

Asheville City Council July 27, 2021 Email Comments

TimeStamp

7/23/2021 1:16:00 PM

Text

Good morning,

The noise ordinance should allow for music venues to play until 2am in business districts (Downtown, West Avl, etc.) considering that is how late bars (venues) remain open. There is an active music scene in Asheville that would suffer from a constricting noise ordinance.

So many businesses suffered from COVID and in this context venues struggled because their model relies on gathering large crowds. The Mothlight serves as a great example of a venue that brought in a great crowd, great shows, and closed in part due to COVID. Adding another restriction such as a noise ordinance would continue to suffocate the music scene.

What I find most ironic is that Asheville has branded itself on its eccentricity, yet this city continues to make decisions that shave down the "rough edges" of this place. Perhaps there are people on City Council who don't like Asheville's eccentricities. The City has given me the impression for quite a while that they would rather curate Asheville's creativity on their terms: 6pm bluegrass shows, nice white tourists spending money on kitschy art, and hey, let's do everything we can to drive the cost of living up without raising wages to match! These changes are driving out the very lifeblood of the city that draws people here in the first place — but now I will remain focused on the noise ordinance. Who is it really for?

If you're making assumptions about me, I'm not some grungy strung-out punk kid. I am in my thirties, have a good job, am focused and driven, and live in a somewhat quiet area. However I occasionally get college-age neighbors who make a lot of noise, and it's frustrating. At first, I thought, "well perhaps it's okay to have *some* changes to the noise ordinance," but then I learned that there won't be a decibel limit in residential areas, merely using a "noise disturbance standard." This is especially odd given the list of noise-related complaints, which I will repeat below, that likely take place in residential areas (bolded):

- *Construction (so many new houses being built)*
- *Vehicle exhaust/revving (let's not forget lawn mowers)*
- Commercial + industrial equipment
- Music over-amplification (including venues, outdoor events + buskers)
- *Fireworks*
- *Residential neighbors*
- *Barking dogs and other animals*

So I have to ask again - who is this really for?

Regards,
A Concerned Resident

7/23/2021 5:19:00 PM

The city makes almost no actual effort to control noise whether it's drums, amplification devices or trucks revving.

Many of the "buskers" do not live downtown or even in AVL. Their "right" to make noise seems more important.

The city gov needs to help protect the quality of life for its actual residents.

Bret Sleight

Sent from my iPhone

7/23/2021 8:06:00 PM

City Council Members,

Based on sound demonstrations presented by an audio expert on 7/23 and 7/27, each of you will have experienced excess noise first hand. You will have heard for yourselves that maximum sound level limits 75 dBA daytime and 70 or 65 dBA night time are far too loud.

The experts in city staff will further confirm that these high decibel levels are higher than needed. They will show you that measurements that they have taken with certified sound level meters prove that successful outdoor music events can easily exist at lower decibel levels. The argument that live music will be ruined is not true.

However, due to city policy, staff cannot amend the existing noise ordinance due to the misinformed decisions made in the public safety committee. You have control. You must amend the ordinance to follow the facts. The Coalition of Asheville Neighborhoods, in collaboration will all of its members urges you to amend the noise ordinance, or send it back to public safety to focus on facts, the health of Asheville residents and the measurements taken by staff.

Amend the noise ordinance with these revised times, limits and reductions:

CBD:

7 AM - 10 PM Sunday - Thursday - daytime 65 dBA

7 AM - 11 PM Saturday - Sunday - nighttime 65 dBA

10 PM - 2 AM or 11 PM - 2 AM late night 60 dBA

2 AM - 7 AM overnight 55 dBA

Commercial:

7 AM - 10 PM every day - daytime 65 dBA

10 PM - 7 AM - overnight 55 dBA

Industrial:

7 AM - 10 PM every day - daytime 65 dBA

10 PM - 7 AM - overnight 55 dBA

Residential:

7 AM - 10 PM every day - daytime 60 dBA

10 PM - 7 AM - overnight 45 dBA*

* Maximum sound level determine by the World Health Organization and confirmed by all reputable scientists to protect humans from severe health impacts from excessive noise

Adopt this statement of decibel reductions

The sound level limits shall be reduced by an additional eight decibels when measured in a residential district.

