

Dale Kirner



Dear Milwaukee County, my name is Dale Kirner, my backyard is the Rock. I have been tortured by the noise from this development for years for hundreds of events. Something must be done, by all possible means including the legal action promised by the County attorney at the approval of this development on 9/28/2017. She made a commitment and convinced supervisors that more action would be taken if the noise issues persisted. Here we are 6 years later, over 600 events later, destroying my quality of life.

Speaking at dozens of meetings, complaining hundreds of times has resulted in no relief from the noise. It echoes in this neighborhood for over one hundred days each year, every year. I can't use my yard, my patio, my home or even sleep.

No change or improvement whatsoever has resulted from the County's promise of mitigation. In fact, after complaints at public meetings occurred, the volume was increased as evidenced in complaints filed. Including the date that Supervisor / Alderman declared / future Rock Directors posted that it should be cranked up on facebook. (document attached)

It is shocking that the single day I can remember from any Milkman game not being loud in the past 5 years the Sound Study company RSG chooses to "model" the entire noise impact on this neighborhood. The one day that the Milkman noise was barely heard and the live band significantly reduced. It is the single day the RSG firm selected to do an analysis of this neighborhood?

WHAT IS GOING ON? For RSG to select that single day needs to be investigated. Supply the information to the public and supervisors for August 27th. RSG has the in person measurements for that day. Let's have some honesty presented.

This massive change in operation for the hundreds of other Milkman games occurred at 6:40 pm August 6 just before the in-person RSG "attended" measurements for this neighborhood. The noise level was significantly reduced after being very loud for an hour prior to that. Coincidence? Highly unlikely. And that RSG selected that single time to represent the noise levels in this neighborhood despite RSG being told directly by 8 neighbors of this fact. That it was remarkably quiet and we would not be complaining if it was set to that volume / that speaker turned off at our neighborhood.

I was shocked that the single day the RSG firm selected for the year long study of this neighborhood was that exact date. Why didn't they pick August 27th for the in-person calculations of this neighborhood? RSG did measurements that date in person and several others in this neighborhood.

RSG doesn't even disclose that the long term monitor information from 5:30 to 6:40 would likely show it was very loud. Did they even look at the long term monitors at the property we met at to look at the other hundreds of days that were recorded? Use the in-person measurements from August 27th. The RSG group indicates "this memo only describes the short term (in person) attended monitoring" for that day, August 6th to model this neighborhood and report on the sound levels. That is beyond inaccurate.

Also, if it is reported in several sections of this report that speakers are pointed out / neighbors are able to hear the noise for miles. Then why are the noise contour lines not jutting out in alignment with



that speaker that can be heard on the golf course over a mile West, if not farther. How is that possible not to be shown on any modeling of this neighborhood? There are 2 speakers pointed out at the neighborhood as was stated by the developer at a recent public meeting in Franklin when it was admitted the stadium is a problem for noise for neighbors.

It appears all of this is deliberate to manipulate the information. Why would this RSG group select this single date out of the other available dates when they were told directly the noise was deliberately, abruptly turned down. To such a moderate level that it was tolerable. So that is the date they used to represent the noise level in this neighborhood? OUTRAGEOUS,

A group of neighbors (7-8) from Franklin and Greendale informed Dana, the RSG sound study person taking measurements of this change in the noise level while she next door to my home. The group expressed that it was deliberately turned down significantly or the speaker pointed out was turned off.

A couple of days before it was echoing in the neighborhood. It was ridiculous, we would not be complaining if it was like it was when we were all standing there talking. We actually could have a discussion without interference of the noise from the Milkman or live band which

If you don't believe me, as citizens around this development are often ridiculed and mocked. Then request the long term monitor information of the actual readings, not the averages, for August 6th from 5 to 7 pm.

Also of concern is when the group discussed with RSG that something needs to be done about the noise the RSG representative informed the group the County has no authority to turned it down. Which neighbors disagreed with since the County established the high decibel level. So why and who supplied this to the sound study person in charge of this project?

This sound study was supposed to be objective and independent. The County paid \$200,000 to tell this person that nothing will change no matter the depth of the nuisance? Very concerning. I appreciate the study finally being completed but have serious concerns about many aspects. The sound study was required to be objective, independent, accurate and comprehensive. Instead, it is misleading, biased and negligent.

