

AGENDA

Committee of the Whole AGENDA FOR SEPTEMBER 18, 2023 AT 5:00 PM



Lansing City Hall, Tony Benavides Lansing City Council Chambers
124 W. Michigan Avenue, 10th Floor

To provide input or ask questions on any item that is listed on the agenda,
members of the public may contact the City Council at city.council@lansingmi.gov or (517) 483-4177 prior to the meeting.

Council Member Wood, Chairperson
Council Member Garza, Vice Chairperson

- 1. Call to Order**
- 2. Roll Call**
- 3. Minutes**
 - A. September 11, 2023
- 4. Public Comment on Agenda Items (Up to 3 Minutes)**
- 5. Discussion/Action:**
 - B. Hearing Determination from the License Revocation of Energy Event Center:
3222 S MLK Jr. Blvd, Suite 41A Lansing
 - C. RESOLUTION - Determination on License Revocation for
Energy Event Center; 3222 S MLK Jr. Blvd Ste 41A,
Lansing
 - D. RESOLUTION - Budget Amendment (HRCS); Fiscal Year 2023-2024
 - E. RESOLUTION - Budget Amendment; RE: Storm Disaster Contingency Fund
 - F. RESOLUTION - Budget Priorities for the Fiscal Year 2024/2025 Budget
 - G. ORDINANCE -Amendment to Chapter 288.21 Chief Strategy Officer
 - H. DISCUSSION - Requested Reports in the Budget Policies from the Adopted
FY 2023/2024 Budget Resolution
 - i. Report on the Cost of Warming and Cooling Centers
 - ii. Report on Stump Grinding
 - iii. Report on Community Mental Health Social Worker Housing
Outreach Specialist
- 6. Other**
 - I. Update by the Administration- South Washington Complex (SWOC) Current City Department(s)
Relocations (Temporary and Permanent) & Financial Impact
- 7. Adjourn**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

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MINUTES

Committee of the Whole

Monday, September 11, 2023 @ 5:30 p.m.

Tony Benavides Lansing City Council Chambers

CALL TO ORDER

Council President Wood called the meeting to order at 5:30 p.m.

PRESENT

Council Member Carol Wood
Council Member Jeremy Garza
Councilmember Adam Hussain- excused
Councilmember Peter Spadafore
Councilmember Patricia Spitzley
Councilmember Brian T. Jackson
Councilmember Jeffrey Brown
Councilmember Ryan Kost

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Jim Smiertka, City Attorney,
Lisa Hagen-Lawrence, City Attorney
Emily Linden, Internal Auditor
Mark Lawrence, Mayor's Office
Jake Brower, Chief Finance Officer
Amber Paxton, Financial Empowerment Center
Elizabeth O'Leary, Human Resource Director
Chris Swope, City Clerk
Dan Doyle, Attorney Representing Energy Event Center
Sommer Green
Willaim Watkins
Ilis Peak
Amanda Morgan
Al Philips
Mark King
Michael Lynn
Erika Lynn
Ryan Cabell
Loretta Stanaway
Miranda Hunter
Charles Dean

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Minutes

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE MINUTES FROM AUGUST 28, 2023.
MOTION CARRIED 7-0.

Public Comment

Council received an email from Elaine and David Womboldt in support of the revocation of the license for Energy Event Center.

Mr. Doyle, Attorney representing Energy Event Center, spoke on the findings and fact of recommendation. He spoke in opposition to the recommendation stating his opinion is that it does not comport with the law. (808.10 b)

Ms. Green spoke on the Energy Event Center incident on July 29, 2023 where the owner did put a shelter in place for the attendees. Ms. Green then spoke on the agenda items for changing ordinances in Chapter 240 and Chapter 273. She asked that Council consider another ordinance to address this situation.

Mr. Watkins spoke in support of the Energy Event Center where it allows the youth to attend and place for them. He spoke in support of allowing this location to continue to give the youth something to do to protect the youth. Mr. Watkins asked Council to consider reviewing other sites where shootings and deaths occur.

Mr. Peak spoke in support of the Energy Event Center and owner Ryan Cabell. He then asked for LPD presence in the parking lot in the area, and his understanding that the incident had nothing to do with the event location.

Ms. Stanaway spoke on the budget amendment for Parks and Recreation, on the licensing issue she spoke in support of the license revocation, and concluded speaking briefly on the ordinance amendments.

Ms. Hunter spoke on the death of her sons in 2020 in the Pleasant Grove Plaza, and asked for help in all shooting deaths in the City.

Ms. Morgan spoke in support of Mr. Cabell and asked for the consideration of decision to keep the good stake holders in the community. Ms. Morgan continued stated her belief that there is bias, and pleaded for the Council to consider the statements by the citizens.

Mr. Phillips spoke in support of Mr. Cabell, and asked Council not to consider revocation. He spoke briefly on examples of other shootings in the area, and other events.

Mr. King spoke on his involvement in the City, areas in the City he is aware of that have issues, the work that Mr. Cabell did to get his licenses. Lastly, he asked the City Council and Mayor work with Mr. Cabell in options.

Mr. Lynn spoke about the incident on July 29, 2023 and other mass shootings in the City. Mr. Lynn admitted at the time of the event he was upset of the shootings, but then spoke to Mr. Cabell. Mr. Lynn stated that his understanding now is that the incident in the parking lot was not a result of Mr. Cabell. He asked Council to take the time to address this and allow Mr. Cabell to continue his business.

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Ms. Lynn spoke on the community input stated earlier, asked them to work together to support business owners.

Mr. Siles (sp) spoke in support of Mr. Cabell, noting he was present at the incident on July 29, 2023 and from inside they were not aware of what was going on in the parking lot.

Mr. Cabell displayed his cabaret license that he has had for 2 years, obtaining the property 3 years ago. He then appealed to Council and outlined what happened during the incident.

PRESENTATION/ACTIONS

Financial Empowerment Center Update – Amber Paxton

Ms. Paxton stated her request to be at the meeting was to make Council aware of the changes in the Financial Empowerment Center (FEC) department. This will allow for all staffed to be City employees; in house, and when readjusted, there will be the 2 financial counselors and a director helping with the oversight.

Council Member Spitzley asked when this reorganization was determined. Ms. Paxton stated it was discussed with Cristo Rey in late May and June when the contract ended with them. Council Member Spitzley asked if they had a staff from Cristo Rey and the City. Ms. Paxton stated there were 2-4 employees, there was an outreach coordinator that was City staff, and the Cristo Rey staff were paid for by \$190,000 a year from the City via a contractual line item. Council Member Spitzley referred to the budget process recently in May and that this change would have been something to tell Council then if it was anticipated in May. Ms. Paxton assured them it was not planned, but came to them when the contract was coming to an end.

Council Member Brown noted it was told to Council during the budget the FEC was growing in their participation. Ms. Paxton stated there is a program manager for FEC and 4 counselors at the time. FEC will be their priority now. Council Member Brown asked what has the service level growth been over the last years. Ms. Paxton asked if his question had to do with the ARPA funding. The staff did not increase in the previous year but decreased. COVID showed them there was an issue with marketing and outreach, since they could not meet in person and so the demand fell. When the ARPA funds were available they asked for marketing funds, and since those were not used and still available, they continue to use them. Ms. Paxton admitted the numbers have gone down and that is why they need to restructure so those sources can be referred to HRCS and Courts. Council Member Brown asked for a breakdown, and Ms. Paxton stated she did not have the information and can get the information to Council. She assured them that the changes make FEC part of the city structure, and therefore they will be asking for the funds (\$190,000) in contractual to go towards salaries so they can fill 2 full time counselors that will be city staff.

Council Member Wood asked if since they are no longer contracting with Cristo Rey, have they had any appointments. Ms. Paxton confirmed they have no new appointments, and any communications have been with existing clients. Any new client referrals are going to Case Credit Union or Capital Area Housing. Ms. Paxton confirmed this was just recently, and she has only taken 3 calls for new appointments. Council Member Spitzley noted that since they are referring to the credit union that offers a free service and Capital Area Housing that offers a free service, where is the justification in having in house (City) services. Ms. Paxton stated there is a difference between “offering free” but “being free”, and the credit union cannot take a full case load. Council Member Spitzley noted that if they can’t handle the case load now, and the City is not accepting new clients, this is an issue that Council needs to keep in mind during the budget when FEC asks for funds for staffing to keep in the City umbrella. Ms. Paxton explained she oversees 4 programs, 2 free services are closest to FEC. New clients are asked to go to Case Credit Union, and they are supporting the City during this

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transition, but they cannot handle everything. Ms. Paxton added that the FEC department has been short three staff for months, and currently have only 2 staff doing everything. Council Member Spitzley noted again, that they have admitted to still not accepting an new clients.

Council Member Spadafore was asked if he had a point of order, and he stated he did not, but a question.

Council Member Spitzley made a point of order for consideration on her questioning with Ms. Paxton.

Council Member Spitzley left the meeting at 6:19 p.m.

Council Member Jackson stepped away from the meeting 6:19 p.m.

Council Member Brown stepped away from the meeting at 6:19 p.m.

Meeting recessed at 6:19 p.m. due to lack of quorum.

Council Member Brown and Jackson returned to the meeting at 6:20 p.m.

Meeting called back to order at 6:20 p.m.

Council Member Spadafore asked Ms. Paxton if the service was suspended during the transition, do they plan to bring it back once the positions are City employees and filled. Ms. Paxton stated they have someone interested in sponsoring the services, are not asking for new funds, just to reclassify the contractual funds to salary.

Council Member Brown stated that Council is asked to ask the hard questions, being asked to be transparent, and now are finding out just now that the City is not supplying services from FEC.

City – 3 Year Financial Projections – Chief Strategy Officer Jake Brower

Mr. Brower presented on the projections included in the packet.

Council Member Brown stepped away from the meeting 6:24 p.m.

This included financial projections FY 2023 amended, 2024, 2025 and 2026 on revenues and expenditures. Projections include taxes, licenses, permits, state grants, contributions, charges for services, fines and forfeits, interest and rents, and other revenue.

Council Member Spadafore asked about the debt service line in the expenditures and the percentage increase. Mr. Brower stated the projection on the debt service side stays constant at \$1.3 million, and the spreadsheet is adjusting the percentages to equate to that schedule. Council Member Spadafore expanded on his question, noting the 2023 Amended has it at \$987,100 with a projection of up to 23% over the other projected years. Mr. Brower was not able answer the question at this time, but assured Council he would look into it and report back.

Council Member Garza asked how many budget positions are vacant. Mr. Brower could not provide and answer but guessed 10%. Council Member Garza then asked it of those budgeted positions have not been filled for 2-3years, and do they take into account for inflation. Mr. Brower was not able to provide a number however stated it would be determined by when filled.

Ms. Linden noted that this budget was not to affect the fund deficit, but this document tonight reflects something different then what was provided in the past. She asked Mr. Brower what was being done to address the structural deficit. Mr. Brower explained there has been budget changes and operational changes, and behind the scenes there has been negotiations with union contacts, health care changes, and they have ongoing funding philosophies. Mr. Brower stated over the upcoming year the Administration plans to meet with Council more regularly. Ms. Linden asked Mr. Brower if he has now taken on the role of overseeing the budget, and Mr. Brower confirmed there is still a Budget Analyst in the Finance department but he has a role in the budget and working in collaboration.

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RESOLUTION – Budget Amendment; Fiscal Year 2023-2024

Mr. Brower spoke briefly on the resolution and on the revenues that allowed them to balance the budget proposal and restores multiple departments.

Council President Wood passed the gavel to Council Vice President Garza to recuse herself from the HRCS budget line item.

MOTION BY COUNCIL MEMBER GARZA TO RECUSE COUNCIL MEMBER WOOD.

Council Member Brown returned to the meeting at 6:38 p.m.

It was confirmed a budget amendment requires six members, and with the recusal of Council Member Wood, there would only be five voting members.

COUNCIL MEMBER GARZA WITHDREW HIS MOTION TO RECUSE COUNCIL MEMBER WOOD FROM THE HRCS BUDGET LINE ITEM.

Council Member Garza stepped away from the meeting at 6:38 p.m.

Ms. Linden summarized her review asking if there were any cuts from the original proposed budget. Mr. Brower stated there were not, and the cuts from the personnel line in the Mayor's budget is not is still maintained. On the operational side this is restoring the mayor's operational budget for this year. Ms. Linden asked if this meets the 1.25 % for basic human services. Mr. Brower stated the \$500,000 for hoteling in HRCS address the basic human needs.

Council Member Garza returned to the meeting at 6:40 p.m.

Council President Wood recapped for the Committee that during the budget season there was a vacancy factor that was proposed to be used to back fill the department operational budgets that were cut in the original budget. But the Administration found that there was additional income tax and state revenue instead to back fill instead of the vacancy factor. This will not restore the personnel item in the mayors budget that council cut.

Council Member Kost asked if the \$500,000 proposed for HRCS (hotelings) was hotel charges incurred during the recent large red tag property, and if so was there not funds that were required to be paid out by SIMTOB(property owners) to cover those hotel costs. Mr. Brower stated he did not have that answer, but would get back to Council. Council President Wood stated she too was not sure if the City has actually received those funds, but some Council Members have spoken to HRCS and they were told that currently HRCS is out of funds for hotelings.

Due to the lack of quorum for the vote, this item was moved to the September 18, 2023 Committee and Council meeting.

Hearing Determination from the License Revocation of Energy Event Center; 3222 S MLK Jr. Blvd. Suite 41A Lansing

Council Member Wood noted Ms. O'Leary, City HR Director was asked to handle the hearing for a revocation based on a recommendation from the LPD and Mayor office. City Council does not hold another hearing, but the discussion today is to speak to the findings in the packet.

Ms. O'Leary spoke briefly on the process. She then summarized her analysis and recommendation in the report.

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ANALYSIS & RECOMMENDATION

The Lansing Code of Ordinance language regarding the Cabaret License Revocation is clear when it states that a license holder is required to maintain the peace on the property during the event. The ordinance also speaks to licensees taking responsibility for the safety of patrons and the public in preventing violence. The acts of violence occurred in the parking lot, according to testimony of both parties, somewhere between 250 feet and 464 feet of the entrance of the event. In this situation, the parking lot is well within the definition of premises found in ordinance language. The requirement of maintaining peace to ensure the safety of the patrons and residents was not adhered to by Energy Event Center during the event on July 30, 2023.

During the hearing there was testimony along with exhibits showing alcohol use in the parking lot of Energy Event Center. A bottle was on one of the light posts and there was also a bodycam picture of an individual holding a liquor bottle. Testimony indicated that individuals in the parking lot were also exhibiting signs of intoxication. While I will cannot opine with certainty on the contents of the numerous red solo cups pictured in the bodycam photos, given the testimony presented, it would be likely that alcohol use was present. Open alcohol in a public place is a violation of the Lansing Code of Ordinances. The requirement that a cabaret licensee has to abide by all state, local and federal laws was not adhered to when open alcohol was allowed on the premises.

The Lansing Code of Ordinances requires a Show License for any "*circus, menagerie or other exhibition, entertainment, carnival or show of any nature and name, for which money or any other consideration is in any way demanded or received for admission thereto.*" The concert that took place on July 29th and July 30, 2023, falls within the scope of this ordinance as the event provided live artists with general and VIP entrance fees. Testimony in the hearing conveyed that Energy Event Center did not possess a show license. The requirement that a cabaret licensee has to abide by all state, local and federal laws was not adhered to when a show license was not obtained.

Multiple people were tragically injured in the early morning hours of July 30, 2023. In light of the ordinance language, testimony and evidence submitted during the hearing, I recommend that the Lansing City Council revoke the cabaret license held by Energy Events Center.

Council Member Kost stepped away from the meeting at 6:53 p.m.

Council Member Jackson asked if in consideration, they considered that maintaining peace measures were taken by the holder of the license. Ms. O'Leary referred him to her findings report. Council Member Jackson asked how many security officers are needed for that site. Ms. O'Leary reiterated this is a recommendation, and Council's opinion to revoke or not. Council Member Jackson clarified his questions based on his understanding that this was a time to ask questions on the recommendation. He also noted he did not think anyone as a city employee should have heard the hearing, as stated in earlier meetings.

Council Member Kost returned to the meeting at 6:55 p.m.

Lastly, he noted not one owner (Mr. Cabell) can be responsible for that large area. Ms. O'Leary stated that all exhibits and hearing documents were put into her recommendation and that is for the Council consideration. Council Member Jackson asked how many security guards were on site during the event, and Ms. O'Leary stated she was not at this meeting to opine on what is outside the recommendation.

Council Member Brown referenced Exhibit 2, which included highlighted sections, and asked whose exhibit that was, and Ms. O'Leary confirmed it was her exhibit during the hearing, adding that the highlighting had no significance.

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Council Member Jackson accounts for just on incident and if there is consideration in working together in the future. Ms. O'Leary stated the recommendation is based on the one incident and the hearing on August 24, 2023.

RESOLUTION – Determination on License Revocation for Energy Event Center; 3222 S MLK Jr. Blvd. Ste 41A Lansing

Council Member Spadafore asked OCA and leadership if there was a timeline on when Council should take action. Council President Wood confirmed the Council had to be in receipt of the hearing recording documents and findings when it was complete, which they have now received. Mr. Smiertka confirmed there is no legal timeline. Council Member Spadafore asked for any decision and action to be moved to the next meeting until all Council Members can be present.

Council President Wood moved any action on this resolution to the September 18, 2023 meetings.

RESOLUTION – Budget Amendment; Fiscal Year 2023-2024- Revisited

Council President Wood asked if Council would consider separating the question and removing the HRCS line item from the resolution and taking action on the remaining items.

MOTION BY COUNCIL MEMBER GARZA TO DIVIDE THE QUESTION AND MOVE THE HRCS PORTION TO THE SEPTEMBER 18, 2023 MEETING. MOTION CARRIED 6-0.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE AMENDED RESOLUTION INCLUDING THE FOLLOWING DEPARTMENTS:

- CITY COUNCIL- OPERATING
- COURTS – OPERATING
- MAYOR'S OFFICE – OPERATING
- CITY CLERK – OPERATING
- TREASURY/INCOME TAX – OPERATING
- HUMAN RESOURCE – OPERATING
- PUBLIC SERVICE – OPERATING(STORM)
- PARKS AND RECREATION – OPERATING

MOTION CARRIED 6-0.

DISCUSSION/ACTION

RESOLUTION – Authorization for Early Voting in non-statewide elections

The Committee was referred to Draft 2 in their packet with the addition of:

BE IT FURTHER RESOLVED that the polling place for early voting in the November 7, 2023, City election shall be the South Washington Office Complex at 2500 S Washington Avenue, Lansing Michigan.

Mr. Swope stated this would authorize early voting in the November election and future elections.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE DRAFT 2 OF THE RESOLUTION TO AUTHORIZE THE EARLY VOTING IN NON-STATEWIDE ELECTIONS. MOTION CARRIED 6-0.

DISCUSSION - Amendment to Chapter 240, Section 240.02, 240.03, 240.04; Clarify role of Human Relations and Community Services (HRCS) Advisory Board

Council President Wood moved this item to a future Committee meeting.

DISCUSSION -Amendment to Chapter 273, Section 273.01 and 273.04; Clarify Role of Human Relations and Community Services (HRCS) Advisory Board

Council President Wood moved this item to a future Committee meeting.

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DISCUSSION - Repeal Chapter 273, Section 273.06, "Examination of complaints; hearings and studies" to conform with the City Charter 5-106

Council President Wood moved this item to a future Committee meeting.

DISCUSSION - Repeal Chapter 273, Section 273.08 "Prohibited discrimination by city departments or employees" to conform with the City Charter 5-106

Council President Wood moved this item to a future Committee meeting.

DISCUSSION – Budget Priorities for the Fiscal Year 2024/2025 Budget

Moved to the September 18, 2023, meeting, and adoption the same night at Council.

OTHER

No other topics.

Adjourn

The meeting adjourned at 7:04 p.m.

Respectfully Submitted by,

Sherrie Boak, Recording Secretary, Lansing City Council

Approved by the Committee

In the Matter of
ENERGY EVENT CENTER

Hearing Officer
Human Resources Director/Chief Labor
Negotiator, Elizabeth O'Leary

CABARET LICENSE HEARING

FINDINGS OF FACT AND RECOMMENDATION

A hearing was held on August 24, 2023 and I, Elizabeth O'Leary, as the hearing officer, appointed by the Lansing City Council make the following Findings of Fact and Recommendations/Conclusions.

The parties that attended the hearing were:

Respondent: Ryan Cabell

Respondent's Counsel: Dan Doyle

City Attorney's Office: Lisa Hagen-Lawrence

Lansing Police Department: Andrew Watkeys

FINDINGS OF FACT

- 1.** Ryan Cabell, of Energy Event Center, holds a current cabaret license with the City of Lansing with an effective date of May 19, 2023 through May 1, 2024. **(Exhibit 5)**
- 2.** On July 29, 2023, Mr. Cabell held a concert that began at 9:00 PM at Energy Events Center featuring several artists. This concert was advertised via Facebook and Event Bright, and admission was charged for entrance. **(Exhibit 8)**
- 3.** On or about 1:00 AM on July 30, 2023, Lansing Police Department Officers were dispatched to 3222 South Martin Luther King Jr. Blvd. for reports of a shooting incident. When officers arrived there was a large amount of people in the parking lot and five (5) victims identified, ranging from fifteen (15) years of age to twenty-six (26) years of age. Two (2) victims are still currently in critical condition. **(Exhibit 7)**

4. Twenty-six (26) Lansing Police Officers responded to the scene with eight (8) additional officers from neighboring jurisdictions. Multiple firearms were found at the scene and in a neighborhood nearby. Seventy (70) bullet casings were recovered at the scene. **(Exhibit 7)**

5. On or about August 7, 2023, Officer Andrew Watkeys authored a case report regarding the July 29/July 30, 2023 concert that was held at Energy Events Center. **(Exhibit 8)**

6. The report outlined that Mr. Cabell held the concert without a Show License as defined in the Lansing Code of Ordinances. The definition of a show is *"any circus, menagerie or other exhibition, entertainment, carnival or show of any nature and name, for which money or other consideration is in any way demanded or received for admission thereto."* **(Lansing Code of Ordinances 860.01, Exhibit 3 & Exhibit 8)**

7. The Lansing Code of Ordinances also states that *"No person shall sponsor, operate, exhibit or perform, or cause to be operated, exhibited or performed, any show in the City without first obtaining a license therefor."* **(Lansing Code of Ordinances 860.02(a))**

8. Multiple artists were promoted in Facebook posts along with the cost of general (\$20.00) and VIP (\$40.00) admissions. **(Exhibit 8)**

9. On or about, August 7, 2023, a letter dated August 4, 2023 was filed with the Lansing City Clerk's office from Police Chief Ellery Sosebee requesting that Energy Events Center's cabaret license be revoked. **(Exhibit 7)**

10. The Lansing Code of Ordinances 808.08 states that *"Every license issued under this chapter is revocable by the City if the licensee fails to make any payment required by Section 808.10, or operates his or her business in violation of any other provisions of this chapter, other ordinances of the City or State, or Federal Law."* **(Exhibit 2)**

11. The Lansing Code of Ordinances Section 808.10 states *"The purpose of this section is to encourage licensees to take responsibility for the safety of their patrons and the public by instituting measures necessary to prevent violence or violations of the Lansing Code of Ordinances, including but not limited to Part 6 and Chapter 664 thereof, on the premises and to discourage reliance on the City to provide such measures, by requiring notice, for payment for the services rendered by the City."*

Maintaining the peace means action(s) to prevent violent behavior or a violation of the Lansing Code of Ordinances, including, but not limited to, Part 6 and Chapter 664 thereof, from occurring on the premises.

Occurrence means an event resulting in City services.

Premises means the entire lot on which a cabaret is located, all parking, parking lots, and parking facilities indented for use by patrons of the cabaret and all surrounding areas within 1,500 feet of the boundaries of the lot on which the cabaret is located." **(Exhibit 2)**

12. The letter from Chief Sosebee states that security personnel was present, but was not monitoring the parking lot. Testimony from Officer Watkeys notes that security personnel stated they were not responsible for outside of the venue until after the event. Mr. Cabell stated in testimony that five (5) security personnel were assigned to the parking lot. **(Exhibit 8 and Transcript, Page 15 & 46)**

13. Energy Event Center does not hold a liquor license, but patrons were captured on body worn cameras with bottles of alcohol and red solo cups. Mr. Cabell testified that he only served “pop, cranberry juice, orange juice, potato chips and bottled water.” (Exhibit 8 & Transcript Page 45)

ANALYSIS & RECOMMENDATION

The Lansing Code of Ordinance language regarding the Cabaret License Revocation is clear when it states that a license holder is required to maintain the peace on the property during the event. The ordinance also speaks to licensees taking responsibility for the safety of patrons and the public in preventing violence. The acts of violence occurred in the parking lot, according to testimony of both parties, somewhere between 250 feet and 464 feet of the entrance of the event. In this situation, the parking lot is well within the definition of premises found in ordinance language. The requirement of maintaining peace to ensure the safety of the patrons and residents was not adhered to by Energy Event Center during the event on July 30, 2023.

During the hearing there was testimony along with exhibits showing alcohol use in the parking lot of Energy Event Center. A bottle was on one of the light posts and there was also a bodycam picture of an individual holding a liquor bottle. Testimony indicated that individuals in the parking lot were also exhibiting signs of intoxication. While I will cannot opine with certainty on the contents of the numerous red solo cups pictured in the bodycam photos, given the testimony presented, it would be likely that alcohol use was present. Open alcohol in a public place is a violation of the Lansing Code of Ordinances. The requirement that a cabaret licensee has to abide by all state, local and federal laws was not adhered to when open alcohol was allowed on the premises.

The Lansing Code of Ordinances requires a Show License for any “*circus, menagerie or other exhibition, entertainment, carnival or show of any nature and name, for which money or any other consideration is in any way demanded or received for admission thereto.*” The concert that took place on July 29th and July 30, 2023, falls within the scope of this ordinance as the event provided live artists with general and VIP entrance fees. Testimony in the hearing conveyed that Energy Event Center did not possess a show license. The requirement that a cabaret licensee has to abide by all state, local and federal laws was not adhered to when a show license was not obtained.

Multiple people were tragically injured in the early morning hours of July 30, 2023. In light of the ordinance language, testimony and evidence submitted during the hearing, I recommend that the Lansing City Council revoke the cabaret license held by Energy Events Center.

Date: 9/1/2023

By: 
Elizabeth O'Leary

ENERGY EVENT HEARING

STATE OF MICHIGAN

IN THE MATTER OF:
ENERGY EVENT CENTER,

CABARET LICENSE HEARING

HELD BEFORE ELIZABETH O'LEARY, HEARING OFFICER

Thursday, August 24, 2023 - 1:00 p.m.

Lansing City Council Chambers

124 West Michigan Avenue

Lansing, Michigan 48933

APPEARANCES:

On behalf of City of Lansing:
LISA K. HAGEN-LAWRENCE (P79714)
OFFICE OF THE LANSING CITY ATTORNEY
124 West Michigan Avenue, 4th Floor
Lansing, Michigan 48933

On behalf of Energy Event Center:
DAN DOYLE (P73181)
LAW OFFICE OF DAN DOYLE, PLLC
P.O. Box 10147
Lansing, Michigan 48901

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EXHIBIT INDEX

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* * *

4

Lansing, Michigan

Thursday, August 24, 2023

1:01 p.m.

