



MINUTES
Committee of the Whole
Monday, August 5, 2019, 2019 @ 5:30 p.m.
Tony Benavides Lansing City Council Chambers

CALL TO ORDER

Council Member Wood called the meeting called 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
Jim Smiertka, City Attorney
Interim Chief Green, LPD
Nicholas Tate, Mayor's Office
Lisa Hagen, Assistant City Attorney & Council Legal Analyst
Hugh McNichol
Jim DeLine, Rank Mi Vote
Brian McGrain, Economic Development & Planning Director
Breina Pugh, LBWL Community Relations Manager
Loretta Stanaway
Sue Norman, Rank Mi Vote
Mary Reynolds

The Committee held a moment of meditation and reflection for the incidents that took place over the weekend in El Paso, Texas and Dayton, Ohio.

Minutes

MOTION BY COUNCIL MEMBER SPADAFORE APPROVE THE MINUTES FROM JULY 29, 2019 AS PRESENTED. MOTION CARRIED 8-0.

Public Comment on Agenda Items

No public comment at this time.

PRESENTATIONS:

Lansing Police Department Future Updates – Captain Daryl Green-Interim Police Chief

Interim Chief Green acknowledged the Council, and assured them he is currently in the data collection stage working towards Chief. Has been LPD Captain for the last seven (7) years, and has had experience with the full department. On August 20th the Police Commissioners will review the Mayor's recommendation for his appointment.

Council Member Spitzley asked if on August 20th the Commission will take action on his appointment, and Interim Chief reiterated they have his recommendation. He then went on to say that at this time he felt it was premature to discuss any changes at this point, but would highlight his philosophy. He is looking to assess on the LPD does business, staff, training, deployment, and audits of efficiencies and effectiveness. His other philosophy is being trust worthy in the communities. With the recent events, he would consider having an internal review board looking at how to mitigate situations. Interim Chief Green added that he is in support of what Chief Yankowski put in place for putting the City in a good position and believes that he can always strengthen those positions. He believes that you need to be open to always looking at new ways and also encouraged by reaching out to other communities. Council Member Jackson asked if there is a way for members of the community to make internal police reports about police officers, and if so, are there plans to rectify that. Interim Chief Green replied that he wants to create an environment where people feel comfortable to make changes. They need to build to make it stronger, but there is already a complaint investigator that works for the City outside of the LPD and has been successful. Dialogue does need to continue, and he supported having quarterly public forums. Interim Chief Green acknowledged that investigator is contracted, and he would support filling that position so people are afraid to come forward. Council Member Garza asked his opinion on getting a community policing officer in Ward 2. Interim Chief Green could not speak to why there was not one placed there currently, however that is one of the examples he mentioned earlier of researching past decisions and make his own. There are limited resources, so he would need to assess what needs to be determined, but is a firm believer of community policing. Council Member Washington spoke in support of community policing officers, additional officers and an additional LPD social worker. Council Member Spitzley also spoke in support and asked if the LPD is preparing for incidents similar to what happened in El Paso and Dayton. Interim Chief Green noted that the LPD already has active shooter preparedness; the men and women in the department are the experts and have done a good job. They have been doing training for over 10 yrs., have an agile police department, and made changes in weapons throughout the years. The department always performs an active review of incidents to learn from what those officers did. The LPD has a violent crime initiative and he would like to look to look at improving on response, improve on technology, remain proactive, and look into how calls are dispatched. Council President Wood spoke in support of the Citizen Investigator, but also noted it has been contract for over a year, and the LPD Commission has been looking at it for a year, which in her opinion is too long. She then added that she encouraged him to recommend that LPD Board of Commissioners go out into the community, have quarterly meetings for the public to attend and feel comfortable to ask questions. Lastly she referenced what was called a "go bag" for the Community Policing officers to keep with them that would have information they could readily handout to residents on services that are available.

Interim Chief Green will be out at public meetings on the following dates:

8/13/2019

8/15/2019

8/21/2019 – Alfred Schmidt

8/22/2019 – Neighborhood Empowerment Center

Ranked Choice Voting – Hugh McNichol

Council President Wood first stated that the Rank MI Vote organization requested an opportunity to provide information, and Council leadership has reached out to the Secretary of State but has not heard back. This is a presentation only and Council was not taking any action at this time. There were introductions and then the group went through their presentation in the packet. This included examples of staffing changes for elections, cost savings, and with Rank Choice Voting no longer needing a primary election. Council Member Spadafore inquired into how it would comport to the City Charter since the Charter requires a primary election. Mr. McNichol noted there would be a bill to amend the Charter that would eliminate any mention of a primary, and Mr. Smiertka agreed the City Charter would have to be amended to allow it, and his office has not been asked at this time to prepare anything on that option. Council Members acknowledged the presentation, and Council President Wood informed them that once something is received from the State, they will work with the City Attorney.

