

TALLAHASSEE – LEON COUNTY
BLUEPRINT 2000 INTERGOVERNMENTAL AGENCY
Meeting Minutes
September 16, 2013
5:00 pm, City Commission Chambers

MEMBERS PRESENT

| <u>County</u> | <u>City</u> |
|------------------------------------|----------------------------|
| Commissioner John Dailey | Commissioner Andrew Gillum |
| Commissioner Bryan Desloge | Mayor John Marks |
| Commissioner Kristin Dozier, Chair | Commissioner Nancy Miller |
| Commissioner Bill Proctor | Commissioner Gil Ziffer |
| Commissioner Mary Ann Lindley | |
| Commissioner Nick Maddox | |
| Commissioner Jane Sauls | |

CITY/COUNTY STAFF

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|--|-------------------------------------|
| Cynthia Barber, EPER | Vincent Long, County Administrator |
| Autumn Calder, Blueprint 2000 | Shelonda Meeks, Blueprint 2000 |
| Jim Cooke, City of Tallahassee | John Powell, City of Tallahassee |
| Dee Crumpler, COT Parks & Rec. | Harry Reed, CRTPA |
| Lee Daniel, Leon County | Scott Ross, BOCC |
| Arielle Franklin, BOCC | Lew Shelley, City Attorney |
| Linda Hurst, City of Tallahassee | Rita Stevens, City of Tallahassee |
| Charles Hargraves, Blueprint 2000 | Wayne Tedder, PLACE |
| Angela Ivy, Blueprint 2000 | Patrick Twyman, City of Tallahassee |
| Cassandra Jackson, City of Tallahassee | Gary Zirin, BOCC |
| Catherine Jones, BOCC | |

OTHERS PRESENT

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| Wings S. Benton, Myers Park resident | Donna Head, Myers Park NA |
| Tomas Berger, Woodland Drives NA | Howard Holtzendorf, Myers Park resident |
| Susan Campbell | Sandy Holtzendorf, Myers Park resident |
| Scott Carswell, SC Presents | David Jones, CAC member |
| Cindy Cospers, Myers Park NA | Scott Lawley, SC Presents |
| Erica Clark | Susan Mayo Lorch |
| Ron Clark | Maribel Nicholson- Choice, Greenberg Traurig* |
| Robert Clay | Charles Oxendine |
| Jeanie Connor, Myers Park NA | Clifton Savoy |
| Betsy Couch, FSU | Robin Sellers, Woodland Drives NA |
| Bernice Cox, KCCI | Dave Snyder, Michael Baker, Jr.* |
| Don Crosby | Charles Stratton, Broad & Cassel |
| Becki Dutta, Myers Park NA | Peter Stone, Woodlane NA |
| Mary Frederick | Margie Quillman, Michael Baker, Jr.* |
| Echo Gates, Genesis | Mary van Toe, Capital City |

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| Peter Grabel, Myers Park resident | Richard White, Myers Park NA |
| Kevin Hattaway, Myers Park NA | Vivian Young, Myers Park NA |
| Debra Head, Myers Park NA | |

* Indicates Blueprint 2000 Consultant

Commissioner Kristen Dozier called the meeting to order at 3:05 pm.

I. AGENDA MODIFICATIONS

Autumn Calder stated that there were two supplemental materials for item # 6, Citizen's Advisory Committee Appointments; and replacement of the resolution in item #10, Adoption of the FY 2014 Blueprint Operating Budget & Resolution No. 2013-02.

II. CITIZEN'S ADVISORY COMMITTEE (CAC) CHAIRMAN'S REPORT

Charles Hargraves updated the Board of recent CAC activities. The minutes were attached for reference as well.

III. INFORMATION ITEMS

1. CAC Meeting Minutes (May 30 & June 4, 2013)

This item was presented as informational only.

2. Project Updates

This item was presented as informational only.

IV. CONSENT ITEMS

3. IA Meeting Minutes (June 17, 2013)

RECOMMENDED ACTION:

Option 1: Approve minutes as provided.

Action by TCC and CAC: This item was not presented to the TCC or CAC.

4. Proposed 2014 IA, TCC and CAC Meeting Schedules

RECOMMENDED ACTION:

Option 1: Approve the dates as presented.

Action by TCC and CAC: The dates were approved by the TCC and CAC.

