets out
19 in the press, it's going to be bad for the
20 beach of, you know, overseas and up north.

21 MAYOR DERMER: I appreciate your
22 comments.

23 VICE MAYOR GROSS: But David, let
24 me -- let me ask you a question. You're
25 well traveled. What cities do you know

1 where the nightclubs are smack in the
2 middle of the residential neighborhoods?
3 I mean, usually nightclubs are more in
4 commercial zones, and that's really what
5 we're talking about here, trying to extract
6 the nightclubs from a residential district,
7 because the two, even with all the best
8 enforcement, are not really compatible.

9 MR. CULVEY: I agree with you, and
10 I -- I -- and that's why I'm not -- I'm
11 sort of half in favor of tightening up in
12 certain areas, but what I'm saying -- I was
13 actually watching this on TV. I haven't
14 been here for a long time, I try to stay
15 away.

16 MAYOR DERMER: Well, you're always
17 welcome.

18 MR. CULVEY: But there seems to be
19 this attitude that, well, we're going to
20 protect south of 5th and we're going to
21 protect up on Alton, exactly, but the
22 actually entertainment district, well,
23 that's a lost cause, just let it, you know,
24 run wild, because we can't afford --

25 MAYOR DERMER: I don't think that's

1 the message anybody here is sending. What
2 we're sending is a combination message.
3 We're talking about proper location, as
4 Commissioner Gross has mentioned, and, you
5 know, when you're trying to do police,
6 fire, and sanitation and you focus it on
7 one area of the city with your resources,
8 you get to have more success at it rather
9 than having it all spread out also.

10 MR. CULVEY: Well, yeah.

11 MAYOR DERMER: So I don't think
12 anybody's -- you know, nobody's throwing
13 their hands up in the air by any stretch of
14 the imagination trying to (Inaudible.)

15 MR. CULVEY: But I just -- I would
16 just like to impose that burden on the
17 commission to think hard about that.

18 MAYOR DERMER: Sure.

19 MR. CULVEY: Because in my day down
20 at the Century, you know, when the -- when
21 the beach had no property taxes to speak of
22 because everything down there was knocked
23 down anyway, right, those cops were there
24 in 15 minutes, and it used to really piss
25 me off, excuse me, but now seen in

1 retrospect, it was -- that was fair. That
2 was the law, and they were there, and they
3 measured it, and if it was over the noise
4 limit, we were shut down or we were fined,
5 consistently.

6 MAYOR DERMER: I thank you.

7 MR. CULVEY: And now you have a lot
8 more money that comes from that, you know.

9 MAYOR DERMER: Thank you, sir,
10 I appreciate your comments very much.
11 Let's get -- let's get Carl and then we'll
12 get you, and we've got two more. Go ahead.

13 MR. ZEBLOTNY: Hi. Carl Zeblotny,
14 1800 Sunset Harbor. Yes, I am a resident
15 here, so -- anyhow, the last speaker was
16 very good. I really want to second what
17 he said. He probably had the most
18 articulate ideas that have been presented
19 here today. Also David Wallack's concerns,
20 I share his concerns very much.

21 Now, when I moved into 1800 Sunset
22 Harbor, now, I particularly bought on the
23 Oceanside, because I love that ocean view,
24 but I knew exactly what I was buying into.
25 I knew Tremont Towing was right outside my

1 door. I knew the other towing company was
2 outside my door. I knew Purdy Lounge was
3 right downstairs from me. That doesn't
4 bother me. That's what I bought into.
5 It was -- those places were there before
6 I was there, and I thought it was -- you
7 know, I -- I love the entertainment and
8 nightlife.

9 That's why I moved to South Beach,
10 because of its cutting edge entertainment
11 and nightlife fun, and piece-by-piece we're
12 taking that away.

13 And I think also I would like to
14 second what Commissioner Garcia said, is
15 that the bigger picture, rather than
16 picking on neighborhood by neighborhood and
17 closing down this and restricting that, I
18 think you really ought to look at the big
19 picture and where the entertainment zone,
20 where the cabaret district ought to be
21 first and make sure that that -- I mean,
22 the big question here, the \$60 million
23 question is how do you keep residents happy
24 and how do you keep businesses happy, and
25 how do you keep our nightlife on the

1 cutting edge so that tourists will still
2 continue to come here.

3 Those are the issues that need to be
4 addressed, and maybe, as somebody else did
5 suggest, maybe we do need a workshop with
6 all parties involved, because right now,
7 you know, we have these tensions between
8 residents, tensions between businesses, and
9 I as a resident am somewhere in between,
10 because I love the entertainment,
11 I frequent these places, and I really don't
12 have a problem with the noise.

13 The issue here that I really see is
14 that -- is the noise, everybody keeps
15 bringing that up, the litter, the crowd
16 control. If you roll back hours to two
17 o'clock or if you roll back hours to ten
18 o'clock, it's still not going to alleviate
19 the problem. There still will be litter,
20 there still will be crowds, there still
21 will be whatever is in the streets.

22 I see it not as a polish, but as an
23 enforcement issue. We have rule after
24 rule, ordinance after ordinance on the
25 books, we're just not enforcing those rules

1 as much as we should, and when it comes to
2 noise, when it comes to litter, you know,
3 as the previous speaker said, they ought to
4 be fined, you know, immediately.

5 There are ways to work around that.
6 I don't want to see policy change, I don't
7 want to see the five o'clock closing ever
8 change on the beach. I would be willing to
9 compromise myself or accept a compromise as
10 a resident if we have that cabaret
11 entertainment district established, and
12 then we can say, okay, in some of these
13 other neighborhoods let's try to negotiate
14 what can happen. Thank you very much.

15 MAYOR DERMER: Thank you, sir.

16 COMMISSIONER CRUZ: Carl, Carl,
17 I understand what you're saying regarding
18 the cabaret district, we establish that
19 first and go, but if you know that an area
20 will not ever be considered a cabaret
21 district and it is a source of problem at
22 the moment, don't you think taking limited
23 measures on that particular area while
24 we move forward and establish a cabaret
25 district would resolve the issue more

1 promptly, at least with the individuals
2 that are being affected?

3 MR. ZEBLOTNY: But again, my fear is
4 that you'll never get to that point, that
5 there will be other neighbors -- after
6 we deal with Sunset Harbor, after we deal
7 with South Pointe, then you're going to
8 have the Collins Park neighborhood, they're
9 going to have about five other
10 neighborhoods who are going to say, me too,
11 me too, and we'll never get to establish --
12 to the point of establishing a cabaret
13 district. That's my fear.

14 And if -- if you're talking about
15 problems, again, I don't understand what
16 the problem is. If it's enforcement like
17 I mentioned, or is it -- what's the
18 difference of staying open until five
19 o'clock or two o'clock in terms of the
20 sanitation, crowd control, and everything
21 else?

22 COMMISSIONER CRUZ: Well, there
23 is -- there is a difference between five
24 o'clock and two o'clock, because if you're
25 out there at five o'clock in the morning,

1 I mean, you've had that much more time of
2 just the hollering and the noise and the
3 accumulation of additional litter. I mean,
4 it's very obvious.

5 But that's -- that's a problem,
6 really, that's germane south of 5th Street
7 because of the large amounts of crowds that
8 one club can attract. So it's kind of a
9 little different from your area, but it is
10 a very big concern can, and if you walk
11 it at a certain time of night, you see that
12 it's almost like it's, you know, Carnival,
13 because it's that many people out on the
14 street, and that is -- there's a big
15 difference between two and five because of
16 the shear number.

17 And then you have the taxis, which
18 is a whole 'nother arena, because our taxis
19 need a little education on manners, because
20 they stand -- they park in the middle of
21 the street, don't allow anybody to go,
22 horns start honking, you know, arguments
23 break out, and that just adds. And it's --
24 it's the Chinese water torture, it's one
25 after the other, and it goes building and

1 it gets to the point where you have the
2 outcry that we have.

3 And we didn't have this before,
4 because we did not have the preponderance
5 of residential in the area, because South
6 Beach was a -- or South Pointe was a
7 redevelopment area, and the whole argument
8 and it was started back in the eighties was
9 to bring residential to that area and to
10 try to bring it back to life.

11 And then all of a sudden we achieve
12 what we were trying to do, and we have a
13 problem, because in the interim, certain
14 anomalies as they called it, I kept
15 thinking of The Matrix when they said
16 "anomalies," you know, crept in, and now
17 it's -- it's incompatible of, and that's
18 what we're trying to resolve, the
19 incompatibility so we can get back.

20 I don't think anybody wants to turn
21 off the light. Particularly, I don't.
22 I want to see this city -- city continue to
23 be vibrant and in the forefront. I think
24 everybody here believes the same thing, but
25 it's how we are able to reconcile the

1 conflicts that really are not compatible.

2 MAYOR DERMER: Commissioner Garcia.

3 COMMISSIONER GARCIA: Yeah, don't go
4 away yet, Carl. He said something that
5 made a lot of sense, okay, and he -- you
6 know, he pointed out the difference
7 between -- between South Pointe and Sunset
8 Harbor. You know, in South Beach the
9 problem is magnified. So anyway --

10 MR. ZEBLOTNY: I agree with the
11 (Inaudible.)

12 COMMISSIONER GARCIA: Also, also,
13 also if someone complained that I have
14 (Inaudible), every single member came here
15 in favor or against is cleanliness, code
16 enforcement, parking, traffic, all those
17 things that we have failed as a city in
18 controlling, plain and simple.

