



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, APRIL 23, 2024 – 1:00 P.M.**

**July 2023 – June 2024**

**Attendance**

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

**Call to Order & Determination of Quorum**

The meeting was called to order at 1:02 P.M.

Roll was called and a quorum was present.

**Staff**

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

**Others**

Hiram Hernandez, Director of Security, Pier 66  
Ken Blum, Portofino resident  
Steve West, Building Manager, Las Olas Beach Club  
Officer Dean Shoen, Florida Police Department  
Officer Jeff Beauregard, Florida Police Department  
Karen Cruitt, Recording Secretary, Prototype-Inc.

Chair Ellis asked the guests to introduce themselves.

**Approval of the March 26, 2024, Meeting Minutes**

A **motion** was made by Mr. McCoury, seconded by Mr. Motwani, to approve the March 26, 2024, meeting minutes. In a roll call vote, the **motion passed** unanimously (5-0).

## **New Business**

- **Review and Discussion of Final 90-Day Pilot Data Summary and Pilot Study Readings – Exhibit 1**

Chair Ellis stated if the Committee does not believe 90 days was sufficient, a Communication to the City Commission could be sent to request an additional 90 days.

Ms. Katrina Jordan, Code Compliance Manager, suggested the 90 days was sufficient to gather enough data and inform decisions.

Ms. Porshia Garcia, Deputy Director, reviewed the following staff recommendations to amend Chapter 17:

- Amend the ordinance to include dBC limits in Table 1 of Chapter 17.
  - dBC limits would be 10 dB higher than the dBA levels.
- Amend ordinance to include location for code officer to take proactive measurements.
  - Recommended location: Five (5) feet from the building, structure or establishment.
  - We may not need to include if the City prevails on our citation of 17-71.b. Rights-of-way for amplified sound being plainly audible 25 feet from the sound source (paraphrased).
- Special Entertainment District
  - Amend the ordinance to state that when there is a complainant, sound measurements shall be taken from the property line of the complainant instead of five (5) feet from the building, structure, or establishment.

Discussion ensued about measurement from the complainant's property line.

Ms. Garcia continued by reviewing the following:

- Add Section to Section 17-7
  - 10. Non-Amplified sound
    - a. Residential use:
      - Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily.
      - Sound shall not be plainly audible for a period of one (1) minute or longer at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily.

- Amend Ordinance to include language from Section 5-34 of the Code of Ordinances and amend existing language in Chapter 17 that conflicts with the section below:
  - Sec. 5-34. - Hours music or disturbing noises prohibited.
    - No person licensed under the state beverage law, except nightclubs, shall allow or permit after 11:00 p.m. instrumental music, singing or other forms of entertainment, in any room where beers, wines, liquors or alcoholic beverages are sold or offered for sale, indoors or outdoors, unless such room or rooms are soundproofed, in order that the noise therefore may not disrupt the peace and quiet of the neighborhood. It being intended hereby that in rooms soundproofed as defined in this section, music, singing and other forms of entertainment may be conducted during the hours that alcoholic beverages may be sold, as set forth in this chapter, but at no other hours.

Mr. Motwani stated if this was about commercial areas, he would be completely against this recommendation. He added that this would kill businesses.

Assistant City Manager Fajardo provided an example of a venue directly adjacent to residential.

Mr. Motwani reiterated his concern and said it seems like overreach.

Discussion ensued about various venues and zoning locations.

Mr. Motwani asked to hear from staff on the topic.

Ms. Garcia mentioned locations that receive a lot of residential noise complaints.

Mr. Motwani suggested the chart is inaccurate based on 75 dBA because the dBA levels for the Special Entertainment District is 85 dBA. He noted it reads like a violation and asked for it to be corrected. Mr. Motwani also stated the measurements were captured during peak season.

Discussion continued about outdoor amplified sound.

Chair Ellis suggested the Committee's objective was to identify a reasonable time for outside sound to cease. Mr. Motwani said it was more about enforcement.

Ms. Garcia stated the Committee could make a recommendation independent of staff's recommendation.

Chair Ellis asked if the items in 5-34 are already covered in Chapter 17. Ms. Garcia replied mostly in commercial.

Mr. Fajardo stated that staff could attempt to wordsmith the section and bring back for consideration. He suggested examining it by zoning districts.

Mr. Motwani reiterated his desire to protect rights of businesses but have a code that addresses bad actors.

There was consensus to have staff provide some options to consider for this section.

Mr. Motwani recommended changing establishment to property line to make it clear where the measurements are taken from.

Mr. McCoury asked about adding dBC to table 1. Ms. Garcia confirmed the recommendation was to add dBC limits since they do not currently exist for non-Special Entertainment Districts. Ms. Jordan added the dBC levels in the Special Entertainment District are 95 instead of 85 and there were no violations of the current code sound level.

Chair Ellis welcomed feedback from guests.

Mr. Ken Blum, resident of the Portofino, stated his main concern was Rock Bar and noted the sound was plainly audible within his building and specific unit. He said he measured both from the ground level and inside his unit. He was impressed with the study and thanked the Committee for attempting to address the issues. He also spoke about the noise levels of cars and motorcycles.

Mr. McCoury added that vehicle noise was a big concern on Seabreeze but noted the City has more enforcement tools, which resulted in an increase in citations and pullovers.

Mr. Blum suggested a noise camera for the Seabreeze and Cortez intersection. Chair Ellis replied they brought forth the idea, but it is not possible within the City.

Officer Schoen mentioned they wrote over 4,000 tickets.

Mr. Steve West, Building Manager, Las Olas Beach Club, stated the biggest challenge with the ordinance is the ability to enforce and proactively deal with issues prior to complaints.

Chair Ellis welcomed additional suggestions.

Vice Chair Brown asked Legal to revisit the fines for repeat offenders. Ms. Garcia responded that they were still waiting on an opinion from the City Attorney's Office.

Ms. Garcia stated one of the consultant's recommendations was to reduce levels from 65 dBC to 55 dBC after 11:00 p.m. for Commercial districts. She asked for feedback.

Chair Ellis and Mr. Motwani expressed opposition. Ms. Garcia stated staff was neutral. After further discussion, Chair Ellis confirmed there was no Committee support.

- **Review of Noise Ordinance Recommendations from Neighbors – Exhibit II**

Ms. Garcia noted most of the feedback received had been covered by their discussions. She mentioned they intend to go before the Council of Fort Lauderdale Civic Associations on June 11, 2024 to solicit input prior to the City Commission presentation.

- **Formulate List of Recommendations to Amend Current Noise Ordinance for City Commission Consideration**

Discussed throughout the meeting.

Chair Ellis asked about feedback from code officers.

Ms. Bass stated the primary difficulties expressed were the location of measurements in the Special Entertainment Districts. She stated the recommendations would provide more clarity.

Discussion ensued about the code officers' equipment.

Chair Ellis asked whether the Police Department had a sound measurement device. Officer Beauregard replied they possess one outdated device.

### **Good of the Order**

Chair Ellis said she looks forward to seeing Pier 66 back in action.

### **Public Comments**

No additional public comments.

### **Next Scheduled Meeting Date**

The next scheduled meeting will be held Tuesday, May 28, 2024 at 1:00 P.M.

### **Adjournment**

The meeting was adjourned at 2:13 P.M.

[Minutes prepared by TBaclawski, Prototype-Inc.]