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| **OFFICE OF THE CITY COUNCIL** |

July 23, 2013

**MEMORANDUM**

To: The Metropolitan Park Ad Hoc Committee

From: Council Member Lori Boyer

District 5

Re: Draft Legislation, License, Rules and outstanding questions

As I will be unable to attend the Ad Hoc Committee meeting this coming Thursday, I wanted to explain the drafts you have before you and a number of outstanding questions that I hope the committee will consider and revise as appropriate.

1. Theory of documents: the ordinance is needed to waive Chapter 368 and to establish legislative policy for limitations on the use of Metropolitan Park; the License Agreement to be used with the third party renting the venue is adopted as a template and the noise provisions mirror the ordinance and cannot be changed by staff. Thus, the users are fully aware of the provisions that apply to them; the interim rules are designed to express our legislative direction to the Administration regarding use of the Park.
2. Ordinance
   1. Only applies to events with more than 500 in attendance and using amplified sound. (If large health fair without amplification, no need to pay for and have sound monitoring; if fewer than 500, Special Events not involved…Question: should this apply to smaller events using amplified sound and Parks would handle license?)
   2. Permitted Hours for events. Do we want to allow earlier start times? If so, does the limitation *on not longer than 16 hour duration within a single day including sound check*, need to be changed?
   3. Sound check no earlier than 9 am or 4 hours prior to event whichever is later.
   4. Sound levels 100 feet from sound board set based on EQD recommendation from recent monitoring experience. If comply with these levels, 368 and Rule 4 WAIVED at receiving property. Reasonable approach; could result in exceeding std. at receiving land based on weather but would not based on recent monitoring; provides certainty and relief for those renting venue; continue to monitor and collect data.
   5. Option to exceed set soundboard levels if utilize sound steering BUT then subject to offsite monitoring at standard levels and if exceed, would need to adjust equipment or revert to soundboard limits to avoid fines. Provides flexibility to promoter to use new technologies, but they are responsible for sound testing and insuring they are effective at offsite locations.
   6. Other than permitted event hours, standards noise provisions apply.
   7. $10,000 noise compliance fee, refundable if no violations, was included by OGC at suggestion of Mr. Pace. Enforcement tool.
   8. Up to two temporary stages allowed, location and direction specified in Exhibit, must use sound blankets back of stage.
   9. Sunset September 30, 2014; will have additional monitoring info and can adjust standards or make permanent at that time; gets us through 2014 event season and time to gather data and implement legislation.
3. License Agreement
   1. Mostly standard existing form prepared by OGC.
   2. Description of area leased should be specific, currently marina access limited when park licensed; potential conflict with fire museum access, future children’s area, etc. Since only 12 events, do we want to allow total park licenses that close access to everything else or should event area be fenced and separate?
   3. Hours/sound provisions mirror ordinance so Applicant is fully aware of options.
   4. Includes requirement to reimburse for EQD staff to monitor on-site and off-site; Mr. Pace suggested EQD staff rather than private consultants.
4. Interim Rules
   1. Policy preference for certain events since limited to 12 ticketed.
   2. Emphasize use of pavilion versus alternate stages.
   3. Monthly event calendar posted online.
   4. Parks reps on hand for event and monitored phone number published and available for noise complaints and routing info to EQD.
   5. Create form for properly accounting for receipts from events including license fees, concession revenue, staffing reimbursements, etc.
   6. All license fees and concession revenue to be deposited in Metropolitan Park Trust Fund.
   7. Payment after event: license has blanks for how much in advance, how much immediately before event and how much after; set standard that not more than x% be collected after. (I suggested 20%.)
   8. Define 12 events; federal government now saying possibly only 6 ticketed are authorized; if we manage and limit 12 events, reasonable to rely on letters with state allowing 12; limit of 2 consecutive days of not more than 16 hours each balances imposition on residents with desire for events; 144 hours annually recognizes mix of 4 hour and longer events. Certainly in the past, there were any number of evening only concerts that including sound check may have consumed 6-8 hours each, the number assumes 64 hours of 2 day events, several whole day events, and several shorter periods.