

From: Linda Muldoon, 406 W. Fifth St

I am writing to you in the hopes that this letter can be seen by the Board of Health before next Wednesday's meeting.

First, both parties to this dispute are doing good things for the neighborhood, the downtown, and the city. Patti Coenen purchased the building in 2009 and has created a bar that is popular, attracts many ages, and is not filled with vomiting and uncontrolled drunks. It may be downtown but it feels more like a neighborhood bar. MaryBeth Laux and the neighborhood applauded the new ownership. The beer garden existed, I believe, with the previous owner and was installed as a reaction to the smoking ban. Patti cleaned it up and made many improvements. MaryBeth Laux has lived in the house since 1967 and the family first purchased it in 1948. It is an historic house and is of a similar age as the bar. It was the home of Judge Lennon (grandfather of the singing Lennon sisters who visited the house) It was also a stop by John Kennedy when he was campaigning for president. The Laux family has been an excellent steward of the house. The building has been kept up despite encroaching parking lots. The block is zoned residential and there are six homes on the block. Signatures have been obtained from four of these homes indicating that the music is too loud. One house was not approached because MaryBeth did not want to bother the priest from St. Mary's who lives there.

The final house is occupied by folks who like to sit on their balcony and listen to the music.

It is my understanding that the Laux family first approached the bar about the loudness of the music in 2012. They spoke to Patti again in 2013 which, as you know, resulted in a hearing before the Board. At the end of that meeting, the Mayor requested decibel checks by the police department. This was at the very end of the concert season and the police were not set up to do the readings at that time. The Laux family was most certainly in the house before the music started and are not asking for the music to stop at all if the decibel level could be lowered.

I would not want to see this end with this family having to wear earplugs, close their windows, unable to use their backyards on weekend evenings all summer, or feeling that they have to move from a house that has been home for decades. On the other hand, it would be unfortunate if FRH had to lose one night of boosted revenue. My hope is that the Board can find a way to satisfy both parties. It seems to me that most ordinances exist in order to balance out freedoms so as to ensure that no one party is overwhelmed by the freedom of someone else. The Laux family have said that they only wish for respect and a mitigation of the sound coming in their direction.

Sound does strange things. I can clearly hear the concerts on Thursday nights in the summer from downtown and I can hear the Pullman music on the night that musicians play there. I have heard music from FRH three and one-half blocks away on 5th and Walnut. None of this has been enough to complain about. This occurs one night a week and stops around 8:00. I also do not live only a half block away. Music bounces around and the answers are not easy. It seems as though a decibel meter at the beer garden might help if someone could monitor it and make adjustments for the distance. Perhaps more readings could be taken near the Laux house. At least then the "noise" would be less subjective. Perhaps the music lovers could have a fundraiser to pay for a professional sound engineer to come up with some solutions or to pay for some baffles that are not intrusive which would redirect the sound away from the residential block. I would like to see this all be so successful that Patti could retrofit the second floor into a year round venue for local, original music groups.

I was very curious about My Neighborhood/White Pages referenced at the last Board of Health meeting and so I looked to find the 122 residents mentioned.

Considering this situation (I could make the neighborhood search as large or small as I wished.) I looked up the blocks on either side of Walnut St. from the 300 block up to Fifth and the remainder of the blocks going south along 6th, 7th, and 8th. The White Pages listed 49 addresses but these included the Justice Center, the Courthouse, Juvenile Center, Social Services, and people who no longer lived there. The block most affected is definitely the 300 block.

I ask that you play Solomon and find a solution that will make everyone feel ok. Thank you for your consideration.