

**LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL WORKSHOP
Jarvis Hall
4505 Ocean Drive
Monday, April 7, 2014
6:00 P.M.**

1. CALL TO ORDER

Mayor Scot Sasser called the meeting to order at 6:00 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Town Attorney Susan L. Trevarthen, Captain Fred Wood, and Deputy Town Clerk Tedra Smith.

2. DISCUSSION ITEM

a. Discussion of Road Closures during Special Events (Mayor Scot Sasser)

Mayor Scot Sasser opened the meeting to public comment.

Pamela Ulmer-Broughton pointed out that the public finds weekend activities such as concerts to be very enjoyable, and they appear to be revenue-producing activities for restaurants and other businesses. She concluded that the Town would be ill-advised to discontinue these activities for these reasons.

Bill Ciani, commercial property owner, stated that road closures on Friday nights create "a total loss" for his restaurants and other nearby businesses, as traffic is disrupted and parking is taken up during concerts. He emphasized the importance of weekend business, and suggested that bands could be moved onto the wider sidewalks or the square.

Anthony Delia, of 101 Ocean, said he would like both residents and businesses to be heard in the process of determining road closures.

Steven DeLeon, of the Village Grille, asserted that the Friday night events were very beneficial for many years and the Town has become known for it; however, he did not take exception to the possibility of discontinuing the events if the Commission wished.

Arlean Damurjian, of Ocean Reverie, said she did not object to music on the Square, but felt its decibel level should be lowered. She added that it currently is impossible to walk in front of 101 Ocean due to traffic, and a pathway should be maintained there for pedestrians.

Elaine Gunnell, a resident in the Oriana condominium, agreed with Ms. Damurjian's statement, and asked the following questions:

- Whether it was possible for businesses to secure permits for every day of the year, or if the number of permits available to businesses was limited;
- Whether it was possible to have more than one sound meter at events;
- Whether this meter is accessible to the Police throughout the evening;
- Whether there are penalties enforced for events going over their time limit or sound limit;
- Whether additional landscaping could be added to buffer sound.

Paul Novak, of High Noon, pointed out that when events first began on El Mar Drive, only one side of the street was closed. He stated that closing both sides of the street creates difficulty for hotel guests. He felt the Town could take advantage of its new Square by using the Pavilion and the Square itself to accommodate some of the weekend events.

Cristie Furth, of Blue Seas Courtyard, stated that traffic lane closures create difficulties for her business and others on El Mar Drive, as access is entirely closed on Friday nights. This cuts off hotels and other small businesses from potential customers on weekends. She asserted that she was in favor of continuing the Downtown Friday Night events, but did not feel lane closures and times for musical performances should have been expanded.

Marc Furth, also of Blue Seas Courtyard, advised that events could be staged in the Dune Plaza and on the nearby sidewalk. He showed a rendering of this proposed traffic pattern, noting that additional signage and possible Police direction would be needed. A fencing system could also be incorporated in this area during special events. He concluded that he felt this would present a win/win situation, as the bands would face away from the residential neighborhood in the proposed configuration.

Doreen Krenchicki stated she wished to show her support for outdoor music.

Sharlene Sposit said she was also supportive of live music on weekends.

Bill Vitollo, resident, said while some businesses could stage entertainment in the Plaza, others would need to use sidewalks. He hoped that restaurants would use the Plazas and acknowledged the hardship that road closures placed on hotels and other businesses.

Spiro Marchellos, of Fisherman's Pier Inc., stated that his primary concern was leaving the A1A beach parking area on Friday nights, which was very time-consuming. He also expressed concern with accessing A1A and Commercial Avenue on Sundays due to the presence of the Farmers' Market downtown, and asserted that businesses are losing revenue due to this lack of access. He advocated in favor of more parking for the businesses.

Diana Kugler, resident, stated that sidewalks should not be closed, and noted that the stage in its present location can be a hazard for pedestrians. She felt the weekend entertainment is attractive to both residents and tourists.

