

Approved Minutes
Noise Control Board Meeting
Thursday, October 15, 2015
Council Chambers
7:00 p.m.

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Irene Bellamy	<u> X </u>	<u> </u>
Adele Ellis	<u> X </u>	<u> </u>
Bobbie Pinkett-Solomon	<u> X </u>	<u> </u>
Harry Pitt	<u> </u>	<u> X </u>
Mark Shroder	<u> X </u>	<u> </u>
Alan Stillwell	<u> X </u>	<u> </u>
Larry Wenzel	<u> X </u>	<u> </u>

Also Present:

Bob Ryan, *Public Services Director*; Julie Beavers, *Recording Secretary*

I. Call to Order

The meeting was called to order at 7:00 p.m.

II. Agenda Approval

Ms. Bellamy motioned. Ms. Ellis seconded the motion.

III. Approval of Minutes – 09/24/2015 Hearing

Correction: Page 11.

(1) The fine NOT reduced \$125.00

(2) The fine is reduced \$125.00

Mr. Shroder motioned to accept the minutes as amended. Ms. Bellamy seconded the motion.

All were in favor. **The motion passed 5-0-0**

IV. Hearing #1 – 6908 Wake Forest Drive

a. Property Owner: Goldstein, Ralphine

Agent: Teasa Starke
Complainants: Elizabeth Bukoski, William Bukoski,
Dianne Bukoski, Eran Lupu, Catherine Keesling

Chairman Stillwell described the hearing process.

Chairman Stillwell read § 138-5: Prohibited acts of the Noise Ordinance and § 138-6: Violations and Penalties of the Noise Ordinance

Chairman Stillwell read three (3) letters of complaint dated Saturday, August 29, 2015. The correspondences described the loud party at 6908 Wake Forest Drive on Saturday, August 25, 2015 into Sunday, August 25, 2015 and the actions of the complainants.

Staff report relating to subject of this hearing:

Mr. Robert Ryan read the shift summary from CEO Mark Russo into the record.

Summary attached.

A Municipal Infraction was not issued to the tenants but a Noise Notice was issued to the owner.

Corporal Boulden's Activity Log states that he responded for a loud party, the party was shut down and a criminal citation was issued. Corporal Flemming's Activity Log states that he *shut down a loud party after the complaint*. Mr. Ryan explained that the citation was for an open alcoholic beverage in a vehicle on the street.

Mr. Ryan gave a prior history for 6908 Wake Forest Drive.

May 24, 2015- loud people

May 10, 2014- loud music

April 24, 2014- loud yelling

October 12, 2013- loud music

April 22, 2013- large gathering

Municipal Infractions were not issued for any of the past history. All of the noise readings were below the decibel threshold and all were of previous tenants.

Secretary Julie Beavers read into the record the results of the hearing from June 4, 2015. *Chairman Stillwell stated the Board found there had been a violation of the Noise Ordinance but the violation was not very egregious and therefore will set aside the fine. If there is another violation within six (6) months then there would be a \$1,000.00 fine [to the owner].*

Mr. Ryan reminded the Board that this is a new group of tenants even though this complaint is within six (6) months of the last hearing. Chairman Stillwell agreed but stated the landlord is still the same.

Chairman Stillwell described the hearing process.

The complainants approached the table.

Elizabeth Bukoski's Testimony:

As my letter to the Noise Board indicates I felt my family's personal safety, peace and welfare were being threatened as a result of the August 29th [2015] party being held at 6908 Wake Forest Drive. We were informed by two (2) of the tenants that their property [party] was supposed to be small in nature well maintained, kept inside and to end by midnight. The party escalated to over one hundred (100) people and it took police way over thirty (30) minutes to evacuate the party. I have video of this process which I can submit to the City for review if you want. The large volume of people and the noise from this party stemmed from music and human ruckus both on the property of 6908 Wake Forest Drive which also spilled over onto the adjacent properties as well the surrounding streets of Wake Forest Drive, Drexel [Road] and Clemson [Road]. I believe the police made citations on the scene for open alcohol in the party visitor's vehicle. The smell of marijuana billowed into our second floor window as I watched the party escalate to dangerous levels. This large party was planned by the tenants 6908 Wake Forest Drive and allowed to escalate. The tenants broke City Code and compromised our safety and legal right to live peacefully in this neighborhood by hosting this noisy and ruckus party. In addition, the property owner and the property manager have continuously violated City Code by allowing their tenants disruptive behavior to continue year after year. Before I begin to state which codes I feel, have been violated by the tenants and the property owner and property manager, I want to stress to the Noise Board that these continuing incidences from this rental property is not only causing harm to adjacent neighbors but is accumulating costs to adjacent neighbors, the City of College Park and PG County. I estimate for this single incident that occurred on August 29th [2015] the cost to my family was over \$1,300.00 in time. From my understanding of the City Code 138-6a and 110-2 each of the tenants should be held accountable and issued a separate fine of \$500.00 each for this first offense. This will send a strong message to each of the offenders and perhaps reduce the possibility for a future incident to occur. My family has been to the Noise Board on three (3) separate occasions and feel if the City does not issue fines to each tenant for \$500.00 then the likelihood is very high for this type of incident to occur again. In addition, from my understanding of City Code 110-2, 138-5a, 138-5b, 138-6a, 138-8c3 and 148-1c and 1g the owner and the property manager are held accountable by separate codes and should be fined separately. This may be the first offense by the tenants of 6908 Wake Forest Drive but this is the third offense by the property owner and of the property manager. In January 2003 the Property Owner was fined and then in June of this year [2015] it was waived. Two (2) of the offenses have occurred within a six (6) month period and fines should be escalated to \$1,000.00 for the property owner and property manager. I feel these strong measures be taken by the Noise Board to ensure that this reckless behavior never occurs again by tenants, property manager and property owner of 6908 Wake Forest Drive.

