

MINUTES
CITY COUNCIL WORKSHOP
CITY OF ARCADIA
TUESDAY, MAY 18, 2010
5:00 PM

The Mayor called the work session to order at approximately 5:00 PM with the following members and staff present.

Arcadia City Council

Mayor Roosevelt Johnson
 Councilmember Keith Keene
 Councilmember Sharon Goodman

Deputy Mayor Robert Heine
 Councilmember Lorenzo Dixon

Arcadia City Staff

Interim City Administrator Shelly Baumann
 City Recorder Dana Williams

City Attorney William Galvano
 City Marshal Charles Lee

The purpose of this workshop meeting was to discuss the City of Arcadia noise ordinance and proposed changes thereto.

The City Attorney presented a proposed ordinance which he referred to as the "Cadillac of ordinances" by removing the subjectivity and defining noise into two categories, injurious and nuisance. He went on to explain that noise can be measured in decibels (dB) with a specialized device and that the Marshal should review the ordinance keeping in mind its enforceability, required training of personnel and need for equipment.

The Attorney continued that the subject of noise and its enforceability came to light due to an issue with Tremron plant and offered that the Council may want to consider grandfathering properties or businesses already annexed into the City; but also how those would be dealt with should the current noise levels increase.

The Mayor asked what it would take for Tremron to conform to the ordinance as proposed, to which the Attorney answered it would depend on the current dB levels although he was uncertain as to whether it ever had been measured. Councilmember Goodman expressed concern over grandfathering existing entities if they were a nuisance to people, saying she could not ignore the disruption they caused to other residents. The Attorney suggested that a clause in the application for a special exception (e.g. a 3rd wall) could be written into the ordinance.

Councilmember Dixon stating his support for industry and employment opportunities also felt that the citizens near and around noise producing plants deserved both rest and peace. He also felt that businesses should attempt to conform to the noise restrictions but acknowledged there should be a provision for a special exception,

particularly at the point of applying for annexation.

Councilmember Keene thought the proposed ordinance was thorough and comprehensive, but added he was not convinced that noise is the entire issue. Mr. Keene pointed out the current ordinance refers to a nuisance which is "offensive to the senses" and understands a part of the problem with Tremron is vibration. He felt there should be a compromise in order to protect the citizens who already live in Arcadia but also to consider and encourage businesses into the area. Mr. Keene thought Tremron should have the opportunity to review the proposed ordinance and to discuss mitigation strategies.

Discussion followed on times of operation which affect the noise and vibration levels. The City Attorney stated there are times for certain decibel levels but from the City's perspective it lacks leverage. He continued that if the existing ordinance were challenged, he felt would the matter would end up in court portraying the ordinance as "overbroad or capricious" but by having a more objective ordinance in place, it gives businesses something to work with and something for the City to negotiate with such as hours of operation, barriers and the like. Councilmember Dixon asked if hours of operation would be based on zoning district to which the City Attorney answered that you can not have a commercial occupancy crossing over into a residential occupancy without it complying with the residential occupancy levels.

The topic of a dB meter followed. The Marshal stated his department had one meter, though it was probably 10-12 years old and not up to today's standards. He recommended the purchase of one meter per shift and estimated the cost per unit at \$300-\$400. The Marshal also discussed the "physical/tangible rumbling" from the Tremron plant which could be felt and heard from the 14th hole of the golf course. A few members of the audience spoke about the noise and vibration of the plant at their residences; however they did not speak from the podium or state their name into the record. Councilmember Dixon asked if there were maximum noise levels established by the state or federal governments. The City Attorney answered there are standards, however there are no mandates nor are they without flexibility.

The City Attorney said he would tweak the proposed ordinance to include the annexation language and provide the Marshal with a copy since his would be the enforcing agency. He added that he would also look into the nuisance portion of the ordinance.

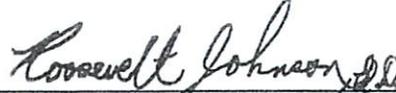
Councilmember Goodman asked that a copy also be provided to Tremron and to invite them to be attendance at the next meeting. She also suggested dB measurements be available for that meeting. It was the consensus of Council to have the ordinance ready for first reading at the June 15th meeting in order to allow adequate preparation and review time, and sufficient time for the Marshal to purchase a new dB meter.

On another matter, Councilmember Dixon distributed a revision to the first page of his Vision for the City paper to be considered at the regular meeting. He noted the changes were highlighted in yellow.

Having no further business at this point, the meeting was adjourned at 5:35 PM.

APPROVED THIS 1st DAY OF JUNE 2010.

By:



Roosevelt Johnson, Ed.D., Mayor

ATTEST:



Dana L.S. Williams, CMC
City Recorder