



MINUTES
Committee on Public Safety
Thursday, February 21, 2019 @ 3:30 p.m.
City Council Conference Room, 10th Floor

CALL TO ORDER

The meeting was called to order at 3:33 p.m.

ROLL CALL

Council Member Carol Wood, Chair
Council Member Patricia Spitzley, Vice Chair
Council Member Adam Hussain, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Scott Sanford, Code Enforcement
Elaine Womboldt
Joseph Abood, Chief Deputy City Attorney
Jim Smiertka, City Attorney
Heather Sumner, Assistant Deputy City Attorney
Mary Ellen Purificato
Chief Yankowski, LPD

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM FEBRUARY 7, 2019. MOTION CARRIED 3-0.

Public Comment

No public comment at this time.

DISCUSSION/ACTION

RESOLUTION – APPOINTMENT OF S. PURCHASE TO THE FIRE COMMISSION AS AT LARGE MEMBER

Mr. Purchase provided details to the Committee on his personal history with the Fire Department family and his interest to in this capacity and hopes is specific background and work experience will help the Commission.

Council Member Hussain inquired into what Mr. Purchase would be looking for with the new Fire Chief and priority goals. Mr. Purchased admitted it was a difficult question with competing priorities, and recent issues surfacing in the media recently. He continued that his first and foremost priority would be fire fighters are properly equipped and trained. As a commission that perspective means to listen to the fire service and the public and to help the staff receives the resources they need to complete their missions. The challenge with fire service of people

of color and women, the rate of minorities is telling, but to address that , is a hard question Mr. Purchased continued, and in hiring, there needs to be people of adequately trained and be able to do the job. There needs to be a question before the hiring, and encourage young people, and work with the schools to encourage young people on the noble career path.

Council Member Spitzley acknowledged all Mr. Purchases' statements and stated herself that there is no value in "diversity" just "for diversity", but they do need to be qualified. She supported the LPD and LFD in what she believes they are already doing to get their job done and making sure they are taking appropriate steps so their force represents the people they protect. She then asked Mr. Purchase his opinion on what he would do to address internal issues and work with the incoming Chief to address misperceptions. Mr. Purchase agreed with everything she stated and that there needs to be a lot of listening and a two-way street in the conversations, prioritizing the listening component. With a new Chief coming in, that will help set the stage, and with a period time with the recent Interim Chief created a separation from the former Chief allowing them to reset.

Council Member Wood asked how he intended to engage the community. Mr. Purchase acknowledged he intended to work in partnership with Council, go to their monthly meetings, in addition he sits on other local boards and will reach out during those meetings.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO APPOINT STEPHEN PURCHASE AS AN AT LARGE MEMBER TO THE FIRE COMMISSION. MOTION CARRIED 3-0.

Council Member Wood stated she would be encouraged to have a Fire Department representative at a future meeting to discuss trainings. Council Member Spitzley also asked for longevity and succession planning for upcoming retirements. Council Member Hussain encourage Mr. Purchase and Chief Yankowski to consider school based trainings.

RESOLUTION – SET SHOW CAUSE HEARING MAKE SAFE OR DEMOLISH FOR 3815 MARION

Mr. Sanford outlined the property, noting they were called by the Lansing Fire Department on January 1, 2019 at which point it was tagged then. The home has been occupied by the same family member since birth, so the department made multiple attempts to work with them and extend deadlines. Permits have been pulled but never had a final inspection and there was confirmed when it went to the Demolition Board. Mr. Sanford then informed the Committee of the specifics on the property such as the SEV came in at \$31,200 but the repair cost was determined to be \$88,000. The Demolition Board heard the case on December 6, 2018 and ruled a make safe or demolish in 60 days, and they are asking Council for the same action.

Council Member Hussain asked that Council Member Spitzley, when reporting out to Council make the public and Council aware that Code Enforcement has been working with the owners. Council Member Spitzley confirmed, and added it would also be stated this is for their safety and the public's safety.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE SHOW CAUSE HEARING FOR MARCH 11, 2019 FOR 3815 MARION. MOTION CARRIED 3-0.

RESOLUTION – SET SHOW CAUSE HEARING; MAKE SAFE OR DEMOLISH 4704 HUGHES

Mr. Sanford informed the Committee the property was tagged on March 27, 2018 with sever plumbing and electrical issues, and a basement full of water. In addition he noted the floor

was collapsing. The SEV on the property was determined to be \$36,100 and the cost of repairs came in at \$80,000. The Demolition Board ruled 60 days make safe or demolish and are asking the same action from Council. It was also noted no one was in attendance when the hearing was held.

Council Member Spitzley asked if there was anyone living on site, and Mr. Sanford confirmed it was vacant when they have been on site.

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE RESOLUTION TO SET THE SHOW CAUSE HEARING FOR MARCH 11, 2019 FOR 4704 HUGHES. MOTION CARRIED 3-0.