R E C O R D

(Exhibit Numbers 1-9 were marked for identification.)

HEARING OFFICER O'LEARY: We are on the record at 1:01 p.m., and it's August 24th, 2023. Good afternoon. My name is Elizabeth O'Leary. I'm the chief labor negotiator and the HR director for the City of Lansing.

I've been appointed from the City Council as a hearing officer in this matter pursuant to the Lansing Code of Ordinance, Section 808.08, to determine if there's sufficient grounds for revocation of a cabaret license.

I have a few housekeeping items. We have a court reporter present. So, to ensure that we have a full and accurate record, I'd ask that one person speak at a time and that the gallery remain silent while the hearing is being conducted.

The Rules of Evidence do not apply in this setting, but please if there is an objection, state it for the record, and the testimony or exhibits will be taken for the weight and sufficiency rather than for

ENERGY EVENT HEARING

5

1 admissibility.

2 Any witnesses that either party wishes to

3 call for testimony will be sworn in by the court

4 reporter.

5 Let's go ahead and put your appearances on

6 the record please.

7 MS. HAGEN-LAWRENCE: Thank you. Deputy City

8 Attorney Lisa Hagen-Lawrence appearing on behalf of

9 the City of Lansing.

10 MR. DOYLE: Yes, and good afternoon,

11 everyone. Attorney Dan Doyle appearing on behalf of

12 Energy Event Center and Ryan Cabell.

13 HEARING OFFICER O'LEARY: Thank you. Are

14 there any procedural issues that we need to address

15 before we get started?

16 MS. HAGEN-LAWRENCE: I don't have any

17 procedural. I do have a couple preliminary matters

18 just going through the exhibits that I intend to

19 offer, but we can do that whenever you're ready.

20 HEARING OFFICER O'LEARY: Okay.

21 MR. DOYLE: I did want to place something on

22 the record but after.

23 HEARING OFFICER O'LEARY: You can.

24 MR. DOYLE: I just want to indicate for the

25 record that we did not receive all of the documents

6

1 from the City Attorney's Office. I do believe we

2 requested incident reports, police reports, body cam,

3 and we have not received any of the body cam footage

4 to review to prepare for this hearing, specifically

5 from Officer D. Moore, Officer Rudd,

6 Officer McClinton and Sergeant Reust. That's all.

7 HEARING OFFICER O'LEARY: All right. Those

8 are noted for the record.

9 I will turn over the hearing to counsel for

10 the City as the City has the burden of proof in this

11 matter.

12 MS. HAGEN-LAWRENCE: Thank you. So just some

13 preliminary matters. The City intends to offer nine

14 exhibits for the record, the first exhibit being the

15 resolution passed by City Council setting this

16 hearing.

17 Exhibit Number 2 is the cabaret ordinance,

18 Chapter 808 from the City of Lansing Municipal Code of

19 Ordinances.

20 Exhibit Number 3 is Ordinance Chapter 860

21 pertaining to shows.

22 Exhibit Number 4 is Ordinance Chapter 664 of

23 the Lansing ordinance pertaining to peace

24 disturbances.

25 Exhibit Number 5 would be the cabaret license

7

1 for Mr. Cabell and Energy Event Center.

2 Exhibit Number 6 is the notice of hearing.

3 Exhibit Number 7 would be the letter from

4 Lansing Police Chief Ellery Sosebee dated August 4,

5 2023 and placed on file with the City Clerk.

6 Exhibit Number 8 is a police report, incident

7 number 2351907523.

8 And Exhibit Number 9 are still frames from

9 officer body-worn camera on scene at the event. As it

10 pertains to any other incident report or body-worn

11 camera, the City is unable to produce that information

12 at this time due to an active and open investigation.

13 We do not intend to offer any of the body-worn camera

14 or anything from any of those police reports so as to

15 not interfere with that active investigation.

16 With that said, I would call LPD Officer

17 Andrew Watkeys.

18 THE REPORTER: Would you raise your right

19 hand? Do you swear or affirm that the testimony you

20 are about to give will be the truth, the whole truth

21 and nothing but the truth?

22 MR. WATKEYS: I do.

23 ANDREW WATKEYS,

24 having been first duly sworn, testified as follows:

25

8

1 DIRECT EXAMINATION

2 BY MS. HAGEN-LAWRENCE:

3 Q. Good afternoon, Mr. Watkeys. Can you tell us where

4 you are currently employed?

5 A. I'm currently employed through the City of Lansing

6 with the Lansing Police Department.

7 Q. How long have you been with the Lansing Police

8 Department?

9 A. Seven years.

10 Q. Did you have any law enforcement experience prior to

11 joining the Lansing Police Department?

12 A. I did.

13 Q. Where did you serve?

14 A. I worked for South Haven Police Department for

15 approximately eight months.

16 Q. Anything before that?

17 A. No.

18 Q. What is your current job assignment within the

19 Lansing Police Department?

20 A. I am currently assigned as the regulatory officer

21 within the Special Operations Section.

22 Q. When did you begin that assignment?

23 A. Approximately a year ago.

24 Q. Can you summarize some of your job responsibilities as

25 it relates specifically to a regulatory officer and

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9

1 cabaret licenses?

2 A. Yes. As the regulatory officer, I'm assigned with

3 conducting background checks for applicants that

4 submit licenses, like a cabaret license, through the

5 City of Lansing.

6 Q. In the course of your employment and job duties as a

7 regulatory officer for the Lansing Police Department,

8 are you familiar with the cabaret licensee,

9 Energy Event Center and Ryan Cabell?

10 A. I am.

11 Q. Direct your attention to Exhibit Number 5, sorry, I'm

12 going to go a little out of order. In your capacity

13 as regulatory officer, did you approve this cabaret

14 license on behalf of the Lansing Police Department?

15 A. I did.

16 Q. What is the location for this cabaret license?

17 A. 3222 South Martin Luther King Boulevard, Suite 41A,

18 Logan Square Plaza.

19 Q. Bring you to Exhibit Number 2. I'd like to speak

20 generally about cabaret licenses.

21 A. Uh-huh.

22 Q. In looking at the ordinance, specifically at Chapter

23 808.10 on page three of your exhibit, in general what

24 are the responsibilities of a cabaret license holder

25 with respect to ensuring the safety of their patrons

10

1 and general public during an event?

2 A. Subsection 10 requires the cabaret holder to maintain

3 peace on the property during their event.

4 Specifically the license under subsection (a) states,

5 "The purpose of this section is to encourage licensees

6 to take responsibility for the safety of their patrons

7 and the public by instituting measures necessary to

8 prevent violence or violations of the Lansing Code of

9 Ordinances, including but not limited to, Chapter

10 664".

11 This ordinance continues to go on and say

12 that the premises on which the cabaret license holder

13 should maintain also includes parking lot, surrounding

14 areas within 1,500 feet of the boundaries of the lot

15 on which the cabaret license is located.

16 Q. Just to be clear for the record, a license holder

17 would be required to maintain peace, prevent violence

18 inside of an event space but also on the entirety of

19 the premises, which, per this ordinance, includes

20 parking lots and anything beyond 15 -- up until 1,500

21 feet?

22 A. Correct.

23 Q. I'm going to have you turn to page two of this

24 exhibit. Can you provide for the record when a

25 cabaret license can be revoked?

11

1 A. 808, subsection 08, maintains the license revocation

2 section. Subsection 08 states, "Every license issued

3 under this chapter is revocable by the City if the

4 licensee fails to make any payment required by Section

5 808.10, or operates his or her business in violation

6 of any other provisions of this chapter, other

7 ordinances of the city or state or federal law".

8 Q. So specifically when it indicates in violation of any

9 other provisions of this chapter, that would include

10 808.10, which we just discussed about maintaining

11 peace?

12 A. Correct, yes.

13 Q. When making the determination as a regulatory officer

14 as to whether to approve this cabaret license, did you

15 have any conversations with Mr. Cabell about the

16 importance of keeping his event secure and free from

17 any violations of federal, state or local law?

18 A. I did.

19 Q. And just for the record, provide a brief summary of

20 that conversation?

21 A. Upon speaking with Mr. Cabell on the phone when we

22 were talking about the approval of this cabaret

23 license, I mentioned to him that there had been a

24 frequent number of incidence occurring with violence

25 happening after parties that have occurred in the

12

1 city, and that if he was going to have a party at the

2 location that he was having it with easy access to the

3 public that we wanted to make sure that he and I were

4 under the understanding that he was going to take the

5 steps necessary to make sure that things maintained a

6 safe environment for people attending his events.

7 Q. I'm going to ask you to turn to Exhibit Number 7.

8 Have you seen this document before?

9 A. I have.

10 Q. And you're familiar with the contents?

11 A. Yes.

12 Q. Did you assist in the drafting of this letter?

13 A. I did.

14 Q. What is LPD's recommendation for the cabaret license

15 held by Energy Event Center and Mr. Cabell?

16 A. LPD recommends the revocation of the cabaret license.

17 Q. Is there a specific incident that caused LPD to

18 recommend that the Lansing City Council revoke the

19 cabaret license at issue?

20 A. Yes.

21 Q. Can you give me a summary of what that incident was

22 without jeopardizing or interfering in any active or

23 ongoing investigation?

24 A. Yes. There was an incident that occurred between

25 July 29th and July 30th of this year. The event

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13

1 started on July 29th and extend into the hours of July
2 30th, the morning. At approximately 0100 hours or
3 1:00 a.m., the event turned violent and swelled out of
4 control and turned into a mass shooting with five
5 people injured. That event happened inside the
6 business, but the shooting happened outside the
7 business.
8 Q. Where approximately did the shooting take place?
9 A. The shooting took place in the parking lot
10 approximately 250 feet from the front of the business.
11 Q. From the front of the entrance of Energy Event Center?
12 A. Correct, Suite 41A.
13 Q. I think you mentioned there were five people injured.
14 Do you know the age ranges of those injuries?
15 A. Yeah. I know the age ranges to be approximately 15
16 years old to 26 years old.
17 Q. Were some or any of those injuries severe in nature?
18 A. Yes, two of those injuries, excuse me, two of the
19 victims received critical injuries and were
20 transported to the hospital. One of them was severe
21 enough for life changing measures needed in the
22 hospital.
23 Q. So, the location that the shooting took place, would
24 that be within the premises of the space as defined
25 within the cabaret ordinance?

14

1 A. Well within, yes.
2 Q. At the scene do you know if there were any shell
3 casings recovered?
4 A. There were many shell casings recovered.
5 Q. Can you give me an approximation as to what many
6 means?
7 A. Approximately 70.
8 Q. Were there any firearms required or recovered, excuse
9 me?
10 A. Yes, there were firearms recovered.
11 Q. How many?
12 A. I believe there was three or four recovered on scene
13 and then additional recovered in a neighborhood
14 nearby.
15 Q. At this point in the investigation of the event, is
16 there any indication from the victims as to why they
17 were on scene in that location at that time?
18 A. Yes. From what I can disclose, there is indication in
19 some of the reports that the victims responded to the
20 area of the Energy Event Center knowing that there was
21 some type of concert. They responded after, I believe
22 there was a boxing match that occurred earlier in the
23 night. The victims indicated they knew that there was
24 a concert in the area. So after the boxing match
25 ended, wherever they were viewing it at, they went to

15

1 the area for the concert.
2 Q. Was there, to your knowledge, was there security
3 present at the event?
4 A. Yes, there was.
5 Q. Do you know if during the event or when the incident
6 happened if there was security inside the event space
7 as well as monitoring the rest of the premises?
8 A. I know that there was security inside the event space,
9 but from my view of the body camera footage I observed
10 one security officer speaking to one of the officers
11 on scene stating that they weren't responsible for the
12 exterior of the event space until after the party or
13 the concert was over.
14 Q. And for the record, your review of the body camera
15 footage and the incident in general is part of your
16 responsibilities as a regulatory officer with the
17 department overseeing cabaret licenses?
18 A. Yeah. Licenses in general, any type of violations, I
19 will watch body cam footage to review what the
20 officers saw on scene.
21 Q. At the time of the incident, do you know if the event
22 was still occurring inside?
23 A. That's what my understanding is.
24 Q. And so the security, based on your review, would have
25 still been inside?

16

1 A. Yes.
2 Q. Do you know how many officers responded to the scene?
3 A. I know it was more than 20.
4 Q. Typically on that day at that time, are there 20 LPD
5 officers working and on patrol?
6 A. No.
7 Q. So then how do we get to the extra officers?
8 A. Officers being held over from noon shift, officers
9 being called in from different areas of the city,
10 whether they be community policing officers that were
11 doing some type of patrol in their community that they
12 are assigned to or even bar district officers that
13 were assigned to the north side of the city, like
14 East Michigan where the bars are, we got extra
15 overtime there, and then extra officers that would
16 come from other jurisdictions and even some that came
17 in from home for the call.
18 Q. I think you mentioned that in addition to the LPD
19 officers who may have been doing other things or on
20 overtime that there were officers from other
21 jurisdictions who respond to this incident?
22 A. Yes.
23 Q. And do you know approximately how many additional
24 officers that was?
25 A. I believe it was eight.

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17

1 Q. Upon arrival, were officers allowed inside the event
2 space to conduct any investigation or check the
3 welfare of the patrons?
4 A. I can't say so on arrival, but I can say that my view
5 of the body camera footage after officers were there.
6 There was a commotion that broke out and when officers
7 approached the front of the business, they were met by
8 security, Mr. Cabell, and other people kind of
9 blocking the way into the business.
10 Q. So, the police officers were not allowed entry into
11 the business?
12 A. No, not if there was a wall of people in the way.
13 Q. Upon the officers' arrival, was there a group in the
14 parking lot of people?
15 A. Yeah, there was multiple groups.
16 Q. And approximately how many do you think?
17 A. From viewing body camera footage, I would estimate
18 anywhere from a variation of one to 200 in different
19 areas of the parking lot. Talking the parking lot in
20 total, I could say that's a good estimate.
21 Q. Is one to 200 people the typical size of a crowd that
22 you would see on, I don't know what day of the week it
23 was, on a night at this time?
24 A. No. Typically the Logan Square parking lot is
25 typically empty at about 1:00 unless there is some

18

1 type of event going.
2 Q. Upon police arrival was the crowd easily controlled?
3 A. No, the crowd was not.
4 Q. Do you know if there was any active fighting or loud
5 or boisterous conduct going on in the parking lot when
6 the police arrived?
7 A. From my view of the body camera footage, I was able to
8 observe that there was multiple parties that needed to
9 be separated by police officers as well as citizens
10 that needed to be controlled in order for Lansing Fire
11 Department to give medical aid to the victims.
12 Q. So, when you're talking about separating parties, was
13 it because of, you know, screaming and yelling and
14 things like that?
15 A. Yes.
16 Q. Do you know if there were any fights that had taken
17 place inside the event?
18 A. I know that while officers were on scene there was a
19 fight that occurred inside the event center. Officers
20 responded from the middle of the parking lot towards
21 the event center doors, and as they approached they
22 were told by security and Mr. Cabell that that fight
23 was controlled and taken care of and the people were
24 leaving at the point that the officers showed up. So,
25 they weren't allowed through into the doors to make

19

1 sure there wasn't anyone in there.
2 Q. I'd like to draw your attention to Exhibit Number 4.
3 In looking at Chapter 664 labeled Peace Disturbances,
4 would you consider fighting and loud and boisterous
5 conduct to be prohibited via this chapter?
6 A. Yes.
7 Q. And again, is the license holder, a cabaret license
8 holder required to ensure that patrons and public on
9 the premises be free from any violations of 664?
10 A. Yes, they are.
11 Q. Going back to your observations in your review of the
12 event, were there minors present at this event?
13 A. Yes, from my knowledge.
14 Q. Is there a curfew for minors in the city of Lansing?
15 A. There is.
16 Q. At the time of the incident were minors still on the
17 premises?
18 A. Yes.
19 Q. And would that have been in violation of the curfew
20 ordinance?
21 A. It would have been.
22 Q. In your review of the incident, did you observe any
23 open alcohol on the premises?
24 A. I did.
25 Q. I'm going to bring you to Exhibit Number 9. In

20

1 reviewing these still frames from the body camera
2 footage, where was alcohol observed?
3 A. Through the still frames that I took of the body
4 camera footage there was a bottle of what's presumed
5 to be some type of alcohol on a lamppost on the
6 premises outside of the event center. There was a
7 bottle of alcohol that can be seen being --
8 HEARING OFFICER O'LEARY: What page are we
9 on?
10 THE WITNESS: The bottle of alcohol on the
11 first few pages. There's multiple angles of alcohol
12 on the light post. You'll see that on pages one, two
13 and three from one angle of a police officer's body
14 camera footage. The angles continue on on page four.
15 Page five, I believe the body camera footage changes
16 to Officer D. Moore. That continues onto page six as
17 he's approaching; page seven as well.
18 The officer's body camera changes on page
19 eight to Officer Osentoski, can be seen on another
20 angle behind other officers standing in front. On
21 page nine, still Officer Osentoski's body camera
22 footage, there can be seen down on the ground which is
23 very indicative of a subject or a patron who has
24 become too intoxicated that they became sick.
25 Page ten, Officer D. Rudd's body-worn camera.

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21

1 The gentleman in the red shirt can be seen initially
2 captured with his left hand behind his body, and as
3 the officer starts to move around him you see in the
4 left hand the alcohol bottle. Upon further
5 investigation, the alcohol bottle does appear to have
6 a small amount of liquor in the bottom of it or
7 whatever type of alcohol that is contained in it, best
8 seen on page 14. It is a black bottle with an orange
9 label.

10 These footages continue or, sorry, these
11 pictures continue to show on page 15 a gentleman in a
12 black shirt holding a red Solo cup. He is holding it
13 upright as if the Solo cup contains something. You
14 can see it not as well because of the lighting on page
15 16 but then again on page 17.

16 More evidence of possible alcohol use on the
17 premises is on page 18. There is a red Solo cup
18 outside of a trash can almost directly outside of the
19 venue entrance.

20 Page 19 is a close up photo of the gentleman
21 in the black T-shirt with the red Solo cup holding it
22 upright still.

23 On page 20, Officer McClinton's body camera
24 begins. You can see a female in a white outfit
25 holding a red Solo cup in her right hand. On the next

22

1 page, page 21, that Solo cup is seen being held
2 upright directly over a bottle without a label.

3 Continuing on Officer Rudd's body camera is
4 an angle of the same male in the black shirt on page
5 22 holding the red Solo cup now by the top of the cup
6 still upright. That can be seen again in the
7 background of page 23 and in the background of page 24
8 on the left side.

9 On page 25 there is a gentleman in a white
10 shirt and light blue jeans. He is also holding a red
11 Solo cup upright. I know these are screen shots, but
12 upon my review of the body camera footage, this is the
13 best screen shot, as I said, I could get. This
14 gentleman brings the red Solo up to his mouth and
15 consumes the liquid that was inside and then continues
16 to hold it. Sorry, that screen shot is page 26. He
17 continues to hold it upright in page 27 and in page
18 28.

19 Page 29 is a screen shot of Mr. Cabell
20 holding a microphone, but that does not have to do
21 with alcohol.

22 Page 30 is a screen shot of a red Solo cup on
23 the ground to what would be the left, our left of the
24 white shoe on the curb of the gentleman wearing a
25 black shirt. And then in the background next to the

23

1 white shirt and the white pants on the female behind
2 that gentleman in the white shirt, you can see the red
3 Solo cup again. That's page 31. And then page 32 is
4 a different angle of the red Solo cup by the trash
5 can.

6 Page 33 does not have anything to do with
7 alcohol.

8 Q. So in regards to the various still frames that we just
9 went through depicting people holding or on the ground
10 red Solo cups, do you know if there was alcohol
11 contained in those cups?

12 A. I do not.

13 Q. And why not?

14 A. I cannot predict or say the exact liquid that was in
15 the cup 'cuz I was not there on scene at the time.

16 Q. In your review of the incident, were LPD officers
17 allowed inside the venue to see if there was any
18 alcohol being served?

19 A. They were not.

20 Q. They were not allowed in the venue?

21 A. Not inside the venue.

22 Q. I think there were various screen shots of red Solo
23 cups on the ground?

24 A. Yes.

25 Q. Would that be considered littering?

24

1 A. It would.

2 Q. Would littering be considered a violation of local,
3 state or federal law?

4 A. It would.

5 Q. And a cabaret license holder is required to make sure
6 that during the event the premises is free from
7 violations of federal, state and local law?

8 A. They are, yes.

9 Q. Based upon your training and your experience and your
10 review of the footage of the incident, did it appear
11 to you that the patrons were intoxicated or under the
12 influence of alcohol?

13 A. Yes.

14 Q. And can you explain how you reached that conclusion?

15 A. From my seven years as a Lansing police officer I have
16 went to many party complaints, many after-hours party
17 complaints where patrons have acted overly boisterous,
18 overly aggressive, inconsolable to officers that are
19 trying to move them away from danger or move them
20 around away from the victims so that Lansing Fire
21 Department and others can give medical aid. It is
22 known to me that from my experiences with interacting
23 with subjects who are overly intoxicated that they are
24 difficult to reason with and explain and they continue
25 to ask the same questions or they continue to stand or

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25

1 move in a way that isn't asked of police officers.
 2 Q. And then I believe it was pages one through eight of
 3 Exhibit 9 that showed the individual holding a bottle
 4 of open alcohol in the parking lot?
 5 A. I believe the first pictures are pictures of alcohol
 6 on the light post.
 7 Q. Oh, yes.
 8 A. And then 10 through I believe it might be page 16, I'm
 9 going to guess without having to flip through all of
 10 it.
 11 Q. I guess without looking at the screen shot, is holding
 12 a bottle of open alcohol in a public place a violation
 13 of City of Lansing ordinance?
 14 A. Yes, it is.
 15 Q. Finally, I'm going to bring you to Exhibit Number 8.
 16 This would be police report number 2351907523. Are
 17 you the author of this police report?
 18 A. I am.
 19 Q. And why did you draft this report?
 20 A. I drafted this police report after being advised that
 21 there was a show or concert that occurred at the
 22 Energy Event Center at Logan Square Plaza, 3222 South
 23 King, Suite 41A, without a show license that had been
 24 issued.
 25 Q. So, for this specific event, was both a cabaret and a

26

1 show license required?
 2 A. Yes, they would have been.
 3 Q. Why is that?
 4 A. Cabaret and show license are different when it comes
 5 to the way the ordinance is written.
 6 Q. Okay. And for the record, both of those ordinances
 7 are contained in the exhibits --
 8 A. Yes.
 9 Q. -- that we've been presented with?
 10 If there is an event held that requires a
 11 show license and that license is not obtained, is that
 12 a violation of City of Lansing ordinance?
 13 A. It is.
 14 MS. HAGEN-LAWRENCE: I don't have any other
 15 questions at this time.
 16 HEARING OFFICER O'LEARY: Cross?
 17 MR. DOYLE: Yes. Thank you.
 18 CROSS-EXAMINATION
 19 BY MR. DOYLE:
 20 Q. My name is Dan Doyle and I represent Energy Event
 21 Center. I'm going to ask you a few questions.
 22 First and foremost, I'm going to look at
 23 Exhibit 2. Under Section 808.01, how does it define a
 24 cabaret?
 25 A. Would you like me to read it?

27

1 Q. Yes, that's fine.
 2 A. "As used in this Chapter: Cabaret includes any room
 3 in a hotel, restaurant, hall or other public place
 4 where music or dancing privileges or any other
 5 entertainment, except mechanical music alone, is
 6 afforded to patrons in connection with the servicing
 7 or selling of food, refreshments or merchandise --
 8 merchandising."
 9 Q. Would drinks be considered refreshments?
 10 A. Yes.
 11 Q. And you indicated earlier that you seen red Solo cups,
 12 is that right?
 13 A. Yes.
 14 Q. But you didn't know what liquid was in the cups, is
 15 that true?
 16 A. Yes.
 17 Q. And you had no way to tell?
 18 A. Correct.
 19 Q. I want to refer you to Section 808.10. The title of
 20 that section is failure to maintain the peace, is that
 21 true?
 22 A. That's true.
 23 Q. Do you know if anyone from the police department or
 24 police chief have made any contact with Energy Event
 25 Center to try to ask them questions about what

28

1 happened on July 29th through the 30th?
 2 A. I do not know.
 3 Q. To your knowledge, was there ever given any written
 4 warnings regarding failure to maintain the peace?
 5 A. I do not know.
 6 Q. If there were given the written warnings regarding
 7 failure to maintain the peace, would they come from
 8 you?
 9 A. Maybe. I can't say that I've written one before, but
 10 in the process of my job I would say that that would
 11 be something that I would write if asked to.
 12 Q. Doesn't the statute indicate that the written warning
 13 shall be sent to the licensee or registration via
 14 certified mail by personal service or contain -- by
 15 personal service, is that true?
 16 A. What paragraph is that in? I see you reading off the
 17 page.
 18 Q. Yes, I'm referring to Section (c) of 808.10.
 19 A. Page four?
 20 Q. Yes.
 21 A. It does.
 22 Q. So, based on this section and your experience with
 23 your position, doesn't it require you to give two
 24 written warnings before revocation for two separate
 25 occurrences?

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29

1 A. Where is that?
 2 Q. I'm looking at the third line from Section (c) on page
 3 four.
 4 A. I don't see, I don't see -- page four?
 5 Q. Under Section (c), the third line from the bottom.
 6 A. From the bottom, sorry, I was going from the top.
 7 That states, "After the clerk has sent two written
 8 warnings resulting from two separate occurrences
 9 within 180 days..." and then it continues.
 10 Q. So, would you agree that there wasn't two separate
 11 occurrences regarding this incident while we're here
 12 today?
 13 A. We're speaking of one incident.
 14 Q. I want to refer you to Exhibit 4. What is the title
 15 of this section?
 16 A. Top of the page states Chapter 664 - Peace
 17 Disturbances.
 18 Q. Correct. Now, throughout this incident are you aware
 19 of anyone that was cited or charged for disturbing the
 20 peace?
 21 A. No.
 22 Q. Are you aware of anyone that was cited or charged for
 23 loud or boisterous conduct?
 24 A. No.
 25 Q. And how does this Section define disorderly fighting,

30

1 loud and boisterous conduct?
 2 A. Would you like me to read part of the section, sir?
 3 Q. Yes.
 4 A. Which section would you like me to read?
 5 Q. Starting at the top right under 664.01.
 6 A. States, "Disorderly; fighting; loud and boisterous
 7 conduct, breach of the peace. No person shall:
 8 (a) create or engage in any disturbance or fight in a
 9 public place; (b) disturb the public peace and quiet
 10 by loud or boisterous conduct; or (c) utter profane,
 11 obscene or offensive language directed at or in the
 12 presence of another person, which language causes or
 13 would tend to cause an immediate breach of the peace.
 14 Violations of this subsection (c) shall be a municipal
 15 civil infraction".
 16 Q. Thank you. And since the event occurred to today's
 17 date have Mr. Cabell been cited for engaging in any
 18 disturbance or fight in public?
 19 A. Not to my knowledge.
 20 Q. Has he been cited to disturb the public peace and
 21 quiet by loud and boisterous conduct?
 22 A. Not to my knowledge.
 23 Q. And looking at that statute, it starts off by saying,
 24 "No person shall..." Do you believe Energy Event
 25 Center is considered a person?

