



MINUTES
Committee on Public Safety
Wednesday, May 9, 2018 @ 3:30 p.m.
City Council Conference Room, 10th Floor

CALL TO ORDER

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

ROLL CALL

Council Member Carol Wood, Chair
Council Member Adam Hussain, Vice Chair
Council Member Jeremy Garza, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Kathy Miles
Elaine Womboldt
Harold Leeman
Jesse Lasorda
Mary Ellen Purificato
Augustin Mbelu
Joy Mbelu
Jason Wilkes
Scott Sanford, Code Compliance
Jim Smiertka, City Attorney
Lisa Hagen, Assistant City Attorney
Jody Washington, City Council Member- arrived at 4:23 p.m.

Public Comment

No comment at this time.

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM APRIL 17, 2018 AS PRESENTED. MOTION CARRIED 3-0.

DISCUSSION/ACTION:

DISCUSSION – Ordinance to Add Chapter 664; RE: Gambling

The Committee reviewed drafts 2 and 3, and Mr. Smiertka confirmed draft 3 was the version to review today. When the review was originally started he noted, the City was going to adopt the State Statue, but found enforcement was not in the Statue but in the Casino Act. The City cannot adopt any Statue that has enforcement of more than 90 days in jail or a fine.

Therefore, the City had to start their new ordinance, Chapter 664 Section 664.04, which uses definitions from the Casino Act, and addresses three (3) types of operations; Gambling, Gambling Game and Gambling Operation. This ordinance would make it a criminal violation to engage in any operation, under a public nuisance which would start civil action against the violator. The same section allows for forfeiture proceedings on all personal property and gives the LPD power to enforce. Council Member Wood asked for discussion and clarification from Law on page 1, and it was confirmed any gambling that exchanges money or credit would be considered illegal. Council Member Garza asked how quick the establishments could be shut down. Council Member Wood stated that if action is taken at Committee and Council they will set the hearing on May 14th for May 21st. Then once it is adopted, Council can ask for immediate effect. Mr. Smiertka noted to the Committee that they might hear complaints that a gambling night at a friend's house would now be considered gambling and according to the ordinance be considered illegal. Council Member Wood asked if it would affect bingo games as well, and Mr. Smiertka confirmed.

Ms. Miles and Ms. Womboldt spoke in support of the ordinance.

Council Member Wood asked, if the ordinance passes, what the notification process would be. Mr. Smiertka admitted they had not thought about that step but will work with the LPD to see how many places have been identified and work on an enforcement plan.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR MAY 21, 2018 FOR THE ORDINANCE AMENDMENTS TO CHAPTER 664. MOTION CARRIED 3-0.

DISCUSSION- Ordinance– Newspaper Delivery

Mr. Smiertka noted there are two ordinances before the Committee, one to repeal a section which should be adopted first, and another addressing the issues which speaks to a nuisance. There has been mention in the past, he noted, that this is a freedom of speech issue, because it is a newspaper, but it is permissible to regulate if it is specific to time, place and manner. Mr. Smiertka continued the overview stating his office took language from a direct case at the Supreme Court and the 6th Circuit for the ordinance. The purpose of the ordinance is to further the persons interest to allow their property to be left alone, it is not in any way to regulate freedom of speech. The language regarding “person” speaks to everything including corporation, person etc. Council Member Wood asked if the changes would affect campaigning as long as they were placing any documents on the porch, and Mr. Smiertka confirmed she was correct. Mr. Smiertka then noted maybe the ordinance should be changed to add in “10 year sunset”, however it was determined that the ordinances in general speak to a sunset every 10 years. Council Member Wood asked if this was supported by Council, how will people be notified, suggesting the Clerk have copies of the approved ordinance to provide to any applicants for solicitors, vendors or people running for election. It was also suggested that if the ordinance is adopted it be sent directly to the Community News.

Mr. Leeman asked how it was going to be enforced. Mr. Smiertka stated it would be complaint driven, than the company and carrier would be ticketed, adding that if a complaint is for just one home a street they will not ticket the company, but if it is the whole street or an area, the company will also get the ticket.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR MAY 21, 2018 FOR THE ORDINANCE TO REPEAL CHAPTER 676, SECTION 676.02. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR MAY 21, 2018 FOR THE ORDINANCE AMENDMENTS TO CHAPTER 676. MOTION CARRIED 3-0.

