



MINUTES
Committee on Public Safety
Tuesday, July 18, 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
Amanda O'Boyle, OCA
Amany Williams, OCA
Joseph Abood, OCA
Walter Allen, Code Compliance
Jordan Hankwitz, EDP Director
Nick Montry, EDP Deputy Director
Officer Briggs, LPD
Elizabeth Boyd
William Harrison
Lori Fuller
Heather Daniels
Elaine Womboldt

MINUTES

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE JUNE 20, 2023, MINUTES AS PRESENTED. MOTION CARRIED 3-0.

PUBLIC COMMENT

Elaine Womboldt spoke on a moratorium for the city, the pending independent review of Code and updating outdated monitoring fees, the on-going crisis of red/pink tags specifically Sycamore Creek Townhomes with 344 units, when are these going to be resolved. Also, a Land Bank Auction in August with properties sold "as is", how many are from previous red tagged properties. Ms. Womboldt finished with voicing her disappointment of the lack of leadership at the top.

DISCUSSION/ACTION ITEMS

RESOLUTION – Setting a Public Hearing; Ordinance Chapter 1250 Section 1250.04.05 prohibiting collection bins on City owned property

Councilmember Hussain stated this is establishing a hearing for Chapter 1250.04.05, there was an email correspondence from Lisa in OCA that they have not and cannot move this forward, asking Ms.

O'Boyle if she can speak on this. Ms. O'Boyle asked to what question do you have as to this email, and Councilmember Hussain again stated they were told it can't be approved, so what are the issues with this particular ordinance. Ms. O'Boyle said first and foremost she would refer them to the legal analysis that Lisa did, for general collection bins there are laws that say that includes donation bins are considered speech and people putting those out are taking a charitable stance and collecting goods for donations and to prohibit that would impede on their free speech rights and so they think it would not pass. Councilmember Hussain said that is what he wanted to hear. Councilmember Wood asked Mr. Abood if they did pass an ordinance like this that is licensed bins so this would be just adding particular location of where they can be, please explain the difference. Mr. Abood stated as they recall initially considering the ordinance it was structured by the Committee after the St. Johns city and that was challenged and deemed illegal, so they started from scratch. They contacted the attorneys and asked if ordinance that would survive and COL modeled after Portage and it's never been challenged and successful, this would take back into the city of St. Johns language which would restrict free speech and why OCA can't approve. Councilmember Wood asked if just looking for city property, Mr. Abood understand but the city owns a lot of property. Councilmember Wood said assumption is because right of way, and Mr. Abood responded no it's a much broader analysis.

MOTION BY COUNCILMEMBER WOOD TO PLACE ON FILE THE RESOLUTION IN SETTING A PUBLIC HEARING; ORDINANCE CHAPTER 1250 SECTION 1250.04.05 PROHIBITING COLLECTION BINS ON CITY OWNED PROPERTY. MOTION CARRIED 3-0.

ORDINANCE – Amend Ordinance 1460 IPMC to clarify parties responsible for prohibiting the occupancy and maintaining the vacancy or placard equipment and structures

Councilmember Hussain stated the hearing was July 10th and asked for any questions, there were none.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE ORDINANCE TO AMEND ORDINANCE 1460 IPMC TO CLARIFY PARTIES RESPONSIBLE FOR PROHIBITING THE OCCUPANCY AND MAINTAINING THE VACANCY OF PLACARD EQUIPMENT AND STRUCTURES. MOTION CARRIED 3-0.