31

1 A. Talking about the business?
 2 Q. Yes.
 3 A. No, I don't believe a business is a person.
 4 Q. And the business hasn't been cited for any of the
 5 things I just asked you regarding Mr. Cabell?
 6 A. No.
 7 Q. And any of the patrons that was at the event, do you
 8 know if they were cited regarding any disturbance of
 9 the peace or anything that was associated with this
 10 event?
 11 A. I don't have knowledge of that.
 12 Q. Now, I want to refer you to Exhibit 8. Is this is the
 13 report that you wrote, is that true?
 14 A. That's true.
 15 Q. And when you write your reports you write them to be
 16 truthful and accurate, right?
 17 A. Yes.
 18 Q. And when you also write your reports you're supposed
 19 to be objective in viewing the reports, is that true?
 20 A. What do you mean by objective?
 21 Q. Meaning that you don't want to give the information
 22 skewed in one way or the other?
 23 A. Correct.
 24 Q. Just starting off, as far as this incident goes, you
 25 weren't there so you don't have any personal knowledge

32

1 of what happened, is that right?
 2 A. Yes, I reviewed after the fact.
 3 Q. And you reviewed body cams, body cams and other
 4 videos; that's what you're basing your information on,
 5 right?
 6 A. And the police report from the night of the shooting,
 7 yes.
 8 Q. So, when you testified earlier that incident occurred
 9 inside the event and spiraled out of control, you
 10 don't have any personal knowledge of that yourself?
 11 A. I believe you're mixing up two of my statements.
 12 There was an event that occurred. There was a fight
 13 that occurred inside the event center and then the
 14 incident that occurred outside the event center.
 15 Q. So, do you know if any -- if the fight that occurred
 16 inside the event center had anything to do with the
 17 shooting or anything outside the event center?
 18 A. I do not know that.
 19 Q. And you also talked about that there was liquor
 20 bottles on the premises?
 21 A. Yes.
 22 Q. Do you know if or do you know or have any information
 23 that liquor was being provided by the actual event?
 24 A. I do not.
 25 Q. So you can't say it was, can you?

ENERGY EVENT HEARING

33

1 A. I don't have any information.
 2 Q. Only that it was outside?
 3 A. I'm sorry?
 4 Q. Only that liquor was outside in the parking lot?
 5 A. Yeah, there was liquor bottles in the parking lot.
 6 Q. How many liquor bottles?
 7 A. From what I could view on body camera footage, I saw
 8 two.
 9 Q. You submitted this police report, you noted several
 10 Facebook postings?
 11 A. Yes.
 12 Q. In all of the Facebook postings did you reach out to
 13 speak with anybody who made these postings?
 14 A. Not at this time.
 15 Q. So you don't know if the accounts were real?
 16 A. I do have knowledge of the people that own the
 17 accounts, I just have not reached out to them at this
 18 time.
 19 Q. You have knowledge of the people that made the
 20 accounts?
 21 A. Yes.
 22 Q. Do you have knowledge that the statements in the
 23 accounts were true and accurate?
 24 A. I mean, if they posted it then they would be --
 25 Q. I'm saying do you have knowledge that these statements

34

1 were true?
 2 A. I have knowledge that it's a Facebook post.
 3 Q. They are not here today, so you don't know if what
 4 they said is true?
 5 A. I wouldn't be able to tell you if it's not true
 6 because they are not here today, correct.
 7 Q. Right.
 8 A. So it would be false for me to tell you if it's true
 9 or not true because it's a Facebook post, so I take it
 10 on face value.
 11 Q. But you didn't because you haven't contacted anyone to
 12 verify the statements that's made in these postings?
 13 A. Not at this time.
 14 Q. You also stated that the shooting occurred
 15 approximately 250 feet away from the entrance of the
 16 building?
 17 A. Correct.
 18 Q. Did you go out and measure it?
 19 A. I did not measure it by hand. I did measure it
 20 utilizing computer services.
 21 Q. When did you measure it?
 22 A. When I was investigating the incident.
 23 Q. Can you tell me a date and time?
 24 A. When I read the report. Reporting date and time is
 25 August 7th, and then I also viewed the measurements

35

1 today as well.
 2 Q. Anywhere in your report did you list these
 3 measurements?
 4 A. No.
 5 Q. This is the first time you're bringing that
 6 information up?
 7 A. The report doesn't have anything to do with evidence
 8 for the shooting. I would say that evidence for the
 9 shooting would be maintained in the report for the
 10 shooting.
 11 Q. Right.
 12 A. Does that make sense?
 13 Q. I'm not quite understanding. Regarding this incident
 14 while we're here, so I was wondering did you --
 15 A. This report is for operating a show without a show
 16 license. So, going into the intricacies of where the
 17 shooting occurred according to how far it was from the
 18 front of a business would be involved in the actual
 19 report for the shooting because that is the job of the
 20 crime scene investigators and the job of the
 21 detectives that are assigned in the case. That would
 22 not be something that I would put in this report.
 23 That would be misplaced if it were in this report.
 24 Q. Just to be clear, you are not aware of any shootings
 25 or anything that happened inside the event?

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1 A. No.
 2 Q. The actual building?
 3 A. Shootings, no.
 4 Q. The body cam photos that you posted --
 5 HEARING OFFICER O'LEARY: What exhibit?
 6 THE WITNESS: Nine I believe, the screen
 7 shots.
 8 MR. DOYLE: I'm looking at 9 would be the
 9 screen shots.
 10 HEARING OFFICER O'LEARY: What page?
 11 MR. DOYLE: Looking at page three.
 12 HEARING OFFICER O'LEARY: Let me get the
 13 report. Okay.
 14 Q. (BY MR. DOYLE) On this page you said you seen a
 15 bottle of alcohol, is that right?
 16 A. Yes.
 17 Q. And can you identify where it's at?
 18 A. On the light post.
 19 Q. Do you know how it got there?
 20 A. I do not.
 21 Q. Can you say with any degree of certainty that it came
 22 from the event?
 23 A. That's an assumption that I could make, yes.
 24 Q. So, it's just your assumption?
 25 A. Yes.

ENERGY EVENT HEARING

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1 Q. But you have no factual evidence to actually go on
2 besides the assumption that it's there?
3 A. Besides there's not usually alcohol bottles on light
4 posts outside of when there's events, correct.
5 Q. You understand this event occurred in Logan Square, is
6 that right?
7 A. Yes.
8 Q. Has there been, to your knowledge, other calls for
9 services at Logan Square?
10 A. Yes.
11 Q. And it's your testimony today that this is out of the
12 ordinary for alcohol to be there?
13 A. Yes. If you're asking for if there's other calls for
14 service that night, I couldn't tell you that because I
15 don't have the dispatch information that would give me
16 that. I can't attest to that.
17 Q. All right. So it's only assumption that this alcohol
18 was there because of the event, is that right?
19 A. Yes.
20 Q. Okay. Is there anywhere in the municipal code that
21 says that a show license is also required with a
22 cabaret license?
23 A. I do not know if directly it says that they are both
24 required, but the, excuse me, the municipal code that
25 states that a show license is required provides a

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1 definition of the event that occurred that night.
2 Q. Well, wouldn't, wouldn't the cabaret license be
3 enough?
4 A. No.
5 Q. So it's your testimony that a cabaret license is not
6 the same as a show license?
7 A. Correct. That's why there's two different ordinances.
8 Q. But if the ordinance for a cabaret license will allow
9 for shows and events, would that contradict each
10 other?
11 A. I think we can refer to the exhibit if you want to
12 speak directly about what the definition of a show is
13 versus the definition of a cabaret license.
14 Q. Earlier today you indicated that officers were not
15 allowed inside of the event, is that right?
16 A. Yes.
17 Q. How do you know?
18 A. From what I saw on body camera review, sir.
19 Q. Did any officer ask to go inside of the event?
20 A. I do not know.
21 Q. So you're saying you don't know if any officers asked
22 to go inside the event, but you're saying that they
23 were not allowed in the event. I'm kind of confused.
24 Can you explain that?
25 A. I would like you -- can you specify your question?

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1 Q. Yes. Earlier you indicated that officers were not
2 allowed to go inside the event because of security?
3 A. Sure.
4 Q. But then when I just asked you did you know of any
5 officer that asked to go into the event you said you
6 did not know?
7 A. Correct.
8 Q. So, basically you have no information or evidence of
9 what actually happened inside of the event, is that
10 right?
11 A. I did not see anything from inside the event.
12 MR. DOYLE: I don't have anymore questions.
13 HEARING OFFICER O'LEARY: Redirect?
14 MS. HAGEN-LAWRENCE: Very briefly.
15 REDIRECT EXAMINATION
16 BY MS. HAGEN-LAWRENCE:
17 Q. Officer Watkeys, if I could get you to go to Exhibit 2
18 please. I'm looking at what begins on page three, but
19 continues onto page four. This is the Section 808.10
20 of the cabaret license. I'm specifically looking at
21 subsection (c), which you were asked about earlier
22 regarding the two warnings?
23 A. Yes.
24 Q. I'm going to ask you to read aloud the last sentence
25 on page four beginning with, After the clerk has sent?

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1 A. "After the clerk has sent two written warnings
2 resulting from two separate occurrences within 180
3 days, the licensee shall be responsible for and
4 required to reimburse the City for City costs for any
5 and all future occurrences at the premises."
6 Q. So, is it your understanding that 808.10(c) involves
7 the recoupment of City costs versus a revocation of a
8 cabaret license?
9 A. Correct.
10 Q. So they are separate requirements and separate
11 instances?
12 A. They are.
13 Q. And in fact, I'm going to direct your attention to
14 Section 808.08 which is on page two. And is it your
15 understanding that one of the ways a license can be
16 revoked is for failure to make that payment under
17 808.10?
18 A. Yes.
19 Q. But are there other reasons for which a cabaret
20 license may be revoked?
21 A. Correct.
22 Q. And for our purpose here today, those were all of the
23 things that you had been questioned about by me?
24 A. Yes.
25 MS. HAGEN-LAWRENCE: I have no further

ENERGY EVENT HEARING

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1 questions.

2 HEARING OFFICER O'LEARY: Additional cross?

3 RECROSS-EXAMINATION

4 BY MR. DOYLE:

5 Q. The title of 808.10 is failure to maintain the peace,

6 is that true?

7 A. Yes.

8 MR. DOYLE: No further questions.

9 HEARING OFFICER O'LEARY: Anything additional

10 for the City?

11 MS. HAGEN-LAWRENCE: Nothing from the City.

12 HEARING OFFICER O'LEARY: Any additional

13 witnesses?

14 MS. HAGEN-LAWRENCE: No. Thank you.

15 HEARING OFFICER O'LEARY: I'll turn it over

16 to Respondent.

17 MR. DOYLE: Yes. Well, I'm going to call

18 Ryan Cabell to testify.

19 THE REPORTER: Do you swear or affirm that

20 the testimony you are about to give will be the truth,

21 the whole truth and nothing but the truth?

22 MR. CABELL: I do.

23 RYAN CABELL,

24 having been first duly sworn, testified as follows:

25

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1 DIRECT EXAMINATION

2 BY MR. DOYLE:

3 Q. Can you state and spell your first and last name for

4 the record?

5 A. Ryan Cabell, R-Y-A-N, last name C-A-B as in boy E-L-L.

6 Q. You know why we're here, is that right?

7 A. Yes, sir.

8 Q. What is your position with Energy Event Center?

9 A. Owner, owner of Energy Event Center.

10 Q. I'm going to take you back to the date of July 30th,

11 2023. Was there an event that day?

12 A. Yes, sir.

13 Q. Can you explain what it was and the details coming up

14 and to the event?

15 A. Okay. Coming up and to the event? Keep in mind I had

16 this property for three years. I got it in June 2020.

17 I've invested countless hours, over \$50,000 in

18 upbringing, bringing it up to code. I obtained my

19 cabaret license, everybody.

20 Q. And regarding obtaining your cabaret license, did you

21 have to obtain certain approvals?

22 A. Yes, I had to get approval from the fire marshal. I

23 had to get approval from building inspectors. I had

24 to get safety, food and beverage department, Health

25 Department, plumbing inspector, electrical inspector

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1 and the police department.

2 Q. Now, specifically can you explain your, your incident,

3 what happened on July 30th?

4 A. Doors opened at nine o'clock for the event, live

5 entertainment. Everything went according, and when I

6 say according, everything was fine. We had no

7 problems. We started on time. The performers

8 performed on time. All of the attendees had a great

9 time start to finish.

10 When we exited the doors and my DJ cut the

11 music and my host made the announcement we thank

12 everybody for coming out, we appreciate everybody for

13 coming out, when we exited the doors, walked down the

14 hallway, a 60 foot hallway before we get outside and

15 open the double doors. After we exit the ballroom,

16 it's a 60 foot walk, we opened the doors, and that's

17 when we noticed a bunch of police cars. We found out

18 right then and there when we walked outside.

19 Q. And you found out what happened?

20 A. We found out there was a bunch of police officers out

21 there.

22 Q. Okay.

23 A. At the time I didn't know anything, as well as the

24 people that were there, they didn't know anything. We

25 walk out, open the double doors, we surprised, what

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1 the heck going on out here. Looked like 15, 20 police

2 cars.

3 Q. About what time was this?

4 A. This was around between 1:05 to 1:15.

5 HEARING OFFICER O'LEARY: A.m.?

6 THE WITNESS: A.m., yes, ma'am.

7 Q. (BY MR. DOYLE) You have your cabaret license. Would

8 your cabaret license allow for this type of event?

9 A. Yes. Live entertainment, yes.

10 Q. You believe that's listed in the statute that live

11 entertainment is appropriate with this event?

12 A. Yes.

13 Q. Can you describe the area where the shooting occurred?

14 A. After, after watching the news, after hearing all of

15 the gossip, after looking at all of the Facebook

16 posts, the shooting took place directly in front of

17 the auto mechanic shop close to the KFC. And I

18 measured it from my doorstep all the way out there. I

19 measured it, 464 feet from my front door.

20 Looking at the exhibits where the yellow tape

21 are, it's only two light posts in that parking lot.

22 Where the yellow tape are, that's over 450 feet from

23 my door in the parking lot.

24 Q. And did this event have security?

25 A. Yes, it did.

ENERGY EVENT HEARING

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1 Q. Can you explain the type of security at the event?
 2 A. I had three security teams, three guards from Lansing,
 3 four guards from Flint and five guards from Kalamazoo
 4 indoor and outdoor.
 5 HEARING OFFICER O'LEARY: Could you repeat
 6 that?
 7 THE WITNESS: I had three security guards
 8 from Lansing, Michigan, four security guards from
 9 Flint, Michigan and five security guards from
 10 Kalamazoo inside and outside. On top of maybe four to
 11 five of my friends working, on top of any time I do an
 12 event I have an open door policy to parents to be
 13 chaperones where they can come in at any given time
 14 and check on their youth or stand around and make sure
 15 everything is okay.
 16 Q. (BY MR. DOYLE) Did this event serve any alcohol?
 17 A. Not at all.
 18 Q. What kind of items or refreshments were served?
 19 A. Pop, cranberry juice, orange juice, potato chips and
 20 bottled water. No alcohol because I don't have a
 21 liquor license.
 22 Q. Was there a specific designated area for parking for
 23 this event?
 24 A. Per property owner, the first six rows maybe, one,
 25 two, three, four, five, six, because it's multiple

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1 units out there.
 2 Q. So, you weren't responsible for the whole
 3 Logan Square's parking lot?
 4 A. Not at all.
 5 Q. Did the shooting or did the shooting incident occur in
 6 any areas that you're responsible to secure?
 7 A. Not at all.
 8 Q. And how many security guards did you have outside?
 9 A. Five.
 10 Q. Did you prevent any police officers from coming inside
 11 of the event?
 12 A. Not at all. As a matter of fact, let me pull up the
 13 exhibit where I actually offered the police officer to
 14 come inside and she stated -- let me pull up the
 15 picture.
 16 Q. This would be Exhibit 9?
 17 A. Exhibit 9. Right here, Exhibit 9, page 28. The
 18 police officer, the female police officer standing
 19 right here in the middle, I heard her verbatim out of
 20 her mouth say this event probably shouldn't have been
 21 going on anyway. I said, well, I'm Ryan Cabell, I'm
 22 the promotor and I'm the owner; yes, this event was
 23 authorized. I have paperwork to prove it. Well, go
 24 get the paperwork is what she said. I said, well,
 25 according to process, if you want to see paperwork you

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1 have to come inside my building and it will be posted
 2 visibly on the wall. You feel free to come on in.
 3 You want to come in? She stopped talking and turned
 4 her back. I offered her to come in and see. There
 5 was six other officers up there with her, and not once
 6 did anybody ask me can we take a look inside. Not any
 7 time while they was standing out there did they try to
 8 go inside the parking lot. They just stood right
 9 there.
 10 Q. So, is your testimony that the shooting occurred
 11 outside of the area that you're responsible for?
 12 A. Yes.
 13 Q. Now --
 14 A. And I am looking --
 15 Q. Did you do any measurements about 1,500 square feet
 16 from your door?
 17 A. Yes, I did measurements. 1,500 feet from my door will
 18 take me across Martin Luther King Street, across the
 19 all new Taco Bell that just recently been built,
 20 across into the used car lot directly behind
 21 Taco Bell. So, we talking about my front door all the
 22 way to the city sidewalk, that's 975, across
 23 Martin Luther King, Junior, Boulevard, that'll take me
 24 to 1,100, across Taco Bell's parking lot through the
 25 entrance, through the drive-through, behind Taco Bell

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1 and into the car dealership right there. That's 1,500
 2 square feet right at the front bumper of that car
 3 that's right there. I forgot what car it was. Should
 4 have took a picture. That's 1,500 square feet.
 5 Now, if we come out of my building to the
 6 right and we go past Young's, if we go past the
 7 Dollar Store, the grocery store, the laundromat,
 8 across Holmes, now we in that subdivision or
 9 apartments back there, that's 1,500 square feet,
 10 that's 1,500 feet.
 11 So, in front of me we crossing Martin Luther
 12 King, we passing Taco Bell, we're in the car lot. The
 13 other way we're in a whole neighborhood, crossing
 14 Holmes Street, that's 1,500 feet.
 15 Q. Do you believe it's even reasonable or even possible
 16 to provide security for that amount of coverage?
 17 A. As a promotor and as the guy that hires security and
 18 security fully understands their responsibility, if my
 19 event is indoors, for one, once you open my doors,
 20 we're outside of the parking lot. It's a 60 foot walk
 21 and then we open the door and it's over 3,800 square
 22 feet. That's where the event took place, inside of
 23 41A. That's Energy Event Center. That's not
 24 Logan Square, that's Energy Event Center. 41A, that's
 25 Energy Event Center.

ENERGY EVENT HEARING

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1 Security, they can maintain as much as they
2 can handle, which is required, maybe up to six lanes
3 where the cars are parked. Anything outside of that,
4 anything outside of that, they can't control. They
5 can't control.
6 And we talking guns. I heard him say over 70
7 shots. I don't think a police officer can patrol 70
8 shots 464 feet away. He just said 70 shots. And
9 first and foremost, I'd like to say nice meeting you,
10 Mr. Watkeys, we done talked on the phone many times --
11 HEARING OFFICER O'LEARY: Can we get back on
12 topic please?
13 THE WITNESS: Yes, ma'am. Yes, ma'am.
14 HEARING OFFICER O'LEARY: Thank you.
15 Counsel.
16 Q. (BY MR. DOYLE) But did you have security in the
17 immediate area?
18 A. Yes.
19 Q. Can you describe your security in the parking lot?
20 A. My security in the parking lot from the door almost
21 to -- okay, right next to me you got the nail salon,
22 then they have their other place, then it's another
23 place. I don't know what it is, but it's two more,
24 two neighbors right there. That's where they patrol
25 out to. They stand right there and make sure no cell

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1 phone, no chargers come in, no purses come in. They
2 do all of the pat downs outside before they even come
3 inside. That's what they secure.
4 Q. And just to be clear, was there any fights that
5 happened inside the event?
6 A. I wasn't aware. Then I was noted. It was a female
7 fight that took place in there. I was noted by one of
8 my friends. She said I could tell that your security
9 guards wasn't from here because they broke that fight
10 up in almost five seconds, an isolated incident. Two
11 females.
12 Q. Now, regarding the shooting, do you have any
13 information or evidence whether or not the people that
14 were involved in the shooting were patrons of your
15 event?
16 A. Not at all. Were not patrons at all.
17 Q. To be clear, you're saying you don't know or were
18 they?
19 A. They were not, based on one of the individual's that's
20 not here today, which was the bus driver. He saw them
21 pull up and he saw them start shooting. They were not
22 part of the event. They were not inside the event.
23 MR. DOYLE: That's all I have.
24 HEARING OFFICER O'LEARY: Cross?
25 MS. HAGEN-LAWRENCE: If I may just briefly.

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1 HEARING OFFICER O'LEARY: Yes.
2 CROSS-EXAMINATION
3 BY MS. HAGEN-LAWRENCE:
4 Q. Good afternoon, Mr. Cabell?
5 A. How you doing?
6 Q. Cabell?
7 A. Cabell, yes, ma'am.
8 Q. Could I direct your attention to Exhibit Number 2
9 please? May I help?
10 A. Go ahead.
11 Q. It's a lot of paper. There you go. If you could go
12 to page four, "Premises means the entire lot on which
13 a cabaret is located, all parking, parking lots, and
14 parking facilities intended for use by patrons of the
15 cabaret, and all surrounding areas within 1,500 feet
16 of the boundaries of the lot on which the cabaret is
17 located". Did I read that accurately?
18 A. Yes, ma'am.
19 Q. You indicated that you measured, and the distance from
20 where you indicate the shooting took place was I think
21 464 feet you said?
22 A. Yes, ma'am.
23 Q. That's within 1,500 feet, yes?
24 A. Yes, ma'am.
25 Q. You also indicated that you have the first six rows or

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1 so of parking, did I hear that right?
2 A. Not dedicated solely, but per property manager. I
3 don't own them because it's three businesses right
4 next to me.
5 Q. So it's an open parking lot?
6 A. Yes.
7 Q. And patrons can park where they can find a space?
8 A. Yes.
9 Q. So they can park outside of those six rows that are of
10 use to you?
11 A. Yes.
12 Q. You indicated you had security working in the parking
13 lot?
14 A. I had security inside and outside.
15 Q. The security outside, they weren't able to assist in
16 any way or maintain the premises within that 1,500
17 feet as required per ordinance?
18 A. I don't think at the drop of a dime nobody can.
19 Q. Excuse me, so your answer is no?
20 A. I'm saying no.
21 MS. HAGEN-LAWRENCE: That's all I have.
22 HEARING OFFICER O'LEARY: Any redirect?
23 MR. DOYLE: No more questions.
24 HEARING OFFICER O'LEARY: Do you have
25 additional witnesses?

ENERGY EVENT HEARING

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1 MS. HAGEN-LAWRENCE: Can we go off the
2 record?
3 MR. DOYLE: Yes, can we go off the record?
4 HEARING OFFICER O'LEARY: All right. Want to
5 take like five minutes?
6 (A break was taken at 2:12 until 2:17 p.m.)
7 HEARING OFFICER O'LEARY: Let's go back on
8 the record. Respondent's counsel have an additional
9 witness?
10 MR. DOYLE: I'm not going to call any
11 additional witnesses at this time. I'm going to rest.
12 HEARING OFFICER O'LEARY: If there's no
13 additional matters or issues for this matter, then we
14 will --
15 MR. DOYLE: Do we have time to make comments?
16 HEARING OFFICER O'LEARY: Sure.
17 MS. HAGEN-LAWRENCE: Very briefly. The
18 transcript and the testimony is clear, there was an
19 event. At the time of the event there were multiple
20 violations of state, federal and/or local law. I am
21 not going to go into each one specifically because the
22 testimony will speak for itself. Whether the space
23 required on the premises to maintain the peace is
24 large, it is the obligation of the cabaret license
25 holder to maintain that peace and to be violence free.

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1 Even arguing that the shooting was 464 feet
2 away from the entrance, which is different than the
3 testimony of the Lansing Police Department who has
4 conducted an investigation into the shooting, that 464
5 feet is well below the 1,500 feet required. It was in
6 a parking lot accessible to patrons for an event, and
7 it would be cabaret license revocation in this case
8 would be appropriate.
9 HEARING OFFICER O'LEARY: Respondent?
10 MR. DOYLE: Yes. I would just indicate I do
11 believe that the law and the statutes apply regarding
12 cabarets. I don't believe there was any evidence of
13 any warnings. That would be required before the
14 revocation. I do believe that Section 808 regarding
15 cabaret and Section 860 shows conflicts, so I would
16 argue those do not apply.
17 I would also argue that we'll object to
18 Section 664.01 as it states that no person shall,
19 which indicates that it applies to people, not
20 businesses, and we also heard in the testimony there
21 was no evidence of anybody, any person being cited for
22 any public disturbance or fight in a public place. In
23 that case, that section does not apply as far as a
24 public disturbance.
25 I would point out that the shooting occurred

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1 outside of the event. There was no shooting inside
2 the actual building and it was outside the control of
3 the, outside the control of Energy Event Center.
4 I would also point out that I would object to
5 the statute in that it's being unconstitutionally
6 vague as to require an event holder to cover that
7 distance of 1,500 feet away from the actual event. I
8 don't think that's reasonable. So I would object to
9 that statute as being unconstitutionally vague in
10 itself.
11 MR. DOYLE: That's all.
12 HEARING OFFICER O'LEARY: Thank you. If
13 there's nothing further, we will close the record. It
14 is 2:20 p.m. on August 24th.
15 (Deposition concluded at 2:20 p.m.)
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1 STATE OF MICHIGAN)
2 COUNTY OF EATON) ss
3 I certify that this transcript, consisting of
4 55 pages, is a complete, true, and correct record of the
5 proceedings held in this case on August 24, 2023.
6 I also certify that I am not a relative or
7 employee of an attorney for a party or financially
8 interested in the action.
9
10 August 25, 2023
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Joan Farhat Byrnes, CSR-2062
Notary Public
Eaton County, Michigan
My commission expires: 4-10-25.

