



MINUTES
Committee on Public Safety
Wednesday, November 15, 2017 @ 3:30 p.m.
City Hall, Council Conference Room

CALL TO ORDER

The meeting called to order at 3:32 p.m.

ROLL CALL

Councilmember Adam Hussain, Chair
Councilmember Carol Wood, Vice Chair
Councilmember Tina Houghton, Member- excused

OTHERS PRESENT

Sherrie Boak, Council Staff
Bruce Odom, Lansing Fire Department
Marc Tyler, Lansing Fire Department
Scott Sanford, Code Enforcement
Mark Mello, Sheetmetal Workers
Jim Smiertka, City Attorney
Brandon Waddell, Assistant City Attorney
Amanda O'Boyle, Assistant City Attorney
Elaine Womboldt, RSL
Jim Bennett, Building Safety

MINUTES

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM SEPTEMBER 20, 2017 AS PRESENTED. MOTION CARRIED 2-0.

PUBLIC COMMENT

No public comment at this time.

Mark Mello with Sheetmetal Workers was present to bring to the Committee his interest in pursuing State passage of new regulations requiring inspections on fire and smoke dampers in buildings. He stated these inspections would be done through the access panels to check all the dampers.

Mr. Bennett confirmed that the dampers are inspected on new construction when they are installed. If a building is vacated they are re-inspected before occupancy. If there is a change of use, but not vacated between uses it is not inspected. Mr. Tylor stated that the property or business owners set the schedule for sprinkler system testing, and then they notify the Fire Department for verification. The inspection is done by a third party, and any maintenance for

the system is the owner's responsibility. Mr. Mello pursued mandating the inspections. Mr. Smiertka asked what code these inspections would come under. Mr. Bennett stated the current inspections come under the Mechanical code and NFPA (National Fire Protection Agency). The question was asked how often extinguishers are inspected, and Mr. Odom confirmed they are checked periodically depending on the facility. Mr. Mello asked the dampers be mandated to be inspected bi-annually. Council Member Wood approached the idea of a third-party inspection with certification sent to the jurisdictions. Mr. Smiertka confirmed for a matter of function, they can be ordered through a third party. Mr. Bennett stated that depending on the occupancy, it would determine how often they should be done.

Mr. Smiertka reviewed the State Act and stated that the NFPA was not referenced. Mr. Sanford says the NFPA calls for the inspection. It is in the national standards, then expressed through the International Fire Code adopted by the City. Mr. Smiertka asked if it can be amended, and Mr. Campbell stated they can be amended, and Mr. Smiertka confirmed it can be done in an ordinance. Council Member Wood asked Law to start the process to amend the ordinance as part of the International Fire Code and add this type of inspection into it. This could be done to allow, similar to sprinkler inspections, the building owners would be required to do the inspection on the dampers. Mr. Tyler asked to have time to review, and not make a decision at this time but have time to investigate the options.

DISCUSSION/ACTION:

Property Maintenance Code and Various State Codes

Council Member Hussain spoke to the Committee and staff present about issues that have occurred at Capital Commons where the management company stated they could not turn the air condition on during the hot spells because of the expense. The question was asked of Law if the City could compel property owners of multi-family residence to reactivate the air conditioning. Also the question was asked if this was enforcement or if it needs to be addressed legislatively. Mr. Smiertka recapped the amending of codes, addressing the connection to the State construction code was first approached during the budget season. Under the State Construction Code Act, there is a requirement to opt in to the State Codes, which includes International Building Code, Plumbing Code, Mechanical Code, Existing Building Code, International Energy Code and National Fire Code. If the municipality does opt in, they have to follow all those codes, they cannot adopt any inconsistent with those. He did note that one code not listed is the International Property Maintenance Code, so the City can make changes to it. Council Member Wood asked about the Energy Code noted earlier, because she did not recall adopting that. Mr. Bennett stated it is adopted by reference in the Building Code, and the Clerk has copies of those for the public. Regarding the option to opt out, Mr. Waddell stated that the City adopted the Code in 2001, and if the City were in the position and wanted to opt out, there is an option by rescinding the ordinance, but a mandatory year waiting period before the rescind is in effect. Mr. Bennett added that the County does not have a building department, so it would not default to the County, but back to the State for enforcement. Mr. Sanford noted that the City can amend the International Code which in 2012 when adopted included the State Mechanical and Fuel Gas codes. He then referred back to the property in question, 500 S Pine, and stated when his office was notified they contacted the management company and they turned the air condition back on; it takes time since it is 10 floors. Council Member Hussain acknowledged all the information provided by all departments. Council Member Wood pointed out that most of the properties that have issues are MSHDA buildings, and asked Law if there was a way to go through MSHDA with their concerns for action. Mr. Smiertka asked Council Member Wood what her goal was with this situation. Council Member Wood stated the purpose would be to make sure there is a speedier response when climate changes that creates an adverse effect for the fragile population.

Ms. Womboldt stated that 3200 S. Washington also had issues during the summer months with no air conditioning working, and no screens in the windows.

