



MINUTES
Committee of the Whole
Monday, April 30, 2018 @ 5:30 p.m.
City Council Chambers

CALL TO ORDER

Council President Wood called the meeting to order at 5:30 p.m.

PRESENT

Councilmember Kathie Dunbar
Councilmember Jeremy A. Garza
Councilmember Adam Hussain
Council Member Brian T. Jackson
Councilmember Peter Spadafore
Councilmember Patricia Spitzley
Councilmember Jody Washington
Councilmember Carol Wood

OTHERS PRESENT

Sherrie Boak, Council Staff
Eric Brewer Internal Auditor
Jim Smiertka, City Attorney
Lisa Hagen, Assistant City Attorney
Samantha Harkins, Mayor's Executive Assistant
Angie Bennett, Finance Director
Judge Alderson, District Court
Chief Yankowski, LPD
Anethia Brewer, District Court Administrator
Mary Kelly, Deputy Court Administrator
Mary Reynolds
Denis Prisk
Loretta Stanaway
Elaine Womboldt
Deb Parrish
Kathy Miles
Jim Gromer, MHT
Donna McMillan, MHT
Mayor Schor – arrived at 7:09 p.m.

Minutes

MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE MINUTES FROM APRIL 23, 2018 MEETING AS PRESENTED. MOTION CARRIED 8-0.

Public Comment on Agenda Items (Up to 3 Minutes)

Ms. Parrish commended the LPD on their service, and then asked the Committee to question the District Court on what their opinion is on the importance of payment on income tax, and also what the \$50,000 in their budget is for contract services.

Ms. Womboldt spoke in support of more community police officers, inquired into the role of the LPD with a new City Hall and District Courts necessary costs for a new City Hall and the impact.

Ms. Stanaway announced an upcoming event at Evergreen Cemetery, voiced her concerns on parking in the downtown area, then spoke in support of the LPD's role in the City and suggested utilizing deputized cadets for lower risk calls and using deputized retired volunteers for transporting.

Presentation

Department Budget Presentations

District Court

Judge Alderson referenced their annual report and spoke briefly on the trends for the court including a 2016 downward trend in case files, but in 2017 those went up and they are seeing the same in 2018. Their revenue is also down, which is a trend with state wide fees, and they are looking at the availability to pay and looking at ways to pay. The Courts have partnered with the Department of Parks and Recreation on a potential work program. Ms. Brewer began a presentation on statistic which noted in 2017 they had 31,770 overall new cases, which included felonies, misdemeanors, drunk driving, civil cases, landlord tenant cases and small claims. This represents a 1,253 increase in filings. They reviewed 1,155 cases online, and collected \$151,001 from those online reviewed cases, and of those 90% were paid within 30 days. The Courts have also enhanced their video conferencing with LPD so now an attorney can stay in the Courts and communicate to the County and detention. Ms. Brewer noted that currently the courts are working on the e-tickets system for motorcycles and bicycle officers. Ms. Brewer moved on to update the Committee on the County wide Indigent Program that the City approved in 2017. In April 2018 the Commission approved the plan and cost analysis. The next step is the legislation will look at the appropriation process, and the Courts should know by early fall the amount, and then they will have 180 days to bring to fruition. Ms. Brewer concluded with a brief over of the budget request noting they have no formal requests for capital improvements and no increases.

Council Member Jackson referred back to the community service option mentioned and asked how that would affect the bottom line of their budget. Ms. Brewer noted the payment plans have been extended and they offering plans and more time to pay.

Council President Wood asked about the eviction diversion project. Judge Alderson stated it ran from September through December where they had onsite MSU and Legal Services assistance for landlord/tenant cases. We had a circuit clerk available to explain to the individuals and to speak to the attorney or landlord, of those 50% chose to speak to an attorney. The results were that there were an increased number of people coming to court and less defaults. Additionally they are not seeking eviction but are working out plans with landlords. The Courts will meet May 9th to see how it worked throughout all the courts and look to see if there are also community resources to use. The study itself can be found on the 54A District Court website.

Council President Wood asked how many years the Diversion Program with Sobriety Court had been going on, and was told since 2005. She then asked if the Courts saw a decrease due to the City Ordinance issue earlier in the year. Ms. Brewer noted there were 448 cases written under the ordinance that were expired in that time frame. The fines assessments came to \$9,621, and some of the judges have vacated those sentences and have worked to return those funds. Council President Wood then asked if the Courts have been part of the discussion on a new City Hall, and Judge Alderson assured the Committee that they have been meeting with the Mayor's office.

Council Member Washington asked for statistics on the success of the Sobriety Court. Judge Alderson acknowledged it was at a 78% success rate in the 2 year program.

