

City of Asheville
BOARDS & COMMISSIONS
Application Form

Applicants are strongly urged to attend several meetings of a board prior to applying

Name of board or commission: Noise Ordinance Appeals Board

Your name: Tod M. Leaven Home Phone #: 828-458-1331

Street address: 55 Ramoth Road City: Asheville Zip Code: 28804

Mailing address (if different): _____

Employer: Grimes Teich Anderson, LLP

Your position: Partner Office Phone #: 828-210-7224

Resident of City Asheville County Buncombe Race White * Male Female* Age 40 *

Residence location (check one): Central North South East West

Are you aware of any potential conflicts of interest that may arise during your service on this board (i.e., property interest, business interest, etc.)? If so, please explain: No


_____. Potential conflicts of interest do not preclude appointments.

Please indicate the area(s) of expertise that you can bring to the above board(s), and then in detail list education, experience, reasons for your interest, and other factors that support your interest in serving **Applicants are encouraged to provide a cover letter and/or a brief resume. Please use additional sheets if necessary.**

I am an attorney and a partner in a local law firm. I have significant prior experience representing HomeOwners' Associations ("HOA") when I was an associate attorney with Dungan, Gibourne, & Stahl, PA. In my HOA caseload, noise ordinance violations were quite common. I now practice Veterans Law with Grimes Teich Anderson, LLP. This means I have the benefit of noise ordinance experience without the conflict of interests which might arise if I still actively represented numerous HOAs.

Return to:
Maggie Burleson, City Clerk
Post Office Box 7148
Asheville, N.C. 28802-7148

E-Mail: mburleson@ashevillenc.gov
Telephone: 259-5601
Fax #: 259-5499

Signature: 
Date: May 15, 2015
E-Mail: tleaven@gtalaw.net
Fax #: 828-236-9200

* This information is requested for the sole purpose of assuring that a cross section of the community is appointed.

GRIMES ■ TEICH ■ ANDERSON LLP

Attorneys At Law

S. JANSON GRIMES
HENRY E. TEICH*
SCOTT M. ANDERSON**
THOMAS W. HENSON, JR. †
BRIAN A. BUCHANAN
MELISSA M. ANDERSON†
JESSICA E. LEAVEN
JEFFREY M. MARTIN†
BRIDGET D. SWING**
TOD M. LEAVEN

* Board Certified Specialist in
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** Licensed in NC & SC
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385 N. HAYWOOD STREET
WAYNESVILLE, NC 28786

424 CHARLOTTE ROAD
RUTHERFORDTON, NC 28139

111-B E. NORTH STREET
GREENVILLE, SC 29601

12474 SOUTH HIGHWAY 228
SPRUCE PINE, NC 28777

807 EAST MAIN STREET
FRANKLIN, NC 28734

Office Consultation by Appointment Only
REPLY TO: ASHEVILLE

May 15, 2015

Maggie Burleson
Asheville City Clerk's Office
P.O. Box 7148
Asheville, NC 28802
mburleson@ashevillenc.gov

Dear Ms. Burleson,

I am submitting my application for the Noise Ordinance Appeals Board. I am a local attorney with significant prior experience in representing homeowners and homeowners' associations in matters including noise ordinance violations. I am also a city homeowner myself. I no longer practice planned community law and do not have any foreseeable conflicts of interest.

Because police officers cannot always witness all potential noise ordinance violations, the Noise Ordinance Appeals Board is essential in maintaining civil and orderly conduct in the city. If appointed, I would fulfill my duties professionally, discreetly, and in accordance with Chapter 10 of the city Code of Ordinances.

Sincerely,



Tod M. Leaven

Enclosures

Tod M. Leaven
55 Ramoth Road, Asheville, North Carolina 28804
(828) 210-7224 • tleaven@gtalaw.net

LEGAL EXPERIENCE

Grimes Teich Anderson, LLP, Partner, Asheville, NC (Feb. 2014-present)

Head of Veterans Law Section. Represent veterans in Disability Compensation; Benefits for Veteran Dependents; VA Healthcare, Education, and Rehabilitation Benefits; Military Discharge Upgrades; Employment Protection for Service Members (USERRA and FMLA); and Assistance with Veteran Owned Businesses. In charge of free legal clinic at the ABCCM Veterans Restoration Quarters. Law firm capital projects manager.

