

## **City of Coral Gables City Commission Meeting**

### **Agenda Item C-3**

**September 9, 2008**

**City Commission Chambers**

**405 Biltmore Way, Coral Gables, FL**

#### **City Commission**

**Mayor Donald D. Slesnick, II**

**Vice Mayor William H. Kerdyk, Jr.**

**Commissioner Maria Anderson**

**Commissioner Rafael “Ralph” Cabrera, Jr.**

**Commissioner Wayne “Chip” Withers**

#### **City Staff**

**City Manager, David Brown**

**City Attorney, Elizabeth Hernandez**

**City Clerk, Walter J. Foeman**

**City Clerk Staff, Billy Urquia**

#### **Public Speaker(s)**

---

C-3 [Start: (9:37:18 a.m.)]

Mayor Slesnick: C-3. You want to shoot at it first?

Commissioner Cabrera: Well, I'll take a shot at it; maybe we might have the same thought process, maybe we don't. But, as I reviewed the Consent Agenda, and saw C-2 and C4, the one thing that came to mind was that on C-2, and C-4, both of those are approvals of those resolutions. Incidentally, let me take a step back. What we are looking at, are a number of events coming up in Coral Gables, and C-2, had to do with a resolution granting to John Martin's Restaurant to sell alcoholic beverages from 7:00 p.m., until midnight, Friday, October 31<sup>st</sup>. Resolution C-4, was authorizing the Kiwanis Club of Little Havana to sell alcoholic beverages as part of their Art in the Park event on a number of days. And both of those resolutions ask for the beverages or the alcoholic beverages to be sold till midnight. C-3 allows the sale of alcohol beverages at the plaza located at 60 Merrick Way from Tuesday, October 2<sup>nd</sup> through Monday, October 13<sup>th</sup>, weekdays from 11:00 a.m., until midnight, and weekends from 11:00 a.m. until 2:00 a.m. And, my concern had to do with the 2:00 a.m., cut-off. I feel more comfortable in keeping it at midnight. Let me tell you my rationale, I just feel that this area is smack in the middle of residential, and more importantly than the fact that they are right next to residential, the noises and the sounds of music were reverberating terribly in that area, because of very little green space and there was quite a bit of high rises, specifically the Hyatt complex and the Aragon Building; and last but not least, our parking garage. So, that area really truly... and now, 55 Merrick Way which is Mr. Hill's project. So, that

City Commission Meeting

September 9, 2008

Agenda Item: C-3

Page 1

area really reverberates with a great deal of sound concerns. And, for that reason, I felt more comfortable if we would move it to midnight. I am not sure that that's your thought process.

Mayor Slesnick: Well, that's certainly part of it. I meant to tell you I have gotten more emails in the last week or so about complaints, about the establishment and the noise, from people living in the apartments who are just... The person I heard it from recently again was being kept up at night because of late operations on our public space; and I am concerned as you pointed out, Commissioner Cabrera that on two of these items, we are looking at one evening event on this side and we are being asked to use public property outside around residential structures for eleven straight days, eleven straight days. And, you know this is public property and I think that what we are doing is contributing to the dissatisfaction of our residents who we encourage to move downtown. So, I can assure you that I am totally opposed to the 2:00 a.m., and to the eleven days of outside entertainment on the plaza. And, I asked David yesterday to try and go back and fashion something else on this so that we can consider a more productive approach, but...

Commissioner Cabrera: Well, you know, I neglected to point out that the week day events were until midnight, and I also have a problem with that. I felt that maybe 11 o'clock would be more appropriate.

Mr. Brown: Mister... Commissioner Cabrera and Mayor Slesnick, let me bring Fred Couceyro to the podium because this did go through Special Events, and I think so me of the concerns that the Commission are pointing out right now may, may have been...

Mayor Slesnick: David, we'll do that, but let me tell you very clearly, because at this moment David, in public of what I have told you over and over again, that this has been a public nuisance, and that we are getting complaints from our residents, and nothing has been done to pull back the noise and the congregation of people and music and drinks serving and drinking on public property after hours, and David, I don't... Yeah, Fred can come up here, but I can tell you right now, we have not done the kind of job we need to do for our residents in controlling this situation.

