



MINUTES
Committee on Public Safety
Wednesday, September 12, 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
Brian McGrain, Economic Development & Planning Director
Andy Kilpatrick, Director of Public Service
Chris Swope, City Clerk
Tonia Olson, Granger
Commissioner Teri Quimby, Liquor Control Commission
Scott Ellis, Michigan License Beverage Association
Chief Yankowski, LPD Chief - left at 5:37 p.m.
Officer Pratl
Lisa Hagen, Assistant City Attorney- left at 4:58 p.m.
Brian Jackson, Deputy
Steve Swan, City Building Official
Mike Morefsky
Jeffrey Hanks
Andy Kilpatrick, Director of Public Service
Joseph Abood, Chief City Attorney— stepped away at 4:45pm back at 4:52pm left at 4:57pm back at 5pm
Kyle Kaminski
Kathy Miles
Elaine Womboldt
Deb Biehler, City Clerk's Officer
Mary Ellen Purificato

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM AUGUST 29, 2018 AS PRESENTED. MOTION CARRIED 3-0.

Public Comment

Public Comment taken during each agenda item.

DISCUSSION/ACTION:

UPDATE- Medical Marihuana Licensing – City Clerk

Mr. Hanks submitted a letter and spoke on the list of applicants, asking for an updated list. He also spoke briefly on the State determination on all unlicensed facilities close on September 15th.

Council Member Wood recapped for the public that Council adopted an ordinance and delegated the City Clerk's office to regulate, and recent lawsuit between the City and Let Lansing Vote has been dismissed. Council was not looking to take over the regulating process but was looking for an update on the process. Mr. Swope confirmed his office has been regulating the 2017 ordinance and accept applications for the 5 uses, but provisioning centers are the only ones that have a time frame and limit. There have been 60 grow facilities that have applied for licenses, and of those 32 have received conditional approval, and 27 in the review process. There have been 18 applications for processing facilities, and of those 10 have conditional approval, and 8 are pending. The final approval requires the Fire Department inspection because of the materials on site. Council Member Garza asked if a study has been done on the chemicals and if they are ending up in the sewer. Mr. Swope stated they have to submit a waste plan to Public Service, and Mr. Kilpatrick confirmed they speak to the applications, and Mr. Swan added that they are required to have an inspection manhole so the City can sample at any time. Mr. Swope continued by stating they have one applicant for a safety compliance facility and they have been approved. There have been 3 applications, 1 approved and 2 pending. Regarding the provisioning centers, they have denied 55 applications based on various factors, and following the set forth scoring criteria. They have 2 appeals rights; one to the hearing officer and then if denied they can appeal to the Medical Marihuana Commission. The majority of those that have been denied (55) have appealed to the first step the hearing officer. If they go through the Commission and are denied, or denied initially they have received their refund. Mr. Swope then spoke about another court case where the applicant filed the case with the courts before they went through the City appeal process. Mr. Abood added that the Judge stated the City cannot issue any licenses until all the appeals have been adjudicated. Therefore, the Clerk's office is checking all remaining scores, and scrutinizing all scores before any denial. Mr. Swope informed the Committee that they have estimated staff time a week at 160 hours and that includes three people in the Clerk's office, City Attorney staff and temporary help. Mr. Swope then read the determination from the City Attorney in the memo dated 9/12/2018 hand delivered to Committee at the meeting. This is a memo to address the State Emergency Ruling to provide insight.

Because no Attestation I forms have been completed for provisioning centers, none of these applicants in the City of Lansing will be permitted to operate past the September 15, 2018 deadline. Operation past this deadline will be considered "an impediment to licensure" with the State of Michigan. The consequences could include denial of licensure, disciplinary action, and referral to law enforcement for unlicensed activity.

Council Member Wood asked if the Clerk had hired an outside contractor to do the financial analysis on the applications and if so what that cost was. Mr. Swope confirmed they did and have spent the \$80,000 they budgeted. The initial contract has been extended, and they are reviewing all the initial items again. Mr. Swope confirmed his website had a list of applicants and status, and distributed that list dated 9/12/2018. If it says "denied" it could still be in the appeal process; denied /refund means they are through the appeal process and have gotten their refund. Council Member Hussain asked if the denial comes with an order to close, and Mr. Swope confirmed. Mr. Jackson noted that the applications are continually being reviewed in preparation that if/when the applicant might appeal their denial. Council Member Wood asked staff present who would be enforcing the Emergency Ruling to make sure those closed.

Chief Yankowski confirmed his office would be meeting with the City Attorney office on Friday to determine the process they are to take. Council Member Garza asked if a pending application business can stay open until the 15th and then will have to closed, and Mr. Swope confirmed.

Ms. Miles stated her opinion that her neighbor was putting chemicals in the sewer and Council Member Wood stated she would provide that address to Public Service.

Ms. Womboldt asked how the City was going to close the shops based on the recent State decision. Council Member Wood recapped the earlier memo read from Law and reiterated that the LPD and Law are meeting Friday, 9/14 to determine the steps they need to take.

