

**AN ORDINANCE BY COUNCILMEMBER CLAIR MULLER  
AS AMENDED BY FULL COUNCIL**

**AN ORDINANCE TO AMEND THE OPERATION CONTRACT  
FOR THE CHASTAIN AMPHITHEATER TO SET A  
PERMANENT MAXIMUM SOUND LEVEL THAT IS  
ALLOWED TO ESCAPE FROM THE AMPHITHEATER INTO  
THE NEIGHBORHOOD.**

**WHEREAS**, the amphitheater at Chastain was built in the 1930's in unincorporated (at the time) Fulton County; and

**WHEREAS**, the City of Atlanta annexed this old facility in the 1950's which had been used for high school graduations and later Theater Under the Stars productions; and

**WHEREAS**, in the 1980's the first super-amplified sound concerts were held in this old facility surrounded by residential zoning; and

**WHEREAS**, in the 1990's a sound study was conducted because of the numerous complaints about the high level of noise escaping from the amphitheater from residents near the amphitheater; and

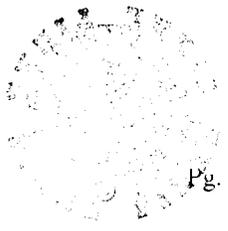
**WHEREAS**, the recommendation from Acentech engineering firm in the 1990's was 85dBC maximum and the City allowed a trial interim sound level of 95 decibels in 2002; and

**WHEREAS**, the recommendation from an Atlanta resident acoustical engineer who has collected data from the amphitheater for many years is 78 dBC based on a one minute Leq measured at the fence at the back of the house; and

**WHEREAS**, the Hollywood Bowl in Los Angeles has a maximum sound requirement of 75; and

**WHEREAS**, the EPA has released articles recently outlining the negative effects of high noise levels on children in schools (the history behind "quiet zones" around libraries, hospitals and schools); and

**WHEREAS**, the EPA report labels 60 decibels as "instructive", 70 decibels as "telephone use difficult"; 80 decibels as "annoying"; 90 decibels as "hearing damage"; and



**WHEREAS**, the EPA report states that noise may produce high blood pressure, faster heart rates, increased adrenaline, and may contribute to heart and circulatory disease; and

**WHEREAS**, the EPA reports that noise may threaten fetal development and has been linked to low birth rates; and

**WHEREAS**, the existing house sound system does not conform to the design intent of the Newcomb and Boyd Sound Study of 2000; and

**WHEREAS**, the Chastain neighborhood sees no technical oversight or due diligence from the City Bureau of Cultural Affairs and it appears the selection of the sound equipment, installation and calibration was left entirely to the contractor at the amphitheater; and

**WHEREAS**, the number of events in the facility has grown from a few non-amplified events per year to 70 highly amplified events per year; and

**WHEREAS**, the “approved safety capacity” of the amphitheater has grown from 6400 to 6900 in the last approved contract causing more traffic on the neighborhood streets 70 times per year; and

**WHEREAS**, while promises of traffic, relief, noise control and frequency of events have never fulfilled by the City of Atlanta, only a temporary noise level standard was established for the existing contract.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ATLANTA, GEORGIA** as follows:

**SECTION 1:** That the Chastain Amphitheater contract be amended to set *an interim (ending October 30, 2003) maximum sound level of 84 dBA per 1 second LEQ at the back of the house and a 92 dBC peak. Fines will not be imposed unless the sound level escaping from the venue exceeds 87.5.*

**SECTION 2:** *That in 2003 Chastain Park Amphitheater would implement the recommendations from the consultant Newcomb & Boyd Study (Attachment 1). The Joint Venture over the park entity would be responsible for all the costs associated with the implementation of these recommendations:*

- Item 1: New Sound System*
- Item 2: Install an acoustical barrier which meets with the approval of the community*
- Item 3. New sound monitoring system*
- Item 4. Automated level control system.*



*All recommendations must be presented to the community for their recommendations.*

**SECTION 3:** *That the City, Promoter and Community Association agree to the following during the 2003 Season:*

- a. *Promoter and Community Association, at their discretion, shall identify one concert each that all parties will have the appropriate representatives present to observe and document sound levels and affect of those sound levels on the community;*
- b. *All parties agree to negotiate in good faith alternative resolutions to community concerns, such as parking, traffic, etc.*
- c. *Conduct 3<sup>rd</sup> party independent sound study, paid for by the City, in order to ascertain and address community concerns and identify acceptable acoustical solutions that will produce sufficient internal sound levels while preventing an unacceptable sound level from escaping from the venue into the neighborhood.*
- d. *The sound levels will be tracked by the independent 3<sup>rd</sup> party during 2003 and reported to the City Council.*