Here is why:

- 1) The single date that sound company selected from the other 4 in person measurements is absolutely nothing like the noise for over 100 days each year this neighborhood suffers through, destroying quality of life.
- 2) The sound study person making the measurements, Dana, was fully aware of this fact since she was informed by 8 neighbors. According to the 10-1-21 Procurement report RSG was chosen even though they were \$35,000 more than the other qualified firm because "RSG was more mindful of the necessity for public involvement and outreach efforts". I totally disagree. Evidently the letter that was sent from the County marked "occupant" or "resident" was not received by many impacted people. Plus the google document link to gain access to the virtual meeting had a O or I that was impossible to figure out what the code was to access and then to comment. Final thing is that if RSG was mindful of public outreach efforts so then when 8 people come talk to you and tell you that this is extraordinary quiet, why would you pick that single day? August 27 was a more accurate



representative of normal volumes. Or examine any other day to be more honest and accurate, or compare it to the unattended monitor information. Instead the August 6 memo for Hawthorne indicates it is not loud. Of course it wasn't. They turned it down at 6:40 pm. Which comes to my next point, the developer says at public meetings that it will harm his business, people expect it to be loud. 90% of the UW Panther games in the stadium I can't hear in my yard. And on August 6th I could barely hear the Milkman game after 6:40 pm and the live band was quieter also. So I didn't see everybody leaving the stadium because it wasn't as loud as it is for the other 55 games or that people left the umbrella bar because it wasn't "loud enough" is ridiculous. This is the ploy that is used over and over again to not turn it down and do the right thing. There are just as many UW Panther fans there as there is for Milkman games and those this neighborhood has not idea are even going on for 90% of them.

- 3) The RSG representative's statement to the group that indicating the County can't do anything is outrageous. She has no idea of the history of this project. And that the County negotiated with the developer to establish the rules for sound at 79 decibels and therefore has responsibility to fix it. It needs to be investigated who told her this to influence this report that citizens have been asking for and waiting for since the day the stadium opened in June 2019. With one hundred events each year or more. This audit of this project started just weeks after the opening of the stadium in 2019. And what has resulted from it? Zero improvements in reducing the noise. Zero in 5 years.
- 4) Fireworks sound modeling August 6th, page 48, is not a "conservative – worst cast analysis". 7 fireworks events occurred during this report. All but this one had the loudspeakers pointed outward operating with music blasting and the announcer talking. But not for this single date event again, not accurate representative. The loudspeaker pointed out at this neighborhood was either shut off or turned down at 6:40 pm and not turned back up / on.
- 5) The snowmaking information needs to include all unattended monitoring – there are times when there is a constant mechanical buzz echoing in my home for hours overnight, disturbing sleep. It is like being tortured with noise. That part of the report has to be inaccurate the buzzing can be heard for a mile overnight.
- 6) The report also indicates there is a "intervening berm" for my neighborhood. Did RSG even walk the property since it is indicated they did not have access? The Rock property does not have an intervening berm and did not at that time. The Rock property is flat to the top of the berm in my yard because they filled in 8 to 10' of dirt on their side, without a permit from the City even. My side has a 10' but the sound just shoots over the top because it is flat on their side, sending even more noise into this neighborhood. And this is where the County methane system is under – where the County paid \$90,000 to raise the height of the 7 methane access and pipes because the Rock filled in so much dirt. What does all that dirt / pressure do on the methane system?
- 7) RSG report indicates the Rock monitors are properly located. Rock / County monitors were not working throughout the study. How did RSG determine properly placed a) without having access b) without actual recordings c) without correct data for this neighborhood since only Aug 6 was used when this neighborhood was nothing like other 50 Milkman games. The monitor was not disclosed that it is on top of a 10' berm and then

has a 15' pole on top of that with the microphone on it. Noise is to be measured at 6' from what I have researched. Was that even disclosed anywhere in this report?

8) How did they get pictures of the speakers if they were not allowed on the property?

While they were standing there taking pictures why didn't they use one of their handheld decibel meters to note how loud it was?

In an attempt to protect my quality of life, property value, and well being of anyone that visits my home during any of the 100 events each year I am requesting the following:

- A) That the long term monitoring and attended monitoring be utilized and a new memo / report be supplied to the County and neighborhood for August 27, 2023. To supply the County and public an accurate model for this neighborhood for the other 100 days of extreme noise in my yard.
- B) That the August 6, 2022 information from the unattended modeling be supplied to Milwaukee County for August 6 from 5:00 pm to 7:00 pm to show the significant change. To disclose this as an update on the revised report also.
- C) Modify the report for the correct decibel of 50 at the property line. All information needs to be recalculated to assess the impact of noise. 50 decibels needs to be used to calculate the impact for this development from the noise. The correct decibel is 50 decibels at the property line. Not 79 which is what RSG used throughout their report. That is not the ordinance for residential property lines. See Franklin NOISE ordinance Chapter 15 and the 183 entire code Noise Disturbances prohibited which neither are mentioned in this report.
- D) Neither is the Milwaukee County noise ordinance for parks, since there is 20 acres of County Park inside the Rock. Nor the Milwaukee County FAA Part 150 Sound study that indicates 65 decibels is incompatible with residential use. It is a negligent oversight to not have this information included and evaluated which was required in the data and literature review.
- E) Since Milwaukee County established the 79 decibels for this development. They need to clarify that it is only for inside the stadium and by the time it gets to the parks and neighborhoods it needs to be 50. That is the Milwaukee County Noise Abatement Boundary line that has not been followed since 2017. It is in the contract Noise Abatement Boundary Line. For RSG to confirm what neighbors have been saying for years that it is heard miles away is good. But imagine what the truth would be if they actually used the correct decibel level of 50 instead of 79.
- F) The noise mitigation and protection from the noise presented a dozen times at the County before the sale of the land in 2017 is fulfilled by all means possible including the County taking legal action which is what was promised at the approval of this development.
- G) The monitor for this neighborhood needs to move approximately 300' North to align with the speaker pointed at this neighborhood to accurately measure the noise.
- H) County monitor device to commence recording at 50 decibels at the property line, not 65 which is the maximum noise level law in Franklin for manufacturing and the airport.
- I) Maximum decibel level to be 50 decibels during the day and 45 at night at the Noise Abatement Boundary line. Only exception is fireworks and should be limited to 3 per year not 8.

