



MINUTES
Committee on Public Safety
Thursday, June 20, 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- excused
Council Member Adam Hussain, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Lisa Hagen, Council Legal Analyst
Scott Sanford, Code Compliance
Andy Kilpatrick, Public Service Director
Aaron Milton
Harold Leeman
Kyle Kaminski, Lansing City Pulse

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM JUNE 6, 2019. MOTION CARRIED 2-0.

Public Comment

No public comment at this time.

DISCUSSION/ACTION

RESOLUTION – Appointment; Aaron I Milton; At-Large Member of the Board of Police Commissioners; Term to Expire June 30, 2023

Mr. Milton provided a brief overview of his past experiences, and an overview of his application and resume. Council Member Wood referenced the application and his interested Boards to serve on. Council Member Hussain asked him what his number one concern was with the Police Department and what he thought the officers needed to serve the community. Mr. Milton stated he believed he could bring his character and provide support and service in the areas of the community. Council Member Wood spoke about the Citizens Academy and encouraged him to also participate and Mr. Milton supported that suggestion.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE APPOINTMENT OF AARON MILTON TO THE BOARD OF POLICE COMMISSIONERS.
MOTION CARRIED 2-0.

Mr. Leeman asked who Mr. Milton was replacing, and Council Member Wood stated her belief was Keisha Coates whose term was up and chose not to serve another term.

RESOLUTION –Code Compliance Request: Make Safe Demolish Extension:3815 Marion
Mr. Sanford outlined his memo of June 14, 2019 highlighting the activity the owners have taken, and per a conversation with the owner on Monday June 17th their contractor will be done by the end of the next week. Therefore, Mr. Sanford stated his department was asking for another 60 day extension. Council Member Wood clarified that their request was for 60 days from the original deadline of May 29th and asked Mr. Sanford to confirm that was his intent and he concurred.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR A MAKE SAFE OR DEMOLISH EXTENSION FOR ADDITIONAL 60 DAYS FROM MAY 29, 2019 AT 3815 MARION STREET. MOTION CARRIED 2-0.

RESOLUTION – Introduction & Set Public Hearing; Ordinance Amendments to Chapter 664, Section 664.01; Conduct Breach of Peace; Municipal Infraction

Mr. Smiertka explained the OCA proposed and recommended per the City prosecutors because some cases clearly should be misdemeanors and there are others that do not rise to that, so this would add a second category of disorderly which is a civil infraction and would allow the OCA flexibility to deal with. Under a civil infraction the fine could be as high as \$250 or whatever the court decides. Council Member Wood asked if this was a request from the judges in 54A District Court and was told it was not, but by the City Prosecutors in the office of the City Attorney. She then inquired into the cost if it a misdemeanor, and was told by Mr. Smiertka it would be up to 90 days in jail and up to a \$500 fine.

Mr. Leeman asked if the OCA was proposing this change because of the recent issue at CATA that the courts heard, and Mr. Smiertka acknowledged it was not based on any cases, it has been an ongoing discussion in his office and the City Prosecutors have asked for it to deal with and administer their cases. Council Member Wood added that this amendment would give the OCA the discretion to make it a less severe charge and Mr. Smiertka noted it would also remove “profanity” because of first amendment.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR JULY 8, 2019 FOR THE ORDINANCE AMENDMENTS TO CHAPTER 664 SECTION 664.01. MOTION CARRIED 2-0.

RESOLUTION – Introduction & Set Public Hearing; Ordinance Amendments to Chapter 658, Section 658.04; Clarification on Blocking, Crowding or Obstructing Passage

Mr. Smiertka informed the Committee that this amendment creates clarification to include more activities which would obstruct and the amendments now also would require a first warning. Council Member Wood asked if the “blocking” is a physical person or would also address a vehicle used to block. Mr. Smiertka stated any activity but it would have to be done by a person and tied to someone doing it. In this ordinance the violation would be a misdemeanor.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR JULY 8, 2019 FOR THE ORDINANCE AMENDMENTS TO CHAPTER 658 SECTION 658.04.

Mr. Kaminski asked why the changes were being proposed. Mr. Smiertka stated that when the City Prosecutors run into issues with applying the acts and laws this will now define it, and Council Member Wood pointed out that currently there are no specifics on what a “public place” is and where the public is permitted. This will define it and not leave it open to interpretation. Mr. Smiertka added that they also struck that a first warning was for organized groups, but now everyone will get a first warning.

MOTION CARRIED 2-0.

RESOLUTION – Introduction & Set Public Hearing; Ordinance Amendments to Chapter 658, Section 658.05; Regulating Conduct of Telecommunications

Mr. Smiertka referred to page 3 of the ordinance specific to telephone harassment. Council Member Wood asked what the chance of enforcing would be, and Mr. Smiertka stated if they can prove there is an intent to harass with repeated communications, such as with a “robo call” if they can prove there is the intent to disturb with continued communications. Examples he provided were issues with disgruntled relationships, government offices receiving harassment repeated calls. Council Member Wood asked if this ordinance will provide a first warning, and was told that it would not, but there will have to be proof they are using the device with the intent to disturb someone’s peace and quiet. Council Member Wood asked if this includes computers and was informed by Mr. Smiertka it would be any device that creates the transmission, so it would include computers.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR JULY 8, 2019 FOR THE ORDINANCE AMENDMENTS TO CHAPTER 658 SECTION 658.05. MOTION CARRIED 2-0.