LBWL Stump Removal Update

Ms. Pugh introduced herself, and stated she had answers to some of the questions that were asked the last time the BWL was here on this subject.

Council Member Garza stepped away from the meeting at 6:38 p.m.

Ms. Pugh first stated that after internal discussions, they have also determined, as did the City, that they do not have resources to do stump removal. Regarding the request to update Council on future tree trimming schedules, they will continue to do that and continue going to neighborhood meetings, sending letters and installing door hangers. There is an updated map they have completed. With regards to the comments on the list of wood salvage contractors or businesses, they have updated it over the last two (2) months and it is on the website as well. The issue they have run into is that there is no longer a large need for wood, but BWL continues their commitment to assisting, so anyone can call them directly. The tree trimming budget was addressed at the last meeting, and stated by Council that it was reduced due to no longer trimming, however Ms. Pugh noted that they are beginning again on the 5 year cycle in fall 2019 and they will use those funds, but do not have the funds for stump removal. They do have a comprehensive tree replacement plan.

Council Member Garza returned to the meeting at 6:40 a.m.

The plan is to work with the homeowner when they are trimming, and if they need a tree BWL can look in to expanding the program. BWL also has a tree planting grant, so neighborhoods could apply for that as well. Council President Wood reiterated her earlier concerns that when BWL starting trimming after the 2013 ice storm, they worked neighborhood to neighborhood on trimming trees that had not been done in years, and now that they are going back and starting the cycle again, she questioned why they need the same amount of funds since some trees were completely removed in the first 5 year cycle. She then asked Mr. Tate to confirm what was stated, that the Administration does not have the funds either to do the stump removal, and Mr. Tate confirmed. Council Member Jackson voiced his disappointment but acknowledged BWL for letting them know. He then asked what the BWL priorities are that determines it is too costly.

Council Member Jackson stepped away from the meeting at 6:46 p.m.

Council Member Spitzley asked for a resolution on how the City can work with BWL to address this as a collective group. Council President Wood noted that it appears both the City and BWL have made it clear there are no funds and will not be doing anything.

Council Member Jackson returned to the meeting at 6:49 p.m.

Council Member Spadafore suggested the potential of finding funds in next year's budget and adding into the Budget Priorities they will be working on. Council Member Washington and Hussain supported that suggestion as well as looking at other suggestions. Council Member Garza suggested a collaboration with BWL on research to determine which stumps were removed and now are effecting the sidewalks to address those first.

Council President Wood asked Council Member Spadafore to review with the Committee on Public Service the issues with heaving sidewalks, and he confirmed he would add to a future agenda and discuss when they are discussing the Budget Priorities for next FY.

Code Enforcement Update – Brian McGrain, Economic Development/Planning Director

Mr. McGrain distributed a memo he sent to the Mayor on July 16, 2019 updating on Code Enforcement. He then went through the memo, which is included in the packet. Council President Wood asked how many code officers were on staff at the time of the reporting and was told (9) nine code and (4) four premise but in 2018 they were not fully filled. Currently in this FY they have 10 code officers. The code officers perform housing and rental inspections and the premise officers' patrol and address trash, grass, front yard parking, etc. Lastly he noted the corridor position was filled a couple months ago. Mr. McGrain and the Committee discussed the complaint tracking program, issues with Lansing Connect, the tracking of the program regarding complaints and resolving the issues. Council President Wood asked Mr. Tate to let the Administration aware that the topic of Lansing Connect will be up for discussion at the next Committee of the Whole meeting. Council President Wood then asked that Code Enforcement work to address the complaints on signs, because Council is hearing that when the officers are enforcing, they are telling the businesses to complain to Council if they do not like the new regulations. Mr. McGrain admitted that the enforcement is more complicated than they expected, so they plan to come back to Council after seeing what is going to be the best practice of enforcement is. The discussion moved into parking, and Council Member Spitzley asked if there is enforcement in place for the "no parking 2am – 5am", and Mr. McGrain confirmed they do not have someone doing overnight parking enforcement, but he Mayor has voiced an interest in working that out. Council Member Washington voiced her concern with Economic Development and Planning also being responsible for parking. Council President Wood invited Mr. McGrain to return at a future Committee meeting with LEAP to discuss Economic Development and Planning. Council Member Hussain asked Mr. McGrain if he believed he had the appropriate number of staff to inspect, compile information, send correction notices, follow up and do re-inspections. He then provided examples of complaints he logged into the system 54 and 73 weeks ago. Mr. McGrain acknowledged that in 30 days they will be fully staffed, and until that time cannot answer the question. He added that they are workshopping a variety of ways to address the automated complaint process. Regarding the process itself, he outlined that once they get the complaint, they go to the site, take photos, verify the situation, write up the violation, send out the letter with a 7 day compliance deadline, in some cases use an early detection warning tag, but still send the required notification. The group then discussed the large item tags, and it appears public service is no longer using the large item tag, and therefore sometimes code enforcement cites someone for an item they have called for pick up on. Mr. McGrain stated he would follow up with Public Service.