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Exhibit 1



Resolution #2023-194
By the Committee of the Whole
Resolved by the City Council of the City of Lansing

**License Revocation – Energy Event Center, 3222 S. MLK Jr BLVD STE 41A
Lansing, MI. 48910**

WHEREAS, Energy Event Center has previously been issued a Cabaret license by the City and;

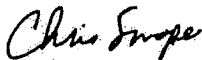
WHEREAS, the City has received of notice of alleged violations of federal, state law and local ordinances and;

WHEREAS, in accordance with the Codified Ordinances of Lansing, Michigan, Section 808.08, before revoking a Cabaret license, Council or its designated hearing officer shall hold a hearing on the matter and serve notice to the license holder and any other person known to have a legal interest in such license, by first-class mail, posted not less than five (5) days prior to such hearing, and;

WHEREAS, a request for revocation hearing was placed in the City Clerk's Office on August 7, 2023 and;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council hereby sets a hearing to be held August 24, 2023 at 1 pm in the Tony Benavides Lansing City Council Chambers, City Hall, 124 W. Michigan Ave, Lansing, Michigan as provided in Chapter 808, Section 808.08 of the Codified Ordinances of Lansing, Michigan, to receive evidence from the parties; that the parties be given an opportunity to appear and be heard, and thereafter, to consider the revocation of the Cabaret License held by Energy Event Center at 3222 S. MLK Jr BLVD Ste 41A, Lansing Michigan.

BE IT FINALLY RESOLVED, that the City Council designate Elizabeth O'Leary as hearing officer who will secure a court reporter for preparing a transcript; will prepare a summary of findings of fact; and will provide a recommendation to City Council to comport with the requirements of Section 808.08 of the Lansing Codified Ordinances.



Chris Swope, CMMC/MVC
Lansing City Clerk

I hereby certify that the foregoing is true
and is a complete copy of the action
adopted by the Lansing City Council.

Exhibit 2



CHAPTER 808. - CABARETS

Footnotes:

--- (5) ---

Editor's note— Ord. No. 1149, § 1, adopted Dec. 14, 2009, amended Ch. 808 in its entirety to read as herein set out. Former Ch. 808, §§ 808.01—808.99, pertained to similar subject matter. See the Code Comparative Table for complete derivation.

Cross reference— Intoxicating liquors generally - see M.C.L.A. Secs. 436.1 et seq.; Sale of alcoholic beverages on Sundays and municipal election days - see M.C.L.A. Sec. 436.19e; General Municipal authority re licenses - see CHTR. Art. VIII, Ch. 1; Alcoholic beverages generally - see GEN. OFF. Ch. 608; Drug houses - see GEN. OFF. 622.03; Disorderly conduct - see GEN. OFF. 664.01; Disorderly premises- see GEN. OFF. 664.04; Public intoxication - see GEN. OFF. 664.05; Licensing in general - see B.R. & T. Ch. 802; Liquor licenses - see B.R. & T. Ch. 830.

808.01. - Definitions.

As used in this chapter:

Cabaret includes any room in a hotel, restaurant, hall or other public place where music or dancing privileges or any other entertainment, except mechanical music alone, is afforded to patrons in connection with the servicing or selling of food, refreshments or merchandising.

Cabaret operator means any person operating a cabaret.

(Ord. No. 1149, § 1, 12-14-09)

808.02. - Operation; license required.

No person shall keep, maintain or operate a cabaret without first obtaining a license therefor.

(Ord. No. 1149, § 1, 12-14-09)

808.03. - License application.

An application for a license required by Section 808.02 shall be made on a form provided for such purpose by the City Clerk, setting forth a description of the place wherein it is proposed to operate a cabaret, the name of the person interested in such business and the place of residence of the applicant. Such application shall also contain an agreement by which the applicant consents and agrees that any member of the Police Department or Fire Department, inspectors of the County Health Department, inspectors of the Office of Building Safety, or other officers of the City, may enter and inspect any part of such premises, including the locked portions thereof, and shall also contain an agreement that the applicant will abide by and comply with Federal and State laws, and rules and regulations of the State Liquor Control Commission, relative to the sale of alcoholic liquors.

(Ord. No. 1149, § 1, 12-14-09)

808.04. - Examination and investigation.

Upon the filing of a license application, the City Clerk shall forward the application to the Police Department, the Fire Department, the Planning and Municipal Development Department and any other department deemed necessary to review the application.

(Ord. No. 1149, § 1, 12-14-09)

808.05. - License issuance; conditions.

No cabaret license shall be issued unless the premises for which the application is made comply with all laws and ordinances of the State and the City, and all rules and regulations of the Office of Building Safety, the Police Department and the Fire Department, and are a safe and proper place for the operation of such business.

(Ord. No. 1149, § 1, 12-14-09)

808.06. - Nonissuance of license pending payment of taxes.

No license shall be granted to any applicant who owes any personal taxes to the City or who makes use of, or contemplates the use in a cabaret of, any personal property, fixtures or effects upon which personal property taxes are owing.

(Ord. No. 1149, § 1, 12-14-09)

808.07. - License fee; expiration date.

The annual fee for each license for each place of business shall be set by resolution of Council. Every license shall expire on May 1 of each year.

(Ord. No. 1149, § 1, 12-14-09)

808.08. - License revocation.

(a) Every license issued under this chapter is revocable by the City if the licensee fails to make any payment required by Section 808.10, or operates his or her business in violation of any other provisions of this chapter, other ordinances of the City or State, or Federal law. Upon receiving notice of such violation, Council or its designated Hearing Officer shall set a date for hearing the alleged violation, and the licensee shall be given not less than five days written notice of the hearing. Such notice shall:

(1) Specify the purpose of the hearing;

- (2) Set forth the alleged violation and the date upon which it occurred;
 - (3) State the date, time and place of the hearing; and
 - (4) Include a statement that the licensee may present evidence and testimony and confront witnesses.
- (b) The hearing shall be attended by a court reporter and a transcript shall be available for review by all parties. If a designated Hearing Officer conducts the hearing, the Hearing Officer shall forward to Council proposed findings of fact and a proposed conclusion, along with a transcript of the proceedings. Council may affirm, disaffirm or modify the Hearing Officer's proposed findings of fact and conclusion or conduct a new hearing.
- (c) Such revocation shall be effective and binding on the licensee upon receipt of a notice of revocation by the licensee or his or her manager, employee or agent. Such notice shall be given by certified mail, return receipt requested, postage prepaid. Such notice shall contain a written statement of the City Clerk's or the Hearing Officer's findings and conclusions.

(Ord. No. 1149, § 1, 12-14-09)

808.09. - Responsibilities of licensees.

- (a) No licensee, by himself or herself or by another, shall operate a cabaret between the hours of 2:00 a.m. and 7:00 a.m.
- (b) No licensee, by himself or herself or by another, shall permit any gambling in a place of business or permit the placing or use of any gambling apparatus or paraphernalia in or about the premises.
- (c) No licensee licensed under the State Liquor Control Act to sell beer, wine or spirits, and also licensed hereunder, shall permit any minor under the age of 18 in or about the rooms set aside for dancing or rooms adjacent thereto.
- (d) After the hour of 11:00 p.m., music shall be controlled so that the sound therefrom will not be audible beyond 100 feet of the building in which a cabaret is located.
- (e) No alcoholic liquor shall be offered for sale after 2:00 a.m. on Sundays. Sale of spirits upon any primary, general or Municipal election day shall be made only in conformity with State law.

(Ord. No. 1149, § 1, 12-14-09)

808.10. - Failure to maintain the peace.

- (a) The purpose of this section is to encourage licensees to take responsibility for the safety of their patrons and the public by instituting measures necessary to prevent violence or violations of the Lansing Code of Ordinances, including, but not limited to, Part 6 and Chapter 664 thereof, on the premises and to discourage reliance on the City to provide such measures by requiring, after

notice, for payment for the services rendered by the City.

(b) For purposes of this section, the following definitions apply:

City costs means the costs and expenses of the City incurred and arising from providing of City services, including labor, material, equipment and other incidental costs of City services, with labor costs based on the number of City employees who provided City services, the amount of time each City employee spent providing City services, and the hourly cost to employ each of the City employees who provided City services, including either their wages or their salary, plus the cost of providing their benefits.

City services means any actions taken by the City to maintain the peace, respond to, mitigate, remedy or restore order pertaining to any damage or injury resulting from violent or disorderly behavior or violations of the Lansing Code of Ordinances, including, but not limited to, Part 6 and Chapter 664 thereof, occurring on the premises.

Maintain(ing) the peace means action(s) to prevent violent behavior or a violation of the Lansing Code of Ordinances, including, but not limited to, Part 6 and Chapter 664 thereof, from occurring on the premises.

Occurrence means an event resulting in City services.

Premises means the entire lot on which a cabaret is located, all parking, parking lots, and parking facilities intended for use by patrons of the cabaret, and all surrounding areas within 1,500 feet of the boundaries of the lot on which the cabaret is located.

(c) A licensee shall be responsible for maintaining the peace on the premises. If City services are rendered on the premises, and the Chief of Police, or his or her designee(s), determine the total City costs meet or exceed an amount established by City Council by resolution in conjunction with this chapter, pursuant to a policy to be promulgated by the Chief of Police or his or her designee(s), the City will work with licensees to address potential violations of this section prior to providing the City Clerk with itemized written statements of the City costs. After receiving the itemized written statements, if the total sum thereof meets or exceeds the amount established by City Council resolution, the City Clerk shall send a written warning to the licensee and a copy of the written warning to the City Council and the City Attorney. The written warning shall be sent to the licensee or the licensee's registered agent via certified or registered mail or by personal service, and shall contain, at a minimum: The date or dates of the occurrence, incident report(s) regarding the occurrence, which shall comply with applicable federal, state, and local law, including the Michigan Freedom of Information Act, being Public Act 442 of 1976, as amended, an identification of the premises, the owner of the premises, the owner of the cabaret license, the statement of City costs, and a copy of this ordinance. After the clerk has sent two written warnings resulting from two separate occurrences within 180 days, the licensee shall be responsible for and required to reimburse the City for City costs for any and all future occurrences at the premises.

- (d) After two written warnings within 180 days, for the third and subsequent occurrences for which the cost of City services exceeds the amount described in subsection (c), the City Clerk shall send by regular mail or via hand delivery to the licensee, with a copy to City Council and the City Attorney, a written billing statement for the City costs of the City service when the City costs exceed the amount established by City Council resolution, as forwarded by the Chief of Police, or his or her designee(s), for which the licensee is responsible.
- (e) Should the licensee fail to pay the full amount billed in the City Clerk's statement within 30 days of the date of its mailing or personal service to the licensee or the licensee's registered agent, the licensee shall be subject to license revocation pursuant to Section 808.08 of this chapter.
- (f) This section shall not apply to Common Ground, Lugnuts, LEPFA, or any other activities in privity of contract with the City or its agencies or sponsored in part or in whole by the City or its agencies.

(Ord. No. 1149, § 1, 12-14-09)

Exhibit 3



CHAPTER 860. - SHOWS

*Footnotes:**--- (19) ---*

Cross reference— *Outdoor theaters - see M.C.L.A. Sec. 29.93; Carnival rides; inspection, licensing, regulation and safety devices -see M.C.L.A. Secs. 408.373, 408.374, 408.651 et seq.; Municipal police regulations re theaters and shows - see M.C.L.A. Secs. 431.201, 431.202; Masks and disguises - see M.C.L.A. Sec. 750.396; General Municipal authority re licenses - see CHTR. Art. VIII, Ch. 1; Entertainment in places where alcoholic beverages are sold - see GEN. OFF. 608.01; Noise in places of entertainment - see GEN. OFF. 654.07(h); Licensing in general - see B.R. & T. Ch. 802; Adult movie theaters - see P. & Z. 1296.01.*

860.01. - Show defined.

As used in this chapter, "show" means any circus, menagerie or other exhibition, entertainment, carnival or show of any nature and name, for which money or any other consideration is in any way demanded or received for admission thereto.

860.02. - License required; application.

- (a) No person shall sponsor, operate, exhibit or perform, or cause to be operated, exhibited or performed, any show in the City without first obtaining a license therefor.
- (b) This chapter, or any of its provisions, shall not apply to any show held or scheduled to be held in the Lansing Center and/or the Lansing Civic Arena. (Ord. No. 828, 12-17-90)
- (c) An application for a license required by subsection (a) hereof shall be made by the owner, manager, sponsor or operator thereof on forms to be furnished by the City Clerk. The application shall contain, but is not limited to, the following information:
 - (1) The name and address of the person applying for the license and the full name and address of the owner, operator and sponsor of such show;
 - (2) The proposed location and dates of operation of such show, or a statement that the operation will be on a continuous basis, and the hours of such operation;
 - (3) A brief description of the type of show;
 - (4) A statement setting forth all admission charges;
 - (5) Prior convictions of the applicant or owner of violations of any of the provisions of this chapter, if any; and
 - (6) Such other information as may be deemed necessary.
- (d)

If, while the application is pending, or during the term of any license granted under this chapter, there is any change in fact, policy or method which would alter the information provided in such application, the applicant shall notify the City Clerk, in writing, of such change.

860.03. - License fees.

Fees for the issuance of a license under this chapter shall be determined by resolution of Council. However, no license fee shall be required of any person operating a show in the City who or which is a nonprofit person for Federal internal revenue purposes.

860.04. - Insurance and bond.

- (a) Prior to the issuance by the City Clerk of any license under this chapter, each person applying for the same shall file with the City Clerk a public liability and property damage insurance policy insuring such person and the City against any liability imposed on such person and/or the City arising out of the operation of a show in the City by such person. Such policy shall provide for payment of up to \$300,000.00 for injury or death of any one person, up to \$500,000.00 for injury or death of more than one person, and up to \$100,000.00 for property damage. Such policy shall bear an endorsement to the effect that the insurance company shall notify the City Clerk at least ten days prior to the expiration of such policy, whether by way of cancellation or limitation of term. Such insurance policy must be approved by the City Attorney, both as to form and as to responsibilities of the sureties thereon.
- (b) Prior to the issuance by the City Clerk of such a license, each person applying for the same shall file with the City Clerk a bond in the penal sum of \$1,000.00 indemnifying the City against any violation of any ordinance, rule or regulation of the City and for any damage to public property of any kind and conditioned that the licensee will pay to the City all fines or penalties which may be assessed against such licensee for a breach of any ordinance relating to the business carried on by such person, which obligation is incurred as a result of the operation of a show by the licensee within the City. Such bond must be approved by the City Attorney, both as to form and as to responsibilities of the sureties thereon.

860.05. - Investigations; license issuance or denial.

The City Clerk, upon receipt of an application for a license required by this chapter, shall forward a copy thereof to the Office of Building Safety, the Chief of Police, the Fire Chief, and any other department deemed appropriate, for their review. Upon approval by the Division, the Chief of Police, the Fire Chief and other departments, the City Clerk, upon payment of the prescribed license fee, shall cause the license to be issued. When one or more of the parties set forth in this section denies approval of the application, the City

Clerk shall, not later than five days after the notification of denial, notify the applicant, by mail of the denial of the license. The notice of denial shall state specifically the reason the license application was not approved.

860.06. - License revocation.

- (a) Every license issued under this chapter is revocable by the City if the licensee operates his or her business in violation of any of the provisions of this chapter, other ordinances of the City or State or Federal law. Upon receiving notice of such violation, Council or its designated Hearing Officer shall set a date for hearing the alleged violation, and the licensee shall be given not less than five days written notice of the hearing. Such notice shall:
 - (1) Specify the purpose of the hearing;
 - (2) Set forth the alleged violation and the date upon which it occurred;
 - (3) State the date, time and place of the hearing; and
 - (4) Include a statement that the licensee may present evidence and testimony and confront witnesses.
- (b) The hearing shall be attended by a court reporter and a transcript shall be available for review by all parties. If a designated Hearing Officer conducts the hearing, the Hearing Officer shall forward to Council proposed findings of fact and a proposed conclusion, along with a transcript of the proceedings. Council may affirm, disaffirm or modify the Hearing Officer's proposed findings of fact and conclusion or conduct a new hearing.
- (c) Such revocation shall be effective and binding on the licensee upon receipt of a notice of revocation by the licensee or his or her manager, employee or agent. Such notice shall be given by certified mail, return receipt requested, postage prepaid. Such notice shall contain a written statement of the City Clerk's or the Hearing Officer's findings and conclusions.

860.99. - Penalty.

Editor's note— See Section 202.99 for general Code penalty if no specific penalty is provided.

Exhibit 4



CHAPTER 664. - PEACE DISTURBANCES

*Footnotes:**--- (15) ---*

Cross reference— *Disorderly conduct generally - see M.C.L.A. Secs. 750.167 et seq.; Gambling - see M.C.L.A. Secs. 750.301 et seq.; Prostitution - see M.C.L.A. Secs. 750.448 et seq.; Legislation re peace disturbances - see CHTR. Sec. 3-310; Noise by motor vehicles - see TRAF. 5.92, 5.98; GEN. OFF. 654.05, 654.07(f); Drug houses - see GEN. OFF. 622.03; Noise generally - see GEN. OFF. Ch. 654; Peace disturbances in schools - see GEN. OFF. 680.02; Peace disturbances by street musicians - see B.R. & T. 864.07.*

664.01. - Disorderly; fighting; loud and boisterous conduct, breach of the peace.

No person shall:

- (a) Create or engage in any disturbance or fight in a public place;
- (b) Disturb the public peace and quiet by loud or boisterous conduct; or
- (c) Utter profane, obscene or offensive language directed at or in the presence of another person, which language causes or would tend to cause an immediate breach of the peace.

Violation of this subsection (c) shall be a municipal civil infraction.

(Ord. No. 1251, § 1, 7-22-19)

Editor's note— Ord. No. 1251, § 1, adopted July 22, 2019, amended § 664.01 to read as herein set out. Former § 664.01 pertained to fighting; loud and boisterous conduct; profanity, and derived from Ord. No. 739, adopted Dec. 22, 1986.

664.02. - Disturbance of assemblies.

No person shall disturb, without lawful authority, any public assembly or meeting of persons.

(Ord. No. 739, 12-22-86)

664.03. - Riots.

No person shall incite, engage in, participate in, or attempt to incite a riot or disturbance.

(Ord. No. 739, 12-22-86)

664.04. - Disorderly premises.

(a) *Definitions.* As used in this section:

Crane game means an amusement machine activated by the insertion of a coin by which the player uses one or more buttons, joysticks, or similar means of control, or a combination of those means of control, to position a mechanical or electromechanical claw, or other retrieval device, over a prize, toy, novelty, or an edible item having a wholesale value of not more than \$3.75, and thereby attempts to retrieve the prize, toy, novelty, or edible item. Every prize, toy, or edible item must be retrievable by the claw. A slot machine is not considered a crane game.

Gambling means to play, deal, operate, carry on, conduct, maintain or expose for pay, money, credit, property or anything of value, any gambling game.

Gambling game means any game played with cards, dice, equipment or a machine, including any mechanical, electromechanical or electronic device which shall include computers and cashless wagering systems for money, credit, or any representative of value. Gambling game shall not include any redemption game; crane game; or game, lottery, or other activity authorized or licensed pursuant to State law or regulation.

Gambling operation means the conduct of gambling games.

Gaming means to deal, operate, carry on, conduct, maintain or expose or offer for play any gambling game or gambling operation.

Redemption game, except as provided for in Section (b)(7), means a single player or multiplayer mechanical, electronic, or manual amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, propelling, or stopping a ball or other object into, upon, or against a hole or other target. Redemption game does not include any of the following: (a) a game such as roulette, beano, cards, dice, wheel of fortune, video poker, a slot machine, or another game in which winning depends primarily upon fortuitous or accidental circumstances beyond the control of the player, or (b) a game that includes a mechanical or physical device that directly or indirectly impairs or thwarts the skill of the player.

(b) No person shall:

- (1) Permit or allow any premises owned, occupied or controlled by him or her to be used or occupied by persons engaged in gambling, a gambling operation, or gaming, or in any illegal sale of intoxicating liquor;
- (2) Permit or allow any fight or disturbance on any premises owned, occupied or controlled by him or her;
- (3) Transport any person to a place where he or she knows activities prohibited by this section or other illegal activities are practiced, encouraged or allowed for the purpose of enabling the person transported to engage in any activity prohibited by this section or any other illegal activity;
- (4)

Knowingly attend, frequent, operate or be an occupant of a place of gambling or gambling operation or the illegal sale of intoxicating liquor, or a place where any other illegal business or occupation is permitted or conducted;

- (5) Except as allowed by law, keep, maintain or permit the use of a gaming room, gaming table, gambling equipment or any policy or pool tickets, to be used for gaming, gambling, or gambling operation on any premises occupied or controlled by him or her, or place, receive or transmit any bet on the outcome of any race, contest or game of any kind whatsoever; or
- (6) Attend any cock fight or dog fight.
- (7) This section shall not apply to a redemption game if all of the following are met:
 - a. The outcome of the game is determined through the application of an element of skill by the player.
 - b. The award of the prize is based upon the player's achieving the object of the game or otherwise upon the player's score.
 - c. Only noncash prizes, toys, novelties, or coupons or other representations of value redeemable for noncash prizes, toys, or novelties are awarded. A gift card may be awarded under this subdivision if all of the following apply:
 - i. The gift card is usable only at a retailer or an affiliated group of retailers.
 - ii. The gift card is issued in a specified amount.
 - iii. The gift card is redeemable only for goods and services available from the retailer or retailers and not for cash.
 - iv. Information on the gift card may not be altered with the use of a personal identification number.
 - d. The wholesale value of a prize, toy, or novelty awarded for the successful single play of a game is not more than \$3.75.
 - e. The redemption value of coupons or other representations of value awarded for the successful single play of a game does not exceed 15 times the amount charged for a single play of the game or a \$3.75-per-play average, whichever is less. However, players may accumulate coupons or other representations of value for redemption for noncash prizes, toys, or novelties of a greater value up to, but not exceeding, \$500.00 wholesale value.
- (8) Any activity prohibited by this section, or the property upon which the prohibited activity is occurring, is hereby declared to be a public nuisance and the City Attorney is authorized to bring a civil action to enjoin and abate the public nuisance. Further, upon conviction of a person for any prohibited activity under this section, to commence proceedings to seize through forfeiture proceedings all personal property, including money, utilized in connection

with, or the conduct of, the prohibited activity or related thereto. The City Attorney may enter into any settlement agreement or consent judgment which resolves the actions authorized under this subsection.

(Ord. No. 1233, § 1, 8-27-18)

Editor's note— Ord. No. 1233, § 1, adopted Aug. 27, 2018, amended § 664.04 in its entirety to read as herein set out. Former § 664.04 pertained to disorderly premises; cock fights and dog fights, and derived from (Ord. No. 739, adopted Dec. 22, 1986.

664.05. - Public intoxication.

No person shall:

- (a) Be intoxicated in a public place and either directly endanger the safety of another person or of property or act in a manner that creates a public disturbance.
- (b) In any public place, be under the influence of any drug, any other exhilarating or stupefying substance, or any combination of such substances, except alcohol.

(Ord. No. 739, 12-22-86)

664.99. - Penalty.

Editor's note— See Section 202.99 for general Code penalty if no specific penalty is provided.

Exhibit 5



CITY OF LANSING, MICHIGAN
CHRIS SWOPE, CITY CLERK
124 W. Michigan Ave., 9th floor
Lansing, MI 48933
Phone 313-483-4131 Fax 313-377-0068
www.lansingmi.gov/clerk

5882

CABARET LICENSE

5/1/2024

ENERGY EVENT CENTER LLC

5/19/2023

RYAN CABELL
3222 S MLK JR BLVD, SUITE 41A
LANSING MI 48910-

COPY

Exhibit 6





City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

August 15, 2023

Dan Doyle
PO Box 10147
Lansing, MI 48901-0147

Re: Cabaret License Hearing for Energy Event Center

Dear Mr. Doyle,

Please find enclosed Notice for the Cabaret License Hearing for Energy Event Center set for 1:00 p.m., at the Lansing City Council Chambers, City Hall, 124 W. Michigan Ave., 10th Fl., Lansing, MI 48933 for your records.

Sincerely,

/s/Lisa K. Hagen-Lawrence

Lisa K. Hagen-Lawrence
Deputy City Attorney

Enclosures

In the Matter of

Hearing Officer

ENERGY EVENT CENTER

Human Resources Director Elizabeth O'Leary

Cabaret License Hearing

PLEASE TAKE NOTICE that on **August 24, 2023**, beginning at **1:00 p.m.**, at the **Lansing City Council Chambers, City Hall, 124 W. Michigan Ave., 10th Fl., Lansing, MI 48933**, designated Hearing Officer Human Resources Director Elizabeth O'Leary will officiate the hearing for Energy Event Center, before a duly sworn stenographer.

This notice is given in accordance with the Lansing City Charter.

Respectfully submitted,

Dated: August 15, 2023

By: *Lisa K. Hagen-Lawrence*
Lisa K. Hagen-Lawrence (P79714)
Deputy City Attorney

Exhibit 7





Andy Schor, Mayor

Lansing Police Department

Office of the Chief of Police

Chief Ellery Sosebee

120 West Michigan Avenue

Lansing, MI 48933

Phone: (517) 483-4606

Fax: (517) 483-4617

ellery.seosebee@lansingmi.gov



Ellery Sosebee, Chief

August 4, 2023

To Lansing City Council Members –

AUG 7'23 10AMCLERK

As a result of a recent mass shooting incident and the significant police and first responder resources expended to preserve life and safety, I am requesting that the Lansing City Council take immediate action in the form of setting a hearing to consider the revocation of Energy Event Center's Cabaret License located at 3222 S. MLK Jr Blvd Suite 41A, Lansing, MI, pursuant to Lansing City Ordinance 808.08. There are significant health and safety concerns as it relates to members of the public attending events at this location given the significant gun violence that has recently occurred at the premises.

On July 30, 2023, an event was held at the Energy Event Center for a concert. Hundreds of people were in attendance for this event. At approximately 1:00 a.m., Lansing Police responded to reports of a shooting at this location. When officers arrived, a large crowd of people were present in the parking lot and multiple shooting victims were identified. In total, five shooting victims were located, ranging in age from 15-26 years old. Two of the victims of this shooting are still hospitalized in critical condition.

In response to this significant incident, 26 Lansing Police Officers responded to the scene. Due to the size and unruly nature of the crowd, LPD requested assistance from neighboring jurisdictions, and eight additional officers responded. Upon investigation, several persons of interest were detained, and eight firearms were recovered. In the parking lot alone, 70 spent bullet casings were located.

It appears that security personnel were present for the event, but Lansing Police has determined that there were no security guards to monitor the parking lot during the event. Clearly the presence of these security guards inside of the venue did nothing to deter the violent encounter from escalating to discharging firearms on the premises.

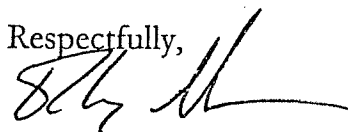
While Energy Event Center does not hold a license to sell or provide alcohol, a review of body worn camera footage of LPD officers on scene shows several individuals drinking out of alcoholic containers while on the premises, in violation of law. Many of the attendees at this event were minors and may have been allowed access to alcohol.

"Capital City's Finest"

Based on this incident, it is clear that Energy Event Center is unable or unwilling to maintain the peace during its events and has not taken adequate steps to protect life and safety for patrons at its events. Lansing City Ordinance relating to Cabaret licenses specifically defines “premises” as “the entire lot on which a cabaret is located, all parking, parking lots, and parking facilities intended for use by patrons of the cabaret and all surrounding areas within 1,500 feet of the boundaries of the lot on which the cabaret is located.” The fact that this incident occurred in the parking lot of the location does not negate the responsibility of the cabaret license holder to take affirmative steps to ensure the safety of the public for its events.

