



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, JULY 25, 2023 – 1:00 P.M.

**July 2023 – June 2024**

**Attendance**

Eugenia “Genia” Ellis, Chair	P	1	0
William Brown, Vice-Chair [virtual]	P	1	0
Ralph Stone	P	1	0
Rocco Ferrara	P	1	0
Steven Hudson	A	0	1
Chad McCoury	P	1	0
Miguel Pilgram	P	1	0
Tim Petrillo	A	0	1
Renee Quinn	A	0	1

**Call to Order & Determination of Quorum**

Chair Ellis called the meeting to order at 1:05 P.M.

Roll was called and a quorum was present.

**Staff**

- Anthony Fajardo, Assistant City Manager, Committee Liaison
- Porshia Garcia, Deputy Director, Development Services Department
- Stephanie Bass, Code Compliance Supervisor
- Sarah Hannah-Spurlock, Nighttime Economy Manager
- Katrina Jordan, Code Compliance Manager
- Major Victor London, Chief’s Executive Officer, Fort Lauderdale Police Department
- D’Wanye Spence, Interim Assistant City Attorney
- Donna Varisco, Executive Assistant to the City Manager

**Others**

- Gary Siebein, Siebein and Associates (virtual)
- Keely Siebein, Siebein and Associates (virtual)
- Martin Gold, Siebein and Associates (virtual)
- Susan Behar, Las Olas Beach Club
- Carla Blair, Recording Secretary, Prototype-Inc.

A **motion** was made by Mr. McCoury, seconded by Mr. Stone, to allow Vice-Chair Brown to join virtually. In a voice vote, the **motion passed** unanimously (6-0).

### **Approval of the June 27, 2023, Meeting Minutes**

A **motion** was made by Mr. McCoury, seconded by Mr. Stone, to approve the June 27, 2023, meeting minutes. In a roll call vote, the **motion passed** unanimously (6-0).

### **New Business**

- **Motion to Change the Meeting Date of the August 2023 Noise Control Advisory Committee Meeting to either August 23, 2023, or August 28, 2023**

A **motion** was made by Vice-Chair Brown, seconded by Mr. Stone, to move the meeting to August 23, 2023, at 1:00 P.M. at Fire Station #2. In a roll call vote, the **motion passed** unanimously (6-0).

- **Review and Discussion of Preliminary Draft Report by Siebein Associates**

Chair Ellis noted the draft report was provided to all Committee members and inquired when the final report will be completed.

Mr. Gary Siebein, consultant, replied their original plan was to complete the final report so it could be presented at a September meeting. He recommended a second round of discussion and review of the draft final report at the August 23<sup>rd</sup> meeting. Following the August discussion, they would then prepare a final report for September.

Chair Ellis stated it aligns with the contract timeline. She requested the final report be sent to the Committee for final review prior to the September City Commission meeting.

Chair Ellis asked about legal review. Assistant City Manager Fajardo said a proposed ordinance will be crafted in tandem with legal.

Chair Ellis wants to ensure the final package presented to the City Commission has consensus from the Committee and staff. She clarified the timeline, including the contract expiration on September 30, 2023. She noted the Committee will meet on September 26<sup>th</sup>.

Vice-Chair Brown asked if the August draft report will contain recommendations. Mr. Siebein replied yes.

Mr. Siebein began his presentation by noting they made the following two general observations:

- Most of the Entertainment District venues complied with the noise ordinance requirements for their requirements.
- There is documentation of elevated sound levels of bass, amplified music, and vehicles in residential areas.

Mr. Siebein noted they also have data that supports elevated sound levels along sidewalks, up to 105-110 decibels, when the current level is 85 decibels. He added Code Enforcement has stated it can be difficult to note where the excess level is coming from in the Entertainment District when more than one venue is exceeding the sound level simultaneously. He suggested the 50-decibel limit in some residential areas may be too low since most of the measured ambient sound levels can be higher. He discussed the concept of quiet time. He summarized their recommendations and invited input from the Committee.

Mr. Pilgram asked for clarification about 10EaZy mentioned during the recommendations. Mr. Siebein further explained the sound level meter. He noted it is not very expensive, provides a real-time readout, and used in many venues where there are concerns about regulating sound.

Mr. McCoury asked how the 10EaZy system could be positioned around buildings to measure the amplified perimeter. Mr. Siebein suggested several location points of measurement for compliance.

Mr. Stone said a large part of the problem is outdoor amplified music. He does not support a noise source that creates negative impacts and health concerns for contiguous properties. He expressed concerns about the Entertainment District. He added enforcement is almost impossible. Mr. Siebein clarified their recommendations were meant to be holistic.

Discussion ensued about the Himmarshee area and special events.

A **motion** was made by Vice-Chair Brown, seconded by Mr. Pilgram, to move forward with the project. In a voice vote, the **motion passed** unanimously (6-0).

Discussion ensued about next steps and soliciting additional comments from the Committee and staff. Chair Ellis asked the Committee to send comments to the City as quickly as possible. The City will gather all comments and forward to the consultant.

Mr. Siebein asked the Committee for thoughts on the elevated sidewalk sound level readings and reasonable sound levels for the Entertainment District. Chair Ellis clarified they have five districts, and they all need to be treated the same.

Mr. Stone referenced recent investigative journalism on noise and asked if there were reliable health statistics on elevated sound levels. Mr. Siebein answered affirmatively and provided examples, including background literature they can provide.

Ms. Spurlock clarified that the City of Austin, one of the leading cities in dealing with noise management, consider each area or neighborhood differently, with different criteria and licenses issued.

Mr. Siebein said the 50 dBA sound level limit does not seem to be reached often with the ambient sound in the residential buildout area of the City.

Mr. Siebein suggested City staff use a Type 1 sound level meter.

Chair Ellis clarified the Committee is focused on the ordinance only.

Mr. Martin Gold, consultant, spoke about C-weighted levels and recommended a strategy for measuring amplified music. He suggested considering using dBc instead of dBA. Mr. Siebein summarized additional mathematic analysis they conducted.

Vice-Chair Brown asked if there are other municipalities which have changed code or ordinances to utilize both dBc and dBA. Mr. Siebein replied yes, and they will include the information in the report.

Mr. McCoury recommended not losing sight about vehicular traffic noise. Mr. Siebein said they will add a separate section about vehicular noise.

Ms. Keely Siebein, consultant, provided examples of when sound levels fall off during specific time periods.

Mr. D'Wayne Spence, Interim Assistant City Attorney, referenced page 35 of the report concerning standards for clearly audible and plainly audible. He said the courts in Florida require some distance from the sound source to be included in the regulations and noted the distance requirement needs to be added. Ms. Siebein noted Section 17-7 of the ordinance.

Mr. Gold asked for the legal standard in the Special Entertainment District. Ms. Garcia explained the standards in the Special Entertainment District. Mr. Gold recommended clarifying the ordinance to outline which standard should be applied.

### **Good of the Order**

No additional comments.

### **Public Comments**

Ms. Susan Behar, Las Olas Beach Club, asked for clarification on the property line. Ms. Garcia said it is the business property line and is specific to the Special Entertainment District. She said if they do not live in the Special Entertainment District, the measurement is taken from the residential property.

### **Next Scheduled Meeting Date**

The next meeting will be held on Wednesday, August 23, 2023, at 1:00 P.M.

Noise Control Advisory Committee

July 25, 2023

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**Adjournment**

The meeting was adjourned at 2:25 P.M.

[Minutes prepared by TBaclawski, Prototype-Inc.]