Ellen Zavell, President of the Lodging Association of Lauderdale-By-The-Sea, said she had never heard her guests complain about noise or music. She suggested that street closures could be addressed through signage. She concluded that weekend events attract visitors, and requested that these events continue.

Mayor Sasser advised that if the Commissioners wished for more information from the public, they could invite individuals to return to the podium for questions. He emphasized the importance of public input on this and other community issues, and noted that the Commission would like to hear some direction before making policy decisions at subsequent meetings. It was clarified that the only items under discussion at tonight's meeting were the closure of El Mar Drive and the regulation of noise.

Commissioner Brown advised that he has not yet made up his mind on this issue, but pointed out that the downtown events had helped sustain many businesses during the recent recession. He asked if the music would still have the same significance to Downtown businesses at present, and if the businesses would consider sponsoring music indoors rather than outside.

Mr. DeLeon said discontinuing the closure of El Mar Drive on Friday nights would not significantly harm his business. He did not feel opening the street would have a negative effect, and stated that he supported those businesses that did not wish to have the streets remain closed. Mr. Delia, however, advised that moving entertainment to the square would be logistically difficult for his business, and he would be unlikely to continue sponsoring events in that case.

Vice Mayor Vincent asked if Mr. Delia's business would lose revenue if the Friday night events are discontinued. Mr. Delia said the events bring in revenue, and he would be concerned if the weekend entertainment is stopped, as there were no other events to encourage people to remain in the downtown area.

Mayor Sasser emphasized that while moving the music or events could lead to decisions by businesses to no longer sponsor these events, this was not communicated in the manner of a threat, but was simply a possible individual business decision. He thanked the business owners for their honest feedback on this issue.

Commissioner Sokolow noted that there was a large diversity of opinion on this issue, with hotels, residents, and businesses on both sides, although most seemed to agree that the events were positive. He observed that another workshop directly involving stakeholders could lead to a more creative solution.

Commissioner Dodd commented that he has recently attended some of the Friday and Saturday night events, and noted that parking is greatly improved and people seemed to be enjoying themselves and bringing business to the area. He noted, however, that open container laws appeared to be a problem, and that the downtown area should be considered an entertainment district only for the duration of a given event, as both these issues put greater pressure on the events' Police support.

He continued that Saturday night events presented a public safety issue, as they placed a stage, tables, and pedestrian traffic into a small space, and advised that he would prefer bands to be inside restaurants rather than outside for this reason.

Mayor Sasser asked if changing from a double- to a single-lane closure could present a solution for hoteliers and Police personnel. He also asked if another solution might be holding the events with less frequency, such as monthly or bimonthly rather than every weekend.

Mr. Novak and Mr. Furth commented that closing lanes on the west side of the street in question would be more beneficial to their businesses. Mr. Novak added that a parking garage is needed in the area to alleviate congestion.

Assistant Town Manager Bentley pointed out that the current permit application for entertainment ends in May 2014, while the next application does not take effect until November. This would mean no events are planned for the interval.

Vice Mayor Vincent proposed that events could be held in alternating areas on Friday and Saturday nights, such as on the east side of town on Friday nights and on the west side on Saturday nights. This would increase exposure in both areas. He recommended that the businesses in these locations discuss this possibility.

Town Manager Hoffmann addressed the questions raised earlier by Ms. Gunnell, clarifying that the Commission must review permits, which would make it unlikely for a business to receive a permit for every night of the year. Special event permits carry a charge of \$100, and multiple dates may be grouped into one permit. Multiple sound meters are in use during events, and Police are trained in the use of these meters and are compensated for this training. Sound checks are done periodically to determine if any events have exceeded the limit. The Town may suspend or revoke special event permits if violations occur, but has not done so, as there have been no serious or ongoing violations. She concluded that it would be difficult to install more landscaping to buffer sound.

With regard to the possibility of single lane closure, it was confirmed that events have grown in popularity to a level that would make it very difficult for Police to enforce only one lane closure to contain the crowd, which regularly extends into the roadway.