RESOLUTION – SET SHOW CAUSE HEARING MAKE SAFE OR DEMOLISH; 434 S Francis

Mr. Sanford informed the Committee that this item; a garage, was referred to his office by building safety, and after a site visit it was red tagged and went to the Demolition Board on October 25, 2018. Currently, he stated, they are only seeking to demolish the garage. The SEV on the garage came in at \$10,350 and the cost to repair is \$22,176. The Demolition Board voted 60 days make safe or demolish and are asking the same from the Council.

Council Member Spitzley asked Mr. Sanford why, since it was just a garage, there was an urgency or emergency for it to be demolished. Mr. Sanford stated it was an old concrete garage and the front is collapsing and the roof has collapsed.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE SHOW CAUSE HEARING FOR MARCH 11, 2019 FOR 434 S FRANCIS. MOTION CARRIED 3-0.

Council Member Wood asked Mr. Sanford for the list of officers in his office, that she requested in an earlier email. Mr. Sanford only provided a map from the website, and stated they are currently training another premise officer, and they hope to start testing the beginning of March. Council Member Wood asked if the same information was on the website as far as premise officers, correlating with the map. Mr. Sanford confirmed it is with Code.

Council Member Wood then asked Mr. Sanford if his office was actively writing tickets on trash and recycle bins left at the street. Mr. Sanford acknowledged that they are diligently working through the process and have had meetings with Public Service and Law and will meet again February 22, 2019. Mr. Smiertka was asked how many months the ordinance has been in effect, and he was aware and the group was meeting again tomorrow. Mr. Sanford confirmed the issue appears to be who they will write tickets to, what to do with the Granger bins and who to write tickets to if they are Granger bins. Council Member Spitzley inquired into why they couldn't enforce like they do all other Code Enforcement items.

Council Member Wood outlined the process when the ordinance was drafted and then adopted. The Committee voiced their frustration in the lack of enforcement since it was established at the time of adoption and they have been telling residents to file a violation and it would be enforced. The item will appear on the next meeting agenda for an update, with the expectation the enforcement will begin immediately.

UPDATE- 3801 Walton

Mr. Smiertka confirmed he has been speaking to Council Member Garza and the owner, Mr. Kruger. Mr. Kruger has been invited back into the office, and before the end of 2018 he submitted a plan to the OCA which reflected his progress on the site. The next meeting will include Mr. Kruger, Council Member Garza and the community policing officer. Council

Member Wood stated that in 2018 there was an understand the OCA was going to draft a letter with conditions and Mr. Kruger was going to agree to those by signing the letter. Mr. Smiertka confirmed that was not done because Mr. Kruger drafted a progress letter himself and covered all the topics they had discussed in earlier meetings with him.

Chief Yankowski provided a brief update on a recent search warrant that was served on a unit on February 14, 2019 during a drug raid. He also confirmed the new community policing officer has been working with the OCA to address the proposer as a "nuisance". Council Member Wood asked if the owner had been working with the community police officer on performing background checks. Chief Yankowski stated he would have to confirm. Council Member Spitzley stated her concern with using City resources to perform back ground checks for private owners, and would encourage due process. She then asked the OCA what the "finish line" was for this issue. Council Member Wood encouraged them to declare the property a nuisance property based on the criteria. Mr. Smiertka confirmed it could be declared a nuisance, and when meeting with the owner he is made aware the action on nuisance can be filled. It will be mentioned to him again at their next meeting. Council Member Spitzley again asked if the end result would be to declare it uninhabitable, but then that would mean they would have to vacate the residents. Council Member Hussain voiced his frustration of the ongoing issue with the property for two (2) years. Council Member Wood mentioned that in the past there have been situations where a judge has declared a landlord unfit to own the property in the City. She then asked Chief Yankowski to forward a letter from LPD to the OCA on the raid and asking it to be declared a nuisance. Chief Yankowski made the Committee aware that LPD advises on background checks, but the cost is on the owners. Chief – do not run background checks for them, advice them and the cost is on them.

Training of LPD on Leash Law and follow-up by OCA w/Animal Control Issues

Council Member Wood recapped the discussion and conference call with Ms. Helen Hansens about animal control, enforcement and the leash law. Chief Yankowski confirmed the officers are trained, have field training, and post academy training after so many months on the road. As part of the training they address how to deal with animal complaints and aggressive dogs. The Ingham County Animal Control does not have enough resources, and they have discussed a joint meeting to go through issues. The LPD have the discretion, and can verify if the individual who is responsible and in violation of City ordinances and provide warnings on the loose dogs. If it is during hours the Animal Control is not working, the LPD is trained to take the animal to the animal shelter. They will then write the report and send to Animal Control for when they are open, at which point the County takes the investigation from there. If there is a desire for Ingham County Animal Control to be responsible for services in the City 24/7 they will need to seek more staff to make adequate enforcement. Until that time, if they are not available, LPD will continue to follow their practices. Council Member Spitzley asked the Chairperson for the topic to be addressed at Intergovernmental Relations Committee where they can meet with the County on their practices.

