



MINUTES
Committee on Public Safety
Thursday, June 6, 2019 @ 3:30 p.m.
City Council Conference Room, 10th Floor

CALL TO ORDER

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

ROLL CALL

Council Member Carol Wood, Chair
Council Member Patricia Spitzley, Vice Chair
Council Member Adam Hussain, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney – arrived at 3:32 p.m.
Joseph Abood, Chief Deputy City Attorney- arrived at 3:32 p.m.
Jodi LeBombard, Ingham County Animal Control
Barb Davidson, 911 Dispatch Interim Director
Bruce Gaukel, 911 Dispatch
Lt. Backus, LPD
Scott Sanford, Code Compliance
Teri Morton, Deputy Ingham County Controller
Helen Hansens
Maryellen Purificato
Rachel White
Andy Kilpatrick, Public Service Director

MINUTES

MOTION BY COUNCIL MEMBER HUSSSAIN TO APPROVE THE MINUTES FROM MAY 16, 2019. MOTION CARRIED 3-0.

Public Comment

No public comment at this time.

DISCUSSION/ACTION

DISCUSSION: Animal Control w/LPD, Ingham County and Dispatch

Ms. Hansens stated she was present to look for clarification on which department addresses complaints for violent dogs, she then provided her past experience with an incident. Council Member Wood noted to Ms. Hansens that the City does have an ordinance for unleashed dogs, unless in a fenced in yard and on leash means to have it under control, with a ticket offense up to \$500 per incident. The goal of the meeting today she stated was to determine the procedures in place so Council can articulate to the public what steps, who to call per type

of complaint. Council Member Spitzley asked if Ms. Hansens filed a complaint with the Prosecutors Office and it was confirmed, however she had not spoken to them recently to find out the status. Lt. Backus confirmed that LPD typical response is a drive thru and a medical response is sent out also. They do a drive through to determine if the dog is still at large and any further danger to the public. Council Member Wood noted that with the complaint by Ms. Hansens she was asked by 911 if she needed medical attention and she told them no, and Ms. Hansens confirmed that, but that she was also told an officer would be sent out and they weren't. Lt. Backus confirmed that the LPD policy for a dog bite is to contact animal control, on days when animal control is not available, and it is not LPD primary charge, they do have a dog snare method but the officers do not have extensive training on that. In the case of a call of a dog bite when animal control is working, Lt. Backus confirmed they (animal control) does come out and use their protocol to address the situation. Council Member Wood asked if after an incident if the information goes to the City Attorney so they can issue a ticket. Lt. Backus stated they process with animal control, however anything with unleashed, or unlicensed dogs does get forwarded onto the City Attorney. In the case of an aggressive, or aggressive manner it could potentially be sent to the Prosecutor's office Mr. Smiertka clarified the City ordinances which is not a ticket, but with a police report for a complaint warrant for a misdemeanor of \$500, or if there is a dog at large and a person can file a police report and if they know the owner this can be filed to start the process. Lt. Backus confirmed he would forward the information from today onto the LPD, and Ingham County was asked to follow up on Ms. Hansen's case with the prosecutors. Ms. LeBombard acknowledged that sometimes it is "merky" if the LPD is to start the charge and then the County pursue at their end. Council Member Spitzley agreed the process needed clarity and they need to repair the disconnect in the case of after-hours and weekends. Ms. Morton added that Animal Control recently requested additional funds of \$22,000 for their FY2020 budget to be used for on call hours, so they are hopeful it will get approved. If it does it will more than likely not start until January 2020. Ms. Hansens noted to the group that it appears the 911 Dispatch did not tell the officer to come to her house, so there was a disconnect there. Ms. Davidson explained to Ms. Hansens the 911 policy is for a dog bite or dog at-large is (1) to find out who the at-large dog belongs to and if it is still at-large, then make contact with the victim. So to Ms. Davidson it was not unusual for the LPD to drive through the neighborhood because they were more than likely looking for an aggressive dog that was still at-large. She then did also apologize for no contact by an officer, but encouraged her and all present that if they call 911 Dispatch and are told or ask for someone to come to their home, if they do not arrive to definitely call 911 Dispatch back. Council Member Hussain asked if during typical business hours if there is an aggressive or unleashed dog who do they call, and were told 911, and for a barking dog it is LPD. During regular business hours a complaint on a loose dog would go to Animal Control. Council Member Wood asked Ms. LeBombard asked if during business hours and Animal Control is called to a loose dog if they pick it up and return it directly to the owner, and also if they could educate their officers on the City leash ordinance. Ms. LeBombard confirmed that if they locate the owner they give them a verbal warning if there is no aggression, then provide a warning and a letter for the second violation, then with the third violation they send to the prosecutor. She also agreed to distribute the City brochures if they could be provided to her. Council Member Wood asked Mr. Smiertka if the OCA gets the information can they or do they send out letters. Mr. Smiertka confirmed they do if it is something the City can address. If it is a dog roaming on a regular basis they can write something under the City Ordinances but will still need a police report and the complainant to sign the complaint. Council Member Spitzley asked what the owner could be charged with if the dog does bite. Lt. Backus stated under State law, if the owner brings the animal out to attack, that is criminal, and Mr. Smiertka confirmed a dog bite itself is a civil action. Ms. LeBombard noted at the County level with the prosecutor it is a misdemeanor.

