



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, MARCH 26, 2024 – 1:00 P.M.

**July 2023 – June 2024**

**Attendance**

Eugenia “Genia” Ellis, Chair	A	1	1
William Brown, Vice-Chair	A	1	1
Ralph Stone	P	2	0
Rocco Ferrera	A	1	1
Steven Hudson	P	2	0
Chad McCoury	A	1	1
Tim Petrillo	P	2	0
Steve Wice	P	2	0
Dev Motwani	P	1	1

**Call to Order & Determination of Quorum**

The meeting was called to order at 1:12 P.M.

Roll was called and a quorum was present.

**Staff**

- Anthony Fajardo, Assistant City Manager, Committee Liaison
- Katrina Jordan, Code Compliance Manager
- Rhonda Hasan, Assistant City Attorney
- Porshia Garcia, Deputy Director, Development Services
- Stephanie Bass, Code Compliance Supervisor
- Captain Kim Maus
- Donna Varisco, Executive Assistant to the City Manager

**Others**

Karen Cruitt, Recording Secretary, Prototype-Inc.

A **motion** was made by Mr. Hudson, seconded by Mr. Motwani, to appoint Tim Petrillo as Acting Chair. In a roll call vote, the **motion passed** unanimously (5-0).

**Approval of the February 27, 2024, Meeting Minutes**

A **motion** was made by Mr. Wice, seconded by Mr. Stone, to approve the February 27, 2024, meeting minutes. In a roll call vote, the **motion passed** unanimously (5-0).

## **New Business**

- **Review and Discussion on 90-Day Noise Pilot Study Report and Comparison Report – Katrina Jordan**

Ms. Katrina Jordan, Code Compliance Manager, noted this weekend would be the last of the noise monitoring study. A brief discussion ensued about the chart and businesses located within the Entertainment District. Ms. Jordan clarified they were compiling a list of businesses, specifically within the Entertainment District.

Ms. Jordan began the presentation (attached) and reviewed the following: Commission Directive; Noise Study Parameters; Current Ordinance – Maximum Permissible Sound Level Limits dBA; Current Ordinance – Special Entertainment District; and Current Ordinance – Commercial, Mixed Use, and Industrial.

Mr. Wice asked if a patron could complain about noise levels within a business. Assistant City Manager Fajardo replied that the ordinance does not regulate noise from a safety standpoint. Ms. Garcia clarified the consultant recommended businesses voluntarily install a noise machine but the Committee did not reach a consensus on the specific item so it is not included. She added Code can investigate a complaint, despite any action the business takes.

Ms. Jordan continued her presentation and reviewed the Proposed Ordinance Revisions, which were:

- Conduct noise readings five (5) feet from the building, structure or establishment from which the sound is emanating.
- Increase the maximum permissible sound levels by 10dB
  - Would this apply to the Special Entertainment District
- Subtract 10dB for venues with adjacent properties
  - Define adjacent properties
- Allow code officers to proactively cite properties for violations of the noise ordinance

Discussion ensued about the noise readings distance. Ms. Garcia further explained the current code, measurement, and sound source. Mr. Wice argued every venue is different. Assistant City Manager Fajardo acknowledged Mr. Wice's comments but noted the City was trying to create a more equitable process. Discussion continued about measurement distance and Rock Bar, as an example. Ms. Jordan said she could note where the measurement was taken from the front or rear of the business. Mr. Wice stated his issue is with the 90 day report and protocol. Mr. Stone opined on the seven-fold increase in dBA in the Special Entertainment District.

Ms. Jordan continued the presentation and reviewed the Noise Reading Comparisons; Proactive Noise Readings; and Summary of Noise Readings. She stated they found 24 violations out of 138 inspections, listed the specific venues, and number of visits. She

clarified no violations were issued since it was a study. The following was a summary of the noise readings:

- Would the recommended changes net more violations?
  - Uniform noise reading requirements would assist in improved ordinance enforcement.
- Conducting proactive noise readings would utilize the venue's use for maximum dB levels (no complainant)
- Maximum dBC levels throughout the City should mirror the SED limits.
  - A lower dBC would place many venues in violation.

Ms. Jordan noted most complaints were specific to vacation rentals but they also receive a regular complaint about Café del Mar from one resident.

Mr. Stone spoke about the high readings for Revolution Live. Ms. Jordan confirmed they visited Revolution Live four times and was slated to be measured again this weekend.

Mr. Petrillo mentioned crowd noise and enforcement. Ms. Garcia replied the consultant's recommendation considered the ambient noise, which was why the suggestion to take the readings closer to the source.

Assistant City Attorney Hasan described the challenges of ambient noise and enforcement. She added there have been challenges with readings due to ambient noise from traffic.

Ms. Garcia explained how the code officers take three consecutive 30-second readings.

Mr. Stone noted the risk of high sound levels and temporary and permanent hearing loss.

Mr. Petrillo argued the issue is: there are a few bad apples. Mr. Wice asked if they could recommend eliminating the Special Entertainment District. Assistant City Manager Fajardo said that specific item was not within the purview of this Committee.

Discussion ensued about violations, ambient sound, various scenarios, and enforcement.

Mr. Petrillo asked about next steps. Ms. Jordan stated this presentation was the data but the recommendation needs to come from the Committee. She added, only 11 of the 138 inspections had dBC levels over 85. Ms. Garcia stated the consultant's work was completed and the Committee would provide comments on the final report and recommendations to the City Commission on modifying the ordinance.

Assistant City Attorney Hasan further explained the current ordinance and amplified sound. She added Miami Beach regularly completes proactive inspections.

Mr. Hudson stated he does not feel comfortable moving forward with recommendations with four Committee members absent. Mr. Motwani asked for a copy of the Committee's original recommendations and copy of the final report.

Mr. Stone asked about voluntary or required sound monitoring. Mr. Petrillo responded it was more about enforcement for repeat violators. Assistant City Attorney Hasan added there was ongoing discussion about enforcement.

Discussion continued about the venues in the Special Entertainment District.

Mr. Wice expressed concern about spending time making recommendations if it was not enforceable or make any significant change. Mr. Motwani mentioned the previous discussion about increasing citations for repeat violators. Assistant City Attorney Hasan stated the maximum civil penalty for a citation is \$500 according to the state statute but noted a provision for exceedance of the amount, up to \$15,000. Discussion continued about citations.

Mr. Petrillo reiterated the request to have the final report circulated prior to the next meeting.

- **Legal Opinion regarding Proactive Enforcement vs. Complainant Enforcement – Rhonda Hasan, Assistant City Attorney**

Assistant City Attorney Hasan's comments were already incorporated in the discussion.

### **Good of the Order**

No additional comments.

### **Public Comments**

No public comments.

### **Next Scheduled Meeting Date**

The next scheduled meeting will be held Tuesday, April 23, 2024 at 1:00 P.M.

### **Adjournment**

The meeting was adjourned at 2:38 P.M.

[Minutes prepared by TBaclawski, Prototype-Inc.]