Diane Bukoski's Testimony:

You read the letter which I wrote so I'm not going to repeat that. It's just a repetition of the same thing that's been going on for the last four (4) years. A party is held, it escalates beyond their control, large groups of people. When you have over a hundred (100) people in your house, the comings and goings of those one hundred (100) people,

laughing, talking, drinking, making the noise up and down the street is miserable to everyone. Not just us on either side of them. There were twenty (20) complaints on the listserv the very next morning. I have copies of them with me if anyone wants to look at them. The whole point is this is not quality of life and we are exposed to this- these numerous times, these huge groups of people coming and going like I said. Frankly it's a safety issue because our street is not that wide and cars are parked on either side of the street both Clemson [Road], our street, Drexel [Road]. You can't get by.

Chairman Stillwell asked Mrs. Bukoski to compare this event to last June's event. Mrs. Bukoski stated there were more people at this event. She counted one hundred and forty (140) people entering and exiting the house. She added that the tenants moved in Friday and then the next evening they had this event which was not a great way to start as new neighbors.

Chairman Stilwell asked Mrs. Bukoski what time the party ended. Mrs. Bukoski stated it went until 3:00 a.m.

William Bukoski's Testimony:

I would like to clarify or explain to your question. This party was equivalent to the noise and disturbance raised not at the most recent one in June but the one before that. There was a fine given to both the tenants and the landlady, who was the same landlady and I forget the date of that particular problem. But it was the same level of noise, same level of people, same level of outrageous behavior. I'll be quick. My wife and I have lived on 6906 Wake Forest Drive since 1972 and over those forty-three (43) years we've never had any problems with any of our neighbors at any time until Mrs. Goldstein bought this property and rented it. She has, I think, abdicated her responsibility as owner of that property and the manager has abdicated her responsibility as manager of the property to oversee the behavior of those tenants. It's never happened before until she owned that property. I think they are primarily at fault. I think the residents have to know and be responsible for their behavior as well. I'm very disturbed by the owner and the management. When we called Mrs. Goldstein's number, a number she had given to us in June, it was disconnected. We would have appreciated, I understand people changing their phone numbers and services and so on. We would have appreciated a call just to tell us a new phone number had been issued to her so we could call her. When we called the manager's number? There was no response. I think my daughter left a message and the manager never did come to that property that evening or that morning. The other thing that is equally disturbing is that the residents of 6908 property have never come over to apologize to us for the noise and the problem. I think that could be the least thing they could do. As residents and causing the problem they absolve themselves of this problem.

Eran Lupu's Testimony:

Regarding the decibel, the range of noise was people coming in and going out. The decibel reading was taken in-between these. So you might say you they are not responsible for what's happening in the street.

Chairman Stillwell agreed with Mr. Lupu saying that the arriving and departing are the most disruptive since it's there and then gone.

Dr. Lupu continued his testimony:

The famous party of the last day of 2012 the police estimated forty (40) people then. This time it's more than doubled.

Mr. Shroder asked Ms. Bukoski if the music that she referenced in her letter contributed to the noise. Ms. Bukoski responded that it was mostly human ruckus but there was music earlier and before the Code Enforcement arrived. This was communicated through text messaging. A tenant was texting with Ms. Bukoski and when Ms. Bukoski stated that the party had gotten out of hand, the tenant texted back saying they would bring people inside and turn the music down. Mr. Bukoski stated the music was also coming from music blaring from the cars arriving to this event. Mr. Bukoski added there were many loud voices coming from the backyard when Code Enforcement arrived trying to close down the party. The police had to return to the property multiple times to close the party. More people were entering as the police were asking people to leave. The tenants claimed the people entering were the cleanup crew.

Chairman Stillwell asked how long the evacuation process lasted and Mr. Bukoski stated he was outside until 3:00 a.m. because there were still people driving back and forth slowly in front of the house.

Dr. Lupu's continued testimony:

Once the hearing was scheduled a sort of mediation started with the neighbor across the street whose bedroom does not face Wake Forest [Drive]. The residents decided to have sort of a get together party for the entire street on Sunday. I work on Sunday. And I'm also kind of surprised it took half a month to come up with an idea to apologize.

Chairman Stillwell asked if Dr. Lupu spoke with the tenants. He stated the tenants invited Dr. Lupu and his family to the BBQ but since he works on that date he was unable to attend and never received an apology.

Mr. Wenzel asked Mr. Ryan to clarify if there were any previous fines. Mr. Ryan was compiling a list from the year the Goldstein's bought the property (2004).

Mr. Ryan clarified to the Board regarding Ms. Bukoski's statement that each tenant should receive a \$500.00 fine. In accordance with City Code 138-9c the fine shall be divided amongst the tenants of the property.

The respondents approached the table.