19 Yes, we didn't have the problem
20 before with parking and police and
21 whatever, but we didn't have the crowds.
22 At that time employees were being laid off,
23 and we were living in a desert, in a ghost
24 town. So, you know, we need to find a
25 solution, we need to have a happy median.

1 Frank -- Frank at one time mentioned
2 the entertainment district, and again, you
3 know, I was (Inaudible) entertainment
4 district. I think -- I think that's a
5 place where we can grow on. You know,
6 we can like a process, we can identify a
7 district.

8 You know, right now so many problems
9 that we have, it's we have put so many
10 regulations in -- in -- in what should have
11 been an entertainment district. For
12 instance, the -- the -- the space between
13 club and club, that what happens, you know,
14 that -- that is spreading out into the
15 community.

16 We live in a community that is only
17 seven square miles. We cannot be compared
18 to New York, we cannot be compared to
19 Paris, because, you know, the land area --
20 we're located in the land area.

21 MR. ZEBLOTNY: Uh-huh.

22 COMMISSIONER GARCIA: So, you know,
23 the residents and the entertainment is
24 going to be butting heads all along. You
25 know what, let's try -- let's -- let's try

1 to control it. At the same time, let's not
2 try to control it with one fail swoop.

3 Remember what happened with the sale
4 of -- sale of alcohol in the gas stations?
5 You know, we cut it back to, what, ten
6 o'clock or whatever, and little-by-little,
7 you know, we went back and, you know,
8 started loosing it a little bit, because
9 we realized that it had hurt an industry.
10 And, you know, you roll it back little by
11 little, you know, it -- it didn't make that
12 big of a difference.

13 Why this time don't we do it the
14 other way, let's go back, like you said,
15 every six months we go back an hour and
16 we'll evaluate it.

17 MAYOR DERMER: Exact --

18 COMMISSIONER GARCIA: You know
19 I think that will be a very good
20 (Inaudible.)

21 MAYOR DERMER: I think that's the
22 way to build -- to build compromise and
23 consensus. I -- I -- I have my own
24 personal feelings on it, but obviously
25 if that's the way to do it and the

1 commission is in agreement conceptually in
2 doing it that way and the manager, we've
3 had some discussion on that. I believe you
4 felt that that's an appropriate way to
5 handle it, then I see nothing wrong with
6 it.

7 COMMISSIONER GARCIA: Mr. Mayor, you
8 know, right now because of the way of the
9 Sunshine law, we cannot discuss this in
10 private, this is the way that we have to
11 brainstorm the issues, so I think this is a
12 perfect venue to brainstorm it. You know,
13 and you know what, you want to come up with
14 a better idea, Commissioner Steinberg might
15 come up with a better idea, Commissioner
16 Smith, Commissioner Bower.

17 MAYOR DERMER: Some of the folks --
18 some of the folks I think living down
19 there --

20 COMMISSIONER GARCIA: (Inaudible.)

21 MAYOR DERMER: Some of the folks
22 living down there have been very patient
23 for a long time, and if they see progress
24 being made where, hey, it's going to go to
25 four and then it's going to go to three and

1 then to two. I think those are Victories,
2 and I think that that would --

3 UNIDENTIFIED SPEAKER: Mr. Mayor --

4 COMMISSIONER GARCIA: One second,
5 and I want to (Inaudible) something that
6 Commissioner Cruz said as far as we try to
7 attract the residents down here. Let's
8 not -- let's not lose sight that the first
9 business that was there was Penrod's.
10 Penrod's was there before the first
11 high-rise was there, and at the time it was
12 not a problem. Am I correct?

13 UNIDENTIFIED SPEAKER: I didn't
14 exactly here what you said.

15 MAYOR DERMER: I'm sorry.

16 COMMISSIONER GARCIA: One, one of
17 the first businesses that was there was --
18 I'm sorry, one of the -- you know of the
19 first businesses that was there was
20 Penrod's, that was there before any of the
21 high-rises, and at that time because there
22 wasn't and over proliferation of it, it was
23 not a problem; am I correct?

24 UNIDENTIFIED SPEAKER: (Inaudible.)

25 COMMISSIONER GARCIA: You know, when

1 Penrod's was there, it was a good neighbor.

2 It brought --

3 UNIDENTIFIED SPEAKER: (Inaudible)

4 I'm happy to get a class act down there.

5 COMMISSIONER GARCIA: Huh?

6 UNIDENTIFIED SPEAKER: We were happy

7 to have (Inaudible.)

8 VICE MAYOR GROSS: Come on,

9 we can't -- you can't have a conversation.

10 MAYOR DERMER: All right. Let's --

11 let's continue. Carl --

12 MR. ZEBLOTNY: Can I just --

13 MAYOR DERMER: -- if we can wrap it,

14 I just want to get the rest of these three.

15 We've got to get rolling.

16 MR. ZEBLOTNY: Do I -- do I hear

17 support, though, for the establishment of

18 an entertainment district from the

19 commission, that --

20 MAYOR DERMER: There seems to be

21 some support there.

22 VICE MAYOR GROSS: Yeah, I think

23 we have a de facto entertainment district,

24 and we have for the last 15 years,

25 I mean --

1 MR. ZEBLOTNY: But that will be
2 changed to two o'clock in the morning.

3 VICE MAYOR GROSS: No, I think any
4 time anybody talks about changing the
5 hours, I think it always has to be said, at
6 least for me -- we're talking about in the
7 middle of a residential district in a zone
8 that doesn't permit nightclubs to begin
9 with.

10 You asked the question what's the
11 difference between two and five. The
12 reason really is because in the residential
13 districts where we don't want nightclubs,
14 if you make a two o'clock time hour instead
15 of five, of the nightclubs won't be able to
16 operate, because their business is between
17 two and five, and if what we want to do is
18 stop that, then that's the way to do it,
19 and rolling it back a half an hour at a
20 time is not going to solve that problem,
21 otherwise we're into enforcement.

22 You want code coming in at four
23 o'clock in the morning saying, let me see,
24 is the chef still working, are they still
25 serving food, you know, are you running an

1 entertainment use or are you running a
2 restaurant use. Nightclubs are not a
3 permitted use in that zone.

4 COMMISSIONER GARCIA: So let's
5 identify both zones. No, let -- let's
6 identify the residential zones (Inaudible)
7 and let's identify the independent zones,
8 and I think -- I think that's a really the
9 first step before we do anything.

10 MAYOR DERMER: Let's continue on.

11 VICE MAYOR GROSS: Well, the first
12 step is going to be today. That may be the
13 second step.

14 COMMISSIONER GARCIA: Well, you know
15 what, again, I -- I --

16 MAYOR DERMER: Listen, we're making
17 progress, we're making progress, you know.

18 COMMISSIONER GARCIA: (Inaudible.)

19 MAYOR DERMER: Come on. Let's --
20 let's keep moving.

21 Welcome.

22 MR. DISPENZIERI: Good afternoon,
23 mayor and commissioners. My name is rich
24 Dispenzieri. I am the owner of the Purdy
25 Lounge. What I hear -- what I'm hearing

1 now is kind of disturbing to me. I thought
2 we were just going to be discussing, you
3 know, possibly putting in a clause in the
4 ordinance that would prevent nightclubs
5 popping out of a restaurant. Now all of a
6 sudden we're turning hours back to 2 a.m.,
7 which I didn't know we would be talking
8 about.

9 Just to give you a little background
10 on me, I moved to Miami Beach in 1986, and
11 I worked with Tony Goldman, I worked with
12 Leonard Horowitz, and my family opened up
13 the News Cafe and the Van Dyke Cafe.
14 We moved here because we saw the beauty in
15 Miami Beach, and David Wallack is great,
16 everything he said, except he said that
17 Miami Beach -- Miami Beach was not unique.
18 Miami Beach is very unique.

19 It became a historic district in
20 1986, and that's really what surged the
21 second coming of Miami Beach. I saw the
22 beauty in that. I saw the beaches and the
23 buildings, and I helped Leonard, you know,
24 transform the old dilapidated Ocean Drive
25 hotels into what they are today.

1 And we had a vision. Miami Beach
2 was always 5 a.m. That was part of its
3 uniqueness. When the buildings became
4 beautiful, the beautiful -- so-called
5 beautiful people came down here. The
6 modelling agency and the movies, and from
7 that we have celebrities who come down
8 here.

9 These people come down here to work,
10 and they come down here to party as well.
11 They want to party until 5 a.m. This is
12 what Miami Beach is all about. It really
13 is, and as a resident and a business owner
14 since 1986, I can say that. I'm not just
15 some rich kid who wants to throw up a club.

16 MAYOR DERMER: But you can't be
17 partying until 5 a.m. in a residential
18 neighborhood. That's what we're focusing
19 on.

20 MR. DISPENZIERI: Okay.

21 MAYOR DERMER: If they want to party
22 in a different area of the city that --
23 that --

24 MR. DISPENZIERI: I did not open my
25 business --

1 MAYOR DERMER: That's not going to
2 have that great impact.

3 MR. DISPENZIERI: -- in a
4 residential area, though.

5 MAYOR DERMER: Then that's
6 (Inaudible.)

7 MR. DISPENZIERI: We were commercial
8 industrial.

9 MAYOR DERMER: What you say I don't
10 argue with, but one thing I think we're
11 forgetting, we're looking at the history of
12 this city, and the argument keeps being
13 made over and over again how we've evolved.