5. Approval to Negotiate a Contract for External Auditing Services

RECOMMENDED ACTION:

Authorize the Blueprint 2000 Director to approve the acceptance of donations from outside groups and individuals less than \$1,000,000 per donation, consistent with the Blueprint 2000 Leveraging Policy. The donation awards shall be for approved projects where the project Budget has been approved by the Agency.

Action by TCC and CAC: The CAC voted 10-0 in favor of option 1. This item was not presented to the TCC.

Commissioner Desloge moved the consent agenda; Commissioner Ziffer seconded the motion. It passed unanimously.

V. PRESENTATIONS/ACTIONS/DISCUSSIONS

6. Citizen's Advisory Committee Appointments

RECOMMENDED ACTION:

Option 1: Approve the following nominations:

Representative from the EECC, Financial Expert: George Smith

Representative from the Education Community: Andrew Chin

Action by TCC and CAC: The CAC voted 10-0 in favor of Option 1. This item was not presented to the TCC.

Commissioner Nick Maddox moved staff recommendation; second by Commissioner Desloge. It passed unanimously.

8. Approval to Extend General Engineering Consultant Contract

Charles Hargraves gave a brief synopsis of the item. Mayor Marks questioned if the company name had changed due to recent purchase. Mr. Hargraves confirmed that at while the company was purchased by another firm, at present the name was still Michael Baker Jr. Inc. He further confirmed that the contract would be amended to reflect the appropriate name when the change was completed.

RECOMMENDED ACTION:

Option 1: Approve the extension of Michael Baker Jr.'s contract with Blueprint 2000 for an additional one year period.

Action by TCC and CAC:

Commissioner Ziffer moved approval; Commissioner Desloge seconded the motion. It passed unanimously.

9. Maintenance Costs of Sales Tax Funded Projects

Charles Hargraves gave a brief synopsis of the item. He pointed out that costs listed in the agenda item for the City did not include costs for Capital Cascades Trail Segment 3 and 4. Wayne Tedder stated that the item was provided at the request of the Board to clearly illustrate the maintenance costs of Blueprint projects as funded by the City and County.

Commissioner Desloge noted that the genesis was in one Agency having a better deal than another. Mr. Tedder stated that the maintenance costs were equally distributed between both the City and County. Commissioner Desloge stated that he felt that it could be handled on a project by project basis.

Commissioner Dozier agreed and stated that both Commissioner Nick Maddox and Commissioner Gillum raised the issues in months past; neither had any comments to add to the item.

RECOMMENDED ACTION:

Option 1: Accept status report on maintenance costs of sales tax funded projects.

Action by TCC and CAC: This item was not presented to the CAC or TCC.

Commissioner Desloge moved acceptance of the report. Commissioner Miller seconded the motion. It passed unanimously.

7. Cascades Park Update

Commissioner Dozier requested that staff begin item #7 until it was time for the public hearing to begin and complete the presentation once the public hearing was closed.

Charles Hargraves stated that purpose of the item was to provide an update on construction as well as request additional funding associated with additional work, costs due to project extension, and unforeseen items. The additional work items were outlined in A – H in the item. Costs related to the project extension were described in I – L. The unforeseen items were at M and N; as well as project contingencies.

Mr. Hargraves stated that Blueprint contracted with Sandco, Inc. to complete the construction of the Smokey Hollow Commemoration. The anticipated completion date of that portion was March 15, 2014 (not December 30, 2013 as listed in the agenda item). Completion of the karst repair was expected by February 2014. The Amphitheater was progressing well and the upper pond, Smokey Hollow Pond, was nearing completion.

Mr. Hargraves directed the Board to page 51 of the agenda for the breakdown of costs. Staff was requesting approval of an additional **\$1,067,000.00** to be provided from unallocated sales tax dollars from other projects. Furthermore, staff requested an additional \$500,000 to serve as

contingency on the karst repairs. Funding was from unused funds from the Franklin Boulevard project.

Commissioner Ziffer questioned if he could move approval of all items except the amphitheater and sound study discussion. Commissioner Dozier stated that she and Mr. Tedder felt it best to keep the item intact given that the sound study discussion was a small portion of the larger item. However, she did not want to hold up the meeting; therefore, barring any questions from the Board on other items, she requested staff move into the presentation on the amphitheater and sound study. Commissioner Miller stated that she agreed with Commissioner Ziffer that there were many sub-projects, so to speak, other than the amphitheater and sound study. She felt that it would be easier to approve the other items.

