



CITY OF COCONUT CREEK CITY COMMISSION WORKSHOP MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: February 24, 2022
Time: 6:00 p.m.
Meeting No. 2022-0224WS

CALL TO ORDER

Mayor Rebecca A. Tooley called the meeting to order at 6:10 p.m.

PRESENT UPON ROLL CALL:

Mayor Rebecca A. Tooley
Vice Mayor Joshua Rydell
Commissioner Lou Sarbone
Commissioner Sandra L. Welch
Commissioner Jacqueline Railey
City Manager Karen M. Brooks
City Attorney Terrill C. Pyburn
Records Specialist Darnette Grant

ALSO PRESENT:

Sustainable Development Director Scott Stoudenmire
Assistant City Attorney Eve M. Lewis
Police Captain Fred Shelton
Community Enhancement Manager Dan Nelson
Consultant Doug Price

Mayor Tooley noted that the meeting was being conducted live with a quorum physically present. She explained that the meeting material was available online, and the meeting was being broadcast live on the City's website and YouTube channel.

DISCUSSION – DRAFT NOISE ORDINANCE

Sustainable Development Director Scott Stoudenmire provided a brief background on the draft noise ordinance and the research that had gone into its development. He introduced the team involved in the development of the ordinance, including Assistant City Attorney Eve M. Lewis and Consultant Doug Price.

Assistant City Attorney Lewis shared a *PowerPoint* presentation, reviewing the City's current noise regulations and the proposed regulations, which were developed with a data-driven approach and specific sound level guidelines, making it easier to enforce. She discussed the research conducted, including regulations in place in other communities, which were utilized to develop the standards presented. She reviewed the components of the draft ordinance, including definitions, exceptions, sound levels, and enforcement provisions.

Commissioner Sarbone asked how the process for a complaint contemplated within the draft ordinance compared with the process for other Code Compliance issues, specifically the requirement in the draft that there be two (2) complaints. Sustainable Development Director Stoudenmire responded and discussion ensued.

Commissioner Sarbone asked for additional detail on one-off events versus on-going noise issues.

Assistant City Attorney Lewis stated the ordinance, as drafted, would not address the one-off events, only the persistent, on-going noise disturbances. Discussion ensued regarding Code Compliance complaints versus Police Department complaints and the practical implications of measuring sound.

Police Captain Fred Shelton provided additional detail on the applicable statutes for addressing noise complaints and the requirements for enforcement. Captain Shelton shared feedback he had received on issues other communities had with utilizing the decibel meters to measure sound related to noise disturbances. Discussion continued regarding discretion of the officers and action steps that would be taken by the Police Department in response to noise complaints.

Vice Mayor Rydell discussed issues residents had contacted him with regarding repeated noise, and stated the proposed ordinance provided a needed vehicle for investigating noise disturbances. He commented that he agreed with Commissioner Sarbone's assertion that a single independent, sworn affidavit should be enough to begin an investigation and noted that the difference between a specific decibel measurement and a reasonable standard was an appropriate policy debate moving forward. Discussion ensued regarding being a good neighbor.

Commissioner Welch asked whether there was data regarding prior noise disturbances to drive the level of enforcement in the ordinance. She noted she appreciated the point Captain Shelton had made regarding the difficulty in capturing accurate measurements and asserted if the data showed a need for the ordinance, enforcement provisions should be clear. Discussion ensued regarding whether there was an evidenced need.

Commissioner Railey stated she thought they needed to differentiate between normal noise, such as mowing your lawn early in the morning or having a party late at night where people will shut it down if asked by law enforcement, and constant, irritating noises that can wear on an individual. She pointed out certain land uses which generate noise also becomes an issue based on who was there first.

Mayor Tooley stated that noise from fireworks that run for weeks after a holiday was an issue. She commented on issues with facility usage outside of the times permitted by ordinance and barking dogs. She noted she would like to know how many calls there had been for noise issues prior to taking action.

Vice Mayor Rydell noted past drafts of the ordinance had included both a decibel measurement and a "reasonable person" inclusion and asked the City Attorney to comment on whether both passed legal muster. Assistant City Attorney Lewis stated that decibel measurement, and if drafted appropriately, the "reasonable person" standard would meet legal standards. She added that the current version included only the decibel measurement. Vice Mayor Rydell asked whether hypothetically, both sets of language could be presented at a meeting as options for the Commission to consider. Assistant City Attorney Lewis stated they could. Discussion ensued regarding the option.

Commissioner Welch asked to hear more about the data and the measurements taken for discussion. Sustainable Development Director Stoudenmire reviewed the sample measurements taken and explained the methodology. Commissioner Welch inquired about historical occurrences. Community Enhancement Manager Dan Nelson stated in 2021 there were 35 total complaints, 20 were Code Compliance complaints, and 18 came through the Police Department and generated written reports. He noted the reports included a number of one-off occurrences and summarized the types of noise reported. Commissioner Welch asserted, when looking at the entire year, the number of reports was not significant.

Assistant City Attorney Lewis and City Attorney Pyburn provided additional detail on the definitions in the ordinance as related to appropriate noise levels in different zoning districts and land uses.

Commissioner Railey agreed with previous comments that requiring two (2) complaints sent the wrong message. She stated the Wynmoor community gets complaints almost daily about pickleball being too

close to the residential building and noted the community had been discussing how to make changes to address the complaints received.

Consensus was to move the draft ordinance forward to an agenda with one (1) complaint affidavit rather than two (2) and the inclusion of joint language for decibel measurements and a “reasonable person” standard.

Sustainable Development Director Stoudenmire explained staff needed additional time to gather the information needed to present the ordinance. Discussion ensued regarding the timeline. City Manager Brooks suggested 90 days was an appropriate timeframe, and the Mayor concurred.

ADJOURNMENT

The meeting was adjourned at 7:00 p.m.

Marianne Bowers, CMC
Interim City Clerk

Date