14 We're still evolving, we're evolving
15 right now, and as we evolve, we change,
16 we change to suit an area that's become
17 residential now. You have to be able to
18 have a certain quality of life in that
19 neighborhood, and granted, maybe when
20 Amnesia was there before, when it first
21 originated, it wasn't bothering anybody,
22 because nobody was there.

23 Now we have a whole new dynamic, and
24 I think it's our obligation to offensively
25 respond, or I should say respond on the

1 offense, not to be offensive to anybody,
2 when that happens.

3 And you've made the point of the
4 historic district. That was a response to
5 an evolving city. You know, all of this
6 happens, and so there's nothing wrong when
7 a city changes and then we try and ensure
8 quality of life for people that have moved
9 in there. I mean, that's -- that's all
10 this is about.

11 So it isn't I was there first, you
12 were there second, that's not what this is
13 about, and to manage it properly I think
14 conceptionally we're moving toward that
15 point where we're seeing a district that
16 can be more controlled at a later hour
17 versus a residential that can be protected.
18 I mean, what in the world would be wrong
19 with doing that as the mayor or commission
20 of a city?

21 MR. DISPENZIERI: There's nothing
22 wrong with appeasing the residents.

23 MAYOR DERMER: It's not appeasing,
24 it's doing the right thing for everyone
25 concerned.

1 MR. DISPENZIERI: Well, that's not
2 the right thing for the business owners,
3 because as David Wallack said, most of the
4 businesses will go out of business. Most
5 of the restaurants will go out of business.

6 MAYOR DERMER: There will be certain
7 businesses -- there will be certain
8 businesses that, as was the testimony
9 before, that will not make as much money in
10 a certain neighborhood that they would have
11 made at a 5 a.m.

12 MR. DISPENZIERI: (Inaudible.)

13 MAYOR DERMER: Now, when you balance
14 that, talk about balancing, those interests
15 of making those extra bucks for those three
16 hours versus the interest of those all
17 residents around them to sleep at night and
18 have a good quality of life, how do you --
19 you've got to come down on the residents.

20 COMMISSIONER GARCIA: Yeah, but
21 David --

22 MR. DISPENZIERI: There has to be --
23 there does have to be a compromise, and
24 I can't say anything below 5th Street,
25 I don't live there. All I can talk about

1 is the Sunset Harbor area. There's only
2 four places there right now. You've
3 already limited it. No new ones can come
4 in, no new nightclubs can come in. What
5 I ask you to do is to look at that area
6 separately, look that there's only four
7 places. At the very least grandfather the
8 current places in. Do not curtail our
9 hours, because if you curtail our hours,
10 you're killing us.

11 If you do that, I will sell the
12 place, and I will move away, and maybe
13 that's going to be great for the Sunset
14 Harbor people, but it's going to be bad for
15 business. Please think very seriously and
16 very long about cutting those hours back,
17 because it will really hurt Miami Beach a
18 lot. Thank you.

19 MAYOR DERMER: Okay. I thank you
20 for your comments.

21 COMMISSIONER GARCIA: Yeah, yeah.

22 MAYOR DERMER: We got to -- I just
23 want to so we can wrap it up, because
24 I know people -- we haven't even had a
25 lunch break yet. I'm going to have one,

1 two -- you're going to be fast?

2 UNIDENTIFIED SPEAKER: Fast.

3 MAYOR DERMER: Three and Clotile
4 Luz. We've got four speakers, and that's
5 it, we'll close it.

6 COMMISSIONER GARCIA: The only thing
7 I want to touch on what he said.

8 MAYOR DERMER: Yeah.

9 COMMISSIONER GARCIA: You know,
10 he mentioned the models and the film
11 industry and whatever, and what I was
12 going -- what I was going to bring out is
13 the fact that the film industry and the
14 modelling, whatever, we drove it out of the
15 city by overregulation. So that is my
16 concern. My concern is we might be
17 overregulating an industry to death. You
18 know, right now -- at one time
19 we complained about the film crews, that
20 they were blocking the streets, and they
21 had to get these permits, they had to get
22 27 permits, whatever. You know what,
23 they're not here anymore. Now we want
24 them. You understand?

25 MAYOR DERMER: Uh-huh.

1 COMMISSIONER GARCIA: So I think I'm
2 just trying -- you know, guys, I'm trying
3 to preserve the quality of life, while at
4 the same time I'm trying to preserve the
5 industry, you know?

6 MR. BAYELL: Well, good afternoon.
7 My name is Dominic Bayell. I'm a resident
8 of 208 Jefferson Avenue. I'm here --
9 I think there are a few arguments that do
10 not -- do not hold water as far as who was
11 here first, who is coming next, and we all
12 are here in the same boat.

13 I think there were a couple of
14 things brought up over the years.
15 I remember in 2001, end of the year 2001
16 when the industry asked us to come and
17 support them as residents, and I think
18 we did.

19 I also remember in 2003 when we had
20 the Mayor on the Move meeting where
21 we residents asked the industry to clean up
22 some of their acts, some of their members
23 were not acting correctly as good corporate
24 citizens. Now we are today here at the
25 same point. Nothing has happened.

1 They haven't held our part of the deal, and
2 I think it is time for you today to just
3 act and the time is now.

4 MAYOR DERMER: I thank you for your
5 comments.

6 MR. BAYELL: Yes, you're welcome.

7 MR. COUSINS: Mayor, commissioners,
8 thank you very much for putting this time
9 and effort into hearing everybody here.
10 This is a turning point in a watershed --
11 in our city's history.

12 VICE MAYOR GROSS: You need to state
13 your name.

14 MR. COUSINS: My name is Phillip
15 Cousins. I live at 240 Collins Avenue.
16 I've lived here for seven years and moved
17 here from Coconut Grove because Miami could
18 not do what our commission is doing here
19 today, make sense out of chaos.

20 I would like to share with you very
21 briefly the results of information I've
22 been gathering from community meetings as
23 part of a way to understand what our
24 problems are, and what you're looking at
25 right now is a series of maps. If people

1 wish to take a look at this in the group,
2 I'm happy to have you take a look.

3 The main point of my coming before
4 you today is simply to have you look at the
5 interrelationship between the issues that
6 we're facing together. I believe it is a
7 time to make a decision today, and
8 I support the decision on the table,
9 however, as a result of today's hearing,
10 there has to be a follow-up planning
11 exercise, and what is different for me
12 today is that there is a strong will to
13 carry forward from your decision today both
14 with planning, with input, and with
15 systematic understanding.

16 The three maps you're looking at,
17 you'll notice, show our strategic plan
18 that's on our website on the far map to the
19 left. The middle is a result of my
20 attendance last night at the Nightlife Task
21 Force, and the ten items listed Nos. 1
22 through, I guess, 11 are the agenda items
23 from last night's meeting, which was the
24 public hearing.

25 The third map has the 11 major

1 issues that the police chief has asked us,
2 the three maps across one page. There's
3 one -- one map -- I mean one page with
4 three maps on it. And the third map on the
5 far right shows the issues from policing
6 and safety.

7 And what I hope you'll recognize is
8 that the issues of graffiti, litter, trash,
9 assault, loitering, burglary, noise are
10 part of a systematic planning exercise that
11 we have to look at together, and that it's
12 not so much a matter today from what I've
13 heard of who's right or who's wrong,
14 although that's part of it, it's also a
15 matter of how does one issue interact with
16 the next.

17 I, as a local business person, am
18 also offering this information for the use
19 of the commissioners and our city members.
20 This is basically a pro bono exercise that
21 my partner and I are doing to help us all
22 make sense, and as people have called for
23 strategic planning, I would like everyone
24 who is interested in that to consider
25 participating in giving you input into this

1 next stage. Thanks very much.

2 MAYOR DERMER: Thank you, Phillip.

3 I appreciate your time.

4 Welcome. Come on up.

5 MS. RUBENSON: Mayor, commissioners,
6 my name is Jamie Rubenson. I am born and
7 raised in Miami Beach. I am also an
8 attorney and real estate agent, and I also
9 work with the Opium Group.

10 I had the great opportunity to hear
11 David Wallack's comments and wanted to
12 comment specifically on the synergy that
13 exists in Miami Beach between all business.
14 Specifically today we're dealing with south
15 of 6th Street and also in the Purdy Lounge
16 area, Sunset Harbor. I'm specifically
17 going to address south of 6th, because the
18 issues are the same.

19 I had the privilege of listening to
20 Mr. Wallack on the television and the
21 privilege of speaking with Myles Chefetz
22 from Nemo, Big Pink, Prime 112 on the way
23 over here, and what's very important and
24 why I think David's comments were so
25 important is that any rollback, be

1 it 2 a.m. or placing an entertainment
2 restriction on existing restaurants or new
3 restaurants south of 6th Street creates a
4 problem.

5 People invest and people invest in
6 their businesses, and people are reliant on
7 customers, and those customers in Miami
8 Beach eat at 10 a.m. -- at 10 p.m. They
9 eat at 11 p.m. I'm sorry, I'm like
10 shaking.

11 MAYOR DERMER: Take your time.

12 MS. RUBENSON: No, it's very funny,
13 I -- I flew in last night, so I'm a little
14 bit jet lagged.

15 MAYOR DERMER: Uh-huh.

16 MS. RUBENSON: In any case, I spoke
17 with Myles, and as you are well aware,
18 Opium was briefly closed last year, and
19 during that time Myles came to our
20 establishment every single day and said,
21 when are you opening, when are you
22 reopening, and that is because whether it's
23 Big Pink, Nemo, Prime 112, or any of the
24 other establishments in that area, they
25 derive their customers from our customer

1 base. It is synergistic.

