

## MEMORANDUM

**To:** Mayor and Council

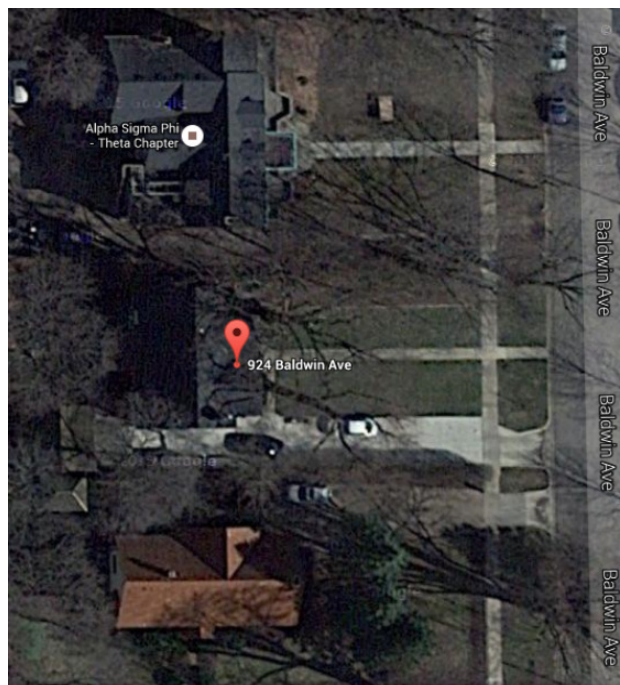
**From:** Stephen Postema, City Attorney  
Thomas L. Kent, Sr. Assistant City Attorney

**Date:** January 15, 2016

**Subject:** Report to Council on 920 Baldwin St.

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Pursuant to City Council Resolution passed in November, the City Attorney was requested to investigate and provide a report and recommendation concerning complaints made against 920 Baldwin St., which is the location of the University of Michigan chapter of Alpha Sigma Phi fraternity. The map to the right represents an overhead view of the property, as well as the adjacent property (924 Baldwin). The vast majority of complaints against 920 Baldwin have been initiated by neighbors most directly affected by the noise and behavior of the fraternity.



### Data on 920 Baldwin and Recommendations

In 2015, there were 53 calls for service for 920 Baldwin. 38 of the calls were for noise complaints.

The President of Alpha Sigma Phi has also been in direct contact with the City Attorney's Office. He expressed some recognition of the problem, and there does appear to be some contrition and willingness to correct behavior on his and the fraternity's part. He has also contacted the City to arrange for his fraternity to do community service work in Triangle Park. The difficulty with this situation lies in the fact that neighbors are in close proximity to a fraternity house in a residential setting, and the members of that house and their guests have demonstrated an excessive disregard of City regulations and the neighbor's quietude over the past couple years.

For this reason, in December, 2015, Mr. Kent requested that the 15<sup>th</sup> District Court Judges remove noise tickets from the first offender docket. In other words, those persons who receive a misdemeanor noise ticket will not be able to avail themselves automatically of the opportunity to plead to a reduced noise civil infraction ticket with a \$175 fine. Rather, Mr. Kent would review each case independently to determine whether to offer a reduced plea at all or enhance the fine for the civil infraction. Toward the end of 2015, many noise tickets issued to 920 Baldwin, as well as other problem campus houses, were resolved for \$300-\$500 per noise ticket, and in one case a student pled to a misdemeanor.

The City Attorney's office plans to continue to evaluate noise tickets case-by-case, taking into consideration the number of service calls to the property, repeat offenders, cooperation with law enforcement in breaking up large gatherings and other mitigating or aggravating circumstances that exist. This would mean, for the time being, leaving noise infractions off the first offender docket. Also, it is the City's intention, as another tool to deter this behavior, to authorize misdemeanor charges against owners of nuisance properties as appropriate. Hopefully, this measure will cause the property owners themselves to take a more active role in the management and care of their properties. Additionally, we will collect data from the AAPD and undertake periodic reviews of 920 Baldwin to determine if and when more aggressive legal action needs to be considered, such as the filing of a civil nuisance lawsuit against the property.

Last, for the past year Mr. Kent has sat on a UM Law Enforcement Collaborative Committee as a City representative. This committee meets once per month on campus and is charged with identifying efforts that can be taken in a cooperative effort between the UM and the City to address alcohol related incidents on campus. We will continue to maintain a presence on this committee and share information about problematic houses within and outside the Greek system at UM so that the University is aware of and can direct internal efforts to assist with these problems.