



Minutes
Committee on Equity, Diversity & Inclusion
Wednesday, March 17, 2021 @ 6:00 p.m.

<https://us02web.zoom.us/j/88223124424> ; ID: 882 2312 4424; Dial In: (301) 715-8592

Held virtually in an effort to protect the health and safety of the public & to mitigate the spread of COVID 19

CALL TO ORDER

Council Member Spitzley called the meeting to order at 6:00 p.m.

PRESENT via audio/video

Council Member Spitzley, Chair remotely from Lansing, Michigan

Council Member Jackson, Vice-Chair remotely from Lansing, Michigan

Council Member Dunbar, Member remotely from Lansing, Michigan

OTHERS PRESENT via audio/video

Sherrie Boak, Council Staff

Jim Smiertka, City Attorney

Lisa Hagen, OCA

Anethia Brewer, District Court

Chief Green, LPD

Officer Backus, LPD

Mike Lynn

Joseph Abood, OCA

Erica Lynn

Doug Fleming

Mark Lawrence, Mayor's Office

Jessica Yorko

MINUTES

MOTION BY COUNCIL MEMBER DUNBAR TO APPROVE THE MINUTES FROM FEBRUARY 24, 2021 AS PRESENTED. ROLL CALL VOTE, MOTION CARRIED 3-0.

DISCUSSION

Council Member Spitzley asked Council Member Jackson to provide a general overview of the following ordinance repeals he proposed. Council Member Jackson explained that he reviewed the City criminal code and found misdemeanors where people can be arrested on a criminal conviction, and during his review he thought some were unnecessary, not in the interest of public safety, and all of the ones listed have a different law that would cover them. He admitted that some could have a further review or discussion if there is another ordinance or law that could cover it. Council Member Jackson asked the Committee review the ordinances and agree that the current ordinances are not needed. Council Member Spitzley asked Council Member Jackson to address if he had any conflicts with these as part of his job with the Ingham County Prosecutors office. She noted that all deserve full discussion, so the intention would be to break them up and address what they can, and move out to Council as they go. Council Member Jackson stated these were referred to this Committee because the plain language of these

ordinances is not public safety, but at the end all these contribute to the misdemeanor criminal justice system, and in his opinion the minority will be effected by this. Regarding if there is a conflict, he confirmed he works for the Ingham County Prosecutors office, and these being City of Lansing ordinances his office does address violations nor does his office receive funding from the City. He then appealed to Council Member Spitzley to work with the easy ones first, and then asked OCA if there were any of them that might be unconstitutional, and how many people have been arrested, charged and convicted on any of the following ordinances.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 622, Section 622.01, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate drug paraphernalia.

Council Member Spitzley asked Council Member Jackson if by eliminating this, it eliminated an opportunity for someone to plead down to this lesser offense. Council Member Jackson stated it would not because there are other ordinances on the books that would allow someone to reduce. Mr. Smiertka explained the difference between a misdemeanors vs. a civil infraction and then agreed with Council Member Jackson that some are simple and should be removed. Chief Green concurred with the City Attorney and Council Member Jackson that some are antiquated, and some data from the courts does reflect no citations. Regarding this ordinance in particular, Chief Green stated it was cited 14 times in 2020.

Council Member Spitzley asked for an overview from OCA and LPD on which ones could be eliminated or can be addressed quickly.

Ms. Hagen provided true life experience in addressing this ordinance in courts. Council Member Jackson recommended moving all the ordinances to civil infractions. Mr. Abood stated that a lot of ordinances are drafted due to a situation at the time they were written.

Discussion tabled to the next meeting on March 31, 2021.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 630, Section 630.12, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate loitering in places where controlled substances or drug paraphernalia is sold, used, etc.

Mr. Smiertka stated this item could be in the same field as 622.01, and believes that this came about with drug sales around store fronts. Council Member Dunbar asked if the report on stats could include how many of these were alone violations or if they were getting cited for drugs present also.

