April 29, 2013

1:30 p.m.

**Meeting Minutes for the April 26, 2013 Metro and Urban Parks Ad Hoc Committee**

**Topic:** Subcommittee report. History of Metropolitan Park. Discussion of sound levels from Boat Show.

**Location:** Lynwood Roberts Room, City Hall, 117 West Duval Street

**In Attendance:** CM Don Redman, CM Lori Boyer; CM Dr. Johnny Gaffney; R.S. Pace, EQD; Jim Klement, EDC; Ginny Myrick, Myrick Policy Group; Max Marbut, Daily Record; Jim Bailey, Daily Record Publisher; Tracey Evans, SMG Stadium; Katherine Moore, South Shores resident; Richard Robinson, EQD; Brittaney Ross, University of Florida; Erik Kaldor, citizen; Jeff Clements, Council Research; Janice Billy, CAO; James Richardson, EPB; Tonisha Gaines, Special Events; Ron Littlepage, Times-Union; Steve Patterson, Times-Union; Mike Yokan, Welcome to Rockville promotion team; Mark Hartley, City Parks; Leeann Summerford, ECA District 4 At-Large; Scott Wilson, ECA District 4; and Dan Macdonald, ECA District 8.

CM E. Denise Lee was absence due to home repair emergency.

CM Lori Boyer sat in as chair and called the meeting to order at 10:05 a.m. Minutes for the April 4, 2013 meeting were approved.

The Ad Hoc Metropolitan Park Subcommittee reported that it did not meet and had no report.

Paige Johnston reported on correspondence created during the construction and financing phase of Metropolitan Park and the stage pavilion dating from January 21, 1981, May 14, 1982, December 17, 1982 and September 4, 1984. (Report is included in Minutes package.)

So far, none of the documents recovered from the National Parks Department or the Florida Department of Environmental Protection refer to a limit of 12 ticketed events in the park.

CM Bill Gulliford arrived at 10:15 a.m.

Kelley Boree reported that she had yet to find any documentation from the National Parks Service or Florida Department of Environmental Protection limiting Metro Park to 12 dates. However, she did submit five documents (included in the Minutes package) that talked about ticketed events and how the park was intended to be used.

* Letter dated October 28, 1982 from Mayor Jake Godbold to Roger Parker, National Park Service discussing the joint use of Metropolitan Park by WJCT and the city.
* Letter dated November 22, 1982 from Fred Rebman, WJCT president to The Honorable Henry Cook, City Council President discussing specifics of the Metropolitan Park contract with the city.
* Memo dated April 20, 1994 from DeWitt Gibbs, Metropolitan Park manager to Laura D’Alisera, director city Department of Parks, Recreation and Entertainment discussing events held at Metropolitan Park from 10-1-1993 through 9-30-1994.
* Memo dated April 28, 1994 from Laura D’Alisera, director city Department of Parks, Recreation and Entertainment concerning the number of bookings in the park for 1994-1995.
* Memo dated June 12, 1995 from Jack Ruppel, Planning and Grants coordinator to Pete Ison, dockmaster for Waterfront Parks and Aquatic concerning use of the Metropolitan Park Marina during ticketed events.

Ginny Myrick suggested that founding documents may be in the Metropolitan Park Offices or at the WJCT offices. Ms. Johnston said she investigated records at WJCT and had not found anything. CM Boyer directed Tonisha Gaines to look for ticket restriction information in the records at the Metropolitan Park Offices.

Ms. Boree reported that many former state and federal grant funding mechanisms have been discontinued. FIND grants are still available but their use is strictly defined. For example, the marina was last dredged in 2007 and needs such work again but FIND money cannot be used for that purpose. CM Boyer asked if the Parks department has any applications in for FIND funds. Ms. Boree said she would have to check with staff to find out the status of any FIND requests. Ms. Boyer suggested that the Subcommittee look into this issue.

CM Gulliford, subcommittee chair, was not receptive to that idea saying that the committee is getting away from the sound problems, which caused the formation of the committee in the first place. A solution has to be found that is acceptable to promoters and neighbors, Gulliford said continuing if answers can’t be found for Metropolitan Park, then the city may have to look into developing a new venue, suggesting out by the airport.

CM Redman agreed that the committee needs to concentrate on sound intrusion into the neighborhoods.

