



MINUTES
Committee on Public Safety
Thursday, March 14, 2019 @ 3:30 p.m.
City Council Conference Room, 10th Floor

CALL TO ORDER

The meeting was called to order at 3:30 p.m.

ROLL CALL

Council Member Carol Wood, Chair

Council Member Patricia Spitzley, Vice Chair- arrived at 3:33 p.m. left at 4:35 p.m.

Council Member Adam Hussain, Member – left the meeting at 4:45 p.m.

OTHERS PRESENT

Sherrie Boak, Council Staff

Scott Sanford, Code Enforcement

David Wilkins

Elaine Womboldt

Mary Ellen Purificato

Joseph Abood, Chief Deputy City Attorney

Jim Smiertka, City Attorney

Fred McLaughlin

Andy Kilpatrick, Public Service Director

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM FEBRUARY 21, 2019. MOTION CARRIED 2-0.

Public Comment

No public comment at this time.

DISCUSSION/ACTION

ORDINANCE- ADOPTION OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE

Mr. Sanford confirmed there have been no changes since the last meeting or the public hearing.

MOTION BY HUSSAIN TO APPROVE THE ORDINANCE FOR THE ADOPTION OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE. MOTION CARRIED 3-0.

Chief Deputy City Attorney Abood requested that the comments in the approved minutes from February 21, 2019 be amended to reflect the intentions of his statements.

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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.

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.

MOTION BY COUNCIL MEMBER HUSSAIN TO RECONSIDER THE APPROVED MINUTES FROM FEBRUARY 21, 2019. MOTION CARRIED 3-0.

MOTINO BY COUNCIL MEMBER HUSSAIN TO APPROVE THE AMENDED MINUTES. MOTION CARRIED 3-0.

Council Member Wood asked that Law review the minutes as part of the packet prior to the meeting.

RESOLUTION – MAKE SAFE OR DEMOLISH FOR 3815 MARION

Council Member Wood acknowledged that the homeowners spouse was present, but that per a phone call to Council staff, the homeowner was not able to attend due to a medical emergency and the spouse did not have legal standing, and that was confirmed via Assessing information which noted the property was owned by Judy and Ruth.

Mr. Sanford went through the process done at his office which began when it was tagged 1/1/2018, and action was table for 2 months as they attempted to work with the owners before they went to the demolition board. When they did proceed to the demolition board, it was tabled another 60 days for the owners to pull electrical permits but as of the date of this meeting they have not had their electrical approved, and it was inspected 3/8/2019. Mr. Sanford proposes 60 days make safe or demolish. Council Member Spitzley asked if any permits had been pulled since the show cause hearing on March 11th, and Mr. Sanford stated nothing. The inspection on 3/8/2019 filed, and as of 1:30 the date of this meeting there has been no action, permits or contact from the owner.

Council Member Wood reiterated the criteria that is provided to all make safe or demolish cases; all permits must be pulled, they must be able to demonstrated the means to pay for the work and enter into an agreed upon timeline with Code Enforcement on when the work can be done. This information was relayed the night of the show cause hearing as well on March 11, 2019.

The owners spouse stated that his electrician informed him the work was completed on March 13, 2019. Mr. Sanford confirmed a re-inspection had not been called in as of this meeting. The representative went onto explain that the plumber agreed to complete the work, and the owners have 50% of the funds now and plan to go to the building department on 3/15/2019 to pull permit. He requested any action be delayed until the end of the month because most items will be complete by then.

Council Member Wood informed the owners spouse and representative that with a 60 day deadline, that time line will begin 60 days from Council action, which is March 25, 2019. Once the owners are complete, within that time frame, the owners need to work with Code and Building and they will come back before Council and ask that the make safe or demolish order

be lifted. She concluded that with review of the timeline, multiple extensions have been given, and the owners have had more than ample enough time to address the issues.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO MAKE SAFE OR DEMOLISH IN 60 DAYS FOR 3815 MARION STREET.

Council Member Wood informed the owner's spouse that Council will vote on March 25, 2019 on the action, and from that point they will have 60 days. If it is not done by 60 days the City will schedule it for demolition. Mr. Sanford added that this is the last hearing, there will be no more hearings, and if after 60 days it is not in compliance it will be demolished.

MOTION CARRIED 3-0.

Council Member Wood stated, that since the owner was not present, that a letter be sent to the owner of record informing them of the decision and comments that have been made to the public. The owner's spouse confirmed a letter can be sent to the property address at 3815 Marion, Lansing because they do get mail there.