Dungan, Kilbourne & Stahl, P.A., Associate, Asheville, NC (Aug. 2012-Feb. 2014)

Represented community associations in litigation. Represented businesses in intellectual property litigation. Represented businesses and individuals in general civil litigation. Extensive experience with hearings in federal and state court, including summary judgment hearings, motions to dismiss, discovery hearings, restraining orders, and foreclosure hearings. Experience in county commission hearings. Advised community associations on governance and business issues. Drafted and reviewed community association declarations, bylaws, and regulations. Reviewed and drafted governing documents for small businesses. Reviewed, advised, and registered trademarks and copyrights for businesses and individuals. Represented veterans for VA disability compensation. Practiced estate planning and probate. Managed firm social media.

North Carolina Prisoner Legal Services, Inc., Staff Attorney, Raleigh, NC (Sep. 2010-Aug. 2012)

Head of medical malpractice team. Extensive pretrial experience including discovery, hearings, witness and medical expert depositions, and trial preparation. Extensive medical record review and interviewing and deposing medical personnel. Represented North Carolina and federal inmates before the Industrial Commission and in state and federal courts. Supervised an attorney, a paralegal, and a nurse consultant. Editor of bi-annual *NCPLS Access* newsletter, distributed to jails and prisons. Represented veterans for VA disability compensation.

EDUCATION

University of North Carolina School of Law, Chapel Hill, NC

Juris Doctor, May 2010

- *North Carolina Journal of Law & Technology*
 - Board of Advisors (2010-2014); Editor in Chief (2009-2010); Staff Member (2008-2009)

University of North Carolina at Asheville, Asheville, NC

Bachelor of Science in Biology *summa cum laude*, December 2006

- Biology Departmental Distinction; Outstanding Scholarship in the Humanities Award

MILITARY EXPERIENCE

United States Army, Federal Counterintelligence Agent and Crew Chief (Dec. 1998-Apr. 2004)

Served as a Field Agent and Interrogator during the initial Kosovo Occupation with the 501st Military Intelligence Battalion, 1st Armored Division, and as a Helicopter Crew Chief and .50 caliber machine gunner during the Iraq War with the 3rd Squadron of the 7th Cavalry Regiment, 3rd Infantry Division.

PUBLICATIONS**Law Reviews and Journals**

- *U.S. Cybercom: Prelude to International Treaty or Symptom of Manifest Destiny?*, 12 N.C.J.L. & TECH. ON. 1 (2011) (coauthored with Christopher Dodge)
- *Misinterpretation of the Patent Exhaustion Doctrine and the Transgenic Seed Industry in Light of Quanta v. LG Electronics*, 10 N.C.J.L. & TECH. 119 (2008)

American Bar Association Publications

- *Importance of Nanotechnology in Photovoltaic and Fuel Cells*, 7 A.B.A. SCI. & TECH. COMM. NEWSL. 11 (Nov. 2010) (coauthored with Ronald Traud)
- *Agricultural Transgenic Gene-Flow: A Legal and Scientific Update*, 6 A.B.A. SCI. & TECH. COMM. NEWSL. 10 (Feb. 2010)

North Carolina Bar Association Publications

- *From Cincinnatus to Cicero: North Carolina's Lawyers in the Service - An Interview with Cal Cunningham*. 29 N.C. BAR ASS'N ADVOC. 6 (Jun. 2011)
- *From Cincinnatus to Cicero: North Carolina's Lawyers in the Service - An Interview with Judge J. Dickson Phillips Jr.* 29 N.C. BAR ASS'N ADVOC. 4 (Mar. 2011)
- *From Cincinnatus to Cicero: North Carolina's Lawyers in the Service - An Interview with John Corne*, 29 N.C. BAR ASS'N ADVOC. 5 (Nov. 2010)
- *From Cincinnatus to Cicero: North Carolina's Lawyers in the Service - An Interview with Justice Henry E. Frye*, 28 N.C. BAR ASS'N ADVOC. 3 (Jun. 2010)
- *From Cincinnatus to Cicero: North Carolina's Lawyers in the Service - An Interview with Justice Harry C. Martin*, 28 N.C. BAR ASS'N ADVOC. 3 (Apr. 2010)
- *Pro Bono Spotlight: Agricultural Law*, 28 N.C. BAR ASS'N ADVOC. 11 (Jan. 2010)

