
**CITY OF GALLATIN
NOISE ORDINANCE COMMITTEE MEETING**

February 24, 2014

9:00am

Mayor's Conference Room

- Call to Order – Mayor Graves
- Roll Call: Mayor Graves – Councilman Mayberry – Councilman Overton – Police Chief Don Bandy – Director of Planning Bill McCord
- Approve Minutes: February 10, 2014 Meeting
- Public Recognition on Agenda Related Item Only

AGENDA

1. Continue discussion of the Noise Ordinance and make recommendations on revisions of the ordinance to the Gallatin City Council.

- Adjourn

CITY OF GALLATIN

NOISE ORDINANCE COMMITTEE MEETING

February 10, 2014

Mayor Jo Ann Graves called the meeting to order at 9:00 A.M. The meeting was held in the Mayor's Conference Room, Gallatin City Hall. Special Projects Director, Rosemary Bates called roll and the following were present:

Mayor Jo Ann Graves
Councilman Ed Mayberry
Councilman Jimmy Overton
Don Bandy, Police Chief
Joe Thompson, City Attorney
Bill McCord, Director of Planning
Rosemary Bates, Special Projects Director

Public Recognition on Agenda Related Items

Mayor Graves opened public recognition on agenda related items. No one came forward to speak; therefore, Mayor Graves closed public recognition.

Agenda

Discuss the Noise Ordinance and make recommendations on revisions of the ordinance to the Gallatin City Council.

Chief Bandy referred to a spreadsheet showing measurements of noise at different distances from the Gallatin Marina, with windows open and windows closed. There is a page that shows examples at different addresses at different times. With the band playing, the average decibel level was 65 to 69 at 10:00 P.M. outside the 100 feet behind the Marina. Chief Bandy said a police siren from two blocks away was at 79 decibels; however, that sound is brief, as opposed to a band playing for a length of time.

Councilman Overton said the print out Chief Bandy presented said normal conversation is between 60 and 65 decibels at three (3) feet. Chief Bandy said there are other examples, such as truck traffic and train whistles listed in the print out.

Mayor Graves said the decibel limit allowed shown in the City ordinance is from 11:00 P.M. to 7:00 A.M. Mayor Graves said the decibels vary from different locations. Mayor Graves asked if time should be discussed, as well as decibel level.

Councilman Mayberry said the Marina and Restaurant have been there for a long time; however, the outside entertainment just began with the new owners. Mayor Graves said there was outside

music in years past; however, they played in the front and was usually a solo entertainer. Mayor Graves said the problems began when the bands began to play.

Councilman Overton said the owners have agreed to cut the hours to 10:00 P.M. during the week and 11:00 P.M. on Friday and Saturday nights.

Mr. Thompson said the City of Hendersonville Municipal Code section on noise has the exact same language as Gallatin; however, they added more specific regulations. This is where the times and excess decibels are located.

Councilman Overton said the lake has a lot to do with amplifying the sound. Councilman Overton said, even if the Marina noise stops, there will still be issues with boats on the lake making noise.

Mr. Thompson said the committee must take out the Marina and those that have come to City Council and ask yourself if you are in any house in the City, what is the reasonable noise level.

Councilman Mayberry said this ordinance would refer to the entire City; not just specific locations.

Mayor Graves asked that a discussion be held on holding the bands accountable for the sound level instead of the property owner. Mayor Graves said if the property owner is not on site, the band could play as loud as they want without consequences. Councilman Overton said there is a problem with citing just the band because they may never play at the property again. Mr. Thompson said if the bands are cited and it re-occurs, you cite a public nuisance on the property owner and ask a judge for an injunction. Councilman Overton asked where the sound is registered. Mr. Thompson said the most meaningful sound measure is at the outside wall of a residential structure.

Mayor Graves suggested that music be banned on Sunday. Mr. McCord asked why only Sunday night and would it be appropriate to single out one night. Councilman Overton asked if it could be specified that no amplification be used on Sunday. Mr. Thompson said the City still has a liquor law on Sunday. Mr. Thompson said he is more concerned that the ordinance is City wide. Councilman Overton said it could be specified that there be certain hours and decibel limits on Sunday. Mr. Thompson said the City of Hendersonville does specify Sunday hours and decibel limits. Councilman Overton said the problems on Aqua Drive would most likely go away with the same Sunday regulations as Hendersonville.

