



MINUTES
Committee on Public Safety
Wednesday, August 8, 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- excused
Council Member Jeremy Garza, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Joseph Abood, Chief Deputy City Attorney
Rachelle White
Marshaun Blake, LPD Fire Marshall
Chief Yankowski
Amanda O'Boyle, Assistant City Attorney
Lisa Hagen, Assistant City Attorney
Joseph Abood, Chief Deputy City Attorney
Brian McGrain, Economic Development & Planning
Steve Swan, Building Official
Scott Sanford, Code Compliance
Andy Kilpatrick, Director of Public Service
Officer Eric Pratl, LPD
Elaine Womboldt
Greg Venker, Assistant City Attorney
Harold Leeman
Joy Gleason

Minutes

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE MINUTES FROM AUGUST 1, 2018 AS PRESENTED. MOTION CARRIED 2-0.

Public Comment

Public Comment taken during each agenda item.

DISCUSSION/ACTION:

Review/Place on File – Lansing Police Department 2017 Annual Report

Chief Yankowski referenced the report which highlighted the department and is available on the website and social media. The document is a transparent snapshot of things that happened in 2017. Chief Yankowski referred the Committee to page 8 and the statistics on formal and informal complaints lodged against the LPD. This got contributed to more technology to validate work that is performed by the officers. Council Member Wood asked if there was a thought on a random selection of the formal complaints to send a survey to see how they felt they were treated. Chief Yankowski noted they have discussions with the Administration on community surveys. Council Member Wood suggested survey questions. Chief Yankowski noted that half of the complaints are internal complaints. The presentation moved onto the statistics page 10 which highlighted community participation on community meetings, events, reports, arrests, etc. The next statistic was on page 17 which spoke to vehicles and traffic follow-ups, and parking tickets. Council Member Wood asked about earlier discussions on an electric vehicle for parking enforcement. Chief Yankowski stated they are still researching the best vehicle. Council Member Wood then asked about moving a parking person to shift work and enforcing the “no parking 2am – 5am”. Chief Yankowski stated that with an enterprise fund they need to be cautious on what work the funds are spent on, but if there are changes to the current ordinance they would have to address staffing then. The presentation moved onto a brief overview of the Explorer Program, officers, the Violent Crime Initiative, and “hot-spot” enforcement. Council Member Wood asked if they were offering sign language training for the officers, and the Chief referenced Officer Coates current role in that training. Council Member Wood asked if they were training officers on the Human Rights Ordinance. Chief Yankowski stated he would have to check into the training program they have been using this year. Council Member Garza asked about the overtime for enforcement in the Pleasant Grove/Holmes area and being utilized when considering since there is not a lot of activity on Sunday’s and Monday’s. The Chief stated that they are addressing the issues based on when they are needed there in their tactics. Page 44 spoke to the FOIA statistics and policies in place in the LPD.

Ms. Womboldt acknowledged the LPD for their attendance at the neighborhood meetings.

RESOLUTION – Introduction & Set Public Hearing; Exterior Lighting Ordinance

The Committee received the newest version, Draft 1.4 from Law to review. Mr. Venker noted that the new language is what was introduced in March, 2018 with small changes, including page 1, line 15 now says “five (5) vehicles”, and lines 18-21 speaks now to even lighting in the parking lots. Mr. Venker moved to page 2, line 17 which speaks to exemptions with the addition of exemption 4 on page 3 which now states “Public Recreational Facilities, not including the parking lots for public recreational facilities.” Regarding questions at earlier meetings on making the ordinance enforcement retro-active, it cannot be retro-active but if an owner changes their use or rezones, tears down or rebuilds these amendments would come into effect. Council Member Garza asked if the amendments would address the issues Logan Square, and Council Member Wood answered that they would only if they did something significant. She added that staff should also be currently looking at the international electrical code to see if there is anything on exterior lighting and it being maintained.

Ms. White asked if the amendments would be in effect at the Lugnut Stadium, and Mr. Venker because it falls under the exemption for sport fields.

Ms. Gleason spoke about page 2, line 14 where it noted luminous tubes are prohibited, and Mr. Venker clarified that means they cannot be used as an architectural detail therefore passing as lighting.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR SEPTEMBER 24, 2018. MOTION CARRIED 2-0.