Mr. Brown: We have added a police officer and a Code Enforcement Officer to the scene at their cost, and if the noise level is in violation of the Code, they are there to shut them down.

Mayor Slesnick: And the residents who complain to the officers tell the residents, no, they have a permit and they can go. So, what's the sense of having a police officer there if the police officer thinks he is working for the establishment and that if they have a permit that's okay, so they are not going to do anything?

Mr. Brown: It's my information Mr. Mayor, that, that's not the case. Fred, let's start.

Mayor Slesnick: Well, okay. I guess no one get's the message here, so... Go ahead, Fred.

Mr. Couceyro: Good Morning, for the record Fred Couceyro, Parks and Recreation Director. The event as stated does go on until 2 o'clock, but the activity that is until 2:00 a.m., is their normal operating business inside of their establishment. By midnight all the activity outside has to be moved inside. That's how the language was presented to us, there is no activity outside 'till 2 a.m. They do have from what I believe in terms of their normal operations they are opened until 2:00 a.m. on the weekends as part of their normal business operations and they will have music in there, but outside, the music will end at ten, and all the...

Mayor Slesnick: They music will end at ten?

Mr. Couceyro: On the weekends, yes. The outside music, we... When we discussed this with the Special Events Committee, we were aware of the noise issues, and we discussed it with them. We also will have the Code Enforcement Official there that was kind of mandated through the Commission as we talked about some other events, that were there to control the volume used after ... for the Hadley Park... it seemed to be pretty successful. But, in terms of this event, the music will be till ten, they are going to sell alcohol until midnight on weekends, and then they will go inside. Now, their normal business operating hours inside the restaurant will go until two as they are normally... They normally...

Mayor Slesnick: They don't normally do that anyway, so why do we think they are going to do it now?

Mr. Couceyro: Well, they don't normally do ...

Mayor Slesnick: Well, they are on the outside and bring all the activities inside. That's what the complaints we get, Fred. We, I mean this is ... public property is one thing you know when we have private parties...

Mr. Couceyro: Uh-huh.

Mayor Slesnick: ... we have laws, if the people, if the private parties are not abiding by the laws, we get complaints. I was awoken at home the other night by a citizen who decided to call me at home, to say that they were being kept up by a party, and they... got me up, but that's why there are parties and there is only so much we can do. This is public property outside, number one. Number two, it's leased from us, it's all public property and we are contributing to the problem if we don't do this properly, and then I can tell you right now, from what I have seen, we haven't done it properly yet. So, and then you tell me that oh, well they do live by their license and they go inside. What does a 2:00 a.m. doing in the vote.

Mr. Couceyro: But, we don't... The event is an inside and outside event. It's Ocktoberfest. It's....

Mayor Slesnick: If they have the right to do what they are going to do inside, why is it then a special vote? When they certainly accuse me that I am voting for something that is over, above what the normal operating procedures are...

Mr. Couceyro: Well...

Mayor Slesnick: ... we have no reason to be here Fred, if it was in their normal operating procedures.

Mr. Couceyro: When they go outside, there is an event outside it comes to the Special Events Committee. Their entire event as advertised is until 2:00 a.m., but the activity passed twelve, is to go into the restaurant. That's how we were presented the event in the Special Events Committee, that's what the police is going to uphold from our discussions.

Mr. Brown: Maybe in an abundance of caution, we can ask them on the weekends, on the weekends we can ask them to keep the same 10:00 a.m., and go inside on the weekends, but 10:00 a.m....

Commissioner Anderson: I think that's probably a wise idea.

Mayor Slesnick: 10:00 p.m.

Mr. Brown: At 10:00 p.m., for the entire, the entire function, they can go inside and take all their functions inside at 10:00 p.m.

Commissioner Anderson: And...

Mr. Brown: And that will give the plaza time to clear out so that by the time the noise ... really kicks in the people will be...

Mayor Slesnick: Well, I mean, I just want people to try to understand one thing, you know, we have Martin Lynch (phonetic) and .... And John Martin has activities and they do one night activities and we get complaints from the residents, but you know they do one night activities, we give them permission. The other thing is, Fred I was concerned that we make everyone else look for a really good charitable causes in order to approve this. I have no idea, and there was no background information on what the charitable cause here was except it is called Dolphin Aid.