DISCUSSION – EDP Fee Study and Code Review

Councilmember Hussain asked for an update on the RFP's. Mr. Montry state he has taken an active role in supporting Code, just to clarify the fee study was awarded to Maner Costerisan, and now in the process of creating the contract. The goal is to get contractor soon, kick off meeting late this week or early next week. Councilmember Wood asked what the expectation for the timeline for the fee study is. Mr. Montry stated he is estimating 120-160 hours, goal is from when signed it's no more than 60 days or sooner. Mr. Montry added the code consultant RFP, that was the one they felt needed a re-do and now feel it's more what they want and sent over to purchasing for bids no response yet. Councilmember Hussain asked when that was, Mr. Montry answered this morning. Councilmember Wood said based on the memo written, one problem was the consultant fees, any talks with administration of adding this to the quarterly report for Oct 1st for the recommendation on vacancy factor dollars. Mr. Hankwitz responded no not specifically in that language but the identification for the potential shortfall for the fiscal year 24 with the consultant fees and projects, administration and finance are both aware of it and seeking Q1 budgetary amendment to accomplish that. Inquiring if the Oct 1st is different than the Q1 budget amendment. Councilmember Wood indicated yes, her understanding that the budget amendments unless attached to state appropriations, on Oct 1st with vacancy factor department dollars needed at that time would be allocated, so this is above what was budgeted originally. Mr. Hankwitz said they did have extensive conversation with finance to look at FY24 and figure out where they may fall short and the conversation on the unspent dollars is an area that finance thought wasn't going to get audit, so their recommendation was a Q1 budget amendment but if more appropriate way to pursue we are open to it. Councilmember Wood stated no she assumes it would be first quarter but again it's the administration.

Councilmember Hussain mentioned with regard to the 21 red tag props over 20+yrs are they any further along. Mr. Allen verified some are moving forward. Councilmember Hussain asked if that one met the estimated cost of repair threshold, and Mr. Allen confirmed. Councilmember Hussain then stated they were going to strategize with law on those that don't meet the threshold and with no work being done for 24 months, where are they with that. Ms. O'Boyle reference state law provides more than one avenue, the SEV avenue is just one option for demo.

Councilmember Wood indicated two MSD's were sent back to the department with incorrect information, where are they with those, Mr. Allen is unaware of the addresses and will follow up with Ms. Puente.

Councilmember Kost asked for the current red/neat count, Mr. Montry stated a few days ago it was 616 for red tags, adding they run a report the first of each month. Mr. Montry then shared a report for the Committee, which is also posted on the EDP website. Councilmember Kost asked about a report of addresses with current certificates and inspections, Mr. Montry said that is being discussed, but not working on that and they will visit in the future.

Councilmember Hussain asked about the Code Manager position, Mr. Montry mentioned invites are being sent out this week for testing, after that they will set interviews. Councilmember Hussain inquired about Sycamore Townhomes, Mr. Montry said they met with OCA and have proposed a plan to the goal is to stage and not have 30+ buildings at same time, pick 3-4 and get done then move on, Monday is the deadline. Councilmember Hussain verified there is no agreement to lift pink tags, Mr. Hankwitz confirmed.

Councilmember Hussain referenced the last meeting and an update on number of contracts, oversight, administrators, any update. Mr. Montry said he does not have total number through the 5 division, for the oversight they sign a renewal, it goes to City Clerk and OCA involved and when it comes to enforcing is mostly relied on the individual division to make sure they are aware of the wording and to enforce. He added that refunds are being addressed, and Mr. Hankwitz indicated they made it very clear that they will abiding by the contract. Councilmember Wood mentioned that some discussion continues to be out there and the department is now making sure property taxes are being paid before certs are issued, but to understand the message that is given if someone comes to Code and says they haven't had to pay previous so why now, what's being said to them. Mr. Hankwitz and Mr. Allen both agreed it is not to call Council, it is to abide by the ordinance.

Councilmember Kost asked about a rental with a cert but also registered as a primary residence but getting the exemptions. Mr. Allen asked for clarification, Mr. Montry stated a home that claims homeowner occupied but also claims rental certificate. Mr. Allen indicated the issue with that is there are 34,000 rentals, they rely on accurate information on the application, when they do find a discrepancy, they report it. Councilmember Hussain asked how this has been missed, Mr. Hankwitz stated they need to have conversations with the Assessors office in doing so.