Council Member Jackson stepped away from the meeting at 7:24 p.m. and returned at 7:26 p.m.

Mr. McGrain confirmed also that if someone calls for an extension or provide an explanation, they are usually given additional days before it goes to the contractor to remove. The City has a set contract with Eric's Refuse, and in addition to their fee, there is a \$265 City administrative fee. Council President Wood asked the OCA to specify what determines the administrative fee, and Mr. Smiertka confirmed it consists of the salary, benefits and equipment that is used to enforce the violation. Mr. McGrain admitted that he has not reviewed this fee to verify the expense. Council Member Spitzley spoke in support of a review of the fees, and also asked how often the RFP goes out for a contractor. Mr. McGrain admitted the bid has not gone out for a couple years, but they have started exploring other municipalities to see what they do. Council Member Hussain asked how often the RFP for grass is done. Mr. McGrain acknowledged he would consider looking at opening up the bids again. The Committee then discussed the timeline grants on compliance, the need for additional grass contractors, and the complaints the Council gets during General Service when the owners state the contractor takes things. Mr. McGrain stated that if someone calls them if it is taken, they can usually locate it, if they receive the call in a timely manner. Council Members asked if the complaints are anonymous and if the code officer checks the whole street. Mr. McGrain confirmed it is anonymous if they request that, and also the entire street is reviewed.

Council Member Spitzley stepped away from the meeting at 7:45 p.m.

Regarding complaint on the violation and process, it was encouraged to contact Mr. McGrain's office since he has access to the files and the code officers.

Council Member Spitzley returned to the meeting at 7:47 p.m.

Mr. McGrain was asked to attend the August 26th Committee of the Whole to update the Council on Economic Development & Planning, however due to a conflict it was confirmed for September 9th.

DISCUSSION/ACTION

DISCUSSION - Ord. Amendment Chapter 288 Section 288.21 – Chief Strategy Officer
Council President Wood referenced the recent Draft #5, noting at the last Committee meeting it (C) on page 2, line 1 was eliminated, but has now been added back in.

Council Member Washington stepped away from the meeting at 7:48 p.m.

It was stated that the item was removed by the OCA because Council could not order reporting, but Council noted that during the budget sessions when the position was discussed Council specifically noted they wanted to receive reporting from the CSO in a timely fashion. Mr. Smiertka stated in draft #3 where the language still existed, and was removed in draft #4, it stated "directs" and now draft #5 is "requested to report" similar to report in the budget priorities. Council President Wood noted that the budget priorities and policies are not good examples because there are numerous reports in there that Council never receives anything, and noted Charter 7-110 Control of Expenditures, which says "shall submit". Mr. Smiertka clarified that that section is written with Uniform Expenditure Act and governed by the State Statue, the CSO resolution is recommending a plan. Council Member Spitzley also referred to the Charter and stated that the intent is that it is already provided in the Charter that a department director shall provide a report to Council, and if someone says to Council that they cannot it is an issue. The Committee discussed language changes to that section of the resolution and determined to add "and recommendations" to line 3 after "performed". Mr. Smiertka noted that the general provision in the Charter that says "no direct orders". He also suggested changing to "annual basis" from "regular".

Council Member Washington noted that the intent of the FHT when they supported this position was that the position would report to Council and the Administration for the check and balance portion. Since Council is now being told it cannot happen but will only report to the Mayor, this does not allow Council to be responsible or thorough if Council does know what the recommendations are. Council President Wood again referenced the Charter and said if the Charter says the report shall be provided, and if it is not, then it is a Charter violation.

Council Member Garza stepped away from the meeting at 8:01 p.m.

Council President Wood asked if there is a legal issue with keeping (C) in and Mr. Smiertka stated there was not and he would re-write for the next meeting.

Council Member Washington wanted it noted on the record that Council does not say that the Administration is not transparent or hiding something, but again the FHT requested the position report to both Administration and Council.

Council Member Garza returned to the meeting at 8:04 p.m.

Council President Wood noted that the document will be back in front of the Committee on August 12th, with action on the introduction and setting of a public hearing. It will then go onto Council that same night for passage and a hearing on August 26th.

Other

Council President Wood reminded everyone of Neighborhood Night Out events on August 6th.

ADJOURN

The meeting was adjourned at 8:04 p.m.

Respectfully Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee on August 12, 2019