Betel Samson's Testimony:

I would like to thank you guys for allowing us to come here and have this hearing. That way we could defend ourselves for this situation which actually, we have apologized for and we did through a cookout for the neighborhood. Because we just didn't want to that apology that you just give through email because that's not sincere and you won't get to

know us as tenants or as neighbors. So we decided to through a cookout to invite all of the neighborhood and we put it on the listserv. The reason it took us half a month is because we were having issues with getting on the listserv. Something we've been trying to do the moment we found out after the first week after the incident. We did reach out to our neighbor Diane who has been very nice; the neighbor is 6909 Wake Forest [Drive] and she was very gracious to allow us to throw a party at her place and get to know our neighbors. A lot of neighbors did come out and we were truly thankful for that. And I think a lot of them did truly get to know us and I think we were able to apologize in that way. I can tell you- apologies over the email are just blank.

Chairman Stillwell asked if the tenants apologized to the Bukoskis. Ms. Samson stated they personally went to their house to invite them to the cookout but they were unable to attend.

Kyra Jackson's Testimony:

We did initially inform the residents of 6909 that we would be having the party we just didn't want to inconvenience them.

Chairman Stillwell interjected that telling the neighbors about a party does not absolve the tenants to not make noise.

Kyra Jackson's continued Testimony:

Right, we understand that. The thing is what we really want you all to understand is that it was not our intention for this party to get this size. Initially we invited a small group of friends. What I told the neighbors is exactly what our intentions were. It was a small house warming. It was a small get together and only close friends and family were invited. Somehow, unfortunately, because it was so close to the beginning of school, it was the weekend, someone leaked the party on Twitter. And so, a lot of students found out about it and a lot of students came and the majority of students we didn't know. The thing is, when the first police officer arrived the only people we were really concerned with was the police. They came to us and they let us know it was a problem and so when they initially came they let us know the noise was a problem and we took that into concern. And, just like I had texted our neighbors....

Chairman Stillwell asked if the tenants were afraid of all the people who they didn't know entering their house. Ms. Jackson responded that they were. Chairman Stillwell asked why they didn't lock the front door. Ms. Jackson replied that as the uninvited guests were arriving the tenants were asking who they knew at the house or how they found out about the party. Anyone that the tenants did not know they asked to leave. When the third (3) police officer did leave and Mr. Bukoski went back inside his house Ms. Jackson did apologize to him.

Chairman Stillwell asked the tenants what they will do in the future to prevent this from happening again. Ms. Jackson said they will not do this again but felt slighted at the excessive anger that the neighbors are feeling towards the tenants. Chairman Stillwell reminded Ms. Jackson that the anger is justified since the residents have to go to work

in the morning and feel threatened. Ms. Jackson stated there wasn't crime and there shouldn't be a reason to feel scared. Chairman Stillwell stated there have been killings in College Park and you never know what might happen. Violence happens relatively quickly. Ms. Samson agreed and said that they would not like this to happen.

Mr. Wenzel asked if alcohol was being served at the event. Ms. Samson said there was and the tenants are all twenty-one (21). Mr. Wenzel stated that when alcohol is involved that violence can happen quickly. He also asked for the tenants to clarify about the aggression they are feeling. Ms. Samson stated there were emails on the listserv from residents who were upset about their party as well as parties from previous tenants. They are feeling the brunt of the history from other college students.

Tatiana Taylor's Testimony:

I do understand and I think my roommates understand that things can get out of hand and we were lucky. As you heard through the police report, nothing happened. No one was violent, no one was violent towards the police officers. My roommates were very considerate when they were talking to the police officers as well. When, as Kyra, my roommate, said, when we had our cookout for the neighbors and wanted to apologize to just get to know the rest of the community, Councilwoman Stephanie Stulich came and spoke with me and she did say that the Bukoskis are known to be a little unwelcoming and they are known to take things a little overboard. While Mr. Ryan was reading the police report, it did say there was no music coming from the house. The house seemed dark and all that so I hope you all take that into consideration. As Officer Black, who I spoke to a few days afterwards, said it is not illegal to have a party. After, Mr. Ryan read the police report and it noted that there was no loud music coming from the house that there, I'm not sure how many people he said were in the yard, but the officer did not note that there was a lot of loud noise coming from those people. It was then that the Bukoskis then said the noise was coming from the cars, the noise was coming from the people.

Chairman Stillwell said that the complaints on the listserv were essentially like complaints sent to the Board. Ms. Taylor stated the residents shouldn't be afraid. She also added that the comments made on the listserv about them and their families were unjustified. Ms. Taylor spoke with Councilmember Wojahn at the cookout and he felt they were "a great group of kids" and he thanked them for the get together.

Ralphine Goldstein's Testimony:

I am the owner of 6908 Wake Forest [Drive]. Mr. Bukoski used some word that meant to me that we abdicated our roll as owners and Teasa, who is the property manager, has also done that. She is the hardest working person in the world. She goes around to the properties. She is there. In terms of the party; I don't want to inconvenience any of the neighbors of any of our properties and we own a number of properties in College Park. This is not the only one. This is the only one that we have gotten a lot of complaints from. It seems coincidental that this property always gets complaints. Now, I'm not

saying the complaints are not unwarranted but I think this party got out of hand because these are young girls who don't really understand the effect of social media.

