

**Approved Minutes
Noise Control Board Meeting
Wednesday, October 21, 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> </u>	<u> X </u>
Bobbie Pinkett-Solomon	<u> X </u>	<u> </u>
Harry Pitt	<u> X </u>	<u> </u>
Mark Shroder	<u> X </u>	<u> </u>
Alan Stillwell	<u> X </u>	<u> </u>
Larry Wenzel	<u> </u>	<u> X </u>

Also Present:

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

I. Call to Order

The meeting was called to order at 6:59 p.m.

II. Approval of Agenda

Approval of the Minutes will be postponed until the next meeting

Mr. Shroder added an item for New Business under Other Business

Ms. Bellamy motioned to approve the agenda as amended. Mr. Shroder seconded the motion.

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

III. Approval of Minutes – 10/15/2015 Hearing

Review and approval were postponed until the next meeting of the Board.

IV. Hearing #1 – 7304 Princeton Avenue

- a. Property Owner: Dessire and Ibrahim Oladotun
- Agent: Ibrahim Oladotun
- Complainants: Dennis Herschbach
Larry Swartzlander

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

Mr. Pitt read the letter of complaint dated September 8, 2015. The correspondence described the loud party at 7304 Princeton Avenue on Saturday, September 5, 2015 into Sunday, September 6, 2015.

Mr. Ryan reported the history of the property:

Current owner Ibrahim Oladotun purchased the house on January 20, 2005
Since then there have been thirty-one (31) noise complaints to the City; of those thirty-one (31) complaints six (6) tenants were issued Municipal Infractions Citations
October 24, 2011 there was a \$500.00 fine
March 14, 2012 there was a \$1,000.00 fine
The Code Enforcement officers issued three (3) Municipal Infractions
November 24, 2013 with a \$500.00 fine
February 24, 2014 with a \$500.00 fine
April 11, 2014 with a \$1,000.00 fine

Mr. Ryan reported that, this address is on the top ten (10) lists of houses with repeat disorderly complaints based on information collected by City Code Enforcement, County Police, University of Maryland Police and compiled by a group called Combined Multi Agency Service Team (CMAST) which meets once a month.

The University of Maryland has informed Public Services Department staff that the tenants in the past were members of Phi Kappa Alpha Fraternity.

Mr. Ryan also reported that Mr. Oladotun had hired a security agency to reply to complaints and provided staff with the number for this agency.

Mr. Pitt asked how many properties Mr. Oladotun owns in the City of College Park. Mr. Ryan stated he didn't have the exact number but there are several in the Old Town community. *(Note: The property owner currently owns seven rental properties.)* Mr. Pitt asked if the responsibility of the security agency is to be on standby or do they drive by the properties. Mr. Ryan was not aware.

The Code Enforcement Officer was not called for this party but there were two (2) subsequent complaints when they were called on September 12, 2015 for complaint of a loud party at 8:10 a.m. – a Municipal Infraction was not issued; and September 15, 2015 for a complaint of a loud party at 11:38 a.m. - A Municipal Infraction was not issued for this event either.

Chairman Stillwell described the hearing process.

The complainants approached the table.

Dennis Herschbach's Testimony:

Some of the background was filled in because this has been a long standing problem with this house. And the crux of the issue is it's rented mainly to fraternities as a party house. Because

the boys from the fraternities insist they have a right [to have the parties] there because they can't have them on campus. It comes down to where if they were on campus they're in big trouble with the judicial system and the police so they are willing to have them here. That's the crux of the issue.

Chairman Stillwell asked if the tenants told Dr. Herschbach this. Dr. Herschbach stated in their discussion this was brought up.

