



MINUTES
Committee on Public Safety
Tuesday, June 6, 2023 @ 3:30 p.m.
City Council Conference Room, 10th Floor City Hall

CALL TO ORDER

Council Member Hussain called the meeting to order at 3:30pm

PRESENT

Council Member Adam Hussain, Chair
Council Member Carol Wood, Vice Chair
Council Member Ryan Kost, Member

OTHERS PRESENT

Renee Richmond, Council Staff
Emily Linden, Internal Auditor
Lisa Hagen-Lawrence, OCA – left at 4:27
Amany Williams, OCA
Andy Kilpatrick, Public Service – arrived at 3:31
Jordan Hankwitz, EDP Director
Nick Montry, Deputy Director EDP
Walter Allen, Code Compliance
Elaine Womboldt
Jackson Mills
Joe Abood, OCA – arrived at 4:23
Mohammad Sial

MINUTES

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MAY 16, 2023, MINUTES AS PRESENTED. MOTION CARRIED 3-0.

PUBLIC COMMENT

Elaine Womboldt spoke on the Bin Ordinance and her concerns with Public Service Department and the non-enforcement. She also asked when the independent review of the Code Compliance department is taking place, the discussion continues but feels nothing is getting accomplished and also handed out a flyer for a Town Hall with Wards 2 and 3 Councilmembers.

DISCUSSION/ACTION ITEMS

DISCUSSION – Update from Public Service and OCA on Bin Ordinance 1237

Councilmember Hussain noted he was not at the May 2nd meeting but it's his understanding that meetings were occurring with OCA and Public Service on a timeline and ticketing stance.

Ms. Hagen-Lawrence handed out Draft 1 of the amended Ordinance and noted some changes to ordinance that clarifies the notice provision in chapter 1060 regarding abatement is independent from

the ability to issue civil infractions for leaving bins in the right of way. We had meetings with Mr. Kilpatrick and brainstormed. Part of the issue is the city knows the city days for pick up, but knowing the Granger days we can't cite the infraction on Waste Management customers. Councilmember Wood mentioned years ago Granger was at a meeting and said they'd give the city the dates. Mr. Kilpatrick noted they did several years ago but they need updating and they never received anything from Waste Management. Councilmember Wood asked if they are currently licensed and Mr. Kilpatrick confirmed.

Ms. Hagen-Lawrence said part of conversation with Public Service was we know the recycling days the city has so to start really pushing enforcement, and then this amendment to the resolution clarifies that the notice procedure required for abatement is separate, and that the ability of the city to issue infraction. Also it clarifies whether the fines/fees reset yearly, we indicated per calendar year, just because properties tend to change hands so often. Councilmember Wood asked what the notice requirement is. Ms. Hagen-Lawrence answered the notice requirement that's contained in the ordinance would be to abate the nuisance to move the bin. Councilmember Wood asked is it placard on the container or a letter? Ms. Hagen-Lawrence stated the notice provision as outlined in the ordinance would be a hang tag and as well as a need to mail something to the property which is why the 7 day notice is required. She added she knows a conversation was to try to make like the snow/ice, but they don't have statutory authority to do so and does not recommend changing this, but it clarifies if the bin is on the curb, they can get a civil infraction.

Councilmember Wood asked as an example of if she was a property owner, the likelihood she got a 7 day notice and moved it back on Saturday and then back on Monday again and it didn't sit there all that time, how are you going to know, how will that be handled. Mr. Kilpatrick stated there is no seven day period on the civil infraction, that is more for the abatement like scattered trash. Councilmember Wood asked if it was an immediate ticket then. Ms. Hagen-Lawrence said if it is outside the collection date. Councilmember Wood asked if it was going to the property owner and Mr. Kilpatrick confirmed and they also send a letter in the mail, so once they get a couple hopefully it will encourage compliance.

Ms. Hagen-Lawrence again stated for uniformity and to make sure we are enforcing and primarily focusing on recycle bins we have ability to know who to write ticket to. Without cooperation from Waste Management and Granger it would be difficult to justifying only citing city trash and they recommend a uniform system. Councilmember Hussain noted they need to get the schedule.

Councilmember Wood asked if talking to public to explain, the abatement is not that bins are being picked up, but they are going to get ticketed. Ms. Hagen-Lawrence indicated which wouldn't be abatement, it would be the enforcement/penalty of a civil infraction. Councilmember Kost asked if there is staff to enforce. Mr. Kilpatrick answered they are down one inspector but in general yes, and their original permit staff would enforce. Councilmember Wood asked Ms. Hagen-Lawrence if this passed through the ordinance review committee and if they would have to set a public hearing. Ms. Hagen-Lawrence answered yes it can come out of this committee.