Discussion tabled to the next meeting on March 31, 2021.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 630, Section 630.14, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate loitering in places where prostitution or solicitation for lewd conduct occurs.

Mr. Smiertka stated this could be removed.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR APRIL 12, 2021. ROLL CALL VOTE, MOTION CARRIED 3-0.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 650, Section 650.04, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate playing in streets.

Mr. Smiertka stated this could be removed.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR APRIL 12, 2021. ROLL CALL VOTE, MOTION CARRIED 3-0.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 650, Section 650.05, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate parental responsibility.

Council Member Jackson asked for this to be tabled for until he can obtain more information.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 656, Section 656.04, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate prohibition of bicycles on riverfront park during an organized event.

Council Member Jackson explained the reasoning behind his request to repeal this. Mr. Smiertka consulted with the Administration and they have no issues. Chief Green stated he had no issues with removing the ordinance, and has never seen it enforced. Council Member Dunbar stated this was initially done for “Riverfront Park”, which is now “Adado Park”, which does not change the fact to repeal it, but when it was originally written there was rationale.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR APRIL 12, 2021. ROLL CALL VOTE, MOTION CARRIED 3-0.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 656, Section 656.05, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate prohibition of persons in closed park

Council Member Spitzley and Jackson both confirmed they have been contacted by residents on this proposed repeal. Council Member Jackson understood the concerns and asked for it to be tabled for further discussion, but would consider amending to a civil infraction. He asked what LPD’s ability to inspect any suspicious activity. Council Member Dunbar supported addressing this in some way, maybe by considering each different type of park; closed parks, gated parks, ungated parks, etc.

Discussion tabled until the meeting on March 31, 2021.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 658, Section 658.03, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate annoying persons.

Mr. Smiertka stated the ordinance is unconstitutional. Mr. Abood provided an example of a situation. Council Member Jackson stated it can also fall under stalking and harassing under the State law.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR APRIL 12, 2021. ROLL CALL VOTE, MOTION CARRIED 3-0.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 658, Section 658.06, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate that no person shall beg in any public place or go door-to-door requesting donations for personal gain.

Mr. Smiertka stated that under the previous administration it was an issue, and OCA drafted a new ordinance but never made it to Council. Mr. Abood confirmed one was drafted but never went further than Administration. Chief Green acknowledge that the ordinance might not have gotten to Council to repeal this, but the language did get to the LPD so they have made it part of their policies. Council Member Dunbar noted that there are two aspects; begging and then going door to door. With door to door it could be Girl Scout cookies, can drive, etc. and asked how many times this has been enforced. Chief Green stated that since 2008 this has never

been charged. Mr. Smiertka asked if there was another ordinance on the books for solicitation, and it was confirmed solicitors have to obtain a license.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR APRIL 12, 2021. ROLL CALL VOTE, MOTION CARRIED 3-0.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 664, Section 664.01(b), a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate that no person shall disturb the public peace and quiet by loud or boisterous conduct.

Mr. Smiertka proposed a discussion on this ordinance, confirming it has been used. Ms. Hagen confirmed they have seen it used in court, and sometimes use in the tool box to take “assaulting” charge to “disturbing the peace”. Council Member Jackson stated the only portion he wants repealed is the “loud and boisterous” part, not all the parts and he would consider making it a civil infraction. Mr. Smiertka stated this one can also apply to neighborhoods. Chief Green concurred with OCA that this one is used.

Discussion tabled until the meeting on March 31, 2021.

Council Member Jackson asked OCA to look into any State laws or City ordinances that would cover this.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 664, Section 664.01(c), a civil infraction under the general offenses code of the codified ordinances to eliminate profane, obscene or offensive language directed at or in the presence of another person, which language causes or would tend to cause an immediate breach of the peace.

Discussion tabled until the meeting on March 31, 2021.

