

From: Anthony Picone [<mailto:antroch119@gmail.com>]

Sent: Monday, June 06, 2016 1:37 PM

To: Cheri Smith <csmith@cityofkeywest-fl.gov>

Subject: RE: Cheri It's Anthony Picone Carl's friend

I want the following statement read into the public record at the city council meeting on Tuesday June 7, regarding item #21" send to: sharrison@cityofkeywest-fl.gov, AND csmith@cityofkeywest-fl.gov, both addresses VERY IMPORTANT, please also include patrickstecher@rocketmail.com so I can verify. Thank you for supporting live music in Key West.

Loudness is not something that can necessarily be determined with decibel meters. Sound is living, breathing and always changing. It is affected by humidity, temperature the size of the crowd among other factors. When we went through this issue last year, I stood on the 200 block of Duval St with a decibel meter when there were no musicians playing. The ambient noise during the day with mediocre foot traffic already exceeded the proposed decibel limit. At one point I witnessed a "code enforcement" officer fumbling with a decibel meter because he had no idea how to use it. I can be confident by saying that most musicians have a better understanding sound than those trying to enforce it. I've been living in Key West for almost 5 years. The cost of living has gone up and the pay rate for musicians has gone down. When I speak to reputable musicians that have been here for 25-30 years and I'm told that bands were making 4-5 times as much as they do today, it's beyond heartbreaking. It's laughable. Just about every bar on Duval Street has their own sound system, which can be regulated by the establishment to avoid a loudness issue. If it's that much of an issue (which I don't believe it is) the establishment needs to hire a QUALIFIED person to run the sound system. When a musician is performing it's often hard to gauge how loud the sound is being perceived from the rest of the bar and the street. Most speakers are designed to project sound outward and are often perceived louder at a distance. It's not my job to manage a bar. I will say that there are a few "newer" establishments that are louder than they should be. I've performed at some of them and disagreed with the level of my music but I was told by management to turn my volume up. One establishment even has a speaker on the street, which I disagreed with using but they insisted. This being said, it's illogical for the musician to be held personally responsible for any noise violations.

I moved here from the New York City area, which is one of the most expensive places to live in the US. When we go back to visit once a year I'm shocked to find out that the cost of food (which happens to be some of the best in the country) is cheaper as well as the cost of most goods and services when the cost of real estate is equivalent or higher than Key West. Key West is a tourist town that relies on Musicians, Bartenders, wait staff, hotel clerks, bus boys, taxi drivers etc. These jobs are the heartbeat of Key West. How are local businesses going to function when we can't afford to live here? It's obvious that the "powers that be" will profit more if Key West becomes another Naples or Marco Island. I've accumulated a following of people that return to watch my performances every year, as do most other performers in Key West. Most establishments often frown on taking excessive breaks and some don't allow breaks for musicians. This is because patrons often leave the bar when there is no entertainment. That means that most of these establishments are relying on the musicians to make money. That should clarify the importance of live music and the fact that fining a musician is biting the hand that feeds Key West. Perhaps we can learn to pick our battles. I apologize for not being able to attend but I have to perform on my only day off this week to support my household. Thank you for your time__ Anthony Picone

"I want the following statement read into the public record at the city council meeting on Tuesday June 7, regarding item #21" My daughter and I just spent a week in Key West. We loved walking down Duval with all the different music emanating out of all the bars and restaurants. Some we stopped to listen to and some we ventured in. We have never experienced that anywhere else in our travels and thought that that is one thing that makes Key West so special. The idea that anytime day or night you can walk along and hear great music. Please do not bow down to transplanted people. Keep your island unique and let the music flow.

Sincerely,
Annette Stokes
Home Office 330.832.2647
Cell 330.936.4618

My name is Beth Rooney, I have been a resident of Key West for almost 5 years. I was employed for almost 4 years as a music booker at Island Dogs, World of Beer, Burgerfi and helped book at the Lazy Gecko. I have worked closely with all of the musicians in town, and I am married to Anthony Picone a local musician who plays all over Duval Street.