UPDATE – Ordinance- Trash & Recycling Bins

Ms. Hagen informed the Committee that she drafted an ordinance that would amend the current ordinance to authorize Code Compliance in addition to the Public Service who is already listed, to write the citation. Mr. Sanford spoke in opposition to the proposed changes citing that his office does not have the time to write citations, and that it all started in Public Service so they should be writing the citations. The Committee spoke on who would receive the citation and the issue that the residents pay for the recycling so those bins cannot be taken if they are not in compliance. Council Member Wood asked for resolution to the issue by July 1st and that since there is already an ordinance, staff needs to start enforcing and writing citations. Ms. Hagen noted that the draft ordinance she proposed was reviewed by Mr. Kilpatrick in Public Service who made recommendations.

Council Member Wood stated there will be a special committee meeting on June 6th at 3:30 p.m. where this topic will be the only discussion. Mr. McGrain and Mr. Kilpatrick will be invited to attend, and Mr. Smiertka stated he would place the invite.

Ms. Miles asked if citizens can be deputized to enforce, at which Mr. Smiertka stated that there has been a legal opinion in the past this task is a collective bargaining job and they are authorized City officials. Council Member Garza asked if the City creates a parking enforcement officer for the “no parking 2 am – 5 am” if the enforcement officer could also write citations on the bins.

Ms. Womboldt asked for more City employees for enforcement.

Mr. Leeman asked if the City knew if there were 80% complying or 20%, and if it is owner or tenant and if the recycling company was educating the public. Council Member Wood stated her belief was 50% were complying and they have had discussions.

RESOLUTION – Make Safe or Demolish; 902 E. Kalamazoo Street

Mr. Sanford updated the Committee on actions from today prior to the meeting. That included a discussion with the owners who are making progress with two (2) permit and two (2) in process along with work on the roof. With a fire damaged house Code would recommend 30 days to make safe or demolish but agreed to extend to 60 days with the owners, with a review on a final decision. Council Member Wood stated clearly to the owners that Council will adopt a resolution on May 14th for 60 days, and if the work is done within those 60 days the order to demolish will be lifted. If it is not done, she continued, but they have proven they have done enough to continue, Code will present to Council another resolution to extend it to complete. The owners confirmed they understood and will abide with that plan. If Code gives another extension, then they come back to the Committee on Public Safety for the extension, and Mr. Sanford agreed to that.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION TO MAKE SAFE OR DEMOLISH 902 E KALAMAZOO STREET IN 60 DAYS. MOTION CARRIED 3-0.

RESOLUTION – Make Safe or Demolish; 816 Hickory Street

Mr. Sanford updated the Committee that as of the date of this meeting, there were no actions, no contact and no permits, therefore Code is recommending 30 days for make safe or demolish because it is a fire damaged property.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO MAKE SAFE OR DEMOLISH 816 HICKORY STREET IN 30 DAYS. MOTION CARRIED 3-0.

DISCUSSION – Plaza at the Intersection of Pleasant Grove/Holmes

No law enforcement or staff present.

Ms. Womboldt spoke on her understanding of the violations at the intersection.

Mr. Wilkes spoke in support of action being taken at the location, and noted he was not happy with any action the LPD has done already at the location.

Council Member Wood pointed out to Law that there has been enforcement actions at other major intersections on major corridors in the past and that included no plea bargain when it appear in the courts. She also suggested installation of pole cameras, and researching the property owner's taxes for delinquency, which would be a violation of their liquor license. Mr. Smiertka stated he would meet with Chief Yankowski to verify the violations before staring the process. Council Member Wood asked to be informed when the cases were in the courts so she could attend.

Council Member Hussain spoke in support of some of the business owners in the area that are making a change, however he noted a list of violations at the Plaza including but not limited to on site sale and consumption of alcohol inside and outside of the property, cups being sold inside Von's Market so they can be filled with alcohol and consumed on the street, drug dealing, loitering, disabled vehicles left on site or being repaired on site, public disturbances, fighting, physical assaults, sale of alcohol and tobacco to minors, and WIC and welfare fraud. Lastly he added, the City Attorney should speak to the Police Chief who has mentioned in the past there are active investigations on the site.

Mr. Lasorda spoke on the issues he had in his neighborhood with vicious dogs. He then asked the Committee to evaluate the enforcement so something can be done, because he was concerned with every persons and animal's safety. Council Member Wood informed Mr. LaSorda Council had discussions in the past on vicious dogs, but at the time there was no ability for enforcement to deal with them. She added that Animal Control has told her they will prosecute owners of vicious dogs but a series of events have to happen first. The current City ordinance cites the owner on a complaint basis, but does not do anything with the animal.

Council Member Garza stepped away from the meeting at 4:49 p.m.

Mr. LaSorta stated he would also reach out to Sarah Anthony for assistance. Council Member Wood noted to the public that it is a struggle to enforce without speaking to a specific breed.

ADJOURN

The meeting was adjourned at 4:53 p.m.

Submitted by

Sherrie Boak, Council Office Manager

Lansing City Council

Approved: June 6, 2018