



MINUTES
Committee on Public Safety
Wednesday, June 6, 2018 @ 3:30 p.m.
City Council Conference Room, 10th Floor

CALL TO ORDER

The meeting called to order at 3:33 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
Lisa Hagen, Assistant City Attorney
Scott Sanford, Code Compliance
Jim Smiertka, City Attorney
Andy Kilpatrick, Public Service Director
Chief Yankowski, LPD Police Chief
Amanda O'Boyle, Assistant City Attorney
Council Member Spadafore – arrived at 4:21 p.m. and left at 4:51 p.m.
David Puck, MLBA
MaryEllen Purificato

Public Comment

No comment at this time.

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM MAY 9, 2018 AS PRESENTED. MOTION CARRIED 3-0.

DISCUSSION/ACTION:

ORDINANCE- Add Chapter 664; RE: Gambling

Council Member Wood distributed an email from Ms. Nichols with South Lansing Ministries for the record. She also distributed an email from Scott Ellis, and his concern on this ordinance and enforcement on redemption games. The last handout she distributed was the Michigan Legislature Section 750.303a.

Mr. Puck spoke on behalf of Mr. Ellis and his concerns. Mr. Smiertka stated those games of redemption are a skill game, not of game of chance, so they would not fall under this new ordinance.

Mr. Smiertka then brought it to the Committees attention of a recent inquiry into if the card games that are played periodically at senior housing establishment would fall under this new ordinance to be enforced, and those are addressed as recreational card playing under the State Casino Law.

The Chief had no comments at this time, and was assured that once the ordinance is passed it will give the LPD an opportunity to get involved without waiting on the Attorney General.

Council Member Wood asked the Chief how the LPD handles forfeiture without due process. Chief Yankowski answered that recently there was a change in law, where normally anything over \$50,000 the prosecutor's office represents. Sometimes a conviction is a need to forfeiture, but no longer do they do have to put up a certain dollar amount.

Council Member Hussain read a section of the email from Ms. Nichols:

clients going in and out of the gambling place and it breaks my heart. These establishments are intentionally placed in neighborhoods where people of limited finances, often no transportation and are struggling. It is overtly targeting folks that can least afford to lose money by the lure of maybe making a little, and we all know how that usually ends. These gambling places are never opened in more affluent neighborhoods where residents have many more options for entertainment and a break from their daily lives. The parking lot is packed, there are people all over the sidewalks and in the parking lot, loud music, and trash strewn all over, including liquor bottles. South West Lansing deserves better than this, organizations like the one I work at deserve better and this and certainly our city officials should be able to step up and make it illegal to prey on these people. It's bad enough we have liquor and lotto stores on every corner, next to marijuana dispensaries, and same day cash businesses. We in SW Lansing want to make it better but we need your help. Adam Hussein has

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

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE ORDINANCE TO AMEND CHAPTER 664, SECTION 664.04; GAMBLING. MOTION CARRID 3-0.

Chief Yankowski was told if he had any questions or recommendations to get those to Council staff by noon, on June 8th and the Council will pull action from the agenda.

ORDINANCE - Repeal Section 676.02 in Chapter 676

The Committee discussed the changes in this ordinance and the next agenda item. It was noted by Mr. Smiertka that the changes were language Law used from the US Court of Appeals, where it has been challenged and upheld by the Courts.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE ORDINANCE TO REPEAL SECTION 676.02. MOTION CARRIED 3-0.

ORDINANCE- Amendment to Chapter 676, Section 676.02; Prohibit Depositing, Distributing, Littering, or Creating Visual Blight of Private Residences

Mr. Smiertka stated that this ordinance was not aimed at any content; it could be any type of paper material, flyers, political, or circulations. Unless it is handed out at door or a door hanger, placed in a box or receptacle, this will be an anti-littering ordinance. Council Member Wood asked what the enforcement plan would be. Mr. Smiertka stated they did not have a plan as of yet, but this is a misdemeanor so anyone authorized to write misdemeanor tickets can write one. If Law gets a complaint they will contact the distributor. Council Member Garza asked where the funds from the tickets would go. Mr. Smiertka stated fines and forfeitures are in the general fund as part of the revenue stream. Mr. Kilpatrick stated they will

have to look at their practices, because if might be Public Service if they enforce, or Economic Development if they enforce under Code Compliance.