Performance Center Zoning

Asheville zoning must be modified such that no additional Performance Centers can be zoned within 2000 feet of residential districts. Do not allow Performance Centers in the Urban Place Form Code.

Amend Permits to Exceed

Type 3 - no more than 12 in a 12-month period

All sound exceedance events hours 10 AM - 10 PM

Maximum decibels set to 75 dBA Leq

Require Noise Ordinance Revision after trial period:

Immediately establish the Noise Advisory Board

Use all channels to inform business and residents of maximum sound limits in approved ordinance

Establish transparent and complete data to track all complaints, including source of sound, dBA and dBC levels, actions taken to mitigate if violation, who enforced

Deliver warnings and recommend mitigation steps instead of citations and fines

Produce monthly reports with summary and full detail

Joint presentation of revised noise ordinance by city staff and Noise Advisory Board to both Public Safety and City Council

7/23/2021 8:32:00 PM

July 23, 2021
Dear Asheville City Council Members

The Coalition of Asheville Neighborhoods (CAN) is strongly opposed to the current RCG/Killian's proposal for the Charlotte Street development. We support the Preservation Society of Asheville Buncombe County position that RCG/Kilian's current proposal will adversely affect the Charlotte Street corridor and surrounding communities and will threaten the safety, character and quality of life that these neighborhoods currently enjoy. We are writing to request that the application for the Conditional Zoning be declined and the project be revised so that it reflects thoughtful density and development along Charlotte street that respects the heritage of the area and maintains the quality of life for these neighborhoods.

Although there are numerous reasons that led us to this conclusion, the following are our more major concerns that we believe will be most harmful to Charlotte Street and the neighboring communities. We are also concerned that approving this development and conditional zoning will set a precedent for future developments.

Excessive Traffic Congestion Impact

Charlotte Street is already a busy thoroughfare and is the access point for the 240 freeway for many North Asheville residents. Chestnut Street, a narrow road which is currently the main access road between Merrimon and Charlotte Street is already congested and traffic is consistently backed up during peak hours. The developer's own traffic engineers, Kimley-Horn and Associates, prepared a detailed Traffic Impact Analysis that estimates Levels of Service (LOS) and queue lengths at peak hours rated at D-F. With 400 additional residences as well as retail business feeding into this congestion and without any alteration to the existing streets, turning lanes, and consideration of vehicle stacking, this project promises a permanent and increasing traffic congestion for the community to endure. This will also increase cut-through traffic which impacts the safety and quality of life for these communities. For this reason alone, any conditional zoning should be drastically scaled back a minimum.

City Staff Recommendations

Despite the city's professional staff recommendations for denying conditional zoning based on the developer's current proposal, the recommendations of these professionals have been overlooked or ignored. In particular, the staff pointed out at least five areas where the proposed project does not comply with the city's own Charlotte Street Overlay District, along with MXD EXP zoning standards. CAN believes that standards are set for good reasons and not following these standards in our view and granting conditional zoning will set a dangerous precedent for current and future development, endangering the health of the city and its citizens.

Non-Adherence to the City's Own Plans for Development

This project does not support the City of Asheville's plans for development and controlled growth and conflicts with the Charlotte Street Corridor Plan, the Living Asheville Comprehensive Plan, Charlotte Street Overlay District, and the Charlotte Street Road Diet. The project also is inconsistent with the city's Historic Preservation Master plan, as well as the Charlotte Street Neighborhood Association's Plan on a Page. Preservation of historic homes is not part of the proposed development.

CAN's Position

For all of these reasons, CAN strongly urges the City Council to postpone action on the conditional zoning request submitted by the RCG Development Group and the Killian family, and instead, direct the developers to sit down with area neighborhood associations, residents and City Planning staff to discuss substantive changes to the project's design that would make it more compatible with the existing community. We stand with the Charlotte Street residents.

CAN stands ready to assist the City, neighborhood associations, residents and other interested parties, such as the Preservation Society of Asheville/Buncombe County, along with the developers, in facilitating a solution to the 100 Charlotte Street project that would benefit the City of Asheville, preserve the character of the North Charlotte Street community and allow the project to proceed with unanimous approval.

If the Council's stated goal is a Well-planned and Livable Community we trust that you will follow the Living Asheville Comprehensive Plan which clearly calls for balance between development and the needs of the communities' residents, and balance between development and retaining the natural and historic character of Asheville. We trust you will act accordingly in this matter.