Professional Newsletters and Publications

- *What Every Inmate Should Know about Colorectal Cancer* 11(2) NCPLS ACCESS (2012)
- *A Primer on Veterans Benefits* 11(1) NCPLS ACCESS 12 (2011)
- *Medical Malpractice and Rule 9(j): The Requirement of Pre-Suit Expert Review* 11(1) NCPLS ACCESS 4 (2011)
- *Medical Co-Payments within the NC Department of Correction*, 10(2) NCPLS ACCESS 14 (2011)
- *The Spread of Infectious Diseases through Inmate Shared-Shaving*, 10(2) NCPLS ACCESS 6 (2011)
- *Access to the Courts in North Carolina: Satisfying a Prisoner's Constitutional Right*, 10(1) NCPLS ACCESS 5 (2010)

MEMBERSHIPS & OFFICES

- United States Selective Service System – Local Board Member, Presidential Appointment (2014-present)
- Jail Diversion and Trauma Recovery - Priority to Veterans, State Advisory Committee (2012)
- North Carolina Veterans Legal Representation Network, Advisory Committee (2012-present)
- North Carolina Bar Association - Military Issues Committee, Young Lawyers Division (2011-2013)
- Disabled American Veterans - Legislative Committee Chair, NC Post 02 (2013-present), Second Vice Commander, NC Post 02 (2015-present)
- North Carolina Journal of Law & Technology - Staff (2008-2009), Editor-in-Chief (2009-2010), Board of Advisors (2010-present)
- American Bar Association - Vice-Chair, Science and Technology Committee, Section of Environment Energy and Resources (2009-2010)
- 28th Judicial Bar Association (2012-present)
- Asheville Lyric Opera - Board of Directors, Nominating & Governance Committee Chair (2012-2015); Advisor Council (2015-present)

BAR ADMISSIONS

- State - North Carolina State Bar (2010)
- Federal – U.S. Court of Appeals for the Federal Circuit (2014); U.S. Court of Appeals for Veterans Claims (2011); U.S. Fourth Circuit (2011); EDNC (2010); MDNC (2011); WDNC (2011); Supreme Court of the Cherokee Nation (2014); Accredited to practice before the U.S. Department of Veterans Affairs (2011)

City of Asheville
BOARDS & COMMISSIONS
Application Form

Applicants are strongly urged to attend several meetings of a board prior to applying

Name of board or commission: Noise Ordinance Appeals Board

Your name: Victor S. Fahrer Home Phone #: (828) 253-0982

Street address: 333 Montford Avenue City: Asheville Zip Code: 28801

Mailing address (if different): _____

Employer: Retired 10/1/14 from the WNC Regional Air Quality Agency

Your position: _____ Office Phone #: _____

Resident of City yes County Buncombe Race Caucasian * Male Female* Age 65 *

Residence location (check one): Central North South East West

Are you aware of any potential conflicts of interest that may arise during your service on this board (i.e., property interest, business interest, etc.)? If so, please explain: _____

_____. Potential conflicts of interest do not preclude appointments.

Please indicate the area(s) of expertise that you can bring to the above board(s), and then in detail list education, experience, reasons for your interest, and other factors that support your interest in serving **Applicants are encouraged to provide a cover letter and/or a brief resume. Please use additional sheets if necessary.**

I did noise measurement and modeling studies while working at several environmental consulting firms in the New York City area. Please refer to the highlighted sections in the attached (old) resume.

Return to:

Maggie Burleson, City Clerk
Post Office Box 7148
Asheville, N.C. 28802-7148

E-Mail: mburleson@ashevillenc.gov
Telephone: 259-5601
Fax #: 259-5499

Signature: Victor S. Fahrer

Date: 1/6/15

E-Mail: vfahrer@charter.net

Fax #: _____

* This information is requested for the sole purpose of assuring that a cross section of the community is appointed.