2 The number one reservation in Miami
3 Beach at large is 10 p.m. or 11 p.m. It is
4 not eight o'clock. We are not in Chicago
5 where people dine at seven o'clock. This
6 is a different society that's comprised of
7 all the residents from many different
8 countries who have different cultural
9 experiences than in other places.

10 The 2 a.m. restriction would
11 obviously as you well know impact Opium and
12 Nikki Beach and the nightclubs you hope to
13 eliminate significantly, but more than
14 that, it would impact all of the businesses
15 in that area.

16 In addition, as David talked about
17 getting economic consultants, the reality
18 is that Miami Beach does receive resort
19 taxes, and those resort taxes are based on
20 the dollars that we do sell in our
21 establishments, in all establishments.

22 And while you're looking to limit
23 the activities south of 6th Street and in
24 the Purdy Lounge area, the reality is that
25 it could impact the city, citywide.

1 If people have no place to go once they're
2 done with dinner or if their place of
3 choice has now moved across the water, they
4 will now choose to spend their dollars in
5 other places for convenience.

6 Nemo, all those restaurants do what
7 they do because Opium is there, because
8 Pearl is there, and should you limit the
9 general activities there, those people and
10 customers all around Miami Beach may take
11 their business elsewhere.

12 Somebody -- a commissioner discussed
13 the hotel rooms. The reality is, and this
14 might be not the right time or place, but
15 the City of Miami Beach's hotel rooms as
16 far as I'm concerned are substandard, and
17 the reason why we do get the room rates
18 that we do get is because of the nightlife.
19 It's because of what we do have to offer.

20 Because if we -- if people were to
21 pay dollar for dollar, they would be
22 staying in Coconut Grove or other locations
23 based on the same room rate. They're
24 paying the room rates specifically --
25 particularly on the Collins Avenue corridor

1 and the Washington Avenue corridor because
2 of the nightlife. If the nightlife is
3 somehow curtailed, then those hotels would
4 suffer.

5 And one last thing. With response
6 to the people coming across the Causeway,
7 the fact is when you're hot, you're hot.
8 People want to be here. People get on a
9 plane to come here, people cost -- excuse
10 me, cross the causeway to be here. It's
11 unavoidable. And that's my (Inaudible.)

12 MAYOR DERMER: Thank you for your
13 comments. Okay. Last speaker will be
14 Clotile Luz.

15 MS. LUZ: Good afternoon, everybody.
16 Clotile Luz. I live at 301 Ocean Drive.
17 I'm at the confluence of three DJ's. I get
18 thump, thump from Joya. I get thump, thump
19 from Penrod's, and I get thump, thump from
20 the Marriott, and I wanted to make a
21 comment on balance as is being used by
22 proponents of you using hotels and
23 restaurants as nightclubs in a residential
24 area.

25 Balance by this definition only fits

1 the kind of balance that you find in a
2 consenting sadomasochistic couple. In
3 other words, you have -- you have one party
4 on the accepting end of distress and pain,
5 and the other party doling out the distress
6 and pain, and that is balance for some
7 people, but the problem is you --

8 MAYOR DERMER: I want to read that
9 line in the Herald tomorrow, Nichole. That
10 was the best line of the day, you got to
11 put that in. Go ahead.

12 MS. LUZ: The problem is, is I don't
13 think enough masochists bought enough
14 condominiums. And -- and I am not wired to
15 be a masochists, and I love music, but
16 I don't see why I am consistently on the
17 receiving end of someone else's DJ's. And
18 that is the problem with their notion of
19 balance. Thank you.

20 MAYOR DERMER: Very creative.

21 MS. LUZ: Thank you. And I just had
22 one more constructive comment to make.
23 I think that the commission might consider
24 a small investment in the kind of
25 technology which would be a laugh track,

1 and you would set that up, and that would
2 be triggered in this chamber any time
3 somebody from this microphone, this
4 microphone, or one of your microphones says
5 if you don't give us what we want, this
6 city is going back to be boarded up like
7 1980 with old people and you can drive 80
8 miles down Ocean Drive and not have
9 anybody.

10 I don't think there's any evidence
11 ever of your having passed a quality of
12 life ordinance and all of a sudden the
13 crowds, you know, coming to a screeching
14 halt at -- at the Causeway. I don't see
15 any evidence. When they said, oh, my God,
16 if you start handing out fines for the boom
17 boxes, the young people won't come anymore.
18 Did that work out that way?

19 I mean, I have not seen -- if --
20 if you down zone, this town is going to go
21 back to the bad old depressed days. That
22 did not happen. This is not going to
23 happen. People are going to always come to
24 Miami Beach. They should go to clubs.
25 I think indoor clubs are the answer.

1 Anything outdoors with amplification which
2 they did not have in the 1960s when it was
3 Sammy Davis, Jr., and people were doing bar
4 mitzvahs outside, the sound technology has
5 changed, the situation has changed. You do
6 have residents. We ask you to roll back
7 those hours in the residential
8 neighborhoods, and God help the people that
9 are going to be living in the Bourbon
10 Street area. Thank you.

11 MAYOR DERMER: Thank you. Okay.
12 Motion to close the public hearing?

13 UNIDENTIFIED SPEAKER: (Inaudible.)

14 MAYOR DERMER: All right. That is
15 closed. On the item itself, is there a
16 motion?

17 COMMISSIONER BOWER: I'll move.

18 MAYOR DERMER: That's a motion by
19 Bower, second by Smith.

20 COMMISSIONER BOWER: (Inaudible.)

21 MAYOR DERMER: Discussion by Gross.

22 VICE MAYOR GROSS: Yeah, I --

23 MAYOR DERMER: You cleared your
24 throat, I was --

25 COMMISSIONER BOWER: The item does

1 not discuss the rollback.

2 MAYOR DERMER: No.

3 COMMISSIONER BOWER: It --

4 MAYOR DERMER: That is for future,
5 but I hope somebody at the dais as will
6 make the motion to move that along, yeah.

7 COMMISSIONER BOWER: Well, we
8 could -- so do we have to do it
9 second -- separate?

10 MAYOR DERMER: I think we can do
11 it in two separate motions.

12 MR. GONZALEZ: I would recommend
13 that at a minimum you pass the ordinance
14 before you and give us direction if you
15 want us --

16 MAYOR DERMER: Right.

17 MR. GONZALEZ: -- to do any further
18 stuff that we go further.

19 MAYOR DERMER: First the ordinance
20 and then the record.

21 COMMISSIONER BOWER: Okay.

22 (Inaudible.)

23 COMMISSIONER GARCIA: How about the
24 grandfather clause?

25 VICE MAYOR GROSS: Right, that's my

1 comment, too.

2 MAYOR DERMER: Okay.

3 COMMISSIONER BOWER: Well, that's
4 the hours.

5 VICE MAYOR GROSS: Well, there are
6 other ways with possibly dealing with
7 grandfathering. So one of the things that
8 I think we have to make clear is that the
9 way the staff has written this up is
10 anybody with an existing license is going
11 to be grandfathered.

12 You know, if you were issued a
13 restaurant license and you're operating a
14 nightclub under a restaurant license, that
15 doesn't entitle you to grandfather.
16 I mean, you -- you're driving a truck
17 through the loophole and saying that you're
18 grandfathered.

19 So how we deal with the
20 grandfathering is I think the key issue
21 that -- that we have to address. One way
22 to do it is by talking about rolling the
23 hours back to two o'clock. There may be
24 other ways of doing it. I mean --

25 COMMISSIONER BOWER: What is the

1 (Inaudible.)

2 VICE MAYOR GROSS: I don't know.
3 I don't have the answer. I mean, that may
4 be something we want to send to the
5 planning board as a separate issue once --
6 once we are doing it, but I think we need
7 to be clear that we're not grandfathering
8 people who really don't have -- are not
9 really operating under the proper license
10 to begin with.

11 UNIDENTIFIED SPEAKER: (Inaudible.)

12 VICE MAYOR GROSS: Yeah.

13 COMMISSIONER BOWER: So the
14 ordinance as is written is the one that you
15 want to pass or --

16 MAYOR DERMER: It's the only one
17 that's before us.

18 COMMISSIONER BOWER: -- or do you
19 want to add an amendment to that ordinance
20 of somehow to address the grandfathering
21 in?

22 VICE MAYOR GROSS: Let's ask our
23 legal department.

24 COMMISSIONER BOWER: Okay. Let's
25 ask the legal department.

1 VICE MAYOR GROSS: Murray, can
2 we deal with the grandfathering separately?

3 MR. DUBBIN: Gary and I have not
4 really gotten into this, but my opinion is
5 this, the word "grandfather" is misused.
6 The word should be a "legal nonconforming
7 use," and under the law, legal
8 nonconforming uses may continue until
9 they're terminated also as provided by law.

10 This ordinance does not make
11 reference to legal nonconforming uses.
12 That's governed by the general law.

13 Gary, do you want to supplement what
14 I've just said?

15 MR. HELD: Sure. Obviously, there's
16 some intent on the commission to allow some
17 establishments, for example, that may have
18 made a particular kind of investment to
19 allow a use related to that investment
20 beyond this ordinance.

21 Between first and second reading, if
22 you give us some direction, we can look at
23 ways to address particular circumstances,
24 and you should give us guidance on the
25 kinds of circumstances that you're

1 interested in protecting.

