



MINUTES
Committee on Public Safety
Thursday, August 15, 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- excused
Council Member Adam Hussain, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Mary Bowen, Assistant City Attorney
Joseph Abood, Chief Deputy City Attorney
Scott Sanford, Code Compliance
Anethia Brewer, Court Administrator
Officer Colby, LPD
Chevla Ackey
Nancy Mahlow
Chad Gamble, Parking Manager

Public Comment

Ms. Mahlow asked that the Committee take into consideration the budget priorities and prioritize more officers in the LPD.

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM AUGUST 1, 2019.
MOTION CARRIED 2-0.

DISCUSSION/ACTION

DISCUSSION- Lansing Housing Commission Eviction Process;

Lansing Police Department and District Court's Role

Council Member Wood started out by noting that the LHC Director was invited to also attend but was not able to attend. Officer Colby then went through the eviction process that she follows and is aware of for the property, specifically 3200 S. Washington. Examples she provided included leasing violation, evictions, the number of violations before an eviction, and the time it takes from start to finish in the courts. She noted that she is being told by the LHC that the delay is in the Courts system. Ms. Brewer explained that with an eviction hearing, the judge could give those 10 days per the rule of the court, but once the courts receive notice, they do schedule within 20-24 hours, and it is scheduled out 10-14 days. There are four (4) judges that handle landlord/tenant cases and hear anywhere from 25-35 a week. If the tenant is required to leave, they have 2 weeks to move, and then the responsibility is on the landlord to inform the Courts if they did not move and as for rite of eviction. If they seek that rite of eviction, the eviction is 11 days after the filing. If the tenant asks for representation during this process, it could take longer in the process. Council Member Wood added to the discussion that things run differently also

when HUD properties are involved because they have their own requirements. Officer Colby noted also that she was informed the Chief Green has also spoken to Mr. Fleming, the LHC Executive Director, and she has notice changes at the property and it is evident to her that they are addressing some of her concerns. Ms. Brewer stated she would reach out the judges as well on the process for the complaints and report back to Council.

DISCUSSION – City Attorney Update – 3801 Walton

Ms. Abood first noted that he had a discussion with the Building Official, who had informed him they inspected the property on March 14, 2019 and there was a list of violations that had a 30 day compliance schedule. They have a re-inspection scheduled for August 20, 2019 and if they comply they will not have any standing for violations or non-compliance. If they do not comply they will pursue with the courts with a court compliance. Council Member Wood asked if the OCA had obtained affidavits from the tenants and Office Colby on the property, and Mr. Abood informed her those are not needed for the building code violations. Council Member Wood then asked if they were obtained for the nuisance issue, and Mr. Abood stated if they do not comply with the code violations it is not a nuisance. Council Member Hussain added to the conversation that it is evident it is not just code issues, but all the calls to service at the site, and tenant issues with the landlord. Mr. Abood assured the Committee that the better course of action is to go through the code compliance, and if they do not comply with that, then go to the courts. He added that the consent letters the landlord signed and Council agreed to are not court enforceable contracts. They are an indication of the good will of a landlord that they are willing to do, again he stated the consent is not a court order. The OCA needs significant proof to establish a public nuisance legally, a code violation is a solid proof this is a nuisance. Mr. Abood was asked to provide the time for the inspection on August 20th to the Committee and Office Colby.

DISCUSSION – Correction Notice Fees

The Committee asked if Mr. McGrain was attending this meeting and was told by Mr. Sanford he would not be. Council Member Hussain then explained that it appears there are properties with multiple violations, however the second notice charge of \$75 is all that is charged every time. Council Member Hussain asked for an increase in the fine structure. After Mr. Sanford explained the number of violations, and 671 second notices in this calendar year alone, the Committee discussed fees that would increase after each 2nd notice. Mr. Sanford was asked to research how many violations actually generated a second notice, to provide a recommendation on an increase, and the recommended options for a tiered violation system or graduated fees.

OTHER

Mr. Sanford was asked to provide an update on the recent tagging at Willow Woods Apartments. Mr. Sanford confirmed there are 59 units, and they were pink tagged because they do not comply with the inspections, however the owners are stating there are codes they do not have to comply because they are not stick built homes, but manufactured housing. The tags were provided to the tenants and the State since some are Section 8 housing. The owner was notified they cannot rent any vacant units until they are in compliance. If he does not comply it will go with the courts. Mr. Abood added that the OCA in February spoke to the owner's attorney and they were required to submit a certificate of compliance to the City but have yet to provide it. They have communicated with code informally to find out information, but there has been no assurances made. He added that his office did speak to the owner's attorney on August 14th and they are working on scheduling an appointment for the week of August 19, 2019. Council Member Wood voiced her concern of the information that there were safety concerns in the property such as non-working smoke detectors, and there are issues with moving 59 tenants out if they have to move them out. She then asked how many of those units are empty and if anyone was following up to make sure the landlord was not renting out the vacant units. Mr. Abood again stated the owner is arguing it is a manufacture housing complex so they do not fall under the same codes, so they believe they do not have any obligation, but the OCA continues to tell them they are not correct and they are obligated to follow. He will reiterate that to them again when they meet in person. Mr. Abood was asked if there was anything in place to do something immediately, and he informed them that once it was pink tagged they have 30 days to comply or people do have to move out. They will not be given an extension unless they convince the courts otherwise. They do not have the ability outside of the courts and statutory obligation to get out. Council Member Wood provided examples of other troubled sites in the City and how attention was brought to those situations. Mr. Sanford noted that in this case, under a pink tag, without a valid certificate they cannot rent or collect damages from past renters. Ms.