7/24/2021 1:17:00 AM	<p>I have written often concerning the noise ordinance and some of you have been kind enough to write back- I thank you.</p> <p>I reviewed the CAN guidelines and support those, sure hope you have given them a look.</p> <p>As a downtown resident I put up with most things pretty well and complain very little. Loud decibel sound is excruciating to the spirit (and ears), please vote kindly.</p> <p>Thank you for the time spent considering all viewpoints.</p> <p style="text-align: center;">Linda Werner 21 Battery Park Ave # 503</p> <p>Sent from Mail<https://go.microsoft.com/fwlink/?LinkId=550986> for Windows 10</p>
7/24/2021 7:20:00 PM	<p>As an Asheville resident of 5 years and a working local musician, I find the proposed noise ordinance a threat to my way of life, and the lives of most of my friends and family. Hard working artists in all areas of the local music community will take yet another financial hit if this ordinance goes through as proposed. A hit we cannot afford. And for what? So that people who moved to this town for it's culture can live in expensive apartments right next to long standing music venues and bars downtown in peace and quiet, effectively stifling the very culture that has made Asheville desirable in the first place? It wrecks of entitlement.</p> <p>Some of the concerns addressed by the proposed ordinance seem legitimate. There are ways they can be addressed without forcing local artists and businesses to suffer. I'd like to see this ordinance rewritten to allow venues to operate as they have been. Newcomers to the area should do their research and move somewhere quiet if that's what they desire.</p>
7/24/2021 7:38:00 PM	<p>Why do medical clinics have special protection? Is it to silence protesters of baby killers while allowing other groups to exercise their first amendment rights protesting other private or public businesses that fit the Asheville agenda?</p> <p>Sent from Yahoo Mail for iPhone</p>

7/26/2021 1:34:00 AM

Asheville's adopted "smart growth" policies can't work if on the one hand the City is encouraging residential density in urban and suburban areas, and on the other hand driving people away from living there because of noise pollution from outdoor music venues (as other cities have experienced). It's crazy that the City would even consider allowing such venues to operate, much less without enforcing strong decibel, permitting, and residential-buffer regulations.

It doesn't matter how much tourist-driven profit the music industry thinks it can make from such venues: No business has the right to offload the costs and hazards of its activities onto its neighbors, in this case in the form of stressful and potentially ear-damaging noise pollution.

My mate Dixie Deerman and I were among the hundreds of Asheville residents -- and voters -- who contributed to the pioneering collaborative effort between neighborhoods and DSD to draft the effective noise ordinance for which Asheville citizens have been begging for years. Don't allow special interests to sabotage this now. Show us that you, our elected leaders, are putting the public interest of residents' health and safety first and foremost, as you are charged to do by our City Charter.

I'm a musician myself, but I have no illusions about the irresponsibility and selfishness of forcing my neighbors to listen to my would-be masterpieces whether they want to or not. A kid next door with a new drum set is one thing, but an overamped guitar hero echoing loudly through the streets and valleys of my neighborhood is a very different matter -- and now that his fans can safely gather indoors once again, that's where they need to be.

I urge you to amend the noise ordinance as recommended by CAN, or reject it pending such amendment.

Here are CAN's recommendations:

Amend the noise ordinance with these revised times, limits and reductions:

CBD:

7 AM - 10 PM Sunday - Thursday - daytime 65 dBA
7 AM - 11 PM Saturday - Sunday - nighttime 65 dBA
10 PM - 2 AM or 11 PM - 2 AM late night 60 dBA
2 AM - 7 AM overnight 55 dBA

Commercial:

7 AM - 10 PM every day - daytime 65 dBA
10 PM - 7 AM - overnight 55 dBA

Industrial:

7 AM - 10 PM every day - daytime 65 dBA
10 PM - 7 AM - overnight 55 dBA

Residential:

7 AM - 10 PM every day - daytime 60 dBA
10 PM - 7 AM - overnight 45 dBA*

* Maximum sound level determined by the World Health Organization and confirmed by all reputable scientists to protect humans from severe health impacts from excessive noise

Adopt this version of the reductions statement:

The sound level limits shall be reduced by an additional 8 dBA when measured at the property line of an abutting residential district
Performance Center Zoning