Council Member Jackson asked OCA to look into any State laws or City ordinances that would cover this.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 664, Section 664.02, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate that no person shall disturb, without lawful authority, any public assembly or meeting of persons.

Mr. Smiertka stated the OCA does not support repealing this one and they believe they need something on the books. Mr. Abood provided examples where it was used. Council Member Jackson asked if this ordinance make it illegal for any counter-protest organization. Mr. Abood stated that this is where constitutionality is enforced. Council Member Dunbar asked what is “assembly”, and if you can use “disorderly”. There was a discussion on if the City can look at something that protects public speech and use another tool in the tool box. Council Member Spitzley noted it appears OCA and LPD are looking to keep something on the books and asked Council Member Jackson if it can be tabled so he can work with the OCA for different language. Council Member Jackson presented a situation that would be the reason he would want it repealed, such as any event on the Capital, any 2nd amendment march, etc. Council Member Jackson admitted there are other items that can be used to enforce, and to his knowledge there have been no arrests.

Discussion tabled until the meeting on March 31, 2021.

Council Member Dunbar did not support changing it to make it palatable. Council Member Spitzley clarified she was looking for a way to amend it to protect free speech and protect others.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 680, Section 680.03, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate using profane language in a building or on any property adjacent to any building in the city occupied as public, private or parochial school.

Mr. Smiertka stated the OCA is okay with its repeal. Ms. Hagen confirmed they do not see this in the courts.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR APRIL 12, 2021. ROLL CALL VOTE, MOTION CARRIED 3-0.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 680, Section 680.06, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate borrowing money or a thing of value from a student at any school.

Mr. Smiertka stated there is a State law that covers this, and Chief Green stated he had no issues. Council Member Dunbar asked what state law, and was told it was the School Code.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR APRIL 12, 2021. ROLL CALL VOTE, MOTION CARRIED 3-0.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 688, Section 688.05, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate that no person shall climb, peel, cut, deface, remove, injure or destroy any tree, in any street, highway, park or grassplot of the city.

Mr. Smiertka stated there is another ordinance that covers this already, so the OCA would be find if this was repealed. Ms. Hagen stated she has seen this used by Public Service when people remove trees in the public right of way. She could not confirm if anyone has ever been criminally charged, but have sent letters citing this when informing the person. Council Member Dunbar stated her note would be that it should not say “climb”. Council Member Jackson stated when he first read it, he read it as if it was “no one could climb a tree in a park”, and as for destroying shrubs, he believed that is covered under something else. Ms. O’Boyle outlined the potential liability for climbing a tree in the right of way or park, and if they fall. The intended purpose of this ordinance is to eliminate the potential liability. Council Member Dunbar detailed the specific items and locations such as “any street, highway, park or grassplot”, and asked if there is another way to address this in another ordinance. Mr. Smiertka asked for this to be tabled so they could reach out to Mr. Kaschinske with Parks and Recreation and Mr. Kilpatrick with Public Service for details on the activity they see. Council Member Jackson agreed, but asked that they also look into making it a civil infraction.

Discussion tabled until the meeting on March 31, 2021

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 688, Section 688.07, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate that no person shall bring animals, vehicles or bicycles onto any park or onto any grassplot in any street or deface the grounds of vegetation therein.

Mr. Smiertka stated that the first part on “defacing” could be removed. Council Member Dunbar asked that it be considered to be repealed, and believes there is already an ordinance on “no-motorized vehicles”. Ms. O’Boyle stated she believed there is middle ground, and it does upset people when there are motorized vehicles near where kids play, and the City could make it a civil infraction and amend for types of “motorized vehicles”. Council Member Jackson supported amending this and making it a civil infraction.

Discussion tabled for the meeting on March 31, 2021 to see if other ordinances are on the books and also to make it a civil infraction. Council Member Dunbar did not support making it a

civil infraction if there is another one on the books. Council Member Spitzley asked Council Member Dunbar to work with Council Member Jackson on the new language.