As Chief of Police, it’s my job to ensure that our police department maintains order, preserves public safety, and fosters a better quality of life for those who live, work, and visit the Capital City. Energy Event Center is not doing enough to regulate the events that it hosts and is not proactively working to prevent altercations. We do not want to further expose future patrons, visitors, and residents to this type of violence. Please accept my strongest urging for the Lansing City Council to take appropriate action to revoke Event Energy Center’s Cabaret license.

Respectfully,



Ellery Sosebee
Chief of Police
Lansing Police Department
120 W. Michigan Ave
Lansing, MI 48933
Ellery.Sosebee@lansingmi.gov

“Capital City’s Finest”

Exhibit 8



**LAPD - LANSING POLICE
DEPARTMENT
Case Report**



Case No. 2351907523
Case Status Active
Report Date/Time: 8/7/2023 10:33:57 AM
Reporting Officer: Watkeys, Andrew

FILE CLASS/OFFENSE:

98004 - Inspections/Investigations - Other Inspections

NATURE OF INCIDENT:

860.02/808.10/Operating Without a Show License/Failure to Maintain Peace/CABELL/Society/Watkeys

OCCURRED ON: 7/29/2023 9:00:00 PM
(and Between) 7/30/2023 3:00:00 AM

VENUE: 3222 S King Blvd Ste 41a Lansing, MI 48910

CITY/TOWNSHIP: 95 - Lansing, Ingham

VICTIM:		VICTIM OF: 9941 - 98004 - Inspections/Investigations - Other Inspections VICTIM TYPE: Society/Public
RACE:	DOB:	AGE:
HGT:	SEX:	JUV:
EYES:	WGT:	HAIR:
SSN:	ETH:	Circumstances:
ADDRESS INFORMATION:	DLN:	DL State:
Phone Information:		Emails:
NOTES:		

SUSPECT: Cabell, Ryan Scott		
RACE: Black or African American	DOB: 15.243(1)(a)	AGE: 46
HGT: 5' 5"	SEX: Male	JUV: N - No
EYES: Brown	WGT: 180	HAIR: Black
SMT:	ETH:	Circumstances:
SSN:	DLN: C140755760967	DL State: Michigan
ADDRESS INFORMATION:		
H - Home: 1435 Westerrace Dr Flint, MI 48532 Genessee US - UNITED STATES		
Phone Information:		Emails :
M - Mobile: (810) 308-6519		
M - Mobile: (810) 299-9592		
NOTES:		

SUSPECT: GENTRY, MARKELL RASHAUN		
RACE: Black or African American	DOB: 15.243(1)	AGE: 25
HGT: 509	SEX: Male	JUV: N - No
EYES: Brown	WGT: 135	HAIR: Black
SMT:	ETH: O - Other Ethnicity/National Origin	Circumstances:
SSN: 0	DLN: G-536-585-730-349	DL State: Michigan

**LAPD - LANSING POLICE
DEPARTMENT**
Case Report



Case No. 2351907523
Report Date/Time: 8/7/2023 10:33:57 AM
Reporting Officer: Watkeys, Andrew

ADDRESS INFORMATION:

H - Home: 1904 NEW YORK AVE LANSING, MI 48906 INGHAM US - UNITED STATES

Phone Information:

Emails :

H - Home: 5174021148

M - Mobile: (517) 980-7996

NOTES:

FORCE LEVEL DETAILS

FORCE USED: N - No

HANDGUN USE:

RIFLE USE:

SHOTGUN LL:

HANDGUN DISPLAY:

RIFLE DISPLAY:

.40mm LL:

PCA USE:

ASP USE:

TASER USE:

PCA DISPLAY:

ASP DISPLAY:

HANDCUFFING:

PPCT:

OTHER:

**LAPD - LANSING POLICE
DEPARTMENT
Case Report**



Case No. 2351907523
Report Date/Time: 8/7/2023 10:33:57 AM
Reporting Officer: Watkeys, Andrew

NARRATIVE:

Watkeys, Andrew
8/7/2023 10:35:23 AM
SUMMARY:

I, Officer A. Watkeys #66, am currently assigned as the Lansing Police Department Regulatory Officer. In this role, I am charged with conducting background checks on applicants of various licenses that citizens of Lansing apply for. I also conduct investigations on license violations, and I report them to the city if a violation is found. On 07/30/2023, I was advised of a concert / show which occurred at 3222 S King Blvd. Suite 41A. This concert hosted live entertainment with multiple artists performing on a stage. This show required an admission fee for general admission and VIP admission. This show spiraled out of control and ended in a mass shooting injuring five citizens, two of which were critically injured, and one who is permanently paralyzed. After the event occurred, I reviewed the body camera footage and collected evidence of the show finding Ryan Scott Cabell, B/M, 15.243(1)(a), hosted this show without applying for and without possessing a Show License as required by the Lansing City Ordinance 860.02.

DATE AND TIME:

This incident occurred on 07/29/2023 at 2100 hours.

VENUE:

This incident occurred at 3222 S King Blvd., Suite 41A, City of Lansing, County of Ingham, and State of Michigan.

LANSING CITY ORDINANCES DEFINED:

Lansing City Ordinance 860.01

Show defined:

"As used in this chapter, "show" means any circus, menagerie or other exhibition, entertainment, carnival or show of any nature and name, for which money or any other consideration is in any way demanded or received for admission thereto."

Lansing City Ordinance 860.02

License required; application:

"(a) No person shall sponsor, operate, exhibit or perform, or cause to be operated, exhibited or performed, any show in the City without first obtaining a license therefor."

"(b) This chapter, or any of its provisions, shall not apply to any show held or scheduled to be held in the Lansing Center and/or the Lansing Civic Arena. (Ord. No. 828, 12-17-90)"

"(c) An application for a license required by subsection (a) hereof shall be made by the owner, manager, sponsor or operator thereof on forms to be furnished by the City Clerk. The application shall contain, but is not limited to, the following information:

- (1) The name and address of the person applying for the license and the full name and address of the owner, operator and sponsor of such show;
- (2) The proposed location and dates of operation of such show, or a statement that the operation will be on a continuous basis, and the hours of such operation;
- (3) A brief description of the type of show;
- (4) A statement setting forth all admission charges;
- (5) Prior convictions of the applicant or owner of violations of any of the provisions of this chapter, if any; and
- (6) Such other information as may be deemed necessary."

"(d) If, while the application is pending, or during the term of any license granted under this chapter, there is any change in fact, policy or method which would alter the information provided in such application, the applicant shall notify the City Clerk, in writing, of such change."

SHOW LICENSE APPLICATION:

**LAPD - LANSING POLICE
DEPARTMENT
Case Report**



Case No. 2351907523
Report Date/Time: 8/7/2023 10:33:57 AM
Reporting Officer: Watkeys, Andrew

Ryan Cabell never submitted an application to the city for a Show License. As LPD's Regulatory Officer, show licenses are one of the licenses that I am required to conduct a background check on the applicant before it can be approved. I did not receive an application to review for this event.

EVENT PROMOTION / ADMISSION FEE:

Prior to this event, Ryan Cabell, owner of Sillyboy Productions and Lease Holder of 3222 S King Blvd. Suite 41A, promoted this event through different avenues. A flyer was created for the show. The flyer stated, "Summer Madness Concert, Performing Live, BabyFxceE, Sillyboy Productions / 517 Entertainment." On this flyer was the headlining artist "BabyFxceE", date, time, venue, and cost of admittance. There was also contact information for Ryan Cabell, as well as a QR Code to pay Cabell through Cash App. On 07/29/2023 at approximately 1142 hours, Cabell posted the flyer to his Facebook. Cabell stated in the post "ONLY 20 GENERAL ADMISSION", "ONLY 14 VIP ADMISSION", "TICKETS AVAILABLE FOR TONIGHT.... YES YOU CAN PAY AT THE DOOR (IT WILL BE SLIGHTLY HIGHER)." In the picture that was uploaded it could be seen there were two kinds of tickets that were available for sale. One ticket was for general admission and on the ticket, it was valued at \$20. The other ticket was for VIP admission and was valued at \$40. FB profile "Cartel Markell" who is Markel Gentry, 15.243(1)(a), owner of 517 Entertainment, also posted the tickets showing they were for sale as well. This post advises there are only 19 tickets left when the original amount was 20 for general admission and 14 for VIP which totals 34 tickets. This is evidence of tickets being sold. Devin Jones also posted to FB, prior to the event, pictures of the interior and exterior of a party bus along with a flyer which denotes artists that will be performing, the date of the event, 07/29/2023, when the doors open, and the promoters hosting the event. The flyer states this is the "Summer Madness Concert".

Additionally, these tickets were also sold on eventbrite.com at <https://www.eventbrite.com/e/summer-madness-concert-babyfxce-e-and-others-tickets-673195274187>. Attached to this report are screen captures of the website where these tickets were hosted for sale.

EVENT OCCURRENCE / FACEBOOK IDENTIFICATION OF PERFORMANCE AND STAGE:

This event occurred on the date and time it was scheduled and as stated above in this report. This event had a much bigger turnout than was anticipated. It was estimated by LPD Sergeants on scene there were 300 citizens in attendance. It was reported there were citizens inside the event, as well as spill over into the parking lot. At approximately 0100 hours on 07/30/2023, a shooting occurred in the parking lot. Police arrived and attended to the matter. (Reference LPD Report # 2351907199) Five citizens were victims of the shooting, two received critical injuries and one of the two was permanently paralyzed. While LPD officers were on scene, a fight broke out inside of Suite 41A. It can be seen on officer body camera when they responded to the commotion and a mass of people exited the suite running away from the danger. The fight was broken up before officers arrived and officers were then blocked from entering the suite by security and other individuals.

Cabell posted on his Facebook after the event that there were at least five artists that performed live on stage during the concert. It can be seen on a Facebook post from Devin Jones that a female artist by the name "Toodie Rich" also performed. This post contained a video that was uploaded to evidence.com and tagged appropriately to be associated with this report. Attached to this report are multiple screen captures of different posts / comments from Facebook showing there was a live concert at this event.

PRESENCE OF ALCOHOL:

As the Regulatory Officer, I review the body camera footage of officers on scene. During my review, I located multiple instances where there was evidence of alcohol present at the event. I identified the following as indicators of alcohol being present at an event where minors were allowed to attend after the City of Lansing Minor Curfew Ordinance was in effect.

- Empty alcohol bottle on the cement base of a light post. This can be seen from multiple angles on different officer body cameras. (BWC of Sgt. Reust, Ofc. Osentoski, Ofc. D. Moore)
- Vomit on the ground in the parking lot next to a vehicle. This is representative of a citizen who was overly intoxicated and became sick. (BWC of Ofc. Osentoski)
- Citizen holding a bottle of liquor that appeared to be approximately half full. (BWC of Ofc. Rudd)
- Citizen holding a red solo cup near the entrance to 41A with the surrounding businesses being closed and seemingly no other place to obtain the cup other than inside the suite. The subject was holding the cup in a manner as if they did not want to spill the liquid contained in the cup. This can be seen from a few different officer's body cameras. (BWC of Ofc. Rudd)
- Red solo cup on the ground by a trash can outside of the entrance to suite 41A. (BWC of Ofc. McClinton)
- Red solo cup on the sidewalk near suite 41A and citizens outside of the business. (BWC of Ofc. McClinton)
- Red solo up in a citizen's hand on top of a bottle they are holding. This was seen while the subject was leaving from suite 41A just after the

**LAPD - LANSING POLICE
DEPARTMENT
Case Report**



Case No. 2351907523
Report Date/Time: 8/7/2023 10:33:57 AM
Reporting Officer: Watkeys, Andrew

fight occurred. (BWC of Ofc. McClinton)

- Minors on camera looking for their phones. The minors believe their phones are inside suite 41A. (BWC of Ofc. McClinton)

- Red solo cup in a citizen's hand and the cup is raised to the mouth of the citizen to drink out of it. (BWC of Ofc. McClinton)

ATTACHMENTS:

I have attached screen captures of all of the Facebook post and comments, the flyers and tickets, the eventbrite.com ticket sales pages, and I included them all in one Word document. I have also attached the video of "Toodie Rich" performing on stage to evidence.com tagged with this report number.

DISPOSITION:

Operating without a Show License refer to OCA.



Original Event Flyer



Ryan Cabell FB Post of Event Flyer and General Admission / VIP Tickets for a fee

Ryan's Post

X



Ryan Scott Cabell

19h · 🌐

...

THEM KIDS WERE SO HAPPY THEY GOT TO SEE

BABYFACE E

KRISPYLIFE KIDD

RMC MIKE

YSR GRAMZ

SCAMMLIKEELYY

ALL ON THE SAME STAGETIN THE SAME NIGHT....

WE HAD 5 KALAMAZOO SECURITY GUARDS AT THE FRONT DOOR

WE HAD 5 FLINT SECURITY GUARDS IN THE INSIDE

PLUS 2 LANSING SECURITY GUARDS WATCHING THE BACK DOORS

AND 4 PARENTS WORKING JUST AS HARD AS WELL...

THE INSIDE WAS SUPER TURNED UP FROM THE TIME THE DOORS OPEN... NOT 1 SINGLE PROBLEM...



Illent Gentry and 81 others

52 comments · 6 shares



Like



Comment



Share

Most relevant ▼

Ryan Cabell FB Post after the event detailing the Artists that performed on stage



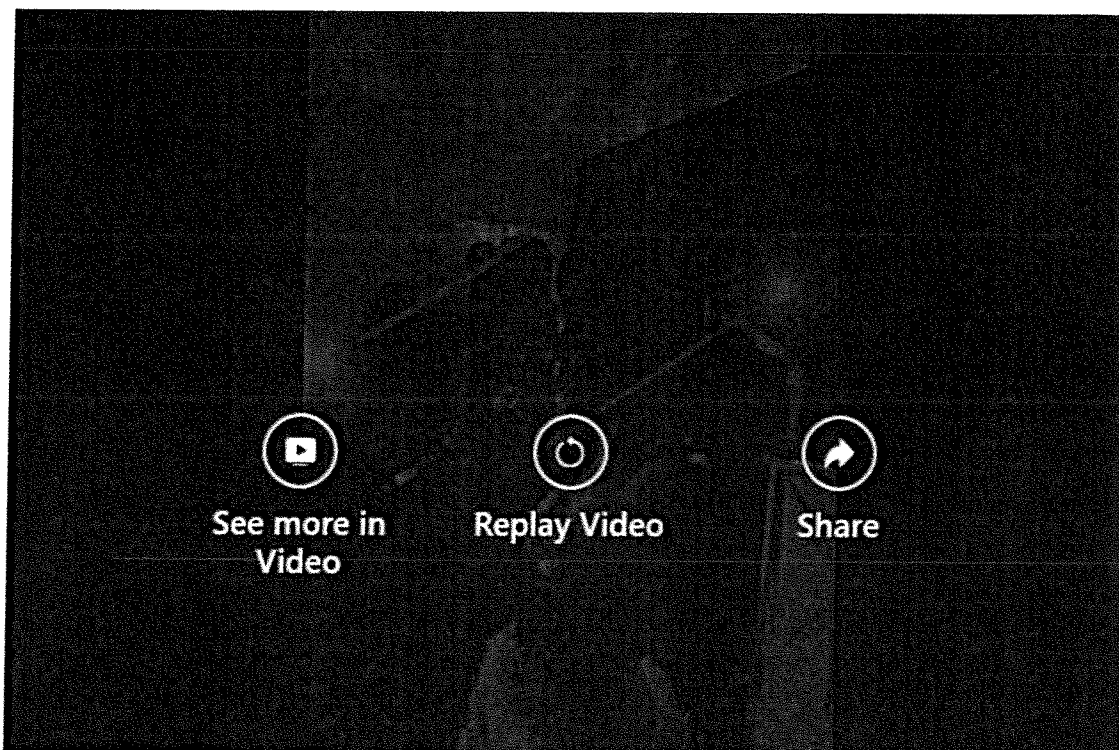
Devin Jones is in Lansing.

7 h · 🌐

...

Toodie Rich

Went Crazy Last Night Dropp A \$\$\$ If We Should Sign Her To JBM INC
Shoutout To Sillyboy The Entertainer for Througning A Lit Ass Concert



FB Post from Devin Jones with Video of one of the Artists performing on stage at the show. This post also states this was a concert. This video has been downloaded to evidence.com and tagged with the report number associated with this report.



Angel Divine

The security that was there were some young kids!! My cousin was out there breaking up all the fights. You had that much security how in the world were there a 12 year old in the party? How did a 15 year old get shot? That mess started INSIDE! So those who's talking about you can't control the outside, when my security team was working In that same lot, there's was never any issues!!! Thing is folks want to pay bare minimum for security and that's why stuff like last night Happen! YOU GET WHAT YOU PAY FOR!!

Like Reply 9h Edited



FB comment from Angel Divine detailing minors in attendance and fights happening.



Livvy Kay

i was pushed onto the stage from first row, trampled on by artists/camera man , couldn't breathe and while i was trying to get help by SCREAMING for security one of them stood there telling me to "get tf up off the stage" then pulled out pepper spray. 3-4 girls pushed their way to help me get up. Security need to do better It's their JOB and now my leg is fucked up.

Like Reply 6h

FB Comment from Livvy Kay detailing she was pushed up onto the stage. The stage is where the artists were performing.



Devin Jones is at Lansing Downtown.

1 d · Lansing · 🌐

...

They Say Genesee County Coming Thick Energy Energy Energy Ingam Vibes State
Cap No Cap 🤔



FB Post from Devin Jones showing a party bus exterior and interior. This post also shows a flyer of the event and some of the artists performing.

OUT IN TRAFFIC ALL NIGHT HIT NEPHEW UP.... #OOOOWWBABY



Cartel Markell

July 28 at 9:37 PM

FB Post from Markell Gentry "Cartel Markell" showing a picture of the tickets that were for sale.

អំណាចតុលាការ

Culture

References

Date and time

Location

Biological Control Center, 1000 University Ave.,
Berkeley, CA 94720-1301

1. *Journal of the American Medical Association*, 1997; 277: 1033-1038.

Page 69 of 140

By RYAN CABELL / SILLYBOY PRODUCTIONS INC
16 followers

Follow

When and where

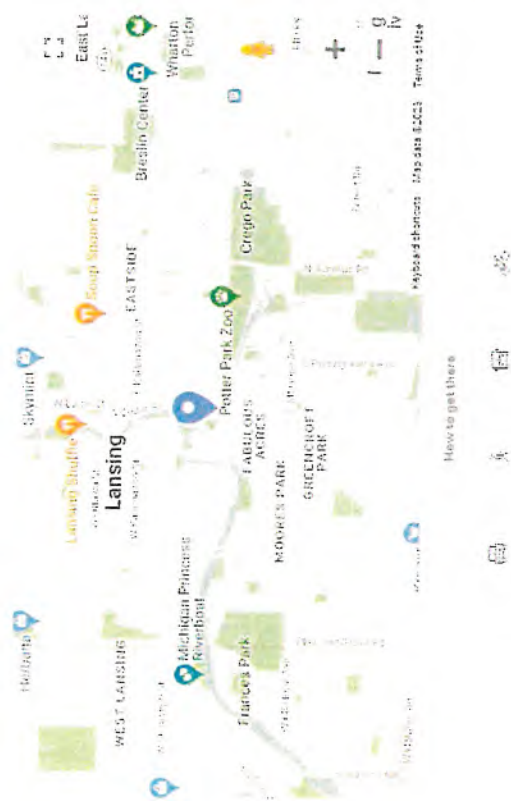
 **Date and time**

Aug 29 - Sep 1, 2019 10:00am - 6:00pm

 **Location**

Energy Event Center, 2007 South Main St, Lansing, MI 48906

[Hide map](#)



Refund Policy

Refunds up to 1 day before event



Saturday, July 29

SUMMER MADNESS CONCERT BABYFACE AND OTHERS

MOST ANTICIPATED CONCERT OF THE SUMMER ALL AGES WELCOME • ENERGY CENTER LANSING MI NATIONAL
RECORDING ARTIST BABYFACE

B. RYAN CABELL / SILLYBOY PRODUCTIONS INC

Follow

Sales Ended

Details



Livvy Kay

i was pushed onto the stage from first row, trampled on by artists/camera man , couldn't breathe and while i was trying to get help by SCREAMING for security one of them stood there telling me to "get tf up off the stage" then pulled out pepper spray. 3-4 girls pushed their way to help me get up. Security need to do better It's their JOB and now my leg is fucked up.

Like

Reply

6h



Angel Divine

The security that was there were some young kids!! My cousin was out there breaking up all the fights. You had that much security how in the world were there a 12 year old in the party? How did a 15 year old get shot? That mess started INSIDE! So those who's talking about you can't control the outside, when my security team was working In that same lot, there's was never any issues!!! Thing is folks want to pay bare minimum for security and that's why stuff like last night Happen! YOU GET WHAT YOU PAY FOR!!

Like

Reply

9h

Edited





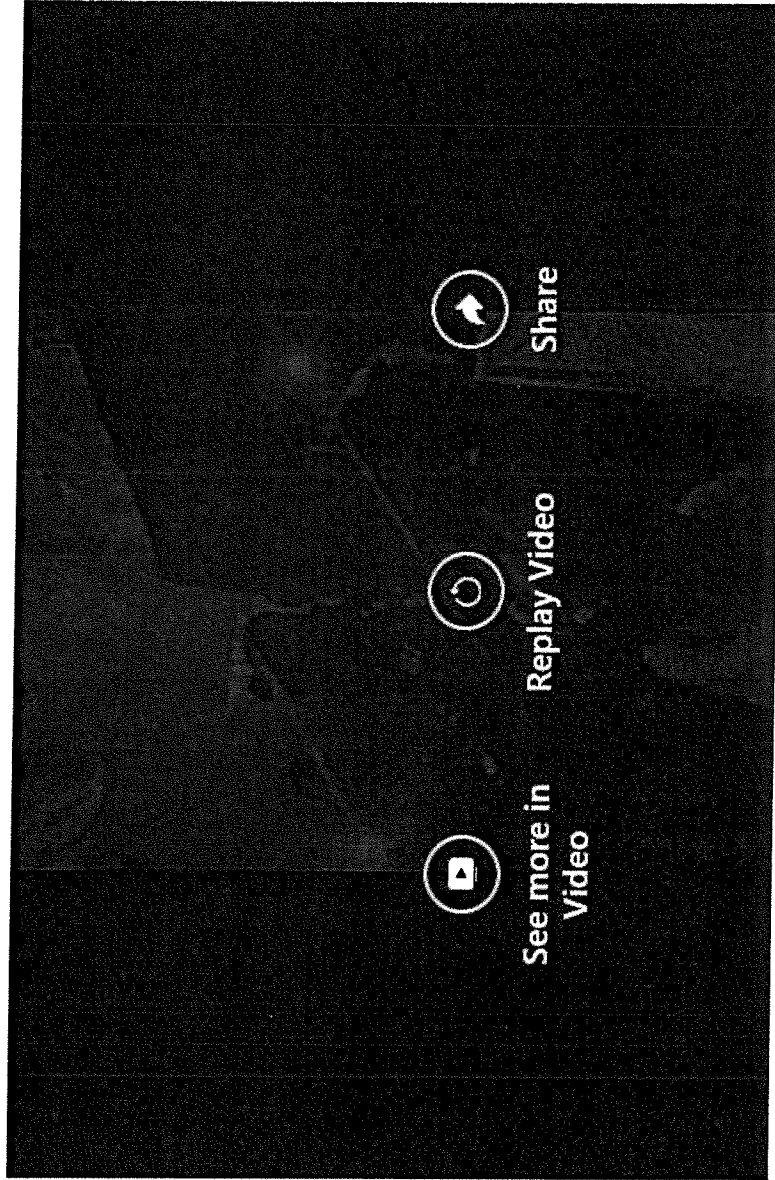
Devin Jones is in Lansing.

7 h · 🌐

...

Toodie Rich

Went Crazy Last Night Dropp A \$\$\$ If We Should Sign Her To JBM INC
Shoutout To Sillyboy The Entertainer for Througing A Lit Ass Concert



See more in
Video



Replay Video



Share

Ryan's Post

X

...



Ryan Scott Cabell

19h · 🌐

THEM KIDS WERE SO HAPPY THEY GOT TO SEE

BABYFACE E

KRISPYLIFE KIDD

RMC MIKE

YSR GRAMZ

SCAMMLIKEELYY

ALL ON THE SAME STAGETIN THE SAME NIGHT

WE HAD 5 KALAMAZOO SECURITY GUARDS AT THE FRONT DOOR

WE HAD 5 FLINT SECURITY GUARDS IN THE INSIDE

PLUS 2 LANSING SECURITY GUARDS WATCHING THE BACK DOORS
AND 4 PARENTS WORKING JUST AS HARD AS WELL...

THE INSIDE WAS SUPER TURNED UP FROM THE TIME THE DOORS OPEN... NOT 1 SINGLE PROBLEM...



illent Gentry and 81 others

52 comments · 6 shares



Like



Comment



Share

Most relevant ▼



 **Ryan Scott Cabell**
Yesterday at 11:42 AM · 🌐

🚩 🚩 🚩 **PUBLIC SERVICE ANNOUNCEMENT** 🚩 🚩 🚩
🚩 🚩 🚩 **SHARE SHARE SHARE** 🚩 🚩 🚩

ONLY 20 GENERAL ADMISSION
ONLY 14 VIP ADMISSION
TICKETS AVAILABLE FOR TONIGHT... YES YOU
CAN PAY AT THE DOOR (IT WILL BE SLIGHTLY
HIGHER)

NO PURSES
NO SMOKING
NO VAPE/EPINS
NO PHONE CHARGERS

CONTACT 810 3086519 RYAN
Cartel Markell
True Styles and Fades Sonny Pea See less

👍 7 5 🗨 14 📌
👍 Like 🗨 Comment 📌 Share
Most relevant ▾

SILLYBOY PRODUCTIONS INC/STZ ENTERTAINMENT PRESENTS

SUMMER BABY MADNESS FXXCEL

PERFORMING LIVE

C O N C E R T



Ryan Cabell

Scan to save \$! Only on your phone!