Mayor Graves said if the decibel limit is raised, would the bands make the music louder. Councilman Overton said the bands most likely are not keeping up with the regulations.

Mr. Thompson said the City of Hendersonville's regulations state 65 decibels is the limit starting at 9:00 P.M. Sunday through Thursday and starting at 11:00 P.M. Friday and Saturday.

Chief Bandy said the residents will complain more at this level of sound. Mayor Graves said the problem is playing outside in a residential area because the sound is different than playing inside a building.

Mayor Graves said the current ordinance does not have specialties in the code and asked if there could be a specific category for outside music venues. Mr. Thompson said he is not aware of a problem with noise from an inside venue. Mr. McCord asked if the sound level is the problem or the frequency of the sound, such as bass drums, etc. Councilman Overton said there are complaints at just singing. Councilman Overton said there have been as many complaints from the customers talking as music playing.

Mr. Thompson asked what paces the Planning and Zoning Department would put a new business through as far as outside music as a permitted use or a conditional use. Mr. McCord said it is an accessory use and the owner would be advised of the regulations.

Mr. Thompson asked Mr. McCord to look at the application for AweDaddy's Restaurant. Mr. Thompson said they applied for a Conditional Use Permit and then withdrew it. Councilman Mayberry said they applied to build a restaurant and would have outside music and were told that 45 decibels were a regulation of the zoning ordinance.

Mayor Graves said the committee must determine if 45 decibels is reasonable and what hours are reasonable. Mr. Thompson suggested that the decibel level stay the same and increase the hours.

Councilman Overton reiterated that the suggestion is that the decibels be allowed at 65 decibels until 11:00 P.M. on Friday and Saturday and then it would go down to 45 decibels. Mayor Graves said she would like to see it banned after 11:00 P.M.

Councilman Overton said if you make the decibel level go down after 11:00 P.M. to 45 decibels you may avert some of the problems.

Mayor Graves reiterated that she would like to see the noise banded after 11:00 P.M.

Mr. Thompson said there is a difference between a vehicle traveling down the road with a loud radio and the instance of a band playing. Mayor Graves asked why a band should be allowed to play outside after 11:00 P.M. Councilman Overton said he believes everyone is in agreement, but he does not believe you can tell businesses that you must stop music at 11:00 P.M. if they are outside.

Mr. Thompson said the problem with artistic expression is that it can only be addressed from the standpoint of it annoying other people. If we said you must stop all outside music at 11:00 P.M. and no one is being bothered by it, you run into a problem. Mr. Thompson said he believes 45 decibels would fix the problem.

Mayor Graves asked how we are getting to the number of 65 decibels. Mr. Thompson said it is in the City ordinance, but at a different time. Right now the levels are 45 until 7:00 P.M. to 7:00

Minutes of the City of Gallatin Noise Ordinance Committee
February 10, 2014

A.M. and it is 65 decibels at 7:00 A.M. to 7:00 P.M. Mr. Thompson said 65 decibels is already in our code.

Chief Bandy said the decibel for conversation is 65 decibels. Mayor Graves said we need justification for picking the decibel level of 65, when the level now is 45 decibels. Mayor Graves asked that based on police research and today's environment, the City is picking the decibel level of 65 decibels. Mayor Graves said the City is basically staying with the same ordinance, but changing hours, according to Mr. Thompson's proposal.

Mayor Graves asked if the time should be decreased Sunday through Wednesday, at 7:00 P.M. and 45 decibels, so that the residents can have some relief. Bill McCord asked about holidays and asked if there might be a permit for unusual activity, such as weddings, etc. Mayor Graves said some of the cities do have special permits for events.

Mr. Thompson suggested it be left as is, from Sunday through Wednesday, 45 decibels and Thursday through Saturday, 65 decibels drop to 60 decibels, until 10:30 P.M. to 7:00 A.M. when it drops back to 45 decibels.

Mayor Graves asked Mr. Thompson to draft an ordinance. Another meeting was scheduled for Monday, February 24, 2014, at 9:00 AM. so that this discussion may be continued. Mayor said she wanted something in writing before taking anything to City Council.

Without objection, Mayor Graves adjourned the meeting.

Mayor Jo Ann Graves

City Recorder Connie Kittrell