



ISLAMORADA, VILLAGE OF ISLANDS VILLAGE COUNCIL WORKSHOP

**Founders Park Community Center
87000 Overseas Hwy
Islamorada, FL 33036**

**June 13, 2013
at 3:00 PM**

I. CALL TO ORDER / ROLL CALL

Mayor Philipson called the meeting to order at 3:01 pm. The following Council members were present on roll call: Mayor Ken Philipson, Vice Mayor Ted Blackburn, Councilman Mike Forster, Councilwoman Deb Gillis, and Councilman Dave Purdo. Also in attendance were Village Manager Ed Koconis, Village Attorneys Nina Boniske and James White, Village Clerk Ariana Lawson, Monroe County Sheriff's Office Captain Corey Bryan, Chief Building Official Gerry Albertson, Public Works and Parks & Recreation Director John Sutter and all other appropriate personnel.

II. PLEDGE OF ALLEGIANCE

John Maloughney led the Pledge of Allegiance.

III. VILLAGE MANAGER REPORTS AND UPDATES

A. Discussion Regarding Possible Amendments to Noise Ordinance

TAB 1

Village Manager Ed Koconis reported recent discussions regarding the subject matter with owners and managers of commercial establishments that feature musical entertainment, noting that some desired the establishment of decibel thresholds to clearly determine the point at which noise became too loud while others wished to leave the existing noise ordinance as is.

IV. PUBLIC COMMENT

Mayor Philipson opened public comment.

Howard Brody, Hog Heaven Sports Bar & Grill, relayed his experience to Council with a single habitual complainant. Mr. Brody stated that he would prefer a 75 db limit, measured at the location of the complainant, and that he does not feel that the establishment of a daytime db limit would be wise. Mr. Brody stated that recent noise meter readings of automobile traffic taken by himself from under the Snake Creek Bridge registered 96 db.

Boo Shaw, Islamorada, opined that variances should not be approved for special events, and inquired what recourse residents have when multiple complaints are registered regarding a single violation.

Howard Brody, Hog Heaven Sports Bar & Grill, produced a decibel meter and exhibited to Council how a hushed voice immediately in front of the source registers in the mid-60s on a meter.

Doug Young, Hog Heaven Sports Bar & Grill, advocated the use of decibel meter rather than officer discretion in determining noise violations.

John Maloughney, Lorelei Restaurant & Cabana Bar, spoke in favor of a threshold after 11:00 pm of no lower than 75 db from the complainant and advocated the use of a decibel meter to measure established thresholds at night at the location of the complainant.

Eric Carlson, Morada Bay Beach Cafe, stated that his business is willing to work with the Village to ensure compliance so that the legacy of Full Moon parties can continue. Mr. Carlson stated that frequent complaints regarding acoustic bands prior to 11:00 pm may impact business if required to comply with revised noise ordinance requirements.

Mike Millen, Smugglers Cove, stated that his business will support and work with Council whatever their decision is.

Mayor Philipson closed public comment.

V. COUNCIL DISCUSSION

Monroe County Sheriff's Office (MCSO) Captain Corey Bryan summarized proposed MCSO Noise Ordinance Procedures, dated June 10, 2013, that were distributed to Council prior to the meeting. Council discussion ensued.

Councilman Purdo and Councilwoman Gillis stressed the need to protect businesses in the Village. Councilwoman Gillis stated that she does not want to establish db thresholds, but would like to differentiate day versus night audibly acceptable noise levels. She stated that Captain Bryan's proposed noise ordinance procedures are a good start, noting that Council can always revise the procedures in the future. Vice Mayor Blackburn agreed.

Councilman Forster proposed implementing a pilot program wherein law enforcement carry noise meters and log violations without citation in an attempt to determine whether patterns exist that can be directly addressed, and then revisiting the issue at a subsequent Council Workshop in 60, 90 or 180 days to determine whether the existing day/night noise thresholds should be adjusted. He also suggested vacation rental owners advise wedding parties that activities should cease by 11:00 pm and relocate to licensed indoor business locations. Councilman Forster opined that anonymous noise violation complaints are not acceptable.

Councilwoman Gillis stated that if Council deems is necessary in the future to amend the existing ordinance, she would request the removal of the exemptions in sections 10 and 11 on page 6 of the proposed ordinance amendment, as well as several references throughout to "multifamily dwellings"; the correction of section numbering in reference to the fireworks language on page 6; and the inclusion of language affirming the Village's ability to enforce violations for disturbance of the peace during daytime hours as well as nighttime.

Mayor Philipson noted that simply turning down the bass and drums at 11:00 pm would significantly decrease window rattling.

Public Works and Parks & Recreation Director John Sutter advised Council and the public that Parks and Recreation staff has actively begun monitoring special events at Founders Park and requiring event providers to maintain acceptable noise levels.

Captain Corey Bryan summarized the proposed "Noise Ordinance Procedures", including recourse by law enforcement for violator non-compliance following first and second notices. He noted that dining and entertainment establishments have the ability to require compliance by hired bands/musicians. Captain Bryan also stated that the MCSO rarely has to respond to complaints of noise violations at the same establishment twice in one night.

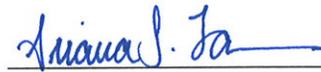
Howard Brody, Hog Heaven Sports Bar & Grill, requested Council establish procedures for dealing with unwarranted complaints from neighbors.

Councilwoman Gillis stated that she would like to pass the proposed ordinance amendment on second reading now and then revisit the subject again in ninety (90) days. Councilman Forster and Mayor Philipson expressed the desire to refrain from voting on the ordinance amendment at this time and instead revisit on second reading in ninety (90) days once law enforcement's logged data is available for review. Councilwoman Gillis stated her willingness to oblige as long as law enforcement continues to enforce the existing ordinance in the meantime. Council concurred.

Boo Shaw, Islamorada, inquired what the existing version of the noise ordinance is. Village Manager Ed Koconis advised her that the current version may be viewed on the Village's website (Ordinance No 05-22).

VI. ADJOURNMENT

Councilman Purdo offered a motion to adjourn. Councilman Forster seconded the motion. Council voted all in favor. The meeting adjourned at 4:30 pm.



Ariana S. Lawson
Village Clerk

Approved by the Village Council this 27th day of June, 2013.