



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, MAY 28, 2024 – 1:00 P.M.

July 2023 – June 2024

Attendance

Eugenia “Genia” Ellis, Chair	P	3	1
William Brown, Vice Chair	P	3	1
Ralph Stone	A	2	2
Rocco Ferrera	P	3	1
Steven Hudson [arrived 1:06 P.M.]	P	3	1
Chad McCoury	P	3	1
Tim Petrillo	P	3	1
Steven Wice	P	3	1
Dev Motwani	P	3	1

Call to Order & Determination of Quorum

The meeting was called to order at 1:01 P.M.

Roll was called and a quorum was present.

Staff

Katrina Jordan, Code Compliance Manager
Rhonda Hasan, Senior Assistant City Attorney
Donna Varisco, Executive Assistant to the City Manager

Others

Cornelius Van den Berg, Resident
Karen Cruitt, Recording Secretary, Prototype-Inc.

Chair Ellis asked the guest to introduce themselves.

Approval of the April 23, 2024, Meeting Minutes

Mr. Petrillo expressed concern about the language regarding soundproofing rooms under Section 5-34. A brief discussion ensued.

Mr. Wice suggested the ordinance language is too complex.

A **motion** was made by Mr. Brown, seconded by Mr. McCoury, to approve the April 23, 2024, meeting minutes, as presented. In a roll call vote, the **motion passed** unanimously (8-0).

New Business

- **Review of Staff's Recommendations and Discussion of Committee's Suggestions for Amendments to the Noise Ordinance and Next Steps**

The Board discussed comments and requested edits from previous meeting. Ms. Jordan confirmed staff still needs to prepare the edits for consideration. Senior Assistant City Attorney Hasan agreed to check on updates with the City Attorney's Office concerning the legality of enforcing penalties and requirement of a sound license. A discussion ensued about penalties. Senior Assistant City Attorney Hasan provided an example from another city illustrating the suspension of an occupational license to operate, from the time when occupational licenses were issued by municipalities

Mr. Motwani stated that his understanding was their intent to revisit the language regarding measurement locations, add a dBC limit, and then increase fines. They wanted to pilot these changes for a year and, if they didn't work, implement more significant measures.

The Board discussed the location of measurement readings and the source of the sound. Ms. Jordan provided an example from Rock Bar, explaining that they measured from 5 feet at ground level, as the ordinance does not permit readings from the complainant's property line in the Special Entertainment District.

Discussion continued about measurement location, ambient noise, and decibels.

A **motion** was made by Mr. Motwani, seconded by Mr. Petrillo, to scratch Section 5-34 and focus on developing a graduated enforcement penalty schedule with Legal Counsel for the Board to review and consider. In a roll call vote, the **motion passed** unanimously (8-0).

The Board further discussed the intent of Section 5-34. Mr. Hudson noted that cannabis-infused beverages would likely need to be included in the language.

Mr. McCoury revisited the discussion about the location of measurements in the Special Entertainment District. Mr. Wice suggested that measurements should be taken at the perimeter closest to the complainant. Mr. Petrillo outlined the challenges and enforcement issues related to obtaining accurate readings.

A **motion** was made by Mr. Wice, seconded by Mr. Motwani, that a reading should be taken at the property line closest to the complainant in the Special Entertainment District.

The Board discussed the motion and enforcement. Mr. Wice further explained the intent of his motion.

Mr. Wice withdrew his motion. Mr. Motwani withdrew his second.

Vice Chair Brown inquired whether a form could be added to the business tax receipt application, asking if the business will produce sound and agreeing to comply with the sound ordinances. Senior Assistant City Attorney Hasan replied no and further explained the business tax receipt.

The Board discussed creating an outdoor permit/license for amplified sound and Special Magistrate hearings.

Mr. Petrillo suggested prioritizing enforceability. Mr. Motwani concurred, proposing the adoption of dBC limits, adjusting the source location of noise readings within the Special Entertainment District, integrating recommendations for managing noise from vacation rentals, and collaborating with Legal to devise a penalty structure that escalates for repeat violations. He emphasized that if these measures fail to curb the issue, the City could resort to implementing an outdoor noise ordinance to revoke licenses.

The conversation progressed to encompass enforcement strategies, prior violations, and proactive measures. Senior Assistant City Attorney Hasan cautioned that proactive measurement might risk being perceived as selective enforcement.

Mr. Petrillo emphasized his commitment to targeting problematic actors while ensuring that compliant businesses aren't unduly affected by proactive measurements.

Chair Ellis asked if there was support for Code Enforcement to take proactive measurements at establishments with known complaints. Two Board members raised their hands in support. Three Board members raised their hands in opposition. Discussion continued about proactive measurements.

Mr. Petrillo inquired of Senior Assistant City Attorney Hasan regarding the most expeditious means of dealing with problematic actors. Senior Assistant City Attorney Hasan responded that the optimal approach involves establishing a mechanism incorporating due process and staggered penalties.

Ms. Jordan mentioned that August 20th is the date to present findings to the City Commission.

Senior Assistant City Attorney Hasan confirmed that the City Attorney's Office would have a draft prepared for the next meeting.

Mr. Van den Berg raised concerns about the sound level of an event occurring at the Backyard and its impact on children. Chair Ellis explained it was a special event permit for the Florida Panthers game and they were in compliance.

Vice Chair Brown inquired about the average response time by Code Enforcement regarding complaints. Ms. Jordan responded that they strive to address complaints immediately upon receiving them. She elaborated on the FixIt app process, mentioning that there is no monitoring on the weekends. Mr. Hudson suggested that increasing staffing might be necessary to improve response times to complaints.

Good of the Order

Chair Ellis noted they would not meet quorum for the June meeting.

A **motion** was made by Mr. Brown, seconded by Mr. Motwani, to cancel the June meeting. In a roll call vote, the **motion passed** unanimously (8-0).

Public Comments

No additional public comments.

Next Scheduled Meeting Date

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

Adjournment

The meeting was adjourned at 2:46 P.M.

[Minutes prepared by TBaclawski, Prototype-Inc.]