I was shocked and saddened to hear that the musicians of Key West are the target for fines over volume. The talented men and women of our town should not be responsible for said fines. These musicians work harder than most in this town and do not get compensated nearly enough to afford a random fine issued over the volume being too loud. It is not my point to disclose the financials of our talented men and women, but the pay rates for musicians has gone DOWN, since I started booking in 2011, by about \$50-100 per gig!!

Mr. Weekley, and all of the commissioners, I encourage, actually I beg you to sit down with the musicians to see how much they actually take home after a gig at any of the clubs on Duval Street. It's not as much as you would think. Any fine encouraged by a non decibel reading will hurt their already strained income.

Issuing a fine on the musician playing should not even be on the agenda. The volume ordinance that was passed last year should cover any sound volume issues on Duval Street. This item would seriously impact the already underpaid musicians of Key West. The issue addressing fines upon the musicians is a horrible way of thanking those that play all your concerts and benefits to raise money, without getting paid.

Thanking you for your time,

Beth Rooney

Allowing code to write citations to musicians with only a complaint about music emanating from the public right of way, without using the decibel levels that the community came out in large numbers to hash out last year. This is unconstitutionally vague and arbitrary. The law needs to be well defined if we are to follow it, and we already have that. This proposal would be devastating to both venues and street performers.

To allow this would be harmful to our city as a whole. the idea that someone can make a 'complaint' with no criteria to base the 'complaint' allows for personal judgement , prejudice, bias to enter into the equation and is not acceptable.

Carlos Murray

Honorable Members of the Key West City Commission,

I thought we already have been through this before.

I spoke to you all last time for months in person, continuously stating that moderation, mediation and sound proofing was the answer.
Not violations, DB meter readings, and cutting down more trees.....
Furthermore we all Live under a Navy Air Base, that must be more detrimental to the acoustic environment than Live Music ever will be.

More Construction, More Concrete Sidewalks, and more Ordinances are not going to fix this problem.

Do You Really want to eliminate the ability for local bars and music venues to have Live Music in Key West ?

If that ever happens, you will see a decrease in tourism and tax dollars from that decision, as well as an Increase in Homeless Musicians!

We haven't even dealt with the Homeless we currently have.

It is my opinion just based on the fact that this Item #21 is even on your agenda, that maybe it is time for a New Mayor in this City we call Paradise.

Thank you for supporting live music in Key West.

Gary W. Ek

Audio

Engineer / Host

executive producer

key west show

[TheX Key West 104.9 fm](#)

www.thexkeywest.com

My

STUDIO

Address:

1021 Watson Street

P.O. Box 4786

Key West, FL 33041

The proposed ordinance marked as agenda item #21 is unconstitutionally vague and arbitrary. This proposal, if passed, would be devastating to both venues and street performers. I am asking the commissioners to vote this unconstitutionally vague and arbitrary proposal down and keep using the decibel levels that the community already decided upon. Thank you for supporting live music in Key West.

Sincerely

Jim Hanley MBA
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From: lillian lyons <i_drivetoofast@yahoo.com>

Date: June 5, 2016 at 1:41:02 AM EDT

To: "csmith@cityofkeywest-fl.gov" <csmith@cityofkeywest-fl.gov>

Subject: Item #21

Reply-To: "i_drivetoofast@yahoo.com" <i_drivetoofast@yahoo.com>

I want the following statement read into the public record at the city council meeting on Tuesday June 7, 2016, regarding item #21: I, Lillian Lyons object to this being unconstitutionally vague and arbitrary. We need to know the law in order to follow it. We already have reasonable decibel levels. The idea that any random person can make a complaint that results in a citation and/or fine for a street performer is absurd. This could go dangerously wrong and result in artistic bullying. As a street artist, I am firmly against item #21. I might hate Jimmy buffet, but I would never suggest a law that allows me to call code to hand out fines on behalf of the city, to the people who do enjoy Mr Buffets um... music, in public.

Thank you for your time,
Lillian Lyons

I would like to ask the commissioners to vote this unconstitutionally vague and arbitrary proposal down and keep using the decibel levels that the community already decided upon.

