

**From:** cball@ashevillenc.gov <cball@ashevillenc.gov>  
**Sent:** 5/31/2016 11:03:55 AM  
**To:** Jon.Creighton@buncombecounty.org  
**Cc:**  
**Subject:** FW: Re:

---

Hi Jon,

Can you provide me with the time for the next pour?

Cathy

---

**From:** kemskes@gmail.com [mailto:kemskes@gmail.com]  
**Sent:** Tuesday, May 31, 2016 10:12 AM  
**To:** Jason Nortz; Gary Jackson  
**Cc:** Cathy Ball; councilgroup  
**Subject:** Re:

Jason,  
I have not received notice of early morning concrete pours from you. Cathy Ball also said she would send the information, but I have not received anything. I did just send a note to directly to the construction company.  
Thanks,  
Jon

---

**From:** [Jason Nortz](#)  
**Sent:** Monday, May 16, 2016 8:08 AM  
**To:** [Jon Kemske](#), [Gary Jackson](#)  
**Cc:** [Cathy Ball](#), [councilgroup](#)

Jon,  
We can definitely let you know. Also, feel free to check in with me directly if you have any questions.

Jason

---

**From:** [kemskes@gmail.com](#) [mailto:kemskes@gmail.com]  
**Sent:** Friday, May 13, 2016 12:16 PM  
**To:** Gary Jackson; Jason Nortz  
**Cc:** Cathy Ball; councilgroup  
**Subject:** Re:

Gary and Jason,  
Thank you for your responsiveness and thorough explanation of the permitting process. Now that we, at the Aston know when the early (1:00AM) pours are, we can at least take measures to minimize the disruption (like shutting the windows and blinds that night). Would you also let us know when permits are pulled for subsequent months? You can send it to me and I will distribute to the residents.  
Sincerely,  
Jon Kemske

**From:** [Gary Jackson](#)  
**Sent:** â€ŽFridayâ€Ž, â€ŽMayâ€Ž â€Ž13â€Ž, â€Ž2016 â€Ž10â€Ž:â€Ž29â€Ž â€ŽAM  
**To:** [Jason Nortz](#)  
**Cc:** [Cathy Ball](#), [Jon Kemske](#), [councilgroup](#)

Jason:

Appreciate the responsiveness and consistency with permitting.

Gary

Sent from my iPhone

On May 13, 2016, at 10:19 AM, Jason Nortz <[JNortz@ashevilleenc.gov](mailto:JNortz@ashevilleenc.gov)> wrote:

Gary,  
To summarize this issue:

1. 5/11 - DSD staff made contact with contractor the morning after your initial email to me to put them on notice about the need to apply for an Afterhours Permit.
2. This permit allows work outside the allowable construction hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday; it does NOT allow the creation of noise disturbances. Prohibiting noise from the operation of machinery and other vehicles, sirens, whistles, etc. and the erection (including excavating), demolition, alteration or repair of any building or other structure within 500 feet of a residential district as established pursuant to the city zoning ordinance, other than between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday, except by permit from the building inspector when, in his opinion, such work will not adversely affect other persons. Following the issuance of such a permit, if the building inspector shall determine that the building operations are adversely affecting others, he shall be authorized to modify or revoke the permit. The building inspector may permit emergency work in the preservation of public health or safety at any time.
3. 5/12 â€œ Contractor for the concrete pour applied for Afterhours Permit. DSD Building Safety staff is currently reviewing and will be issuing the permit today, 5/13, for afterhours work beginning today.

Schedule

May 13-May 31

M-F â€œ 7:00AM-9:00PM

Saturdayâ€™s only (14<sup>th</sup>, 21<sup>st</sup>, 28<sup>th</sup>) â€œ 1:00AM â€œ 7:00PM

DSD protocol is to issue Afterhours Permit for no longer than 1 month (Civic Ctr, AC Hotel, etcâ€™). The County project will need to apply for another Afterhours permit on June 1.

Work associated with concrete pours of this level typically follow a tight schedule and as such we can anticipate when we need to issue Afterhours permits. If at any time we begin to get neighbor complaints we require the applicant to meet with us and we discuss next steps (i.e.; neighbor meetings, notifications, adjusted hours, revoked permit, etcâ€™).

The original notification the contractor provided to the neighbors is incorrect in that it states the afterhours work will be occurring from 5/14-12/31. That may very well be their timeline but we have only approved afterhours work to occur until May 31.

Any questions please let me know.

Jason

---

**From:** Gary Jackson  
**Sent:** Thursday, May 12, 2016 11:01 AM  
**To:** Jason Nortz  
**Cc:** Cathy Ball; Robin Currin; councilgroup  
**Subject:** Fwd:

Jason:

Have we reviewed and support as reasonable and necessary? Please consult with our legal staff if necessary to confirm code provisions latitude and responsibility of staff.

Gary

Sent from my iPhone

Begin forwarded message:

**From:** Gordon Smith <[gordonsmith@avlcouncil.com](mailto:gordonsmith@avlcouncil.com)>  
**Date:** May 12, 2016 at 10:05:59 AM EDT  
**To:** Gary Jackson <[GJackson@ashevillenc.gov](mailto:GJackson@ashevillenc.gov)>  
**Subject:** Fwd:

----- Forwarded message -----

From: <[kemskes@gmail.com](mailto:kemskes@gmail.com)>  
Date: Wednesday, May 11, 2016  
Subject:  
To: "[GJackson@ashevillenc.gov](mailto:GJackson@ashevillenc.gov)" <[GJackson@ashevillenc.gov](mailto:GJackson@ashevillenc.gov)>, "[cball@ashevillenc.gov](mailto:cball@ashevillenc.gov)" <[cball@ashevillenc.gov](mailto:cball@ashevillenc.gov)>, "[PFetherston@ashevillenc.gov](mailto:PFetherston@ashevillenc.gov)" <[PFetherston@ashevillenc.gov](mailto:PFetherston@ashevillenc.gov)>  
Cc: "[AshevilleNCCouncil@ashevillenc.gov](mailto:AshevilleNCCouncil@ashevillenc.gov)" <[AshevilleNCCouncil@ashevillenc.gov](mailto:AshevilleNCCouncil@ashevillenc.gov)>, "[esthermanheimer@avlcouncil.com](mailto:esthermanheimer@avlcouncil.com)" <[esthermanheimer@avlcouncil.com](mailto:esthermanheimer@avlcouncil.com)>

Dear Mayor, Council, and interested parties,  
I found the attached notice on my car window this afternoon. After assurances from some of you that things would improve, it appears they have taken a turn for the worse. Does the County get special permission to break the city noise ordinances for 7 months? Weekly 1:00 am wake ups ? Cement trucks and crane noise.

Very discouraging. Is this happening at the other 3 "crane sites" downtown or just the County site?

I will appreciate any efforts to limit this to defined daytime hours of 7:00 am - 11:00 pm per the ordinance.

Thanks for your consideration,

Jon Kemske

61 Church St.