

**OFFICIAL PROCEEDINGS OF THE
SPECIAL CALL COUNCIL MEETING**

**June 25, 2010
5:30 p.m.**

At the appointed time, Mayor Hark directed the City Clerk to read the call. It was:

To the Chief of Police of the City of Hannibal, Missouri:

Greetings:

You are hereby directed to notify City Attorney James Lemon, Council Members Knickerbocker, Dobson, Barta, Louderman, and Lyng, that there will be a called session of the City Council to be held in the Council Chambers at City Hall at 5:30 p.m. on Friday, June 25, 2010, for the purpose of:

**Location, Approval, 2010 National Tom Sawyer Days
&
Standard Noise Levels for Special Events**

ROLL CALL

Present: Council Members Dobson, Barta, Mayor Hark, Council Members Louderman, Lyng and Knickerbocker – 6

Absent: -0-

CALL TO ORDER

There being a quorum present, Mayor Hark called the meeting to order

Re: Location Approval, 2010 National Tom Sawyer Days

Council Member Kevin Knickerbocker addressed Council and those others in attendance, regarding the proposal for the alternate location of the upcoming 2010 National Tom Sawyer Days Festival in light of the current flooding issues. Because of these issues, it was necessary to relocate Tanyard Gardens, the Hannibal Jaycees' portion of the NTSD. Alternate locations were researched and the options that were available to the Jaycees, according to Knickerbocker, were less than favorable; however, the best option, in their opinion, was chosen.

Knickerbocker explained that, following the decision, Darrell McCoy, of the Hannibal Jaycees, made contact with as many of the area business owners that he could, receiving the majority of

their support. Obviously, some individuals will be affected more than others; therefore, the Jaycees will attempt to make concessions to those who will be affected.

Knickerbocker referenced the alternate location for this event and asked Council to approve the location request, assuring Council that this was strictly a one time request, adding that no one could predict future flood issues. Alternate requests are as follows:

- **Tanyard Gardens** – Corner of Main and Bird in front of the Wine Stop, next to Lula Belle's
- **Vendors** – Old Planters Barn parking lot
- **Events** – From Main and Bird to Main and Hill
- **Street Closures:**
 1. **Main & Bird to Main & North** on July 2nd from 4:00 p.m. until 8:00 p.m. for Fence Painting & Car Cruise Inn
 2. **Main & Bird to Main & North** on July 3rd from 12:00 p.m. until 7:00 p.m. for Tricycle Races, Fence Painting and Frog Jump
 3. **Main & Bird to Main & North** – on July 4th from 11 a.m. until 7:00 p.m. for Backseat Driver, Tom & Becky Relay and Might Miss Raft Race

Locations for other events not mentioned have already been approved and will remain unchanged.

It was noted that the requested street closures would only be in effect during the listed events. Council was assured that those involved would work around any parked vehicles.

Motion was made by Council Member Louderman to approve the request made by Knickerbocker and the Hannibal Jaycees. Motion was seconded by Council Member Knickerbocker.

At this time, Mayor Hark opened the floor for discussion. Mr. Mike Ginsberg advised that he had a problem with the closure of the parking lot over the June 26-27 weekend, adding that it should be available for downtown guests/tourists who were scheduled to arrive prior to Tom Sawyer Days.

McCoy stated that the Jaycees need to begin setup over the June 26-27 weekend; however they will not close both parking lots this weekend. Ginsberg stressed the importance of having available parking for visitors to the downtown area over the weekend, stating that the event is creating a hardship on the merchants because of parking lot closure a week before the event.

McCoy stated that construction of the stage area needs to begin over the weekend and the tent will be erected today. These will utilize a portion of the parking lot; but the fencing, a majority of the labor, could have openings left for vehicles to enter and exit.

Ginsberg commented that he would like some opportunity for parking but he was willing to compromise. He added that when there is flooding, everyone should be willing to work together on any problem that arises.

A representative from Pudd’N Heads stated that the barricades had already been in place earlier in the day, until they complained. Knickerbocker stated that parking would not be blocked until Sunday, June 27th, when they would start setting up for the festival.

Mayor Hark called the question and the motion carried.

Re: Standard Noise Levels for Special Events

Any special event approved by the city council involving outdoor entertainment shall fall under Section A:

A. For all outdoor venues, productions, performances and events located in excess of 750 feet from the nearest residential areas, the decibel levels allowable shall not exceed 125 decibels when measured 3 meters (9.84 feet) in front of the center of the speakers, nor shall it exceed 115 decibels when measured a distance of 30 meters (98.42 feet) from the source at a location centered between the speakers.

Council Member Knickerbocker explained that all of the events approved by Council as outdoor entertainment in the downtown area would exceed levels as set forth in Section B of the noise ordinance. For this reason, Police Chief Davis has requested some definitive guidance concerning noise levels.

Knickerbocker requested clarification of approved noise levels and suggested that Council make a determination, stating that Section A should be the official guideline for these events. This would allow the Police Department to enforce this section during approved outdoor venues.

Chief Davis voiced concerns that this was a ‘Residential’ area and, therefore, should fall under the guidelines of Section B in the ordinance. He asked that Council clarify which section of the noise ordinance would apply to the approved events.

City Attorney James Lemon commented that he was unsure of the intent when the ordinance was drafted. He added that the ordinance does not say ‘zoned’ residential but references a ‘residential area’; and, since there are usually apartments on the second floor of the commercial buildings in the downtown area, it could be considered a ‘residential area’.

Council Member Louderman argued that the buildings were zoned ‘Commercial’; however, as Mr. Lemon stated, the area is actually zoned H-1 (historical), which is a transitional area. The residents should have some recognition of the fact that it is not the traditional, residential area, according to Lemon.

Lemon noted that it was his concern, as well as Chief Davis’, that the residents would complain that, since they live there, the guidelines in Section B should be enforced; however, he admitted the provision that Council Member Knickerbocker suggested, whereas Section A be enforced for approved special events, would alleviate that complaint. In those instances, the City would still be in control of the noise limits, but still take advantage of the higher decibel levels.

City Manager LaGarce stated that the 4th Street neighborhoods are within the 750 feet limit, as well, adding that this discussion was very important, in his opinion. He added that, according to Chief Davis, two people talking could register between 40 and 50 decibels. LaGarce commented that this is a concern for the property owners and the Jaycees. For this reason, he was committed to working this issue out before a Police Officer is called to the event because of noise.

Council Member Knickerbocker explained that, during the discussion, it was noted that many events are approved, beside the NTSD, and all would be in violation, if Section B were the guideline.

Motion was made by Council Member Knickerbocker to use Section A as the approved guideline for any Council approved outdoor special event. Motion was seconded by Council Member Louderman.

Motion carried.

. ADJOURNMENT

Motion was made by Council Member Knickerbocker to adjourn the Special Call Council meeting at this time. Motion was seconded by Council Member Louderman.

Motion carried.