MOTION BY COUNCIL MEMBER WOOD TO INTRO/SET PUBLIC HEARING TO AMEND CHAPTER 1060; SECTION 08 AND SECTION 99, TO CLARIFY ABATEMENT AND ENFORCEMENT PENALTIES.

Councilmember Wood noted unless there are any unforeseen problems, when we set the hearing to inform Council the potential of the hearing and a vote the same night, otherwise it wouldn't be until July and this has been going long enough. Councilmember Hussain asked Mr. Kilpatrick if he could be there on the 12th for questions and have the schedule. Mr. Kilpatrick responded yes to the 12th and would have the schedules by the hearing date.

MOTION CARRIED 3-0.

DISCUSSION – Red Tag Crisis Update; HRCS, EDP/Code, Law and Administration

Mr. Hankwitz indicated they have begun working on utilizing BSA to digest and disseminate the information and shared a report with Committee on red/pink/NEAT tags which includes the average duration. He stated they are pulling the data and creating the spreadsheet with this report #1. Councilmember Hussain asked if an electronic version is available so he could share during his committee report at the Council meeting, and if it was available to the public. and Mr. Hankwitz confirm on both and he would send it to him.

Councilmember Hussain stated red is down 10, pink down 6, and NEAT down 18. Councilmember Wood asked if they could add what is in MSD, and what is going through the process. Mr. Hankwitz agreed and said they would add that to give an idea on what properties have no movement, current movement, and moving out of red tag process.

Councilmember Wood asked about BSA and that Ms. Linden received training will Council, adding if Emily is going to train Council that is fine. Mr. Hankwitz noted he thought the request was just for Ms. Linden and for backend access. Ms. Linden noted the last she heard they were looking at the cost associated with it, Mr. Montry responded he would get that information to her tomorrow. Mr. Hankwitz asked Ms. Linden if she has what she needs, she answered yes and Mr. Allen has been very helpful. Mr. Montry wondered if she had read only access, Ms. Linden acknowledge and it is acceptable, she doesn't see a need for anything more.

Councilmember Kost inquired about the difference from the NEAT and red are 189, are they certain those properties only tagged less than 90 days. Mr. Hankwitz stated he was unsure they are trusting the system and referred to Mr. Allen who responded he runs a report once a month and consults with the officers. Adding that some property's have no further circumstances and are not fire so being worked on. He stated also that they can only be at one address, so if there are multiple units and two are tagged it is only one address. Councilmember Kost asked for clarification and stated if there are 100 units and 10 are tagged, we are only getting one fee of \$150, Mr. Allen concurred.

Councilmember Wood asked if there was a legal reason not charging per unit, Mr. Allen deferred to law, and Councilmember Wood asked law to look into it and see if they would need to change the ordinance, the larger complex's should be getting charged per unit.

Councilmember Hussain asked for follow-up on the following questions from ED&P:

- In the May 2nd meeting the 21 red tagged properties were discussed, knowing that progress was being made, some going into demo, and a statement on the fee from 2005 was mentioned, where are you in the process with the RFP on the fee study? Mr. Hankwitz responded that both have been put out to bid and they are now evaluating.
- Are you finding other red tags inhabited, are you communicating with the proper departments HRCS, OCA, and LPD? Mr. Allen confirmed. Councilmember Hussain also asked on the discussion about the 90 day window tag, Mr. Hankwitz is hesitant to make it 120 days and something happen in 60. Mr. Allen believes it is in the ordinance itself. Councilmember Wood stated it is not in the IPMC so it could be amended by Council.
- Where are you on the timeline when permits are pulled and have you identified the perennial permit pullers, Mr. Hankwitz answered no to both questions.
- Are there any properties on the list that do not meet the threshold of estimated cost repairs and nothing been don't, have they been moved into MSD? Mr. Allen indicated all MSD's meet the requirements. Councilmember Hussain asked Mr. Allen if he was ever part of the process where that part of the framework was used, and he answered never. Mr. Hankwitz reminded the Committee when Council President Wood brought it to their attention it is something they brought to law and are in discussion.
- Has Code Officers actively been asking tenants what address they are moving to when displaced due to tagged homes? Mr. Hankwitz said they have and also talked with LPD, Land

Bank, and MSHDA is interested in the information as their regulations are not the same as ours, and inadvertently placing people in pink tagged homes. He continued they are also in talks with City IT to pull data to get the information quickly. Councilmember Wood said she was hoping it would be part of the training for Code Officers, so when tenants say they have a place it can be determined it isn't another tagged property, letting them know it is a courtesy being offered.