RECOMMENDED ACTION:

Option 1: Amend the FY2013 Capital Budget for Cascades Park by adding **\$1,067,000.00** to Project Funding and Contingency. Should the karst repair exceed the estimated cost, staff is recommending additional funding up to \$500,000.00 to be allocated from remaining funds in the Franklin Boulevard project.

TCC and CAC Action: The CAC voted 10-0 in favor of option 1 with one member abstaining. The CAC was extremely concerned about continued cost overruns and project add-ons without a clear understanding of who directed the additional work. Additionally, the CAC was concerned about a continuation of funding requests particularly in light of the Park not being open and thoroughly suggested opening the Park in phases.

This item was not presented to the TCC.

Commissioner Ziffer moved approval of all items with the exception of items related to the Amphitheater, including E.1. Noise Study and Mixing Platform Revisions and E.2. Grid System. Commissioner Miller seconded the motion.

Commissioner Dozier commented on funding for the Meridian Point Building. She noted that it was a City issue however, if things were to move quickly on the City's part in the acquisition of the property, she was concerned about putting money into the existing building to make it usable for a year. She did not mind the investment if it would be a longer period of time. She requested that the City keep the Board informed as to the progress of the acquisition. Commissioner Miller stated that while she had seen no movement on the issue, the City was hopeful of a quick turn-around. Commissioner Gillum stated that he had discussed the Meridian Point Building with Dr. Eric Baron with FSU and City management. There was an agreement for the transfer of the property. The land swap piece remained unresolved; while there were many pieces and would require Cabinet and City Commission approval, there were no major obstacles with the University.

Mayor Marks questioned item G and a cost of \$250,000 for the amphitheater restroom. Mr. Tedder stated that the cost was based on the concept plans of a standalone facility located in an area of the park without restrooms, near both the Amphitheater and the Discover Garden. Also,

it's a larger facility with accommodations for 8-12 stalls for each gender. Commissioner Miller requested that "family" restrooms be included in the design. Mr. Tedder stated that they were tentatively in the plan.

Commissioner called the vote on Item 7 with the exception of 7.E; a separate vote would be held for it. **The motion passed unanimously.**

Mr. David Jones, the CAC representative for the Disabled Community, spoke of concerns from that community regarding Cascades Park. At the August 29, 2013 CAC meeting there was an agenda item to address Centennial Field. Staff recommended in that item that construction move forward with a grass and clay field rather than an accessible universal play field recommended by the CAC as an alternative. Mr. Jones initially requested this alternative more than one year earlier to ensure that a portion of the park was inviting to people of all abilities and demographics; also to show the welcoming attitude of the Tallahassee community for diversity.

That process did not happen in part because of staff vacancies, transitions, and newly hired employees through Blueprint and City Parks and Rec. Because of those delays however, the proposal never made it before the IA. When the CAC was requested to approve the reallocation of funds from Cascades Park to a general fund to be used for other projects, Mr. Jones brought the Centennial Field alternative to the front again.

The CAC once again supported further research and inclusion of a universally accessible, rubberized field and requested support of the IA for it as well.

VI. PUBLIC HEARING

10. Adoption of the FY 2014 Blueprint Operating Budget & Resolution No. 2013-02

Wayne Tedder stated that there were no significant changes since the presentation at the June IA meeting with the exception of City services. Blueprint received notice from the City that the cost of services provided by Budget and Policy would increase; the outline of that was included as Attachment 1. This inclusion increased the total operating budget to \$3,086,892.00.

There were no speakers on the item.

RECOMMENDED ACTION:

Option 1: Adopt the FY 2014 Blueprint Operating Budget as presented and approve the FY 2014 Operating Budget Resolution (Resolution No. 2013-02).

Action by TCC and CAC: A Public Hearing was advertised and held during the Blueprint 2000 CAC meeting on June 4, 2013. There were no speakers.

Commissioner Gillum moved adoption of the operating budget; Commissioner Desloge seconded the motion.

Commissioner Miller noted the almost 24% increase over FY13 on personnel services and requested clarification. Mr. Tedder stated that one of his charges as Director of PLACE was to look at reducing operating costs of Blueprint and ensure the funds were allocated to capital projects. Some of the ways he had restructured the department was in reducing the GEC staff by three people and hiring temporary employees to fill those duties.

Mr. Hargraves read the resolution into the record. **The item passed unanimously.**

11. Adoption of FY 2014-2018 Blueprint Capital Improvement Plan, Budget Resolution No. 2013-03, and the 2014-2020 Net Sales Tax Allocation Plan

Mr. Tedder stated that nothing of substance had changed since the June presentation and summarized the allocations for the Board.