Mr. Couceyro: It is a legitimate charitable organization, we don't normally have the background, I can get you some. It is basically an organization...

Mayor Slesnick: I mean, most of the people have legitimate charitable things which relate to Coral Gables. I don't know what Dolphin.Aid does.

Mr. Couceyro: Dolphin Aid is a ... it's a...

Mayor Slesnick: Miami Dolphins or dolphins in the sea or what?

Mr. Couceyro: Yes, it's actually Dolphins in the sea...

Mayor Slesnick: Well, I like Dolphins.

Commissioner Anderson: So, maybe by putting the description...

Mr. Couceyro: I can get you that... information if you like.

Mayor Slesnick: I would be happy.

Commissioner Anderson: That would be a good idea. And, also, we need to inform the Code Enforcement Officer to make sure that doors stay closed and that people aren't ingressing or egressing ...

Unidentified Speaker: Well, that is, that's certainly an issue and.... complaint by the terms of the Special Event, if the door is opened and there is music that is coming out of the actual facility, and especially on that committee, we look at all the activity test out.

Commissioner Cabrera: See, I don't have a problem with the event because people that buy a place in downtown Coral Gables, should expect a louder environment in which to live because you have got traffic and you have got all kinds of other events like this. I guess what I lean toward what Mayor Slesnick on his thinking because I do believe somehow, someday, this has become abusive; and I am not trying to pinpoint staff or stay that the committee that you serve on is not doing a good job, but the reality is, that he gets...you just heard him give you a complaint. By the way, Don when you got waken up, by that party, did you at least get invited to the party?

Mayor Slesnick: No, because the person who invited me was of course complaining... He wasn't at the party.

Commissioner Cabrera: Alright, Okay, I just wanted to know if he had invited... Bad manners though. The reality is that these things are occurring, and they are occurring more and more and even though people are moving into an area that is going to have a lot more noise and activity, I just don't have a sense of comfort with how we are managing

City Commission Meeting

September 9, 2008

Agenda Item: C-3

Page 5

that process. So, I prefer to move the time to midnight from 2:00 a.m., and from midnight on weekdays to 11:00 p.m., as a way to try to help out that neighborhood because it is a neighborhood, there are people that live in that area.

Mr. Couceyro: Would that also be closing the actual vendor in closing Fritz and Frantz the restaurant at midnight as well? Because that is what we thought with this committee to be honest with you. The outside event, we ended it at twelve, but the event continues, they go inside and play music, maybe ... as they are allowed to do.

Commissioner Cabrera: Right. Well, I am really interested in the outside aspects of the event.

Mayor Slesnick: Like Maria says, it's closing the doors. I mean... closing when people entering it.

Commissioner Cabrera: Absolutely.

Mayor Slesnick: But by propping the doors opened as has been done as for people outside...

Mr. Couceyro: And we have discussed this... and like I said, we will have a Code Enforcement Official there to deal with the noise. You know, that official stays in contact with dispatch and we... I have done it before, we all visit the neighbors and talked to them about the noise and we all listen to it and see what it is.

Mr. Manager: Mr. Mayor, I believe with this conversation, the people of Fritz and Frantz are going to understand that if they can't control their event that they are going to have a problem. I think that if we take all outside activity at 10:00 p.m., and close it down, and send them inside and make sure the doors are closed, and I think they better understand that if they have that... music cranked up inside that it gets outside that they are going to have a problem the next time that they come before this City Commission for an approval. And, I think the police officers, the Code Enforcement Officers understands what this Commission wants and will deliver that, and if Fritz and Franz cannot understand that, then there wouldn't be a recommendation out of this office for a next time.

Mr. Couceyro: The committee's issue is just we're in control on the outside not the inside.

Mayor Slesnick: Okay, do I have a motion for that?

Commissioner Anderson: I move that.

Mayor Slesnick: Ms. Anderson moves it.

Commissioner Withers: Okay, go ahead and tell me, so it's reducing? Can you give me... is it in Ralph's timeframes that we are working on?

Mayor Slesnick: No, we are ... it's 10 o'clock.

Commissioner Withers: 10 o'clock?