Chairman Stillwell reminded Ms. Goldstein that it is her responsibility to inform the tenants not to make a lot of noise. Ms. Goldstein replied that Ms. Starke meets with all of the tenants.

Teasa Starke's Testimony:

We met on their move in day, the Friday before the party and we talked about parties, I gave them which is where they got the information about the Noise Ordinance. This year I gave them documents for tenants to sign, which I actually gave them this which I usually give them this every year but this year I made sure I had documents for all the tenants to sign.

Chairman Stillwell asked Ms. Goldstein and Ms. Starke why the Bukoskis couldn't get in touch with either of them. Ms. Starke replied she was sleeping because she wakes up at 4:00 a.m. Ms. Goldstein stated that Ms. Bukoski and Ms. Starke have spoken frequently. She added that she had given the Bukoskis her cell phone number in the spring but has a new cell phone number but doesn't know the number. It never occurred to her to give the neighbors in College Park her new phone number. She added that she doesn't want anyone to be inconvenienced.

Mr. Ryan gave a history of 6908 Wake Forest Drive since the Goldsteins purchased the property on March 3, 2004:

There have been twenty-five (25) noise complaints.

Three (3) Municipal Infractions-

October 6, 2006 an infraction was issued from a Code Officer at the scene.

December 31, 2012 a violation was issued by the Noise Control Board

May, 23, 2015 a violation and reduced fine issued by the Noise Control Board

Some complaints were of a small number of people playing music and sitting outside.

Mr. Ryan stated sometimes Code Enforcement receives complaints and by the time an officer arrives the crowd has already been disbursed.

Complainants returned to the table:

Dr. Lupu's Testimony:

We never mentioned violence in our letter or in any other way. We did not feel threatened and we are not afraid of violence. As for the BBQ, It was scheduled and announced after this hearing was originally scheduled. If that is a coincidence I am sorry. We are treated like chopped liver it's always the Bukoskis, Bukoskis, Bukoskis. Nobody informed us of the forthcoming party. No one has ever apologized.

Chairman Stillwell asked if there have been any other problems at this residence since the gathering. Mr. Lupu stated that between 9:30 p.m. and 10:30 p.m. there seems to be people knocking at their door.

Mr. Bukoski's Testimony:

I did hear somethings and that they apologized to me which is absolutely untrue. There have been no apologies to me or my wife or my daughter. We did not attend Diane's BBQ across the street. We were not available. I have to give some credit to the young ladies. The very next week, after this infamous party, they came over to our house and said they were going to have a small gathering again, tonight. I said "oh no, not again." They said "oh, no no no, this is a small gathering" And I said "what about all this beer I saw coming in to your house. Lots of beer for a small gathering." "It's just for the people coming. We'll be well behaved, we'll be quiet." And you know what? They were. Except for the people coming. It was a small gathering, I have to give the ladies some credit. They did follow through with it. I was shocked they gave the same story. Another small gathering. I was a little skeptical. The other thing I wanted to say about the incident party. I was out the whole time the place was being evacuated by police and the code person and that was the only reason all one hundred and twenty (120) or whatever it was came out of that house and out of the backyard. I had to give them credit. They would file past and they would walk on my property to get to their cars parked on Wake Forest [Drive]. I'm standing there and they were not impolite. Someone said "Hi Bill! How you doin'?" I said "How the hell they know that". Anyway, I didn't say anything. My response back was "please drive carefully when you go home." One of the girls said "what did he say? What did he say?" They walked up the street. I have to give credit to party goers. They were fairly reasonable coming out even though a couple of them were inebriated. I mean they were stumbling. I thought oh my God, they are going to trip over my property, my bricks and fall and hurt their heads. But somehow they made it. I just wanted to say those three (3) things.

Ms. Bukoski's Testimony:

I just wanted to read a statement 138-6. What I was referring to in my first bullet points was "In the event that more than one owner and/or more than one occupant of the real property is alleged to have violated the provisions of this chapter, a municipal infraction citation shall be issued to each alleged violator."

Chairman Stillwell stated the fine is divided up but the notice to each violator. Ms. Bukoski stated that this isn't clear according to the Code.

Ms. Bukoski continued her testimony:

Also, again the BBQ was planned when we were not available and Mrs. Hertz new that. And also, I strongly feel that Social Media is not to blame for this incident. There is no proof that the party escalated due to Social Media or was presented here tonight. And I feel that blaming Social Media in order to deny personal responsibility is fraudulent. The tenants are responsible for this party and the owner and the property manager are responsible for allowing this to occur year after year. We ask that they are fined \$1000.00 in order to take seriously the negative impact and the harm they are causing my family and the adjacent neighbors.

Respondents returned to the table:

Betel Samson's Testimony:

First I would want to start off by saying we do actually take full responsibility. Like I said before the party did get out of hand and we don't doubt that for a second. If our neighbors felt unsafe then we were wrong. Period. We understand that. That's what we're sorry for. That's why we threw the cookout. We took money from our accounts so the neighborhood could come and meet us. Second, it was not a coincidence that the cookout was when we found out about the hearing. I don't know about you guys but we didn't find out about the hearing until last week. That's why we were confused about what was happening and we didn't find out about the hearing until a week before it happens. We didn't even get it posted to our door in less than a week. That is why we wanted so bad to have this postponed so we can better prepare ourselves and talk about our situation.