*(Note: No contractual breaches will apply during this interim year.)*

**SECTION 4:** *That all ordinances and parts of ordinances in conflict herewith are hereby repealed.*

A true copy,

*Rhonda Dauphin-Johnson*  
Municipal Clerk, CMC

**ADOPTED as amended by the Council**  
**APPROVED by the Mayor**

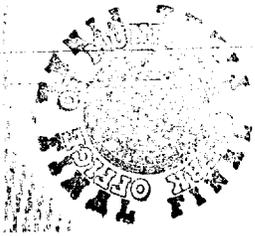
DEC 02, 2002  
DEC 10, 2002



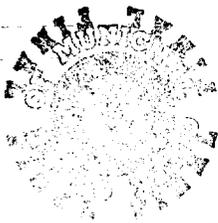
NEWCOMB & BOYD RECOMMENDATIONS

SUMMARY AND STATUS

Newcomb & Boyd Recommendations	Implementation Status	Comments & Observations
1. "Lease a high quality sound reinforcement system that will provide fullness, evenness and controlled coverage patterns".	Implemented – see 1A thru 1D	System specifications as described by N&B had options and items that require further engineering and study. Refer to 1A thru 1D
1A. "Employ a directional line array speaker system, with said arrays located at the towers on left and right at height sufficient to cover a majority of the stage, as the sound reinforcement source".	Implemented	Installed V-DOSC left and right stage tower speaker arrays provide directionality and coverage similar to competitive touring sound systems previously utilized.
1B. "Use of a pair of delay speakers to provide coverage to the rear orchestra seating area...to minimize the amount of effort the main speaker arrays (per 1A) will have to provide".	Reviewed, deferred for further study.	Ineffective if implemented with only the two (2) speakers, may have added to sound levels. However, current study indicates that 6 to 8 (2 to 3 each side and 2 rear) distributed delay speaker system could, reduce overall sound transmission into the community. Leasing cost of a delay system may be up to \$1,500.00 per event & fixed costs up to \$100,000.00, needed modeling and engineering design must be commissioned.



<p>1C. Noted as Optional by N&amp;B. Use of fill speakers located along the sides of the seating area (along the covered walkways)...to provide fullness...to enhance patron spatial perspective of the musical material".</p>	<p>Reviewed, deferred for further study.</p>	<p>Would have no significant impact on sound transmission into community, unless configured and utilized as distributed "delay" speakers per 1,B. The Variable Room Acoustics System (VRAS) recommended by N&amp;B is not intended for outdoor venue use per the manufacturer.</p>
<p>1D. Optional per N&amp;B. Re: "Subwoofer"/Sub-bass speakers - current technology cannot sufficiently contain low frequency sounds within the amphitheatre or ensure sufficient level reduction into the nearby community".</p>	<p>Implemented as Part of 1A</p>	<p>See comments for 1A.</p>
<p>2. "Install an acoustical barrier wall to reduce the spillover of sound from the amphitheatre into the community". "A 22 ft. high barrier would be required to address frequencies of 50 HZ (bass)". "Since the crux of the neighborhood complaints have been centered on lower frequencies (bass)". (No barrier height or predicted sound pressure level reduction mentioned by N&amp;B)</p>	<p>Reviewed by Chastain Stakeholders Committee. Deferred for future study.</p>	<p>Proper engineering and implementation, could reduce amphitheatre event sound pressure levels transmitted into the community by 5dB to 10dB overall with a 22 ft. high continuous barrier wall. This amount of sound pressure level reduction would be significant. Major drawback is cost which may be in excess of 1.5 million dollars, without landscaping. Appearance and aesthetics are also a concern, with significant "acceptability" and cost considerations.</p>



<p>3. "Modify the existing Grozier sound pressure level monitoring system to discriminate between crowd sound and event/crowd (combined) sound and change the sound limit from 85 dBA to 95 dBC averaged over a 10 minute interval (previously 85 dBA averaged over 8 minute interval)".</p>	<p>Implemented. Grozier printouts note that "crowd sound detection disabled", however this is not significant since sound measurements of maximum crowd sound indicate it is equal to or less than maximum event sound, with much shorter duration.</p>	<p>Not possible to perform previous to existing Grozier system comparison. However the 4 events monitored this season by CEI/M&amp;H indicate sound operator adherence to the current 95 dBC limits.</p>
<p>4. Provide an " automated level control that is city-managed and required to be used by all performers" for the recommended sound reinforcement system.</p>	<p>Reviewed, deferred for future study.</p>	<p>Could, if properly designed and implemented, aid in limiting the amphitheatre's sound reinforcement system from exceeding the 95-dBC limit at the Grozier systems follow spot booth microphone location. However, signed agreement from artist management companies regarding performance limitations is difficult.</p>

RCS# 4332  
12/02/02  
8:39 PM

Atlanta City Council

Regular Session

02-O-2107

Amend Operation Contract for Chastain  
Amphitheater to set permanent max sound  
ADOPT AS AMEND

YEAS: 11  
NAYS: 3  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 1  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	N Martin	Y Norwood
Y Young	N Shook	E Maddox	Y Willis
Y Winslow	Y Muller	N Boazman	NV Woolard

02-O-2107

**02-0-2107**  
 (Do Not Write Above This Line)

An Ordinance by  
 Councilmember Clair  
 Muller:

To amend the operation contract for the Chastain Amphitheater to set a permanent maximum sound level that is allowed to escape from the amphitheater into the neighborhood.

**ADOPTED BY**  
**DEC 0 2 2002**  
**COUNCIL**

**AS AMENDED**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 11/18/02  
 Referred To: CD/HR  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_

**First Reading**

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

Committee  
 Date 11/26/02  
 Chair Clair Muller

Action  
 Fav, Adv, Hold (see rev. side)  
 Other  
 Members  
Clair Muller  
Debra Starnes

Committee

Date \_\_\_\_\_  
 Chair \_\_\_\_\_

Action  
 Fav, Adv, Hold (see rev. side)  
 Other  
 Members

Refer To \_\_\_\_\_

Refer To \_\_\_\_\_

Committee

Date \_\_\_\_\_  
 Chair \_\_\_\_\_

Action  
 Fav, Adv, Hold (see rev. side)  
 Other  
 Members

Action  
 Fav, Adv, Hold (see rev. side)  
 Other  
 Members

Refer To \_\_\_\_\_

Refer To \_\_\_\_\_

**FINAL COUNCIL ACTION**  
 2nd  1st & 2nd  3rd  
 Readings  
 Consent  V Vote  RC Vote

**CERTIFIED**

DEC 0 2 2002

**CERTIFIED**  
 DEC 0 2 2002  
*Renee Dunlap Johnson*  
 MUNICIPAL CLERK

MAYOR'S ACTION

*Maury Swank*  
 DEC 1 0 2002