MEMORANDUM

To: Mayor and Members of the City Council

From: Rich Olson, City Manager

Date: March 22, 2019

Re: Consideration – Request from Albemarle Ministers’ Association to Waive Noise Ordinance at Waterfront Park for Religious Event

BACKGROUND:

For the past several years, our Christian community of religious leaders have performed a sunrise worship service on Resurrection Sunday. Through the years, this event has been held at Mariner’s Wharf Park, without special request for amplified sound or music. This year, applicants are requesting a permit under the City’s Special Event Permit regulations. The request is to conduct a religious service at Waterfront Park to include amplified praise and worship during the early morning service.

The previous Council has authorized waiver of Waterfront Park policy in the past. In 2016 and 2017, the City Council received and authorized a request from Mr. Ron J. Ben-Dov to waive City Code Article I, Section 58-1 (since renumbered due to recodification) so as to allow the David’s Tabernacle event, as applied for under the City’s Special Event Policy. The 2016 event was held at Waterfront Park beginning at 7:00 a.m. on Friday, October 21, 2016 and ending at 11:00 p.m. on Saturday, October 22, 2016; it is now an annual event.

ANALYSIS:

The Albemarle Ministers’ Association has applied for a Special Event Permit, seeking to hold Easter Sunrise Service at Waterfront Park beginning at 5:45 a.m. and ending at 7:00 a.m. on Sunday, April 21, 2019; they applied during 2018, and were subsequently approved, as well. The event is scheduled to last for 1.5 hours, consisting of a worship service, amplified singing and music. The proposed start and duration of the event will occur during hours when the park is normally closed. Additionally, the applicant is seeking to conduct the service using an amplification system; again, affecting time period when sound amplification is not permitted. Conducting the proposed event during the early morning hours with augmented sound system requires a waiver of the City’s Code of Ordinances.

City Manager’s Office
P. O. Box 347 • 306 E. Colonial Avenue • Elizabeth City, NC 27907
Phone: 252-337-6864 • Facsimile: 252-335-2503
Starting at pre-dawn, event activity will take place in the park area immediately adjacent to the gazebo structure; however, in accordance with City Code Chapter 91, Section 91.01(A), all City parks open daily at daylight. The applicant is requesting that Council suspend the Waterfront Park opening due to the nature of the proposed event. This allowance is available to the City Council under Title IX, Chapter 91, Section 91.03(E)(2), Waterfront Park, which states:

(e) The city council reserves the right to suspend these regulations for the following listed activities:

1. North Carolina Potato Festival;
2. Any other such other time as the Council may direct.

In the offering of City services and resources, the City of Elizabeth City cannot discriminate for matters of national origin, race, religion, gender, age or other protections as codified in numerous federal and state laws.

Likewise, the applicant is requesting waiver of the Noise Ordinance. In accordance with City Code Chapter 131, Section 131.02(B)(1), “the playing of any musical instrument or electronic sound-amplification equipment in; such manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., that would unreasonably disturb persons of ordinary and reasonable sensibilities in the vicinity” is unlawful. This allowance is available to the City Council under Title XIII, Chapter 131, Section 131.07(F), which states: Unamplified and amplified sound at events conducted, sponsored, or sanctioned by the city.

City staff has met and discussed the details of the event. Representatives from Administration, Police, Fire, Parks and Recreation, Public Works, and Emergency Management have been provided the opportunity to comment on the application. None of City staff or our County partners have raised objections to the event at Waterfront Park in the manner described in the application. Public safety officials recommend notification to adjacent property owners of the event, if authorized by the City Council; and that the Elizabeth City Police Department check the decibel levels of their sound system prior to the start of the event, so that the applicant may set their volume controls appropriately and maintain otherwise compliance with the City Code. Event organizers estimate no more than 130 individuals will be in attendance. The applicant has not requested that their use of Waterfront Park will restrict access of other park-goers, namely the use of the parking lot and boat launch.

**STAFF RECOMMENDATION:**

By motion, authorize the waiver of City Code Title IX, Chapter 91, Section 91.03(E)(2), Waterfront Park, to allow the Albemarle Ministers’ Association event as applied for by Mr. Timothy Stallings to be held at Waterfront Park beginning at 5:45 a.m. on Sunday, April 21, 2019; and authorize the waiver of Noise Ordinance 131.04 (B) to allow the Albemarle Ministers’ Association and have amplified noise beginning at 5:45 a.m. and ending at 7:00 a.m. on Sunday, April 21, 2019.