Tatiana Taylor's Testimony:

Yes, thank you again for allowing us to be here and speaking. Mr. Bukoski, I just think that it's so you felt unsafe but the party goes that were next to you they were....

Chairman Stillwell recommended that the tenants apologize again. Ms. Samson and Ms. Taylor both apologized to the Bukoskis and Dr. Lupu and Ms. Keesling.

Mr. Shroder asked if the property manager notified the tenants that if they have a noise violation it will be an automatic \$1000.00 since there was another violation within six (6) months.

Ms. Goldstein stated that she was unaware of that penalty and Ms. Starke would also not know. Ms. Goldstein assumed the penalty did not transfer to new tenants. Since the problems with the property they were happy to get a group of girls rather than a group of boys who may destroy the property or have louder parties. Ms. Goldstein believes the tenants will not have any more issues. She also added that although Mr. Bukoski is 72 years old, she is older.

Ms. Starke's Testimony:

Responding to Mr. Shroder's question.

I provide copies of the lease, Betel's dad is an attorney. Everyone's parent went through the lease with a fine tooth comb. We talked about it and we discussed it. But like what Robi said no I did not mention to them that they could be subject to a \$1000.00 fine because, I feel like this is a new group, that was with the old group.

Ms. Jackson's Testimony:

I would just like to again, say that, we do take full responsibility for this party. We apologize for the inconvenience that we caused our neighbors. That comes from a sincere genuine. We also just want we have not had any police notifications or violations. I hope that is taken into account.

Mr. Shroder stated two (2) items. 1. Whichever of the tenants' friends who put this on Twitter cost them a lot of money. 2. Next time there is someone who is on their property who they do not want there they should call the police.

The Board recessed at 8:16 p.m.

The Board returned at 8:26 p.m.

Chairman Stillwell reconvened the hearing.

Chairman Stillwell found there was a violation and the landlord is in violation of the Noise Ordinance. The Board was appalled this happened again within a six (6) month period. The landlord will need to do whatever to keep the noise down. The fine is \$1,000.00 which is assessed to Ms. Goldstein. If she asks the tenants to pay the fine then it is recommended they (the tenants) take the case to the district court and challenge it. Ms. Goldstein can also take her case to the district court.

Mr. Shroder motioned there has been a violation of the Noise Ordinance by the landlord. Ms. Bellamy seconded the motion.

All were in favor. **The motion passed 6-0-0**

Chairman Stillwell stated the Board found there had been a violation of the Noise Ordinance and called for a motion that there had been a violation of the Noise Ordinance.

Mr. Shroder motioned there has been a violation of the Noise Ordinance. Ms. Bellamy seconded the motion.

All were in favor. **The motion passed 6-0-0**

Concerning the tenants:

(1) Whether person subject to a fine has a past record which is free of any violation of this chapter;

The Board found the tenants do not have a past record in Noise Violation with the City.

Ms. Bellamy made a motion to reduce the fine \$125.00. Mr. Shroder seconded the motion.

The motion passed 6-0-0

The fine is reduced \$125.00

(2) Whether the person subject to a fine has taken action reasonably calculated under the circumstances to prevent or mitigate future violations of this chapter;

Board member Bellamy made a motion to not reduce the fine \$125.00 based on the fact the tenants indicated that they will not have any other incidences.

All were in favor. **The motion passed 6-0-0**

The fine is not reduced \$125.00

(3) Whether the present demeanor of the person subject to a fine indicates that such person is remorseful with respect to the violation and demonstrates a sincere desire to prevent future violations of this chapter, including whether such person has apologized, prior to the hearing, to the persons who were disturbed by the violation;

Mr. Shroder made a motion to reduce the fine based on the fact that the tenants did apologize before the hearing. Ms. Bellamy seconded the motion.

The motion passed 5-0-1 (Ms. Ellis voted against)

(4) Whether the violation was not so egregious or lengthy in duration that a reasonable person would view the violation as reprehensible.

Ms. Bellamy motioned to not reduce the fine by \$125.00 based on the length of the event. Board member Wenzel seconded the motion.

All were in favor. **The motion passed 6-0-0**

The Board found there was a violation and the fine is \$250.00 for the tenants.

The hearing adjourned at 8:32 p.m.

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Council Chambers
8:30 p.m.

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Irene Bellamy	<u> X </u>	<u> </u>
Adele Ellis	<u> X </u>	<u> </u>
Bobbie Pinkett-Solomon	<u> X </u>	<u> </u>
Harry Pitt	<u> </u>	<u> X </u>
Mark Shroder	<u> X </u>	<u> </u>
Alan Stillwell	<u> X </u>	<u> </u>
Larry Wenzel	<u> X </u>	<u> </u>

Also Present:

Bob Ryan, *Public Services Director*; Julie Beavers, *Recording Secretary*

Hearing number two (2) began at 8:34 p.m.

- V. Hearing #2 – 7509 Girard Avenue
 - a. Property Owner: Cheyenne Place Realty LLC
 - Property Manager: Robert Davis
 - Complainants: Benjamin Crockett, Kevin Brown

Chairman Stillwell read § 138-5: Prohibited acts of the Noise Ordinance and § 138-6: Violations and Penalties of the Noise Ordinance

Chairman Stillwell read the letter of complaint dated October 1, 2015 from Mr. Benjamin Crockett and Kevin Brown. The correspondence described several loud parties at 7509 Girard Avenue on Tuesday, September 1, 2015 until Wednesday, September 2, 2015; Thursday, September 3, 2015 until Friday, September 4, 2015; Sunday, September 6, 2015 until Monday, September 7, 2015; Thursday, September 10, 2015 until Friday, September 11, 2015; Thursday, September 24, 2015 until Friday, September 25, 2015. The Board will only take into account the September 24, 2015 event.