Dr. Herschbach's continued testimony:

In this particular incident we talked to them and the first thing they said was that the noise is from the street. Well, that's not true. We watched carefully where it comes from. And they contribute to the street noise. The second is they are not having loud music playing. So they don't have a violation. Well that's not true either. But they are keeping us awake because they are going in and out all night long with these times. Sometimes we are awake three (3) times a week and the other incidental people going up and down the street. This particular incident was the 6th and the 7th and their excuse for having it- well they know it's a violation. But it was an opportunity for them to sleep the next day because it was a holiday. That's the reason they had it. They don't consider us because, for instance, my daughter from Raleigh [North Carolina] was visiting with her two (2) children and they had to leave the next day and they were up all night long and we were too. So there is a real issue here. We've talked to them and then the following weekend they started at 6:00 [a.m.] to 8:00 [a.m.] in the morning until the police went out. Well you say, it was in the morning but we were up Friday night.

Chairman Stilwell clarified that the second party was the following weekend. Mr. Herschbach stated it was and there was another party on September 14th. The parties have calmed down due to the actions he and Mr. Swartzlander have taken. Those actions included letters to President Loh and those in charge of the fraternities, having a councilmember meet with University of Maryland staff and meetings with Public Services staff.

Mr. Pitt asked how long Mr. Herschbach has lived at his property. Mr. Herschbach stated he has lived at his residency for thirty-five (35) years. He added that he has had the worst experience with this landlord.

Mr. Shroder clarified that the noise lasted from 11:00 p.m. until 3:00 a.m. The noise was generated from people in the streets, yelling, cursing, kicking things, etc.

Ms. Pinkett-Solomon asked if Mr. Herschbach had called the police. He responded that he tried but it must have been busy because he couldn't get through.

Mr. Pitt asked how many people were at the party. Mr. Herschbach said there must have been between 50 and 60 people.

Mr. Pitt asked if he has spoken with the residents. Mr. Herschbach said yes but the tenants said they have a right to have a party. But they can't control the people coming in and out of the party.

Larry Swartzlander's Testimony:

I'm right next door and in addition to the people coming and going there is a half acre lot so there is a nice big backyard. So the side entrance faces my home right off the driveway. Everything that's happening whether they are at the side of the house congregating or even so in the backyard it comes right up and keeps us up. And as Dr. Herschbach said if you have alcohol mixing in with those numbers of people there isn't any way to control that. There's yelling, loud behavior for incoming and there's same thing for outgoing. It's a constant pattern in and out. It just keeps going and going and going. You can't get any rest or sleep.

Mr. Shroder asked Dr. Herschbach if he was present during the Knock and Talk. Dr. Herschbach stated he was not but Dr. Swartzlander was.

Chairman Stillwell asked if anyone apologized. Dr. Herschbach stated they did but they added they have a right to have a party.

Mr. Ryan suggested the Board ask the respondents which tenants were present at the Knock and Talk. For the Boards information Code Enforcement, Campus Police, Prince George's County Police, a representative of the Office of Student Conduct, a representative from the Prince George's Property Owners Association Landlord Group will go door to door to houses with a history of complaints to provide info on the Code of Student Conduct and City Code.

Dr. Swartzlander stated he had a discussion on July 3rd with the tenants because they were going to have a party on July 4th and wanted to review the Code.

Mr. Pitt asked if he has had the conversation with different tenants or if they are always the same individuals. Dr. Swartzlander stated he has spoken with Elyas, Kevin, Steven, John and Evan.

Respondents approached the table:

Daniel Clarke's Testimony:

I would like to once again express my apologies to our neighbors. I understand what is expected of us and since the last incident, the one they referenced on September 15th I believe they say we keep going back and repeating the actions but since then, the following day, I have receipts right here if you would like to see them of Edible Arrangements we sent over there with a note expressing our sincere apologies to them since then there has not been a single issue.

Chairman Stillwell clarified that this is since the 16th. Mr. Clarke stated yes. He added: *In return we received this thank you note from Mr. Herschbach.*

Elyas Yousufzai's Testimony:

I lived in [this?] house over the summer, I was taking a class. I first spoke with Larry, Mr. Swartzlander, when I first moved in and he expressed to me that they have had a problem for the past eight (8) years at that house and the residence of that house, Phi Kappa Alpha who are not an officially school recognized fraternity. I think they were kicked off in 2012- 2013. They are very different from us and we understand that they have had many problems with them. We want to reiterate that we will not be like them and we will be nice and respectful but because they have had so many issues in the past they looked at us through skewed lines. Like we said, we have never broken the Noise Ordinance; we've always kept the noise down. We've

never gone above the 55 decibels. Officers will roll by and they will check the decibel level, make sure it isn't above the 55 level and let us know if it is. The issue they have with us is the people in the street, the noise coming from the street. That is something that when we do have gatherings we do a really good job of policing. We force people off the lawn; we make sure people don't touch any of their lawns. I have gone over early on a Saturday or Sunday morning to remove trash myself [and] that people that aren't at our house leave. There is a street next to our house, Hartwick, there are many other fraternity houses on that street and people will pass by on Princeton Avenue to go there. On the other street is Sorority Row.

Chairman Stillwell reminded Mr. Yousufzai that Dr. Swartzlander lives right next door and knows when the tenants are having a party. He also stated that they have to be respectful of their neighbors who have to get up in the morning. Mr. Yousufzai stated they have put a self imposed social moratorium for the remaining of the semester and then a revisit for the next year. They would like to work with their neighbors.

Mr. Pitt asked if they are a satellite fraternity house. Mr. Clarke stated it is. Mr. Pitt asked if their landlord reviewed the City Code with them. Mr. Clarke stated they did review the lease on June 5th.

Mr. Yousufzai was present for the Knock and Talk in early September.

Mr. Clarke stated he would like to disagree with the complainants that the party went until 3:00 a.m. and that their parties end before 1:30-2:00.

Mr. Yousufzai added they make sure they try to keep the decibel level down but people, usually freshman continue to roam the streets looking for parties.

Mr. Shroder stated that the 55 decibel level is like two (2) people talking and that two (2) letters of complaint are the second form are a violation of the Noise Ordinance. Mr. Clarke stated they did not know about the letters of complaint being part of the Noise Ordinance. Mr. Clarke stated that Mr. Yousufzai gave Dr. Swartzlander his cell phone number and if there are any concerns to call but Dr. Swartzlander never called.

Ms. Bellamy asked how the tenants measure the decibel level. Mr. Clarke stated they do not but they always think the level is fine since police officers and Code Enforcement always drive by and never say anything.

Chairman Stillwell asked if they have met with Mr. Oladotun after the event. Mr. Clarke stated their landlord did meet with them and made it clear what was on the line talking about eviction and moving forward with processes like that if issues continue. Chairman Stillwell asked if they had discussed the Noise Ordinance prior to the event. They did discuss the prior history of the house and the Noise Ordinance.

Chairman Stillwell asked if only fraternity members are present at the parties or if strangers also come to the parties. Mr. Clarke said over 90 percent of the time it is just members of the chapter but during events like Rush they have other people there.

Ibrahim Oladotun's Testimony:

I know for me as a landlord it is important for me that my house does not become a problem house. I have a group there that turned out to be a very bad group. To the point that I don't want to go through with that again. At least get somebody....

Chairman Stillwell asked Mr. Oladotun what steps he is taking to control the issues.

Mr. Oladotun stated he has hired a Security agency to drive around his properties to make sure they are staying quite. Chairman Stillwell asked if the agency missed this party. Mr. Oladotun said they did not start the first week of September.

Mr. Clarke stated the agency came by and gave card but he hasn't seen them since that time.

Mr. Pitt asked how long the security detail is hired for. Mr. Oladotun stated they are hired for two (2) months- September and October. They have been very productive with other properties but needs to work with more of the problem houses.

Mr. Pitt asked if the Noise Ordinance is broken will the tenants be evicted. Mr. Oladotun stated it is in the lease and they can be evicted.

Chairman Stillwell asked the tenants to clarify what Dr. Herschbach said when they (the tenants) said they have a right to have a party. Mr. Yousufzai said they understand the complainants have lived in the neighborhood for many years and they do not have a right to have a party since they are only passing through.

Mr. Pitt asked what their fraternity will do for get togethers. Mr. Clarke said they will not have anything at their house. Chairman Stillwell suggested they rent a room at a hotel so they can have a party just not residential.