2 COMMISSIONER SMITH: So I'm not sure
3 what you mean or anybody else means by
4 grandfathering. Suppose a club has a dance
5 license, and that club is currently
6 operating a restaurant and a club after
7 hours, are you saying that that club is or
8 is not grandfathered and distinguish that
9 from a situation where a restaurant has not
10 yet obtained a dance license, how do you --
11 how do you reconcile one situation with the
12 other situation?

13 VICE MAYOR GROSS: Right, I think in
14 my mind the places that opened to be
15 nightclubs that really are not restaurants
16 are the easier case, because I think that
17 they really don't have --

18 COMMISSIONER BOWER: Right.

19 UNIDENTIFIED SPEAKER: -- the valid
20 license. Now, we -- we may need some kind
21 of policy that says -- that says for those
22 people who got their license under, you
23 know, the fact that it was a restaurant
24 with a dance hall, when we say restaurant,
25 it means X, Y, and Z, because, you know,

1 there has to be some way of saying they're
2 really a restaurant if that's the license
3 that they got.

4 COMMISSIONER BOWER: Right, right.

5 VICE MAYOR GROSS: Now, the easy way
6 of avoiding that is by doing the hours,
7 because if you can't operate after two
8 o'clock, the clubs are not going to operate
9 in the residential zone. Again, I want to
10 always say, you know, when we're talking
11 about rolling the hours back is only in the
12 residential zones. I mean, we don't have
13 clubs in single-family neighborhoods.

14 MAYOR DERMER: Commissioner
15 (Inaudible.)

16 UNIDENTIFIED SPEAKER: Yeah,
17 whatever we do, I just want to make sure
18 that the rules are clear for everybody to
19 follow.

20 MR. HELD: But it sounds like --

21 UNIDENTIFIED SPEAKER: What
22 is allowable under a restaurant, what is
23 not allowable.

24 MR. HELD: We're not making this --
25 we're not making this retroactive in that

1 we're prohibiting uses that currently
2 exist. Those uses (Inaudible.)

3 VICE MAYOR GROSS: No, but we also
4 don't intend to say that somebody who got a
5 license pretending to be a restaurant but
6 is really a club, that that's legal what
7 they're doing, because it's not.

8 MR. GOMEZ: Right, that's --
9 that's -- and that's an enforcement issue.

10 VICE MAYOR GROSS: Yeah.

11 MR. GOMEZ: They come in and obtain
12 licenses with a restaurant with
13 entertainment, and they're not operating a
14 restaurant. Well, that's -- that's a code
15 issue. But then the question --

16 VICE MAYOR GROSS: But it's also a
17 policy, issue --

18 MR. GOMEZ: No, it is.

19 VICE MAYOR GROSS: -- because
20 there's no statement in the ordinance about
21 what it really means to be a restaurant.
22 The fact that -- the way we've interpreted
23 it before, as long as they built a kitchen,
24 even if they don't ever use it, and even
25 if they don't ever serve any food, then

1 that's a legitimate restaurant, and that's
2 part of where the problem has come in.

3 COMMISSIONER SMITH: That's not what
4 the ordinance says, though.

5 VICE MAYOR GROSS: I know, and
6 that's the problem. We need to give some
7 direction on it, because we don't want to
8 have somebody say, oh, okay, based on what
9 we passed today --

10 COMMISSIONER SMITH: And the
11 ordinance -- the ordinance -- the ordinance
12 never said just a full kitchen. It said
13 full kitchen and serving full meals.

14 VICE MAYOR GROSS: But how many,
15 when? So the fact that the chef serves a
16 meal for himself and for the staff, is that
17 satisfactory? I mean, you know, there's
18 all kinds of ways to look at it, and that's
19 how we got ourselves into the problem that
20 we're here today.

21 COMMISSIONER SMITH: That's why I'm
22 saying we need -- we need to know what the
23 rules are.

24 VICE MAYOR GROSS: Yeah, agree.

25 COMMISSIONER SMITH: And we don't

1 (Inaudible.)

2 VICE MAYOR GROSS: Right.

3 MAYOR DERMER: I think the
4 easiest -- we're going -- look, the history
5 of these ordinances have been, I believe,
6 that it's been so piecemeal, for any
7 particular person or business that wanted
8 to go anywhere, it's been to satisfy their
9 particular need. I think the cleanest way
10 to do this is with the hours.

11 VICE MAYOR GROSS: I agree.

12 MAYOR DERMER: And hopefully we can
13 get consensus on that. You know, I --
14 I would like -- let me suggest this.
15 If we do go with this on first reading
16 between first and second --

17 COMMISSIONER BOWER: (Inaudible.)

18 MAYOR DERMER: For us to work on
19 hours. Listen, if we can't get hours done
20 by the second reading, then we'll, you
21 know, put it off a little bit.

22 VICE MAYOR GROSS: But would hours
23 have to go to the planning board or can you
24 commission do that by itself?

25 MR. GONZALEZ: (Inaudible) on that.

1 MAYOR DERMER: Jorge, does it have
2 to go to (Inaudible.)

3 MR. GONZALEZ: If you're
4 distinguishing between zoning categories,
5 I believe it should be done through the
6 LDR's, Chapter 142, so you should refer
7 that issue (Inaudible.)

8 COMMISSIONER BOWER: What is that?

9 UNIDENTIFIED SPEAKER: It's a
10 planning board.

11 MR. GOMEZ: It needs planning board
12 approval.

13 UNIDENTIFIED SPEAKER: Mr. Mayor.

14 MAYOR DERMER: Well, we have to --
15 it has to be by zoning categories, I mean,
16 how else are we going to do it.

17 MR. HELD: Yes, something that is
18 done in the land development regulations.

19 MAYOR DERMER: It would have to run
20 through planning.

21 MR. HELD: Yes.

22 COMMISSIONER GARCIA: Mr. Mayor?

23 MAYOR DERMER: Okay. Yes.

24 MR. HELD: And separate -- we would
25 initiate a new ordinance.

1 COMMISSIONER GARCIA: You know, as
2 long as we're referring hours, Commissioner
3 Gross, commissioner --

4 VICE MAYOR GROSS: What?

5 COMMISSIONER GARCIA: As long as
6 we're referring hours, would you be opposed
7 to also referring the creation of a cabaret
8 district?

9 VICE MAYOR GROSS: Not at all.

10 COMMISSIONER GARCIA: You know,
11 I think that they go hand-in-hand, and, you
12 know, (Inaudible) community participation
13 on it.

14 MAYOR DERMER: Okay.

15 COMMISSIONER BOWER: Let me
16 understand this. If we pass this ordinance
17 today, we are only avoiding further --

18 VICE MAYOR GROSS: Proliferation.

19 COMMISSIONER BOWER: Proliferation,
20 but we are not helping the community sleep
21 any better, and what I would like to do is
22 somehow, and now you're telling me no,
23 somehow address and for second reading
24 we can do something about helping the
25 community sleep and letting them -- you

1 know, either roll the hours back, whatever
2 it is that needs to be done. I mean, why
3 are we going through -- we listened to 200
4 people with the hours on the thing, and now
5 we're saying we can't do it.

6 MR. HELD: Hours are covered in
7 Chapter 6, generally. If you wanted to
8 adopt a citywide ordinance, then you can do
9 it through Chapter 6. That's not even
10 what's before you.

11 MAYOR DERMER: Keep in mind this has
12 been traveling its own path. The hours
13 discussion has been recently interjected
14 into this entire discussion. This has
15 been --

16 MR. GONZALEZ: Yeah, the issue --
17 let me just say, the issue -- this has been
18 worked through from zoning to prevent
19 proliferation. The question as we've done
20 zoning matters like this, usually the case
21 is those legal nonconforming uses remain.

22 And what I've brought to the table
23 and we've been talking about it is if what
24 you really want to address is the root
25 cause of why you have this room full of

1 people here is this alone doesn't cover it.
2 This needs to be done, but then you need to
3 go one step further, which is give us
4 direction on how you want to capture those
5 entities that exist today in the areas in
6 which you're dealing with, south of 5th and
7 near Sunset Harbor, and you can do it by,
8 you know, any number of ways.

9 I've suggested, you know,
10 considering the hours and rolling that back
11 to 2 a.m. as a -- as a possible solution
12 that could accomplish what you want to
13 accomplish. This ordinance presented to
14 you today doesn't accomplish it just yet.

15 But what we have is we have zoning
16 and progress to prevent the proliferation,
17 and you want to pass this and bring it at a
18 subsequent in May as well so at least you
19 don't allow further erosion, but then give
20 us direction on what do you want to do with
21 the hours if it's the hours or some other
22 manner.

23 COMMISSIONER BOWER: Okay. Let's
24 move this one, then.

25 MAYOR DERMER: Yeah, okay.

1 COMMISSIONER BOWER: And let's
2 (Inaudible.)

3 MAYOR DERMER: Motion seconded, and
4 you also want to send to planning board the
5 discussion of hours along with
6 entertain the cabaret district.

7 UNIDENTIFIED SPEAKER: Mayor,
8 there's --

9 COMMISSIONER BOWER: Oh --

10 UNIDENTIFIED SPEAKER: (Inaudible)
11 separate motion.

12 MAYOR DERMER: Yes, I'm sorry,
13 Commissioner Steinberg.

14 COMMISSIONER STEINBERG: I thought
15 we were bringing up here for discussion
16 first not action immediately.

17 MAYOR DERMER: No, go ahead, please.

18 COMMISSIONER STEINBERG: First, let
19 me say that I think the biggest fault here
20 has been the city. The city hasn't done
21 its job to police the laws that we have on
22 our books today, and had we been doing a
23 good job of making sure the sound ordinance
24 was enforced properly, to make sure that
25 the streets were clean and that we were

1 doing our job to get the services that our
2 residents deserve and demand, we wouldn't
3 have a room full of residents and a room
4 full of the business community butting
5 heads, but unfortunately, that hasn't
6 happened yet, and I think it should.

