

**CITY OF INGLESIDE ON THE BAY
CITY COUNCIL WORKSHOP
February 19, 2019**

- I. Workshop was called to order by Mayor Ehmann at 7:00 p.m.
- II. Roll Call: Present were: Mayor Ehmann, Alderman Young, Merrick, Hewitt, Gillespie and Robbins.
- III. **Business:** Discussion

Item A: Discuss/receive input concerning possible Noise and Sound Ordinance

Mayor Ehmann stated this meeting was for informational purposes; not to point fingers or name names concerning past incidents. Mayor Ehmann opened the floor for comments.

Randy Cain stated he had questions. First if a new ordinance was needed. He talked about existing laws regarding unreasonable noise. Second he asked if a new ordinance would be more restrictive would it to improve the problem or further exacerbate the disconnection between neighbors. More restrictive noise abatement is complex and requires certain expertise. Is it in the public interest to invest taxpayer dollars needed to investigate and prosecute any offenses? And can the City Council guarantee that, from now on, ordinances will be routinely and equitable applied in every situation, to every citizen. He stated he felt the proposal for a new noise ordinance is a knee-jerk reaction and will be of no real benefit to the city and cannot be justified, this should be turned down and no further action taken at this time.

Patrick Fitzgerald stated he lives at the marina and close to the stage where live music is held and has no issue with volume or times of the music. If the possible ordinance is about general noises then there are plenty of other noises such as Kiewit, people mowing, noisy boats, fireworks and barking dogs. If the ordinance is decibel generated he has seen decibel reading on the high side in other cities he has researched. What are the proposed decibel settings and frequency levels? Will the rating be different for commercial and residential areas? Will the City have an official meter that is kept calibrated and used by a trained professional? Will there be a penalty assessed to a person who makes a complaint that is investigated and found that there was no issue? That would be harassment and carry its own penalty. Who will enforce the ordinance? We use common sense now, he would hate to see that common sense be replaced by people trying to harass someone else and using noise as an excuse. He would rather see ordinances for pressing matters.

Thomas Mack he would like to see audio or video proof of problems. With proof both sides could be looked at. It seems to him that most people do not want a noise ordinance and that there is no issue to have one.

Mayor Ehmann stated this workshop is for input not pointing fingers at other people. There is no ordinance on the table; the city is trying to find out if we need an ordinance. Mediation did not work on the previous issue. Council wants to listen to opinions not personal attacks.

Mike Delany stated he has lived here for 4-5 years and loves it here and hates to see conflict. An ordinance would be curtailing his rights. He could contact the ALCU. He asked who would enforce an ordinance, what would be the cost in tax payers time and money and would it affect property values. We need to be open minded.

February 19, 2019

Dr. Kathryn Masten-Cain asked if the proposed ordinance intended to be applicable to all districts within the city equally, or will it differ by district? If it will apply differently on zone, then wouldn't it be considered a "zoning ordinance" and if so it should go to Planning and Zoning (P&Z) as per procedure. That procedure would include a public hearing in accordance with a comprehensive plan. A committee has been formed by P&Z to look at commercial zoning and update the city's comprehensive plan; an option for council is to turn this item over to P&Z for research and recommendations.

Brenda Duncan stated we are not a retirement community. She is against the proposed ordinance that will take away any citizen's rights. The city is fortunate to get young people here. The younger people are leaving because they are not allowed to be themselves; there are empty houses and no revenue. We can't afford to divide the community.

Wes Williams gave information from a report/study done in the city. With the exception of very few spikes, all the reading was below 68.8. The two loudest recordings of the survey were taken at 10:30 and 10:45 pm. The music at the marina always stops at 10:00, so those readings were not of the live music. The loudest reading was on a night the marina did not have live music. So if the noise is just as loud with ambient sound as it is with live music, why are we having this discussion?

Suzi Wilder stated she lives on the opposite side of town from the marina. She would like to see live music at the Bed and Breakfast. An ordinance would not be beneficial. She understands the issue and also felt we need the young people in the city.

Mia Tamez stated she and her husband run the Dock Store Restaurant at the marina; they have received amazing support from citizens, apart from the Hewitt's. Mayor Ehmann stopped her and reminded her not to point fingers at individuals. Ms. Tamez went on to state they only have live music or karaoke for three hours during the spring and summer and understand there are residences around the establishment. She felt they were being bullied and retaliated against, Mr. Hewitt threatened them. Mayor Ehmann again stated that this was an informational meeting not for pointing fingers to please not mention names. Ms. Tamez stated they have had the sheriff called on them, rumors were being spread, and the city told them they could not put flyers in the utility billing.