There were no speakers on the item.

RECOMMENDED ACTION:

Option 1: Adopt the FY 2014-FY 2018 Blueprint Capital Improvement Plan, appropriate FY 2014 of the Capital Improvement Plan, and adopt the Budget Resolution.

Action by TCC and CAC: A Public Hearing was advertised and held during the Blueprint 2000 CAC meeting on June 4, 2013. There were no speakers.

Commissioner Miller stated that the way Capital Cascades Trail Segment 3 and the FAMU Way improvements section was worded sounded as if it was at the City's expense. Mr. Tedder stated that Blueprint would be completing and funding the stormwater improvements as well as the trail, which would parallel FAMU Way. It would however be bid as one project.

Mr. Hargraves read the resolution into the record. **Commissioner Ziffer moved adoption; Commissioner Desloge seconded the motion. It passed unanimously.**

V. PRESENTATIONS/ACTIONS/DISCUSSIONS – continued

7. Cascades Park Update- continued

Regarding Mr. Jones comments to the Board, Commissioner Dozier opened the floor to comment. Mr. Hargraves confirmed that Blueprint would indeed bring the item before the Board. Commissioner Miller stated that she was concerned with the continual additions to Cascades Park. Looking at Segment 4, where the water quality treatment would be done, was still estimated at "to be determined." Much had been done for Cascades Park, it had grown to much more than expected. With all due respect, she felt it too bad when someone comes in at the end of the line. Still, she was experiencing "sticker shock" and yet the Board kept adding to it when there were two segments that remained to be constructed.

Commissioner Dozier stated that while there had been changes in construction costs the majority of the amenities were planned from the beginning; just not funded. From her perspective, she did not feel that it had “mushroomed” however. There had been many fundraising conversations, particularly around Smokey Hollow and funding was identified. However, she suggested that the Board wait until the item was presented by staff for a full discussion to occur.

E. Amphitheater-

E.1 Noise Study and Mixing Platform Revisions

E.2 Grid System

Commissioner Dozier stated that she would be recusing herself from voting the item because she was related to the person who completed the sound test. She did not believe that she had a conflict of interest and would still participate in the discussion.

Mr. Tedder gave an overview of the sound study and methodology used. Furthermore, the Meyers Park and Woodland Drive neighborhoods hired Siebein & Associates, a private consultant to conduct their own sound tests and to review the material collected by Blueprint. They requested that Mr. Tedder hold off on presenting the findings of the sound study to allow them time to review the data and draw their own conclusions. However, as an employee of the City and County he would be delivering the information to the Board.

Commissioner Gillum questioned how the survey accounted for the delays in the schedule. Mr. Tedder stated that Scott Carswell was recording activities of the sound test in three to five minute intervals that could then be compared to the survey data. Also, there was a range of low to high within each of the test periods.

Scott Carswell, producer from The Moon, spoke to the actual decibel levels of the study. Mr. Carswell provided the Board with a written summary of the analysis. (The document has been made a part of the record and is available at the Blueprint 2000 offices upon request.) He stated that the purpose of the event was to test the house system, which would be permanently installed at the amphitheater, as well as a touring or concert system. He spoke to the range of sound from a range of performances that were possible at the amphitheater. The sound test was pushed to what was considered to be the maximum of those possibilities from both systems.

Sound readings were taken at the perimeter of the park, at the mix position, and at various points throughout the neighborhood. Mr. Carswell spoke briefly about the individual sound tests. He noted that the test including heavy bass was “way too loud in the park for any event” as well as the Oakland Street location. As he went through the report he stressed the importance of the application of the sound system, as much as the regulation of dB.

Commissioner Ziffer stated that while he was not present at the sound test, it seemed from the responses of the neighborhoods that it was significantly louder than what was predicted. Mr. Tedder stated that his original intent was to hit 85 dBA at the property line. Commissioner Ziffer interjected, that it apparently went much higher than that. Mr. Tedder stated that Mr. Carswell was coordinating with the consultant from the neighborhood, and together, pushed to the louder

levels which were beyond what Mr. Tedder anticipated. Mr. Carswell clarified that the dB levels were listed on the test sheets; specifically that Test #3 would be at 110 dBA. The second test was at 85 dBA.