Mr. Hankwitz added they are working with OCA on trying to ensure owners are not moving tenants into other tagged homes. Mr. Allen concluded that they do ask but most the time the tenant is thinking about what needs fixing and not where they are going. Mr. Hankwitz stated the department has weekly meetings with department heads and managers, with both Building Safety Office (BSO) and Code together, stating he feels things are better between the two and more collaboration with the divisions.

Councilmember Kost stated his concern that these questions are from May 2nd and it is June and still getting the "still looking into it" answers. Continuing he is not comfortable taking that to his ward, saying he would like to see movement on some of these questions. Mr. Hankwitz accepted his concern and said it isn't representative of what the department is doing and getting done. Councilmember Hussain suggested prioritizing and take the smaller items and getting done for follow-up.

Councilmember Hussain continued with the following questions:

- Asked if they have been able to review the so called carrots/sticks of other municipalities and what they utilize? Mr. Hankwitz said it is part of the fee study, incorporated with that is a fee and review process, Walter has helped and brought in what Grand Rapids is doing, they have also spoke with Joe in HRCS to find out specifics and still actively looking at it. Councilmember Hussain asked when the fee study was issued and where is it at? Mr. Hankwitz does not have the date in front of him but knows they received some responses.
- Mr. Allen have you reached out to IT? Mr. Allen confirmed that he's received recommendations from JoEl Watson and John Foltz, it's complicated, they are looking at moving to the cloud to make it easier within the next 18 months and hoping it will address the issue and work better. Councilmember Wood mentioned Captain Diehl and what LPD works with, Both Mr. Hankwitz and Mr. Allen responded that it is from a signal perspective and LPD has signal issues in certain spots as well and they have Wi-Fi that they cannot get. Councilmember Kost suggested looking at boosters for the vehicles as an option.
- Have you finalized and posted job description for code manager and began testing? Mr. Hankwitz indicated there wasn't a testing component in first round so is working with HR, have some applicants but looking at additional areas too.
- What about the premise posting? Mr. Hankwitz is unaware if HR has posted, he has not seen it. Mr. Montry confirmed it has not been posted and they've spoken with HR on the priority of it (#4), but it is in motion but the process is slow moving.
- Are you taking steps for evaluating employees and establishing professional development opportunities, and are you able to track workload time on tasks for Code employees, last time you didn't have an answer? Mr. Hankwitz said he still does not have an answer, understands it is a necessity and priority but still working through the processes.
- Have there been any landlords renting to tenants in red tags and prosecuted? Ms. Hagen-Lawrence confirmed they've seen more reports for trespassing in red tags, they come in three categories; 1) Owner/Occupied, 2) red tag is broken into, and 3) tenants that haven't known they are in a red tag (have not been presented with these).
- Legally can they identify landlords who are the worse offenders and prohibit them from obtaining additional certificates? Ms. Hagen-Lawrence stated her understanding it would be case by case.

Joe Abood arrived at 4:23pm

Lisa Hagen-Lawrence left at 4:24pm

Councilmember Hussain mentioned they were looking for some outstanding updates from HRCS, they responded they had none, and he informed the Director this would be part of the report from the Committee.

Councilmember Kost asked about Commercial properties that are red tagged on NEAT and not charging after 90 days. Mr. Hankwitz said he would get that information. Councilmember Hussain mentioned a meeting in May it was asked about creating or working on a timeline of activities to move the department forward and Ms. DiSessa didn't know so has that been done? Mr. Hankwitz apologized he wasn't prepared for these questions but will find out.

Councilmember Hussain said when they had a Special COW meeting looking at the red tags, they will in COW or other meetings always asked about MSD's etc. but would like to focus on questions in this meeting to make sure focus on overall picture and would make sure the Thursday prior to the meeting he knows what will be asked.

Councilmember Kost finally asked Mr. Allen about railroads through the neighborhoods, specifically Baker/Donora the track isn't used and back in 2011 they maintained it, is the city going after the rail company. Mr. Allen deferred to law code used to write for grass/trash until they were told they couldn't touch them. Mr. Abood stated as he recalls it is federally controlled and they have the right of way so it is not our jurisdiction and cannot touch. Councilmember Wood said in the past, Mr. Kilpatrick had connections with some railways depending on the street.

OTHER

Mohammad Siad noted he bought a house last October in auction and the previous owner had problems. Councilmember Hussain asked for the address, Mr. Siad responded 1232 Pompton Circle. Ms. Richmond indicated this was possibly getting referred to Council on Monday. Councilmember Hussain stated that three requirements are needed which are permits pulled, timeline for completion and funding, Mr. Siad continue with a request for more time. Councilmember Hussain indicated it is still in the process and once it gets referred to this Committee then you can attend and have your time to speak.

ADJOURN

Adjourned at 4:38pm

Submitted by

Renee Richmond, Recording Secretary

Lansing City Council

Approved by the Committee on June 20, 2023