

## Noise complaints at the Ford Amphitheatre

By TOM ZUCCO

Published June 10, 2005

---

TAMPA - Before a controversial amphitheater opened last year, Hillsborough environmental regulators concluded it probably would not cause noise problems in the surrounding neighborhood.

But the amphitheater they reviewed is not the amphitheater that was built.

The roof is about 40 percent higher than the approved design, and the speaker configuration is different, the Hillsborough County Environmental Protection Commission says.

Those unapproved changes, the EPC says, are significant reasons why the Ford Amphitheatre has repeatedly violated noise regulations, prompting nearly 300 complaints from neighbors.

The EPC is now locked in three lawsuits involving Clear Channel Entertainment, which built and owns the \$23-million facility, and the Florida State Fair Authority, which owns the land. At the center of the legal battle is the amount of noise the 20,000-seat amphitheater generates during concerts.

Although the commission doesn't typically regulate building construction, Clear Channel was required by the terms of its June 2003 lease with the Fair Authority to get EPC approval before going ahead with the amphitheater.

The company did so in July 2003 - but based on its original design.

"This thing wasn't worth the paper it was written on," said Mark Bentley, an attorney for the EPC, which is made up of the seven members of the Hillsborough County Commission.

A Clear Channel representative testified in a deposition that the design changed after the EPC approved it.

The facility's general manager said that if changes were made, they improved the facility.

"If there were any real differences between what was submitted and what was built, which is in dispute, then those changes would have actually managed sound better, if they had any effect at all," general manager Ed Morrell wrote in an e-mail to the *St. Petersburg Times*.

A month after Clear Channel signed its 15-year lease with the Fair Authority, EPC executive director Richard Garrity sent a letter to the company's architectural manager, John Ahrens, saying the EPC found "reasonable assurance" the structure would comply with noise rules based on the information provided.

"However," Garrity added, "once constructed, the amphitheater would be required to demonstrate compliance with our noise regulations on a continuing basis."

That hasn't happened, the EPC said.

Neighbors say the music is so loud it shakes pictures on their walls and forces them to leave their homes.

Ahrens, who managed the amphitheater's design process for Clear Channel, acknowledged in a deposition that changes to the sound system were made nearly a year after the initial report to the EPC, submitted in May 2003.

After the amphitheater opened, the company didn't test the noise level in the surrounding neighborhood, Ahrens said.

Asked whether stacks of speakers added by touring bands would increase the noise, Ahrens said he didn't know. That had not been measured, he said.

Bentley likened the amphitheater's higher roof to a garage band's garage door. The more the door is opened, he said, the more sound comes out.

In the original design, the distance between the roof and the upward sloping berm is 89 feet, EPC engineers said. As built, the distance is 123 feet.

Experts hired by the EPC, including a sound engineer from the University of Florida, say the higher roof could easily account for noise in the neighborhood, Bentley said.

Ahrens, during his deposition, was shown a drawing of the roof plan submitted to the EPC. "This isn't what we built," he said.

Asked if he showed the EPC the new design, Ahrens said no.

"At the time we submitted the report," he explained, "we were not sure if we were going to use this roof or the roof that had been previously modeled."

Clear Channel leases 17 acres from the Florida State Fair Authority for \$275,000 a year, with payments escalating through the length of the contract. The Fair Authority receives other revenues from concerts.

Concert venues such as amphitheaters are a growing part of the music business. With CD sales and radio advertising revenues in a slump, artists and promoters are turning to tours to make money.

Clear Channel is the country's largest live music company, with 37 amphitheaters in the United States, Morrell said. The company is the nation's largest radio station owner.

The amphitheater was controversial before it was built because of concerns that it would draw business away from the St. Pete Times Forum, which was built partly with public financing.

The new venue has proven to be popular, drawing acts such as the Dave Matthews Band, Sting and Annie Lennox, with Coldplay, Eminem and 50 Cent set to appear.

But neighbors hate it.

"Even with the doors and windows shut, you can hear the crowd," said Angela McCants, who lives less than a mile

away.

The noise gives her headaches, she said, and it keeps her husband and her two children awake at night.

That wasn't what the Fair Authority promised her, she said.

"They told us we wouldn't hear a sound," said McCants, 36, whose family has lived in the yellow ranch house on Downing Circle for seven years.

But Clear Channel is fighting Hillsborough's noise ordinance, arguing that it's too vague. A judge agreed, declaring parts of it unconstitutional, but allowed the lawsuits to continue.

"When you look at similar sound issues stemming from other entertainment centers in the metropolitan area," Morrell said, "you see that EPC is unfairly treating us one way while treating others differently."

Not so, the EPC says.

"They came into town and represented themselves as being good corporate citizens to induce the government to sanction what they were doing," Bentley said. "They essentially misrepresented their true intentions to the government. And unfortunately, they picked the wrong government to mess with because we're not going away until they come into compliance."

Lowering the music volume slightly could alleviate the noise problem without harming the concert-going experience, he said.

"They sold out the Jimmy Buffett concert," Bentley said, "and there were no noise complaints. There's really no good reason why they can't do it."

The next hearing on the lawsuits is July 11 in Hillsborough Circuit Court.

---

© 2007 • All Rights Reserved • St. Petersburg Times  
490 First Avenue South • St. Petersburg, FL 33701 • 727-893-8111  
[Contact the Times](#) | [Privacy Policy](#) | [Standard of Accuracy](#) | [Terms, Conditions & Copyright](#)