Lou Hewitt stated they lived here in peace and harmony until last year when the Marina started playing loud music. Ronnie Tamez made loud remarks about name pointing. The City Secretary asked Mr. Hewitt not to mention names. Mr. Hewitt continued stating they tried to resolve the issue with mediation and although an agreement was reached Wes came before council and criticized himself and his wife. Again Mr. Tamez made loud remarks. The City Secretary told him to wait and again asked Mr. Hewitt not to mention any names. Mr. Hewitt stated he felt this issue was the main reason for the meeting and it may be a difficult decision but a simple one also. Either Council can tell the citizens that we are not entitled to the peaceful quiet enjoyment of their own homes or tell them that loud music is a public nuisance and will not be allowed and pass the ordinance. He urged council to do something to protect the citizens who are not fortunate to enjoy peace and quiet.

LeAnn Franklin explained a function was held at the Beach Club with a musician, they had a wonderful turn out. At 11:00 pm she stood outside and worried if they were bothering anyone. She hopes the Beach Club does not get shut down if an ordinance is passed. Who would enforce it?

February 19, 2019

Ann Nyberg thanked Council for listening to everyone. She asked if the city really needed this ordinance and what it would look like, who would enforce it?

Diane Vega stated they moved here because of Wes Williams and the close knit community. Why is this an issue? The city needs to solve other issues like potholes, loose animals and other issues first. She does not understand the animosity

Pattey Miller thanked Council for having the meeting. She felt a noise ordinance would only restrict one or two people, which is not fair. Council should represent the citizens. She read a statement from her husband Don which thanked Council for the public meeting to allow the citizens a voice on the proposed noise ordinance and believed Council should represent the citizens not a personal agenda.

RJ Pettingill stated he agreed with the others, neighbors should be able to work together and help each other. The city is restricted in growth area the industrial companies may squeeze it out. He read sections of the City of Ingleside's noise ordinance. He also asked who would enforce the ordinance.

Lynn Carballeria stated she is always home and she is not disturbed by the music. People need to use common sense and take care of each other.

Jenifer Hilliard stated this is a lovely fishing community and sound carries across the water. What one person hears is different from what another hears. Most people to feel the music is offensive.

Bobby Cameron stated he had no issues with the music.

Chad Chiddix stated this is an awesome community, there is music everywhere and it is not a problem. He is against the ordinance.

Ed Etter asked for a poll and asked who wanted an ordinance, several hands went up. He asked who did not want the ordinance, there was an over whelming of hands were raised.

Trini Marroquin stated she has no trouble listening to music, if it stops at 10 it is fine. Others moved here for the quiet, but we do not want to go radical about it. We do not need to push our seniors out to bring in young people. We have great neighbors if we need help it is there. She had a problem with people drinking and throwing the cans in her yard, we do not need an ordinance for that

Ed Carballeria stated he understands both sides and felt speeders were a bigger problem. The Hewitt's have rights too and Wes Williams has a beautiful place they need to work on the problem.

Marcel Callender stated this is a great community, if there is an issue people stand up. The new owners of the marina want to improve the city, we are here to help each other, get things done and back in order to help the community to grow.

Jim Tucker stated he has lived here for 45 years and seen a lot of things, most good. This is a close knit community with not a lot of space. We need to learn to live with it. To gain something you need to give up

February 19, 2019

something. People here really care about the community but need to open their minds up. He recommends the ordinance go to P&Z to look at.

Lannie Davidson from the Brass Turtle Lodge felt the Dock Store was a great asset to the City and has even sent her customers there. Her business will eventually have live music. She is against the ordinance. There will always be some noise people just need to deal with it. Some of the Facebook postings do not look good for the city; people may read them and not come to the city and support the businesses.

Steve Wilder stated he has heard some disturbing things; we have everyone to make this a better place to live.

Lillian Kyrisch stated her daughter and son-in-law run the Dock Store. It has been difficult for them but they love it. There are kids playing, friendships are made, music (which cuts off at 10) is part of that. They are trying to give back to the community.

Loren Vega thanked council for the workshop. He is against the ordinance, most people are.

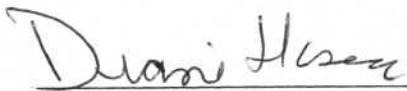
Cookie Burkhalter stated she is against the ordinance. There should be a way to regulate music, entertainment and parties; they should be cut off at a certain time.

Brenda Duncan state she had a motorcycle any time she starts it up would violate an ordinance. Who will enforce an ordinance?

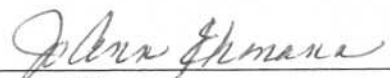
IV. Mayor Ehmann adjourned the meeting at 8:15 p.m.

Respectfully submitted & attested:

Approved:



Diane Hosea
City Secretary



Jo Ann Ehmann
Mayor