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City of Elizabeth City
Special Event Permit Application

The City of Elizabeth City welcomes and encourages Special Events. The City recognizes Special Events as an important part of Elizabeth City's quality of life; they build a sense of community and create an environment that fosters civic pride. A Special Event is any non-routine activity within the City of Elizabeth City that brings together a large number of people that will significantly impact the surrounding community, involve the increased use of City services and require additional planning, preparedness and mitigation efforts of the local emergency response and public safety agencies. Special events may include, but are not limited to the following event types: festivals, carnivals, marches, demonstrations, parades, walks, block/street parties and sport tournaments.

PLEASE READ THE SPECIAL EVENTS POLICY, APPLICATION AND INSTRUCTIONS BEFORE YOU BEGIN COMPLETING THE APPLICATION FORM.

SPECIAL EVENT PERMIT APPLICATION PROCESS

Special Event Applications shall be submitted to the City of Elizabeth City City Manager or his designee no later than forty-five (45) days prior to the scheduled date of the event and may be submitted as early as one year prior the event. The Special Event Permit review and approval process begins when a completed Special Events Application and non-refundable fee(s) are submitted to the City of Elizabeth City. Special City-wide Festival Taxes are based on the number of For-
Profit Vendors participating in the Special Event – Festival *(Please reference Appendix A Special Citywide Festival Application)*. In the event that the Special Event is held at public facilities (e.g. park, ball field, recreation/activity center, etc.), Parks & Recreation fees will apply. Be mindful that non-city agencies may also assess fees for the Special Event.

During the initial application process the Special Event applicant will be allowed time to provide the City with all pending documents (e.g. certificate of insurance, food permit, site map, etc.) All documents must be received before final application approval and issuance of permit.

Filing of the Special Event Application does not guarantee authorization to hold the event, approval of event elements, the use of public venues, or the provision of city services, including park, pavilion, sport venue reservation; street closures; alcohol sales; pyrotechnics; and public works.

Advertisement of the proposed Special Event shall not occur until the application has received the authorization from the City Manager, all city fees paid, and all department permits issued.

To ensure that Special Events with an anticipated attendance projected to exceed 500 are carried out safely, securely and efficiently a Multi-Disciplinary Team must collaborate and a written Incident Action Plan (IAP) must be developed to address the safety requirements of the event participants and spectators. It is the Event Organizer’s responsibility to contact Pasquotank-Camden Emergency Management at (252) 335-4444 to arrange a meeting with the Multi-Disciplinary Team.

The deadline for submission of the finalized IAP is no later than ten (10) business days in advance of the proposed event. The IAP must be submitted to the Pasquotank-Camden Emergency Management Coordinator.

**CANCELLATION POLICY**

Regardless of whether or not permits have been issued, the City Manager, or his designee, may cancel a Special Event without prior notice for any significant change in conditions which would, or may, adversely affect the public health or safety of the community, or for any condition that would place city facilities, grounds, or other natural resources at risk of damage or destruction if the event were permitted to take place.

The City Manager, or his designee, has the authority to cancel or stop an event if the conditions required for approval, including insurance coverage, of the event are not being met. In addition, the City Manager and City public safety officials have the authority to cancel or stop an event, or place additional restriction on the event, if it is
deemed that public health safety or welfare is being jeopardized, and/or would be better served with additional restrictions.

In case of public emergency or other event (natural disaster, or any other emergency deemed by the designated City authority) or required property repairs, a Special Event may be cancelled or rescheduled by the City Manager or his/her designee.

If an Event Organizer, for any reason, must cancel their event they must notify the City Manager. Cancellations must be in written form; verbal cancellations will not be accepted. Fees are non-refundable.