Mr. Carswell stated that four types of sound were used for both systems: track recordings, a band (both acoustical duo and a full band), spoken word, and pink noise (having equal noise power in all octaves). Regarding the house system, Mr. Carswell felt confident that the needs would be well below the proposed noise ordinance limit of 85 dBA. He described the individual levels of each test the details of which are available in the presentation on file at the Blueprint office. The loudest test of the house system produced readings of 98 dBA at the mix booth. At that however, the perimeter readings were 80 dBA and neighborhood readings of 60 dBA (normal conversation range). His professional opinion of the house system was that, even if used unsupervised, it would not be of significant impact to the surrounding neighborhoods.

Regarding the touring system, Mr. Carswell stated that based on the observation during the test by the sound engineers and consultants on site, the volume level necessary to accommodate touring act requirements and audiences, would need a dBA level of 95 in the mix position. That created an average dBA level at the perimeter that would comply with the proposed ordinance. Single point observations at the perimeter however could get readings slightly above the ordinance. He suggested one way to deal with it was to use a smaller array system and adjust the aim of speakers toward the center of the audience. He reiterated that the application of the system was as important as the dBA levels.

Furthermore, Mr. Carswell recommended that there be further study to define the operational perimeters of the touring system. Including, but not limited to smaller systems aimed to the center of the audience and possibly consider a C-weighted restriction on the Park; potentially on the ordinance in general. It needed to be considered because the low frequency sound would generate a higher dB rating than a higher frequency even though the loudness was the same.

Commissioner Dozier requested that the residents of Myers Park and Woodland Drives neighborhoods who were waiving their speaking time in support of Robert Clay's statement to identify their selves to give the Board and idea of how many of the audience he represented.

Robert Clay, 1303 Beard Street, stated that he was speaking on behalf of the presidents of the Myers Park and Woodland Drive neighborhood associations. Mr. Clay stated that he was present in the mixing booth during the sound test and commended the professionalism of all parties. He felt it was a successful test and laid the foundation for working together in the future.

The neighborhoods made five requests of the IA which they provided to the Board in writing (The document has been made a part of the record and is available at the Blueprint 2000 offices upon request): (1) immediately establish a working group comprised of Blueprint 2000 staff, Scott Carswell and team, and representatives of the neighborhoods, (2) affirm that Siebein would be included in future tests, (3) affirm that Siebein have the opportunity to evaluate any design proposals before changes are made, (4) require that prior to any staff recommendations go before the IA for approval, that the working group be allowed to review the data analysis and

recommendation, and (5) that IA agenda material provide feedback from Siebein whether it supported the staff recommendation or not.

Mayor Marks requested that Mr. Clay describe what the proposed working group might look like. Mr. Clay stated that it was originally proposed by Blueprint staff to help monitor and management events over time, mitigating impacts, and work to make the park a success. Mr. Tedder stated that it was not quite accurate; Blueprint had no responsibility beyond the construction of the park. What he believed Mr. Clay was referring to was a sub-group, approved individually by the City and County Commissions that would advise Dee Crumpler and Lee Daniel for the ticketed events. There was no discussion of that working group regarding the design or construction. Commissioner Dozier stated that she thought those discussions had taken place at the City regarding Amphitheater management in general that would take place by City Parks and Recreation.

Wendy Gray, 1047 Myers Park Drive, stated that Commissioner Scott Maddox suggested at an IA meeting that a working group be created to move through the issues of design. There was also a discussion of incorporation of that group with the stage committee, etc. through the City. She thought it might have gotten mixed up with other activities since then and requested that the Board consider implementing it.

Lee Daniel stated that the Stage Committee, as per the Interlocal Agreement, consisted of representatives of both neighborhoods, KCCI, FSU Seven Days of Opening Nights, FAMU Lyceum Series, Dee Crumpler, and himself. The purpose of the committee was to work on issues surrounding the 10 ticketed events. There was no responsibility with the committee regarding any local event through City Parks & Rec. The Stage Committee would develop the master calendar, suggestions on types of entertainment, neighborhood concerns, and other issues specific to those 10 regional, ticketed events.

Commissioner Miller stated that she was unclear on what the neighborhood was asking for; a separate stage committee separate and apart or an expansion of the current committee. Furthermore, she was not certain if the scope of work had yet been defined for it. Commissioner Dozier stated that her sense was it could be part of the fuller conversations that remained. She requested that the Board hear the remaining speakers before comments or further discussion.