7 Let's look back at the actual
8 language and think what would have been in
9 the commission's mind when it created the
10 loophole, which I think has been abused.
11 If you read the definitions of things an
12 the way the ordinance -- which,
13 unfortunately, I asked the administration
14 to distribute the definitions today to my
15 colleagues, but unfortunately even though
16 I asked for that in agenda review,
17 it didn't happen.

18 But if you look at the definitions
19 of what is a "dance hall," a dance hall is
20 any -- any place in which the owner allows
21 dancing to take place. What could that be?
22 If someone is at Joe's having a drink at
23 their bar and decides to dance around their
24 date, theoretically, they are a dance hall
25 at that time unless the owner tells them

1 not to.

2 Entertainment, the guy from Oasis
3 brought it up. If someone wants to have a
4 dancer as entertainment for their people
5 there, for their people in a restaurant,
6 that all of a sudden requires an
7 entertainment license. If a Mexican
8 restaurant opens up and wants to have a
9 Mariachi band going from table to table to
10 entertain their guests, that requires an
11 entertainment license.

12 I think the rationale of --

13 MAYOR DERMER: Hang on. If I can
14 interject one second. No one can figure
15 out exactly why you're here. It's kind of
16 like the guy that runs into the wrong
17 courtroom.

18 UNIDENTIFIED SPEAKER: That's on
19 Commissioner Garcia's --

20 MAYOR DERMER: Are you in the right
21 commission?

22 UNIDENTIFIED SPEAKER: I'm on
23 Commissioner Garcia's itemized (Inaudible)
24 on the condo.

25 MAYOR DERMER: Oh, it's a condo

1 wording.

2 COMMISSIONER GARCIA: I -- I -- I
3 never expected to have that type of
4 reaction.

5 MAYOR DERMER: Okay.

6 COMMISSIONER GARCIA: I'm sorry, all
7 I was doing is being sympathetic to
8 (Inaudible.)

9 MAYOR DERMER: I didn't want them to
10 be at a City of Miami Beach from Coral
11 Gables. You're in the right place, good.
12 All right.

13 COMMISSIONER GARCIA: You know,
14 Mr. Mayor, I'm almost as surprised as you
15 are (Inaudible.)

16 MAYOR DERMER: Okay. That's --
17 that's -- I'm sorry, Commissioner
18 Steinberg.

19 COMMISSIONER STEINBERG: That being
20 said, I think there has been abuse of the
21 loophole. I think -- I think it wasn't
22 intended as a loophole, it was intended to
23 allow restaurants that had a legitimate
24 reason to have a license to go in and get a
25 license so that they could have some

1 entertainment in their dining
2 establishment, some dancing in their dining
3 establish. Because they didn't find
4 themselves operating illegally.

5 What should we do to address it?
6 I think this goes too far, frankly.
7 I think what we should look at is finding a
8 way to identify places that are true
9 restaurants and let them have that
10 auxiliary use while they're operating as a
11 restaurant.

12 For example, instead of saying full
13 kitchen and full food, because as
14 Commissioner Gross pointed out, who knows
15 what that is. The state deals with this
16 all the time, and it deals with it based on
17 what type of alcohol permit they require
18 people to have.

19 If you're a restaurant, you can get
20 for a very nominal charge the proper
21 license to serve alcohol in your
22 establishment, and if you do that, no more
23 than 50 percent of your sales can be from
24 alcohol, and the state audits the
25 businesses to make sure they're complying

1 with that.

2 On the other hand, if they're really
3 a bar or really a nightclub, presumably
4 more than 50 percent of their sales will be
5 from alcohol. And so what we're doing is
6 we're taking the ability for a restaurant
7 to open up and have some entertainment or
8 some dancing, which I don't think any of us
9 would be against a mariachi band in a
10 Mexican restaurant that happens to be in
11 South Pointe or near Purdy Lounge. I don't
12 think any of us --

13 UNIDENTIFIED SPEAKER: (Inaudible.)

14 COMMISSIONER STEINBERG: I'm sorry?

15 UNIDENTIFIED SPEAKER: (Inaudible.)

16 COMMISSIONER STEINBERG: You don't
17 know what's going to be there in five years
18 from now.

19 UNIDENTIFIED SPEAKER: You're
20 missing the present problem.

21 COMMISSIONER STEINBERG: I'm not
22 missing the -- I'm not missing anything.

23 MAYOR DERMER: Go ahead.

24 COMMISSIONER BOWER: Okay, okay.

25 MAYOR DERMER: Hey, hey, keep the

1 discussion up here.

2 COMMISSIONER STEINBERG: But I think
3 we need to borrow one of David Wallack's
4 comments today, we need to look at this
5 with a surgical scalp -- scalpel rather.
6 We don't need to have something that goes
7 beyond what we need to address as far as
8 the proliferation. If you want --

9 MAYOR DERMER: David, you put on a
10 suit, you've been quoted three times
11 already.

12 COMMISSIONER STEINBERG: Instead
13 of -- instead of making this so broad brush
14 that you may prevent restaurants that the
15 neighbors may want, we should focus on
16 making sure it addresses those that are
17 basically operating as nightclubs and not
18 as restaurants, and that's truly what
19 we should be doing to preserve the intent
20 of the initial commission.

21 I honestly do believe, like I said,
22 I think the loophole has been abused,
23 I think it is too big, and I think it needs
24 to be tightened up. I just don't think
25 it needs to be tightened up to the point

1 that it makes it so new restaurants that
2 have a legitimacy as a restaurant cannot be
3 in place.

4 And just -- I want to comment on the
5 one comment that I heard earlier that the
6 zoning for this area was intended to make
7 these neighborhood establishments. I think
8 Joe from Joe's Stone Crab would be turning
9 over in his grave if he heard people
10 referring to Joe's as merely a neighborhood
11 establishment.

12 The reality is most of the
13 restaurants that are there, if they only --
14 if there was someone at that door that said
15 okay. You're now a neighborhood
16 establishment, people have to show you ID
17 that says you're from the neighborhood to
18 go there, they'd be out of business, and
19 you guys wouldn't have the facilities that
20 you want.

21 So I think there has to be a balance
22 of having people come in with things that
23 would appeal to the residents, appeal to
24 the neighborhood, and give them the
25 flexibility to have a restaurant that works

1 as a restaurant.

2 And I'm not saying Oasis does or
3 doesn't. I see you're nodding your head
4 no. I'm not saying they do or don't, I'm
5 just saying that if they are legitimately a
6 restaurant and happen to have something
7 going on that is basically a belly dancer
8 that comes by ever hour or so, who cares,
9 and, frankly, we should allow that to
10 happen.

11 If they're going beyond that, of
12 course, then we need to address it, but
13 I think we need to go ahead and have --
14 change this to look at the restaurant and
15 allow the restaurant that is a legitimate
16 restaurant to have those auxiliary uses and
17 not allow the auxiliary uses to be the
18 controlling use, and I would challenge my
19 colleagues to come up with a way to address
20 that.

21 I mean, maybe the votes are here
22 without that, but, frankly, I can't support
23 it if it goes to far, because I think in
24 hindsight, I think the commission will look
25 back at it as a mistake, because it will

1 prevent new restaurants from coming in the
2 future that the neighbors would want when
3 the reality is we should be making sure
4 that the restaurants that come in don't
5 turn themselves into a nightclub and
6 exploit the loophole but that the loophole
7 be used the way it was intended to be used.

8 COMMISSIONER BOWER: But can't
9 we look at it between first and second
10 reading?

11 VICE MAYOR GROSS: Richard, just out
12 of curiosity, what's your position on the
13 two o'clock on the hours in the residential
14 zone, because if they're really
15 restaurants, they're not going to be
16 operating past two o'clock?

17 COMMISSIONER STEINBERG: Well,
18 I think that you have people who have --
19 well, first, I think that the city needs to
20 enforce the laws. I think if the City was
21 out there enforcing the laws and cleaning
22 up, we would not have the concern from the
23 residents that we have today. That is my
24 belief.

25 MAYOR DERMER: Yeah, okay.

1 COMMISSIONER STEINBERG: And I think
2 that -- I think when this comes to the
3 hours --

4 MAYOR DERMER: But you've got to
5 still ask yourself, you know, what's there
6 going to be to clean up if the place is
7 closed at two.

8 COMMISSIONER STEINBERG: But I think
9 what's going to end up happening is the
10 places won't be closing at two, the place
11 will just close, and --

12 MAYOR DERMER: Yeah, and then
13 that's -- it will go back to a normal
14 intensity.

15 COMMISSIONER GARCIA: David --

16 COMMISSIONER STEINBERG: I'm not
17 here to put them out of business if they're
18 operating legally and if we enforce the
19 laws and we can make sure that the harmony
20 is there.

21 I think our challenge is to find the
22 resources to make sure that we can create
23 the harmony as opposed to throwing our
24 hands up in the air and saying we can't
25 deal with this problem so we're just going

1 to cut it off, because I don't think that's
2 fair to the people.

