



MINUTES
Committee on Public Safety
Thursday, September 19, 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
Joseph Abood, Chief Deputy City Attorney
Scott Sanford, Code Compliance
Lisa Hagen, Council Legal Analyst
Amanda O'Boyle, Assistant City Attorney
Greg Venker, Assistant City Attorney
LPD Chief Green
Steve Swan, Building Official
Mary Ellen Purificato
Jim Smiertka, City Attorney - arrived at 3:38 p.m.

Public Comment

No public comment at this time.

MINUTES

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE MINUTES FROM AUGUST 27, 2019 AS PRESENTED.

Ms. O'Boyle asked that the minutes reflect the OCA recommendation against the zoning at the September 27, 2019 meeting.

MOTION CARRIED 3-0.

MOTIOIN BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM THE SEPTEMBER 5, 2019 MEETING AS PRESENTED. MOTION CARRIED 3-0.

DISCUSSION/ACTION

ORDINANCE – Chapter 1300 Amendments

Council Member Wood recapped one change the Committee had requested which was a 500' buffer setback from parks with the removal of the play equipment, however the Planning Board recommendation was to leave it at the 1,000' and after the Committee individually spoke to the Mayor, the proposed ordinance reflects the 1,000'. The Committee then reviewed a bullet point listed from the OCA on the highlighted changes to the ordinance.

Council Member Wood noted for the record the public hearing will be held September 30, 2019 and Council will be asked to take action the same night so they can be adopted and in effect by November 1, 2019.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE ORDINANCE FOR THE CHAPTER 1300 AMENDMENTS. MOTION CARRIED 3-0.

DISCUSSION - Parking Ordinance Amendments – Chapter 404 Section 404.13

Council Member Wood distributed a memo from the Mayor that the Council offices received shortly before this meeting. She then highlighted past meetings, which included the attendance of the Administrations staff, however she added, the Mayor informed her he was not aware the Committee was working on an ordinance, along with no knowledge his staff was making recommendations. Therefore, at this point he was submitted a memo outlining his concerns. Council Member Wood then recommended to the Committee that at this point, they stop any work or action on the ordinance because of the Mayor's outstanding concerns. At the October 3, 2019 meeting, the Committee will write a report to the rest of Council outlining the work they have done and why they have stopped. Council Member Spitzley spoke in frustration on the timing of the memo and his statement that he was not aware the Committee was working on something, after years and efforts. Council Member Wood informed the Committee that she had directed Council staff to forward the ordinance and all Committee minutes on the subject to the Mayor and at this time directed Council staff to forward to the other Committee members as well. Council Member Hussain provided examples where emergency vehicles cannot get to emergencies because of street parking and limited access.

DISCUSSION – City Attorney Update – 3801 Walton

Mr. Smiertka updated the Committee on an inspection that was performed on September 12, 2019 with himself, the building official, LPD Officer Colby, the property owner and the property maintenance staff. At the prior visit there were issues with lack of working smoke detectors, and that was resolved this visit. As for the "calls for service" as of 9/19/2019 for the last 3 months, Mr. Smiertka noted nothing remarkable and his office had not received any calls either. He was then asked if he had spoken to Officer Colby about her earlier statements that tenants are not filing complaints or calling LPD because they informed her that they were told if they complained they would be evicted. Mr. Smiertka confirmed he has spoken to Officer Colby but had not heard that statements, and added that in his conversation with her he was informed she had the current tenant list. He then continued on other pending items, including a working camera but still not current monitor to watch the videos, but the owner will get one. All communications have been verbal with no deadlines, so Mr. Smiertka stated he would follow up. Mr. Swan then confirmed at the visit on September 12, 2019 he went through his correction notice and the large issue of smoke detectors has been remedied, however even though they are all installed and working they are having issues with the tenants disarming them and he noted he even witnessed a tenant destroy on while he was there. The maintenance employee did replace immediately and did show him a storage room full of replacement. Mr. Swan concluded his statement by acknowledging that the owner is making

