

Neighbors seek noise limits at Freedom Park

They're asking the county to restrict the amount of time allowed for amplified music and other events.

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Posted: Sunday, Jul. 19, 2009



Jim Frye (from left), Robert FitzPatrick and Bill Convey live near Freedom Park. "Freedom Park was not set up as an event park," FitzPatrick says.

Robert FitzPatrick envies Charlotte residents who lie awake at night because of concerts at nearby restaurants and bars.

A city noise ordinance says those neighborhoods have to put up with no more than 20 hours of noise each year.

FitzPatrick's home in Forest Park abuts Freedom Park. He estimates that in 2008 the city issued permits for 164 hours of amplified sound for concerts and other events.

FitzPatrick and about 11 others, organized as Friends of Freedom Park, have asked county commissioners for help. They want the same 20-hour annual limit on amplified sound at the county-owned park that protects other city neighborhoods from events at restaurants and bars, which the city classifies as public places of entertainment.

"What you're met with is a private group that has a permit to set up amplified sound, which means that while you were in the park that day you had to listen to that religious message, that music or whatever was going on," FitzPatrick said.

The park opened in 1945.

FitzPatrick, 63, grew up on Lilac Road with a backyard adjacent to the 98-acre community park and returned to his childhood home in 1996. Since then, the group he helped create has worked to preserve the park's core purpose and natural setting, he said.

In 1999, the group blocked a proposed national tourist attraction at the park called the American Freedom Bell, FitzPatrick said. Commissioners ultimately agreed to put the 7.5-ton symbol of patriotism on display at the Charlotte Museum of History. In 2006, the group protested a proposal to sell naming rights for the band shell, FitzPatrick said. The deal fizzled.

Amplified sound has been a longstanding gripe, FitzPatrick said.

“Even within our homes, the sound levels are extreme,” Friends of Freedom Park wrote in a July 10 letter to county commissioners. Commissioner Jennifer Roberts, who had been on vacation since July 12, said last week that she had not seen the group’s letter. Yet, she said she is open to taking another look at existing policies.

Freedom Park is among the city’s most popular community parks and is designed for a variety of uses, said Greg Jackson, division director for Park Operations and Athletic Services.

Jackson said Park and Recreation’s obligation to residents is to make sure that events are appropriate for the location and that permit holders comply with the city’s noise ordinance.

A city permit for amplified sound allows the holder to exceed standard noise levels in the code. The permit allows up to 70 decibels of amplified sound, measured at the boundary of the nearest occupied residential property, said Assistant City Attorney Catherine Zanga.

Zanga sees at least one problem with limiting amplified sound at the park to 20 hours annually. The First Amendment protects free speech at a forum such as a public park. Turning away someone who wanted a permit based on a 20-hour limit could potentially violate his right to free speech, Zanga said.

Also, court rulings indicate amplified sound can be a component of free speech in public places, Zanga added.

Friends of Freedom Park wants the city to give more consideration to the rights of park neighbors and visitors, especially for private social or commercial events, FitzPatrick said.

“Freedom Park was not set up as an event park,” FitzPatrick said. “It was set up for the public to use.”