MOTION BY COUNCIL MEMBER GARZA TO SEND THE ORDINANCE TO THE PLANNING BOARD FOR THEIR RECOMMENDATION. MOTION CARRIED 2-0.

Council staff was directed to send the ordinance to Ms. Stachowiak in Economic Development and Planning for the Planning Board recommendation.

DISCUSSION – Sign Ordinance Enforcement

Mr. McGrain provided an update on the businesses located at Pennsylvania and Jolly and their sign violations, noting that notices had been sent to all businesses at that intersection that were in violation. At 5115 S. Pennsylvania, all signs were removed, and all signs but 2 were removed from the Nikos business on the south east side. In regards to the Verified all items getting removed. Ms. Stachowiak noted the other intersection has not been removed and the owners were informed they will be removed and charged the violation fee. Council Member Wood asked what the time frame was on sign removal, and Mr. McGrain stated he would provide that information, along with finding out if they are repeat offenders if they get less time. Council Member Garza inquired into if anything was done with the banners at all those locations, and Mr. McGrain confirmed those were addressed as part of the violation notice. Mr. McGrain then went on to explain that in general on sign enforcement, either they get the complaint by email or a phone call. Signs are a zoning violation, therefore Ms. Stachowiak in his office issues the letters, logs into the data base, and does the follow up. They also utilize the Code Enforcement to double check some areas. With the recent hiring of the new Code Officers, they have taken the task of enforcement of all signs in the right-of-way. Council Member Wood asked what is done once those signs are picked up; if they are notified based on any phone numbers on the signs, so that they do not do it again and if not she suggested a letter be sent from the City Attorney office to them. Council Member Wood then spoke on continual complaints with the vendors that rent the Lansing Center, place signs in the right of way but never pick them up. Mr. McGrain admitted to having conversations with Mr. Keith on this and noted there was language in the current contracts to address it. Council Member Garza asked about the process thus far with cars in the right-of-way on Pennsylvania. Mr. McGrain asked Council Member Garza to contact his office with the addresses and his office will follow up.

Ms. Gleason asked if Code is taking signs on utility poles and trees also and Mr. McGrain confirmed. Council Member Wood asked Mr. McGrain to check to see if there was an ordinance on the books already that speaks to those types of signs.

DISCUSSION/UPDATE – Residential Trash & Recycling Bin Policy

Council Member Wood referred to Draft 3 recently submitted at this meeting by Law, asking what the changes were, because a hearing was already set for August 13, 2018. Mr. Abood answered that the changes were suggestions to the Committee for consideration, as an alternative enforcement method to be effective action. Ms. Hagen went through the changes that were found on page 4-5 speaking to the dollar amounts in the fines. First offense to \$25; Second offense to \$50 and Third offense to \$250.00. The Committee accepted the changes and added to page 5 line 1 after the fines "These ticketed fees could be changed from time to time by resolution."

Council Member Wood asked Mr. McGrain and Mr. Kilpatrick where things were on the proposed policy for placing stickers on the containers and picking up if there is a violation. Mr. Kilpatrick confirmed they cannot pick up, and Mr. Abood added that with the change in the

ordinance to state Public Service can designate, they can now designee to code enforcement. Regarding recycle bins left at the curb, Mr. Kilpatrick confirmed they cannot pick those up. The trash bins he added can be taken for non-payment. Council Member Wood asked if the City can contact Granger on the recycling bins when there is a violation, and Mr. Kilpatrick confirmed they were the licensed vendors along with Eric's Refuse for trash containers and the City.

Council Member Wood asked if the hearing scheduled for August 13th could still be held with the new proposed changes just coming to Committee today. Mr. Abood stated it could be re-noticed, but Mr. Smiertka stated that they can move forward with the hearing. Council staff was asked to provide copies of the recent draft to Council and the public.

Ms. Gleason spoke in opposition because in her opinion the bins still could not be taken with violations. Council Member Wood assured her that now this allows for tickets to be issued, and there is a policy to mark the containers, and if it is a City container they will take them, and if it is a Granger they will get tickets. The policy is in the work with Public Service and Economic Development and Planning. Council Member Wood assured Ms. Gleason she will explain at the hearing on Monday.