Ms. Boak stated she would email the leash ordinance flyer to Ms. LeBombard.

It was summarized for the group that LPD officer are or will be made aware that if the complainant knows where the dog lives they can file a police report and file a complaint with the City Attorney office. Lastly, Ms. LeBombard was asked to follow up with Ms. Hansens on her case with the County Prosecutor.

RESOLUTION – Set Show Cause Hearing; Make Safe or Demolish; 3005 Herrick Drive
Mr. Sanford outlined the timeline and values on the home. It was red tagged on 9/1/2017, Demolition Board made their determination on 2/28/2019 for 60 day make safer or demolish, and the SEV came in at \$38,000 with an estimate of repairs at \$78,000. Mr. Sanford also confirmed they have not received any contact or communication from the owners. They have signed for all the paperwork that is sent to them, but not contacted the offices.

MOTION BY COUNCIL MEMBER HUSSAIN TO SET THE SHOW CAUSE HEARING FOR 3005 HERRICK DRIVE FOR JUNE 24, 2019. MOTION CARRIED 3-0.

RESOLUTION- Set Show Cause Hearing; Make Safe or Demolish; 410 S. Francis
Mr. Sanford outlined the timeline and values of the property. It was red tagged on 6/2/2018, Demolition Board made their determination on 3/28/2019 for 30 days make safe or demolish because it was a fire damaged property. The SEV came in at \$15,600 with an estimate of repairs at \$63,095. Lastly, Mr. Sanford confirmed as with the earlier case, they have not gotten any communication or contact from the owners. Council Member Wood asked him to determine who Sunnyside of the Street LLC (listed taxpayer) was.

MOTION BY COUNCIL MEMBER HUSSAIN TO SET THE SHOW CAUSE HEARING FOR 410 S FRANCIS FOR JUNE 24, 2019. MOTION CARRIED 3-0.

Mr. Sanford informed the Committee that the property where they adopted a 60 day Make Safe and Demolish (3815 Marion) in March has been repairs with assistance from their church. He asked if he should provide a memo stating as such and asking for an extension on the make safe or demolish. Mr. Smiertka confirmed he should provide something in writing asking for an extension. Mr. Sanford confirmed he would bring to the June 20th Committee meeting for action.

Ms. White referenced two homes on Hillcrest between MLK and Pleasant Grove that appeared to be tagged, and Mr. Sanford stated he would have his officers' drive by.

Council Member Wood asked Mr. Sanford what the time allotted for tall grass was, and was told two (2) days. She then relayed a message from Ingham County Treasurer Eric Schertzing that asked for additional time on their notices. Mr. Sanford confirmed that any Land Bank homes or County Reverted homes they do not send letters to, but call them.

Council Member Hussain asked for code and legal options to enforce a dilapidated fence between West Cavanaugh Apartments and the neighboring property. Law confirmed it should be confirmed who owns it for enforcement but they can bring in both property owners and cite them both.

Council Member Spitzley inquired into the recent influx of community newspapers in the street, gutter and sidewalks. It was noted there was an ordinance that stated they can be delivered but they have to be placed on the porch, door, etc. Mr. Smiertka asked her to forward to his office any pictures.

DISCUSSION: City Attorney Update - Walnut Park LPD Sub Station

Mr. Abood informed the Committee he spoke to Chief Yankowski who stated he has not been able to secure a date with the owner, Mr. Whitsett, on site, so Mr. Abood was not able to provide a timeline to the Committee at this time. Mr. Abood did note that the Chief informed him he felt confident the substation would be installed. Council Member Wood asked for a letter to be sent to Mr. Whitsett from the Committee stating the importance of the substation and requesting future meeting times for the Chief or LPD and them to meet on site. It was confirmed that Ms. Boak would draft the letter.

DISCUSSION: City Attorney Update - 3801 Walton

Mr. Abood confirmed they had a meeting, and Council Member Garza was not able to attend, and he apologized for not including one of this Committee members in the meeting. Mr. Kruger provided a tenant list to him and Officer Colby will be reviewing the list. The security cameras were installed but not working because Mr. Kruger stated to Law he did not know how to work them, therefore had a meeting scheduled with the security company. Council Member Wood asked if he had registered them and Council Member Hussain asked for a list of recent calls for service at the property. Mr. Smiertka referenced the letter from Mr. Kruger where it appeared he did comply, however Mr. Abood noted that Officer Colby stated to him that it appeared the owner has not complied to everything. Council Member Wood stated the topic would be on the June 20th Committee meeting, and if all things were not complied with she would be asking Law to pursue under the nuisance ordinance.