RESOLUTION – Introduce & Set Public Hearing; Repeal Chapter 696, Section 696.02, a criminal misdemeanor under the general offenses code of the codified ordinances to eliminate that no person shall carry any firearm, air rifle, bow and arrow, slingshot, crossbow or other dangerous weapon in any public place.

Ms. O'Boyle confirmed the City does prosecute on occasion, and gave examples. Council Member Jackson asked the OCA if there is any situation where the City Ordinance can prevent someone from carrying outside of the State law. Mr. Smiertka stated it does give the LPD something to use without State law. Council Member Jackson stated there is "brandishing" and if someone is lawfully carrying not brandishing, and carrying in a public place he did not support making it a crime beyond State law. Mr. Smiertka stated this would allow the LPD to charge a local violation not a State violation. Ms. O'Boyle spoke briefly on examples and the latitude for the LPD to do what they can do, that might not fit another the ordinance. Council Member Spitzley stated she did not believe that "carrying" under this ordinance could be subject to a misdemeanor. Chief Green stated it is a difficult situation to supervise, and then looking at the State law you would have to determine if they are "pointing" it at someone or "brandishing". Council Member Dunbar spoke briefly on examples, and asked if there is a more specific rule that deals with "brandishing", and not support of carrying would just be the crime.

MOTION BY COUNCIL MEMBER JACKSON TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR APRIL 12, 2021. ROLL CALL VOTE, MOTION CARRIED 3-0.

DISCUSSION – RESOLUTION Equity & Anti-Racism Fund

No discussion, used as an example for funding for the Advance Peace agenda item.

FY 2021/2022 Budget Priorities – Resolution 2020-182

No discussion, used as language for the Advance Peace agenda item.

RESOLUTION – Advanced Peace

Council Member Spitzley referenced a resolution on the screen which was the same language Ingham County used, and noted the Resolution on Funding for \$170,000 that was never acted on in 2020 and the Budget Priorities were for informational purposes only to assist in creating this resolution. Council Member Spitzley then noted that the City of Lansing is the largest in the County and there is nothing in place, and then asked the Committee to discuss and take action on this so it can go before the full Council Monday. Council Member Dunbar and Spitzley both stated the City cannot afford to not do something. Council Member Dunbar asked where the \$170,000 went after the resolution on equity was proposed, and putting money into this piece made sense, considering other areas in the community have already signed on, contingent on the City of Lansing signing. Council Member Spitzley that the Ingham County Commissioners Finance Committee have signed on with this and will take action on it March 23, 2021. This is a collaborative issue, an issues that has been discussed for a period of time, and there have been a lot of partners in the City working on this. Council Member Spitzley cited that Ingham County is doing \$566,000 over 3 years, and she is asking the Committee and Council to consider \$170,000 annually for 3 years. The Committee amended the resolution to include:

WHEREAS, the City of Lansing will support \$170,000 annually for three (3) years with the balance appropriated from marihuana license taxes or fees from the State of Michigan as necessary.

MOTION BY COUNCIL MEMBER DUNBAR TO APPROVE THE RESOLUTION AS AMENDED. ROLL CALL VOTE, MOTION CARRIED 3-0.

The Committee concurred that once the additional language from the County on the conditions of all local municipalities participating was sent to the Council office, the Council Office Manager would create a Substitute Resolution adding that language and send to all of Council for Monday, March 22, 2021.

Public Comment/Listening Session- Limited to 3 minutes; sign up to speak will end 15 minutes after the first speaker starts

Chief Green acknowledged the Council for their efforts on the Advance Peace resolution.

Ms. Yorko stated she would sent the Ingham County Finance Committee resolution which including the language on incorporating other municipalities.

Council Member Spitzley acknowledge Ms. Yorko for the work that has been done and the presentations that were done across the County.

Adjourn

Adjourned at 8:04 p.m.

Submitted by, Sherrie Boak

Recording Secretary, Lansing City Council

Approved by the Committee on March 31, 2021