3 MAYOR DERMER: I don't think that's
4 the proper characterization of it.

5 COMMISSIONER STEINBERG: But you're
6 saying, David, you're saying let's cut back
7 the hours --

8 MAYOR DERMER: (Inaudible.)

9 COMMISSIONER STEINBERG: -- and
10 we know that -- we know that that may force
11 them out of business.

12 MAYOR DERMER: Well, you know, I got
13 to tell you something --

14 VICE MAYOR GROSS: Nightclub is not
15 a permitted use in a residential zone.

16 COMMISSIONER STEINBERG: They were
17 before.

18 VICE MAYOR GROSS: No, they weren't.
19 No, they were not.

20 COMMISSIONER STEINBERG: The
21 industrial building.

22 VICE MAYOR GROSS: No, I'm talking
23 about South Pointe.

24 COMMISSIONER STEINBERG: Okay.
25 Well, this ordinance deals with both.

1 VICE MAYOR GROSS: Yes, it does.

2 COMMISSIONER STEINBERG: And you're
3 treating an industrial area the same way as
4 you're treating a residential area.

5 COMMISSIONER GARCIA: Can I -- can
6 I bring something up, because I do happen
7 to agree with Richard. First of all,
8 I think that the city has failed miserably
9 enforcing the codes and the cleanliness and
10 whatever, and it's still doing it. Okay.
11 That's -- that's number one.

12 With that said, you know, as far as
13 restaurants closing at two o'clock. That's
14 not necessarily so. Because you know what,
15 traditionally Miami Beach, you know,
16 we have restaurants that have been open 24
17 hours a day.

18 COMMISSIONER STEINBERG: Should the
19 diner close at two o'clock?

20 COMMISSIONER GARCIA: How about
21 David's cafe, you trying to put David's
22 cafe out of business? I don't think so,
23 you know.

24 VICE MAYOR GROSS: They're not in a
25 residential zone.

1 COMMISSIONER GARCIA: Yeah, I
2 understand. I understand.

3 VICE MAYOR GROSS: That's correct,
4 yeah.

5 COMMISSIONER GARCIA: You know what,
6 guys, let's look at it, and right now,
7 right now we have a chance to do something
8 that is not reactive, something that is --

9 COMMISSIONER BOWER: Okay. So
10 I made a motion.

11 MAYOR DERMER: There's a motion and
12 a second, commission (Inaudible.)

13 VICE MAYOR GROSS: I'll call the
14 question.

15 COMMISSIONER SMITH: No, I have one
16 (Inaudible.)

17 MAYOR DERMER: I'm sorry,
18 Commissioner Smith.

19 COMMISSIONER SMITH: Yes, the city
20 has done some awful planning. My own
21 problem is with the accessory use language
22 in the code. We have allowed accessory
23 uses to become primary uses. We have
24 hotels that have 10, 15 rooms and 199
25 tables. We have areas of the city that

1 really do not -- are not compatible with
2 residential neighborhoods, and we concede
3 that.

4 Having said that, I think that the
5 industry has to take some responsibility
6 for the problems that we're seeing today.
7 When a recent club on Washington Avenue
8 closed at or was shut down, I should say,
9 by the City of Miami Beach, there were over
10 90 underage kids inside that had no
11 business being there.

12 The bouncers were arrested, the
13 bartenders were arrested. This goes on all
14 the time, and believe me, the word gets out
15 to all the high schools and even some of
16 the junior high schools throughout South
17 Florida that certain clubs cater to
18 underage drinking.

19 We also know for a fact that certain
20 service stations serve alcohol, beer to
21 minors. We know that. We know that
22 there's a lot of chaos, and we know that
23 there is a lot of drug dealing going on
24 outside of some of these clubs, but the
25 clubs seem to feel that they have no

1 responsibility, so everybody points the
2 finger at the city. I think the clubs have
3 caused a lot of these problems, and that's
4 why we're here today.

5 So I don't have a problem with the
6 hours, I don't have a problem with this
7 ordinance, I think it's a good first step.
8 It is not a panacea. We're still going to
9 have problems. We're going to have litter,
10 we're going to have a lot of stuff going on
11 outside, and we need better enforcement,
12 but we have to look at it in a holistic
13 way, as everybody likes to use that word,
14 not one --

15 COMMISSIONER GARCIA: (Inaudible.)

16 UNIDENTIFIED SPEAKER: Not one --
17 yes, and Matti also likes that word very
18 much, but -- but I think that --

19 COMMISSIONER GARCIA: Yeah, but
20 I coined it. I coined that word.

21 COMMISSIONER SMITH: Whatever --
22 whatever we decide to do, whatever we do,
23 let's make sure that we understand what the
24 rules are, what is appropriate and what is
25 not appropriate. If Joe's Stone Crab or

1 Smith and Wollensky decides to have a Super
2 Bowl party on a Sunday afternoon or a
3 Sunday evening, is that -- is that okay?
4 I don't know whether this ordinance deals
5 with that issue or not, I think that the
6 issue of the belly dancer is a legitimate
7 issue. Is that appropriate? If it doesn't
8 disturb the neighbors, I don't see why that
9 shouldn't be allowed.

10 So let's -- let's deal with all of
11 these issues collectively, and let's figure
12 out once and for all what is appropriate in
13 a residential district and what is not
14 appropriate. Thank you.

15 MAYOR DERMER: Okay. Thank you.

16 COMMISSIONER GARCIA: (Inaudible) do
17 that between the first and second reading.

18 COMMISSIONER BOWER: Yes.

19 MAYOR DERMER: That should be put in
20 there also for planning board discussion.

21 COMMISSIONER BOWER: Yes.

22 MAYOR DERMER: As you know, that's
23 part of the referral as well.

24 MR. GONZALEZ: All right. Let's
25 talk about --

1 MR. GOMEZ: Well --

2 MR. GONZALEZ: Hang on. Let's talk
3 about zoning in progress a sec, because --

4 MR. GOMEZ: You have issues that you
5 want us to deal between first and second
6 reading and things that you referred to the
7 planning board, so --

8 MAYOR DERMER: Okay. Excuse me,
9 let's -- you know what, let's just keep
10 knows hours where they are. Leave the
11 hours to the planning board.

12 VICE MAYOR GROSS: Yes, yes, and the
13 district.

14 MAYOR DERMER: Okay. So let's move
15 on the (Inaudible) -- and the district.

16 VICE MAYOR GROSS: And the cabaret
17 district.

18 MAYOR DERMER: There's a motion and
19 a second, let's call the question, call the
20 roll.

21 COMMISSIONER STEINBERG: Before
22 we do that, if I -- I will support this
23 if we limit it to the issue of the 50
24 percent. I don't think it makes sense.
25 I mean, you're saying we're going to deal

1 with this, yet we're going to pass on first
2 reading. When is it going back to the
3 planning board? Why not deal with that --

4 COMMISSIONER BOWER: (Inaudible) 50
5 percent.

6 MAYOR DERMER: No, the issue --

7 COMMISSIONER STEINBERG: As far as
8 the issue is one of --

9 MAYOR DERMER: (Inaudible) dealt
10 with --

11 COMMISSIONER STEINBERG: Allowing a
12 restaurant as Commissioner Smith pointed
13 out as well, there are legitimate concerns
14 for businesses, and that's why this
15 loophole was created, frankly, loophole,
16 the language is horrible, which is why it's
17 been used to abuse the law.

18 But what we should do instead is
19 address how do we leave the loophole to
20 allow legitimate businesses to operate and
21 make sure that the illegitimate ones that
22 are causing the problem can't.

23 MR. HELD: I thought that's what
24 we would be bringing back (Inaudible)
25 second reading.

1 COMMISSIONER STEINBERG: You're
2 going to bring that on second reading?
3 Okay. Then I'll support it.

4 UNIDENTIFIED SPEAKER: Bringing back
5 on second reading, because anything we --

6 MR. HELD: We have to refine when a
7 restaurant can continue to operate with
8 entertainment in this district -- in the
9 two districts that we're talking about.

10 MR. DUBBIN: I just don't want to
11 bollox --

12 VICE MAYOR GROSS: Right, and
13 I don't think you want to send the wrong
14 message to the planning board when -- well,
15 they're not going to do it between first
16 and second. They're just going to do --
17 they're going to do the hours.

18 COMMISSIONER BOWER: They're going
19 to do the hours.

20 COMMISSIONER STEINBERG: They are
21 going to deal with the hours of the
22 operation.

23 COMMISSIONER BOWER: The hours.

24 COMMISSIONER STEINBERG: And the
25 entertainment.

1 COMMISSIONER BOWER: We're doing the
2 ordinance.

3 COMMISSIONER GARCIA: Also, is there
4 any way that we can separate South Pointe
5 from Sunset Harbor? I think that -- that
6 might -- that might be another way to go.

7 MR. DUBBIN: I just want to say
8 we're dealing with a zone be ordinance, a
9 ban use ordinance that affects rights, and
10 I don't want -- I recommend that you do not
11 bollox it up with throwing in hours or
12 other (Inaudible.)

13 COMMISSIONER GARCIA: But Murray --

14 COMMISSIONER BOWER: We're just
15 (Inaudible.)

16 COMMISSIONER GARCIA: No I know,
17 Murray, but merely -- merely we are
18 differentiating between our industrial zone
19 and an residential zone; is that correct?

20 MR. DUBBIN: I -- well --

21 MR. HELD: Mr. Mayor, maybe
22 we should have two separate motions, one
23 dealing directly with the ordinance and
24 clarifying between first and second
25 reading, and the other motion would deal

1 with the referral to the planning board.

