

## Amy Harvey

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**From:** Jeanette Coffin  
**Sent:** Tuesday, August 24, 2021 4:48 PM  
**To:** joepatterson@me.com  
**Cc:** CHRIS BLUE; Allen Buansi; Amy Ryan; Hongbin Gu; Jeanne Brown; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Tai Huynh; Amy Harvey; Ann Anderson; Carolyn Worsley; Laura Selmer; Loryn Clark; Mary Jane Nirdlinger; Maurice Jones; Rae Buckley; Ran Northam; Ross Tompkins; Sabrina Oliver  
**Subject:** FW: Petition requesting modifications to the Town of Chapel Hill Noise Control Code  
**Attachments:** Lark petition 5.14.19.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

Jeanette Coffin

Jeanette Coffin  
Office Assistant  
Town of Chapel Hill Manager's Office  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514  
(o) 919-968-2743 | (f) 919-969-2063

-----Original Message-----

**From:** Joseph Patterson III [mailto:joepatterson@me.com]  
**Sent:** Tuesday, August 24, 2021 4:27 PM  
**To:** Town Council <mayorandcouncil@townofchapelhill.org>  
**Subject:** Petition requesting modifications to the Town of Chapel Hill Noise Control Code

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Madame Mayor and Town Council members,

The attached petition was originally submitted to the Town Council in May 2019. To the best of our knowledge, it was never discussed or considered by the Town Council, and no action was taken on it. Since that original submission date, the noise problems and ordinance violations from the Lark property have continued unabated. The police have had to respond to violations almost weekly (sometimes more than once) from March to November every year.

The crowds and activities generating the majority of the problems are the result of large groups congregating in the common recreation areas controlled by the Lark management (pool area, volleyball court, poolside bar room and party balcony). The managers encourage large groups of unsupervised tenants to use the facilities and try to create a “spring-break” party atmosphere because it makes their units attractive to undergraduate students. The unsupervised students respond by acting like they are on spring break with the resulting endless series of loud music, chants, screams and yells.

The Lark management is able to take this approach with impunity since the Noise Ordinance currently provides no mechanism for holding owners and managers of multi-unit housing complexes liable for noise violations committed by crowds or individuals using their common area facilities, even though the owner/manager controls those facilities. The police can only take action against individual violators, which is next to impossible to do.

For these reasons, we are resubmitting this petition to the Town Council for consideration.

Joe Patterson

Date: May 16, 2019  
To: The Mayor and Town Council  
From: Joe Patterson

Re: Petition requesting modifications to the Town of Chapel Hill Noise Control Code

The residential neighborhoods surrounding the Lark (formerly Lux) student apartments, a 197 unit high-rise building, have experienced problems with excessive noise emanating from the property's pool and recreation common areas since its initial opening in late 2014. This is evidenced by the attached complaint from 3/4/17. Large raucous crowds of residents and guests (invited and uninvited) have crowded the pool deck and surrounding outdoor entertainment areas (combined total capacity 442 people) on a regular basis. Volleyball and basketball games from adjacent courts are generally accompanied by shouting and yelling throughout the games. Noise levels from all of these activities, as a rule, substantially exceed the legal noise levels specified in the Town's Noise Control Code ("NCC").

For years, neighbors have been working with the Town Staff and the CHPD in an effort to bring the property and its residents into compliance with the NCC. During this effort, it has become clear that the NCC, in its current form, is not designed to address and control noise levels generated by groups gathered in common areas in high density residential properties. The NCC only addresses actions by individuals who are violating the Code. It does not provide a means by which the Town can hold the owner and/or manager of properties accountable for noise violations by groups of people using common areas controlled by the owner/manager. This is clearly an issue that needs to be addressed town-wide as the number of high-density residential properties increases throughout the Town.

The residents listed below, all of whom have been and continue to be negatively affected by the Lark Apartments noise issues, have authorized me to pursue a solution to the problem with the Town. On their behalf, as well as that of the rest of the community, I hereby petition the Town Council to re-draft or amend the NCC (or draft a new ordinance, if necessary) to give the Town Staff and the CHPD a legal mechanism by which owner/managers of multi-family residential (and similar) properties are made responsible and accountable for controlling noise levels created by the use of their common areas by tenants and/or guests (as well as any other individual or group on their property), and insuring that noise levels from the property do not exceed maximum levels specified in the NCC.

Joe Patterson  
7 Cobb Terrace

Chris and Sharon Ringwalt  
8 Cobb Terrace

Elizabeth Okun  
213 Friendly Lane

Chris Belcher  
5 Cobb Terrace

Melissa McCollough  
6 Cobb Terrace

Katherine Polk  
13 Cobb Terrace

Chris Donahue  
7-A Cobb Terrace

Date: March 4, 2017

## Noise Complaint

To: Chief Chris Blue and the Town of Chapel Hill Enforcement Staff

From: Joe Patterson (7 Cobb Terrace), Katherine Polk (11 Cobb Terrace), and Chris Belcher (5 Cobb Terrace)

As the three full time owner/residents of houses on the north eastern side of Cobb Terrace which face the Lux Apartments pool area, volleyball court, and the apartments and balconies on that side of the building (“the pool area”), we hereby file a joint complaint concerning the frequent instances of excessive noise levels coming from the pool area. The noise levels regularly interfere with our ability to reasonably enjoy outdoor activities on our property as well as our ability to sleep undisturbed.

They have occurred with regularity since the opening of the apartments a few years ago. The types of noise include, but are not limited to, loud parties, amplified music, singing, yelling, and shouting. Most daytime occurrences appear to be centered around large groups of people at the pool, or during many volleyball games. These are at their worst when combined with alcohol and amplified music at management sponsored events, or simple ad hoc resident gatherings. Nighttime disturbances are generally (but far from exclusively) on weekend evenings and take the form of loud parties or drunken yelling from individual apartments. These last well past midnight.

We would like the Police Department and Town to take whatever steps are necessary to put an end to these disturbances, insure that the residents of the Lux Apartments do not exceed legal noise levels in the future, and continue to defend our right to the quiet enjoyment of our properties.

Thank you.