Council Member Hussain then asked Chief Yankowski how many officers were on the street in preparation for the budget. Chief Yankowski state there were 87 Sector Officers, 10 Community Policing Officers, 5 in Violent Crime, 6 in Special Operations, and 3 School officers but those are placed on road patrol in the summer. Depending on the time of day and year it could be anywhere from 10-35 on the street at one given time. Currently they have front loaded 11 positions, and those graduate in May. Council Member Spitzley asked what he considered the ideal number of officers for a City the size of the City of Lansing residential areas. Chief Yankowski he would consider the average at 2.4 officers for every 1,000 residents. Currently the City of Lansing is at 1.7.

Ms. Womboldt spoke on the last meetings discussion with Ms. Hansens. She stated her opinion was there was a breakdown in communication with 911 Dispatch. Chief Yankowski stated he would research the incident. He added that he had proposed to 911 Dispatch that when they answer the lines after LPD officer hours they change their script to state they are 911 Dispatch, not the LPD itself.

Update on Odor Enforcement on Medical Marihuana

First Mr. Smiertka noted to the Committee that under the new recreational law, someone can grow 84 plants in their home; 72 from their medical license, and 12 for their recreation license.

Council Member Spitzley asked the discussion be held at the Committee of the Whole so all Council Members can be involved in the discussion.

Council Member Wood asked Mr. Smiertka to provide an update on enforcement of odor complaints. Mr. Smiertka admitted that with the new recreational there will be more odors, particularly when the weather gets warmer and users can be outside. There are also user protections under the new recreational law. The Marihuana Enforcement Team continues to meet, which consists of representatives from Police, Fire, Code, Building Safety and Law. The LFD is inspecting all business, and if they find it is an illegal use they bring in to all other departments. Currently the group is putting together a report on what they can and cannot do and that will be available in 30 days. Other than that they look at each item on a case by case basis for analysis. Mr. Abood added that the legislature put in protection for users and those will pre-empt local ordinances and a judge will honor those immunities. Mr. Sanford informed the Committee that at the groups meeting prior to this meeting they discussed issues with growing in vacant homes and how that effects codes and City ordinances.

Council Member Wood stated she had two issues; residential issues and commercial grow facilities. She then asked if a grow site in an industrial district that sits in a residential neighborhood could be required to put extra “scrubbers” on their air circulation vents to help with the smell, similar to what GM was asked to do years ago. Mr. Abood noted that if that was request now of GM, they too would have immunities from being required to do it, and with the immunities set forth in the marihuana legislations, they cannot be required. **Per Atty. Abood the point of the statement was that if GM had the same immunities as the medical marihuana uses have, they would still not have to address fumes.** The recreational law expanded immunities to users and commercial growers; anyone doing it legally.

Mr. Smiertka noted to the Committee that the Marihuana Team meets every 2 weeks and they will have an analysis in 30 days.

Ms. Womboldt filed a complaint on odors in the process and what she believes are “marihuana clubs”.

DISCUSSION – 2am – 5am Parking Enforcement w/Law

The Committee asked Law to draft an ordinance amendment to the recently passed parking enforcement done in 2018, to address criteria in residential portions of the City. Council Member Wood noted that her understanding when the ordinance was passed in 2018 was that it was specific to downtown, but it appears it is specific to the whole City and she wants that changed. Mr. Abood explained the ordinance in 2018 was written to allow the **Public Service Director parking manager per Atty. Abood** to determine the parking guidelines via a traffic control order per the request. Council Member Wood stated that is now what she wants in the ordinance and wants that portion amended. In the neighborhood meetings that were held in 2018 the residents who attended wanted thresholds for permit applications and restrictions. A standard criteria that has to be met to get a permit on residential streets.

Council Member Hussain asked Mr. Sanford if he had an updated on Stone Crest and Woodside. Mr. Sanford confirmed they are in court with Woodside and have a compliance deadline, understand they are trying to sell, but at this time there are no rental certificates. Regarding Stone Crest, rumors have mentioned a potential new owner, but that sale will be contingent on them getting rental certificates. Currently they are renting them out without certificates. Council Member Wood asked if an injunction has been filed, and Ms. Sumner said the court can set a specific order compliance.

Mr. Sanford noted there are 140 unites in Stone Crest and 280 at Woodside, and Council Member Wood asked for details on how many are occupied. He then continued with details on Stone Crest, stating they have until April 1, 2019 to have in compliance, and they are pulling permits. And red tag that was pulled off has be re-posted.

The Committee determined the next meeting date would be March 14, 2019 due to Council Chambers and Conference room reservation previously set.

ADJOURN

Adjourned at 5:40 p.m.

Submitted by Sherrie Boak,

Recording Secretary

Lansing City Council

Approved as amended: March 14, 2019