2 COMMISSIONER BOWER: That's what
3 we're going to do. We're just dealing with
4 the ordinance.

5 MR. GOMEZ: Right, but think --

6 UNIDENTIFIED SPEAKER: That's
7 correct.

8 VICE MAYOR GROSS: Well, hold on,
9 what Commissioner Garcia is trying to
10 bifurcate the zone.

11 MR. GOMEZ: (Inaudible) to split the
12 vote on the ordinance because it has
13 possible two areas, one (Inaudible.)

14 MAYOR DERMER: You want to do South
15 Pointe and (Inaudible.)

16 COMMISSIONER BOWER: Well, that is
17 not my motion. My motion is the ordinance
18 as in place (Inaudible.)

19 COMMISSIONER GARCIA: But just hear
20 my out, because, you know, my colleague to
21 the right right here, he's been stressing,
22 you know, residential, and I think
23 it carries a lot of weight. With that
24 said, we're dealing with industrial, you
25 know, and I think that to look at both of

1 them under the same legislation might be
2 wrong. You know, correct me if I'm wrong,
3 I don't know, Murray.

4 UNIDENTIFIED SPEAKER: (Inaudible.)

5 MAYOR DERMER: You're looking at it,
6 you're looking at it from -- for the
7 future.

8 UNIDENTIFIED SPEAKER: Gary, let
9 me -- Gary, let me --

10 COMMISSIONER GARCIA: Yeah, yeah,
11 right now -- right now --

12 UNIDENTIFIED SPEAKER: I mean, do
13 you want now --

14 MAYOR DERMER: Commissioner
15 (Inaudible.)

16 COMMISSIONER BOWER: Can
17 we bifurcate -- let me ask the question,
18 sir. Maybe I (Inaudible) can we do,
19 if we decide next -- if we look at that
20 issue also between first and second
21 reading, can we then vote for one and leave
22 the other one out if we --

23 UNIDENTIFIED SPEAKER: Let me -- let
24 me suggest it this way --

25 COMMISSIONER BOWER: I don't want to

1 bifurcate.

2 VICE MAYOR GROSS: Yeah, I don't
3 think you want to do that. I think your
4 issue, Commissioner Garcia, Mr. Mayor, has
5 more to do with how you deal with the legal
6 nonconforming uses, because I don't --
7 you're not advocating having more
8 nightclubs open in the Sunset Harbor
9 district.

10 COMMISSIONER GARCIA: Hear me out.

11 VICE MAYOR GROSS: Yeah.

12 COMMISSIONER GARCIA: I'm okay for
13 proliferation (Inaudible.)

14 VICE MAYOR GROSS: Yeah, so let's
15 pass this, because this stops
16 proliferation.

17 MAYOR DERMER: Stops proliferation.

18 COMMISSIONER GARCIA: Yeah, but, you
19 know, how it's going to affect the
20 (Inaudible.)

21 VICE MAYOR GROSS: That's what I'm
22 saying, that's what they're going to work
23 out between first and second reading.

24 UNIDENTIFIED SPEAKER: That was --
25 yeah, that's what I was about to ask. Back

1 to you to address that.

2 COMMISSIONER GARCIA: Yeah, you
3 know, if that is the case, I'll -- you
4 know, I mean, I'll --

5 UNIDENTIFIED SPEAKER: Okay.

6 COMMISSIONER GARCIA: As long as
7 we can look at it that way, and as long as
8 we can look at a (Inaudible) district,
9 I will support you.

10 MAYOR DERMER: Okay. We got a
11 motion, second. Call the question, call
12 the role, please.

13 THE CLERK: Just to be clear, this
14 is just on the ordinance?

15 MAYOR DERMER: It's on the
16 ordinance, correct.

17 COMMISSIONER SMITH: What are
18 we voting?

19 THE CLERK: Commissioner Bower?

20 COMMISSIONER BOWER: Yes.

21 COMMISSIONER SMITH: What ordinance
22 are we voting?

23 THE CLERK: Commissioner Cruz?

24 COMMISSIONER CRUZ: Yes.

25 THE CLERK: Commissioner Steinberg?

1 COMMISSIONER STEINBERG: Yes.

2 THE CLERK: Commissioner Smith?

3 COMMISSIONER SMITH: Yes.

4 THE CLERK: Vice Mayor Gross?

5 VICE MAYOR GROSS: Yes.

6 THE CLERK: Commissioner Garcia?

7 COMMISSIONER GARCIA: Yes.

8 THE CLERK: Mayor Dermer?

9 MAYOR DERMER: Yes.

10 THE CLERK: 7 in favor, the motion
11 carries. The second reading and second
12 public hearing is scheduled for, Jorge,
13 May -- Jorge, May 5th okay?

14 MR. GONZALEZ: Yes.

15 THE CLERK: Let's go for May 5th.

16 MAYOR DERMER: Let us -- wait a
17 minute, we have a motion now referral to
18 planning board on the hours and also the
19 (Inaudible.)

20 COMMISSIONER BOWER: I'll move that.
21 I move the hours --

22 COMMISSIONER SMITH: I'd like -- Mr.
23 Mayor, I'd like to the planning board to
24 once and for all define for us -- Jorge
25 Gomez, I'd like the planning board once and

1 for all to define for us what is an
2 "accessory use" as opposed to a "main
3 permitted use," because if "accessory use"
4 mean, you know, what everybody understands
5 them to be, we would not have allowed a lot
6 of these problems to exist, and by having
7 accessory uses become primary uses,
8 it aggravates the problem. So I'd like to
9 see a definition of that come back from the
10 planning board.

11 MR. GOMEZ: It's one of the issues
12 that we've identified that need -- that
13 needs to be addressed. Indeed, a year or
14 so ago we had an ordinance that would tie
15 the -- the scale of the restaurant to the
16 hotel rooms and the structure so that
17 we would have (Inaudible) restaurant with a
18 hotel.

19 Unfortunately, that ordinance was
20 not accepted by the planning board and
21 we've been (Inaudible.)

22 MAYOR DERMER: Well, bring -- bring
23 us an ordinance that deals with that issue.

24 VICE MAYOR GROSS: Right, I think
25 the problem there was it was packaged with

1 some other citywide initiatives that people
2 were against.

3 MR. GOMEZ: It was similar --
4 it also had this very similar ordinance.

5 VICE MAYOR GROSS: Yeah, but this
6 provision in the previous ordinance applied
7 citywide. What we did today was we said
8 we're not going to permit nightclubs in
9 residential districts.

10 MR. GOMEZ: Right, it had three
11 component. It had a citywide for
12 restaurants that had entertainment, and
13 outside of these areas it would be treated
14 just like a nightclub.

15 VICE MAYOR GROSS: Right.

16 MR. GOMEZ: Then we had this very
17 same provision and then the units and the
18 (Inaudible.)

19 VICE MAYOR GROSS: All right.

20 MAYOR DERMER: Okay. That will be
21 part of the referral as well, a discussion
22 item for planning to get the "accessory
23 uses" better defined, more defined.

24 VICE MAYOR GROSS: Right, and
25 I think that -- yeah, I think the referral

1 to planning should include -- I mean, they
2 need to look at the businesses that are
3 legal nonconforming uses, see how they're
4 going to be effected by the hours, see
5 whether the city contractually made
6 different deals with Nikki Beach.
7 I don't -- I don't know. We have a lease
8 with them, I don't know if that has
9 anything different in it. I mean, there's
10 other things that they have to look at.

11 MAYOR DERMER: I know.

12 COMMISSIONER BOWER: Yes.

13 MAYOR DERMER: Okay. You got it.
14 All right. That's a motion and a second.
15 All in favor?

16 Opposed.

17 UNIDENTIFIED SPEAKER: Who seconded?

18 MAYOR DERMER: Opposed?

19 UNIDENTIFIED SPEAKER: Who seconded?

20 MAYOR DERMER: Second was

21 Commissioner Gross.

22 UNIDENTIFIED SPEAKER: Okay.

23 MAYOR DERMER: Okay. I -- I just
24 want to in closing, first of all, I want to
25 thank the residents for coming out in force

1 like they did today, because if you want
2 to, just like I told you from the very
3 beginning at the Mayor on the Move, if you
4 want to succeed in this process, you've got
5 to keep on coming. Don't ever let up or
6 let your guard down.

7 This is going to go, the issue of
8 the hours is going before the planning
9 board, and, frankly, the more you are
10 proactive the more you are persistent, the
11 success will come at the end, but don't
12 leave this. This is going to take time and
13 time and time. If you're gone, the guard
14 goes down, and you know what I'm saying.
15 All right.

16 UNIDENTIFIED SPEAKER: Are you
17 encouraging Frank Del Vecchio further?

18 MAYOR DERMER: I'm encouraging
19 everybody that's interested, you know. Let
20 us adjourn.

21 (End of recording.)

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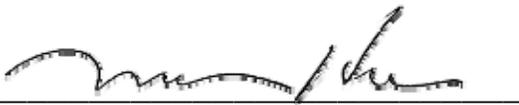
CERTIFICATE

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I, Matthew J. Haas, Court Reporter and
Transcriptionist, do hereby certify that I was
authorized to and did listen to and
stenographically transcribe the foregoing
recorded proceedings and that the transcript is a
true record to the best of my professional
ability.

Dated this 22nd day of January,
2017.



MATTHEW J. HAAS
Court reporter