

City of Coral Gables City Commission Meeting
Agenda Item F-2
August 26, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

Interim City Manager, Carmen Olazabal

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Public Speaker(s)

Harald Neuweg, Neuweg Restaurant Group (Fritz and Franz)

Agenda Item F-2 [Start: 6:19:34 p.m.]

Discussion and/or action regarding weekly live music at the plaza located at
60 Merrick Way, hosted by Fritz and Franz Bierhaus
Commissioner Frank Quesada

Mayor Cason: Let me ask Fritz and Franz to come up and tell us what you would like us to do.

Commissioner Quesada: This is my item on the agenda.

Mayor Cason: Your discussion item, so go ahead.

Commissioner Quesada: Yes. Let me just start off real quick. Fritz and Franz used to have live music on Friday nights many years ago, I don't know how many years ago.

Mr. Harald Neuweg: From 1999 till 2008.

Commissioner Quesada: Till 2008, so 2008 was the last time. I think downtown, I think it's important to have live music. I just think that we need to follow the right procedure to do it. The reason I put this on the agenda is to get your thoughts from everyone else on the dais. As a downtown I think it's important to have lively activity at the open Stage Club, I know we have live music now there. I know John Martins on certain nights of the week, they have live music inside, we don't have anything outside.

Mayor Cason: Demetrio's has stuff inside.

Commissioner Quesada: Demetrio's, that's right, I forgot about that – and I know Fritz and Franz have been very successful, especially during the World Cup.

Mayor Cason: That was a great event.

Commissioner Quesada: Yes. They've had many great events.

Commissioner Lago: Great event. I was there.

Commissioner Quesada: And I just think that the live music aspect, obviously we need to be cognizant of the timing and the noise levels and the proper procedures, but I want to see staff, I want to see staff bring back an ordinance, so that we can amend the Code to allow live music, but obviously have the proper procedures in place to make sure that it's not overlapping with the other businesses or not affecting residents because its playing too late at night. So that's what I'm looking for support for. There was some discussion, I don't know if it was Harold or your partner or not, I guess I had a discussion with him and he thought that he didn't have to go through any procedures, which is not the case at all. I want to make sure that all the procedures are followed. If a business wants to have live music on a Friday night, you know obviously they still have to go through the procedure. Maybe it's not the exact special events permit, maybe there is a certain version of that, I'll leave that up to staff to give us a better idea what the actual procedure or mechanism should be. That's the reason for me putting it on the agenda. I really want to see that. Again, as long as we control it the right way.

Mayor Cason: I agree. I think this is sort of the beginning of a longer discussion that we will be having as we look to make, as we redevelop downtown, improve it. We also want to make it more fun within the boundaries of - I think I mentioned it before, but my son trains a lot of people for oracle at Blue Lagoon and when they, I always say, bring them down to Coral Gables to eat and they say it's too boring and they go to South Beach. We need to look forward, to make

this a more attractive place for all these young professionals that are coming into companies in the Gables that want to live, work, and play in the Gables so that they spend their money here.

Commissioner Quesada: But at the same time, we are not competing with South Beach, we don't want to be South Beach.

Mayor Cason: No. No. No, of course.

Commissioner Quesada: There is nothing wrong with...

Commissioner Lago: Classy entertainment.

Commissioner Quesada: In the Coral Gables style.

Mayor Cason: You are proposing to bring in jazz...?

Mr. Neuweg: Live music – we wanted to do the first months, the first Friday of the month as our Art on the Plaza, with having jazz music and having artists exhibiting their art, and then every other Friday probably having more Blues kind of live entertainment and not into the wee hours, we wanted to do this from 6 (p.m.) till 10 (p.m.)

Commissioner Quesada: I think your conversation it's also; I think it's something that we should apply through certain areas in the downtown. With that I had a pretty lengthy conversation with Major Hudak, if you can come on up, because he's had some concerns, he has more experience dealing with it and the complaints and concerns. So what do you think?

Major Hudak: Good evening Commission. Very quickly – when it was raised part of the e-mails and I sit on the Special Events Committee, so what our recommendation is from Special Events because although it's not considered a special event because its every Friday, our recommendation through staff is that you all consider it on a month-to-month basis because there are some liquor license issues to move things out onto the patio that need your approval. So Fred Couceyro, who is out of town, and we met – this kind of came up out of the blue to us, so our recommendation with your direction is that we look at it on a month-to-month and approve every Friday....

Commissioner Quesada: For that particular month.

Major Hudak:...For that particular month and we go on until we are able to come back to you by ordinance or resolution and say we should just let this continue. Part of the covenant that we put

in on the special events is that they have to also get not a unanimous, but a consensus buy-in for 55 Merrick, 10 Aragon, along with those issues and what else is going on in the streets.

Mayor Cason: You need to offer them free beer. (Laughter).

Major Hudak: If it's free beer....

Mayor Cason: Give them a couple of coupons.

