



Agenda Item Details

Meeting	Mar 26, 2014 - City Commission Meeting
Category	13. POLICY FORMATION AND DIRECTION
Subject	13.06 Adoption of City Commission Policy 154, regulating noise at the Capital City Amphitheater at Cascades Park -- Lewis Shelley, City Attorney
Access	Public
Type	Action, Discussion
Fiscal Impact	No
Recommended Action	Option 1: Adopt City Commission Policy 154, regulating noise from events using the Capital City Amphitheater at Cascades Park.

Public Content

For more information, please contact: Shaw Stiller, Assistant City Attorney, 850-891-8554

Statement of Issue

Since several court rulings have affected the City's ability to rely on state law for the purpose of regulating noise, the City has been considering the adoption of a local Noise Ordinance. The Ordinance would apply City-wide and impose varying restrictions on noise levels in residential and commercial areas, as well as designated "Special Entertainment Areas." Through substantial community outreach, it has been determined that more work remains to be done on the Noise Ordinance. Staff is currently working to assemble a stakeholders group to address the remaining issues with the Ordinance.

One area of concern for several neighborhoods regarding noise has been the use of the Capital City Amphitheater at Cascades Park. The Amphitheater will be used by a variety of performers. Of particular concern to the neighborhoods, is the "Capital Cascades Stage and Concert Series," 10 events to occur over the first 18 months after the Park opens. These events will feature regional or national musical acts. The neighbors are concerned that the noise generated from these events will be excessive.

To address these specific concerns while the City-wide Noise Ordinance remains under community review, staff from Legal, Tallahassee Police Department, Parks, Recreation and Neighborhood Affairs Department, Leon County Tourist Development Council and Blueprint 2000 have drafted a City Commission Policy (Attachment 1) specific to noise from the Amphitheater. This Policy is based on, and consistent with, recommendations from two sound studies conducted at the Amphitheater, and has been reviewed by the Long Range Planning Target Issue Committee. The proposed policy is before the City Commission for discussion and action.

Recommended Action

Option 1: Adopt City Commission Policy 154, regulating noise from events using the Capital City Amphitheater at Cascades Park.

Fiscal Impact

None. Blueprint 2000 has dedicated \$40,000 for the cost of monitoring the noise levels.

Supplemental Material/Issue Analysis

History/Facts & Issues

The Capital City Amphitheater at Cascades Park will host a variety of performances, many of which will feature local talent. In addition, the City has entered into an Interlocal Agreement with Leon County for the “Capital Cascades Stage and Concert Series” pursuant to which up to 10 events designed to be of regional attraction will be scheduled in the first 18 months following the opening of Cascades Park on March 14, 2014. The first two such events are scheduled for April 12 and 13, 2014, with the possibility of one or two more in May.

The neighborhoods near Cascades Park have voiced concerns about the noise that will be generated from the use of the Amphitheater, particularly with respect to the Concert Series events. In response to these concerns, Blueprint 2000 conducted two sound tests at the Amphitheater, one in September 2013 and another in November 2013. Noise levels were measured both in the Park and in the surrounding neighborhoods. Amplified noise was produced and measured both from the “house system,” which will be used for all local events, and the “touring system,” which will be used for all events booked as part of the Concert Series.

Blueprint 2000 received a report on these sound tests from Siebein Associates, Inc. This firm was initially retained by the neighborhoods for an independent analysis of sound issues and was subsequently retained by Blueprint 2000. Consistent with the results of this analysis, the original draft Noise Policy mandated the following maximum sounds levels:

House System: 85 dBA and 95dBC

Touring System: 100 dBA and 108 dBC

These levels will be measured at the mix board by a City employee or qualified designee who will be alongside the touring act’s sound crew. The original draft Policy provided that if the sound from the Amphitheater exceeded the maximum level four times in any single performance, the City employee or designee would have the authority to assume control of the volume level from the mix board and lower it to meet the adopted noise levels.

The original draft Policy provided that it would be reviewed after four Concert Series events and six local events, but in no event later than December 31, 2014.

Subsequent to the meeting of the Interlocal Agency on this issue and the original draft policy being circulated, staff has met with representatives of the neighborhoods and the promoter for the Concert Series events. Staff has also conducted further research and received additional input regarding industry standards. Based on these meetings and information, staff is recommending a few amendments to the original draft policy, all of which have been agreed upon by the neighbors and the promoter.