DISCUSSION: City Attorney Update - Logan Square

Mr. Abood confirmed he held a discussion with the Chief and there is no update and he did relay to the Chief the concerns on potential perceived gambling establishments or locations. The LPD confirmed they were aware of the Asian Café on the property, and the law is making sure all ordinances and State laws are being complied with. Ms. White asked about other locations of potential perceived gambling in the area, and Mr. Abood stated Law might already be aware of them, however there was nothing given to him that he can report on.

DISCUSSION: City Attorney Update - Pleasant Grove/Holmes

Mr. Abood confirmed at the last meeting there was a question into if the cameras inside were installed and operating. Mr. Abood performed a site visit prior to this meeting and counted 6-10 cameras and told they were operating and video retention 7-10 days, and stated he then asked for a glass of ice and told they do not sell those. He confirmed also that in his surprise visit the store was neat, clean and the same operator is always on site.

Ms. White asked if they were going to be forced to remove the concrete barriers. Mr. Abood acknowledged that the owners have continually stated they purchased them, cannot return them and have no ability to move them. Ms. White asked for a copy of the LPD trespass letter so she could complete it and give to other tenants, and Council Member Wood stated she would provide it to her.

DISCUSSION: Parking Ordinance; Chapter 404, Section 404.12

Mr. Abood presented Draft 2 noting he made changes based on the minutes and notes from the last meeting.

Page 2- line 18-19 added "land line"

Regarding the request for a definition for "motor vehicle" Mr. Abood clarified that the City already adopts the Michigan Vehicle Code which has it, but regarding other types of vehicles it is noted later in the draft specifics to axles.

Page 3 – line 3-5 – new language on the need for an explanation by the applicant for a need to park on the street.

Page 4 – line 8-10 was moved to page 3

Page 5 – removed the annual fee pro-rate because the Committee determined they would not be offering a pro rate. Mr. Kilpatrick asked why they were not interested in it, and the Committee stated they did not anticipate a large fee, nor need for the work to calculate and determine the cycling of the fees for individual users.

Page 7 - lines 15-22 spoke to types of recreational vehicles and also number of permits annually or temporary for each dwelling or structure. He did clarify that the OCA recommends not using “dwelling” but consider “residential parcel”. Mr. Kilpatrick questioned how one apartment complex could only have one. Mr. Abood noted that in past discussions the Committee determined the apartment complexes should already have their own parking lots.

Page 8 – line 1-2; Committee determined that the temporary permit should be for 72 hours and they could get 4 per year.

Council Member Wood asked that discussions on enforcement be determined before the ordinance is adopted. Mr. Abood at this time acknowledged he has been in discussions with Public Service and Parking and there is new technology the City will review before the next meeting that could be implemented into this program, but also they would consider suggestions.

Council Member Wood asked Mr. Kilpatrick his understanding of the Committee intention that no permits will be issued for streets that already state “no parking” or “no parking this side”, or any other parking restrictions.

Council Member Spitzley left the meeting at 4:51 p.m.

If an issues comes up, she added they will have to go to parking to request a traffic order be written to remove the current traffic control order. Mr. Kilpatrick acknowledged his office is on the same page as the Committee on this. If they have an issues with permits being issued and creating too much parking, they will have to do a parking order to restrict.

Council Member Wood recapped the process of these changes, which includes evaluating equipment on how to issue and enforce, look into the enforcement and if there will need to be something written to only leave for parking to enforce or will allow LPD enforce. Mr. Kilpatrick noted that if the permit is visual anyone can enforce, but if they go with a scanner system not everyone will have the equipment. He then noted that currently they addressing the implementation of signage because they do not want to install thousands of signs, so have considered “Overnight Parking by Permit Only” at all the gateways to the City. Council Member Wood lastly encouraged Mr. Kilpatrick and Law to make sure once the ordinance is passed that the information be provided in all media, brochures and websites as possible.

OTHER

Council Member Hussain asked what the City could do with a property not in the City on Waverly. Council Member Wood stated they could invited the Township and County appropriate representatives into a future Committee meeting and help them write an ordinance.

Mr. Abood informed the Committee that the OCA is working on other ordinance amendments he could not be specific on at this time, but the Committee would see in the future.

ADJOURN

Adjourned at 5:00 p.m.

Submitted by Sherrie Boak, Recording Secretary
Lansing City Council

Approved as presented: June 20, 2019