Council Member Jackson asked if the Courts could support an on-call option with LPD to dismiss without prejudice or adjourn, which would address the LPD overtime when they are called into court. Judge Alderson noted it is important to have the officers in court to confer with the attorney. She would look into having a meeting with LPD and the prosecutor on if it was a viable option. Council Member Dunbar asked if they could utilize their video conference they mentioned earlier for the officers. Again Judge Alderson stated she would need to meet with the prosecutor's office to see if that works.

Council President Wood asked if their staffing was full. Ms. Brewer noted they have one vacant part time position.

Lansing Police Follow Up Budget Questions

Chief Yankowski began by inviting everyone to their 125 Anniversary celebration at the Lansing Center on May 5th.

Council Member Washington asked about the future of the police department location and the impact on the budget. Chief Yankowski confirmed an assessment study was done in 2015 and they have had a focus on how they can effectively and efficiently combine resources in Lansing and with their regional partners. This includes looking at what is the best cost effective for facilities for LPD, lock up and District Court. Council Member Washington asked when the lease was up at their south side location, and the Chief confirmed it would be August, 2018, and they are currently in the process of negotiations with the Lansing School District.

Council Member Garza asked if cameras can be installed on traffic speed trailers. Chief Yankowski noted it was not an option. Council Member Garza then asked if the panhandlers could be charged with littering and debris and for traffic distractions. Chief Yankowski noted that there is no data on if they do cause a distraction, but the officers can determine on site if they are obstructing traffic, hindering traffic or blocking a sidewalk.

Council Member Spadafore referred to page 19 of the line item and the \$241,253 for equipment, questioning what it was intended to be used for.

Council Member Hussain stepped away from the meeting at 6:11 p.m.

The Chief noted that the equipment line is used to update equipment, and this budget addresses many "priority 1" items and would include updating the safety cameras.

Council Member Hussain returned to the meeting at 6:13 p.m.

Council Member Jackson asked if the intent would be for the School Resource Officers to take over the enforcement at the schools. Chief Yankowski noted that currently there is a \$120 million request in at the State to make sure all schools have school resource officers. Public Safety Officers at the schools are not armed, but they are not there just for safety, but to build relationships. Council Member Jackson then asked if the equipment purchase for body camera are the ones on the personal protection gear, and it was stated that the department is working on new technology for the LPD and working on options. In the FY19 Budget for equipment, there will be cameras for the tactical unit and hooked to helmets. For the mobile units they have not made a determination on what to have. Council Member Jackson then referred the Chief to what he read as a proposed armored vehicle being purchased from the forfeitures funds at \$200,000 but the cost is higher at \$350,000. Council Member Jackson noted his concern on where the funding is from and interested in the Police Department policy on forfeitures. Chief Yankowski clarified that the Incident Command Vehicle, is not armored or used in a tactical situation. It is a mobile command center and can be used for floods, hurricanes, natural disasters, etc. In FY19 they are setting aside \$350,000 for that. The department does not rely on the forfeiture funds, and do not utilize them unless an actual need for the community. Council Member Jackson again asked if the LPD had a forfeiture policy. Chief Yankowski noted that there was a recent change to forfeiture law this past year and the LPD is working with the County Prosecutor. There is constitutional and due process in place and they also have the protocols in place for the City.

Council Member Garza asked for the locations of the public surveillance cameras in parks, specifically Beck park. Chief Yankowski stated there is a list on the website and he can get to Council, but also if there is a camera there is also a sign stating such.

Council Member Dunbar stepped away from the meeting at 6:27 p.m.

In FY19 they are looking to add more depending on the cost, which could be \$2000-\$5000, based on crime data or public complaints.

Council President Wood noted to the Chief that the initial lease for the south side precinct on Wise Road was \$25,000 and now it is up to \$125,000, so she encouraged the Chief to consider that in the LSD negotiations.

Council Member Dunbar returned to the meeting at 6:30 p.m.

Chief Yankowski acknowledged the concern and noted he is working with the Mayor's office on additional concerns he has that need to be addressed in the next lease.

Council President Wood asked if the equipment for parking enforcement is coming out of the LPD budget since they took it over, and she was informed it comes out of the parking enterprise fund. She then inquired if the LPD was going to upgrade ticket writing with the motorcycles. The Chief noted they are evaluating how the parking vehicles are used and handhelds are being researched.

Council President Wood asked if there was an ordinance that requires businesses and residents to register their surveillance cameras so they can be utilized in a crime for evidence. Chief Yankowski did refer to a program called SCRAM on the LPD website, where they can register on line to let the LPD know if they have one.

Council President Wood asked how many officers they would be front loading in 2019, at which the Chief admitted that they already know they need to replace 18, including current

vacancies. Their goal is to recruit, hire, and train by the time the 18 retire. Their front loading deadline is July 1, 2019.

Lastly the Chief informed the Committee that the Explorers recently won the State competition and there are also 3 cadets going to the academy in 2019.

