

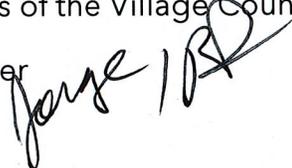
# BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 114-2016

To: Mayor Martin Packer and Members of the Village Council  
From: Jorge M. Gonzalez, Village Manager   
Date: June 10, 2016  
Subject: Bal Harbour Police Department - Code Enforcement at The Plaza

This Letter to Council (LTC) is a synopsis of our Police Department Code Unit's efforts in regards to the noise complaints as a result of the concrete restoration of the parking garage at The Plaza.

The Plaza property located at 10185 Collins Avenue has been conducting concrete restoration of their parking garage in anticipation of the building's 40 year recertification required by Miami-Dade County. The permits for this work were approved by our Building Department in November of 2015. The restoration work is being conducted by Structural Integrity Contractors, Inc. The project is being managed by the president of the company, Michael Brandt. The nature of the work involves the chipping away of concrete with hydraulic impact hammers in order to repair and restore the structural integrity of the parking garage. The project involves three more phases which include approximately two to three weeks of loud concrete chipping followed by an equal amount of time of quiet work. The project is expected to be completed by November of 2016.

On March 17, 2016 Code Officer Mobley received a complaint of excessive noise as a result of this project from the adjacent property, The Tiffany. Code Officer Mobley responded to The Plaza and coordinated with Building Inspector Evers to ensure that the project was using all noise mitigation practices as required by Bal Harbour Village Code Section 11-29(c). Inspector Evers confirmed that all equipment being utilized for this project were in accordance with our code. Additionally, Inspector Evers directed the contractor on where to install additional noise mitigation blankets as well as increased dust mitigation procedures.

On May 31, 2016 Code Officer Mobley received a complaint of excessive noise at The Plaza project. The complainants, Mr. and Mrs. Schrock, reside at The Plaza. Their apartment is adjacent to the location where the current work is being performed. Code Officer Mobley and Sgt. Vargas responded to the work site at approximately 4 p.m. to evaluate the situation. Code Manager Escarra was consulted and he advised to have the contractor cease all work until a meeting between the contractor, building property management and our Code Enforcement occurred. The meeting was scheduled for the next day at 2 p.m.

On June 1, 2016 at 2 p.m. a meeting was held with the aforementioned parties at The Plaza management office. The property manager along with two board members advised that they had advised all residents of the nature and scope of the work. The property manager, Ms.

Repaci, advised that Mrs. Schrock along with another resident, Mr. Harvey Finkel, were sending emails to them and the residents demanding that the work cease because it was not in accordance with the Village's noise ordinance. Ms. Repaci also advised that Mr. Finkel was currently staying in New York. Mr. Brandt advised that he had offered Mr. and Mrs. Schrock to install additional sound mitigation for their apartment but that his offer had been declined. Code Manager Escarra advised all parties that they may resume the work but that any violation of the noise ordinance would be enforced.

On June 2, 2016 Code Officer Mobley asked Mr. Schrock if she may meet with him at their apartment top take a decibel reading of the noise while the work was in progress. Code Officer Mobley's request was declined. Code Manager Escarra directed Code Officer Mobley to take decibel readings in close proximity to areas from where the initial complaint was initiated as well as 100 feet from the job site as required by code. Code Officer Mobley conducted several such readings which were all within the allowable maximum of 74 decibels permitted in the Commercial Apartment District delineated by Village Code.

On June 7, 2016 Code Officer Mobley was contacted by Mrs. Schrock requesting that a decibel reading be taken of the work in progress. Code Officer Mobley responded and took a decibel reading from within Mrs. Schrock apartment. The measured decibels were 64.7, also within the allowable limits.

On June 8, 2016 Mr. Harvey Finkel contacted Code Officer Mobley and insisted that we stop the work and attempt to broker a deal between the board and himself. Mr. Finkel confirmed that he was in fact in New York. Mr. Finkel was advised that we would enforce the Village Code but that any business between him and the board was outside the realm of our jurisdiction. Mr. Finkel responded by emailing Code Officer Mobley a 60 minute deadline to reconsider or he would make a complaint to the Miami-Dade Building Department. After 60 minutes had passed, Mr. Finkel sent another email advising he had reported his complaint to the Miami-Dade Building Department. The Code Unit has been diligently working to mitigate this matter in a legal, reasonable and prudent manner. The Code Unit will continue to monitor this construction site and conduct decibel readings throughout the remainder of this project.

If you have any questions or need any additional information, please feel free to contact me or the Police Chief Overton directly.

JMG/MNO/ME