Chapter UDO. Unified Development Ordinance

Part 3. Zoning Districts: District Establishment, Dimensional, and Use Regulations

Division 15-3.1100. Hazard Abatement Performance Standards

§ 15-3.1107. Noise.

- A. Measurement of Noise. Noise shall be measured using a sound level meter meeting the standards of the American National Standards Institute's (ANSI S1.4-1961) "American Standard Specification for General Purpose Sound Level Meters." The instrument shall be set to the Aweighted filter response scale and the meter to the slow response. Measurements shall be conducted in accord with ANSI S1.2-1962 "American Standard Method for the Physical Measurement of Sound." Measurements of sound may be made at any point along a district boundary or site boundary line. In the case of measuring impact sounds, however, the impact sound shall be measured using the fast response of the sound level meter. Traffic, aircraft, and other background noises must not be considered in measuring noise levels except when the background noise constitutes a part of the noise being measured.
- B. Exemptions from Standards of this Section. Noises exempt from the requirements of this Section include the following (also see § 15-3.0908):
1. Noises of vehicles, when utilized in normal vehicle use activities, as the vehicles were originally intended.
 2. Home appliances, when utilized as intended.
 3. Chain saws, lawnmowers, and snowblowers in private use (not including commercial repair services), when utilized as intended.
 4. Occasionally used safety signals, warning and emergency signals, and emergency pressure relief valves.
 5. Unamplified human voice, when not intended to disrupt the peace.
 6. Legal freedom of speech bells or chimes.
 7. The lowing of cattle, the clucking of fowl, the neighing of horses, the baying of hounds, or other sounds of reasonably cared for agricultural or domestic animals, as well as the sound of necessary farming equipment for a bona fide agricultural operation.
 8. Temporary construction operations, not earlier than 7:00 a.m., or later than 9:00 p.m.
- C. Maximum Permitted Sound Levels in All Zoning Districts. At no point either on the boundary of a zoning district or site boundary line shall the sound level of a use exceed the decibel level shown in Table 15-3.1107(C) for the zoning districts indicated.

Table 15-3.1107(C)

Maximum Permitted Sound Levels in dBA by Zoning District

Zoning District	Maximum Permitted Sound Level (dBA) 7:00 a.m. - 10:00 p.m.	Maximum Permitted Sound Level (dBA) 10:00 p.m. - 7:00 a.m.
All Agricultural, All Residential, B-1 and I-1 Districts	50	45
B-2, B-3, B-4, and B-5 Districts	65	60
B-6, CC, and VB Districts	55	50
M-1, M-2, BP, and L-1 Districts	65	65
P-1 District	55	55
AO Airport Overlay District	65 (also see § 15-3.0607)	65 (also see § 15-3.0607)
FW, FC, FFO, and SW Districts	45	40

- D. Increases to Maximum Permitted Sound Levels. The sound levels set forth in Table 15-3.1107(C) may be exceeded by 10 dBA for a single period as indicated in Table 15-3.1107(c), not to exceed 15 dBA in any one day except in the B-2, B-3, B-4, B-5, M-1, M-2, BP, P-1, AO, L-1, and PDD (business and industrial uses only) Districts.
- E. Impact Noises. For impact noises, the sound levels set forth in Table 15-3.1107(C) may be increased by 10 dBA, in the M-1, M-2, BP, and L-1 Districts.
- F. Creation of Excessive Noise in Noise-Sensitive Areas Prohibited. The creation of, or causing the creation of, any sound within any noise-sensitive area, containing a hospital, nursing home, school, court or other designated area, so as to exceed the specified land use noise standards set forth in this Section is prohibited, provided that conspicuous signs are displayed indicating the presence of the noise sensitive area.
- G. Creation of Excessive Noise in Areas Adjacent to Noise-Sensitive Areas Prohibited. The creation of, or causing the creation of, any sound adjacent to any noise-sensitive area, containing a hospital, nursing home, school, court or other designated area, so as to exceed the specified land use noise standards set forth in this Section and to interfere with the functions of such activity or annoy the occupants in the activity, is prohibited, provided that conspicuous signs are displayed indicating the presence of the noise-sensitive area.
- H. Occasional Outdoor Activities Exempted. The provisions of this Section shall not apply to occasional outdoor gatherings, public dances, shows, and sporting and entertainment events (excluding regularly scheduled school athletic events), provided the events are conducted pursuant to any permits required and issued by the City of Franklin relative to the event.