DISCUSSION – Nuisance Property; 3628 Ronald Street

Councilmember Hussain informed the committee this is a single family rental, the owner is out of Richmond, TX and the property manager is local. He added the tenant has previously lived at 3501 Ronald with violations. 3628 Ronald has switched hands a few times and the certificate is good through May 1, 2025. The committee has received correspondence on many concerns such as shooting in January, confrontational/threatening behavior with neighbors, early morning disputes, infestation of mice, etc. and asked officer Briggs to speak. Officer Briggs stated there is certain authority they have and as a team would like to figure the next step. The goal is zero tolerance and enforcement.

Heather Daniels introduced herself, lives across the street at 3627 and is on the side of getting harassed, was told if she reported it then a bench warrant for the tenant would be issued, landlord is

scared and won't do anything. Officer Briggs interjected that it is the entire neighborhood that wants to move along with Heather. The bigger picture is the tenant keeps people around that have guns and turning it into a bigger problem. It is clear she's violated terms of the lease but the landlord is scared.

Councilmember Wood stated why not ask OCA to have a mediation with the landlord, property manager, tenant, and LPD to discuss the issues. Have a letter ready for all to sign and abide by, if not then designate as a nuisance property. Ms. O'Boyle stated she can refer it for criminal charges and handle through courts if crimes are being committed. Mr. Abood added it might compromise the situation because then people become witnesses and they get nervous the city has a department with Delisa Fountain to do neighborhood mediation. Councilmember Wood mentioned she would like to see something set up, often getting a letter from the city attorney will rise it to the next level.

Lastly, Officer Briggs asked if the committee needed anything from him for the meeting, Councilmember Hussain stated the city attorney will reach out to him and set the meeting and let him know.

DISCUSSION – Street Parking concerns; 2813 E. Westchester Road

Councilmember Hussain briefly gave an overview of the past street parking ordinance that prohibited overnight parking from 2a-5a, stating it never got off the ground and did not pass in Council. Councilmember Wood stated she received communication from residents so asked for it to be included on the agenda.

Liz Boyd lives at 3035 Westchester and discussed concerns on 2813 E. Westchester. This afternoon there were a total of 7 cars (2 on the street, 1 in the garage, 4 in the driveway), there is also a camper wired to the house with people using it. She was stunned when she learned the street ordinance was no longer in effect, and mentioned other areas like Smith Avenue, Barnes/Washington area and Colonial Village all with similar issues with rentals and parking. Ms. Boyd is strongly requesting the Committee review the ordinance again and put restrictions on overnight parking.

Bill Harrison lives at 2832 E. Westchester and supports Ms. Boyd's request and is considering pursuing a petition in his neighborhood in support of this. He has called LPD and good responses from Sgt. Hon and Cpt. Diehl on an owner with a RV (registered as commercial) parked out front with motorcycles in the back compartment, who says he uses it for taking his motorcycles to shows. He also mentioned about reviewing and clarifying what code can and is able to enforce regarding inoperable vehicles, asking if they are able to have then start and move it, make sure legal plate is on and ask for insurance. He also included that on the Code website it states that operative means able to drive safely down the street.

Councilmember Hussain inquired about Ms. Stachowiak's letter and the status and timeline. Mr. Montry indicated the final notice went out today for the previous issues as well as an initial notice for the motorcycles, he did not know the timeframe. Councilmember Wood noted it was 14 days. Mr. Allen noted that somethings said are not in the ordinance, Councilmember Hussain asked for clarification. Mr. Allen answered they cannot walk on property unless some form of reason or search warrant allows.

Ms. O'Boyle mentioned in Chapter 14 that no motor vehicle that is inoperable, stripped, dismantled, or in a state of disrepair may be kept on the exterior of the premise, adding these are the terms when making the assessment. Mr. Harrison reiterated again what is on the Code website. Councilmember Hussain asked that Code verify what is on the website and make sure it is accurate.

Councilmember Wood suggested a tickler system for Code on follow ups, as in the past extension after extension happens and nothing gets done, Mr. Montry agreed.