Complainants returned to the table:

Dr. Herschbach's Testimony:

I just want to clarify the sequence of events because that is important. The night of the 6th and 7th right before Labor Day. I went over there the next morning around 10-10:30 and I could only wake one person up, the rest were sleeping and I let him know what the situation was and it wasn't appreciated and we went over the regulations and so forth. But that Saturday then they wake us up before 6:00 in the morning drinking beer before the game. And I mentioned we had a hard time sleeping Friday night because we got people yelling all over the place. They know already that they disrupted us once and they know the rules. All I can determine is they are trying to get away with as much as they can.

Chairman Stillwell clarified once more that subsequent to the first event on the 6th and 7th they had calmed down. Dr. Herschbach reiterated they had parties on the 6th and 7th, 12th and 14th. It's calmed down because of all the work they have done to discuss with local officials. Dr. Swartzlander also wrote a letter to the Office of Student Code of Conduct that has helped calm the parties down.

Mr. Pitt has asked if there are they having any organized activity? Dr. Herschbach said it has calmed down except for occasionally someone will exit the house, car doors slamming and they are friends to the house across the street.

Ms. Pinkett-Solomon asked if they have spoken with Oladotun. Dr. Swartzlander said he had tried to contact the security company with no luck.

Respondents returned to the table:

Mr. Clarke reiterated how apologetic they are for disturbing the peace.

Chairman Stillwell asked if the tenants have had contact with the university. Mr. Clarke said they have.

Mr. Yousufzai stated that the residents feel that since they have gone to the university to help resolve this issue this have been quiet. But the tenants had sent the Edible Arrangements before the letters were sent. Their quiet was not a direct result.

Mr. Clarke stated nothing will happen again. Chairman Stillwell said the car doors are inconsistent and disturbs sleep while music can be a constant noise. Mr. Yousufzai explained that most of the car doors slamming have to do with the tenants rearranging their vehicles so that one can get out first to go to work. They will make an effort to do that earlier in the evening.

Mr. Oladotun stated he will need to reevaluate his security detail to arrive earlier.

Ms. Pinkett-Solomon asked if there is a written contract. Mr. Oladotun stated there is and they will need to be more proactive.

Ms. Pinkett- Solomon asked if Mr. Oladotun has reached out to the neighbors. Mr. Oladotun stated he has.

So you understand there is a problem. Chairman Stillwell stated this house has to be higher on Mr. Oladotun's radar. He agreed and will have the security go by this house more often.

The Board recessed at 7:57 p.m.

The Board returned at 8:05 p.m.

Chairman Stillwell reconvened the hearing.

Chairman Stillwell stated the Board found there had been a violation of the Noise Ordinance by the tenants and landlord.

Concerning the tenants:

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

Mr. Shroder motioned that there has not been a past record of violation. Ms.

Bellamy seconded the motion.

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

Reduce the fine \$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;

Ms. Bellamy motioned that such actions have been taken. Mr. Shroder seconded the motion.

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

Reduce the fine \$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 motioned that the tenants demurer expressed remorse. Ms. Bellamy seconded the motion.

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

Reduce the fine \$125.00

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

Mr. Shroder motioned the violation was egregious. Ms. Bellamy seconded the motion.

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

Will not reduce the fine

The fine to the tenants is: \$125.00

Concerning the landlord:

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

Mr. Shroder motioned there has been a past record of a violation. Ms. Bellamy seconded the motion.

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

The fine is not 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;

Ms. Bellamy motioned such actions have been taken. Mr. Shroder seconded the motion.

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

Reduce the fine \$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 motioned the owner has expressed remorse. Ms. Bellamy seconded the motion.

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

Reduce the fine \$125.00

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

Mr. Shroder motioned that the owner's action was not egregious. Ms. Bellamy seconded the motion.

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

Reduce the fine \$125.00

The fine for the landlord is \$125.00

Chairman Stillwell cautioned if there is a second violation \$1,000.00 fine for both tenant and landlord within the next six months.

Mr. Ryan stated that the \$125.00 fine would be divided evenly between on separate Municipal Infraction Citations to each tenant

Hearing concluded at 8:10 p.m.