GUARANTEED
SATURDAY
LIVE

ENERGY

EVENT CENTER

1222 S. MARTIN LUTHER KING JR. BLVD #41 A
LANSING MI 48219-2905
(313) 344-2773

SATURDAY

JULY 29TH

DOORS OPEN 9PM
ADV TICKETS \$20 GEN • \$40 VIP
ON EVENTBRITE.COM & SILLYBOY

Contact 810.308.6519 Ryan for vendor set up or event sponsor - SSillyboyproductions1

Case Number: 2351907523



LANSING POLICE DEPARTMENT

Case Details

Case Detail

Case Number	2351907523	Case Status	Open
Agency	LAPD - LANSING POLICE DEPARTMENT	Date Opened	8/7/2023 10:18:45 AM
Reporting Group		Date Closed	
Subject	860.02/808.10/Operating Without a Show License/Failure to Maintain Peace/CABELL/Society/Watkeys	Contains Juvenile	N - No

Case Review

Reviewer	Next Review Date	Reviewed On
----------	------------------	-------------

Owner LAPD-21508 - Watkeys, Andrew
Workflow Stage
Folder Flag Categories

Assignment

Officer Assigned	Watkeys, Andrew	Assignment Type	Primary Officer
Date Assigned	8/7/2023	Notes	
Active Assignment	Y - Yes		
Date Unassigned			

Solvability

Solvability Factor 1

Solvability Code	Points
Named/identified suspect	1



Modus Operandi

MO

Documents

Attachment

Date Created	8/7/2023 12:00:51 PM
Date Updated	8/7/2023 12:00:51 PM
Abstract Text	Date Time Stamp: 8/7/2023 12:00:00 AM
	Name: Event Evidence
	Attachment Type: DOCX File
	Location: C:\Users\awatkeys\Desktop\Op w.o Show License\Event Evidence.docx
Date Created	8/7/2023 11:57:06 AM
Date Updated	8/7/2023 11:57:06 AM
Abstract Text	Date Time Stamp: 8/7/2023 12:00:00 AM
	Name: Eventbrite.com Screen Capture of Event 2_08-07-23_1145
	Attachment Type: PNG File
	Location: C:\Users\awatkeys\Desktop\Op w.o Show License\Eventbrite.com Screen Capture of Event 2_08-07-23_1145.PNG
Date Created	8/7/2023 11:57:03 AM
Date Updated	8/7/2023 11:57:03 AM
Abstract Text	Date Time Stamp: 8/7/2023 12:00:00 AM
	Name: Eventbrite.com Screen Capture of Event 1_08-07-23_1145
	Attachment Type: PNG File
	Location: C:\Users\awatkeys\Desktop\Op w.o Show License\Eventbrite.com Screen Capture of Event 1_08-07-23_1145.PNG

Date Created 8/7/2023 11:56:39 AM



Date Updated 8/7/2023 11:56:39 AM
Abstract Text Date Time Stamp: 8/7/2023 12:00:00 AM
Name: Markell Gentry_"Cartel Markell" FB Post of Tickets 07-28-23_2137
Attachment Type: PNG File
Location: C:\Users\awatkeys\Desktop\Op w.o Show License\Cartel Markell FB Post of Tickets 07-28-23_2137.png

Date Created 8/7/2023 11:19:15 AM
Date Updated 8/7/2023 11:19:15 AM
Abstract Text Date Time Stamp: 8/7/2023 12:00:00 AM
Name: FB Post of Party Bus and Event Flyer for Artists; Event6
Attachment Type: JPG File
Location: C:\Users\awatkeys\Desktop\Op w.o Show License\Event6.JPG

Date Created 8/7/2023 11:17:06 AM
Date Updated 8/7/2023 11:17:06 AM
Abstract Text Date Time Stamp: 8/7/2023 12:00:00 AM
Name: FB Comment About Citizen Being Pushed onto the Stage; 2023-07-30_231156
Attachment Type: JPG File
Location: C:\Users\awatkeys\Desktop\Op w.o Show License\2023-07-30_231156.jpg

Date Created 8/7/2023 11:16:03 AM
Date Updated 8/7/2023 11:16:03 AM
Abstract Text Date Time Stamp: 8/7/2023 12:00:00 AM
Name: FB Comment About Minors in Attendance; 2023-07-30_230914
Attachment Type: JPG File
Location: C:\Users\awatkeys\Desktop\Op w.o Show License\2023-07-30_230914.jpg

Date Created 8/7/2023 11:12:25 AM
Date Updated 8/7/2023 11:12:25 AM



Abstract Text Date Time Stamp: 8/7/2023 12:00:00 AM
Name: FB Post Screen Capture of Video Denoting an Artist at the Show; 2023-07-30_232341
Attachment Type: JPG File
Location: C:\Users\awatkeys\Desktop\Op w.o Show License\2023-07-30_232341.jpg

Date Created 8/7/2023 11:10:19 AM
Date Updated 8/7/2023 11:10:19 AM
Abstract Text Date Time Stamp: 8/7/2023 12:00:00 AM
Name: Cabell FB Post Event of Artists that Performed on Stage; 2023-07-30_230729
Attachment Type: JPG File
Location: C:\Users\awatkeys\Desktop\Op w.o Show License\2023-07-30_230729.jpg

Date Created 8/7/2023 11:09:28 AM
Date Updated 8/7/2023 11:09:28 AM
Abstract Text Date Time Stamp: 8/7/2023 12:00:00 AM
Name: Cabell FB Event Flyer w/ Admission Tickets; 2023-07-30_231402
Attachment Type: JPG File
Location: C:\Users\awatkeys\Desktop\Op w.o Show License\2023-07-30_231402.jpg

Date Created 8/7/2023 11:08:44 AM
Date Updated 8/7/2023 11:08:44 AM
Abstract Text Date Time Stamp: 8/7/2023 12:00:00 AM
Name: Original Event Flyer; 2023-07-30_231332
Attachment Type: JPG File
Location: C:\Users\awatkeys\Desktop\Op w.o Show License\2023-07-30_231332.jpg

Documents

Case Report

Date Created 8/7/2023 10:59:04 AM
Date Updated 8/7/2023 7:51:52 PM

Printed 8/14/2023 10:38 AM



Abstract Text Case Report: 2351907523-001
Occurred On: 7/29/2023
Reported On: 8/7/2023
Reported By: Watkeys, Andrew
Subject: 860.02/808.10/Operating Without a Show License/Failure to Maintain
Peace/CABELL/Society/Watkeys
Disposition: 4 - Active

Location	Offense
03 - Bar/Nightclub	9941 - 98004 - Inspections/Investigations - Other Inspections

Suspect Name	DOB	Sex	Race
Cabell, Ryan Scott	12/21/1976	M - Male	B - Black or African American
GENTRY, MARKELL RASHAUN	5/7/1998	M - Male	B - Black or African American

Name	Victim Type	Victim Of
	S - Society/Public	9941 - 98004 - Inspections/Investigations - Other Inspections

Redaction Log

Total Number of Redactions in Document: 4

Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	15.243(1)(a)	(4)(a) Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy	2
3	15.243(1)(a)	(4)(a) Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy	1
4	15.243(1)(a)	(4)(a) Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy	1

Redaction Log

Redaction Reasons by Exemption

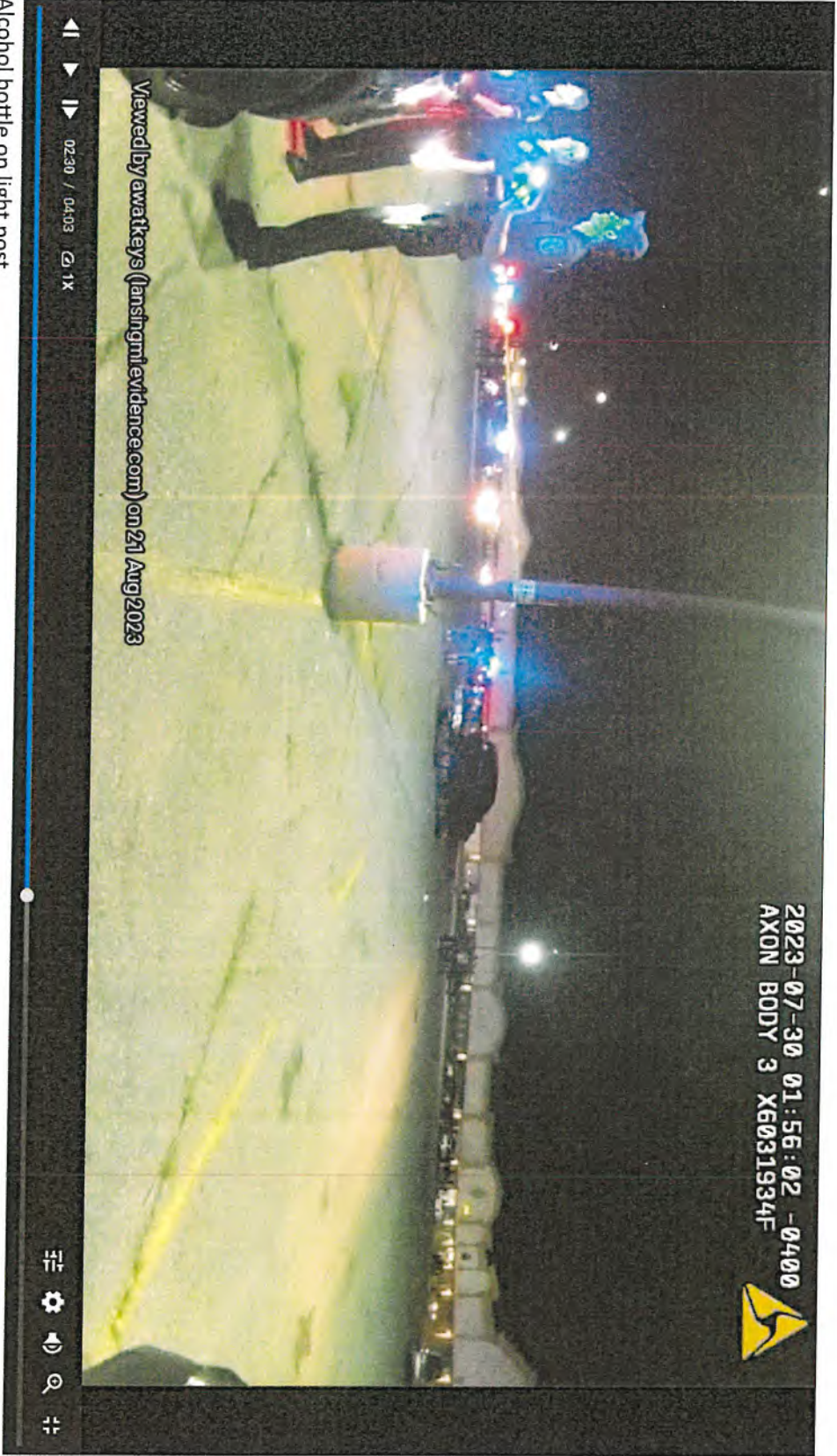
Reason	Description	Pages (Count)
15.243(1)(a)	(4)(a) Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy	1(2) 3(1) 4(1)

Exhibit 9



BWC Screen shots from multiple officer's cameras and angles.

SGT. D. REUST BWC SCREEN SHOTS



BWC Screen shots from multiple officer's cameras and angles.



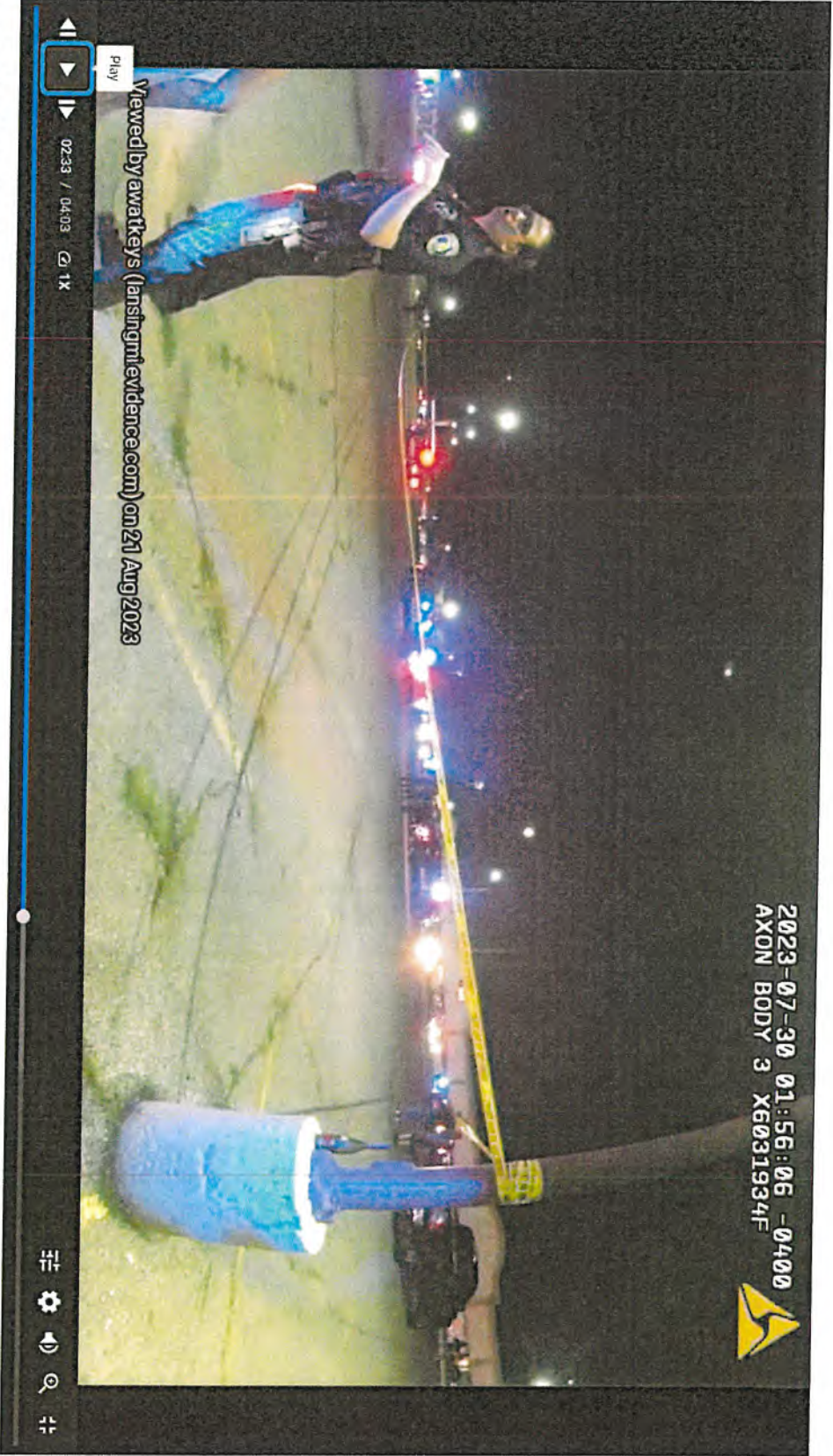
Alcohol bottle on light post

BWC Screen shots from multiple officer's cameras and angles.



Alcohol bottle on light post

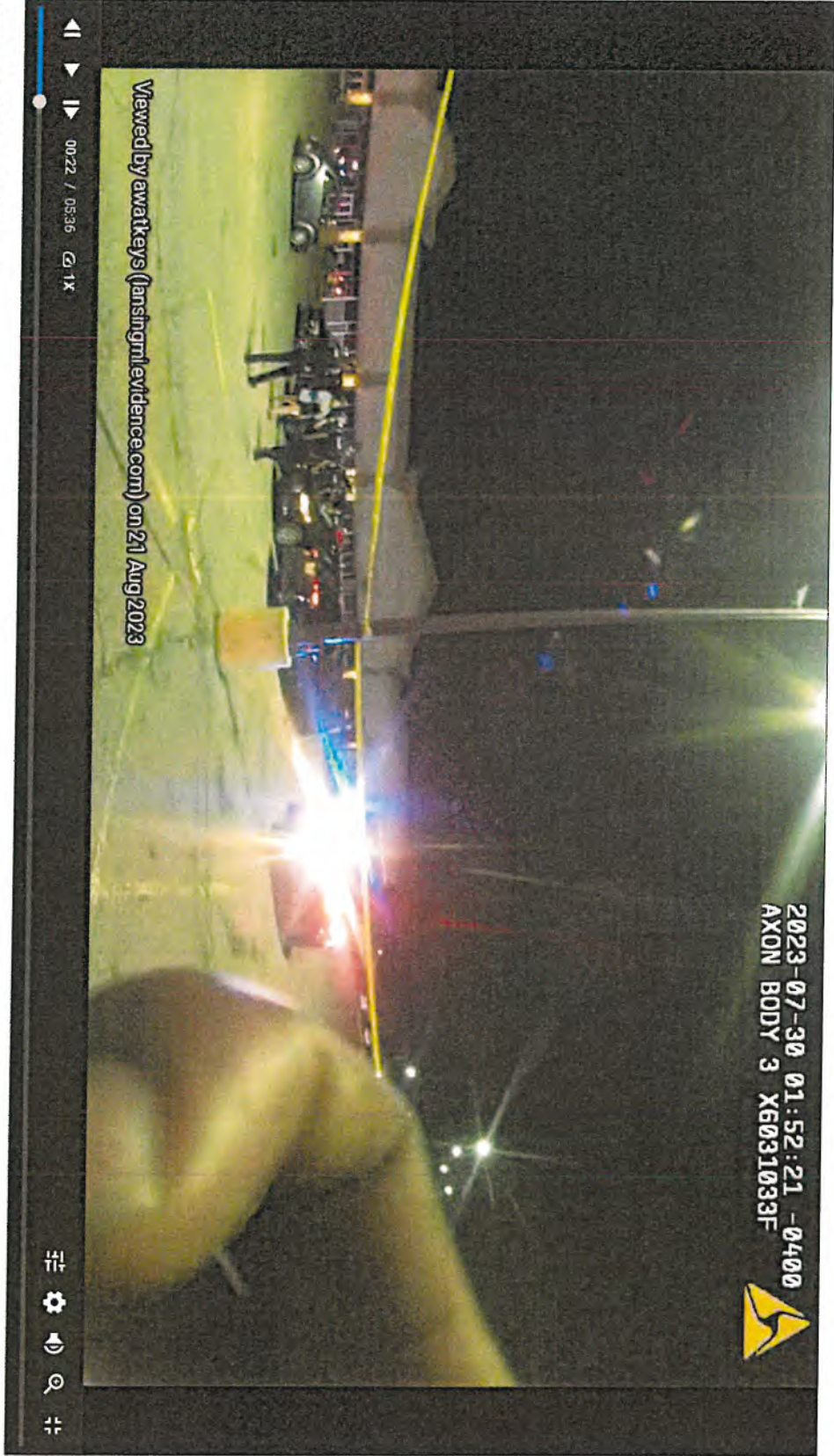
BWC Screen shots from multiple officer's cameras and angles.



Alcohol bottle on light post

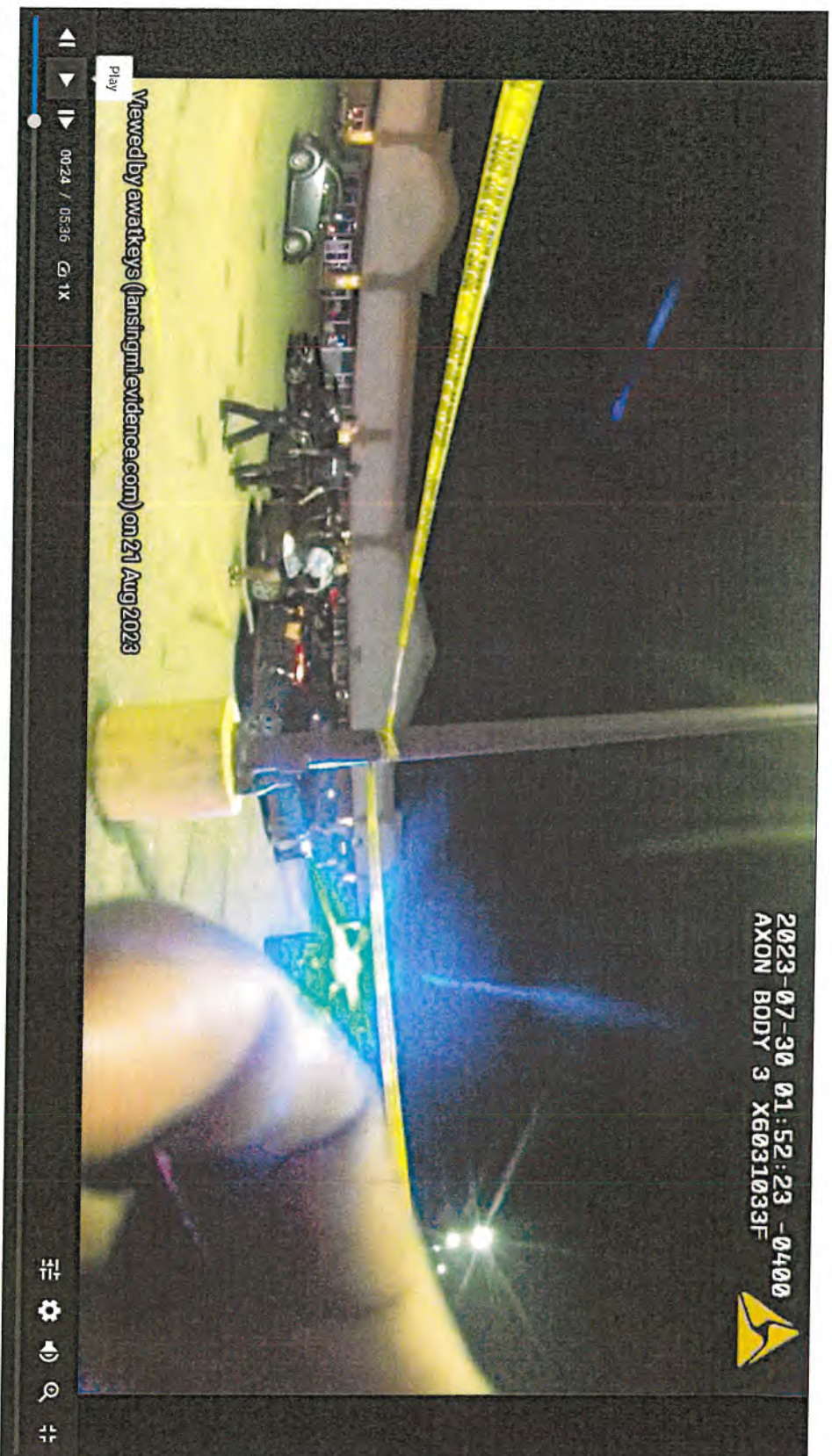
BWC Screen shots from multiple officer's cameras and angles.

OFC. D. MOORE BWC SCREEN SHOTS



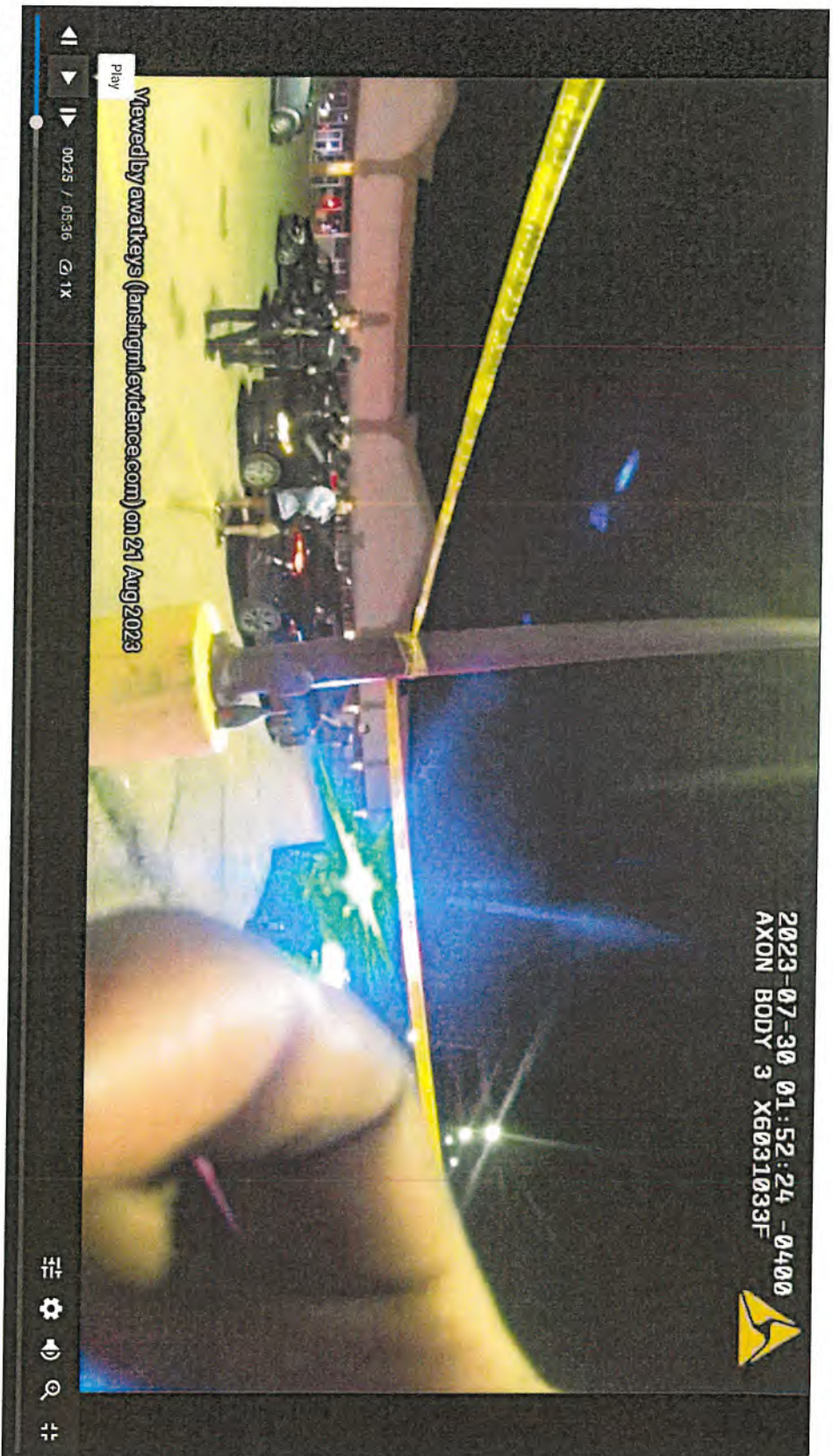
Alcohol bottle on light post

BWC Screen shots from multiple officer's cameras and angles.