DISCUSSION – Liquor Control

Council Member Wood informed the Committee and public that the discussion can only be on general practices, etc. and no questions specific to or referencing a certain site, business or property.

Commissioner Quimby provided a brief overview of her past experience and how she was appointed by the Governor for the last seven (7) years. The Commission holds hearings independently of each on violations. She also noted that Michigan has lowest fines in country, with a maximum of \$300.00, but do revocation powers. The fine for serving a minor is \$1,000 and intoxicated on premises. The Commission's powers come from the State Statue and Michigan Constitution, along with powers to subpoena under the Administrative Procedure Act. There are 389 licenses in the City, and are renewed annually on April 1st, with 55% of those fees going back to the municipality they are in, which resulted in roughly \$85,000 to the City for law enforcement purposes. An available license costs \$600, other licenses are DDA and resort licenses at \$20,000 and those are limited, however the DDA license does not have a cap. Those licenses can be transferred at that location but cannot be moved elsewhere. With the DDA license they have to put capital into the project of \$75,000 and provide food and seating. Regarding enforcement, Ms. Quimby noted they can do emergency suspension orders, and hold do a show cause hearing. They can suspend and revoke and hold penalty hearings. It takes three (3) sales to a minor, bumped up to statutory, could have a one day suspension, but have never only issued a one day, but depends on the Commission. A conditional license is issued in 90 days and good for one year. If a liquor license is not being used it can be escrowed for five (5) years, but it that is not extended the license goes away.

Council Member Wood asked if there is a way to take away a license from a business where there are issues and even property condition issues. Mr. Ellis suggested something that was done in Flint where Michigan License Beverage Association met with the license carriers and the neighborhoods to explain the rules and expectations. Commissioner Quimby added that to take away a license the Commission needs something "monstrous". They would have issues with an establishment that is creating a health safety welfare issue, and it helps if there is a Resolution on the violations of the City ordinances and incident reports from the LPD. Council Member Wood suggested addressing that approach with Law at another meeting.

Mr. Ellis spoke on what the Michigan License Beverage Association can do.

Council Member Hussain stated in his opinion the State Statue is bad and difficult to enforce on business that he believes should be shut down. Commission Quimby reiterated that they do not write the State Statue but regulate and enforce.

Ms. Miles asked the liquor control to look into the upcoming Oktoberfest in Old Town where is advertised there will be “ax- throwing”. Mr. Ellis stated they could have gotten a special event permit, and the event might be separate from the actual alcohol sales.

Ms. Womboldt starting asking questions specific to a recent hearing on Binni’s Bar, and Mr. Abood informed the Committee and Ms. Womboldt that it could not be discussed or referenced because it could be in front of the Commission in the future.

Chief Yankowski wanted the Committee to know that the LPD has brought several cases to the Liquor Commission for review, most revolving around gun violence, and they have had a good working experience. They do perform compliance checks, but takes 3 violations in 24 months.

ORDINANCE & DISCUSSION - Amendments to Chapter 1060; Broaden & Clarify Enforcement of Trash and Recycling Bins Policy on the Enforcement

Council Member Wood asked for the determination from Law on if the phrase in the ordinance of no bins in the “front yard” would allow enforcement of that section. Mr. Abood stated he was still researching the topic. Council Member Wood informed him that if it is not enforceable that phrase needs to be removed from the ordinance.

Mr. Morafsky presented the Committee with photos of residents in Colonial Village who leave their trash carts in their front yard, and in his opinion had no disability to do so. Council Member Wood clarified again that currently the ordinance states they can, but if it is not enforceable it needs to be removed, and that is the clarification they were waiting on from law.

Council Member Wood then welcomed Ms. Olson from Granger to the discussion, and outlined the ordinance for her which states that after the 3rd ticket the City Public Service Department will pick up the cart if it is in violation. The question the Committee had for her was if Granger was willing to allow Public Service and also amend their contract to say as much, that they could pick up Granger carts as well after the 3rd ticket. Ms. Olson acknowledged the carts are Granger carts for their customers, but if the City was taking enforcement action, she did not see an issue with the Public Service Department removing them and Granger will come to their site to pick up. She also confirmed that the ordinance language looked familiar to other communities they have contracts in. Mr. Kilpatrick confirmed for the Committee that their enforcement policy will follow what is stated in the ordinance, including ticketing, leaving educational material and putting stickers on those left at the street. Three fines will result in removal of the cart.

Ms. Olson was asked to work with Public Service on the details on information the community, who the contact person is when the carts are picked up and how long they will be kept at Public Service. Ms. Olson pointed out that there is a grace period usually given at the curb when there is a holiday.

UPDATE – Logan Square

Mr. Abood informed the Committee that the City Attorney was interviewing pertinent department, and then after those interviews he will have a report to present on all the tasks and outcomes. Chief Yankowski noted they have had few calls for service there, and if there have been any cases it appears to be retail fraud, or small cases but with the vacancy factor there, it results in not a lot of calls. Council Member Wood asked if the illegal gambling establishment there has closed, and the Chief stated they are monitoring two. Council Member Wood informed the Committee that the Fire Marshall and Fire Chief will present their inspection report at the next meeting.