Ms. Womboldt spoke in support.

**MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE ORDINANCE
AMENDMENTS TO CHAPTER 676, SECTION 676.02.**

Council Member Wood encouraged Law to send a letter, after passage, to the people the City already knows are in violation. Chief Yankowski asked if the delivery person or the business would be cited. Mr. Smiertka stated it would be a case by case, because under the definition of the code it is broad. The first target would be the delivery person. If there is a pattern, they would consider it a nuisance.

UPDATE – Ordinance- Trash & Recycling Bins

Council Member Wood outlined the reason for the discussion on complaints of totes and carts remaining at the curb even though there is an ordinance on the books. Once suggestion in the past has been for the trash haulers to pick up same day in the same quadrant. The issue with enforcement with the recycle bins is that there is a fee attached to their taxes for that service. Lastly, the question of contention has always been who enforces it because if it is in the right of way, is that Public Service, or does Code Compliance enforce.

Ms. Hagan went through Draft 2 of the ordinance which she stated included recommendations from Mr. Kilpatrick in Public Service. Page one includes new language “From the side of the street” and removed “public service department employees” from the whole document. Page one added in “for a maximum of” one collection weekly. The word “City” was removed throughout the document where it spoke to “collection bag”, eliminating a designation between “city” and “private”.

There was a question on who would get the fees from the fines, and page 4, line 20 noted it went into the Municipal Ordinance Violations Bureau. The Committee and Law discussed setting fees similar to Code Compliance with a \$75 charge for second violation. Council Member Wood referenced page 4, line 10 which states the owner shall be notified. Mr. Smiertka stated it would be the owner not the tenant, and the violation would go to the owner. These would be civil infractions, and Mr. Smiertka added it would be no different then the marijuana tickets. The first violation would be a letter, then repeat violations can have court order.

Mr. McGrain asked the Committee to give staff time to work on education pieces and other options, such as a large sticker on the opening of the curb cart, to provide warnings to the public. Mr. Kilpatrick also suggested that violations could be brought to the Public Service department and they will have to pay the fine to get the cart back.

Council Member Garza asked for better clarification on if a curb cart can be placed next to the garage or would still be in violation.

Council Member Wood asked for further discussion on the fee amounts for the repeat and second offense. She also asked Mr. Kilpatrick to check to see if all the vendors, including the City, can pick up in the same areas the same day. Mr. Kilpatrick stated he would look at their agreements and licenses with the vendors along with tags and/or stickers and report back in 30 days.

Mr. McGrain asked Law if a sticker on the container is fair notice by law for enforcement if they don't remove them. After a brief discussion on enforcement options, Council Member Wood

asked staff to take action over the next 30 days and provide updates to the Committee for further action on an ordinance. An update will be on the July 11th agenda and in the meantime staff was asked to also update the Landlord Association.

Ms. Purificato provided her opinion that the homeowner should be responsible.

Ms. Womboldt supported the enforcement.

DISCUSSION/Place on File – Rules of Procedures for the Board of Police Commissioners

Council Member Wood pointed out that Boards submit their Rules of Procedures for the Committee to review and make suggestions or concerns on. Chief Yankowski was not able to confirm or deny that there were any changes since 2001, but will follow up. Council Member Wood suggested they post their agendas on the website. She then asked if the meetings hold their public comment before or after decisions. Chief Yankowski confirmed it was done before and after.

The Committee will place the document on file once the earlier question on changes is answered by the Chief.

Council Member Wood canceled the June 13th meeting, with the next date of June 27th. This meeting will include an update on the medical marihuana. The Committee will also discuss at that meeting suggestions for the Gun Safety Task Force.

Ms. Womboldt supported comments on the meeting notices on the website, asked the Council President to enforce cell phone usage on the Dias during meetings, and require public comment before and after a decision is made.

Council Member Hussain asked for an update on. Lansing Connect at the June 27th meeting.

ADJOURN

The meeting was adjourned at 5:10 p.m.

Submitted by

Sherrie Boak, Council Office Manager

Lansing City Council

Approved: June 27, 2018