RESOLUTION – MAKE SAFE OR DEMOLISH 4704 HUGHES

Mr. Sanford stated to the Committee the property had sever plumbing issues and the basement was flooded, so the structures are failing. As of 1:30 p.m. on this date, there had been no action, no permits had been pulled and no contact made by the owners. His office recommended 60 day make safe or demolish.

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE RESOLUTION TO MAKE SAFE OR DEMOLISH IN 60 DAYS; 4704 HUGHES. MOTION CARRIED 3-0.

RESOLUTION – MAKE SAFE OR DEMOLISH; 434 S Francis

Mr. Sanford informed the Committee his department was referred this property from building safety, and as of 1:30 p.m. on this date, there had been no action, no permits had been pulled and there was no contact from the owner. His department recommends 60 days make safe or demolish. Council Member Hussain asked if the owners had attended any meetings, and it was confirmed they had not. Council Member Spitzley asked how the City recouped the costs of demolition, and was told the cost will go on the homeowners taxes and runs with the property. Mr. Sanford stated that they have a list of approved bidders, and when they have demolition they send it out to bid to those contractors, and once the City gets the bill it is paid out of the revolving fund and then put on the taxes. It will become a lien on the taxes and if it goes to the County for unpaid tax sale, it is deemed unsafe and cannot be sold. If it goes into foreclosure for taxes, will be added onto cost before the sale. Council Member Hussain asked if the homeowner can demolish and Mr. Sanford stated they can and they encourage that.

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE RESOLUTION TO MAKE SAFE OR DEMOLISH IN 60 DAYS; 434 S FRANCIS. MOTION CARRIED 3-0.

Council Member Spitzley referred back to 3815 Marion, and asked if it comes to demolition if the City offers any assistance to help them get their items out, and Mr. Sanford stated they will refer them to the City HRCS Department.

DISCUSSION – Future of a Police Sub Station at Walnut Park

Council Member Wood distributed an email from Mr. Shrader on communications with Council, the owners (TWG) and the status of a proposed police sub-station. She then referred to the rezoning application from the owners in 2016 where it was reflected on their plan that they proposed and planned a 600 sq ft. police substation in the building. When the neighborhood

groups asked where it was, they were told it was in the hands of the LPD. The Mayor then sent an email listing the changes that needed to be made to the structure to make it safe and meet requirements to be an onsite LPD Sub-Station. Council Member Wood voiced her concern that promises are made at rezoning submissions and PILOT submissions, and they are not getting fulfilled. Mr. Smiertka stated he was aware of the concern and that there was nothing in the PILOT and they had a 10% PILOT so never had to get City approval on the PILOT. Mr. Abood added that there was a letter agreement with the Administration at the time supported the 10%, however the police sub-station was not part of that letter and typically would not be part of the a PILOT agreement. Council Member Wood passed the rezoning staff report and plans to Mr. Smiertka pointing out it was noted on their plans and in the report. Mr. Smiertka stated he would follow up.

The Committee held a brief discussion with Law on what a contract conditional zoning was, the steps that are taken and that the applicant has to initiate it, the City cannot suggest conditions. Council Member Hussain voiced his struggle with applicants stating things at public meetings, but not coming through on them. Mr. Kilpatrick acknowledged the LPD was not consulted on the design of the area, so it currently does not meet the requirements.

Ms. Womboldt asked for conditions to be set with the owner on the property.

UPDATE- 3801 Walton

Mr. Smiertka referred to an email from Steve Swan with the updates from the visit taken by himself and Council Member Garza. Mr. Smiertka then confirmed that the owner met with Law, Community Policing Officer and Council Member Garza and agreed to items. He then went through what was agreed to, that being a walk through would occur and it did; will provide the CPO with a tenant list. Council Member Hussain asked that the owner provided an updated tenant list to the CPO every time a tenant leaves and a new tenant moves in. Regarding the light behind the property, Mr. Smiertka confirmed that the BWL has installed a new LED light behind the property. The owner informed Law that he is continuing to perform evictions based on bad behavior, he agreed to connect the cameras to SCRAM by March 31, 2019; and all other items will also be complete by March 1, 2019. Mr. Smiertka concluded that the Office of the City Attorney will update the list and have the owner sign it in agreement.