Dr. Gaffney wants a win-win situation for the neighbors and for the downtown businesses that depend on concerts to bring people into the city.

CM Gulliford said that as the city encourages more downtown apartments and condos, it needs to be careful that Metro Park sound not automatically be directed north as to cause Berkman Plaza residents to also complain about concert noise. Limiting the sound to the area immediately around the park is the key. He wants to hire a firm to determine if this can be done.

Jim Bailey said the problem needs to be fixed in that we have a great venue next to the river that promoters want to use and that is has a great impact on downtown business. He commended the sound studies that are being done to help set a baseline on sound levels from the park that the neighborhoods can live with. He did stress that the weather and wind direction have a lot to do with the impact a Metropolitan Park concert has on the neighborhoods.

CM Redman again brought up his concern about language. He wondered if because the offensive language is being broadcast over a loudspeaker if it can’t be regulated.

Ms. Johnston explained that commercial speech over broadcast airwaves (radio and TV) are regulated by the FCC. A performance by a band is protected by the first amendment.

CM Boyer wondered if the vulgar language was used at a ticketed event if that would make a difference. Ms. Johnston didn’t think so, but she would look into it.

CM Redman said if the vulgarity can’t be regulated then the volume is the only course of action. CM Redman said the JSO needs to be called if there is a breach of the peace.

CM Gulliford said the vibrations of bass sounds are a major concern.

CM Gaffney wants the issue resolved so that promoters can do the advance work with confidence that the show will go on without outside interference from the city. He’d like any laws that are passed to take effect in 2014 so that the promoters know the rules going into the next concert season.

CM Redman asked about fining performers who use foul language.

Promoter Mike Yokan said placing such restrictions only encourages bands to use offensive language.

Steve Pace gave his report (included in the Minutes package) resulting from sound studies during the April 13-14 Boat show. He began by reminding the committee that the EQD is a regulatory agency not a sound engineering firm. He said the boat show was much smaller than a festival like Welcome to Rockville. At the Boat Show, music came from a three sided tractor trailer – the Pavilion stage was not used. The basic findings were that there were no noise violations in the neighboring communities.

CM Boyer asked if the reading were continuous, taken over 5 minute period for example. Mr. Pace said the readings are instantaneous. They do not have equipment to monitor noise levels for extended periods of time. However, multiple readings can be taken over a period of time with each result written down to be analyzed later. He also told the committee EQD measures and regulates noise, not vibrations.

Mr. Bailey said he wants measurements taken under a variety of weather conditions so a good sense is reached about weather’s effect on sound distribution. This will establish a reliable base line from which to work back from to come up with a suitable compromise on decibel levels coming from the park.

CM Boyer asked if the concert promoters were going to do their own sound monitoring in the neighborhoods. Mr. Yokan said they would be monitoring.

CM Gulliford again said a real study has to be done and suggested an RFP be drafted. He admitted that esthetically there are limitations on what can be done to the park like installing berms that would block the view of the river.

CM Boyer referred to a 1997 Metropolitan Amphitheater Sound Study. She wondered if improvements in sound technology since 1997 warrant a new study. She also noted that the cost of making improvements may necessitate more than 12 ticketed events to make it cost effective.

Ms. Myrick asked how the monitoring positions were chosen. She said they were complaint driven. She asked that the city look into what other downtown facilities around the country are doing to control sound. She presented a 2012 study of events held in Metropolitan Park. There were only 7 and she was concerned about the close out accounting on several of them. She again asked that the volume in the park be “amped down” as to not affect the neighborhoods and when they do, she asked that laws already on the books be enforced.

She also introduced a 2009 JEDC document “Metropolitan Park: Concept Plan Development” that details in PowerPoint form plans drafted during the Peyton Administration to redesign the park. (Included in the Minutes package).

Gulliford said vibrations caused by music still remain as a big problem.

CM Redman wants to meet next week to discuss the sound because the Police Memorial day falls on the second Thursday of May.

CM Boyer said it was up to CM Lee to set the meeting.

The meeting adjourned at 11:40 p.m.

Included:

Minutes

Attendance Sheet

Meeting Notice

Agenda

Johnston Report

Boree Documents

Boat Show Noise Survey

Contracted Events for 2012

Metro Park Concept Power Point