



MINUTES
Committee on Public Safety
Wednesday, September 20, 2017 @ 3:30 p.m.
City Hall, Council Conference Room

CALL TO ORDER

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

ROLL CALL

Councilmember Adam Hussain, Chair

Councilmember Carol Wood, Vice Chair

Councilmember Tina Houghton, Member- arrived at 3:39 p.m. and left at 4:55 p.m.

OTHERS PRESENT

Sherrie Boak, Council Staff

Brandon Waddell, Assistant City Attorney

Andy Kilpatrick, Public Service

Chief Talifarro

Joseph Abood, Chief Deputy City Attorney

Chris Swope, City Clerk

Bruce Augensteen

Marcia Mettert

Larry Burrill

Kathy Miles

Elaine Womboldt

Kathy Jones

Ron Jones

Mary Ann Purificato

MINUTES

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM SEPTEMBER 6, 2017 AS PRESENTED. MOTION CARRIED 2-0.

PUBLIC COMMENT

No public comment at this time.

Council Member Hussain moved items to the agenda due to attendance by residents from Moore's River Drive.

OTHER

Moore's River Drive Concerns

Ms. Mettert spoke on behalf of all the residents present from the Moore's River Drive Association and their concerns with traffic, speed, and a request for a pedestrian crosswalk.

Council Member Hussain invited any residents from the Moore's River Drive Association and Mr. Kilpatrick to the table. He then recapped the issues from an earlier meeting the residents had on Moores River Drive. At that time, Mr. Whisler with Public Service agreed to look at additional signage and trimming back the bushes along the signs.

Ms. Mettert submitted a photo of where the residents were asking for a pedestrian crosswalk sign, and also mentioned a need for signage for slowing traffic down near West Mount Hope and Waverly Road. She noted there is currently striping where the sign would go but they are requesting an actual sign.

Mr. Kilpatrick informed the Committee and the public that their traffic operations, signage and striping is analyzed with the LPD and a crash analysis is performed. They did perform one over a 7-month span in 2017, and there was not a significant change from pre-construction of Moores River Drive and post-construction. He noted that in 2014-2016 there were no construction projects in the area from Consumers Energy, BWL or the City, so they can only look at the reported crashes, time, location, and reason and the results did not show a significant difference before and after. Mr. Kilpatrick said the department did not see any issue with trimming branches off the signs, and the request for additional speed limit signs, along with the assistance of a new sign, "Curve Ahead". Lastly he agreed there would be no issue with placing a sign at Durrell where there is already pedestrian-crossing striping.

Council Member Wood asked for a deadline on when the work would be done. Mr. Kilpatrick confirmed the work orders for the signs were already submitted, and it usually takes 4 weeks from the date of the work order. Depending on the size of the branches, a forestry crew might be required and he could not give a timeline.

Council Member Wood stated she had offered to speak to Office Curtis on additional patrols, and had not had a chance to speak to him, so she will report back at the next meeting.

Council Member Hussain asked Mr. Kilpatrick to update Council Staff on the progress and timeline for the next meeting.

The Committee then held a brief discussion with Mr. Kilpatrick on the traffic concerns on Express Court with school in session. Mr. Kilpatrick stated he was not aware of any updates since the last meeting, but they have spoken to Captain Southworth about the potential of making the center turning lanes, and egress into a prohibited turning lane at certain times. He also noted they have been in discussions with crossing guards and options. Mr. Kilpatrick stated he would follow up with an update in the future.

Ms. Womboldt asked if there was an existing law for regulating the entrance and exit into a school. Mr. Kilpatrick stated they were not aware of a law.

DISCUSSION/ACTION

UPDATE – Set a Show Cause Hearing: Make Safe or Demolish: 1310 Jerome Street

Council Member Hussain informed the Committee that the last time the Committee saw the request, the Code Enforcement Director informed them there was a new owner and that once

the pending sale was finalized, the new owners would demolish. Chief Talifarro stated there were no new updates, and confirmed it was a pending sale with eventual demolition.