SUBMISSION & ACKNOWLEDGEMENT

Please submit your completed Special Event Permit Application to:

City of Elizabeth City
Attn: City Manager
306 E Colonial Avenue
P.O. Box 347
Elizabeth City, NC 27909

I, the undersigned, acknowledge and understand that I am responsible to comply with the information, restriction and conditions of the Special Events Permit when issued. The information submitted is true to the best of my knowledge and I, the undersigned, shall notify the City in writing at any time as additional information is known or the plans for the event are revised which would alter the information and statement given. I also agree, if approved, to comply with all permit conditions and understand that failure to comply with any condition, or any violation of law, may result in the immediate cancellation of the event, revocation of the permit, denial of future events, criminal prosecution and/or administrative citations(s), fines.

I hereby certify the foregoing statements and representations are binding upon me, or if executed on behalf of a Sponsoring Entity, are binding upon the Sponsor and are executed pursuant to authority.

Print name: Timothy C. Stalling
Signature: Timothy Stalling
Date: 03-06-19
APPLICANT INFORMATION
Name of Applicant or Sponsoring Organization: Timothy Stallings
Address: 2703 W. MAIw City: Ell Zip: N.C.
Phone (H): 252-619-0613 (W): (Cell):
Email: Insurance Carrier:
□ Profit □ Non-Profit □ Government
□ Other IRS-501 C Number
First Contact Name: Timothy Stallings
Phone (H): Same (W): (Cell):
Fax: Email:
Second Contact Name:
Phone (H): (W): (Cell):
Fax: Email:
Responsible person "onsite" day(s) of event:
Cell Phone # (day of event): Same
This person must be in attendance for the duration of the event and immediately available to city officials.

GENERAL EVENT INFORMATION
Event Name: Easter Sun Rise Service
Location of Event: Water Front Park
Date of the Event:
Type of Event: □ Run/Walk Race □ Concert □ Festival
□ Celebration □ Ceremony □ Street Fair
□ Other
Event Description and Purpose:
Singing Church Service, Prayer

April 21st 2019
Event Start Date/Time: 5:45 A.M. April 21st
Event End Date/Time: 7:00 A.M.
Set-Up Date/Time: Tear Down Date/Time: 6:05 P.M.
Is this an annual event? □ Yes □ No
Is there an admission fee? □ Yes* □ No
* If yes, please include admission fee details in the Event Description above.
Is this a charity or fund raiser event? □ Yes □ No
Will you be taking up donations? □ Yes □ No
What is the anticipated attendance? 200 people

What was previous year's attendance? 200 people

VENUE DETAILS

Are you serving/selling food at your event? □ Yes* □ No

* If yes, contact Albermarle Regional Health Services, Environment Health Services Division for Temporary Food Establishment Permit at least 30 days prior to your event.

If yes, how many vendors? _______________

* Food may be distributed in designated areas only.

Append the following to your application response:
1. Provide list of food vendors and menu items for sale.
2. Provide list of retail and non-retail vendors, include wares and goods for sale/offer

Are you serving/selling alcohol at your event? □ Yes* □ No

If yes, how many vendors? _______________

If yes, Name on Beverage License: _______________ Phone#: _______________

*Requests to serve or sell alcohol must be approved by the City Manager.

Staging Details

The following items will be used at the event (Please mark all that apply);

□ Amplified Music □ Bleachers □ Dance Floors(s) □ Live Entertainment

☑ Loud Speaker(s) ☑ Microphone(s) □ Stages □ Other _______________

* If any of the above items will be used, please indicate their location on your attached Site/Plan Map.

If live entertainment or music, attach a list of entertainers and describe performance(s).

Will Tents or Canopies be used? □ Yes* □ No Number being used ______

* see Special Events Policy for Tents/Canopies special requirements.

Will Temporary Fencing be used? □ Yes* □ No

If yes, where and what type: _______________

Will Portable Restrooms be provided? □ Yes* □ No Company Name: _______________

Event Organizer is responsible for providing adequate on-site restrooms to meet the specific needs of the event.

*Ref: Special Events Policy for detailed information on Portable Restrooms requirements.

Waste Removal Details

Event Organizer is responsible for arranging for the removal of all waste related to the event. This includes, but is not limited to, emptying of trash bins and the removal of waste from the event site and other affected areas.

Who is Responsible for Clean up? Timothy Starling

Contact Name & Title:__________
Address: 2703 Main City, State/ Zip: Eliz., N.C.