**b. Noise Regulation Discussion (Bud Bentley, Assistant Town Manager,
and Connie Hoffmann, Town Manager)**

Mayor Sasser opened the floor to public comment.

Bill Vitollo stated that while many residents and businesses have said they wanted to continue the live music events, it would be difficult to move the events to other locations or indoors. He felt this would make it harder for businesses to succeed.

Steven DeLeon advised that while live music may be loud at the front of the stage, the sound meter readings he has taken are not typically unreasonable. He felt lowering the decibel level would make the events less successful.

Bill Ciani asserted that he is in favor of continuing live music at its present decibel level. He noted, however, that the events are concentrated in a small area, and recommended that they be moved among multiple locations to make the events more inclusive.

Mark Furth said it is more often Town residents than its business community that complain about music, and noted that members of his Citizens' Initiative Committee often say it is very loud. He reiterated his suggestion to move live music into the Dune Plaza.

Louis Marchellos, of Athena's restaurant and Fisherman's Pier Inc., stated that the decibel level of live music at his business has been lowered since the music was moved to the sidewalk. He noted that Police have checked the decibel level at his establishment and work to keep the crowd moving in the area.

Thomas Braga said he had formerly worked as a Police Officer in charge of live events, and pointed out that ordinances with the intent of controlling music and events have been harmful in other municipalities.

Cristie Furth thanked the business owners who have been willing to work with the residents to reach a solution, and suggested making a minor reduction in decibel level, which could resolve some of the issues.

Pamela Ulmer-Broughton said the sound levels and public safety appeared to be monitored by both checking sound levels and a Police presence.

Ron Piersante stated he enjoys the music he hears on weekend nights, which typically ends by 10:30 p.m. and was not a problem for him. He asked if the decibel level allowed in Lauderdale-By-The-Sea was louder than what is allowed in other communities.

Vice Mayor Vincent commented that entertainment in the commercial district only occurs on a limited number of hours on Friday and Saturday nights, and pointed out that the events have had a positive effect on the Town.

Lauderdale-By-The-Sea
Town Commission Special Workshop
April 7, 2014

Town Manager Hoffmann explained that the decibel levels allowed in Lauderdale-By-The-Sea are different before and after 10 p.m., and noted that the sound meters measure ambient noise as well as bass. Before 10 p.m., the commercial area's decibel limit for ambient noise is 90, which is much louder than allowed in nearby cities. After 10 p.m. the decibel limit is 75. Based on decibel readings taken recently, she concluded that it would be easy to lower the decibel level with no dramatic effect.

Commissioner Brown agreed that the Town could experiment with a lower decibel level that is more in keeping with the levels allowed by other towns. He pointed out that he does not typically receive complaints from residents, but often hears comments that the music is audible to them.

Commissioner Sokolow noted that perception of sound is objective, and that most of the lower decibel levels required in other towns did not include entertainment districts and were not intended to measure music. He cautioned against any regulation that might affect the overall perception of the Town.

Commissioner Dodd stated that there is always a Police presence in the Downtown area to enforce public safety, and cited examples of restaurants and businesses that successfully featured indoor music in the past. He disagreed with Staff's position in the backup materials, which stated there should be no exemptions to the Code governing decibel levels. He concluded that while the noise was not presently excessive, a reduction to roughly 80-85 decibels would not be unreasonable.

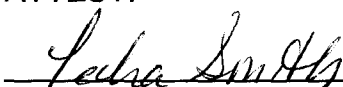
Mayor Sasser proposed a test in which the decibel level is lowered to the 60-65 range on one to two weekends so the Town can determine whether this change has a significant effect. Town Manager Hoffmann agreed that readings could be taken on a trial basis and from different distances, with the intent of reaching a conclusion after this trial is completed. The Commissioners could also meet Downtown so they could hear the sound for themselves. The Mayor also thanked the members of the public in attendance for their input.

With no further business before the Commission, the workshop was adjourned at 7:59 p.m.

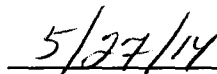


Mayor Scot Sasser

ATTEST:



Deputy Town Clerk Tedra Smith



Date