Update – City Attorney Update on Code Issues

3801 Walton

The property is a multi-family unit with 16 units, where there have been 130 calls in the last year. The property was noted as a nuisance, and Council Member Hussain confirmed a meeting had been held with the owner where they discussed everything that was supposed to occur to fix the issues, nuisance, evictions, installation of surveillance cameras, and background checks on tenants. Mr. Smiertka confirmed that nothing has been done. Council Member Hussain acknowledged that he had heard the LPD calls had decreased, but the evictions were never performed and the property is still a nuisance. Mr. Waddell confirmed that everything the owner said he was going to do have not been done as of the time of this meeting, and photos were presented to the Committee. Mr. Sanford informed the Committee that the building safety issues have been addressed, and Bruce from his office of premise inspections has a reinspection scheduled for November 28, 2017 for the entire building. They can red tag individual units if they find something.

Council Member Wood asked if the owner can be brought back in and sign a consent letter regarding the install of cameras, increased lighting, background checks, and work with the LFD to close off the exit. Mr. Smiertka stated it could be attempted, but the best scenario at this point would be to do a specific performance ticket. He suggested waiting until after November 28, 2017 to see what was found at the inspection. Mr. Sanford stated he could check into having a premise inspector go by every other day.

Logan Square

Council Member Hussain recapped a meeting on September 14, 2017 with the owner where a verbal agreement was made that they would work with LEAP to market the property. However, on September 19, 2017 Mr. Trezise with LEAP contacted the City stating that the owner was working with a developer so they would not be involved. At that time, Council Member Hussain stated he contacted the owner who informed him they were going to auction off the property and if he didn't get what he wanted with that he would re-engage the City. It was noted that since these conversations in September there has been continued violence in the area including shootings and robberies. Council Member Hussain asked Law where things stood as of the date of this meeting. Ms. O'Boyle stated they did reach back out to LEAP and Randy Eply the property manager. It was stated they are in the process of an eviction of one of the tenants, and the LPD and law were asked for assistance in checking on squatters and doing frequent drivebys. Mr. Bennett confirmed they went to the site but they cannot do any interior code inspections, and confirmed from the exterior there are no imminent dangers with the building. Mr. Smiertka stated a request can be made to do the interior units, at which Mr. Bennett stated he will forward that to Mr. Johnson the Planning and Neighborhood Development Director. They could walk in during regular business hours, but not enter any back storage rooms, etc. Council Member Hussain asked what can be done on the lack of lighting in the parking lot. Mr. Bennett stated that is a zoning item and condition of having a parking lot. Mr. Smiertka suggested a request through Mr. Johnson for inspections, parking lot inspections, and if needed law can do a Circuit Court order. Officer Trevor Arnold will be contacted for any information on all the calls he has taken on site.

Council Member Wood asked the Fire Department Representatives if they have done any fire inspections. They informed the Committee they would need to check with the Fire Marshall that does those.

Mr. Smiertka asked the Committee to allow his office and enforcement time to do the inspections and evaluate the results before reporting back on status. He then asked that the Fire Marshall schedule an inspection, and Mr. Bennett stated that his office and Fire could perform their inspections together. Mr. Smiertka directed Mr. Waddell to contact Mr. Johnson and LFD Chief Talifarro to have the Fire Marshall coordinate a joint inspection. This should include a zoning inspection on the parking lot and obtain any police reports from Officer Arnold.

Ms. Womboldt spoke on the nuisances in the area she has witnessed.

Holmes Street School

Council Member Wood stated to Law that Spartan Internet was proposed to go into the site, however that never occurred and it has now become a nuisance. Because of that, she inquired into what the ability was to have the site cleaned up and the windows boarded up. Mr. Sanford stated his office has only written the property up for tall grass, however, they could issue a letter for construction material on site, have the windows boarded up from the inside, and require it to be cleaned up. Mr. Sanford confirmed a letter had been sent to the owner with a recheck date of November 20th. If there is nothing done they could write a ticket.

Council Member Hussain inquired as to why a building in that condition could only have a grass violation. Mr. Sanford stated that it is a commercial building and building safety has been there to address the windows, and they did send contractors to the site to cut back the brush, but premise inspections are the only things done on commercial property.

A follow up will be done after the recheck inspection on November 20, 2017.

LFD Positions and Budget Impacts

Council Member Hussain confirmed he had invited the Lansing Fire Chief, however he was out of town and unable to attend.

Mr. Tyler confirmed the Chief was out of town, and asked that he be placed on the next agenda. Council Member Hussain asked Council staff to invite Chief Talifarro to the December 6th meeting.

Council Member Wood asked the representatives from the Fire Department to ask the Chief to speak on the number of personnel, the current budget and how the recent position postings will be a part of that budget.

OTHER

Express Court Update

Public service was supposed to reach out to the school and see what happened at the meeting with the school and parents to address the traffic concerns during student drop-off and pick-up. There was no update from Public Service.

Ms. Womboldt spoke on her concerns with the odor emanated from marihuana, and provided a specific location of concern at Hosmer and Kalamazoo. Ms. Womboldt then asked the Committee to consider creating a task force to review investigations and what process will be done if they exceed the 25 cap.

ADJOURN

The meeting was adjourned at 4:55 p.m.

Submitted by,

Sherrie Boak, Council Office Manager

Lansing City Council
Approved: December 6, 2017