



# Council Communication

Office of the City Manager

<b>Date</b>	May 5, 2008
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<b>Agenda Item No.</b>	55
<b>Roll Call No.</b>	<del>08-</del>
<b>Communication No.</b>	<del>08-</del> 251
<b>Submitted by:</b>	Richard A. Clark, City Manager

## AGENDA HEADING:

Resolution recommending a variance to Chapter 42, Article IV of the Municipal Code regarding noise for the Lazerfest concert to be held in Water Works Park on May 21, 2008.

## SYNOPSIS:

On the agenda is a resolution requesting the Community Development Department to issue a variance to Chapter 42, Article IV of the Municipal Code regarding noise to allow 85 dBAs, measured at the nearest residential property boundary, for the Lazerfest concert to be held in Water Works Park on May 21, 2008 and following the guidelines as listed below. It is recommended that the noise levels for this event be carefully monitored and evaluated so that Council can determine if the current noise ordinance requires further modification.

## FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

## ADDITIONAL INFORMATION:

Mayor Cownie and Council Members Kiernan and Hensley along with staff recently met with several businesses who promote concerts held in Water Works Park. These promoters voiced concern that the current ordinance does not provide sufficient decibel levels for larger concerts such as Lazerfest and the Big Country Jam. These types of concerts are held approximately once a month during the summer in Water Works Park and draw thousands of attendees.

The decibel limit for the Lazerfest on May 21<sup>st</sup> would be increased from the 65 dBAs allowed, to 85 dBAS measured at the nearest residential property boundary. The nearest resident to the area where the concert is to be held is located at 4301 Park Ave. and is approximately 1,120 feet in distance from the stage area. (A map is attached to the roll call). Staff has recommended to the concert promoters that they notify the Southwestern Hills Neighborhood Association of any concerts planned for Water Works Park this summer.

In addition, staff has also recommended that the stage and sound equipment be set up facing the northeast so that sound will travel through the park and away from residential areas. Police officers will be assigned to take sound level measurements throughout the concert to determine that the decibel levels are in compliance with the variance. The Lazerfest concert will be considered a "test" to determine if the noise ordinance needs to be amended to allow higher decibel levels for concerts in Water Works Park.

**PREVIOUS COUNCIL ACTION(S):**

Date: April 7, 2008

Roll Call No.: [08-599](#)

Action: Amending Chapter 42 of the Municipal Code regarding noise, as amended. ([Council Communication No. 08-204](#)) Moved by Kiernan that this ordinance be considered and given second vote for passage. Motion Carried 6-1.

Date: March 24, 2008

Roll Call No.: [08-506](#)

Action: Amending Chapter 42 of the Municipal Code regarding noise. ([Council Communication No. 08-166](#)) Moved by Kiernan that this ordinance be considered and given first vote for passage; refer to the City Manager to look at creating an “Entertainment District” classification that operates by a different set of rules and standards than the residential neighborhoods. Motion Carried 6-1. Nays: Coleman.

Date: February 11, 2008

Roll Call No.: [08-240](#)

Action: Amending Chapter 42 of the Municipal Code regarding noise control. ([Council Communication No. 08-048](#)) Moved by Kiernan that this ordinance be considered and given first vote for passage, amended as follows: 1) The city-wide Type A Permit to be allowed from 9:00 A.M. to 10:00 P.M. 2) The downtown permit for Sunday through Thursday to be allowed from 9:00 A.M. to 10:00 P.M. 3) Appeals of the Hearing Officer decisions will be heard by the City Council; refer to the City Manager to review changes to the Downtown area and other entertainment venues to allow higher decibel levels for live music events. This recommendation will be forwarded to Council at a later date. Motion Carried 5-2. Nays: Coleman and Meyer.

Date: November 5, 2007

Roll Call No.: [07-2153](#)

Action: Resolution establishing a temporary moratorium on issuance of year-long sound permits. ([Council Communication No. 07-669](#)) Moved by Hensley to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Possible amendment to the noise ordinance regarding concerts in Water Works Park

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