Asheville zoning must be modified such that no additional Performance

7/26/2021 7:40:00 PM	<p>Madam Mayor and Council members: As a resident of our CBD for the past 15 years, I request your serious consideration of the changes suggested by CAN and DARN.</p> <p>I would also suggest your support for our State Legislature to draft and pass legislation that all vehicular inspections for license tag renewals require exhaust systems/mufflers be standard as original equipment on cars and trucks. Modified, aftermarket systems designed to create excessive noise should be grounds for failing the inspection. "Drive quietly or walk"</p> <p>Larry D. Holt, 21 Haywood Street unit 2-C, Asheville, NC 28801 (828)318-2181</p>
7/26/2021 7:52:00 PM	<p>Asheville City Council Members,</p> <p>I strongly support CAN's dB(a) decibel limits and daily hours of the respective limits as they have proposed for the New Noise Ordinance.</p> <p>They are well thought out, well studied, and importantly, fair to all stakeholders.</p> <p>Asheville can reclaim it's leadership role as the artistic, eclectic destination for the art lovers, the architectural lovers, the food lovers, the beer lovers, and the lovers of our majestic and beautiful geography.</p> <p>ASHEVILLE, where civility, manners, commonsense, and safety can be the linchpins of a successful model for our City.</p> <p>Let's strive to return ASHEVILLE to it's former "Paris of the South" reputation.</p> <p>A good start is adopting CAN's recommendation for Decibel levels and the operating hours for the respective levels.</p> <p>Respectfully.</p> <p>Michael Fulbright</p>
7/26/2021 7:58:00 PM	
7/26/2021 8:21:00 PM	

7/26/2021 10:23:00 PM

Dear Honorable Mayor Manheimer and Honorable City Councilwomen,
I respectfully submit my comment to add a clarifying clause to Asheville's noise ordinance (Sec. 10-86 (8) that will unequivocally state that the noise and vibrational disturbance of fireworks or explosives deployed in residential neighborhoods is strictly prohibited whether it is a holiday or not. Only a licensed and insured operator retained for the purpose of a legally scheduled fireworks display may discharge these explosives and there are to be no exceptions to this portion of the municipal code.

The auditory and vibrational emissions of these explosives meet every criterion to constitute a disturbance and a noise violation and therefore it needs to be made very clear that in a residential setting, fireworks and explosives are illegal and punishable with steeper fines because of the potential for grievous harm (potentially lethal) to humans and animals and significant damage to all property (real or personal).

The City of Asheville's ordinance defines a noise disturbance as "any unreasonably loud and raucous sound or noise which...."

1. Endangers or injures the health or safety of humans or animals;
2. Endangers or injures personal or real property; or
3. Disturbs a reasonable person of normal sensitivity. [Section 10-82 (d)]

Any auditory disturbance or vibration that exceeds 75 dB (during daytime hours) and 70 dB (during nighttime hours) constitutes a noise ordinance violation. Fireworks will exceed these limits.

These explosives are both auditory and vibrational. The noise of some of these explosives can reach 190 dB. Human ears can be damaged at 75 dB.

My ears rang for several hours after one particularly loud explosive was discharged at 7 p.m. on July 4th by a neighbor on an adjacent street. I now have vibrational tinnitus, the onset of which in all probability is due to that one event on that date. The windows in my house rattled with subsequent firings. These explosives have adversely impacted my hearing; burning embers could have set fire to my property or my neighbors' property; the explosives terrorized people's pets and they endangered, injured and likely caused native wildlife fatalities for those animals that suffered cardiac arrest or those who fled from their natural outdoor 'homes' into streets where they were struck by traffic. And yes, these explosives disturbed many reasonable persons of normal sensitivity.

On July 7th, I spotted a squirrel with apparent head trauma probably from an illegally discharged firework that frightened the squirrel during its evening resting hours which may have caused it to fall from its nest and then strike a limb or the ground resulting in brain damage. That squirrel could not stand without falling over and in trying to move forward, it kept stumbling. This squirrel is going to be a victim of predation any day now because it is that much more vulnerable and impaired in its capacity to ambulate or run than if it were fully intact neurologically.

Birds have been found dead on streets following fireworks in residential neighborhoods. To wildlife, these explosives sound and feel like a natural disaster so fleeing the premises is an instinctive response. Some of these animals have newborns and by abandoning the nest, the babies are left vulnerable to predator attacks or starvation.