**Approved Minutes
Noise Control Board Meeting
Wednesday, October 21, 2015
Council Chambers
8:10 p.m.**

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

Also Present:

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

The hearing was called to order at 8:11 p.m.

V. Hearing #2 – 7525 Rhode Island Avenue

- | | |
|--------------------|--------------------------------|
| a. Property Owner: | Salma & Syed Ahmad |
| Property Manager: | Robert Davis |
| Complainants: | Benjamin Crockett, Kevin Brown |

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

Mr. Shroder read the letter of complaint dated October 4, 2015. The correspondence described loud music and noise at 7525 Rhode Island Avenue on fifteen separate occasions between late August and early October, 2015. The dates are: August 26th, August 28th; August 29th, September 3rd, September 5th, September 6th, September 7th, September 10th, September 12th, September 14th, September 17th, September 19th, Oct. 1st, October 2nd, October 3rd. Mr. Crockett mentioned there was a typo for Girard. It meant to say Rhode Island Avenue.

Mr. Ryan reported the history of the property:

The Ahmads have owned the property since June 3, 1983

History of noise Complaints:

There have been thirteen (13) noise complaints as of September 17th, 2001.

One Municipal Infraction Citation was issued September 8, 2013 for a loud party.

Tuesday, September 8, 2015 there was a complaint of loud music but there was no Code Officer on duty.

October 3, 2015 there was a loud party at 12:30 p.m. Code Enforcement Officer and Contract Police reported to the house. The report states that they arrived to find a large gathering shutting down at 7523 and 7525 Rhode Island Avenue. They spoke with the tenants at both residencies and explained the Noise Ordinance. No other complaints were received and warning letters were sent.

Chairman Stillwell stated they will focus only on October 3, 2015

The complainants approached the table:

Benjamin Crockett's Testimony:

Chairman Stillwell asked where Mr. Crockett's home is in relation to 7525 Rhode Island Avenue. Mr. Crockett said it is diagonal to 7525 Rhode Island Avenue.

For October 3rd two events that we listed. One during the day and one in the evening. The event during the day was spread out over the backyards of two (2) houses 7525 and 7523 Rhode Island. Big party. I called code enforcement and so the party fizzled out shortly after I called them a little after noon. So much loud music, loud talking. The evening party, not as loud, not as many kids. Bass and music but also some loud talking.

Mr. Shroder asked what the origin of the music was. Mr. Crockett believes it is the backyard but didn't want to falsely accuse so he will go around to the front of their house. There is bamboo that blocks the view. There is a stereo in the backyard or the door is open but he could hear the music in every room of his house. Since the violation has been sent the noise has gone down.

Mr. Pitt asked if they have spoken to the tenants. Mr. Crockett stated Mr. Brown's wife has spoken with them. She believes it went in one ear and out the other. He didn't bother to talk to them since Mrs. Brown did not have any luck.

Kevin Brown:

By and large we have witnessed the same exact thing. Ben's closer in proximity to 7525 then we are. However, we're almost a half block away from that house on another street and our windows will rattle sometimes from the bass. The loud talking we can hear, the noise from the people just at the party and the music being so loud you know it just seems like it's out of control. That's really a place for that here.

Chairman Stillwell asked Mr. Brown if he has spoken to the residence. He stated his wife did. *She will talk to people and try to get them to listen. We've talked to lots of different houses at party time and before party time to get them to understand that there are other people that have a life besides you. It isn't just the party town and party street. Some people seem like they are sincere in hearing us. But an hour later or less it's back to the same old same old. On that particular day no luck, no success.* Chairman Stillwell clarified that they partied later or what was the exchange. Mr. Brown said they are back to having a party.

Mr. Pitt asked if they have spoken with the landlord. Mr. Brown said no. Mr. Crockett said he just learned who the landlords are this evening. He added that this has been the worst party house this academic year. Mr. Brown said it was bad last year as well.

Mr. Shroder asked if either Mr. Crockett or Mr. Brown had met Mr. Davis prior to the last hearing or did they know he managed the property. They said they hadn't.