DISCUSSION: Update - Walnut Park LPD Sub Station

Council Member Wood recapped the owner’s willingness to have a sub-station, but had nothing the LPD could utilize because the room offered was not safe to store equipment and have officers there. After numerous attempts a letter was sent from the Committee to Mr. Whitsett and in turn the LPD Chief and Mr. Whitsett spoke and coordinated a site visit on Monday June 17th. A copy of the letter, and email with photos received after the meeting by the Committee from the Chief was distributed. This referenced the determination of a room for the sub-station on site. Council Member Wood asked Ms. Hagen to follow up with the Chief in 14 days to find out where things are at and report back at the July 18th Committee meeting with a completion date. Council Member Hussain asked if anything was being done with other issues he heard about outside of the sub-station, including crime, lack of staff and building maintenance. Council Member Wood stated the LPD would be asked to attend the July 18th meeting to provide an update on those items.

Mr. Leeman asked if the same developer was developing the rest of the site and if he could be held accountable for the issues at Walnut Park. Council Member Wood confirmed it was, but they have a PILOT with HUD so are working within those guidelines as well.

DISCUSSION: City Attorney Update - 3801 Walton

Mr. Smiertka stated that Mr. Abood communicated to him that Officer Colby, Mr. Kruger and Mr. Abdo with the security company are coordinating a meeting to go over the new security cameras. Council Member Wood asked that Council Member Hussain be included in the meeting as this Committee’s representative and if he is unavailable, then Council Member Garza will be invited as the Ward Council Member. Council Member Hussain acknowledged he will plan to participate and he would also like to have Council Member Garza participate. Council Member Wood asked that the meeting occur before July 18th, she then asked that the LPD Chief be contacted to request Officer Colby attend the July 18th meeting to provide an

update. Council Member Hussain asked for Officer Colby to also provide an update on 3200 S. Washington.

DISCUSSION: Parking Ordinance: Chapter 404, Section 404.12

Mr. Smiertka stated the only changes in Draft 3 reflect the change from Section 404.12 to 404.13 and the addition to page 7 line 10 which added the number for the limit on permits to “no more than one annual permit and one temporary permit per each dwelling or structure”. Mr. Smiertka then added they are still working to fill the blanks for zones on page 9 lines 1 and 3, and he also asked for a describe of what a “unit of living “ is. The Committee pointed to the last meeting where it was noted that “unit of living” would be “resident parcel”. Mr. Kilpatrick noted that currently there is only one zone, and Mr. Smiertka stated he can take that out. He then reminded the Committee that there will be a companion ordinance amendment to specify the limits to downtown. Mr. Kilpatrick asked how the Committee wanted to set the zones, either by this ordinance which would require an ordinance amendment every time a zone was added or they can call for traffic control orders (TCO) in this ordinance, then in the future only a TCO resolution will be needed for changes, which he thought would be easier. Mr. Smiertka stated he could take out “zones” and the language that requires an ordinance change.

Council Member Wood listed the following six (6) items that will need to be addressed before any further action is taken on the ordinance:

- 1) - a decision on what is going to be used as part of the permitting process; window sticker, mirror hanger, plate sticker, etc. It will need to be used with the equipment the City has so Council will need to know the mechanism. Mr. Kilpatrick stated at this time he was not able to answer that because it could change over time. He stated he would follow up with the Parking Manager.
- 2)–what is the cost for a permit; based on the amount of staff time it takes to review an application, which will include all required documents, and might even require a staff person to go to the site to look the property to determine if they have other option for parking.
- 3) – Enforcement; Council will need to be able to explain, and have in place, how the enforcement is going to take place. There has been discussions on having a parking officer work a different shift to enforce. Mr. Kilpatrick confirmed there has been discussions on changing a shift for an officer or getting a part time person to do this enforcement.
- 4) – what is the system to notify people; email, voicemail or other communications. One system out there is “One Call Now”. Mr. Kilpatrick confirmed it would be an automated call and leaving a message, but using email would be just as easy with a preset email group.
- 5) – what is the plan for signage because the Committee is reluctant to have multiple signs all over the City. Mr. Kilpatrick suggested they could address that when they do their mapping and if the permit is outside the area they can handle that case by case. Currently there is one zone identified which is the downtown developer that needed them. Council Member Wood stated that in her opinion the other zone is the balance of the residential streets in the City. They discussed the needs for permits, and the permits should be issued on their need not because they want to park on the street. Mr. Kilpatrick noted that there may not be a need to identify a zone, just where they are not allowed.

Council Member Hussain asked for brief explanation on what happened last time it was enforced, and Mr. Kilpatrick noted that it would depend on who you spoke to; some stated it was successful because they issued tickets and addressed the issues, and others would say it was not successful because people who parked on the street for years with no tickets were now getting fined because the ordinance was being enforced. Council Member Wood suggested a strong public relations promotion when the enforcement begins.

6) – what is the application. Mr. Kilpatrick confirmed it would be the current standard application modified to add this type of permit and list all the documents that will be needed when they apply.

Council Member Hussain asked for clarification on the number of temporary permits. It was confirmed it would no more than one (1) at a time, no more than (4) a year.

Council Member Wood noted the Committee will not take action until the above items have been addressed, and once the final draft is done they can start discussions with the rest of Council so they are aware before it is adopted.

Mr. Kilpatrick confirmed he would have answers to the above six (6) items and be able to discuss an implementation timeline on July 18th.

OTHER

Mr. Leeman asked if the City has resolved the issues with containers in the right of way. Mr. Kilpatrick confirmed they initially were writing them up under the stipulation they had 14 days to comply, but since that time are now issuing tickets the first time they locate them. He could not speak to what violations have gone to court or the results.

ADJOURN

Adjourned at 4:30 p.m.

Submitted by Sherrie Boak,

Recording Secretary

Lansing City Council

Approved as presented: July 18, 2019