VICTOR S. FAHRER, P.E.
333 Montford Avenue
Asheville, NC 28801

828-253-0982
fahrer@charter.net

Education:

MRP, University of Massachusetts - Regional Planning - 1975
BIE, Kettering University - Industrial Engineering - 1972

Professional Affiliations:

Air and Waste Management Association - since 1976
Carolinas Air Pollution Control Association - since 1997

Professional Engineering Licenses:

North Carolina, South Carolina, New York, New Jersey and Michigan

Recent Experience:

Mr. Fahrer has nearly 30 years of experience in the field of environmental analysis. Over the course of his career, he has been involved with the modeling and monitoring of air, noise, water, and hazardous materials, as required for federal, state, and local permits, as well as for environmental impact statements and assessments.

ETR, LLC (formerly STS Engineering, PLLC) - 1998 - present
347-½ Merrimon Avenue
Asheville, NC 28801

Mr. Fahrer is the Director of Technical Services, in charge of the preparation of air quality construction and operating permit applications, including those under the Title V program. These permit applications have covered a variety industrial processes and combustion sources, including: fiberglass products manufacturing (e.g., boats, utility poles), wood products machining and coating (e.g., plywood, hardwood flooring), textile manufacturing, metal parts heat treating, automotive components fabricating, and natural gas, fuel oil and wood waste boilers. He is currently working on a permit application for a wood waste gasification boiler for the University of South Carolina. These permit applications touch on aspects of many federal and state regulations, such as PSD, NSPS and MACT. Much of this work has been for clients located in North and South Carolina, but projects have also been completed for clients in Tennessee, Georgia and Texas.

Mr. Fahrer has also performed the emission calculations and dispersion modeling in support of these permit applications. He is familiar with the USEPA's AP-42 emission factors and the NCDENR's emission calculation spreadsheets. In addition, he has developed emission inventory programs and prepared monthly and annual emission inventories to comply with permit conditions. He has conducted numerous air dispersion modeling analyses of criteria and hazardous pollutant emissions and is familiar with NCDENR and SCDHEC modeling procedures, including the application of the SCREEN3 and ISCST3 dispersion models.

In addition to air quality work, Mr. Fahrer has overseen the preparation of Spill Prevention, Control, and Countermeasures (SPCC) Plans, Storm Water Pollution Prevention Plans, and a Sediment and Erosion Control Plan. He has also prepared several SPPC Plans and a Hazardous Waste Preparedness and Contingency Plan.

EEA, Inc. - 1990 - present
55 Hilton Avenue
Garden City, NY 11530

Mr. Fahrer served as the Director of Air Quality and Noise Analysis for EEA, an environmental consulting firm, where he managed numerous studies for projects in the metropolitan New York City area. Since relocating to Asheville late in 1996, he has continued working for EEA when needed for air quality and noise analyses. As many of these studies have been in response to federal, state, or local environmental regulations, Mr. Fahrer is familiar with NEPA, SEQRA and CEQRA, as applied to environmental impact statements (EISs) and assessments. Notable air quality projects include: a modeling analysis of alternative locations for the Croton Water Treatment Plant for the New York City Department of Environmental Protection, a study of the proposed elimination of ten express bus routes throughout New York City for the Metropolitan Transportation Authority, and an ambient air quality and meteorology monitoring program for a proposed cogeneration facility in eastern Pennsylvania. He has performed many air quality analyses for NYSDOT highway projects, including the Long Island Expressway/Seaford Oyster Bay Expressway Interchange, the Bronx River Parkway and the Taconic State Parkway. Mr. Fahrer is familiar with the state and local modeling procedures, as well as the USEPA's MOBILE6.2 emission factors model and the CAL3QHC, SCREEN3 and ISCST3 dispersion models required for these analyses.

Mr. Fahrer has conducted noise compliance studies for a variety of facilities, including a resource recovery plant, a materials recovery plant, a cogeneration plant, a truck terminal, several landfills and a proposed shopping center. He has also managed the noise studies for a baseball stadium, an amusement park, a nursing home and several mixed-use developments.

