

# Charlottesville unaware it can measure bass in noise battle

Rachana Dixit | Posted: Sunday, May 30, 2010 4:41 am

The Bel Rio restaurant in Charlottesville has become the poster child for why officials want an effective noise ordinance while also trying to make peace between residents and businesses that attract crowds and generate noise.

It is still on the minds of many in Charlottesville, effectively serving as a catalyst for several regulations governing noise, restaurants and music venues, even though Bel Rio would not have to abide by all of them.

“I think this one place is serving as an example as to why we need to deal with noise,” Councilor Kristin Szakos said.

Owner Jim Baldi and others say his Monticello Road restaurant is being unfairly targeted. Planning commissioners have appeared sympathetic to ongoing resident complaints and have told the City Council that it still needs to address noise. Jim Tolbert, the head of Charlottesville’s Department of Neighborhood Development Services, said the city has exercised every avenue it has through regulations to get Bel Rio to quiet down.

“They’re the only ones causing trouble,” Tolbert said in an interview.

Yet, about three months after the city approved an altered noise ordinance that was largely a product of complaints about Bel Rio, there are still shortcomings in dealing with the city’s sound levels, compounded by the fact that city officials say it is too difficult for police to measure bass, often the noise culprit.

“Bass is way too difficult to measure,” Tolbert said of the consensus reached months ago.

But the manufacturer of the city’s sound meters disagrees.

## Bel of the ball

In March, the City Council approved a noise ordinance that prohibits certain restaurants in Belmont and on Fontaine Avenue from emitting amplified noise in excess of 65 decibels between 11 p.m. and 6 a.m., down from 75 decibels. City staff had originally proposed a 55-decibel limit.

“That didn’t even faze it,” Douglas Avenue resident Shirley Shotwell said.

Bel Rio, which opened less than two years ago and is allowed by-right in that part of Belmont, has been and still is consistently the sole subject of noise complaints from nearby residents, though it received only one violation since the new ordinance took effect in March and always turned the music down when asked, according to police data.

While several residents have alleged that the restaurant is a bad neighbor, Baldi said, “I don’t believe that’s true.” As the police’s report states, Baldi said he has been willing to work with authorities and has tried to meet with residents, but they refuse.

“I don’t know what other choice there is,” he said.

Even with the lower limit, the noise ordinance seems to be skirting the problem. The City Council and staff have been under the impression that bass levels are difficult to gauge, while many of the complaints that have come from Belmont residents have focused on that particular type of sound, a product of the live music Bel Rio often offers on weekend nights.

Some councilors said they believed the city would need new, costly equipment to measure bass and they would have to be convinced to spend that kind of money. Residents have also said in interviews that their understanding is that bass would not be picked up by the meters the police department use.

But the police department's existing sound meters are capable of detecting and measuring bass, according to the equipment's manufacturer.

The sound meters that police officers already use when enforcing the noise ordinance have two frequency weightings — A and C, the latter of which does a better job of picking up low-frequency sounds such as bass, said Randy Sleggs, a senior applications engineer for Quest Technologies.

He said that if the police are only using the A weighting to measure noise levels, "There could be potentially sound at low frequency that people might find annoying that the sound meter might not necessarily pick up. By putting it to the C weighting, you'd be more likely to pick up the low frequency sound, the low bass sound."

The city's noise ordinance, however, is written with an A weighting for decibel levels, and does not mention the other scale.

Sleggs said there would be a sizeable difference in measured noise levels for low frequencies between the A and C scales, with the A weighting lowering the final decibel reading much more than the C weighting.

'We need rules'

When asked about the issue, Tolbert said he did not know that the city police's sound meters could measure bass.

"I don't do the enforcement," Tolbert said. "We researched what other communities do." Tolbert said his research showed other cities had noise ordinances that were written with the A weighting, not C. The city's noise ordinance has always been written with the former unit, he said.

"I don't know why they chose that, and I've never seen one of the meters," Tolbert said.

Mayor Dave Norris, who supported the 65-decibel maximum, said he was unaware of the different weighting scale that could be used to measure noise, or that the police department's existing meters could be adjusted to better pick up bass.

"I am not an expert on this stuff," he said. "What we've been told is it's been harder to measure the bass."

The council will get an update sometime next month on the noise situation in Belmont, and it could re-ignite the issue if councilors feel the current rules are not doing enough. Two councilors, Szakos and Satyendra Huja, both still support lowering the allowable limit to 55 decibels in commercial areas that are surrounded by residences.

"If everyone was polite to each other we wouldn't need laws," Szakos said, when asked if the city should just deal with Bel Rio instead of imposing wider limits on multiple eateries.

“We need rules because people do not behave sometimes,” Huja said.

Whether fair or not, someone has Bel Rio in their sights, said Melissa Easter, who owns the next-door coffee shop Roast and the building that Bel Rio leases.

“I would have hoped that we could have taken care of this without all the publicity and the concern on the city’s part,” Easter said. “I have lots of Belmont residents that are my customers. I hear from three or four people, and there may be more, but I’ve gone to meetings and I can’t see any more than these few people, [where] nothing short of them getting out is going to be acceptable.”