Alcohol bottle on light post

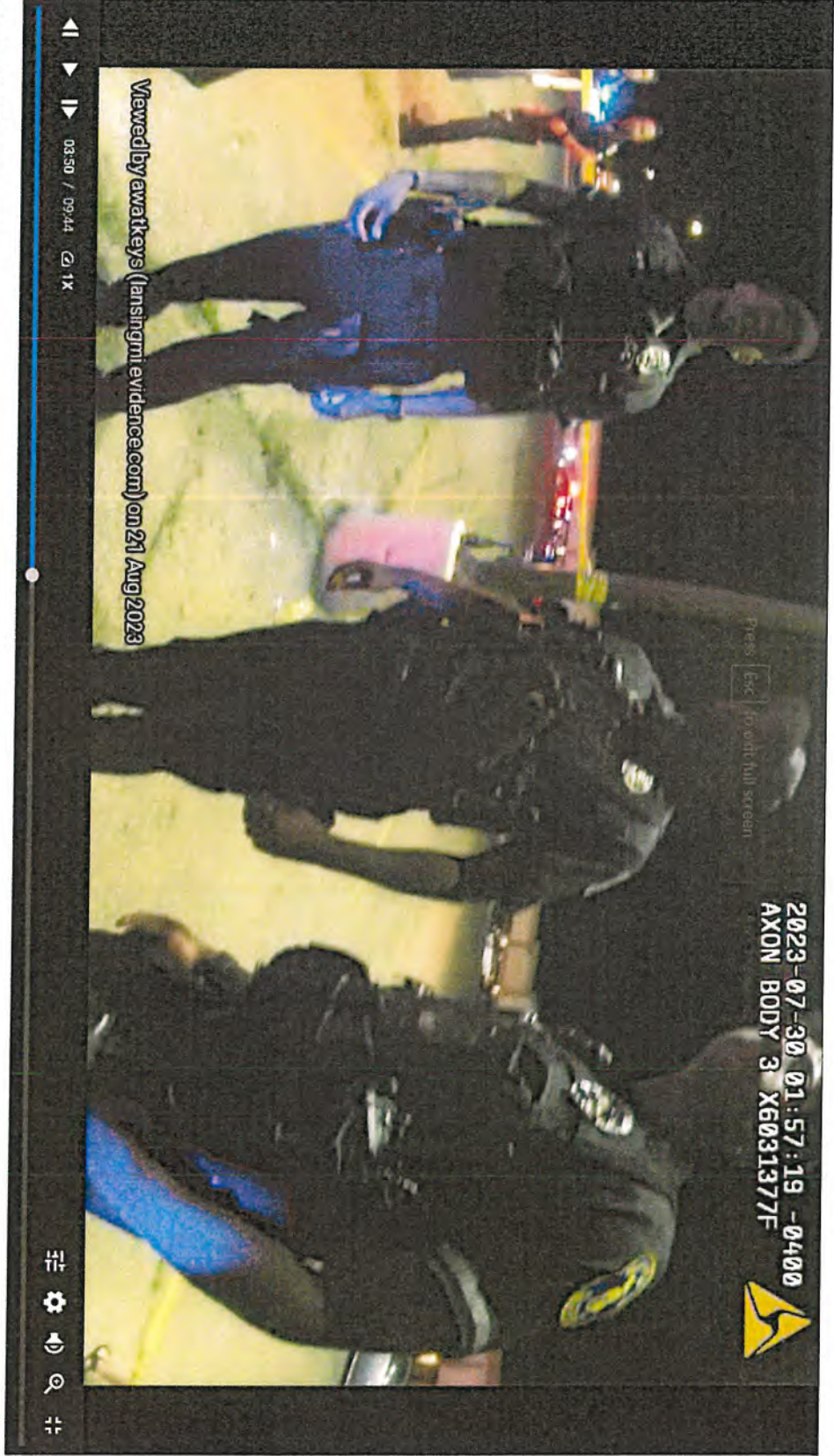
BWC Screen shots from multiple officer's cameras and angles.



Alcohol bottle on light post

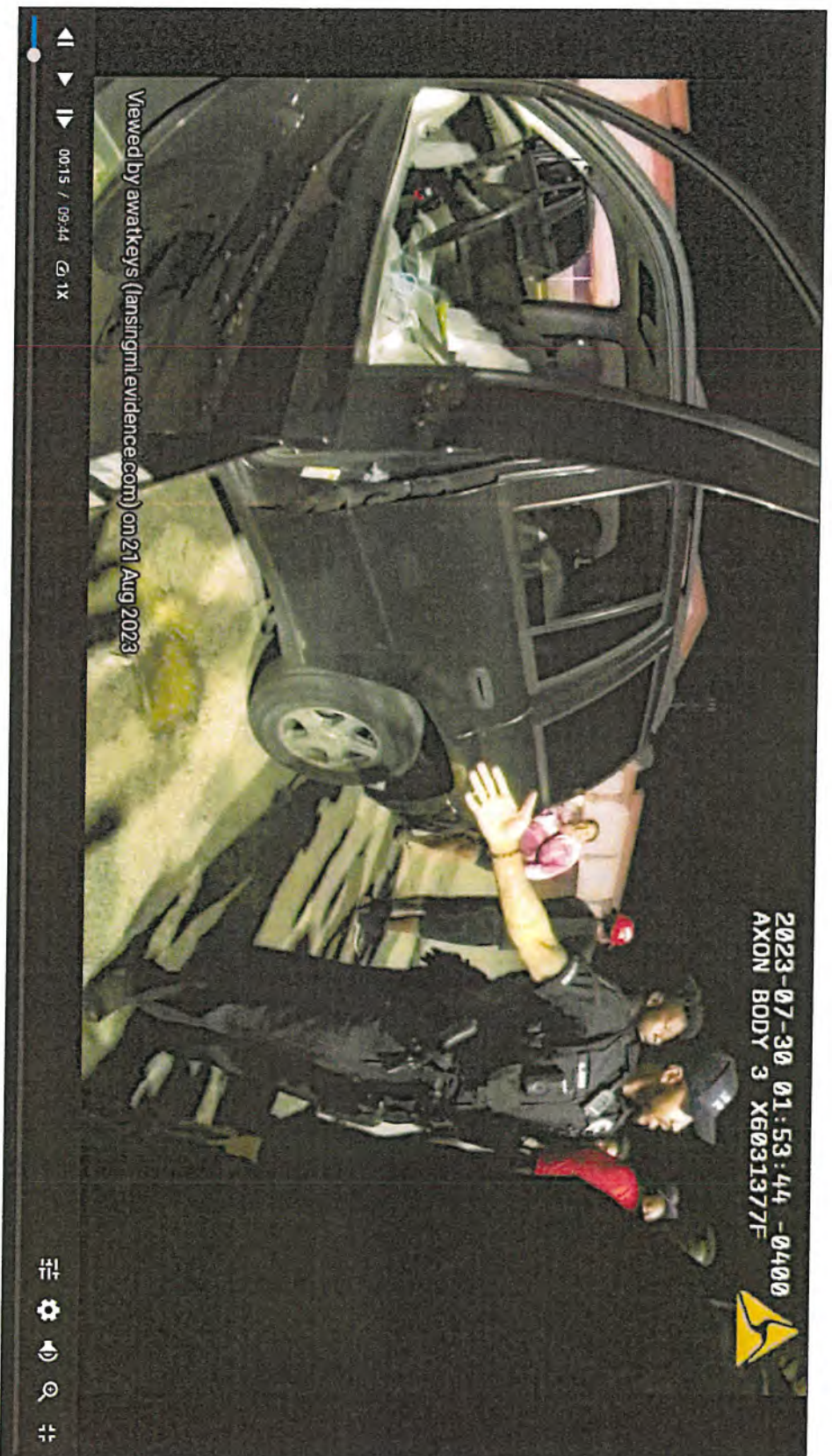
BWC Screen shots from multiple officer's cameras and angles.

OFC. S. OSENTOSKI BWC SCREEN SHOTS



Alcohol bottle on light post

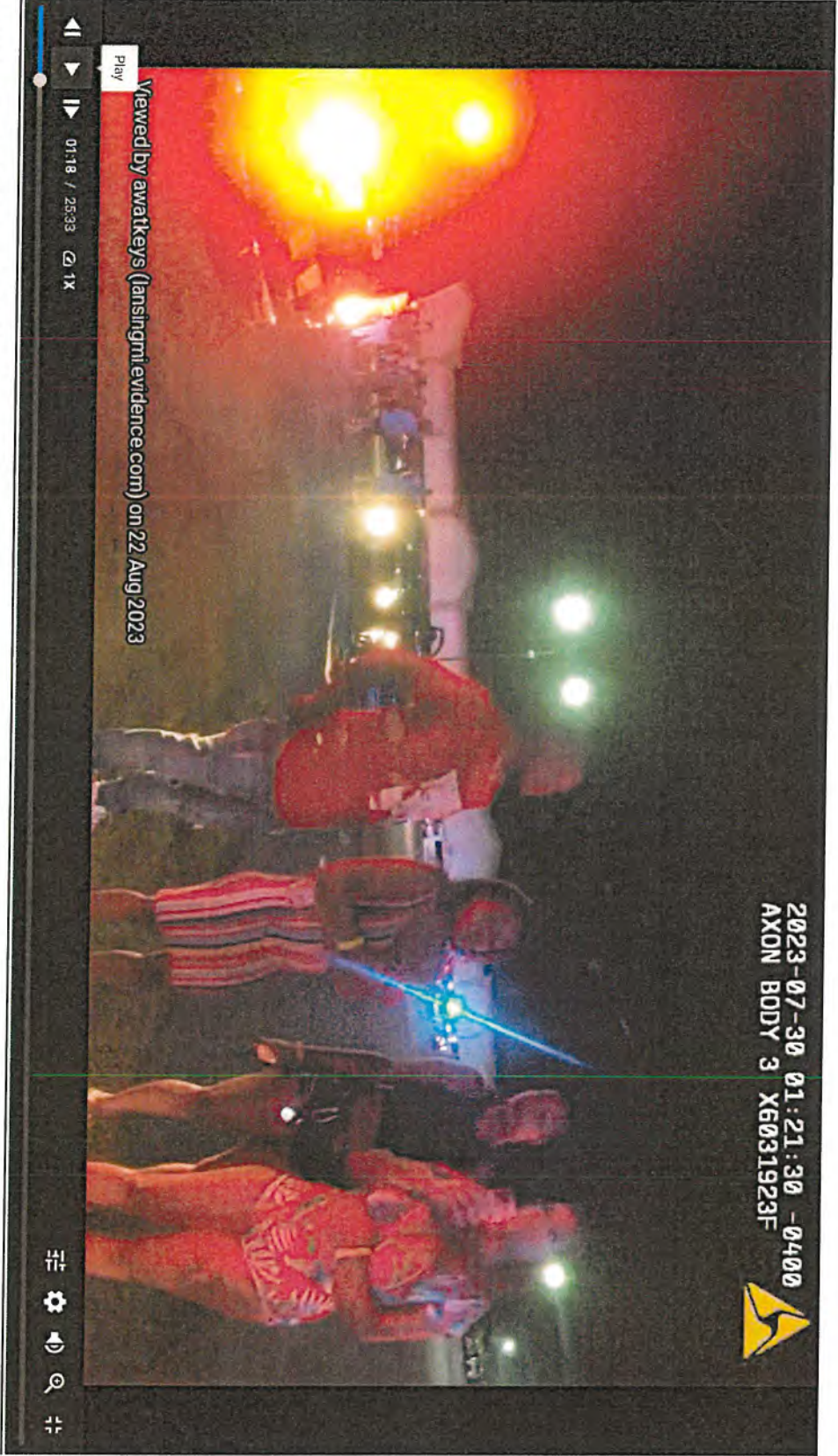
BWC Screen shots from multiple officer's cameras and angles.



Vomit on the ground

BWC Screen shots from multiple officer's cameras and angles.

OFC. D. RUDD BWC SCREEN SHOTS



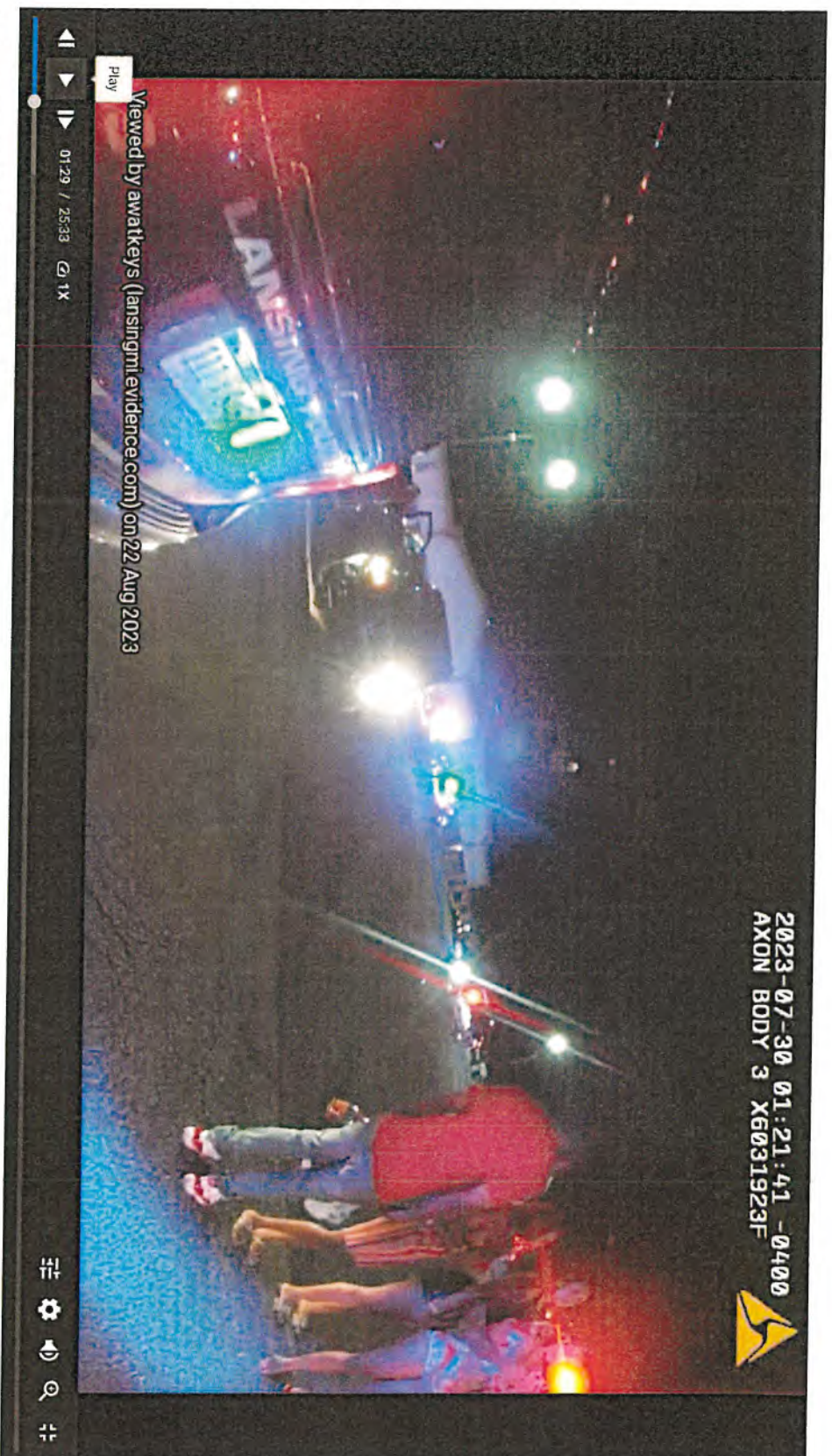
Male in red shirt holding alcohol bottle.

BWC Screen shots from multiple officer's cameras and angles.



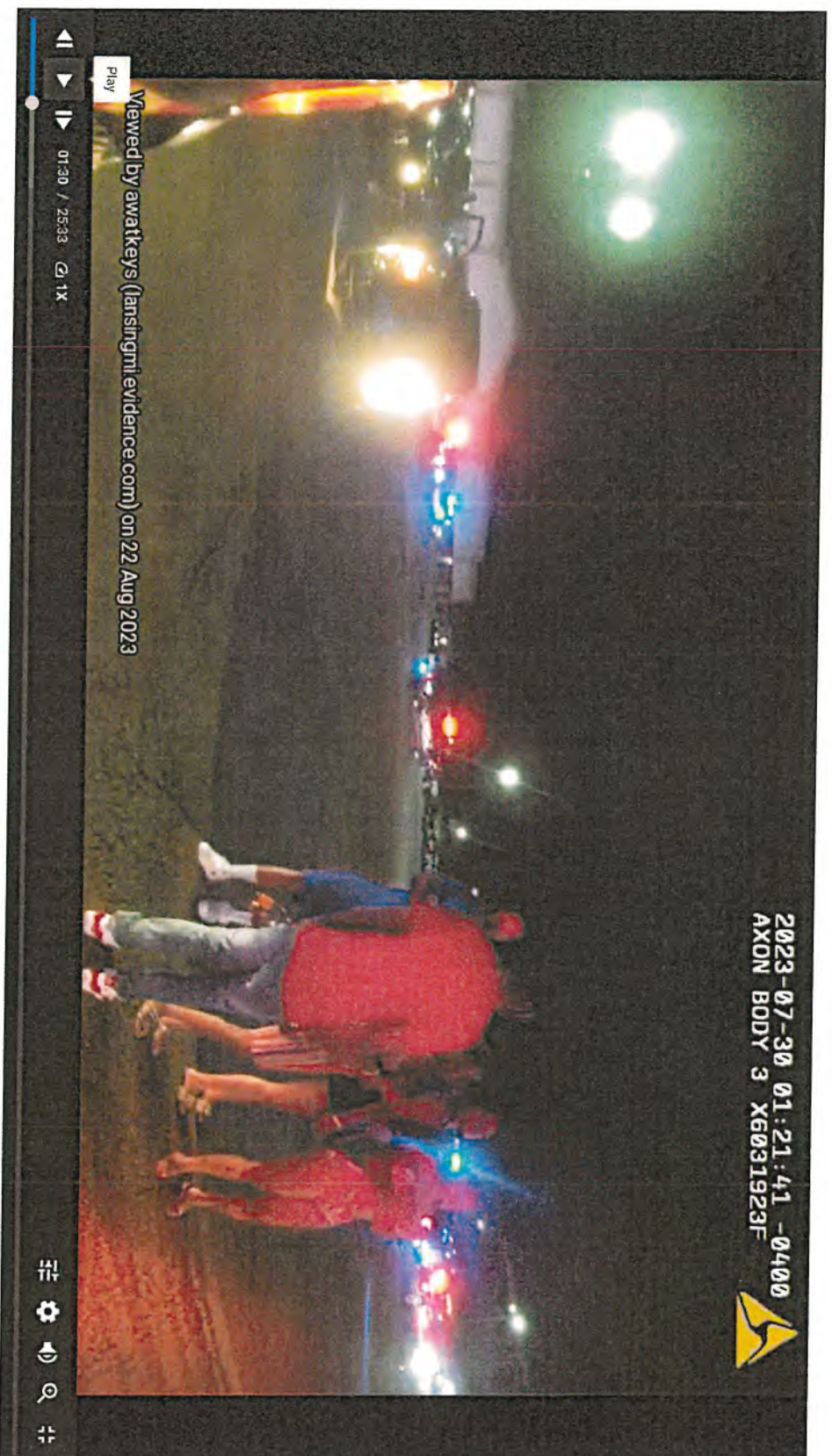
Male in red shirt holding alcohol bottle.

BWC Screen shots from multiple officer's cameras and angles.



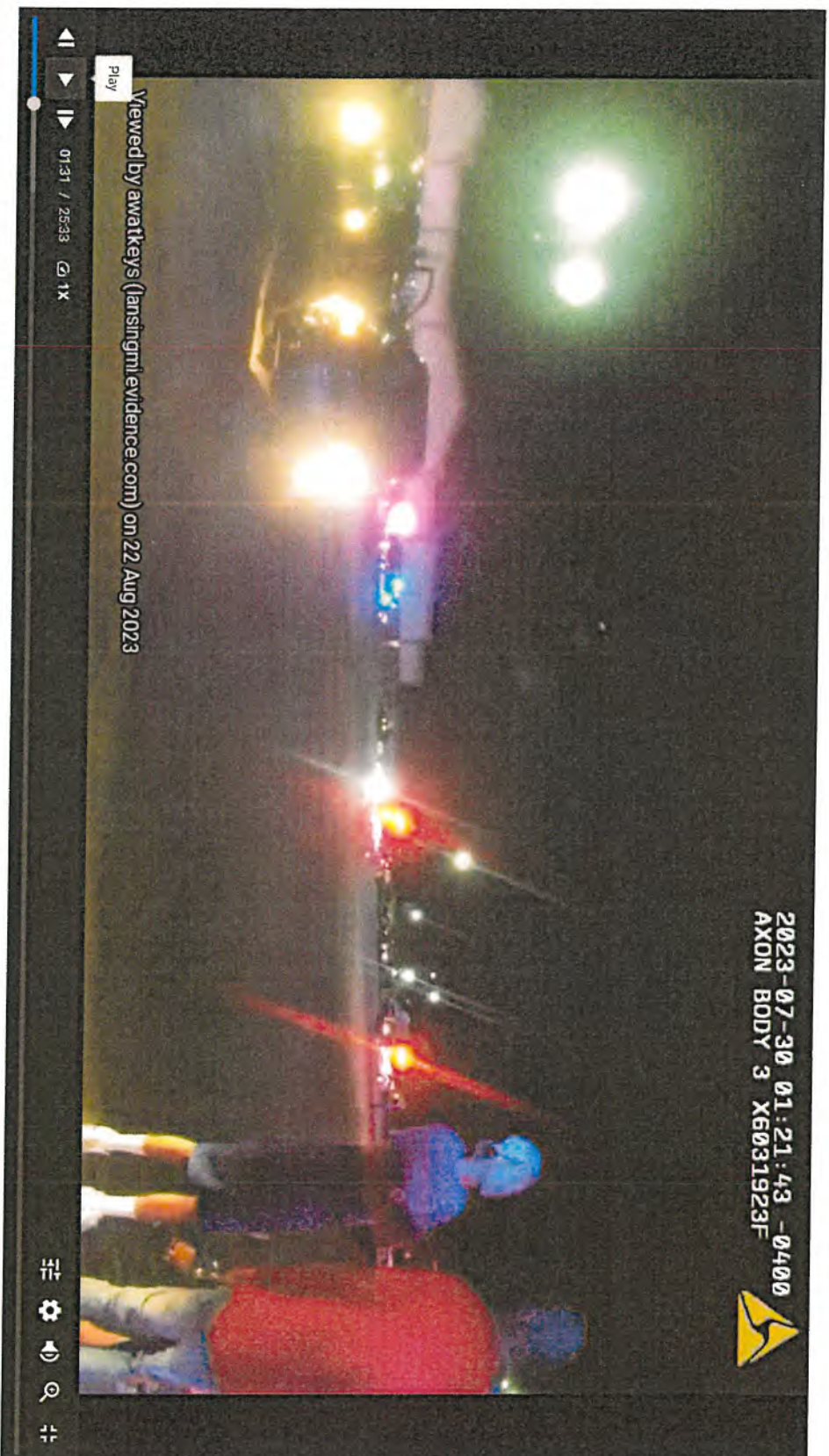
Male in red shirt holding alcohol bottle.

BWC Screen shots from multiple officer's cameras and angles.



Male in red shirt holding alcohol bottle.

BWC Screen shots from multiple officer's cameras and angles.



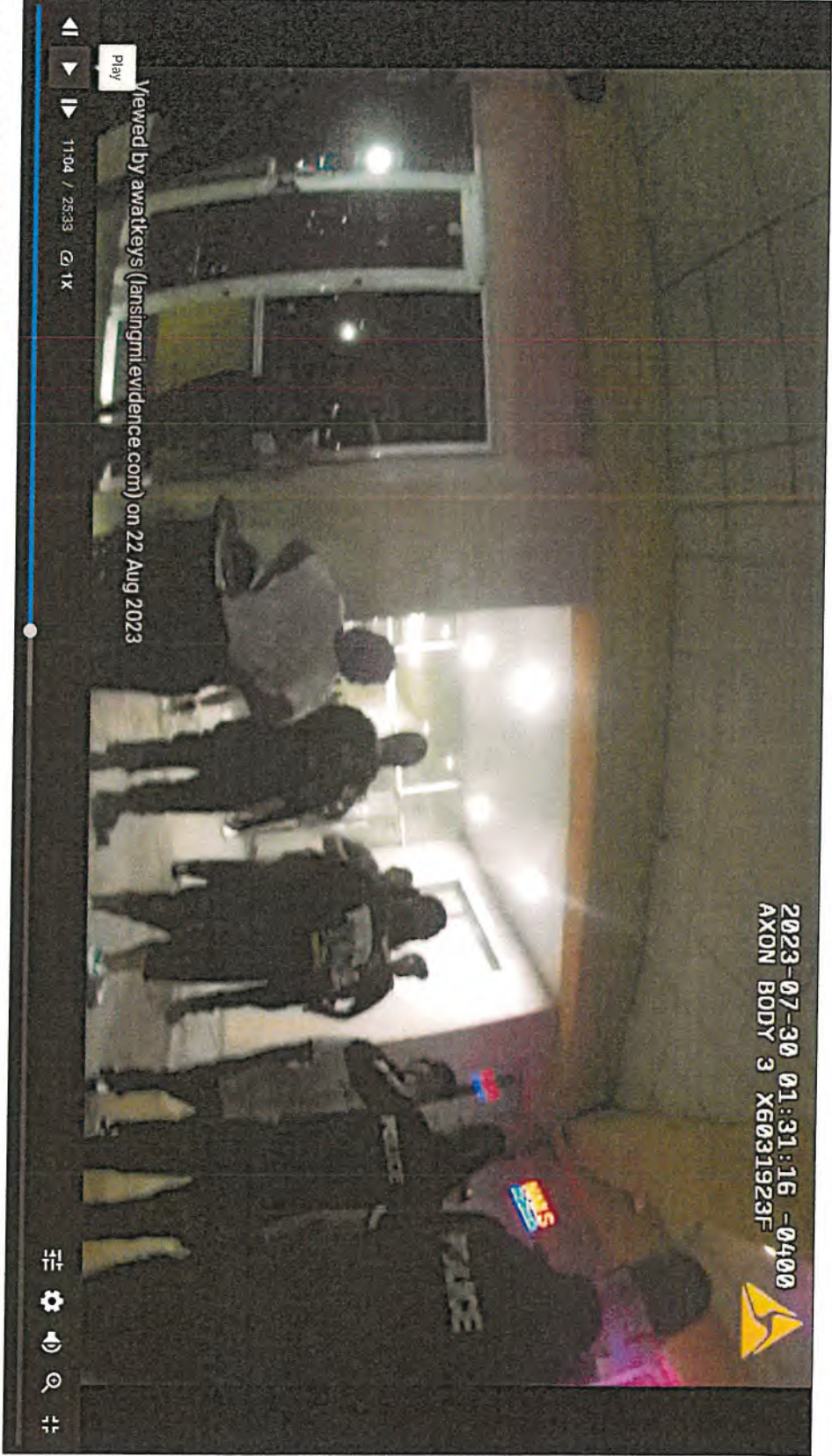
Male in red shirt holding alcohol bottle.

BWC Screen shots from multiple officer's cameras and angles.



Male black shirt holding red solo cup.

BWC Screen shots from multiple officer's cameras and angles.



Male black shirt holding red solo cup.

BWC Screen shots from multiple officer's cameras and angles.



Male black shirt holding red solo cup.

BWC Screen shots from multiple officer's cameras and angles.



Red solo cup on the ground near a trash can outside of the venue.