Chairman Stillwell described the hearing process.

Mr. Ryan reported the summary of violations for the house.
Current property owner purchased the house on January 8, 2013.
There was a Municipal Infraction given to a tenant for a loud party on April 16, 2015.
The tenant no longer lives at the residence. The tenant paid the fine.

The complainants approached the table.

Benjamin Crockett's Testimony:

Thank the Board for your time I realize there are things you would rather be doing tonight. I would like to thank my fellow neighbor, resident Kevin Brown for joining me this evening. His time is valuable as well and time is really the crux, the issue here when there is excessive noise particularly at night. That takes time away from those of us who prefer to sleep. I asked Kevin to join me in filing this complaint because of a systemic pattern at this particular residence year after year after year. I've owned my home for over twenty (20) years. I'm longest survivor, if you will, on the cul-de-sac of Girard Avenue. I've seen it transition significantly over those twenty (20) years. Now it's mostly rentals. There's a lot more noise, a lot more garbage, a lot more challenges. But I think the advent of Code Enforcement Officers last decade....

Chairman Stillwell asked Mr. Crockett to focus more on the events of September 24, 2015.

Mr. Crockett continued his testimony:

Many of these events are similar as were the ones on 24, September. Organized party, in this case 24, September kids lined up in front of the door, they were brought in groups of five (5) or six (6). As it's happened a couple of times, I just give up and if it's warm I go for a walk and get away from the noise.

Chairman Stillwell asked Mr. Crockett to clarify if the party was an organized event. Mr. Crockett stated *the tenants control the flow of people into the house at the front door. It's been challenging to get tickets to this residence because it almost has no backyard. This one has a house immediately beyond, it's the only one on the block, with that case. Other houses, parties will be inside the house and in the backyard. Code Enforcement Officer walks up he stands there, gets a good long reading, gets the noise from the backyard. In this case its overflow into the front yard, the kids are exiting and entering. They can see the Code Enforcement Officer. They'll hush or those that are on the front porch controlling the party they'll shush people to the side. Year after year after year I've dealt with this and finally I said look, I'd like a systemic change in the property. Right next door is another rental and they only had problems one (1) out of the last ten (10) years so, you know, when you're having problems with the same property year after year after year you want to affect change.*

Chairman Stillwell asked if there is a pattern for the events. Mr. Crockett responded that there isn't. He added that the April 16, 2015 event had over seventy-five (75) people flow out of the house.

Mr. Crockett continued his testimony:

I went out for a walk around midnight just to get away from the noise. When I came back at 12:30 a.m. there were four (4) police cars. A young man was on the ground in front of the house. The house was silent. It was blacked out. No movement, no noise, nothing. So I'm not sure what the altercation was that caused the police to come. It did end the party. By 12:30 the house was silent. Between 12:05 a.m. and 12:30 a.m. this incident happened and the party shut down. Again, I'm not privy to; I didn't bother the police. But it's the same pattern with all these parties. This house doesn't throw day time events. Its nocturnal events. They are well organized, they control the flow of traffic. The noise is the loudest when the door opens then you can really hear the music. You get loud talking in the front yard but again it's the transients, the people who are urinating, the people who are smoking but for the most part its loitering, exiting and entering. It's harder for the Code Enforcement to get readings on that.

Chairman Stillwell asked if Mr. Crockett has spoken with the tenants. Mr. Crockett responded that every year he speaks with neighboring rentals once with one warning. *At the end of August they had a much smaller event. They were making a little too much noise on the front porch, just a handful of people on the front porch about 2 in the morning. I went outside, asked them to be quiet and said "look folks, I don't give more than one warning, and I don't." So, that's it. I didn't give them another warning after that. That was the end of August. I'm guessing they were moving in. I don't know. I talked to Mr. Brown at the beginning of September and said "this time I'm actually going to document and call for a hearing and with some luck we can actually engage the landlord. Last time I asked for a hearing thirteen (13) years ago we got the landlords attention with another house on Girard and we have not had significant problems with that house in thirteen (13) years. Different landlord, different house.*

Ms. Bellamy asked if the tenants have apologized to Mr. Crockett. He stated they have not.

Mr. Shroder asked if Mr. Crockett knows the landlord. He stated he met the Property Manager a few years ago but has not met the landlord. He called the manager previously for another event last year but didn't this year because he felt nothing worked. Mr. Crockett has not spoken to the tenants either.

Mr. Brown's Testimony:

I'm here because Ben asked me to join him and because of the ongoing noise problem we experience on that street. Not just with this particular address that we are addressing tonight but with several addresses on that street. It just helps to get this documented. It's a learning experience for me too to see what it takes to put some teeth into our complaints.

Chairman Stillwell asked Mr. Brown to speak more about the incident of September 24, 2015. Mr. Brown stated he usually can sleep through these parties but his wife most likely heard it. She doesn't like to be out late so he came in her place. Mr. Brown has to

be away by 4:30 a.m. to be at the University so he will miss some loud parties unless his wife wakes because she is bothered by the parties. Mr. Brown did not write the dates or remember which party is with each house.