Including language in the municipal noise ordinance that clarifies that the discharge of explosives in residential settings is strictly prohibited and illegal makes it that much more likely that someone flouting the law could be reported and caught. While people may not think about the illegality of others possessing and discharging fireworks in a residential neighborhood, people know when their rights to peace and quiet are being violated.

If the noise ordinance is being revised, please consider making it as comprehensive as possible and allow it to work the way it was intended to which was (and is) to:

- declare the very real hazard of noise and its adverse impact on the health, welfare and safety of the public;
- protect property values and personal property from damage;
- protect persons who might be endangered or harmed;
- and otherwise promote the peaceful and quiet enjoyment that should be allowed every living being in our city.

Including specific language on the prohibited status of fireworks and explosives in residential settings 365 days

7/26/2021 10:31:00 PM

City Council:

For years Asheville has worked to have a livable Central Business District for locals, people have invested in condos, housing and apartments. The proposed noise ordinance is too loud. It will create long term rentals, residences will no longer want to live downtown.

I know of three long term Asheville residents who have left downtown due to noise, safety and associated issues. We need residential buildings with full time residents not more tourists.

Please protect downtown and limit noise 24/7.

Regards,

Ruth T. Summers

Executive Director

Grove Arcade Public Market Foundation

Cell: (828) 215-1733<tel:(828)%20215-1733>

Email: ruth@grovecadepmf.com<mailto:ruth@grovecadepmf.com>

7/26/2021 11:30:00 PM

To Whom It May Concern:

I am writing with public comment on the city's proposed noise ordinance. Were I not out of Asheville on a work trip this week, I would have made this comment in person.

I have considerable experience with the city's response to noise pollution. Since early February (at least) my neighbors and I have streamed complaints to the city about the behavior of a local music venue, Sly Grog Lounge. (We have also routinely complained to APD, but that has never resulted in any identifiable or effective action.) As noted in numerous previous emails, my neighbors and I have found the city council disengaged with the issues we have been forced to raise over and over again. Only once has a single city council member so much as replied to one of our emails about Sly Grog's noise pollution. (However, while I and we often wanted more action from the city's professional staff more quickly, that staff was always, unfailingly, thoughtful and polite in their individual dealings with me and us. The DSD has been put in a difficult spot and while we always wanted more from it, it has acted professionally toward us.)

As for the proposed ordinance: It is so anti-resident that it indicates that the city and the council's continued priority of businesses and tourists over the complaints of city residents continues. There are several significant issues with the proposed ordinance. For one, it sentences city residents to endure up to 30 nights a year during which a neighboring business may pollute our neighborhoods with extraordinary noise levels (85 decibels!!!!). This is outrageous. The city's allowance of noise levels that leave residents unable to converse with our friends and family inside our homes and suffer a sleepless night once every two weeks (on average) is inhuman. This is the kind of ordinance only tourists and business could love. This is the city council saying to residents, 'As usual, we don't care about you.' It is also unclear what mechanisms the city has put in place to require that businesses stop polluting neighborhoods with noise and to stop keeping people awake at night. My neighbors and I had to put up with four months of sleepless nights due to Sly Grog noise pollution before the city finally took action. The proposed ordinance has no immediate remedies to noise pollution. It took us four months to get city action last time; all I see here is bureaucracy designed to protect businesses from residents.

The proposed ordinance is nothing but an allowance measure apparently designed to create bureaucracy and allowances for business to pollute, not to ensure quality of life for residents. Several of you ran for office pledging to prioritize residents. Prove it.

/s/

Tyler Green 248 Patton Ave. #31228801

Tyler Green tylergreenbooks.com

New book: Emerson's Nature and the Artists, from Prestel in September 2021

First book: Carleton Watkins: Making the West American (winner of a 2019 California Book Award gold medal!)

Producer/host: The Modern Art Notes Podcast
Subscribe: My infrequent TinyLetter.

PLEASE DO NOT ADD THIS ADDRESS TO ANY EMAIL LISTS WITHOUT ASKING. Fair warning: I neither understand nor use .ics files. They are the fifth- or maybe sixth-worst thing on Earth. Please, please do not send them to me.