Cindy Cosper, 520 Oakland Avenue, stated that she supported the five recommendations presented. The heavy bass made a difference as well as the genre selected. Some choices were "very acceptable and nice" and she felt confident that "things could be controlled." Other choices were "very loud" and at some points "extremely irritating." She was concerned for the personal safety for attendees if the decibel levels were 95 in that area, quoting OSHA safety concerns. She requested the Board consider the C-weighting and the genre of events scheduled.

Susan Mayo-Norch, 543 E. Jennings Street, there were no testing devices located near her home. She stated that the noise she heard was the heavy bass sounds. She likened it to the boom of bass from cars at a stop sign. She felt that part of the issue was the terrain. She requested that sound meters moved further out or arranged in different locations for subsequent tests.

Cliff Savoy, 519 Oakland Avenue, spoke to the effect of the increase noise levels on wildlife, specifically birds. Having lost much of his sight, he derived great joy from bird song and the peacefulness of the backyard sanctuary he created for the birds. He considered anything that disrupted that quietude noise pollution. It was mid-afternoon the next day before the birdsong returned. The impact was greater than a few hours based on his observations following the test.

Vivian Young, 411 Oakland Avenue, stated that the numbers reported in the presentation seemed to be averages of an area as large as 800 homes. She thought that was somewhat misleading because some areas were greatly impacted while others were hardly impacted at all. Furthermore, it went on the assumption that 85 dBA were appropriate level for sound. The ordinance had not even been adopted by the City yet already caused great concern from some residents. As they understood it, she stated, was the highest in the state. The assumption that it was acceptable was a separate issue to be determined.

Regarding the working group, she reiterated that it was Commissioner Scott Maddox that recommended at an IA meeting that a separate committee be established and the neighborhoods be involved. Furthermore, she stated the neighbors raised more than \$6,000.00 to hire Siebein & Associates. Personally, she was dismayed that a professional acoustical engineer was not part of the original design of the facility. They raised the money because of their concern and desire to be part of the process of reviewing and analyzing recommendations. She requested better communication and more involvement in the process in terms of an ongoing working group that reviewed any changes to ensure they were made in a comprehensive and holistic manner.

Mary Fredrick, 805 Circle Drive, stated that the working group was necessary because communication was not flowing. She was in touch with the City's Communications Department and carbon copied Commissioner Miller as well, about improved communications through a Facebook page like what was done with Gaines Street.

Jeanne Conner, 534 Oakland Avenue, stated in response to Mayor Marks, the working group was supposed to establish communications and avoid conflicts. She likened it to the working group for the Historical Preservation District and the successes it had because of all interest groups coming together for the betterment to the community. Regarding the test itself, she stated that from 7:00 to 8:00 pm she "like to have when out of my mind" because it was so loud. Her third point was that residents were repeatedly told that it was designed "wrong," that it was "too late" and "nothing could be done." There was science, technology, and experimentation that could be used. She encouraged the establishment of the working group and that it was not too late to make it work.

Commissioner Miller stated that she understood from the June meeting that Mr. Tedder would be establishing a system of communication and requested explanation. Mr. Tedder stated that the Facebook page had not been created because it was time consuming to get it right. He focused staff on the actual work on the ground. He was concerned that the neighborhood felt there had not been strong communication from Blueprint. Mr. Tedder was personally in contact with the HOA presidents throughout the entire process. The date was set and communicated to them by August 23, 2013. Letters could have been sent then however, Blueprint chose to work with the

HOA presidents to disseminate the information to the residents. Commissioner Miller stated that's not working so a different approach was necessary. Mr. Tedder agreed.

Dee Crumpler stated that the stage committee, one component of the Interlocal Agreement, would be an ongoing committee whose purpose was greater than the design of the Amphitheater. In addition to the representatives mentioned earlier by Mr. Daniel, there would be representatives from the Police Department and Real Estate Division as well.

Commissioner Ziffer asked if, based upon the experience, Mr. Carswell could come to a balance between the needs of performers and the concerns of the residents. Mr. Carswell stated that he felt they could. Topography undeniably impacted the sound, however.

Commissioner Ziffer stated that he took issue with the comment that it was designed incorrectly. He had been involved with fundraising for Cascades Park for many years and the amphitheater had always been oriented toward the hill because the topography was perfect from a seating perspective. You wanted the audience to look down at the entertainers. Beyond that, he stated he did not want to be involved in the selection of genres or judging one as good and another as not. He felt it inappropriate for the Commissions.