Mr. Brown continued with his testimony:

There's always parties going on in the street. That house is one of the big party houses. There is a couple others that are big offenders. So we just try to deal with it. We call Noise Enforcement and hope the Code Officer is able to take care of the problem. We call the police, things will quiet down pretty quick. It's a learning experience in dealing with the Board and knowing what has to be done to put some teeth into our complaint. So people will actually listen. I don't like to refer to the neighbors as being kids even though this may be the first time they are out of their house and trying to figure out how to act. I try to be a good neighbor. It's a group mentality that happens. They want to party, they don't have a whole lot of responsibilities outside of hitting the books from time to time or showing up for class.

When I moved into Girard Avenue it was mostly homeowners not students. It was through the University/City Partnership that I was encouraged to take that spot since I work at the university. The city was pushing to have more homeowners and owner occupants in the neighborhood to help quell these sorts of parties. It didn't work out so well. There's another house that was a University/City Partnership that was supposed to be owner occupant for fifteen (15) years. You know that house, I never filed a formal complaint, but that house's new owner let his daughter move in and six (6) unrelated people. Technically there was something not quite right with that. But it just encouraged more students to come visit more students who lived there. Also creating parking problems, creating litter problems. Somebody said the Red Plastic Cup is the City flower. You know it's kinda true in that neighborhood. Garbage can sit on that street on the curb for days or weeks at a time.

Mr. Shroder asked Mr. Ryan if there is any record from Code Enforcement or Contract Police. Mr. Ryan reported there are no records from this particular date.

Mr. Shroder then asked who the landlords are. Mr. Ryan stated Dory Matthew and John Satler doing business as Cheyenne Place Realty LLC

Respondents approached the table.

Robert Davis' Testimony:

I am the property owner of GreenCoast Services the property management company. Your Code Enforcement Officers have my phone number on speed dial. Officer Cofske, Daves- they have me. We have a 24 hour response team. All of my vehicles have lights on them that flash. When a neighbor calls I'm there in 15 minutes. Or somebody on my staff is there within 15 minutes. 24 hours a day. 7 days a week. This particular party, GreenCoast Services knows nothing about. These boys were not issued a noise complaint from the City of College Park so we have no knowledge of this event. What I do know....

Mr. Ryan reaffirmed that there were no complaints filed through the Code Enforcement until they received the letters.

Mr. Davis resumed his testimony:

In the twelve (12) houses we manage in College Park we sit down with all of the tenants and we go through their lease. There is a nuisance clause in their lease. It basically says if these gentlemen get a notice from the City that they get a \$500.00 fine from GreenCoast Services. Every house that we have gets that. Their parents get it. These young men's parents were notified of this event also but I had no teeth. I had nothing to show them. No police report, no noise violation, no nothing. This house has met every trash pickup. We have no official report.

Forrest Hane's Testimony:

On the night of the 24th we had a small party as the complainants said no one was in the backyard to give us a violation because we keep everyone inside. We have a protocol of people coming in and out of the house. We keep the noise down as low as possible. 55 decibels I believe is the limit at night Sir?

Chairman Stillwell said yes or two (2) letters of complaint.

Mr. Hane continued:

We keep it down below 55 all the time, we make sure no noise gets out when the door opens as much as possible. I haven't interacted with a police officer or Code Enforcement Officer since I moved in at the beginning of this lease term in August. The first notification I got of this was a notification on my door.

Chairman Stillwell asked if Mr. Hane has spoken to Mr. Crockett or Mr. Brown. Mr. Hane responded that he had not.

Chairman Stillwell asked Mr. Hane to speak on the line of guests waiting to get in and letting groups of five (5) or six (6) in at a time. Mr. Hane stated if there were too many people in the party they would not let any more inside. Chairman Stillwell asked how many people were at the party. Mr. Hane said there were about thirty (30).

Ms. Ellis said she appreciated that they kept the party quiet on the inside but keeping people waiting outside made more noise and then with the cars coming and going. Mr. Hane stated they did not have a line at the door.

Justin Spencer's Testimony:

Yes, we have a protocol when the house gets too full but once we tell them to leave and they are in the street then we don't know what we are expected to do.

Chairman Stillwell stated that they are still accountable for those who did not go inside the house. Mr. Spencer questioned if they really are responsible for the people they don't know who is standing on their lawn. Ms. Bellamy suggested they should call the police if people hang around on the street.

Mr. Shroder asked if the tenants are contradicting what the complainants stated. The tenants stated yes.

Mr. Davis stated this group of young men have mastered not getting caught. He gave them credit because he did not see it. If Mr. Crockett had called Mr. Davis he would have been at the house.

Chairman Stillwell stated Mr. Crockett wrote a letter of complaint because he is frustrated with the noise. He understood that the tenants are young but they need to be sensitive of their neighbors.

Mr. Hane stated that he has not met Mr. Crockett and must have been someone else who was on the porch. Mr. Davis clarified for Mr. Hane that it was a tenant from the previous group.

Chairman Stillwell asked the tenants to be more aware and respectful of their neighbors.

Mr. Spencer apologized to Mr. Crockett and Mr. Brown. Mr. Davis also requested that the complainants call him if they need too. He stated he would give his business card to Mr. Brown.