Brewer was asked if during an eviction process if the courts asked if the property was ever pink tagged, and Ms. Brewer made note and was going to follow up. Council Member Wood asked Mr. Sanford if the tenants are provided information on legal aid when the property is pink tagged, at which point Mr. Sanford confirmed they cannot provide legal advice, but they do speak to the tenants on information for assistance they can call for.

Ms. Mahlow spoke briefly on concerns with seniors in the community and rentals who do not clearly understand the process.

Council Member Hussain spoke to Mr. Sanford on the Rivershell Apartments, particularly building 3211, unit 29 which he stated he was made aware of a mold issue at its location. Mr. Sanford explained there are 1,000 types of mold and his office cannot financially afford to test or certify everything, so it is cost prohibitive to get involved. He added that the County has also walked away because they were told they do not have the standing, so complaints like this are referred to mold remediation. He added that in this case, because they were not involved in a testing or where the results came from they cannot speak to its validation.

Regarding property on Davison, Mr. Sanford stated they are in the process of possibly evicting those tenants because of water in the basement, and they have been working with HRCS to provide assistance, and trying to do everything they can do within the constraints of what the City can do. Everything the City does is to State building codes not HUD standards. Council Member Hussain went back to Willow Woods and asked if the issues were going since February, why it has taken so long. Mr. Sanford admitted the owners did not address and it now it is under new ownership. They have done monthly inspections.

DISCUSSION – Parking Ord. Chapter 404 Section 404.13

Council Member Wood recapped that the ordinance is complete, however the Committee will not be moving forward until they have items worked out on the process and enforcement. Mr. Gamble went through the questions from the last meeting, July 18, 2019. Regarding the type of permit, he stated they would be using a hang tag similar to current parking, however it would be larger. Mr. Gamble added that since the last meeting, they have confirmed with the State that they cannot place anything on the license plate. The permit will be stored with the license plate numbers, so if the hang tag is not visible because of weather they can quickly search the license plate. Regarding the temporary permit option, Mr. Gamble stated they are working with the vendor on options since it will be something that can be printed at home when purchased electronically. Mr. Gamble added that a permit will not be issued to any address or street where there are parking restrictions or a meter. Moving through the questions, Mr. Gamble answered for question 2 which spoke to cost, that they are leaning towards a \$125 annual per fee, and \$30 for a three (3) day temporary permit. Council Member Hussain asked how they arrived at \$125 and Mr. Gamble said they looked at the convenience factor, off-set by not being too convenient so not create an issue that will conflict with street maintenance, being a comparative rates in a downtown market. Regarding question 3 which spoke to enforcement, Mr. Gamble confirmed that the initial plan is to have two (2) people on duty to address, and before this is launched to already begin the “no parking 2am – 5am” so the residents are aware it is currently no allowed, even though it hasn’t been enforced in a while, so people are aware it will be coming. To notify people of street closures, maintenance of other issues, they decided for question 4 that they will be notifying people in emails, texts, etc. asking them to move their cars. Regarding the question on signage, Mr. Gamble concurred they can justify there would not be any additional signs place. Lastly, Mr. Gamble spoke on the application process, noting it will be a fillable field driven form and the system will extract and utilize the information the applicant fills in and will either approve or ask for more information. Mr. Gamble then asked to speak to some items in the ordinance his office wants clarity on. One item, being they want to make sure when they apply it is a non-metered area and there are no time restricted parking. They also want to make sure the ordinance has the appropriate fees associated with it, so once it is passed the fees will be part of the ordinance and he offered to put that language in the appropriate format. Lastly, Mr. Gamble stated they will look into the funding need for staff members, which could be temporary until they figure out the specifics for enforcement of the permit program.

Council Member Wood asked Mr. Gamble to present the final process to the Committee of the Whole on September 9, 2019 when Mr. McGrain will also be present to speak about the Economic

Development & Planning Department. Mr. Gamble asked for it to be a later date, September 30, 2019 so he items will be formalized by that time.

Ms. Mahlow asked about City streets that are currently narrow. Mr. Gamble stated that the permit parking will only be allowed where parking is already currently allowed during the day. They are not going to permit parking at night if you cannot already park there during the day. He added also, that regarding the permits, they will allow one (1) temporary permit and one (1) annual permit concurrently, and only two (2) temporary permits at one time. This would bring the total to only two (2) permits at one time. The Committee and Mr. Gamble discussed the number of permits per house, and the ordinance was referenced, page 7, line 10-13 that spoke to "dwelling or structure", and the Committee was encouraged with one permit "per parcel". Ms. Bowen was asked to research the language to make that change, and also define "designate parking to mean....." The discussion would continue on September 5, 2019 regular meeting with the changes discussed. Council Member Wood stated once the Committee received the next draft it would be sent to the Mr. Gamble to review as well so he could provide his input in writing and there would be no need for him to attend the September 5, 2019 meeting.

DISCUSSION – FY 2020/2021 Budget Priorities

Council Member Wood encouraged the Committee to consider suggestions for the priorities and the Committee will discuss at the next meeting. Council Member Hussain already suggested more funds for Code officers, based on what Council is hearing from Mr. Sanford and the residents.

OTHER - continued

At the September 5th, 2019 meeting the OCA was asked to report out on what they found out on the recent changes in the City of Jackson where landlords are asked to assist in the financial support of displaced tenants.

ADJOURN

Adjourned at 4:58 p.m.

Submitted by Sherrie Boak,

Recording Secretary

Lansing City Council

Approved as presented: September 5, 2019