Council Member Garza asked if the Granger contract can be amended to state they have to pick up their containers if their client has a violation. Mr. Kilpatrick stated he would look to see when their contract is up and if it could be added. Mr. Abood added to the conversation that when doing the research the Law department found that the City of Lansing fines were the cheapest, so they are hoping raising the fines will help the issue.

UPDATES – Logan Square Shopping Center –

Mr. McGrain introduced Mr. Swan, the interim building code official, then informed the Committee that his department had performed a site visit and verified that the pot holes were filled, the window signage removed and they will be performing a follow-up. He added that they had spoken to the businesses on site and met with the property manager. During the visit they also looked into the vacant suites and will be writing up safety issues, which included issues with the electrical and roof. Over the next day's Mr. Swan is scheduled to do a walk-through of the building. Mr. McGrain added that his office has also been in contact with Officer Blake the Fire Marshall and they will be working with LFD to be inside the suites and address the issues, and Officer Blake confirmed they will be working with the Building Official.

Council Member Wood asked if the departments could provide the Committee with the list of fire and zoning violations at Logan Square. Mr. McGrain and Officer Blake confirmed they could provide those after their inspection. Officer Blake then outlined what he had found already on site, which was that the building had a lot of locked doors but he did speak to Mr. Maran and noticed potential suspicious violations he will pass along to the Police Chief. He was asked if there was a lighting issue at night, and Office Blake state he did not note any, but thinking back he did recall some dead spots and wide open spaces.

Pleasant Grove & Holmes Shopping Center-Law Alternatives to bring owners in line

Officer Blake informed the Committee that on July 17th he started his inspections on site, and visited the existing businesses but they had odd hours, so some he was not able to get into at all. He confirmed he did visit the market, and spoke to them about contacting the property owner, at which he was informed to send all communications to the store.

Council Member Wood referenced a spreadsheet that was created by Ms. White. Chief Yankowski started going through the spreadsheet noting to Ms. White and the Committee that even though there are items on the document noted as "passed due", since the end of June

there has been significant response, his officers have over 260 hours into enforcement. They have looked at the actual data, police call incidents reports and in July there were only three (3). Council Member Wood asked Ms. White to explain what "passed due" in her report referenced and asked if she was promised results in 2 weeks. Ms. White confirmed she created the document from the Committee on Public Safety meeting of June 27th, and 2 weeks was her understanding from that meeting. Chief Yankowski stated to Ms. White and the Committee that his attendance at this meeting is to provide an update, and they are limited on what they can report on. He then went through the spreadsheet and complaints in the area. Council Member Wood distributed an email from Linda Vail with the Ingham County Health Department, in which it stated *"He did apply for and get seasonal permits twice in 2017. He does not have any type of license right now. We have received complaints about him giving food away (which is allowed as long as it's not public). My guess is he was not operating a closed party, and if that's the case it is a violation. We have been out to talk to him about that. The recent complaint you referred to was followed up on by my office. Unfortunately, we must find them in the act in order to begin enforcement. We went out multiple times between mid-June and early July and did not find them in operation."* Chief Yankowski noted that when they made contact with the business, they were cooking their lunch but did not find them selling it.

Ms. White introduced herself and provided the name Ben Singh as the owner of the property. Officer Blake confirmed he had that phone number and contact information, and acknowledged that to the best of his knowledge the family owns and manages four (4) stores in the area. He also stated the information he has was that the current owner is in Orchard Lake and the new owners, Singh, is in Grand Ledge. His notices will go to the owners or responsible partner, and will send a registered letter to the address of the property with the timeline of 7 days. If he does not get a response from the Mr. Singh, he will then seek an administrative warrant to finish the inspections that need to be done.

Chief Yankowski informed the Committee that his office has reached out to the MSU Economic Design for Crime Prevention and they have set aside funds to look at ideas on how to improve the design for crime prevention in that area.

Ms. White asked how long the LPD overtime can last. Chief Yankowski noted that 260 house is not just working on this issue but other issues in the area and what they call problem solving enforcement. The public safety cameras have been updated and they are utilizing it.