Furthermore, stated Commissioner Ziffer, he was opposed to opening the park in piece-meal fashion. He preferred to open it once complete. He did not have any positive feelings about opening in the cold of January or February even if the karst issues could be sorted.

Tying everything together, Commission Ziffer stated that he was not opposed to forming the working group. He thought the steps taken had been appropriate and still he was listening closely to the speakers. There was clearly a breakdown in the communication process. He pushed for resolution between the City, the neighborhoods, and performers because he didn't want to listen to the same things come February.

Commissioner Nick Maddox moved to comply with the five requests made by the Myers Park and Woodland Drives neighborhoods and reimburse the HOAs the \$6K for Siebein & Associates. Commissioner Desloge seconded the motion.

Commissioner Dozier questioned if such a reimbursement would be possible given purchasing rules. Mr. Tedder stated that because it was a Professional Service there could be more flexibility; if it was the direction of the Board staff would figure out a way to make it happen and in compliance with policies.

Commissioner Lindley questioned if the neighborhoods wanted to be reimbursed or if they preferred to have skin in the game. Commissioner Nick Maddox stated that he thought it was their attempt to make skin in the game. In his opinion, they should not have to pay to have skin in the game however it showed their dedication to being included.

Commissioner Ziffer stated that item one, establishing the working group, was the intro. However points two through five were, in his opinion, things that might come out of that committee. He wondered if Commissioner Nick Maddox might consider just **the establishment**

of the committee and let them create the ground rules. Or did the Board want to dictate the other points. Commissioner Nick Maddox stated that he could agree with that as long as the committee that was formed reviewed points two through five and make recommendations back to the IA for acceptance. Commissioner Desloge state that he supported it as well as long as it was in the spirit of the original points.

Commissioner Dailey stated that he supported the motion on the table and offered a friendly amendment. He stated that simply reimbursing the neighborhood made them whole. He felt it appropriate for staff to bring back a budget amendment to consider putting Siebein or another company on retainer moving forward. He was curious if Blueprint would have to go through the typical RFP process or could Blueprint select Siebein. He did not speculate what the duration or cost would be. He was also in support of the working group's involvement with the design process.

Mr. Tedder stated that the next item included funding for construction. Commissioner Nick Maddox wondered if Mr. Tedder thought it best that Commissioner Dailey hold his motion until the next item. Mr. Tedder stated that Blueprint identified an amount of the sound study; if the Board chose to increase it, Blueprint could use Siebein & Associates as necessary. He didn't expect that Siebein would re-analyze all data and begin making changes to the park. That would be extremely messy and cause significant delays to construction of the Amphitheater. However, there were certain decision points that seemed more appropriate to bring them in on.

Commissioner Ziffer requested Commissioner Daily suggest a dollar amount. **Commissioner Dailey suggested a budget amendment of \$50K knowing that it was likely that Blueprint would not spend nearly that much.** It was merely to provide enough cushion to execute a contract. Furthermore, if policy did not prohibit it, he would like to see Blueprint move forward with the firm selected by the neighborhoods.

Commissioner Dozier questioned if the motion should be amended to adopt 7E with an additional \$50K (total \$100K). Mr. Tedder stated yes.

Commissioner Dailey also requested that the City update the County Commission on the status of the noise ordinance. It did not need to be a formal presentation he stated. Also, it would be interesting to change the focus a bit not only on decibel levels but on creative and temporary noise mitigation ideas. He felt that with Siebein's experience, they were certain to have interesting ideas and success stories, even on a temporary basis, in other communities.

Commissioner Nick Maddox stated that, like Commissioner Ziffer he preferred to see the park completed before opening, rather than doing it piece meal. He suggested taking a formal vote to solidify that position. Commissioner Ziffer stated that if March were the target date for opening, it was only six months out and that was not much time to coordinate such an event. He understood that there were variables to be worked out however he strongly encouraged the Board to focus on a target date rather than the nebulous "fall or spring."

Commissioner Dozier stated that the project had to be trisected with the TDC working on the stage Committee, the City with the noise ordinance, and Blueprint IA with infrastructure. She

stated that having been at the sound test, it was too loud during the first hour and as a ticket holder, would not want to be in that space with it that loud. She requested that the City give consideration to decoupling the broader noise ordinance from the regulation of the Amphitheater. Specifically, however, bass levels should be considered.

Mayor Marks stated that regarding the noise ordinance he did not see any reason why they would not take into consideration what had already been completed. He commended the neighbors for their input and praised staff for the dedicated effort on Cascades Park and other projects as well.