UPDATE – Implementation & Enforcement Plan Chapter 1442.15 Window Signage

Council Member Hussain stated to Law that when the ordinance was passed in July 2017 it was not given immediate effect, because there was a need for an implementation plan and enforcement plan. Mr. Waddell confirmed his discussions with Code and Planning and Neighborhood Development, where it was decided that Code Enforcement would be the enforcing agency. Once they see a violation, it will be send onto PN&D who will then send a notice to the owner and to the tenant if different. The business owner will have 30 days to comply. If they do not comply, it will be treated like a code compliance violation and will be cited with a ticket, then a court appearance ticket. Once in the Court's system, Mr. Abood stated the Court has determined it will pass the Magistrate, and go straight to the Judge for determination. The judge will determine how much time they get to comply. After the Court decision there will be another inspection done by code.

Council Member Wood asked Chief Talifarro if there was a brochure done on the procedures and new ordinance. Chief Talifarro was not aware of one, but said they were working with IT to redo the website with brochures. Council Member Houghton asked for a fact sheet to be included in the information provided to the business owners, landlords and on the website. Chief Talifarro assured the Committee that if Code does not have a brochure done, he will make sure they have one done up. All complaints should originate in Building Safety and they will advise code to do the inspection, unless Code sees them first on their daily inspections.

Ms. Womboldt asked if a blacked out window is a violation. Mr. Abood stated to Ms. Womboldt that the ordinance does not address enforcement of "shades".

DISCUSSION – Code Enforcement Updates

Council Member Hussain brought up the topics of outstanding code enforcement issues from earlier meetings. The first being garbage bins in public-right-of-way, and the then asked Law if the City could cite residents, and if they cannot if the ordinance could be amended to allow that. Mr. Abood stated that action is difficult because not all bins are the City's vendor. Council Member Wood pointed out there is already an ordinance (1060.05) on the books with a timeline, so it should not matter who the vendor is. Mr. Abood agreed, but stated with different vendors, and different pickup schedules throughout the City, it is hard to create the enforcement process.

Council Member Houghton suggested an education piece to the vendors to provide to the residents. Council Member Wood stated she is aware that Granger does inform their customers, however there is an issue with making sure rentals are informed. She then proposed changing the trash pickup days to the same day for all vendors in the same neighborhoods.

Ms. Miles stated she witnessed a Granger cart at the street for 4 months straight.

Council Member Hussain moved the discussion to the Home Occupation Ordinance and any fee structure, noting the ordinance was approved, but it did not speak to a fee structure. Therefore, he asked Law if the ordinance needed to be amended to include that fee structure. Mr. Abood stated they are reviewing it and will report back.

Council Member Wood asked Chief Talifarro for an update on the Committee that meets regarding the Home Occupation Ordinance. Chief Talifarro confirmed they continue to meet and are working on a fact sheet and website. They are working on procedures to route people to the right location for information, complaints, registrations and inspections. Mr. Abood

confirmed that some confirmed locations based on the 3500 KWH did receive letters. There were a total of 300 letters sent per the Chief, and they continue to work with BWL on identifying the high users. If they do not make contact after receiving their letter, they will inspect.

Ms. Womboldt spoke in support of the Home Occupation Ordinance, enforcement and asked for protection for the neighborhoods.

Chief Talifarro assured the Committee they are getting lists from BWL and identifying higher users first, and once the letter goes out they have 30 days.

Ms. Miles stated to the City Attorney she had filed a complaint about a neighbor and what she believed was growing at their home. Mr. Abood stated that if it is medical marihuana it would not fall under home occupation if they are a caregiver. Ms. Miles provided the address of 1124 Woodbine for them to investigate. The discussion continued with how to report suspected violations, and who would enforce them. Mr. Abood stated that when it is reported to the LPD, it is then sent onto the Ingham County Prosecutor who will then determine if and how to prosecute. Council Member Wood stated she would follow up on the complaint and report back to the Committee.

Ms. Purificato voiced her frustration with her neighbor and lack of enforcement. Mr. Abood informed her that the State passed a bill within the last year indicating in apartments and multi-family dwellings landlords can restrict the ability of people in growing and restrict it in the lease. If the LPD investigates and can get a search warrant authorized by a judge, and they find violations, they can then prosecute. Council Member Hussain asked for them to provide her direction on what she can do. Ms. Purificato also informed them she believed the neighbor was running a generator. Chief Talifarro confirmed there could be a potential violation, but if there is no warrant or cause to go into the home, it is difficult to investigate without evidence. Mr. Abood answered the earlier question by Council Member Hussain on the next steps, which he stated it is a County enforcement, and the City is working with the County Prosecutor, but it is up to them to determine if they can enforce and prosecute. If the Prosecutor is not going to prosecute, the City does not have the ordinance to enforce drug offenses.