improvements that are not required and if there, any other outstanding issues they are not life threatening. Mr. Smiertka assured the Committee he would follow up with Officer Colby on the alleged threats by the landlord and on the monitor to watch the videos. In conclusion, Mr. Smiertka stated that all tenants' lists have been provided to Officer Colby, the code issues are corrected, and there are no major issues with the call for service. Council Member Hussain asked to review the list on call for service, and after review determined that, there was not pattern on the service calls. Council Member Spitzley asked for an update on other complaints such as bed bugs. Mr. Swan acknowledged he was not aware of those complaints, but that would not be a building issue. Council Member Wood noted her frustration of years, manhours with LPD, OCA and Building Safety, and being continually told there is not enough for a nuisance case to go to court. Therefore, she asked those departments to provide their time spent on the property and situations so Committee can determine it is well over the amount of a normal rental property review. Mr. Smiertka confirmed they cannot recoup costs based on what had already been done, but he personally would continue to monitor the property, and follow up on the tenant list. Council Member Spitzley asked if there was an ordinance that would allow the City to recoup the fees for repeat offenders, and if not it needs to be researched as an option. Council Member Wood pointed out in the past the City has addressed difficult properties with a 6-12 month timeline and it was determined to still to be unresolved the City pursued a determination of an unfit landlord. Mr. Smiertka stated if there were health issues at the property the Courts could pursue that. Council Member Spitzley asked the Committee to pursue having the City implement fines on repeat offenders, and create a mechanism to show landlords that the City is responding to its residents. Mr. Smiertka confirmed that the City of Rochester and Buffalo have a point system, and once a certain level is met it becomes a nuisance and fines are issued. Council Member Spitzley asked for a further discussion by the Committee in order to implement fines. Council Member Hussain agreed to the discussion, and asked for it to include all rentals, including single family and to look at the threshold that makes someone a "problematic landlord". Council Member Wood asked the OCA, LPD and Code to look at what is currently out there, and proposed options, but if there is no movement by the end of the year the Council could consider and AD HOC Committee to address the option moving forward. Mr. Smiertka acknowledged the request and noted they could look at amending the rental ordinance to address it. Mr. Swan was asked to inform the OCA when the next rental inspection would be for 3801 Walton and to coordinate that with his office.

DISCUSSION – Correction Notice Fees

Mr. Smiertka referenced the document in the packet, noting that some of the fees noted were actually fines, noting there is a difference because resolution sets fees and there is an ordinance on civil infractions fines. Council Member Wood clarified that the question was initiated by the Committee because there are some fines, such as trash, grass and weeds that have been set at \$75 for over 10 years so the Committee had inquired into why it was not increased, and if they chose to increase what would those suggested fees be. The Committee is aware that there needs to be an evaluation of what the cost is to do the work. Mr. Smiertka stated to Mr. Sanford that his department would need to do an assessment of the hourly wage, the overhead cost and fringe benefits. The overhead cost would include offices, electronics and vehicles. Once that is determined it would need to be taken into consideration with the time it takes to do the task and then set the fee. Mr. Smiertka attempted to review each item on the document, however Council Member Spitzley asked that they create a separate document for fines and one for fees. She also stated to the Committee that as part of their Council Budget Priorities for the FY2020/2021 Budget they need to consider adding a statement that all fees be reviewed and brought up to update. Council Member Wood asked the OCA and Code, when reviewing the fees and fines and doing the determination, it should be noted who will receive the funds and at what percentage. There was brief discussion by Council Member Wood, Mr. Smiertka and Mr. Sanford on a City Violations Bureau in the

Treasurer's office that handled all of the infractions. Council Member Spitzley asked that when the discussion returns to the Committee that the City Treasurer be included.

DISCUSSION- Ordinance on Crime Prevention through Environmental Design (CPTED)

The Committee briefly spoke about past practices and attempts to address crime prevention with design, including working with MSU with research. Ms. Hagen confirmed she has researched the ordinance from Grand Rapids, where it only applies to certain types of businesses, so currently the OCA has additional questions and will reach out to the Grand Rapids attorney. Chief Green offered MSU Professor Linda Nuboni who currently works with the LPD on grants and safety at parks, and stated she had an interest in reviewing the document. Council Member Spitzley supported the research in to the program, but did not want the LPD overburdened with the enforcement. Council Member Wood noted that if they used Grand Rapids as a template, that ordinance enforces through a permit and zoning, and an officer would have to initiate a violation if they wanted to be enforce. Chief Green added that more than likely it would be the code officers, corridor enforcement and community officers that would actively be in involved in tracking and distinguishing a violation. Council Member Wood asked Ms. Hagen for the update on an ordinance on social clubs along with the impact of this on the social clubs, at which Ms. Hagen stated she did not start anything yet but will be working with Ms. Bowen in the OCA office on something.

Other

Council Member Spitzley asked for an update on past discussions with Animal Control. Council Member Wood stated that Animal Control will be at a neighborhood meeting on Tuesday, 9/24/2019. Council Member Hussain added that he was made aware that the department asked for additional funds in their budget for after-hours enforcement.

Council Member Spitzley congratulated Ms. Hagen on her recent jury trial win in court.

Council Member Hussain asked Ms. Hagen the status of the research and draft ordinance he requested which would hold the landlords accountable to assist with housing when tenants are evicted due to unhealthy and unsafe living conditions. Ms. Hagen did not have a document at this time and stated she is rewriting something.

ADJOURN

Adjourned at 4:28 p.m.

Submitted by Sherrie Boak,

Recording Secretary

Lansing City Council

Approved as presented: October 3, 2019