Commissioner Gillum agreed with Mayor Marks and further stated that the noise study at Cascades Park would benefit the noise ordinance as a whole. He requested clarification on the C-weighted level. Mr. Carswell stated that an 85 dBA would probably jump to 95 as a C-weight. It would take balance and was a place that Siebein & Associates could support the process. He agreed with Commissioner Dozier in the review of various areas based on differing criteria. The Amphitheater had 700-feet between the Seaboard rail line and the first house going uphill through trees. It could have the opposite effect; the Amphitheater could have a higher number than other areas of the city or county. A blanket rating across the county with a 15 point drop at midnight, for example would significantly impact many businesses in the community. That was at dBA, a c-weighting could make it much more dramatic.

Commissioner Gillum stated that the IA was not the decision making place for the noise ordinance; in fact Commissioner Miller's target issue committee was the lead on it. He suggested that the City use the data that was collected through the process at Cascades Park for two reasons, (1) so that it did not have to be duplicated and (2) to keep it on a parallel track. Decoupling whatever might be decided for the broader community from the Amphitheater.

Commissioner Miller stated that having worked on the noise ordinance through her target issue committee she was curious, if a special district was created for the Myers Park and Woodland Park Drive neighborhoods, what would happen in the future when other neighborhoods petitioned the commission for their own special district. That was the reason the target issue committee decided that it was imperative to get the perimeters, hours, and numbers right in the established districts.

She clarified for the Board that the proposed ordinance would be city wide and currently there three districts: residential, commercial, SEA districts (Special Exemption Areas). Those areas had generated the most discussion because of the nature of the districts; places like Tennessee Street and Cascades Park. She noted however that there were several such districts across the city. There was a draft ordinance out for public review and feedback. With the presentation and discussion at that meeting, it was obvious to her that dBCs would have to be included; although most ordinances addressed dBAs only.

Commissioner Ziffer called the question on Commissioner Nick Maddox's motion of accepting recommendation one, the formation of a working group, who would reflect on recommendations two through five; plus reimbursement of the HOAs the \$6K for Siebein & Associates. The motion passed unanimously.

Commissioner Ziffer moved approval of E.1 and E.2 with E.1 being raised to \$100K (E.2 remained \$120K). Commissioner Lindley seconded the motion.

Commissioner Miller stated that she felt if Blueprint had hired and acoustical engineer in the beginning it would not have been as effective as the process had been. She was sorry that the neighbors had to do it their selves however they had their own consultant who reported only to them and allowed the development of trust. That could then be transferred to the Blueprint team.

Commissioner Nick Maddox requested clarification on hiring the consultant outright without an RFP process. City Manager Anita Favors Thompson stated that by City policy the process could be formally waived by the City Commission. Commissioner Dozier stated that while Blueprint followed City procurement policy it would be the same process with the County. Several members requested to complete the task while everyone was present.

It passed unanimously.

Commissioner Desloge moved that the procurement rules be waived in that case so that up to \$50K could be used to hire Siebein & Associates. Commissioner Miller seconded the motion.

Mayor Marks stated that he had concerns with it being single source procurement. The Board was taking action on an item that would typically be vetted through a public hearing process. While present might think it a great idea but there could be citizens who might not.

Commissioner Dozier stated that both Commissions had to be extraordinarily careful with procurement policy. At the same time it was likely that any vote could upset someone. In that particular case, given that it was the consultant chosen by the neighborhoods and that it was the basis of the whole discussion up to that point, the circumstance before them was atypical.

Mayor Marks stated that he was not concern with who was hired; it was the allocation of the money that concerned him. Commissioner Miller stated that as she understood it, they were not waiving the rule to change the budget. It was for the single source procurement of the consultant. Commissioner Nick Maddox stated that he agreed with using Siebein. And yet, “waiving the rules” regarding procurement gave him pause.

The vote passed 8-2; Mayor Marks and Commissioner Nick Maddox cast the dissenting votes; Commissioner Dozier recused herself from voting.

VII. CITIZENS TO BE HEARD

VIII. ITEMS FROM MEMBERS OF THE COMMITTEE

IX. ADJOURNMENT

There being no further business, Chairman Dozier adjourned the meeting at 7:40 pm.

APPROVED:

ATTEST:

Kristin Dozier
Chair of Blueprint 2000 IA

Shelonda Meeks
Secretary to Blueprint 2000 IA