Thank you,

Marie Stecher

Dear City Council,

I, Michelle Dravis, appreciatively ask the commissioners of Key West, from bottom of my heart, to vote against the nebulous and unfair proposal #21, and to please keep using the decibel levels that the community already decided upon. Thank You.

Sincerely,
Michelle Dravis

From: Paul Gelineau <paulsgelineau@gmail.com>

Date: June 5, 2016 at 3:01:13 AM EDT

To: csmith@cityofkeywest-fl.gov

Subject: street performer city ordinances

Greetings,

My Name is Paul Gelineau.

I want the following statement read into the public record at the city council meeting on Tuesday June 7, 2016, regarding item #21. This would be unconstitutionally vague and arbitrary. A complaint could come from any direction, and for there not to be a process in place to ascertain and legitimize the complaint would be a abuse of power with possible neglect to the laws in place to allow what should already be allowed in our 1st amendment rights under the U.S constitution. The permitting process is already in direct violation of the first amendment rights, and this even more so. Please Vote against this. Thank you

Paul Gelineau

Musician, scientist, humanitarian.

I want the following statement read into the public record at the city council meeting on Tuesday June 7, regarding item #21.

I am asking the commissioners to vote this unconstitutionally vague and arbitrary proposal down and keep using the decibel levels that the community already decided upon.

Thank You,

Rick Fusco

I want the following statement read into the public record at the city council meeting on Tuesday June 7, 2016, regarding item #21:

As a former street artist I urge this Council to reject the amendment (item #21) under consideration. Without the objective standard of noise level (specific decibel level) a complaint can be made about “noise” that in reality is simply someone’s dislike for a specific song, instrument, or even a singer . . . this makes the law completely subjective, and thus vague and arbitrary and subject to abuse by anyone.

Additionally, it jeopardizes the livelihoods of hundreds of citizens who earn their livings (and remain off public assistance and government programs) by performing for the visitors and locals who keep the local economy flourishing.

I am urging you in the strongest terms to reject this unconstitutional “government infringement” on the cherished First Amendment guaranteeing the right of free artistic expression.

**Ross Pilot
New York**

Dear Ms. Smith,

I am not able to be in attendance at Tuesday's meeting. Please ensure that the following statement is read into the public record at the city council meeting on Tuesday June 7, 2016, regarding item #21:

"Your proposal to allow street performers to receive a citation based on a complaint without any verification that the issue under complaint is actually a violation of any code is vague and arbitrary. Who will be the arbiter of whether a performer is in violation or not? And what will they be in violation of, if decibel readings are no longer a factor?

No one can be expected to follow a law that does not have clear parameters. Apparently with this new proposal in Item 21, any noise complaint could generate a citation, even if the sound is within the approved decibels written within the code. This is not how laws should be written or applied."

Thank you,
Tess Whelan

"I want the following statement read into the public record at the city council meeting on Tuesday, June 7 regarding item #21."

Thank you for allowing me to speak regarding the proposed item #21

As a full-time Key West musician and as a proud member of the music community here in town, I am well aware of the need to contain noise levels around town to maintain an equal playing field and keep everyone in the community happy. Using the decibel level that the community voted on last year, musicians and the venues they play in are responsible for following these guidelines and if they do not then a citation is warranted. However, if we change this law to allow for citations to be issued based solely on individual complaints, the incredible music scene that has become a staple of Key West, truly unlike any other city in America, will take two steps back and then some, which would truly be a major blow not only to the music community, but the community as a whole. As we all know, there are always going to be members of this community, and every community for that matter, who are never going to be happy with and/or support local, live music for whatever reason, which is absolutely their right. However, when we allow these individuals to dictate the issuing of city code violations based solely on their opinions and not an actual, voted upon, guideline for all to follow, then I believe we are bordering on an unconstitutional amendment. Please do not pass this amendment and continue to control all live music, whether in a venue or on the street, using the voted-upon guidelines. Thank you for your time!

James Whitehead
Robyn Whitehead