



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Finance and Citywide Projects Committee

FROM: Kathie G. Brooks, Interim City Manager

DATE: November 5, 2012

SUBJECT: **DISCUSSION CONCERNING THE MOTION REGARDING HOURS OF OPERATION FOR CLUBS AND BARS DURING SPECIAL LGBT EVENTS PASSED BY THE LGBT BUSINESS ENHANCEMENT COMMITTEE.**

BACKGROUND

This item was referred to the Land Use and Development Committee by Commissioner Gongora at the September 12, 2012, City Commission Meeting.

Since 2000, the City Commission has been allowing alcoholic beverage establishments that hold 5:00 a.m. Business Tax Receipts (BTR) to extend their hours of operation to 7 a.m. during holiday or major event weekend; most commonly approved for New Year's Day and, since 2007 during Winter Music Conference. There have also been times when hours were extended for Thanksgiving Weekend and Sleepless Night.

This has been done each time by resolution imposing certain conditions. These conditions include:

- 1) the Police Department and the Code Compliance Division of the City must be notified by letter, received no later than fifteen (15) business days prior to either a) January 1st or b) the day on which the alcohol sales are to be extended, stating that the alcoholic beverage establishment intends to serve alcoholic beverages for on-premises consumption until 7:00 a.m.;
- 2) If deemed reasonable necessary by the Police Chief, or the Police Chief's Designee, off-duty police officers must be provided at the alcoholic beverage establishment until 7:00 a.m.;
- 3) There are no pending City Code violations against the alcoholic beverage establishment;
- 4) No delinquent or past due monies are owed to the City;
- 5) Outdoor entertainment or open-air entertainment is not allowed;
- 6) No violation of the City's noise ordinance shall be permitted;
- 7) No violation of the approved fire code occupancy load shall be permitted;
- 8) All required City permits and licenses are current;
- 9) The State of Florida alcoholic beverage license is current; and
- 10) Any other conditions required by the City Manager in order to protect the public health, safety or welfare.

The City Manager may suspend the extension at any time to protect the public safety, health or welfare.

In 2007 via Ordinance No. 2007-3556, the Commission amended Chapter 6 of the City Code entitled Alcoholic Beverages, to permit alcoholic beverage establishments which hold 5:00 a.m. occupational licenses to extend their hours of operation to 7 a.m. on New Year's Day. The amendment also

included language in the ordinance providing a mechanism for an extension of hours to be considered and subsequently submitted for the Commission's consideration and approval via a resolution. A request for the extension of hours may be placed on the agenda by the City Manager or a Commissioner, for the Commissions' consideration.

Hours were most recently extended during Winter Music Conference 2010, which coincided with Spring Break. As you know, this City experienced a significant influx of visitors during that period of time which created many quality of life challenges. It is important to keep in mind that any time hours of on-premises alcohol service are extended it creates a need for increased policing and the potential exists for other quality of life concerns. At that time, the Police Department conducted a preliminary analysis of call volume for days when hours were extended compared to normal day when clubs closed at 5:00 a.m., which shows there was more than double the number of calls on those days. Twenty-three percent of those additional calls for service occurred after 5:00 a.m. The extension of hours occurs during peak periods of time so it is difficult to pinpoint exactly what causes the increase in calls for service. However, it is fair to say that the extension of hours is a contributing factor.

In October 2010, the Land Use and Development Committee considered this and unanimously passed a motion recommending the extension of hours for the White Party and Winter Party. Subsequently, on February 9, 2011, the City Commission adopted Resolution No. 2011-27598 extending hours for certain alcoholic beverage establishments with a 5:00 am liquor license and under certain specified conditions pursuant to Section 6 of the City Code for Winter Party (March 5 & 6, 2011).

Since that time, hours were extended for New Year's Eve according to City Code. The LGBT Business Enhancement Committee met on July 10, 2012, and passed a motion (attached) urging the City Commission to develop a year's calendar of LGBT events during which clubs and bars may be granted extended hours of operation. The LGBT events recommended by the LGBT Business Enhancement Committee for extended hours include White Party, Winter Party, Miami Beach Gay Pride and Aqua Girl. Their recommendation is based on the fact that other areas of Miami-Dade County have less stringent restrictions and Miami Beach may lose business to other parts of the County.

Pursuant to Section 6-3 Subsection 7 of the City Code, the City Commission may approve additional major event days or weekends to allow alcoholic beverage establishments that hold 5:00 a.m. occupational licenses to extend their hours of operation to 7 a.m. The City's Major Events Plan and Special Event Guidelines already designate these events as "major event periods." Therefore, these events are eligible for the extension of hours subject to the conditions established in the City Code.

FISCAL IMPACT ANALYSIS

Any fiscal impact from the approval of the extension of hours for nightclubs during additional periods will likely require the Police Department, Code Compliance Division and the Sanitation Division to incur overtime staffing to ensure the provisions of the ordinance are appropriately followed. At this time, it is difficult to fully determine what that cost will be.


KGB/MAS



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathie Brooks, Interim City Manager
FROM: Michael Góngora, Commissioner 
DATE: September 9, 2012

SUBJECT: Referral Item for September Commission Meeting

Please place on the September 12th Commission meeting consent agenda a referral to the Land Use Committee for discussion concerning the motion regarding hours of operation for clubs and bars during special LGBT events passed by the LGBT Business Enhancement Committee. Please find motion attached. If you have any questions please feel free to contact my aide Diana Fontani at ext 6087.

MG/df

Agenda Item CYE
Date 9-12-12



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission
Interim City Manager Kathie G. Brooks
City Clerk Ralph Granado

FROM: Alex J. Fernandez,
On behalf of the LGBT Business Enhancement Committee

DATE: July 26, 2012

SUBJECT: **Hours of Operation for Clubs & Bars during Special LGBT Events**

Please be advised that during its regularly scheduled meeting of July 10th, 2012, the Miami Beach LGBT Business Enhancement Committee passed a motion urging the City Commission to develop a year's calendar of LGBT events during which clubs & bars may be granted extended hours of operation. The Committee recommends that this calendar of events include White Party, Winter Party, Miami Beach Gay Pride, and Aqua Girl. The spirit of the recommendation is to prevent these events from relocating from the City of Miami Beach to other vibrant areas of Miami-Dade County where looser restrictions apply.

The motion was presented by Committee Member Willis "Chip" Arndt, Jr. and second by Committee Member Billy Kemp. Any questions and/or concerns regarding this item may be directed to Committee Chairman Ivan Cano who may be contacted at 305-319-2693 or by email at ivangcanojr@yahoo.com.

Thank you,

Alex J. Fernández,
City Liaison to the
LGBT Business Enhance Committee

C: Members of the LGBT Business Enhancement Committee