Council Staff was asked to reach out again to Ingham County Prosecutor Carol Siemon to attend a future meeting.

Ms. Purificato asked if they can enforce the laws on the landlord then instead of the tenant, at which Mr. Abood stated that condos are different.

DISCUSSION – Medical Marihuana Moratorium

Council Member Hussain asked Law for an updated spreadsheet. Mr. Abood stated there is no update and there will no longer be a spreadsheet because with the recent adoption of the Medical Marihuana Ordinance, the ordinance on the moratorium has been repealed. It was created to stop dispensaries from opening until a Medical Marihuana Ordinance to regulate could be adopted. Council Member Wood inquired as to why there would be no moratorium since the ordinance does not take effect for 30 days and then another 30 days for licensing. Mr. Abood again stated in the ordinance that all ordinances, resolutions or rules, parts of ordinances, resolutions or rules, inconsistent with the provisions hereof are hereby repealed in their entirety and shall be void and of no effect. Council Member Hussain stated to the attorneys it should have been discussed during the review of the adopted ordinance that the new ordinance would repeal what was on the books.

Ms. Womboldt asked for clarification on why the moratorium wouldn't continue until the licenses were issued. Mr. Abood stated again that the new ordinance repeals the other ordinances on the books.

Council Member Hussain then asked for an update on the property at 5025 S. Pennsylvania, even though the owners were suing the City on the rezoning, it was not ever addressed during the moratorium to cease. Mr. Abood stated the property is in front of the Courts, and they cannot speak on it unless in closed session.

Council Member Wood asked what enforcement was happening at 3001 S. Washington since their rezoning was recently denied. Mr. Abood stated that since it is a zoning violation of the use, it would be up to PN&D to enforce. Council Member Wood stated she would reach out to Ms. Stachowiak.

Ms. Womboldt asked Mr. Abood to pursue the issue of 5025 S. Pennsylvania on behalf of a citizen complaint.

DISCUSSION – FY2018/2019 Budget Priorities

Council Member Hussain asked Council Member Wood how each Committee reviews the priorities. Council Member Wood stated that each Committee can look at any changes that affect the Committee and determines as a Committee if they seek changes. She added it does not prohibit individual Council Members from making recommendations as well at the Committee of the Whole.

The City Attorney's office noted for the Committee that in regards to budget priorities and the medical marihuana ordinance, there will be department changes to address the new ordinance.

The Committee reviewed Council Member Wood's recommendations.

Page 4, (2) change to:

Working with the City Attorney and Fire Department Code Compliance Division to expedite improvements or closure of abandoned, neglected, and burned out houses and commercial building by using the International Property Maintenance Code (IPMC) and adopt the latest version from the State of Michigan. Develop aggressive policies to deal with problematic property owners.

Consensus of the Committee

Page 5, (4) change to:

Code Compliance: The Administration shall ensure the Code Compliance Department is conducting the appropriate inspections and issuing appropriate fines to ensure the buildings in our City are safe and that we have quality neighborhoods. The Administration is to conduct a study of the Code Compliance to determine a level of service for first time inspections and re-inspections assuring the safety of the housing stock for residents. Inspections of mobile home parks should be include in the study.

Consensus of the Committee

Page 6, (1) and (2), Consensus of the Committee to keep as is.

Page 7, (3), (5), (6), (7), (8), Consensus of the Committee to keep as is.

Add:

Front-loading of Police Officers: Continue to front-load Police Officers so that we have officers ready to take the road when officers retire.

Hire a Code Officer to working on commercial corridors and sign enforcement. This can be in Code Enforcement or Building Safety.

Hire enforcement officer to ensure compliance with the new Medical Marihuana Ordinance.

Council Member Hussain had no updates.

ADJOURN

The meeting was adjourned at 5:17 p.m.

Submitted by,

Sherrie Boak, Council Office Manager

Lansing City Council

Approved: October 18, 2017