

## Feedback From In-Person Community Workshops

### General Comments

- Public Engagement
  - Include more time for attendee input as staff is very knowledgeable
  - City should have brainstorming sessions for “out of box” solutions
  
- Decibel levels
  - Acoustic drop off over distance; certain frequencies travel farther
  - General dba ratings have recommendations for ear damage protection (68 dba is upper limit)
  - Reverberation time is important
  - Any effort to mitigate the spread of sound (plantings, sound-absorption, landscaping)
  - Regulate the speakers
  - Enhanced sound-proofing on new residential construction
  
- Exemptions
  - The term “exempt” seems wrong
  - Perception that people knew what they were getting into when they came here --- but some were here well before sound became an issue
  - Old Town must be included in noise ordinance (city-wide treatment)
  
- Enforcement / Complaint process
  - Have a law that realtors must notify potential buyers; buyers sign off they understand
  - Publicize the complaints process
  - Event Producers and Venue owners must stipulate a POC and “having their hand on the volume button” so sound is addressed in real time/immediately
  - Have a dedicated number for noise complaints only (many residents don’t call PD as they feel it’s a waste of enforcement)
  - More PD presence is needed
  - Many residents in Villa Monterey have given up calling in complaints because of not changes and not penalties issued
  - How do businesses that are closed after 2am monitor their properties without physical presence? (related to moving crowds along after closing)
  - Bars should have to turn off music when they close
  
- Other
  - Need rideshare near Galleria, NOT all around perimeter
  - Temporary pleasure for visitors leads to consistent trouble for taxpaying resident
  - It seems the financial interest of the venues and the number of people being entertained override the interests of the tax payer interests.

### Who’s Missing?

- The Police Chief
- An acoustical engineer

## Scenarios Used for Community Input

### Scenario #1

**The Electric Vibe** A nightclub known for their great dance music and high energy, located in a vibrant area of the city with many restaurants, great shopping and other entertainment venues.

**Mr. Smith** A resident who lives about 1 mile away from the nightclub, in an area that is close to all the amenities that he loves.

**Scenario** It's fall and the weather is finally cooling down to where windows can be kept open at night. Its 11:52pm on a Thursday night and Mr. Smith says the music from the Electric Vibe is pounding so loud that he can't sleep.

#### **Should a decibel level be implemented as a measure of criteria?**

The vast majority said yes, with flexibility to weekends and designated timeframes. Different events and activities warrant different measurements and timeframes but the level should be "healthy" and measurable and includes both dBa and dBc.

Additional comments include scaling the levels, examining the buffer zone, size and type of exposure and a removal of areas of exemption.

#### **Where should the sound be measured from?**

Most of responses were to measure it at the source, whether it was at the property line or at a designated distance. A few suggested from the resident's home or closest residential neighborhood. But there should be different limits for sound generated from businesses vs residential vs special events.

Additional suggestions were to have a grid of sensors that were measured over a period of time and from a wide range of distances, both at street level and higher. We should assess complaints from neighborhoods to determine the distance that noise travels.

#### **Opinions regarding time of year:**

People were split on whether exemptions should be made if events occurred during Spring Training, WMPO, the Super Bowl, with a slight advantage leaning towards exceptions can be made during these timeframes. If exemptions were made, there still should be stipulations noted and advance notice is requested.

Most all said summer vs winter (and windows being closed) or 3:00 on a Saturday or a Tuesday should not matter. Noise is noise but there should still be the time factor in place for the late evening/overnight hours.

#### **Additional comments made:**

- Consider sound cameras (North Carolina, NY)
- Realtors need to disclose that an event venue is next door
- Put up sound measures in each establishment with a warning to patrons that noise levels exceed "x" decibels and the partake at their own risk

## **Scenario #2**

**The Orchard** A boutique development containing restaurants, shops, upstairs office space and open-air courtyards. About a year ago, one of the establishments renovated their restaurant to include a back patio where patrons can listen to recorded music while they dine.

**The Villas** A small enclave of homes that were built many years before the development of The Orchard. Some units abut the Orchard parking, service areas and the restaurant's back patio.

**Scenario** Residents complain of loud gatherings at night where music can be heard from open to close. They feel The Orchard needs to stop this music outdoors if it's to the point that the residents can hear it. They say it is very loud and conflicts with the rights of quiet enjoyment of homes in their neighborhood.

The Orchard is in compliance with the city ordinance. The restaurant owners and managers say they are tired of ongoing complaints from the neighborhood when they have repeatedly shown to be operating within the rules.

### **Should a decibel level be implemented as a measure of criteria?**

Similar to Scenario #1 - Yes, it should be one of the measures and should include bass but flexibility for Friday/Saturday and Special events. Look at having zones with timeframes, number of complaints and also incorporate a grid of sensors

### **Where should the sound be measured from?**

Same as Scenario #1 – majority said property lines

### **Does it matter that Mrs. Portman lives in the vicinity of the establishments (vs. Mr. Smith from the previous discussion)**

The majority stated that she has a right to enjoy her home and that the standards should be applicable to all. Sound is sound. However, those who said it should matter suggested this be disclosed to her before moving in and that the sound levels should be scaled as one moves farther away from the source.

### **What, if any, establishment should be cited? (How does PD determine which venue Mrs. Portman is complaining about?)**

Suggestions include PD or City using better and more technology to assist with identifying the correct source, even if it means going to each business in the area, or her home, and cite any establishment out of compliance. Follow-up from PD should be included so caller knows the response and Fridays and Saturdays should be treated differently.

