



MINUTES
Committee on Public Safety
Thursday, August 1, 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- arrived 3:55 p.m.
Council Member Adam Hussain, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Mary Bowen, Assistant City Attorney
Jim Smiertka, City Attorney
Lisa Hagen, Council Legal Analyst
Heather Sumner, Deputy Chief City Attorney
Amanda O'Boyle, Assistant City Attorney
Jeff Campbell, Eaton County Sherriff
Ross Tyrell, Eaton County Sherriff
Jack Jordan
Dave Vincent
Kevin McKinney
Brian Reed, Delta Township Manager
Scott Sanford, Code Compliance
Chief Green, LPD Chief

Public Comment

No public comment at this time.

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM JULY 18, 2019. MOTION CARRIED 2-0.

Other

The OCA was asked for an update from the July 30, 2019 Special Committee meeting on the ordinance amendment on marihuana. The question the Committee had at that time was if a moratorium could be done during the review and adoption of the amendments. Mr. Smiertka acknowledged the OCA did an analysis, and a moratorium cannot be down now, with an ordinance in place which is no longer being studied. With amending the current ordinance which has zoning sections in it, it also has to go to the Planning Board, which can go

simultaneously. Ms. O'Boyle stated there is no retro-active, so anyone who has already applied would continue in the process. The OCA would want to provide a specific window and avoid an issue where someone has relied on the current ordinance which has no cap other than provisioning centers. It was concluded by the OCA that their best course would be to continue moving forward with the process.

Mr. Smiertka commented on another topic from the July 30, 2019 Special Committee meeting, stating that on the topic of opting out from the selective opt out, with the question of if you have to completely opt out of the State Recreational Marihuana law or can selectively opt out of the types. The OCA noted that current that is not clear, and Ms. Sumner informed the Committee she spoke directly to the LARA Director who informed her there is a solid legal argument on either side, however he will be waiting on a court order. So the OCA advises they will move ahead and continue the study and dialogue with legal community. By the time the ordinance is ready to adopt, the OCA stated there will be an answer.

DISCUSSION/ACTION

DISCUSSION: City Attorney Update - 3801 Walton

Ms. Bowen informed the Committee that Mr. Swan, Building Official will be providing her with inspection reports and all the correction notices. The OCA is also evaluating if pursuing a nuisance action is the right path or a court ordered compliance order. Ms. Bowen was asked if she had an affidavit from Ms. Colby, and Ms. Bowen stated but she has reached out to her and Mr. Swan for their affidavits. The topic will continue discussion at the August 15, 2019 Committee meeting.

RESOLUTION –Make Safe or Demolish; 5624 Joshua

Council Member Wood confirmed that the required show cause hearing was held.

Mr. Jordan spoke in support of demolishing the structures citing ongoing code compliance issues at the property, and it being red tagged since 2018.

Mr. Sanford stated his office was told the owner, Ms. Nellis was transferring the property back to the land contract holder and tax payer, Mallik Balla. Mr. Jordan stated he spoke to Ms. Nellis and she informed him she was not. Mr. Sanford continued outlining the work, including a plumbing permit for a water heater, electrical in a portion of the structure, but the Building Official stated they would not do any further inspections without engineered drawings. Mr. Sanford lastly verified that that work is being done not to code, and his office has not heard from Ms. Nellis since the process started with Council.

Mr. Vincent introduced himself as the contractor for Mallik Balla and the one pulling the permits. Council Member Wood asked Ms. Bowen if Mr. Balla is the tax payer and not owner of record, can Council not discuss with Mr. Vincent or Mr. Balla or are they only to discuss with Ms. Nellis, and Ms. Bowen confirmed it must be Ms. Nellis the owner of record. Council Member Wood informed Mr. Vincent that unless he comes back with Ms. Nellis, the Committee cannot discuss it.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR MAKE SAFE OR DEMOLISHT AT 5624 JOSHUA FOR 60 DAYS.

Council Member Wood clarified to the all present, that if anything changes the Committee will address it then, but unless is the legal owners they will proceed.

MOTION CARRIED 2-0.

DISCUSSION – Crime in Corridor Areas and Multi-Jurisdictional Enforcement- Delta Township, Eaton County & LPD

Introductions

Council Member Wood recapped for the County and Township representatives, that over the years the City has been dealing with issues of cross boundary and they do understand it is difficult to address and enforce those areas and issues. The Committee would like to offer to assist the Eaton County and the Delta Township enforcement in potential options for illegal gambling. Council Member Hussain added that the City has been successful since they passed the ordinance that mirrors the State law. This resulted in a number of gambling businesses shutting down and the City was successful in prosecution. Council Member Hussain noted to the guests that he believes there are some of these businesses in Eaton County and Delta Township who he believes prey on the City residents. He cited on in particular, 3280 S Waverly. Mr. Campbell confirmed they have spoken to LPD Officer Fabus on this property and they have been watching it, but currently they have not found anything that gave them legal grounds to stop. Chief Green first acknowledged the Committee for bringing everyone together in one room to discuss the multi-jurisdictional topic. The then offered whatever LPD resources they can offer to assist.

Mr. Reed acknowledged the Township has been served well by the Sherriff and the Delta Patrol, and they have tried to put a strong emphasis on the Waverly corridor over the last couple years. They also updated their ordinance five (5) years ago, but would be interested in taking a look at what the City has in form of ordinances. Council Member Wood asked Ms. Hagen to provide Mr. Campbell with the City ordinances on nuisance and gambling. She also offered to be present and bring in others, during any time one of these cases in the court room.

Mr. Campbell asked people to be encouraged to contact Eaton County Sherriff Department when they have complaints. Council Member Wood recapped past discussions with 911 Dispatch on the different location calls, and stated to Eaton County, Delta Township and Chief Green that the Committee intends to meet with the new 911 Dispatch Director at a future meeting and will invite them as well.

OTHER

Committee Members asked the Chief for any update on the property across from the Metro Bowl south of Jolly. Chief Green acknowledged he had not updates other than the MSP are investigating it and he will follow back up on what they have to say. Council Member Wood asked Ms. Hagen and Ms. Bowen to work together on research and potential creation of an ordinance that would address social clubs, options to restrict them or shut them down. Chief Green suggested that possibly their Crime Analysis could create map of the social clubs. Council Member Hussain added that the Council also needs to know if a liquor license is required for a BYOB social club. Ms. Hagen was asked to research that along with if someone brings in their own bottle, or “donates” towards the drink the club serves, what are the options the City can utilize to address these to regulate them.

Council Member Hussain then asked if the OCA could look into the ordinance that the City of Jackson just passed that would require landlords to assist with temporary housing for their tenants if their property has to be evicted due to health and safety concerns.

At this time Council Member Wood recapped the meeting items Council Member Spitzley missed before she arrived.

The Committee meeting will have the LHC discussion at the August 15th meeting. Council Member Wood noted that at this point the LHC Director has stated he cannot attend, but

Officer Colby and the District Court has been invited. Chief Green stated he would reach out to the LHC Director as well before the meeting, and he too will plan to attend the August 15th meeting.

MINUTES-continued

MOTION BY COUNCIL MEMBER SPITIZLEY TO APPROVE THE MINUTES FROM JULY 22, 2019. MOTION CARRIED 3-0

ADJOURN

Adjourned at 4:20 p.m.

Submitted by Sherrie Boak,

Recording Secretary

Lansing City Council

Approved as presented: August 15, 2019