7/27/2021 1:20:00 AM

My wife and I were just talking about measuring noise for the public good a few weeks ago because the large industrial fans that run 24 hours a day at Ingles on Haywood Rd. in West Asheville have become louder and more grating over the years.

As the fans have aged, the pitch/frequency has gotten higher and it keeps getting worse.

In addition to the worsening fans, the bay doors are slammed multiple times a day and also in the middle of the night. It's so loud and disturbing, it sounds like a car wreck every time. Why not purchase mechanical garage bay doors? That would be the neighborly thing to do.

Ingles needs to be incentivized to do the right thing, replace the fans, and purchase automatic bay doors that don't slam multiple times per day.

I wonder if frequency or pitch should somehow be quantified in the noise restrictions. A 60 Hz hum could be more tolerable than something that spans the higher bands of the human hearing range.

-Carter

7/27/2021 1:36:00 AM

Dear Council,

Overall I applaud the city's efforts to develop an objective Noise Ordinance. The process has attempted to engage broad stakeholders and to invoke science and health based data to inform the proposed noise standards. The recommended sound level limits developed in the comprehensive Coalition of Asheville Neighborhoods (CAN) study of community noise standards is based on internationally recognized health research and guidelines. As a citizen and a retired scientist and public servant, it is baffling to me that these well-established health-based limits were significantly revised upward by city staff, very late in the process. This late revision casts deep mistrust over what had previously been a very transparent and open process. Further, the higher limits in the version of the ordinance under consideration are both harmful (based on World Health Organization guidelines) and useless (as they are apparently rarely experienced in the City currently). Why would the City waste money and effort on a new regulation that ultimately is irrelevant while doing nothing more to protect its citizens? Let's spend our efforts on actually making progress instead of simply codifying the status quo.

The rest of the ordinance appears well considered and respectful of the citizenry and business interests. My only issue is with the proposed noise levels. I strongly urge Council to move forward with this ordinance with the caveat that the noise levels must be restored to those recommended via the CAN process.

Respectfully,

Jay Al-Saadi, 83 Buchanan Ave.
President, Oakhurst Neighborhood Association

P.S. The CAN recommendations are copied below for convenience.

CBD:

7 AM - 10 PM Sunday - Thursday - daytime 65 dBA
7 AM - 11 PM Saturday - Sunday - nighttime 65 dBA
10 PM - 2 AM or 11 PM - 2 AM late night 60 dBA
2 AM - 7 AM overnight 55 dBA

Commercial:

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Residential:

7 AM - 10 PM every day - daytime 60 dBA
10 PM - 7 AM - overnight 45 dBA*

* Maximum sound level determined by the World Health Organization and confirmed by all reputable scientists to protect humans from severe health impacts from excessive noise

Adopt this version of the reductions statement:

The sound level limits shall be reduced by an additional 8 dBA when measured at the property line of an abutting residential district

7/27/2021 2:35:00 AM

City Council of Asheville,
I'm writing on behalf of my mother. Harriette Griffin, a 70 year resident of the Kenilworth area. The noise level since the hospital has expanded has become unreasonable.

It is constant and many times it drowns out just normal conversation. Please consider limiting the noise level especially for the Kenilworth area to something that's reasonable. It's affecting her quality of life as well as her property values.

Thank you for your consideration.
Joe Griffin on behalf of
Harriette Griffin
2 Buchanan Rd
Asheville, NC. 28803
828-253-6638

Sent from my iPhone

7/27/2021 4:17:00 AM

City Council Members
As you approach the upcoming noise ordinance vote, please consider the citizens of Asheville who have endured inconveniences such as not using those rooms of their house facing the hospital or not being able to have restful experiences in their yard due to the 24-hour intolerable noise created by Mission Hospital.

I realize this is not new to you, but today you have a chance to make right a wrong that has existed for years. This noise was not existing when I bought my house, and I wonder who would ever buy my house when they see my beautiful porches that are unused due to the noise. This is not just noise you hear when outside. This noise penetrates windows that are doubled paned and contemporary. One of the great experiences in which a homeowner usually finds joy is the opening of windows in Spring and Fall. This activity is not done in our neighborhood.

Missions has been approached numerous times resulting in empty promises. Please take into consideration the health aspects of Asheville citizens without protection from our local government.

Thank you.