City Attorney

Mr. Smiertka offered a presentation of the department which outlined their schedule, duties, principals, and direction they have been given that if they do not have the answer or is not confident in the answer, because they speak with "one voice" they are to confer and report back. The presentation also included an overview of the cases, marihuana cases, FOIA and staffing.

Council Member Spitzley asked if the proposed \$1.9 million includes the funds for the vacant positions, and was informed it includes the vacant and the new CSR position. Council Member Spitzley then asked what the department was doing in shutting down dispensaries that did not shut down, or do not have licenses or were denied a license. Mr. Smiertka noted that in December 2017 they agreed to opt in with rules from the State, and started with the cease and desist letters. There is a leadership group that meets to go over all the issues. Council Member Spitzley then asked if there was a form of enforcement for those facilities that were denied and are now in the appeal process. Mr. Smiertka informed the Committee that there were 5 denied and they have joined in a lawsuit against the City. Council Member Spitzley asked again, if someone was denied a license and appeals, can they still stay open, at which Mr. Smiertka clearly stated no. Council Member Spitzley then asked if they were working on or with the State Gaming Commission on illegal gambling, and Mr. Smiertka noted his office is working on a new ordinance amendment for a May 9th Committee on Public Safety meeting. Council Member Spitzley concluded by asking how Law was addressing the \$7 million in unpaid income taxes, and was informed that the Treasurer has an elaborate 4-5 step process and they have added another step that before they go to Court they get a letter from the City Attorney. The goal is to continue to prosecute.

Council Member Washington spoke in support of higher salaries for the attorneys to keep them in their positions here at the City.

Council Member Garza went back to the denied dispensaries and asked what fines were issued to those that stay open when they are denied. Mr. Smiertka confirmed there is a fine and a court order, with \$750 a day and increases. Ms. Sumner added that there has only been 1 issued, but encouraged them to look daily at the Clerk's website for updates. There was a further discussion on fines and court compliance.

Council Member Jackson asked if the City Attorney office was taking a pro-active approach since it appears the vote for legalizing recreational marihuana could be on the ballot. Mr. Smiertka acknowledged they are, but that also recreational will come with their own set of regulations.

Council Member Spadafore asked if the line time for temporary help was for outside counsel. Mr. Smiertka clarified it was for actual temporary employees. Outside counsel is not in the budget, it is spread throughout the City, and insurance and bonds support those services.

Council Member Spadafore asked if the department itemizes and tracks their hour spent on issues. Mr. Smiertka acknowledged that they normally do not.

Council Member Washington asked what the department's plans were to address the prospect of recreational marihuana and separation. Mr. Smiertka confirmed his office will have four (4) interns this summer working on that project.

Council Member Wood asked Mr. Smiertka to let the Committee know how much they have spent on outside counsel, how much they plan to spend and how do those numbers compare to previous years.

Discussion/Action

RESOLUTION – Reappointment of Individuals to Various Boards & Commissions

MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE RESOLUTION FOR THE REAPPOINTMENTS OF INDIVIDUALS TO VARIOUS BOARDS & COMMISSIONS.
MOTION CARRIED 8-0.

Other

Council Staff distributed to the Committee the recent draft provided by Law at this meeting, labeled Draft #4 dated April 30, 2018 making the Ordinance 888.28a.

Council Member Hussain provided a brief timeline on the PILOT request for Camelot Hills. This included their original request which was 4%, the required public hearing being held, and then the action at the Committee on Development & Planning meeting where the approval of the PILOT then failed 1-2. Since that time, he added, there had been discussions to consider other options, which have now been brought back to Council for a 7% PILOT with no other changes to the project. The PILOT would be 35 years at 7% beginning in 2019 running to 2054.

MOTION BY COUNCIL MEMBER HUSSAIN TO DISCHARGE THE PILOT FOR CAMELOT HILLS FROM THE COMMITTEE ON DEVELOPMENT AND PLANNING TO THE COMMITTEE OF THE WHOEL TO CONSIDER THE PILOT ORDINANCE AS A LATE ITEM.
MOTION CARRIED 8-0.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE ORDINANCE FOR THE PILOT FOR CAMELOT HILLS.

Council Member Spitzley asked if this was an amendment to the current ordinance on the books for Camelot Hills PILOT, 888.28. Mr. Smiertka stated that it is an amendment to 888.28 which is currently in the Code of Ordinances and will commence in 2019 at which point the Ordinance 888.28 will be repealed.

Council Member Washington acknowledged the administration for their work on the item over the weekend, but did note a concern on funding a non-profit.

MOTION CARRIED 7-1.

Council Members Reports on Boards/Commissions

This topic was moved to the May 7, 2018 meeting.

ADJOURN

The meeting was adjourned at 7:26 p.m.

Respectfully Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee on May 7. 2018