City Manager Brown: 10 o'clock outside.

Mayor Slesnick: To move it inside at ten o'clock. They can go under their license til two inside.

Commissioner Withers: So on weekdays and weekends?

City Manager Brown: Correct.

Commissioner Withers: So it's moved in at 10:00 a.m., or 10:00 p.m., on weekends ....

Commissioner Anderson: The whole time, right?

City Manager Brown: The whole time.

Commissioner Anderson: The whole time.

Commissioner Cabrera: That wasn't mine, that wasn't mine...

Unidentified Speaker: ... on a Sunday...

Commissioner Withers; That's wasn't Ralph's, that's what I was trying to...

Mr. Couceyro: On Sundays, we actually have the music stopping at eight.

Commissioner Cabrera: Yeah.

Mr. Couceyro: Because we knew that was a concern on Sundays.

Commissioner Cabrera: I don't think there is a formal... Did you make a motion?

Commissioner Anderson: I... Yeah, I...

Mayor Slesnick: Ms. Anderson did.

Commissioner Cabrera: Because I didn't

City Commission Meeting

September 9, 2008

Agenda Item: C-3

Page 7

Commissioner Anderson: I piggybacked on the Mayor's.

Mayor Slesnick: No, no she was kind... a little bit more than you were...

Commissioner Cabrera: Okay.

City Manager: The issue on the outside is when the music stops, or the refreshments stop people hang around and they talk and that noisy talk bouncing all over the place, so if we cut them off at ten, that will dissipate before midnight.

Commissioner Cabrera: Yeah, I can't go that early.

Commissioner Withers: Well, I mean...

City Manager Brown: I was just trying to be helpful.

Commissioner Withers; Well David you are right about that, I mean, there is no restriction of people hanging out in the plaza with the doors open and the music playing.

Commissioner Anderson: Well, the only other alternative would be...

Commissioner Withers; I mean, I don't have a problem with ten on week nights, but on weekends, I have a tendency to be a little more liberal on weekend...

Mayor Slesnick: I can tell you, I mean people tried at midnights...

Commissioner Withers: Yeah, that's fine. I mean....

Commissioner Anderson: That's fine.

Mayor Slesnick: Okay.

Commissioner Withers: Do we want to keep it at eight on Sundays, or do we want to keep Sunday at 10 o'clock like...

Commissioner Withers: Oh, this one they only applied for eight on Sundays?

Mr. Couceyro: That was part of the Committee's... when we talked with them; they were going to keep Sundays opened until eight. When we met, it's in here. When we met, I mean the noise was a big concern. There was a lot of discussion so we set up those limits where you go in on twelve on the weekends .... on the weekdays.



Commissioner Withers: So, we are not restricting his hours of operation.

City Manager Brown: No.

Commissioner Withers: We are just restricting his...

Commissioner Cabrera: We're not.

Commissioner Withers: No, I know, I am just saying this for people listing out there, we are just restricting the use of the City park...

City Manager Brown: The hours of... Right.

Commissioner Anderson: Right, the outside activities.

Commissioner Withers: Yeah, and that's what we...

City Manager Brown: Correct.

Commissioner Withers: Okay, that's fine.

Mayor Slesnick: Ten, ten weekdays, and eleven on...

Commissioner Withers: Weekends, Friday night Saturday night.

City Manager Brown: Right, go it.

Mayor Slesnick: Ms. Anderson, is that acceptable for you?

Commissioner Anderson: Absolutely.

Mayor Slesnick: Okay. Mr. Withers seconded it.

Commissioner Withers: yeah.

Mayor Slesnick: Moved by Ms. Anderson, seconded by Mr. Withers. Further discussion. Mr. Clerk.

City Clerk Foeman: Vice Mayor Kerdyk:

[Note: Vice Mayor Kerdyk noted as being absent at time of roll call.]

City Clerk Foeman: Commissioner Withers?

Commissioner Withers: Yes.

City Clerk Foeman: Commissioner Anderson?

Commissioner Anderson: Yes.

City Clerk: Commissioner Cabrera?

Commissioner Cabrera: Yes.

City Clerk Foeman: Mayor Slesnick?

Mayor Slesnick: Yes.