Council Member Wood asked if the cameras were installed and if so were they installed outside or inside, and Mr. Smiertka confirmed outside but they do not have specific locations.

Council Member Hussain read the email from the Building Official Steve Swan dated 3.14.2019. (Attached). Council Member Hussain also acknowledged he reached out to Council Member Garza who informed him of the condition of the site. Mr. Smiertka asked Mr. Sanford if the property could be a candidate for MSD. Mr. Sanford answered that any time there is a concern, the owner complies within the timeline provided.

UPDATE- City Attorney on Trash Bin Enforcement

Mr. Kilpatrick confirmed they have determined who will issue the tickets, and Code has distributed over 3,000 warnings. Until the City Works system is completed for the process, Public Service is getting a list from Code to issue tickets. Council Member Wood asked if any tickets had been issued, and Mr. Kilpatrick confirmed they had not, but by the next time the Committee meets they will have. Council Member Wood then referred him to 3017 S Cambridge which to their knowledge is an unregistered rental and they leave their containers at the street for months. Mr. Kilpatrick acknowledged a ticket can be issued to the property owner. Council Member Spitzley asked if the same practice that is used for Code enforcement can be used for this, where letters and notices are provided to the owner and tenant.

Council Member Wood voiced her frustration with no action as of yet, and the ordinance was passed with immediate effect in 2018. She then asked for the details on the ordinance be placed on the website, and also details on the requirements and fines be placed with the recycling flyer in the tax bills. Council Members Hussain and Spitzley concurred with her frustration on lack of activity since the ordinance was passed.

Ms. Womboldt recalled a Committee meeting on the warning sticker, and also asked why it was not being enforced. Ms. Purificato supported the statements made by Ms. Womboldt.

Council Member Wood asked for an update at the March 21, 2019 meeting and a ticket be issued to 3017 S. Cambridge.

Council Member Spitzley left the meeting.

DISCUSSION – ORDINANCE – Amendment to Parking

Mr. Smiertka stated the current ordinance does not set street parking zones, but sets up the frame work and requires a traffic control order which can have conditions. They are proposing drafting an amendment to make it not applicable outside of the downtown area, would only apply to the streets adjacent to the Principal Shopping District, Downtown District or the LDFA District. Council Member Hussain asked if this would clear the way for the permit parking in the residential districts, and Council Member Wood confirmed her understanding that that they can amend the ordinance to address.

The Committee will continue discussions at the March 21, 2019 meeting, and Council Member Wood would reach out to Council Member Spadafore, who drafted the current ordinance.

Other

Ms. Womboldt voiced a concern on Bulls Eye Axe Throwing and their proposed business expansion. She also asked for Council to do an ordinance to regulate social clubs. Council Member Wood asked Mr. Smiertka to check on if the axe throwing business needed a new license to expand their business.

Council Member Hussain voiced concerns on businesses in southwest Lansing where it appears they report situations to the LPD but there is no action. Council Member Wood stated it could be because it is involving the FBI or State police, but she could ask the Chief to attend a future meeting for updates. She noted he might not be able to provide details if there is an ongoing investigation.

Council Member Hussain left the meeting at 4:45 p.m.

No quorum of the Committee.

ADJOURN

Adjourned at 4:48 p.m.

Submitted by Sherrie Boak,

Recording Secretary

Lansing City Council

Approved as presented: March 21, 2019

This was Steve Swan's findings, and follow up from our walk through yesterday.

A cursory inspection was performed at the aforementioned address and found the following:

Lack of smoke detectors throughout units. Owner was directed to install and verify working smoke detectors throughout the building and units immediately.

Return handrails that have been installed.

The new exterior doors installed require levered hardware The new exterior doors installed shall not swing over step. (needs to change the door swing) Seal penetrations to mechanical room(old dryer vent) Repair all nonworking light fixtures in common areas Draft stop penetrations in units (to access plumbing) Minor repairs such as loose plumbing fixtures, loose bath vent covers, broken damaged doors and door Jambs, damaged or broken windows. Investigation should be made at areas in ceiling that are or have appeared to become detached for their structural supports (falling/sagging drywall) Concerns of electrical outlet and fixture shall be address by an electrician (owner was informed at time of inspection of unit and locations)

Over all the units appeared to be in well used condition.

I will follow up with the owner on the building code violation found this day.

Councilmember Garza accompanied me on this visit.

If you have any questions please give me a call.

Respectfully,

Steve

Sent from my iPhone