Mr. Ryan stated October 3rd was The University of Maryland Vs. Michigan home football game which was allegedly going to be a rainy night so they moved the game to noon and cancelled the intra fraternity tailgate party.

Respondents approached the table:

Joseph Leuzzi's Testimony:

I think it's safe to say that I speak on behalf of the rest of my roommates we are extremely apologetic of the event that occurred that day. We were unaware that we were disrupting anyone's day or the rest of the neighborhood. We did not intend to disrupt or cause harm to the public and not only did we try to change our actions once we knew this hearing was going to occur but we will take this current hearing as a warning to ourselves to make sure there is no future problems such as this in the future.

Chairman Stillwell stated there are many incidents listed in the letter from Mr. Crockett and Mr. Brown. He asked if Mr. Davis reviewed the Noise Ordinance with the tenants and how did the event occur. Mr. Leuzzi said Mr. Davis did review the ordinance with them. The complaints were not addressed to them until they received their notice of the hearing. He stated Mrs. Davis spoke with a peer but not a tenant so they were unaware of any issues. Mr. Pitt asked if any of the tenants knew of the conversation.

Matthew Holberman's Testimony:

I was not informed immediately right after Mrs. Brown spoke to one of our peers. I'm not sure who it was exactly. Later on I realized that she spoke to one of them so we shut down. We didn't want to upset anymore of the neighbors. We brought it inside.

Chairman Stillwell asked when she spoke with the peer. Mr. Holberman said he is not sure but possibly in late August.

Mr. Shroder asked if this is a fraternity house. Mr. Holberman stated it is not.

Mr. Pitt asked to clarify what constitutes a peer. Mr. Holberman said it is a friend.

Mr. Shroder asked what generated the music and where was it placed. Mr. Leuzzi said it was a stereo at 7523 propped on the table by their back door. Mr. Holberman said they had their friends in their backyard but with no music.

Mr. Shroder asked if the stereo was at the other residence for the evening party. Mr. Leuzzi stated it was at 7525 in their kitchen which is in the back of the house. Mr. Holberman stated it was a Bluetooth portable speaker.

Mr. Davis' Testimony:

What I do know about these men is when GreenCoast Services received its notice about the October 3rd event they were fined by us \$500.00 on the notice not on the violation. It's written in their lease. Since then we have not had any problems from that. On the receipt of this complaint their parents were notified. All the parents have reached out to me and giving us strong support that we will not have any more incidents from these young men. We had two (2) mothers who said they would be down here on their brooms to handle it and that was quote unquote.

Chairman Stillwell stated the residents have to live their lives as well and regular people can't tolerate this.

Mr. Davis stated he needs to know about these incidents so they can be there to help solve the problems.

Mr. Shroder suggested Mr. Davis inform Mr. Crockett and Mr. Brown about any other properties located near their residences so they can contact him directly. Mr. Davis will give them that information.

Daniel Letterio's Testimony:

I just wanted to touch on the residents that live around us. We were not necessarily aware that there were non-students living around us. As he said one of our peers talked to them and we were informed but other residence lived in the area or directly across from us.

Chairman Stillwell said that some students they are also seeking a quiet neighborhood as well. Mr. Letterio agreed and Mr. Holberman said they are more precautious if it's an older gentleman. This will not happen in the future.

Complainants returned to the table:

Mr. Crockett's Testimony:

Reference to the daytime party on the 3rd of October; it was a big party. I took the trouble to walk around to the front of Rhode Island because again I didn't want _____; I could see all the students in the back of 7525, I didn't want to make a false accusation. I could see in between the houses and it was just a wall of people. So I called Code Enforcement I told them there was a big party in the back of both houses. From my perspective, you know, you're responsible for whoever is on your property. If there's overflow from another party and they're making sustained noise on your property you either call the police and get them off your property or you're responsible. In terms of the music I have a hard time believing some little machine could rattle our rattles and cause bass.

Chairman Stillwell clarified that Mr. Holberman did not say the speaker was little. Mr. Crockett corrected his statement. *This is substantial noise. I took the trouble to walk into every room of my house and I couldn't escape from it. I'm glad the noise has*

dropped off since we have filed for this hearing. My goal is that the drop off is sustained. It's that simple.