Commissioner Quesada: Honestly, I don't know if I – it's a little; it's a concern for me. If you decide to live in the downtown I think you have to expect the downtown living...

Commissioner Lago: Atmosphere.

Commissioner Quesada:...the atmosphere. Again, I'm not saying that they should have music until 3 in the morning, that's not what I'm saying, but there are certain aspects of living in a downtown that you should expect that you are living in a downtown, that why you chose to live there. There are obviously some, I don't want to say repercussions, that's not the right word, but there are certain....

Commissioner Lago: Trade-offs.

Mayor Cason: Sophisticated entertainment.

Vice Mayor Kerdyk: Yes ---

Commissioner Quesada: I would hate for those buildings to shut down our downtown.

Vice Mayor Kerdyk: I agree, but we've had some historical situations with this...

Major Hudak: We did some statistical analysis from 2002 and this is obviously no reflection. Since 2002 we've have fielded over 70 loud parties, loud disturbance calls, specifically from this area. What we have found in drilling down since 2010, we've seen a drastic number change when we started to go through special events. I don't think Fred or I or the Manager is trying to elongate it and just because people complain about what's going on, it's also back on your staff to say, this is well within reason of what's going on. If we don't have some kind of a process it's our feeling that if somebody were to call every night, one person, and complain about what's going on, on Friday nights, the police officers to follow the Code would to be shut down the music. So really our recommendation is to go along this way because once we have assigned a

permit on this and approved it for that entire month, we wouldn't be shutting it down, we would be able to address the issues head-on from those people that are complaining, which is why we are at – we've knocked it down to 3 this year.

Commissioner Quesada: OK.

Mayor Cason: While we look – are you amenable to a month-by-month while they work out these liquor license issues and other things?

Speaker: We'll be happy with anything we can get.

Commissioner Lago: We haven't had live music since 2008, so.

Mr. Neuweg: It's difficult because it's a month-to-month, it's also very vague in the noise ordinance because there is no – it says, if somebody feels disturbed they can call the police. There are no dates available or anything.

Mayor Cason: Do we have a decibel level?

Major Hudak: We do have a decibel level and I'm not a sound engineer, but with the geographical – since they've had a lease with the geographical change of the – it's very hard to keep anything outside. People complain and we've had complaints for people just talking, smoking outside that it echoes up at 2 o'clock.

Mr. Neuweg: With respect to 110 and across the street.

Commissioner Keon: Isn't it only till 10 (p.m.), you get complaints before 10 o'clock at night?

Major Hudak: Yes.

Commissioner Keon: Really?

Major Hudak: Yes.

Commissioner Lago: That's what we are discussion...

Major Hudak: That's for discussion.

Commissioner Keon: What hour?

Major Hudak: We usually don't do – I mean we've gotten complaints, if it loud or like 7 o'clock or a weed whacker or a lawnmower or something like that, we do get those kinds of calls.

Commissioner Keon: Oh.

Major Hudak: Now whether we write a report or move to Code Enforcement know, but we do get the calls and complaints.

City Attorney Leen: The noise ordinance applies all day. It's just that there are certain presumptions after a certain hour.

Major Hudak: Loud amplified music is 11 o'clock during the week and up till 12 o'clock on the weekends that maybe something you want to tweak. Again, once we go through this our marching orders to the officers are a lot different. They know we have a permit, we get a copy of those permits, whether we can enforce off duty officers depending on what liquor is served and that's why we believe, not to create an obstacle for them, but let us go through the permit process to see. If we don't have these issues we'll be the first ones to say we think you should go back and just allow them to do it on their own like any other business.

Vice Mayor Kerdyk: I'm OK with that.

Commissioner Quesada: Can we make – I guess if I can get a consensus, can we ask staff to take a look and maybe put something together more formalized and working with the Major and whoever else needs to be involved to give us a live music...

Commissioner Lago: Component.

Commissioner Quesada: I guess outdoor live music ordinance so that we can consider....

Commissioner Keon: In the downtown.

Commissioner Quesada: In the downtown area. So let staff determine what the right streets might be, the right locations might be, come back to us and have a further discussion on that.

Commissioner Lago: I'll be in favor of that.

Mayor Cason: I agree. Anybody not agree?

Interim City Manager Olazabal: That's a comprehensive policy which may take more time than I think they may be looking at.

Mayor Cason: Long term. We are talking about long term.

Interim City Manager Olazabal: So long term – yes.

Commissioner Quesada: In the short term proceeding with Major Hudak's recommendation.

Interim City Manager Olazabal: Month-to-month and then we can look at a comprehensive policy.

Commissioner Quesada: And work that into your analysis for the comprehensive policy.

Interim City Manager Olazabal: Makes sense. OK.

Mayor Cason: OK.

Vice Mayor Kerdyk: Done.

Mayor Cason: Thank you.

Commissioner Quesada: Thank you guys.

[End: 6:29:36 p.m.]