

MINUTES OF THE WORKSHOP OF THE APALACHICOLA CITY COMMISSION HELD
MONDAY, APRIL 25, 2022, 4:00 PM AT THE APALACHICOLA COMMUNITY CENTER.

PRESENT: Mayor Brenda Ash
Commissioner Anita Grove
Commissioner Despina George
Commissioner Adriane Elliott
Commissioner Donna Duncan

Travis Wade, City Manager
Deborah Guillotte, City Clerk
Dan Hartman, Attorney

CALL TO ORDER

Mayor Brenda Ash called the meeting to order and gave the Invocation, followed by the Pledge of Allegiance.

AGENDA ADOPTION

Commissioner Anita Grove made a motion to adopt the Agenda, amending to add Chris Holley – H2 Solutions – to give Words of Appreciation of his time as a consultant. Commissioner Adrian Elliott seconded and the motion carried 5-0.

Chris Holley thanked the Commission for allowing him the opportunity to work with the City, and stated how much he enjoyed his time here. Mr. Holley stated that any time that he is needed, to feel free to contact him.

NOISE ORDINANCE WORKSHOP

Attorney Dan Hartman gave a brief review, and then turned the workshop over to Rob Zingarelli – former retiree from Naval Acoustics. Mr. Zingarelli gave a brief background of what he did in the Navy. Mr. Zingarelli reviewed his ideas after having onsite visits to downtown businesses, giving his suggestions to the Commission – (See Attachment “A”). Mayor Ash stated that the Commission had tasked Mr. Zingarelli to work with staff on finding a resolution of this ordinance. Commission comments consisted of the following: 1) C2 and C4 Districts levels; 2) measurement from across the street of music; 3) possibility of polls by residents and other businesses; 4) free market; 5) address fines – current fines need to be increased; 6) miscellaneous noise in both the commercial/residential areas; 7) include park events i.e. - weddings etc.

Attorney Hartman would like to move forward as discussed, having the following in the next draft: 1) sound level and point of measurement identified, and 2) whether it is complaint driven versus law enforcement patrol. All Commissioners are asked to get their comments and concerns to Attorney Hartman to be added to the proposed ordinance. There will be another workshop date set for the noise ordinance at the May 3, 2022, meeting.

PUBLIC COMMENT

Comments consisted of the following: 1) sound level of 75 would be reasonable; 2) thumping bass and booming music in cars; 3) day and night time hours and decimal levels during regular business hours; 4) miscellaneous types of noise in commercial-residential areas; and 5) business owners responsibility to keep things legal.

AMERICAN RESCUE PLAN ACT

The City formerly made application to the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) – American Rescue Plan Act program and received an award of \$1,179,010. The City has received half of this allocated amount and will receive the second half after spending the first deposit – (See Attachment “B”).

The Commission reviewed and discussed the list of proposed projects provided by Manager Wade and Commissioner Grove. The Commission directed Manager Wade and Finance Director Gerspacher, to prioritize the lists and bring back to the next meeting for further review. Mayor Ash also requested a spreadsheet of grants/projects and where we are at this point.

ADJOURNMENT

Commissioner Elliott made a motion to adjourn the workshop. Commissioner Despina George seconded and the motion carried 5-0.

Brenda Ash, Mayor

Deborah Guillotte, City Clerk

Key Points, 4/25/22

1. The proposed sound level limit of 85 dBA (up from 65 dBA) is entirely too high. For reference, this is just under the 90 dBA OSHA safety limit.
2. For comparison, a commercial refrigerator outside compressor's sound level is 85 dBA three feet from the compressor. Across a street, this drops to 70 dBA.
3. **dBC weighted measurements must additionally be used in order to include bass-heavy music.** dBA weighting largely ignores bass notes.
4. At the January 26th sound test meeting (Wade, Varnes, Zingarelli, others), 75 dBA and 85 dBC sound levels, measured across a street from a club with open doors, were agreed upon as provisionally acceptable for downtown evenings. Even this may be too high. It is difficult to carry on conversation with 75 dBA of interfering sound. 70 dBA and 80 dBC really are more appropriate.
5. It is important to specify a simple standard distance at which sound measurements should be made. "Across adjacent street" or "at complainants property line" are easily understood standards.
6. Sound level measurements should be a music venue's responsibility, and should be part of a pre-performance sound check. Sound level smart phone apps are inexpensive and easy to use.
7. Enforcement should not be on a complaint-by-complaint basis. Short term renters will not complain, they just won't come back. Residents and business owners are often hesitant to call in complaints, for a variety of reasons.
8. Corrections for the character of sound are absolutely necessary. Repetitive beats in music are designed to attract human attention, while random noises often pass unnoticed. Boom cars and semi truck traffic can put out similar sound levels, but nobody dances to passing truck noise.
9. Other levels for daytime and nighttime noises in neighborhoods were discussed and given in notes at the April 5th meeting. These are all on the next page.

Coronavirus State and Local Fiscal Recovery Funds (SLFRF) – American Rescue Plan

The City formerly made application to the SLFRF program and received an award of \$1,179,010.00. The City has received half of this allocated amount and will receive the second half after spending the first deposit.

There were original stipulations on how to spend this money with there being 4 categories noted:

1. Public health & economic impacts
2. Premium pay
3. Revenue loss
4. Investments in water, sewer, or broadband infrastructure

There was a FINAL RULE that went into effect on April 1st – the FINAL RULE offers more uses for this funding and could potentially fund several city projects.

Dates:

- » First Report due April 30, 2022
- » Funds must be obligated by December 31, 2024
- » All expenditures must be complete by December 31, 2026

Please see extra info below:

American Rescue Plan Info:

- Final Rule takes place starting on April 1, 2022, until then, the Interim Rule remains in effect. (4 categories)
- Electing the “standard allowance” to spend on government services
 - Government Services generally include any service traditionally provided by government unless Treasury has stated otherwise. Here are some examples:
 - Construction of schools and hospitals
 - Road building and maintenance and other infrastructure
 - Health Services
 - General Government administration, staff, and admin facilities
 - Environmental remediation
 - Provision of police, fire, and other public safety services, including purchase of vehicles
 - However, these funds may not be used for a project that conflicts with or contravenes the purpose of the American Rescue Plan Act statute (uses of funds that undermine COVID-19 mitigation practices in line with CDC guidance and recommendations)
 - All projects MUST follow 2CFR procurement

- No construction of the following:
 - New correctional facilities as a response to an increase in rate of crime
 - New congregate facilities to decrease the spread of COVID 19 in the facility
 - Convention centers, stadiums or other large capital projects intended for general economic development or to aid impacted industries
- Funds cannot be used for payments for debt services or replenishing rainy day funds.
- Reporting – first report will be due on April 30, 2022