



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: October 23, 2013

SUBJECT: **DISCUSSION CONCERNING THE MOTION BY THE GLBT BUSINESS ENHANCEMENT COMMITTEE REGARDING EXTENDING HOURS OF OPERATION FOR THE FOUR EVENT WEEKENDS: WHITE PARTY, WINTER PARTY FESTIVAL, MIAMI BEACH GAY PRIDE AND AQUA GIRL.**

### **BACKGROUND**

This item was referred to the Land Use and Development Committee by Commissioner Gongora at the July 17, 2013, 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 1<sup>st</sup> 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 passed a motion in 2012 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. On December 12, 2012, the City Commission adopted Resolution No. 2012-28093 which extended hours for the sale of alcohol for certain alcoholic beverage establishments with a 5 00 a m liquor license and under certain specified conditions pursuant to Section 6 of the City Code for Winter Party March 8 – 9, 2013 and White Party November 29 – 30, 2013 as recommended by the Land Use And Development Committee.

Most recently, the LGBT Business Enhancement Committee met on May 9, 2013 and, again, 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.

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**

Special deployment was not required for this in the past, but there may be a need to hold over Police Officers and Code Compliance Officers a shift to ensure the provisions of the ordinance are

appropriately followed.

**CONCLUSION**

The City Administration is seeking direction from the Land Use and Development Committee on this request.

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JLM/KGB/MAS



# MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, Manager

FROM: Michael Góngora, Commissioner

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DATE: July 8, 2013

SUBJECT: Referral Item for July 17 Commission Meeting

Please place on the July 17 Commission meeting consent agenda a referral to the Land Use Committee for discussion concerning the motion attached. If you have any questions please feel free to contact my aide Diana Fontani at ext 6087.

MG/df

Agenda Item C4J  
Date 7-17-13

# *Miami Beach GLBT Business Enhancement Committee*

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

**Members:**

*Billy Kemp  
Chad Richter  
Cindy Brown  
Dale Stine  
Daniel Spring  
Edison Farrow  
Ivan Cano  
Jorge Richa  
Karen Brown  
Laura Veitia  
Marivi Iglesias  
Michael Bath  
Nelida Barrios  
Thomas Barker  
Willis "Chip" Arndt, Jr.  
Juan Sanchez*

**Staff Liaison:**  
*Diana Fontani*

FROM: GLBT Business Enhancement Committee

DATE: May 9, 2013

SUBJECT: Extended Hour for Four Event Weekend

Dear Mayor and Honorable City Commission:

In an effort to show the city's support of its Lesbian, Gay, Bisexual, Transgender (LGBT) residents and further extend its position as a welcoming premier gay destination, our Business Enhancement Committee kindly recommends that you support a request to develop a year's calendar of events to be granted extended hours of operation for four event weekends. The event weekends that will be impacted by this benefit are *White Party, Winter Party Festival, Miami Beach Gay Pride* and *Aqua Girl*. Your support for the extension of bar hours will let certain businesses and events increase not just their profits but also contribute to our city's image as a place where the LGBT community is celebrated and always welcomed.

Thank you for your consideration of this proposal.