Mr. Pitt asked if Mr. Crockett ever called Noise Enforcement. Mr. Crockett said he has used Code Enforcement for 13 years and this is the first time he requested a hearing.

Mr. Brown's Testimony:

I really don't have much to add to that at all. You really don't understand our frustrations. We don't enjoy coming here and going through this again. We really don't want to have to do it again but I think we will probably become pretty familiar with one another.

Mr. Stillwell asked the tenants to spread the word to keep the noise level down.

Mr. Ryan stated that residents are encouraged to call the Code Hotline even if a code officer isn't physically on duty a contract police officer will be dispatched to the complaint. If there is a message the office staff will take care of informing the owner the next day. Mr. Crockett appreciated the information and will use the process.

The tenants stated this will not be a systemic problem and they would like to work with Mr. Crockett and Mr. Brown so that this will not happen again.

Mr. Davis stated that the tenants are not the only ones accountable for their actions. GreenCo Services is also accountable and that is why there is a \$500.00 fine.

Ms. Pinkett-Solomon commented that with the issues of social media and parents can help handle this situation. Mr. Holberman stated that their parents are very active. Ms. Pinkett-Solomon added that if there is someone who they do not know on their property could be dangerous for the tenants and if that were to happen they should call the police. Mr. Letterio said that did happen and they weren't sure what to do so this is helpful information.

The Board recessed at 8:58 p.m.

The Board returned at 9:04 p.m.

Chairman Stillwell reconvened the hearing.

Chairman Stillwell emphasized the landlords were not diligent with explaining the ordinance to the tenants and their lease. He reminded them to make sure they go over the City Ordinances with future tenants.

Mr. Shroder motioned that there was not a violation for the landlord or the Property Manager. Ms. Bellamy seconded the motion.

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

Chairman Stillwell stated the Board did find a violation for the tenants.

Concerning the tenants:

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

Mr. Shroder motioned to reduce the fine. Ms. Bellamy seconded the motion.

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

Reduce the fine \$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;

Ms. Bellamy motioned to reduce the fine. Mr. Shroder seconded the motion.

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

Reduce the fine \$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;

Ms. Bellamy motioned to reduce the fine. Mr. Shroder seconded the motion.

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

Reduce the fine \$125.00

(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. Mr. Shroder seconded the motion.

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

The fine was not reduced \$125.00

Mr. Ryan stated each tenant of record will receive a \$25.00 fine.

If there is a second hearing within a six (6) month time span there is an automatic \$1,000.00 fine.

The hearing ended at 9:09 p.m.

VI. New Business

Mr. Shroder brought up four (4) items for discussion:

1. **Mr. Wenzel's legislative proposal.** Mr. Shroder asked what the status of the proposal is and if there has been action by the Council.

Mr. Ryan stated he has scheduled with the City Clerk to have this on the Tuesday, January 5, 2016 Work session agenda. Mr. Ryan suggested the Board members should all try to attend the meeting.

2. **The \$500 and \$1,000 fines.** Can the City raise these levels? Mr. Ryan said the State law sets the limit at \$1,000.00 for Municipal Infractions. The first offense could be raised.

3. **The Board hears a lot about social media.** Can it be a violation of some law to invite people to a friend's party over social media? Could Mr. Ryan take that to the Code of Student Conduct or State's Attorney? Mr. Ryan will ask the City Attorney.

4. He was expecting this hearing to be a repeat of last week when Mr. Brown didn't testify. Is there a way to close those hearings if there is only one complainant? The suggestion would be to hear only the one complaint and then go to immediate recess. Could a Board member move to suspend the rules and go into early recess then have the Board go into closed deliberation and figure out what to do.

VII. Adjournment

Ms. Bellamy motioned to adjourn. Ms. Pinkett-Solomon seconded the motion.

All were in favor. **The motion passed 7-0-0**

The meeting adjourned at 9:14 p.m.

Meeting minutes prepared by Julie Beavers, Contract Secretary