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| **OFFICE OF THE CITY COUNCIL** |
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**Meeting Minutes for Council Member Lori N. Boyer and Council Member Greg Anderson on Tuesday, November 26th, 2013**

**Topic:** Met Park legislation 2013-676

**Location:** City Council Offices, Conference Room A

**In Attendance:** Present were CM Lori Boyer District 5, CM Jim Love District 14, CM Johnny Gaffney District 7, Council President Bill Gulliford District 13, CM Richard Clark District 3, CM Bill Bishop District 2, CM Greg Anderson At-Large Group 4, CM Stephen Joost At-Large Group 3, CM Don Redman District 4, Steve Pace EQD, Tonisha Landry-Gaines Special Events, Ginny Myrick Constituent, Kevin Kuzel ECA District 14, Dan MacDonald ECA District 8, Leanne Krieg ECA At-Large Group 4, Paige Johnston OGC, Daniel Davis President JAX Chamber, Margo Klosterman Mayor’s Office, Kevin Hyde and Erika Alba, Foley Fidelity National

The meeting began at 1:30 p.m.

CM Boyer opened with substitute legislation for 2013-676. Paige Johnston explained highlighted changes (see attached). The PHS amendment was explained. Gray highlights were changes made from the PHS committee; the yellow changes were technical edits from CM Boyer and a proposed sound alternate received from JAX Chamber, Fidelity, and Danny Hayes, attorney from Bowen Hayes & Kreisberg.

EQD says they will be unable to enforce the proposed alternate limit due to the technical sound engineering requirements, however, sound monitoring will still occur and results will be evaluated. CM Boyer explained the options A & B in the legislation (see attached). Former option C was deleted which referred to sound steering.

CM Boyer explained the sound violation fees.

CM Gaffney and CM Bishop joined the meeting.

Daniel Davis, President of JAX Chamber, noted the goals of using Met Park as an economic benefit to the City of Jacksonville, as well as protect the surrounding neighborhoods. He noted the federal regulations the City has to meet for Met Park and suggested that we need a long-term solution for Met Park regulations.

CM Clark does not support the down payment for sound violation fees. He noted that promoters will be scared away if they have to put down such a large down payment for potential sound violations. CM Clark would like Council and/or Mayor’s office to have the ability to waive the ordinance, so that we can compete with other cities for events.

CM Boyer noted that she agrees with the concern about the prepayment and would like to strike the down payment for sound violation fees and rather assess fees afterward if the promoter/presenter violated the sound ordinance.

CM Bishop noted that he would like to find a different venue for the louder concerts.

CM Clark says Met Park is a perfect place for large concerts and events.

Ginny Myrick gave examples of Parks that have regulations for maximum and minimum sound regulations. Ms. Myrick said the problem the surrounding neighborhoods have is with multiple stages facing the river, multiple events, and the low bass frequency.

CM Redman agrees with Ginny Myrick, and says that we need to monitor the low frequency and not just the high frequency. He noted that Jacksonville will not lose events because the bands and promoters make very good proceeds due to the large number of people who attend the concerts.

CM Boyer noted that the promoters asked that the low frequency number be deleted because they could not regulate it.

CM Bishop said that they need to monitor low frequency and the promoters do not want to due to the style of music. What was the rationale of monitoring the sound at the sound board vs. the property line? CM Boyer noted that the sound board standard provided certainty for promoters and was not subject to weather variation. Steve Pace from EQD had his team monitor 3 events last year and the results of those 3 events showed that there were only minor violations when the sound was monitored at 105 at the sound board.

Dr. Gaffney asked Ginny Myrick about outdoor performance theatres and their regulations. She noted St. Augustine’s outdoor amphitheater’s sound limit is 104. She and the surrounding neighbors are reasonably satisfied with the 105 limit that is proposed in the legislation. Rental fees for Met Park were discussed and are very low.

CM Joost asked if this legislation only pertains to Met Park. CM Boyer replied yes. CM Joost discussed Shipyards property and how there are no regulations on other outside venues. CM Boyer explained Met Park is governed by some Land and Water Conservation Fund (LWCF) federal regulations. CM Joost asked why a promoter wouldn’t go to other venues besides Met Park that have no regulations. CM Boyer noted that those sound regulations are lower, and Met Park is able to have louder music. CM Boyer said the Shipyards and other city properties are governed by City sound ordinance. CM Joost said he does not like that Met Park is singled out.

Mike Yokan noted that EQD doesn’t work on weekends and monitor sound levels for most of the City events. Jaguar games, Suns games, Ever Bank field events, Monster Truck show were examples given by Mr. Yokan of events that are not monitored.

Ginny Myrick noted that it is important to have sound monitoring at weekend events in order to protect the neighborhoods.

CM Anderson said that he is pleased that the 12 ticketed events is being clarified in the legislation. He asked for clarification in the legislation about the point person who has the final say about the 30 minute extension for bad weather conditions. It was decided that the Office of Special Events will make that decision. CM Anderson thinks having option A and B are confusing instead of just having one option. CM Boyer agrees, but noted that Fidelity and JAX Chamber would like the extra option added, so that technical sound engineering requirements are in the legislation. CM Anderson said option B is the easiest, clearest option. He suggested striking option A.

The legislation requires that the promoter pay for EQD to sound monitor the event. The cost is capped at $1000 per day per Mr. Yokan’s request.

CM Anderson asked about the penalties for violating the sound regulations. He raised concerns about the 3-year ban for the promoter who violates the sound regulations. This was a suggestion from Mike Yokan. Mike Yokan says that this will help the promoter comply with the sound regulations.

CM Boyer noted that there is no waiver in place and there is an event coming up in December. Council will need to decide what to do about this event.

Mr. Yokan and his colleagues think the proposed amendment for the 1-year interim is acceptable and a workable solution. They will also be looking at other outside venue options.

The meeting adjourned at 3:30 p.m.