Mr. Ryan stated the Noise Code can be violated in two (2) ways. 1. Is a measurement that exceeds the decibel threshold by a Code Enforcement Officer. 2. Upon receiving two (2) letters from residents and then finding by the Board.

Complaints returned to the table.

Mr. Crockett's testimony:

I want to reiterate my primary purpose which is to start the process of documentation. Because the pattern of noise at this residence goes far beyond this year. Somehow, one way or another, I want to be able to register a wakeup call with the landlords, the decision makers, the property owners the people who have the most at stake.

Chairman Stillwell suggested that Mr. Crockett use the resources the City has which are the Code Enforcement Officers. They know how to handle these situations. Mr. Crockett agreed and said that he will call Code Enforcement every time there is noise at the property. Chairman Stillwell hoped that the tenants have learned that they need to keep the noise down.

Mr. Shroder returned to the issue of guests lining up in front of the door on the property. Mr. Crockett stipulated that at 11:25 p.m. there were approximately twenty (20) students talking loudly. They will let in a sub group of five (5) or six (6) but others will smoke, urinating, arriving or exiting. Some will stand and talk. They've been drinking so they will yell at each other

Mr. Wenzel asked about what brought four (4) police cars to the property at 12:30 a.m. Friday morning and detained an individual. Mr. Crockett is still unsure as to what prompted the police but the party had ended.

Mr. Brown stated he had nothing else to add but knows the Board understands and the neighbors understand.

Mr. Ryan reported the history of the property:
Dory Matthew and Jonathan Sattler doing business as Cheyenne Place Realty LLC purchased the property on January 8, 2008

There have been 41 noise complaints since January 8, 2008
Of the 41 complaints three (3) have been issued a Municipal Infraction
October 30, 2010
September 7, 2012
April 16, 2013

Other parties were discovered and dispersed. Of the 41 responses there was not a measured violation.

Respondants returned to the table

Mr. Ryan stated that they can send a letter to the University of Maryland to see if any tenants of the house are members of a fraternity or other organization and then Public Services will make a referral to the Office of Student Conduct. Some organizations take action to their national corporation. Mr. Shroder asked the tenants if they are members of a fraternity. Mr. Hane stated he is. Mr. Shroder asked which fraternity. Mr. Hane stated he is a member of the Lambda Chi Alpha Fraternity.

Gerald Hayward's Testimony:

I would like to apologize for any nuisance that we caused on the neighbors. That we go by the 55 decibel standard and we make sure that we are below that with every event that we have. We've been given no indication prior to this that we've had prior violations. We haven't spoken with the neighbors. They've never come to talk to us specifically and no Code Enforcement Officer or Police Officer has spoken with us. I cannot speak about the police officers that were in front of the house that day. That was not related to our event and that is why we never received anything from the police. We do our best to keep the sound down. They call us in at 40 decibels we're doing our best to keep it down and be in control. I don't know what we can do about that because, like you said, the standard is two (2) complaints. I'm pretty sure most the times we are below 55 and we are doing the best we can.

Mr. Wenzel asked Mr. Hayward how he knows they are below 55 decibels. Mr. Hayward stated there is someone who uses his phone app that measures the sound decibel. Mr. Wenzel stated that he is concerned because they are members of a fraternity, organized and have a decibel reader.

Mr. Davis stated he will work with the homeowners to ensure they live in a quiet neighborhood.

Mr. Hane stated they are trying to play by the rules and are trying to be proactive. They don't want to bother anyone.

Mr. Davis stated the tenants are educated from the hearing this evening and will play by the rules from now on.

Mr. Shroder asked when the last Municipal Infraction occurred. Mr. Ryan stated it was Thursday, April 16, 2015.

The Board recessed at 9:29 p.m.

The Board returned at 9:33 p.m.

Chairman Stillwell reconvened the hearing.

Chairman Stillwell stated the Board did not ~~fine~~ FIND a violation. Mr. Brown did not provide enough information as to what occurred at these parties and the Board only has one complaint. Under the ordinance the Board cannot find a violation. The tenants are bothering Mr. Crockett but they need to be respectful of the neighbors especially during the week. Speaking to Mr. Crockett, Chairman Stillwell explained that at least two (2) people who can testify about the event need to be present for a hearing. Code Enforcement, the police and Mr. Davis are willing to work with the residents. Speaking to the tenants, Chairman Stillwell reiterated that there needs to be peace in the neighborhood and he would not like to see them back at a hearing.

Ms. Ellis stated that the tenants are responsible for the people on their front lawn and they have to control their crowd.

Ms. Bellamy motioned that there was no violation. Ms. Pinkett-Solomon seconded the motion.

All were in favor. **The motion passed 6-0-0**

VI. Confirmation Next Meeting Date:

a. October 21

Wednesday, October 21, 2015

Mr. Wenzel and Ms. Ellis are unable to attend on the 21st.

The Board will see if Mr. Pitt can attend the hearing; if not, then October 29, 2015 is the next option.

VII. Other Business

There is no other business

VIII. Adjournment

Ms. Bellamy motioned to adjourn. Ms. Ellis seconded the motion.

All were in favor. **The motion passed 6-0-0**

The meeting adjourned at 9:39 p.m.

Meeting minutes prepared by Julie Beavers, Contract Secretary