Marie Jordan, Andrew Azadian
10 Reservoir Rd, Asheville, NC 28803
828-242-2173

7/27/2021 11:26:00 AM

Dear members of city council ~ I wanted to go on record in full support of Julie Snyder and CAN's position on noise levels in our neighborhoods, and particularly "jet port" noise coursing out of Mission Hospital on an around-the-clock basis. I've lived on the west side of Kenilworth for more than 25 years and it seems inexcusable that Mission has not "thrown its full weight" into noise mitigation since the steady, "jet stream," "boiling" noise that flows from its conditioners and generators affects hundreds of homes in the immediate neighborhood, including elderly folks, young families, long-time residents, staff and employees of Mission itself. It seems totally ironic and hugely disappointing that a hospital, whose purpose is to promote the continuous good health of our community doesn't (at least) adhere to world-wide health standards in filtering its noise systems out of respect and care for its very own neighbors.

I have been extraordinarily involved with the city since moving here in 1976, both in a professional and volunteer capacity working on issues of tourism, public transportation, public art, parks and public spaces. Many of my friends and neighbors in Kenilworth have thrown their lives and souls into the well-being of this city. Please do us the favor of justly setting a reasonable, human and logical limit to noise pollution in our neighborhood.

Thanks, so much, for all you do,

Jay Fields
71 Sherwood Road
Asheville 28803
828-215-1091

7/27/2021 12:20:00 PM

Good morning City Council members,

Thank you so much for all your hard work to make all of our lives better.

My only concern about the noise ordinance is the explosions generated by fireworks. My pets (who live indoors) are troubled by it. And it breaks my heart to think of the wildlife we all love so much.

Thank you, Laurie Miller

--

Laurie Miller Architect, LEED AP

828.337.8933
lauriemillerarchitect@gmail.com

7/27/2021 12:23:00 PM

Mayor Manheimer and Council members:

Julian Price had a vision for downtown Asheville, and used his inherited fortune to help make it a reality through Public Interest Projects. He believed the city center needed to be lively, to honor its heritage, and to have people who actually lived in it. The first buildings PIP rehabilitated were for a mix of retail and residents, because he recognized a city needs both to be sustainable.

Pat Whalen, his successor, has pivoted from that initial vision to music. He has funded a downtown outdoor performance venue, Rabbit Rabbit, presumably to “help Asheville musicians” and to “keep Asheville vibrant”.

You should be questioning both those statements.

First, Rabbit Rabbit is a venue sized for national touring groups at 3500+ spectators. NONE of the dozen or so concerts on the schedule has an Asheville musician in it. This venue was built to make money for its partners, Mike Rangel and specifically, Pat’s daughter Liz Whalen Tallent. Just a little research on other venues the touring musicians visit will show you that not one of them is in an area that directly affects residents. Those in urban areas have effective mitigation - e.g., facing a civic center (Raleigh), directing speakers at a highway (Charlotte), on the river (Nashville). In fact, the only venue I could find that looks like Rabbit Rabbit is the WAVE in Wichita, KS - essentially a parking lot downtown, although in a much more decrepit area.

Second, the ambient dB(A) level - pre-Rabbit Rabbit - has been measure by city staff to be in the in the low- to mid-60 range. Yet no one could reasonably argue that Asheville is not one of the most vibrant cities in the country. The tourists that many of your constituents disdain certainly don’t believe that, and I don’t believe you do either. The argument that we need to make downtown into 24/7 music festival is both counter to anything the city has ever stated and sure to hasten the departure of permanent residents, who can’t reasonably live and work in that environment.

Rabbit Rabbit was built and started operating under the complaint-based ordinance. There is no way the business could have succeeded, as their shows are demonstrably too loud in surrounding residences. Was their entire business plan to get Asheville to change the ordinance to suit them - and, as they are now promoting the UDO be changed to not allow more outdoor performance venues downtown - them alone? Again, how convenient. They claim concern for residents, but their concern is limited to offering to pay for pizza at the Brew ‘n’ View on Merrimon.

It is not surprising that Ms Tallent said on WLOS last night that they would be “devastated” if the high decibel limits of the proposed ordinance were not approved. She is the only one who would be - if that’s even true. She showed in early July that a successful concert could be held there with dB (A) not exceeding 75 in surrounding properties. That is the level proposed by CAN for exceedance events - which Ms Tallent had told residents would be limited to 10 or 12 a year. I can send you that email if that would be helpful, which also has the pizza offer in it - as well as other promises that have already been broken.