Council Member Garza referenced another property on S. MLK, south of Jolly across from Metro Bowl, and asked if the LPD was aware of it and if it was an illegal establishment. The Chief Yankowski confirmed and stated they are working on it.

Council Member Hussain went back to the topic of Logan Square and asked if there was any information on an earlier meeting question into if the fire suppression is not working if they can shut down the whole center. Mr. Shaw confirmed it was looked at when he was on site with the Fire Marshall and that will be noted in that report. He added that they can decommission some portions of the fire suppression if it is not working and it would not affect the whole building.

Council Member Garza inquired into the sink holes in the parking lot that were mentioned at the last meeting. Council Staff noted at the last meeting Mr. Kilpatrick stated that since they were not created by a public sewer on private property Public Service could not fix them. Mr. Swan stated he would look into them and he was recommended to speak to Mr. Kilpatrick.

Ms. Womboldt asked if the property that Council Member Garza would require a license to be a club. Chief Yankowski stated as long as people are bringing in their own food and alcohol, there is no license needed. It would be what kind of nuisances are created and if there is a threat, then LPD will look at them.

Council Member Hussain referred back to the earlier meeting, and asked if permits had been pulled for the two businesses in the area he mentioned, and Mr. Swan stated they have permits and are being monitored.

UPDATE–Pleasant Grove Holmes Shopping Center

Mr. Abood informed the Committee that the City Attorney was interviewing pertinent department, and then after those interviews he will have a report to present on all the tasks and outcomes. Mr. Abood also stated that he drafted and provided the easement documents to SWAG, LEAP and the Neighborhood Enhancement Department. Council Member Hussain stated that SWAG was supposed to close on the parcel 9/10/2018 but that was moved to 9/15/2018. Chief Yankowski confirmed that in the first 30 days of this task the LPD dedicated themselves to the area and now have a Problem Solving Area. There were 256 calls for service from June 26th through September 3rd, and their area covered 500 ft. of the intersection. There were 90 business checks, 178 traffic stops, 23 citations, 22 Police reports written, and 2 loitering letters. The LPD has worked on health and safety issues with the business that had a BBQ stand. He continued by stating that compliance checks were done, and not one of them was out of compliance for a liquor license issue. The Community Service division was present and have 5 letters of no-trespassing signed. Lastly, he confirmed the LPD has met with MSU on environmental design, and they have spoken on bollards, lighting, trimming the landscaping, and cutting down on the signage in windows.

Law was asked to report back at the next meeting with the City Attorney's findings from his department interviews.

UPDATE – 3801 Walton & Future Enforcement

Council Member Wood acknowledged for Law that the property owner was in and met with Council Members and Law and was supposed to address issues and work with Officer Trevor Arnold, but now they are unsure if any of those things were ever done. Council Member Hussain and Garza pointed out certain items such as keeping common areas clean, additional lighting and addressing tenant issues. Council Member Wood asked if they bring the owner in again or look into enforcement. Chief Yankowski stated they are working with the public safety cameras on enforcement, but those need replacing because of age. Officer Pratl cited

details provided to him by Officer Arnold; from 1/2018- 9/8/18 there were 68 calls; 16 apartments are not all occupied, there were 34 priority calls, 2 fights, and an unwanted, troubled subjects. Another conditions he noted was that it appears the owner is not taking receipts, an accepting cash without a lease or background checks. The neighboring property at 804 La Grande is in process to renovate but concerned with this property; 3801 Walton, in such state how it will affect his. Council Member Wood asked Law and the LPD if they think bringing the owner in again would help. Chief Yankowski noted that putting the owner on notice with the events and violations would not be a bad idea, but from there, there has to be a process in place that any types of violations they have to be held accountable. Council Member Wood suggested a written letter of agreement with the owner, or invite the owner of 804 La Grande in to the meeting as well. Council Member Hussain agreed on a second meeting with the owner, however noted only if there is some recourse.

The Committee determined due to scheduling conflicts they will move their regular meeting from September 26th to October 3rd. Officer Arnold was asked to be invited. This meeting will begin with the topic of 3801 Walton with the owner. Mr. Swan was asked to contact Code Compliance on the last inspection on site, and any permits that were pulled and have not been finalized. Mr. Abood was asked to send a letter to the owner to request the owner attend the meeting. Officer Pratl was asked to forward a request to Officer Arnold to ask the owner of 804 Le Grande attend the meeting as well, in addition they asked if Officer Pratl could relay a message to Officer Arnold to write up the statistics on the property from 9/2017-9/2018.

UPDATE – Sign Enforcement

Mr. Swan was able to provide the information requested at the last meeting on signage enforcement. It was stated in his report that there are 2 premise officers who spend 4 hours a week picking up 70-100 signs, at \$250 per week. Mr. Swan added at Mr. McGrain is working with repeat offenders and also working with law on language to address repeat offenders.

FY2019/2020 Budget Policies and Priorities

No discussion.

ADJOURN

Submitted by 5:40 p.m.

Sherrie Boak, Council Office Manager

Lansing City Council

Approved: October 3, 2018