Officer Pratl updated the Committee that on June 28th he was to site with 4-5 other officers, and went to each business with a packet of information and resources, including the "Letter of Trespass". Out of the 14 businesses they visited they have received five (5) letters; Vons Market, Quality Dairy, Sprint and Center of the Plate Catering. Officer Pratl also added that they brought ice cream for the event, but there were not a lot of people so they took it to the South Side Community Center.

Chief Yankowski updated the Committee on a person who appeared to be loitering in the area in the past, stating the LPD has taken the necessary steps to help address his needs.

Council Member Wood asked if there have been any tickets or arrests for zero-tolerance filed with the City Attorney office. Chief Yankowski stated that there were no businesses cited but any individuals cited were under the City ordinances. Council Member Wood asked if they would be logged or flagged under that location. Mr. Smiertka stated that law monitors police reports and the tickets, they watch the area and flag them in the City Attorney office. Council Member Wood asked if there were any of those cases coming up in the court docket. Mr. Aboud stated there is nothing that they believe zero-tolerance would apply to.

Council Member Wood asked Mr. Abood for confirmation from the last meeting that the letter to Mr. Singh could or was emailed or sent fax to Mr. Ben Singh. Mr. Abood stated he called Mr. Singh and got no response but was informed he will be back in Lansing on August 15th. Council Member Wood asked Law to reach out to the Singh's and have them at the August 22, 2018 Committee meeting. Mr. Smiertka stated they would extend the invitation and request the letter/agreement be returned signed to the City by August 17th. Council Member Wood then asked if they do not comply, if the City Attorney thinks there is a nuisance case. Mr. Abood stated that nuisance cases are specific and indicated at the last meeting that law is researching the option. They will be looking at the inspections, and any contacts with the police. He added that the threshold is not low; they need enough facts that represent that they compromise the health, safety, and welfare before they would approach court. Mr. McGrain acknowledged they could supply law with anything they have listed in code enforcement in a 2 block radius. Mr. Abood stated they only need the Pleasant Grove/Holmes site, 3418 and 3434 Pleasant Grove, and anything 6 months back. Mr. McGrain agreed to provide 6 months and 12 months and any zoning issues.

Council Member Wood reminded the Committee and public that the ordinance on the gambling is on the agenda for passage Monday night.

Council Member Wood spoke on her concern with the Arts Council and projects for the intersection at Pleasant Grove/Holmes, and them being now told there is a drop dead date that things have to be done by. She continued by stating that the Committee is holding special meetings and required departments attend to address the issues on the site, but now they are hearing that something has to be done by August 28th or the art goes to a different location. She asked what would be helpful in making the Art Council not move it from this location. Mr. McGrain stated that the plan is to keep things moving at this site, they are on the same page and they have demonstrated to have art there sooner than later. Council Member Wood asked Mr. McGrain if Council should generate a resolution to persuade the Art Council to hold off on moving the art to another site. Mr. McGrain again stated in his conversations the Art Council is continuing to move in this direction. Council Member Wood asked for a meeting with the Director of the Art Council to let her know the commitment and time that has been put into the efforts, and Mr. McGrain agreed to the idea.

Ms. Womboldt stated there were multiple complaints on the property and Council Member Hussain had them documented.

Ms. White explained the reasoning for the spreadsheet she submitted to the Committee and Administration.

Ms. Gleason spoke in opposition to "zero tolerance". Council Member Wood explained that the Committee is looking for "zero tolerance" when things go to court so that there are no plea bargains. Chief Yankowski noted to Ms. Gleason that the LPD does not like to use the words "zero tolerance" but their practice is a discretionary policing based on what is the action at the time and about the presence there. Mr. Abood added that Law does not get warrants just on incidents because of the location in the City, or certain time of day. They look at specific elements of crimes.

Other

Council Member Garza inquired into if Mr. Swan could verify a statement made by a plumbing inspector to the Waterfront Bar and Grill that the facility is not plumbed correctly for a coffee shop. Mr. Swan confirmed.

The Committee will meet again August 22, 2018.

ADJOURN

Submitted by 5:30 p.m.

Sherrie Boak, Council Office Manager

Lansing City Council

Approved: August 29, 2018