City Council Agenda Item Request
Submit to Clerk's Office
No later than 30 days before proposed Council meeting

1. **Date submitted to Clerk's Office:** 9/17/2025

2. **Primary contact person and Department requesting agenda item:** Mark Matheny, DSD

3. **Requested Council meeting date:** October 14, 2025

4. **Subject:** Amend Sec. 10-88(2)(c), regarding level 3 sound exceedance for performance centers, to increase maximum number of sound exceedance events from 30 to 50, as a pilot program with an established sunset date of December 31, 2026.

5. **Action Requested:** Vote to modify ordinance as identified in item 4.

6. **Note if time sensitive, and why:** This item will be included in a broader Downtown Activation Initiatives package presented to City Council on October 14, 2025. Changes to the noise ordinance requires City Council action and is time sensitive to allow Performance Centers (Level 3 venues) adequate time to book events for year 2026.

7. **Potential fiscal impact(s) - if known by staff at time of request:** None

8. **Identify all vendor outreach for Minority & Women Owned Business Enterprises (MWBE).** None

9. **Identify all Boards, Commissions and Council Committees with tentative dates - add in the vote and recommendation from each Board:**
    - **July 15, 2025** - City Council's PEDE Committee heard a presentation from the Asheville Downtown Association on Downtown Activation Strategies and directed staff to report back with feasibility.
    - **August 19, 2025** - City Council's PEDE Committee heard a presentation from staff on feasibility of initiatives and directed staff to seek full Council consideration on items requiring action (including a Performance Centers sound exceedance Pilot Program)

10. **Identify key issues:**
    - The current noise ordinance was adopted in July 2021 and includes an allowance to lawfully exceed sound level limits (maximum decibel levels).
    - Performance Centers under certain conditions are allowed to obtain a sound exceedance permit that allows the venue to exceed maximum decibel levels for no more than 30 days of events within a single twelve-month period.
    - City Council's PEDE committee has expressed interest in increasing the number of days that applicable performance centers can exceed the maximum decibel levels from 30 to 50 as part of a pilot program.
    - The pilot program will run through the calendar year 2026 and sunset on December 31st, 2026.
    - The current wording of the ordinance of 30 event days will reset beginning on January 1st, 2027.