Lori Hacker-Fuller lives at 3301 Moores River Drive and spoke on a rental next door, they constantly have 4+ cars and a big truck in the street. She acknowledges they come and go but they park overnight, and she is in favor of reinstating the 2a-5a overnight parking ordinance again. Councilmember Kost mentioned some issues are the process is so long, continuing that Ward 1 faces issues with narrow streets and not enough parking.

Councilmember Hussain informed there is a process for a petition which is have a study done, if it shows a need then another petition is needed. Councilmember Wood recommended at the next or following meeting invite Sgt. Hon, Cpt. Diehl, and EDP traffic enforcement.

DISCUSSION – 1512 Lyons; City of Lansing; Property Maintenance Code 106.6

Councilmember Hussain read from an email from code officer Dawsey on a question on part of the ordinance specifically the following indicating needing to know what “take all necessary actions” means:

If the owner or party in interest whose name appears on the City’s real property tax assessment records fails or neglects to comply with the notice or appeal determination, **the City may enter the property and take all necessary actions to cause the abatement of the nuisance, including the incurring of costs.**”

This office needs to know what is meant by “**take all necessary actions to cause the abatement of the nuisance**” because our law office is telling us that we may not take all necessary actions which makes me wonder why we have something as important as this written into the ordinance if it is of no use to us. Along with many other things written in ordinance, on paper, that the law office does not agree with or allow which gives us major setbacks, which then we are blamed for. There seems to be a major disconnect which is why I am needing to know what that means specifically.

Councilmember Kost asked for clarification on what is meant by what legal doesn’t find enforceable. Ms. O’Boyle inquired as to the context of this sentence in the ordinance, and Councilmember Kost responded because the code officer says a bund of stuff is not enforceable. Councilmember Hussain said first question is it reads **the City may enter the property and take all necessary actions to cause the abatement of the nuisance, including the incurring of costs.**” but the code officer says he needs to know what that means because law is saying they cannot take all necessary actions. So what does that mean?

Ms. O’Boyle referred to remainder of that ordinance in the email which only read half of it, she goes on to specify things that are included like cost of title search, recording fees, notices, register of deeds, etc. types that are included in abatement activities when doing trash/grass. She spoke with Mr. Dawsey and answered questions from a legal perspective, concerns on certain on types of abatement and advised skirting territory in violating 4th amendment.

Councilmember Kost asked which ones, Ms. O’Boyle didn’t want to go into details from liability perspective. Councilmember Kost stated if they don’t know the rules then how can they help citizens with issues. Ms. O’Boyle said she met and spoke with that person. Councilmember Wood stating to clarify, asked Ms. O’Boyle what they are looking for is that law saying something is not permissible, if saying nothing other than 4th amendment rights, then Mr. Dawsey misinterpreted what he was reading. Amanda; abatement activity still abides by state/fed/constitution Law, so Law discourages, entering onto property without permission, without search warrant or court order, so with locked backyards have to follow legal processes.

Mr. Allen stated there are certain rules/policy that code has to follow so don’t get sued. Stating Mr. Dawsey was instructed not to do something, and he spoke to him personally and he didn’t understand process. It was explained that they enforce the code violation and he now knows.

Councilmember Wood handed Mr. Montry a printout and asked him to read it and his thoughts, regarding some back notes on the same property. Mr. Montry said he was not happy, and Mr.

Hankwitz concurred adding they are correct in not having a choice. Councilmember Hussain read the note into the record:

SIDENOTE: we are under new management and this property reached them. I no longer have a choice. The property needs to be cleaned or the contractors will have to do so. Too many complaints coming to higher ups.

Mr. Montry added it will be addressed. Councilmember Wood expressed concern on the multiple extensions given.

OTHER

Ms. Boyd finished by stated they just want to help and if they can change the overnight parking that would be great, so many other neighborhoods are having the same issues. She asked Ms. Richmond to keep her, Mr. Harrison, and Ms. Fuller on the email list for this topic.

Councilmember Hussain stated for the next meeting have the topic of street premise discussion on the agenda.

ADJOURN

Adjourned at 5:05pm

Submitted by

Renee Richmond, Recording Secretary

Lansing City Council

Approved by the Committee as Amended on August 15, 2023