



CITY OF FORT LAUDERDALE

MEETING MINUTES
CITY OF FORT LAUDERDALE
NOISE CONTROL ADVISORY COMMITTEE (NCAC)
FORT LAUDERDALE FIRE RESCUE DEPARTMENT – FIRE STATION #2
3RD FLOOR CONFERENCE ROOM
TUESDAY, OCTOBER 24, 2023 – 1:00 P.M.

July 2023 – June 2024

Attendance

Eugenia “Genia” Ellis, Chair	P	3	0
William Brown, Vice-Chair	P	3	0
Ralph Stone	P	3	0
Rocco Ferrera	P	3	0
Steven Hudson	P	1	2
Chad McCoury	P	3	0
Miguel Pilgram	P	3	0
Tim Petrillo [arrived 1:17 P.M.]	P	2	1
Renee Quinn	P	1	2
Dev Motwani	P	2	0

Call to Order & Determination of Quorum

Chair Ellis called the meeting to order at 1:03 P.M.

A **motion** was made by Mr. Hudson, seconded by Mr. Brown, to allow committee member Renee Quinn to participate virtually. In a voice vote, the **motion passed** unanimously (10-0).

Roll was called and a quorum was present.

Staff

Porshia Garcia, Deputy Director, Development Services Department
Stephanie Bass, Code Compliance Supervisor
Katrina Jordan, Code Compliance Manager
Donna Varisco, Executive Assistant to the City Manager

Others

Carla Blair, Recording Secretary, Prototype-Inc.

Approval of the August 23, 2023, Meeting Minutes

A **motion** was made by Mr. Brown, seconded by Mr. Pilgram, to approve the August 23, 2023, meeting minutes. In a roll call vote, the **motion passed** unanimously (10-0).

Approval of the September 26, 2023, Meeting Minutes

A **motion** was made by Mr. Brown, seconded by Mr. Pilgram, to approve the

September 26, 2023, meeting minutes. In a roll call vote, the **motion passed** unanimously (10-0).

New Business

- **Motion to allow committee member Renee Quinn to participate virtually**

The motion was made and approved prior to roll call.

- **Discussion and List of Noise Ordinance Recommendations to submit for City Commission consideration.**

Ms. Porshia Garcia, Deputy Director, said the City Commission requested the Committee return to them within 60 days to receive their direction on the amendments to the Chapter 17 Noise Ordinance. Her goal today is to hear what items the Committee would like to propose before the City Commission provides direction.

Mr. Brown said it would be best to reconfirm what the Committee originally agreed upon at the previous meeting.

Mr. Stone stated he has a number of motions he would like to make.

Ms. Garcia reviewed the following:

- Issues with vehicular noise
- Code enforcement
- Types of noise of complaints received
- Committee did not support for plainly audible findings
- Committee did not support interior sound level monitoring
- Committee did not support establishing building definitions
- Penalty for repeat offenders
- Committee support for a 6-month trial of changes

Mr. Stone said he supports many of the items but some he does not. He explained there are a whole host of issues with the Entertainment District.

Discussion ensued about the end time for outdoor amplified music.

Mr. Stone suggested the dBA and dBC levels are inappropriate and noted the risk for hearing loss.

A **motion** was made by Mr. Stone to modify the Entertainment District Standard to 65 dBA outdoors and 55 dBA indoors. Motion died due to lack of second.

Mr. Hudson does not agree with the motion.

Mr. Stone explained the purpose of Special Entertainment Districts. He questioned why the Special Entertainment Districts need increased dBA levels in order to be successful. He said the intensity of noise doubles and even triples and is unhealthy.

Ms. Garcia reviewed the recommendations from the consultant's report specific to the Special Entertainment Districts.

Mr. Stone reiterated patrons and residents will be hurt by increased sound levels. He asked about the value of allowing a handful of bars and restaurants to exceed the City's noise standards by 20-25 dBA.

Discussion ensued about dBA levels and the City's standards. Chair Ellis reminded the Committee their charge is outdoor sound.

Mr. Petrillo said the challenge has, historically, been enforcement.

Discussion ensued between Mr. Stone and Mr. Petrillo about sound monitoring devices. Mr. Petrillo stated he is opposed to further burdening a business with additional expenses. Mr. Petrillo said the ordinance needs some teeth. He suggested the City, and not the landlords, need to control the Special Entertainment District.

Discussion continued about dBA and dBC levels. Ms. Garcia confirmed the consultant suggested the limits remain as they currently are.

Mr. Pilgram spoke about the violations and operators. Mr. Petrillo noted many of the violations go to the Special Magistrate and are thrown out due to the enforceability of the ordinance.

Ms. Garcia stated the consultant recommended that Code subtract 10 dB from the readings to eliminate the contribution of adjacent sources at similar sound levels. He also recommended a 2-4 month testing period.

Mr. McCoury asked about the recommendation regarding noise levels that travel vertically. Ms. Garcia explained the consultant recommended the 10EZ model.

Discussion ensued about enforcement, violations, penalties and landlord involvement.

Mr. Petrillo reiterated the City needs to be in charge of managing the Special Entertainment District.

Vice-Chair Brown suggested a consideration of no amplified sound equipment placed outside an establishment with a cut off time. Ms. Garcia confirmed the consultant recommended enforcement of closing of doors and windows after 12:00 A.M. She added Chapter 5 was previously superseded by Chapter 17 so that is what Code enforces.

Discussion ensued about outdoor speakers, Chapter 5-34, and Code enforcement.

Mr. McCoury recommended developing a new annual permit for outdoor amplified music, similar to a sidewalk café permit.

Discussed ensued about chronic violators. Ms. Garcia said there are limits to Code Enforcement penalties, but they have worked with the City Attorney's Office to have things filed in Circuit Court.

Ms. Garcia noted some of the Commissioners expressed concerns about the consultant's report about increasing sound levels in residential areas. She added a majority of the noise violations are vacation rentals.

Discussion continued about outdoor amplified music, Chapter 17, ambient sound, dBA, residential areas, and measurement.

Ms. Garcia clarified the Committee would like to add a recommendation about an annual entertainment permit for vendors with outdoor amplified sound.

Discussion ensued about the upcoming City Commission conference meeting.

- **Discussion whether to continue with the scheduled monthly meetings until the end of the Committee's term December 2023.**

Chair Ellis said they are at the will of the City Commission now. Ms. Garcia added the Committee will sunset in December.

A **motion** was made by Mr. Brown, seconded by Mr. Petrillo, to cancel the November meeting and give the Chair the right to decide if the December meeting is necessary and if the City Commission sees fit to extend the committee after December 31, 2023, they have the authority to do so. In a voice vote, the **motion passed** unanimously (10-0).

Ms. Varisco noted the December meeting is currently scheduled for December 26, 2023.

Good of the Order

No additional comments.

Public Comments

No public comments.

Next Scheduled Meeting Date

To be determined.

Adjournment

The meeting was adjourned at 2:48 P.M.

[Minutes prepared by TBaclawski, Prototype-Inc.]