### **If the establishment was found to be not in compliance, what could be the possible consequence for violating the ordinance?**

Consequences should be tiered and increase depending on number of infractions. They should include: warnings, fines, suspension of license or permit, and/or ultimate closure

### **Additional comments made:**

- Advise new residents/construction projects of potential noise
- Add temporary sound walls to absorb sound; business/ bars are designed for sound to travel

- Should not be just amplified sound, but how do we differentiate between sound and ambient noise when meters pick it all up
- Have better measurement criteria

### **Scenario #3**

**Uptown** An area of the city with multiple nightclubs, restaurants and bars. Great atmosphere for people wanting to celebrate and walk between establishments.

**Mrs. Portman** A resident who lives across the street in a condo complex .

**Scenario** Mrs. Portman calls PD at 10 p.m. on a Friday to complain about the noise. Just after midnight on Saturday, she calls again stating that the music was not lowered. She says she has a sound level meter on her phone and the readings are in excess of 60dB so she wants a citation issued. At 1:22 a.m. Saturday, she claims the noise level has risen even louder than the previous calls. She is exasperated and wants something to be done about the noise.

#### **Does there need to be a change to the current ordinance?**

The overwhelming majority feel a change to the ordinance does need to occur. Changes include:

- Uniformity in the criteria: evening hours, max dBa and dBc levels, types of sound
  - Outdoor space should not have music and quiet enjoyment is needed
- Encourage sound buffering options and/or noise mitigation plans, possibly through DRB or Planning Commission, to include sound proof walls, construction, landscaping
- Consider noise when zoning/rezoning an area; have areas zoned differently
- Change the word “exempt” and include condition-based clauses
- Pay attention to multi-use lease with signing about noise potential
- Give neighborhood chance to review changes made to establishment that will affect sound and/or have more notification of changes

#### **If there is a change to the ordinance, should The Orchard be grandfathered in under the current ordinance?**

Be fair and reasonable to these businesses without putting the owner out of business. It would be difficult to police and most people agreed that grandfathering should not be included.

#### **What type of sound / music should be addressed in an updated ordinance?**

The majority stated bass was the largest issue, but all types of sound was noted: live, amplified and ambient/pre-recorded music. Special events should be exempt but sounds from party busses was also noted.

#### **Does the location of The Orchard matter?**

Similar to previous scenarios: the location itself does not matter however there should be areas that are zoned differently overall. Again, take time of day into consideration as well the fact that residential areas do need peace and quiet.

#### **Where should the level of noise be measured?**

Similar to previous scenarios: the majority stated PD should identify it based on the source (property line, fixed distance from exact lot or source) but some did suggest closest residential

area or complaint location. The measurement should be based on decibel levels but could be scaled and differentiated between mixed-use/entertainment from residential standards.

**Additional comments made:**

- Layout and design of venue matters: Speakers point away from residences, sound abatement options
- Ordinance should include occupancy and the noise that correlates with it
- Residential levels should be lower than commercial
- The two sides need to learn to co-exist

## **Scenario #4**

**Country Acres Country Club** A beautiful country club with stunning views, a lake that runs around the perimeter and a well-known golf course. It is host to many events due to its large club house and expansive grassy area.

**Country Acres Estates** A residential community within the development that is very family-oriented with many children.

**Scenario** It's spring and the Club is hosting a spring festival. While mostly attended by residents, the event is also open to the public. As a fundraiser, the Club has hired an auctioneer to assist with the silent auction and an emcee to relay announcements over the loudspeaker. There are food trucks, a few carnival games and a movie being shown on a large screen at the far end of the grassy area.

The event is scheduled to run until 11 p.m. Starting at 8 p.m. and continuing through the evening, police are receiving calls from nearby residents complaining about the loudspeaker and the sound from the outdoor movie. At midnight, the calls turn to complaints related to the beeping coming from the trucks backing in, canopies being taken down and the tent poles banging to the ground.

**Is this a verified complaint? Why/Why not?**

The majority stated yes assuming that this is a regular occurrence, after established hours and/or residents were being disturbed. Those who stated no felt residents should be more understanding if it falls under a special event and if they were in compliance. It also depended on the frequency that events occur.

**Does the time of the complaint matter?**

Most felt that yes based on certain factors: the complaint occurred after a certain time that had been specified in the Special Event application, if the community had been notified and if the complaint was deemed reasonable.

**Are there any considerations or actions event venues should take prior to the event occurring?**

Decibel levels should be mitigated, specified, maintained, and measured from the event space. Notification within a defined distance could occur based on type of event and potential issues should be evaluated beforehand.

Special events should not occur every weekend with limits on timeframes for set-up/tear-down and on vendor activities. An acoustical analysis in the design phase should be done and alternative sound measuring options should occur.

**Does the type of sound matter / type of event matter?**

Yes and no – bass and amplified sound does matter but it should also depend on the type and frequency of events occurring. A few stated tear-down should be exempt and that we are a tourism community.

**Opinions regarding type of event**

Ordinance should apply to City-sponsored events occurring on COS grounds but one group stated that HOA spaces should be handled within the HOA. A buffer should occur and the noise ordinance needs to be clear in permitting process.

One group said special events during holidays (4<sup>th</sup> of July, etc...) should be exempt but the rest of the groups said holidays should not be any different, although duration of the event can be taken into consideration.

**What do you think about the beeping, tent poles?**

If we aren't addressing other sounds, then why this one – it can be included in other ordinances. Others said ambient noise should be addressed, along with suggestions to include having designated times defined and/or noted for the next day.

**Additional comments made:**

- Sound affects your health
- Event venues bring in economic value