First, the decibel levels are proposed to be 96dBA and 104 dBC, measured on a ten-second average at the mix board. These levels are consistent with the above-referenced study. Second, instead of a City employee lowering the sound should the limit be exceeded, the promoter or his designee will be responsible for ensuring compliance with the sound limits. The City will have an employee or designee at the mix board independently monitoring the sound and observing compliance with the limits. Third, based on the data gathered by the City’s monitoring and any input from citizens and the promoter, City staff will present an analysis of the first two Series events to the City Commission on April 23, 2014, and will seek further guidance on the Policy.

Options

1. Adopt City Commission Policy 154, regulating noise from events using the Capital City Amphitheater at Cascades Park.
2. Do not adopt the Noise Policy and provide direction to staff.

Attachments/References

Draft City Commission Policy 154, regulating Noise at the Capital City Amphitheater at Cascades Park.

 [Proposed City Commission Policy 154.pdf \(24 KB\)](#)

Administrative Content

DEPARTMENT: City Manager
DATE ADOPTED: March **, 2014
DATE OF LAST REVISION: N/A
TITLE: Noise Policy for Capital City
Amphitheater at Cascades Park

154.01 Authority: The City Commission

154.02 Scope and Applicability: This Policy covers the regulation of amplified noise generated from all events utilizing the Capital City Amphitheater at Cascades Park (Amphitheater).

154.03 Definitions:

Amplified noise means: noise using a sound amplification device.

Hours of performance means: 7:00 a.m. - 10:00 p.m. on Sundays through Thursdays and 7:00 a.m. - 11:00 p.m. on Fridays and Saturdays.

House system means: the sound amplification device(s) used at the Amphitheater for all performances other than Capital Cascades Stage and Concert Series events.

Noise level means: the weighted sound pressure level as measured in dBA and dBC on a ten second average LA eq metric by a sound level meter and as specified in American National Standards Institute (ANSI) specifications for sound level meters (ANSI S1.4-1971 (R1976)).

Sound amplification device means: equipment designed to increase the volume of sound created by a separate source such as a musical instrument or a human voice.

154.04 Performances: All events at the Amphitheater covered by this Policy, including sound checks, shall occur only during the hours of performance.

154.05 Maximum Noise Level: The maximum noise level generated by events at the Amphitheater utilizing the house

system shall not exceed 85dBA and 95 dBC. For Capital Cascades Stage and Concert Series events, the maximum noise level shall not exceed 96 dBA and 104 dBC.

154.06 Measuring the Noise Level: The noise level shall be measured at the main mix board with a sound meter that meets the standards established by the American National Standards Institute (ANSI) specifications for sound level meters (ANSI S1.4-1971 (R1976)). The main mix board shall be located at the fixed position for the board in the Amphitheater. Measurements of noise level will be made and recorded by a qualified City employee or by a qualified professional designated by the Director of the Parks, Recreation and Neighborhood Affairs Department or designee to operate the meter(s). This measurement will be made independently of sound monitoring conducted by the artist or promoter. This person shall be present at the main mix board with a sound meter during all events covered by this Policy. A City employee or qualified professional shall also take noise measurements at the Cascades Park property line and in the surrounding neighborhoods as determined for each event by the Parks, Recreation and Neighborhood Affairs Department and set forth in the Special Event Permit.

154.07 Standards for Measuring the Noise Level:

Calibration. The sound meters shall be maintained in calibration and good working order. The operator of the meter shall conduct a calibration check of the meter at the time of any measurement of the noise level.

Measurements. The meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen on the meter's microphone shall be used at all times.

154.08 Compliance: All artists, performers, entertainers, sound technicians, employees, and subcontractors shall comply with and ensure compliance with the noise levels established by this Policy. The promoter shall have the responsibility to ensure compliance with the sound levels at the mix board for Capital Cascades Stage and Concert Series events. The Parks, Recreation and Neighborhood Affairs Department shall be responsible for ensuring compliance for all other events.

154.09 Trial Period: This Policy shall be reviewed by the City Commission on April 23, 2014.