

CITY OF MIAMI BEACH
Office of the City Manager
Letter to Commission No. 179-2004



To: Mayor David Dermer and
Members of the City Commission

Date: July 16, 2004

From: Jorge M. Gonzalez
City Manager

A handwritten signature in black ink, appearing to read "Jorge", written over the printed name of the City Manager.

Subject: NOISE AND OCCUPATIONAL LICENSE TAX ORDINANCES

At the June 9, 2004 meeting of the City Commission, a draft Ordinance providing for amendments to the City's Occupational License Tax Ordinance was withdrawn by the Administration. At that meeting, the Mayor and Commissioners were informed that a revised Ordinance was going to be prepared, together with another supplementary Ordinance and brought for Commission consideration at the July 28, 2004 Commission Meeting.

Since the June 9th meeting, an Ordinance providing for revisions to the City's Noise Ordinance and revisions to the Occupational License Tax Ordinance have been prepared to forward to the Commission and the community for discussion.

In preliminary discussion with members of the community it has become apparent that there is support to focus specifically on noise as a problem within the community and to enact appropriate Ordinance amendments to the City's Noise Ordinance to address that problem. Community members also specifically requested that the review process be elongated so as to permit adequate time to consider the changes and discuss the proposals before being brought to the Commission for any action.

In order to simplify and appropriately focus discussion on the noise problem, the community representatives also requested that any changes in the Occupational License Tax Ordinance be separated from the discussion and handled at a different time than the Noise Ordinance.

Subsequent to meeting with community representatives about the package of Ordinances, the City has been successful in dissolving the injunction that had been imposed on the City relative to Occupational License Tax Suspension Revocation Hearings. As such, the immediate pressure to address potential flaws in the Occupational License Tax Ordinance is reduced and pursuing the noise problems apart from the Occupational License remedies is appropriate and recommended.

During the August recess, the Administration will circulate a draft of the amended Noise Ordinance both to community representatives as well as business representatives in order to gather comments and opinions before bringing the matter to the Commissions attention after the August recess.

Based on the preliminary discussions it appears as if the approach being taken has support of both the residential and business community and should create a more focused and less divisive discussion when the matter is presented for Commission action.

If you have any questions, please do not hesitate to contact me.


JMG:ROM/sam

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