



MIAMI BEACH

RECEIVED

2009 AUG -5 PM 3: 27

CITY CLERK'S OFFICE

OFFICE OF THE CITY MANAGER

NO. LTC # 208-2009

LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: August 4, 2009

SUBJECT: Protests at City Hall

This Letter to Commission is intended to provide you with information relating to the protests that have occurred outside of City Hall yesterday and last Friday.

In late June, the Florida Carpenters Regional Council ("Union") began demonstrations in front of the Loews Hotel on Collins Avenue relating to a contractual issue. Those contractual issues are private matters that do not involve the City. With matters involving demonstrations and other first amendment protected activities of this nature, the City's role is only to ensure that pedestrian and vehicular flow is not impacted, or access is otherwise limited due to the protests (e.g. ADA accessibility). However, since that time, the City has received numerous calls reporting violations of our noise ordinance by these Union protestors. Our Code Compliance Division has responded to assess the level of the noise, and determine if a violation was occurring.

After responding to several noise complaints, on June 30, 2009, the City issued a written warning, and subsequently, on July 1, 2009, a first violation was issued. On both occasions the City received complaints. The City Attorney's Office, City Administration and Code Compliance staff held a conference call with Union officials and their attorney to discuss our noise ordinance and the violation. Staff offered to meet with Union officials onsite to provide some general suggestions on levels of noise. As you know, noise that meets the threshold of a violation is impacted by many situations and conditions, among which include time of day; surrounding/ambient noise; wind/weather; and elements that may affect the way noise travels, such as buildings. At their request, we agreed to send the same code compliance officers whenever possible.

The City continued to receive noise complaints, but no violations were issued because they were deemed not valid. On Saturday, July 26, 2009, we responded to a complaint from a resident of the Decoplage Condominium, two buildings north of the Loews Hotel. The complaint was called in at 9:00 a.m., and officers arrived at 9:20 at the resident's unit. The complaint was deemed valid.

On that date, the Union protestors also began demonstrating on the beachwalk immediately east of the Loews Hotel pool deck. On July 30, 2009, another complaint resulted in a violation; this complaint involved protestors on the beachwalk.

The following day, the Union began protesting in front of the Code Compliance office and City Hall. They are complaining that we have issued noise violations to them for their protests. The Union has been advised that they can appeal the violations to the Special Master. We had an opportunity to meet with the Union representatives on Monday to discuss the noise ordinance, the City's position and the options available to them. As of this morning, we have investigated two-dozen noise complaints relating to the protest at the Loews since June 26th.

We will monitor and respond to any future noise issues, and continue to provide you information relating to this matter. Please feel free to call me should you have any questions or require additional information.

JMG/hmf

F:\cmgr\SALL\HFernandez\Code Compliance\Noise\FGRC Protest LTC.doc