The true devastation of a looser noise ordinance is this: fewer full-time residents downtown, more short-term rentals, loss of property values, and a downtown ceded to tourists. And forget about putting affordable housing adjacent to Rabbit Rabbit, unless your concern for those tenants is as callous as Ms Tallent’s is for us.

In other words, the opposite of the wonderful vision Julian Price had for downtown Asheville.

Susan Griffin
61 Church St Apt 403
Asheville, NC 28801

Sent from my iPad

7/27/2021 12:33:00 PM

City Council Must Reject the Proposed Noise Ordinance

Non-stop noise pollution from Mission Healthcare facilities is an ongoing public health threat for residents of western Kenilworth. Since about ten percent of Asheville residential areas are located close to industrial and commercial zones, excessive industrial and commercial noise poses a widespread threat to Asheville residents' health, quality of life, and properties. The facts are well documented by leading national and international healthcare organizations. In addition to hearing loss, exposure to continuous noise pollution contributes to chronic illnesses like diabetes and cardiovascular disease, and it negatively impacts cognitive development in children.

Stunningly, the city's proposed noise ordinance ignores this growing threat to Asheville residents' health and wellbeing. The ordinance is fundamentally flawed and unjust. It would institutionalize socio-environmental injustice. It would not require many corporate and commercial polluters to mitigate noise emissions. It would not provide relief to residents. Shockingly, it would allow even more noise from commercial and industrial sources to permeate our neighborhoods.

My Kenilworth neighbors and I urge the Council to reject the proposed ordinance. We urge the Council to adopt the reasonable, fair, and protective amendments proposed by the Coalition of Asheville Neighborhoods.

Asheville has often been a national trailblazer. By addressing this serious, growing problem in the right way, the Council has an opportunity to be a national innovator in socio-environmental equity and to establish Asheville's reputation as one of the healthiest in the nation.

7/27/2021 12:47:00 PM

Dear Mayor Manheimer and City Council members,

As an Asheville resident since 1991 and a Kenilworth homeowner since 1993, my heart breaks for the manner in which HCA Healthcare facilities have been spilling noise pollution into Kenilworth. Since September 2019, the new hospital tower has added significantly to the 24/7 noise pollution. I simply ask for mitigation of the noise to decibels that are recommended by science to be reasonable for health. I know you are all aware of the white paper the Kenilworth Noise Committee issued "Noise Pollution in Asheville: The Invisible Threat". That details the long term consequences of noise pollution to the health and wellness of the community.

To those of you who walked our neighborhood and listened, thank you. We live here and hope to stay here to raise healthy families, care for aging parents and mindfully participate in Asheville as our community grows and changes. We need a noise ordinance to restore lower decibels of acceptable noise as we see that the HCA hospital system will not willingly decrease their noise footprints but will only do it under mandates. If you elect to pass the noise ordinance, please do it with the Coalition of Asheville Neighborhood's proposed amendments.

Respectfully,
Diane Sullivan
56 Sherwood Road

7/27/2021 1:04:00 PM

“We must—yes MusT— make a daily and even hourly choice to focus on the good, the true, and the beautiful.”
Richard Rohr

Begin forwarded message:

> From: Jim Sullivan jim@manualtherapyofasheville.com

> Dear Mayor Manheimer and City Council members,

>

> As an Asheville resident since 1991 and a Kenilworth homeowner since 1993, my heart breaks for the manner in which HCA Healthcare facilities have been spilling noise pollution into Kenilworth. Since September 2019, the new hospital tower has added significantly to the 24/7 noise pollution. I simply ask for mitigation of the noise to decibels that are recommended by science to be reasonable for health. I know you are all aware of the white paper the Kenilworth Noise Committee issued "Noise Pollution in Asheville: The Invisible Threat". That details the long term consequences of noise pollution to the health and wellness of the community.

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> Respectfully,
> James Sullivan
> 56 Sherwood Road

7/27/2021 1:05:00 PM

changed your name to my name and I sent it. Citycouncil.

“We must—yes MusT— make a daily and even hourly choice to focus on the good, the true, and the beautiful.”
Richard Rohr

> On Jul 27, 2021, at 9:04 AM, Jim Sullivan <jim@manualtherapyofasheville.com> wrote:

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