Hazardous materials projects include a continuous methane monitoring system for a shopping center adjacent to the Fresh Kills Landfill in Staten Island, several Phase I environmental site assessments and an assessment of impacts at an NYPD firing range. Mr. Fahrer formerly held an NYS Asbestos Handling Certificate and had completed the OSHA 40-Hour Hazardous Waste Operations (HAZWOPER) Training.

Earlier Experience:

Prior to joining EEA, Mr. Fahrer served as a Senior Environmental Engineer for several New York area consulting firms, where he prepared air quality and noise analyses for numerous residential, commercial, and transportation projects throughout the Metropolitan area, including: the Marriott Marquis Hotel in Times Square in Manhattan, the MTA Gun Hill Road Bus Depot in the Bronx, three office buildings for the Grumman Corporation in Suffolk County and the Northern State Parkway/Meadowbrook Parkway Interchange in Nassau County for the NYSDOT. He also conducted noise surveys at several landfill sites in order to determine compliance with NYS Solid Waste Management Guidelines.

Before coming to Long Island, Mr. Fahrer worked for the regional planning agency for the metropolitan Detroit area, where he was in charge of assessing the air quality and noise impacts of regional transportation plans. He also coordinated a study to develop a methodology for evaluating transportation plan alternatives.

City of Asheville
BOARDS & COMMISSIONS
Application Form

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Name of board or commission: Noise Ordinance Appeals Board

Your name: Robert Glenn Home Phone #: 828.225.4338

Street address: 41 Cumberland Cir. City: Asheville Zip Code: 28801

Mailing address (if different): _____

Employer: Self-employed

Your position: Real Estate Broker Office Phone #: 828.242.8877

Resident of City Asheville County Buncombe Race _____ * Male Female* Age 66 *

Residence location (check one): Central North South East West

Are you aware of any potential conflicts of interest that may arise during your service on this board (i.e., property interest, business interest, etc.)? If so, please explain: None

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see attached

Return to:

Maggie Burleson, City Clerk
Post Office Box 7148
Asheville, N.C. 28802-7148

E-Mail: mburleson@ashevillenc.gov
Telephone: 259-5601
Fax #: 259-5499

Signature: Robert Glenn

Date: 1/5/2015

E-Mail: Robertmg1enn@gmail.com

Fax #: N/A

* This information is requested for the sole purpose of assuring that a cross section of the community is appointed

Maggie Burlison, City Clerk
Via E-mail: mburlison@ashevillenc.org

Dear Ms. Burlison,

I am writing to express my interest in volunteering to serve on the City's Noise Ordinance Appeals Board and have attached my completed Application Form with this correspondence for consideration.

By way of introduction, I would like to say that I have been a resident of Asheville since 2002 after moving here from Davidson, NC. Since then, my wife and I lived in Kenilworth, then in North Asheville, and now we own a home in the Central area near downtown. Professionally, I have been a real estate broker during this time and can claim familiarity with most of the neighborhoods in the city. I try to stay current with issues and changes that are important to the various residents and to the City as a whole.

During earlier years, I have owned two small businesses in other cities and thus I am very familiar with operating a business and trying to balance good practices and civic responsibilities while maintaining a financial budget and controlling expenses. More specifically, I can understand the need for rules and regulations such as the City's noise ordinance and the public's right to what they consider "peace and quiet", especially in their homes. But I can also see the need for businesses to reasonably conduct their operations and related activities with an eye on the bottom line. Specific application of the rules and regulations must take a fair and balanced approach and be administered in a transparent and respectful process.

As for my educational background, I received an undergraduate degree from the University of North Carolina, Chapel Hill and a mid-career Master's Degree in Counseling from the University of Virginia. I then worked at the University of Richmond in Richmond, VA in the Career Center and later at the University of North Carolina at Charlotte in the Career Center and in the Office of Disability Services.

I believe that I will bring to the Board a personal desire to serve the citizens of Asheville, an open-minded and inquisitive nature to the hearing process, and an attitude of personal respect for the individuals involved in the issues being discussed and ruled upon.

Thank you for your consideration.

Sincerely,

Robert Glenn
828-225-4338