Primary Phone #: _______________ Mobile Phone #: _______________

Will additional Trash Receptacles and Liners be Needed? □ Yes* □ No

How many: ________

* Additional trash receptacles/liners will be coordinated through the Elizabeth City Department of Public Works.

Event Organizer will be responsible for any additional costs.
VENUE DETAILS, cont.

Will the event require the use of generators?  
☐ Yes  ☐ No

List any electrical needs including, sound equipment, stage lighting, a DJ, etc. Be specific. The Elizabeth City electrician must review and authorize all electric requests and installation of temporary power as may be required.

Will event require the use of City Water?  
☐ Yes  ☐ No  *Hoses will be needed for access.

Will the event host the use of fireworks, explosive devices, pyrotechnics, mock gunfire and/or the use of weaponry for special effects.  
☐ Yes*  ☐ No  *indicate location on site map

*If yes, provide the following information: Date/Time of Demonstration:

Will any signs or banners be hung?  
☐ Yes*  ☐ No  *Banners may be hung near the dome in Waterfront Park only.

*If yes, provide wording on the banner:

How do you plan to publicize this event? Please include copies of promotional materials. If not available at time of application, provide as soon as possible.

☐ Radio  ☐ TV  ☐ Newspaper  ☐ Websites  ☐ Other

Is another Promoter/Producer assisting you with your event?  
☐ Yes  ☐ No

Name of Promoter and Company: __________________________  City/State/Zip: __________________________

Address: __________________________  Phone (W) __________________________ (Cell) __________________________

Is a Parade/Walk planned in connection with this event?  
☐ Yes*  ☐ No  *If yes, a separate permit and additional fees apply.

Will inflatables or carnival rides be used during this event?  
☐ Yes  ☐ No

Company: __________________________  Address: __________________________  City/State/Zip: __________________________

Phone (W) __________________________ (Cell) __________________________

Is cooking or open flame planned for this event?  
☐ Yes*  ☐ No  *No cooking allowed inside of Waterfront Park on the sidewalks; parking lot only!

Will the event require street closures?  
☐ Yes*  ☐ No  *If yes, attach a type written list of streets requested to be closed and a proposed schedule of closure and reopening.

*All street closings must be authorized by the City Manager and/or NC DOT.
How many volunteers will be working the event? 3 Pastors
What will the volunteers wear to identify themselves as volunteers?

INCIDENT ACTION PLAN & SECURITY

If your event attendance is projected to exceed 500 patrons and/or alcohol will be sold and/or consumed, a Multi-Disciplinary Planning Team composed of the event organizers and any agency that holds a functional involvement in the event shall be established and a written Incident Action Plan (IAP) developed for the Special Event. This Multi-Disciplinary Team will work to establish a Security Plan, Medical Plan, Traffic Plan and Emergency Response Plan to address specific event risks. Information on the requirements for the development of a Multi-Disciplinary Planning Team and Incident Action Plan are outlined in the Special Events Policy.

If as per the Special Event Policy and the description above security for an event is required, said security must be obtained through the Elizabeth City Police Department. Off Duty Officers must be contracted to provide security (unless the event is city sponsored or co-sponsored and security has been approved by the City). Cost is $25.00/hour per officer. To coordinate security for the event, contact Elizabeth City Police Department at (252) 335-4321.

Attach a Site Plan with the following items clearly shown, if applicable:

☐ An outline of the entire event venue, including the names of all public parks and facilities, and streets that are a part of the event area.

☐ Location of all platforms, scaffolding, bleachers, stages, canopies, tents and other temporary structures.

☐ Location and description of sound stages (height/size), description of amplified sound, musical entertainment (number of performers, type of music, etc.)

☐ Detailed food vendors, cooking area configurations, cooking methods (gas grills, propane, etc.).

☐ Location and description of beverage vendors, both non-alcoholic and alcoholic beverages, along with number of serving stations at each location.

☐ Location of vendor booths.

☐ Location of large tents (200 square feet).

☐ Location of portable restrooms.

☐ Generator locations, source of electricity and all requirements.

☐ Location of entrances/exits.

☐ Location of fencing, barriers and/or barricades.

☐ Location of fire lane.

☐ Location of Command Post and other Emergency Information must be provided as soon as possible.