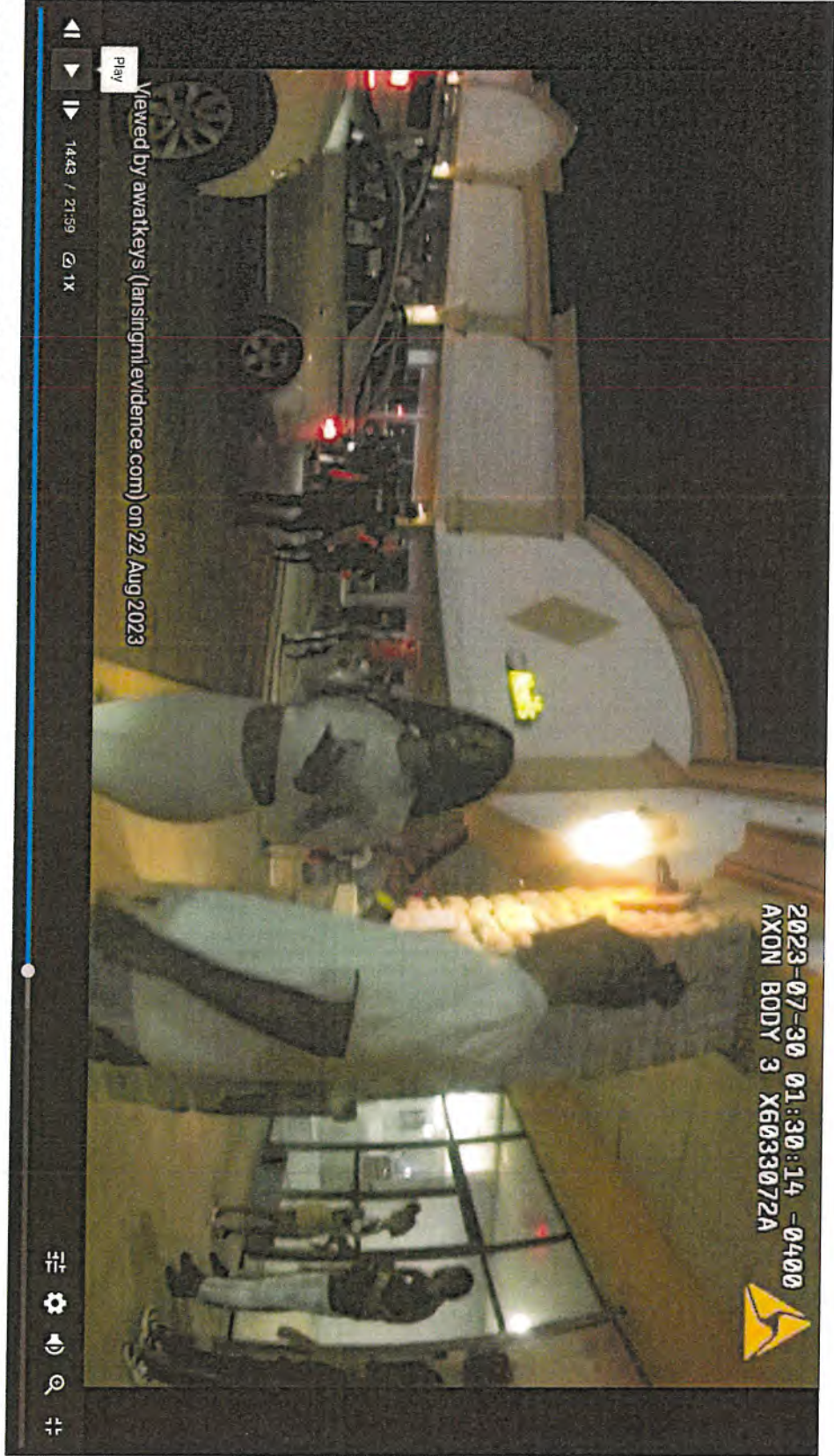
BWC Screen shots from multiple officer's cameras and angles.



Security and other standing in front of the entrance to suite #41A

BWC Screen shots from multiple officer's cameras and angles.

OFC. T. MCCLINTON BWC SCREEN SHOTS



Female holding red solo cup and bottle.

BWC Screen shots from multiple officer's cameras and angles.



Female holding red solo cup and bottle.

BWC Screen shots from multiple officer's cameras and angles.



Male in black shirt holding red solo cup upright.

BWC Screen shots from multiple officer's cameras and angles.



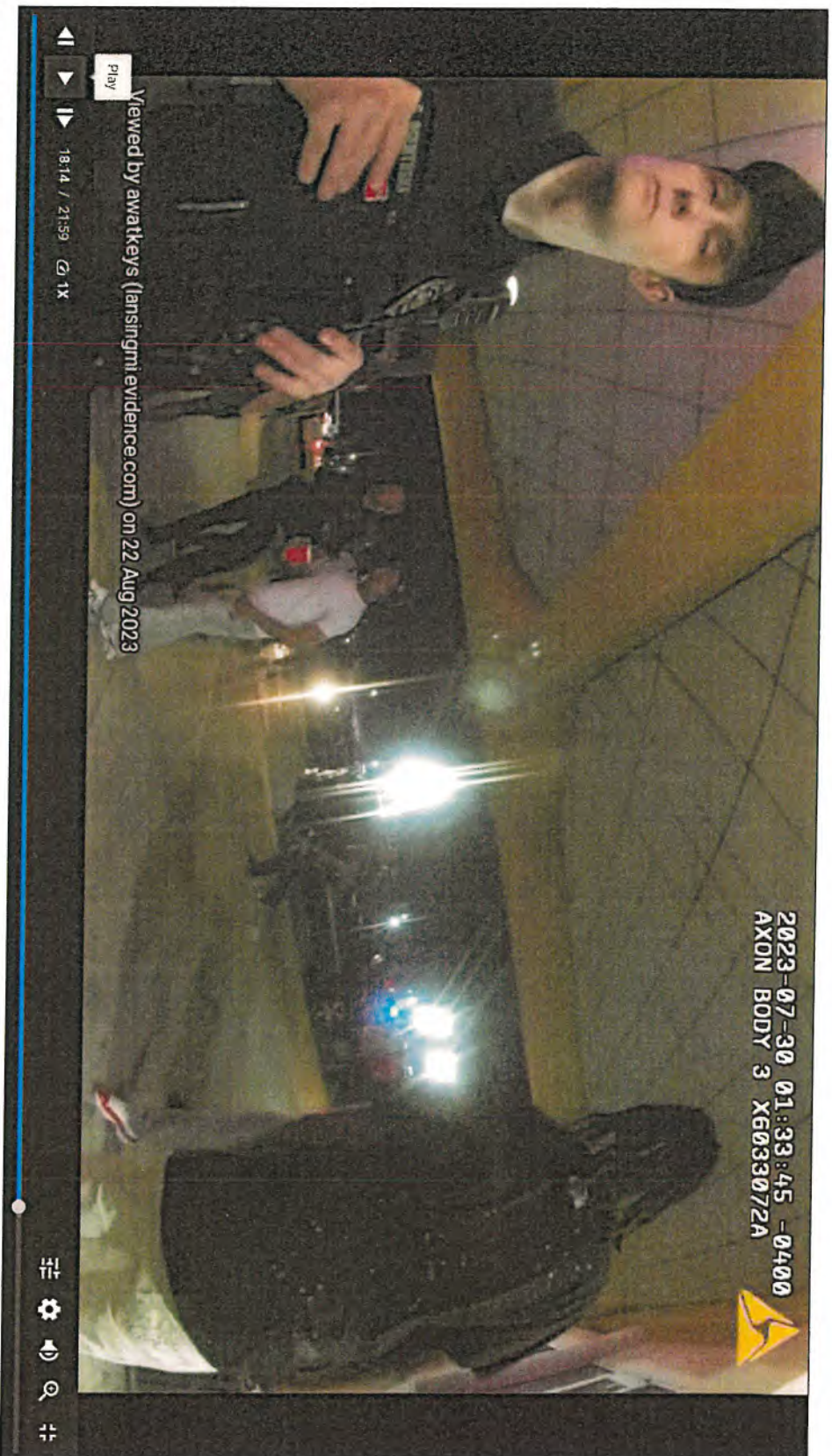
Male in black shirt holding red solo cup upright.

BWC Screen shots from multiple officer's cameras and angles.



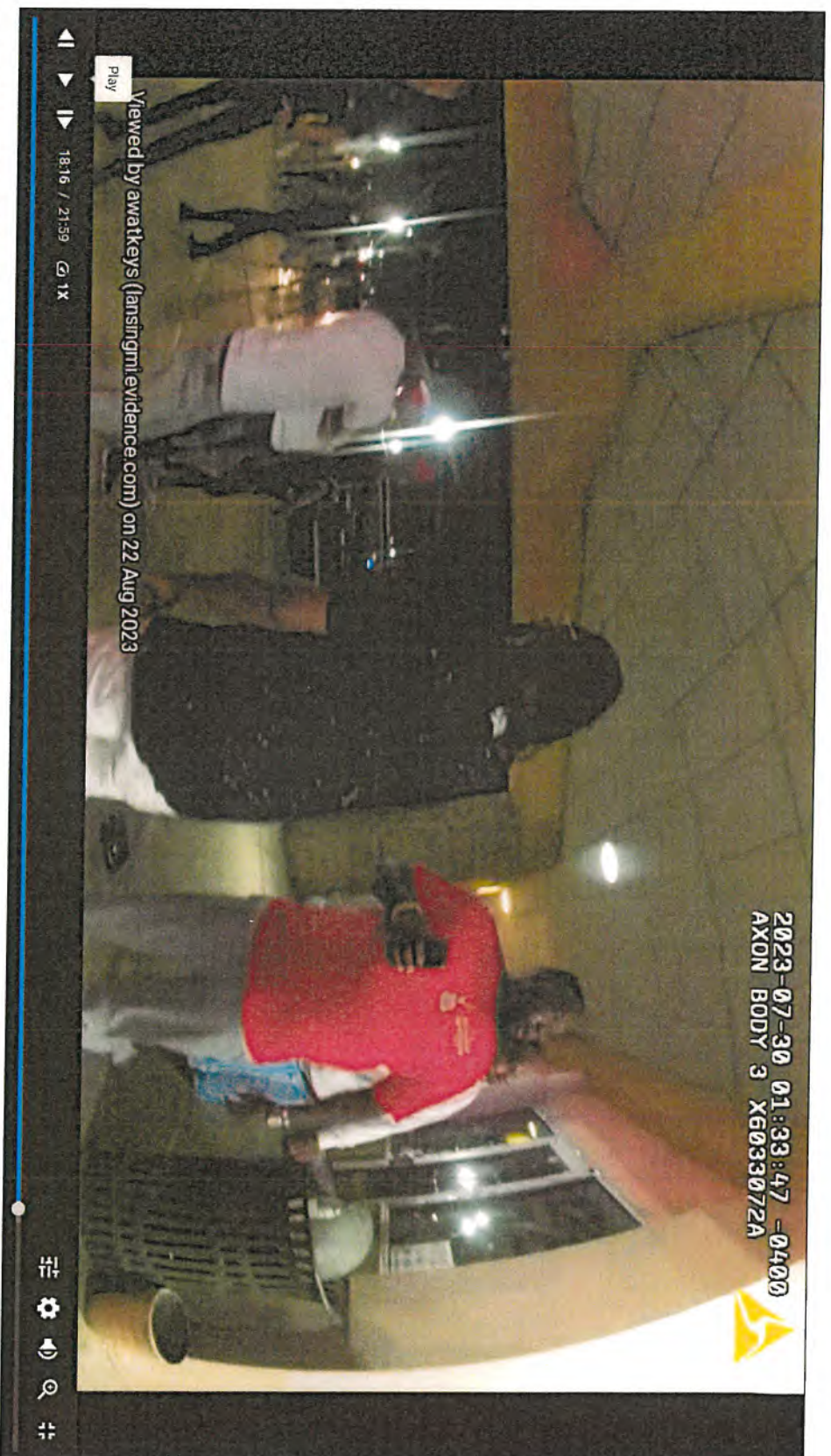
Male in black shirt holding red solo cup upright.

BWC Screen shots from multiple officer's cameras and angles.



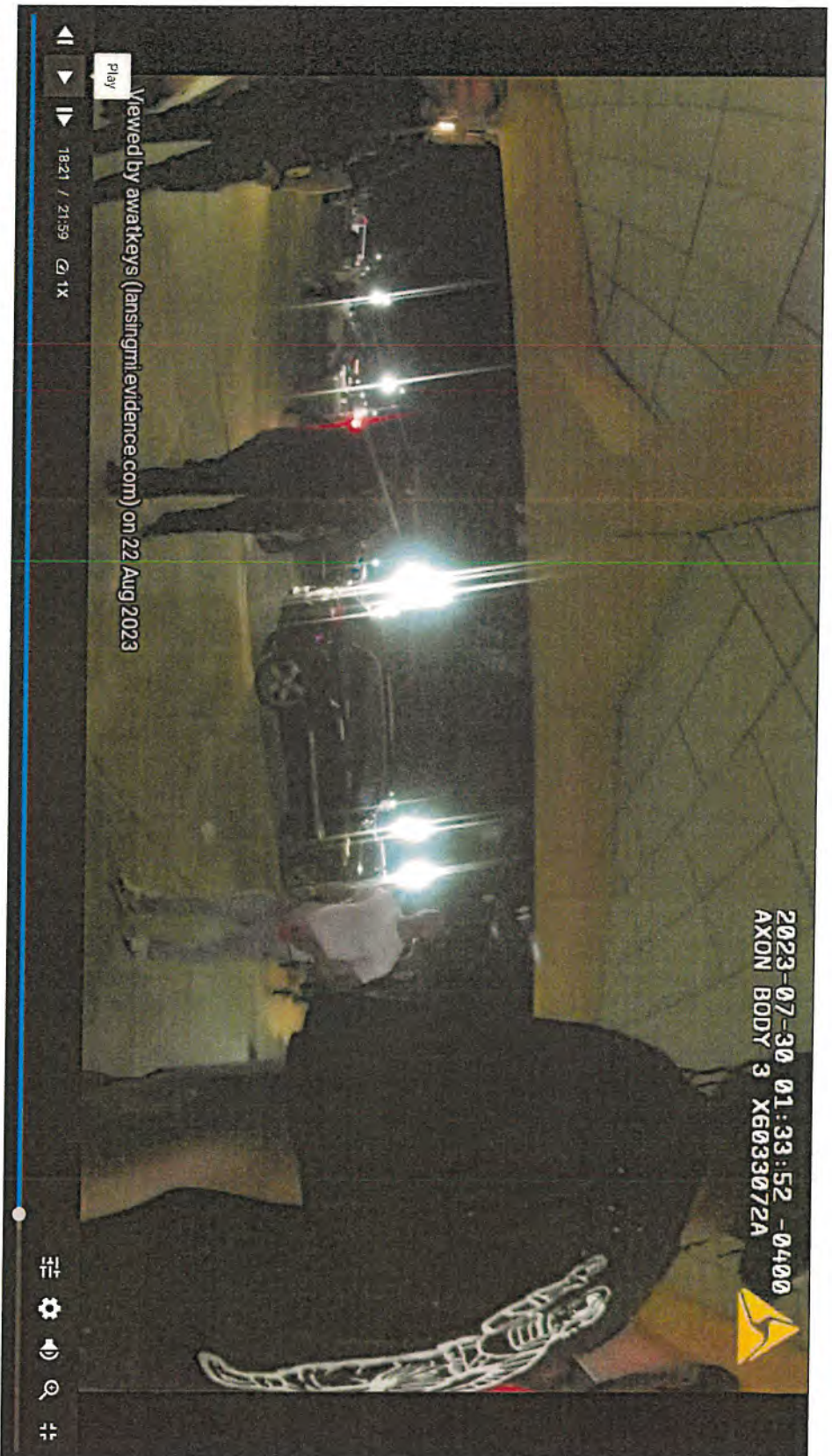
Male in white shirt holding red solo cup.

BWC Screen shots from multiple officer's cameras and angles.



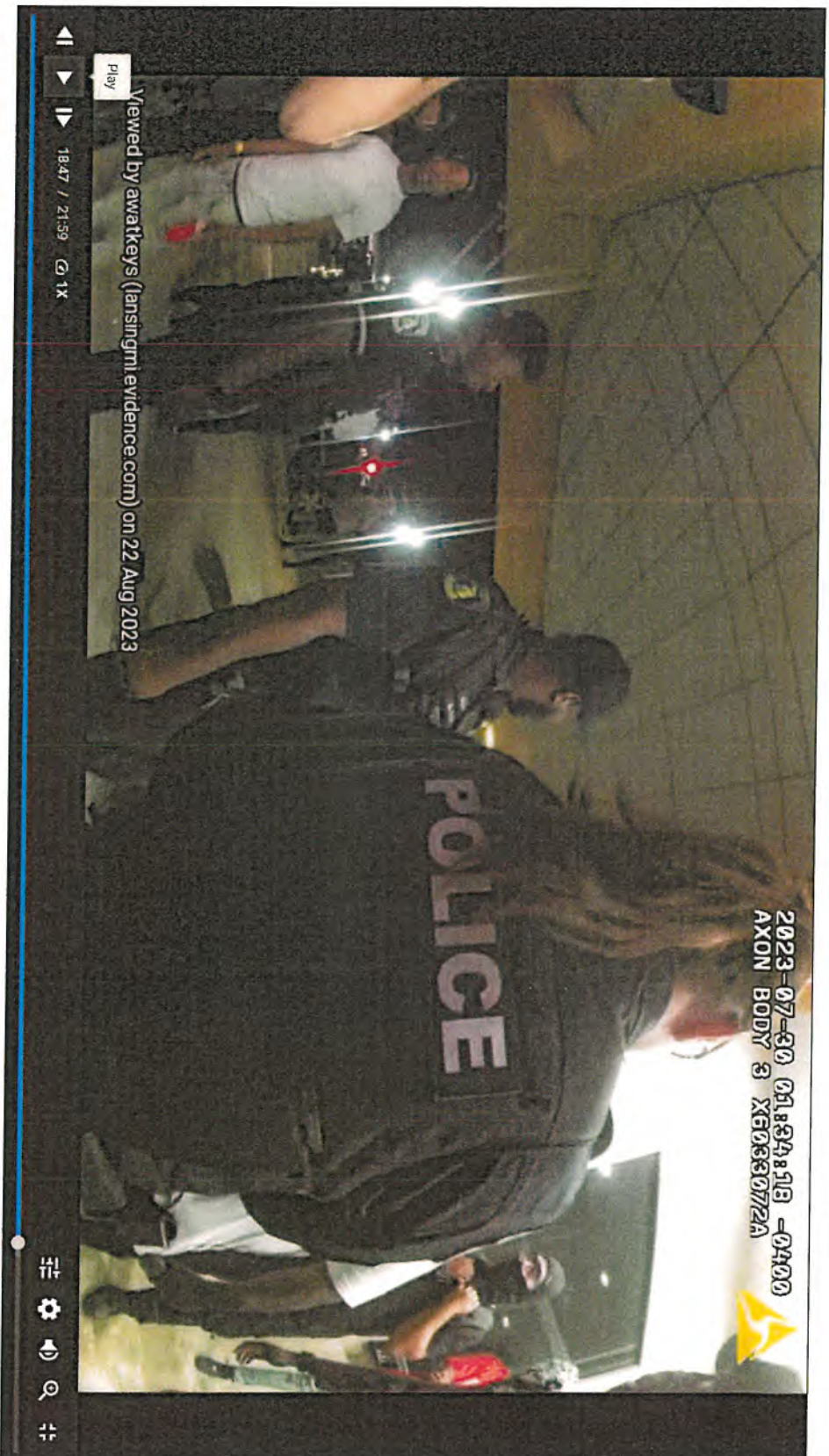
Male in white shirt holding red solo cup, moving it to the mouth to drink.

BWC Screen shots from multiple officer's cameras and angles.



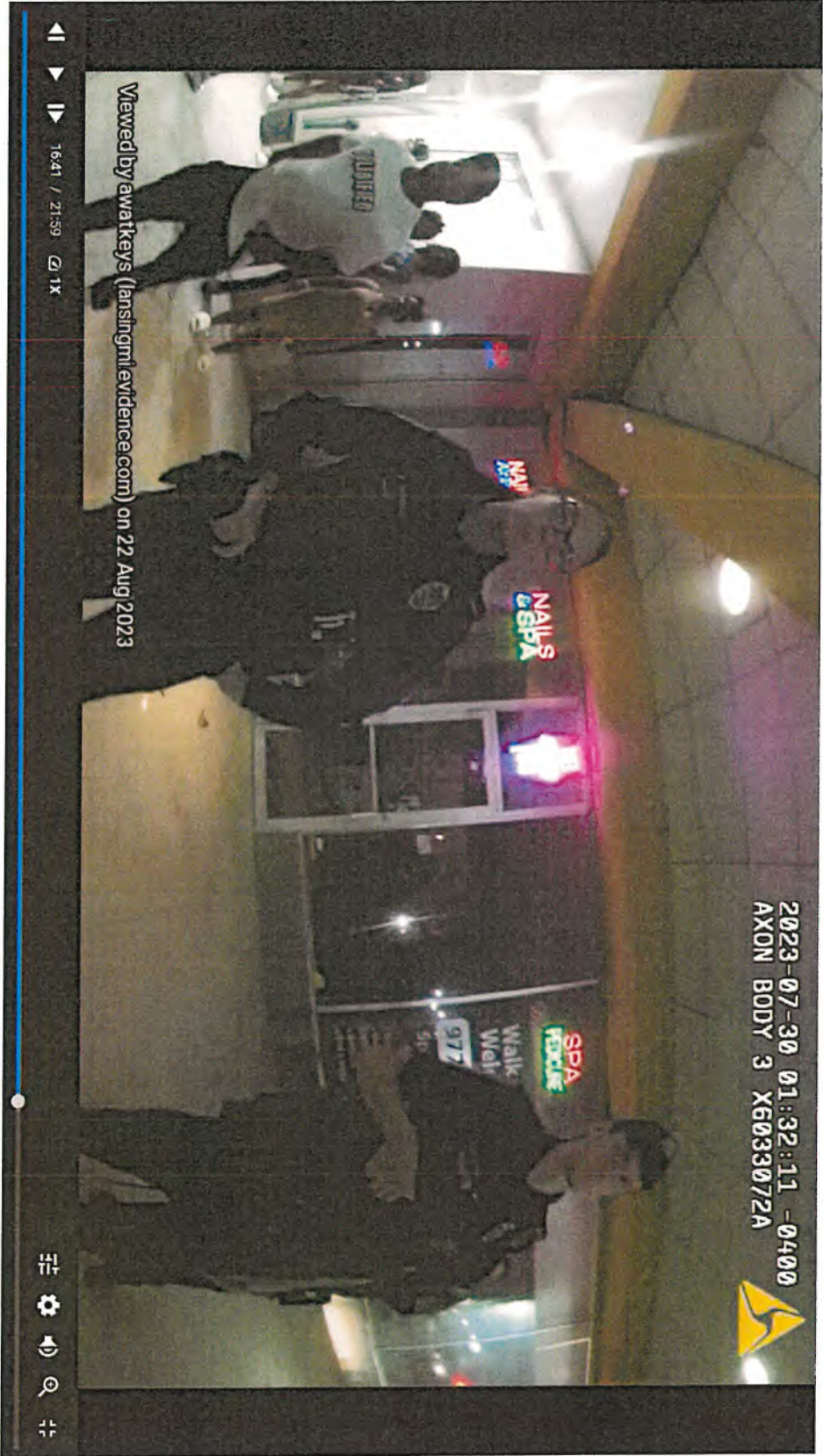
Male in white shirt holding red solo cup.

BWC Screen shots from multiple officer's cameras and angles.



Male in white shirt holding red solo cup upright.

BWC Screen shots from multiple officer's cameras and angles.



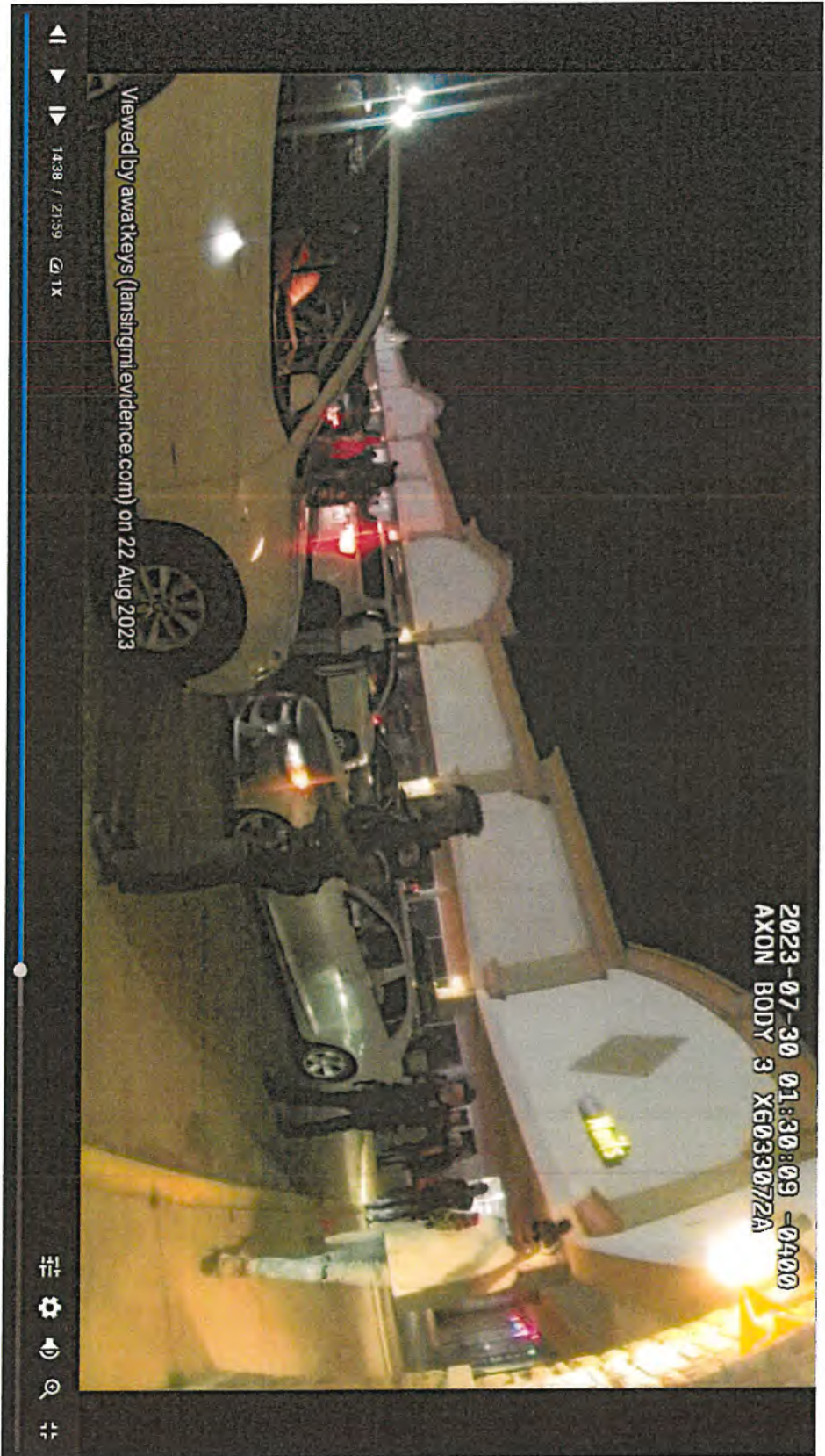
Mr. Cabell holding microphone.

BWC Screen shots from multiple officer's cameras and angles.



Red solo cup on sidewalk.

BWC Screen shots from multiple officer's cameras and angles.



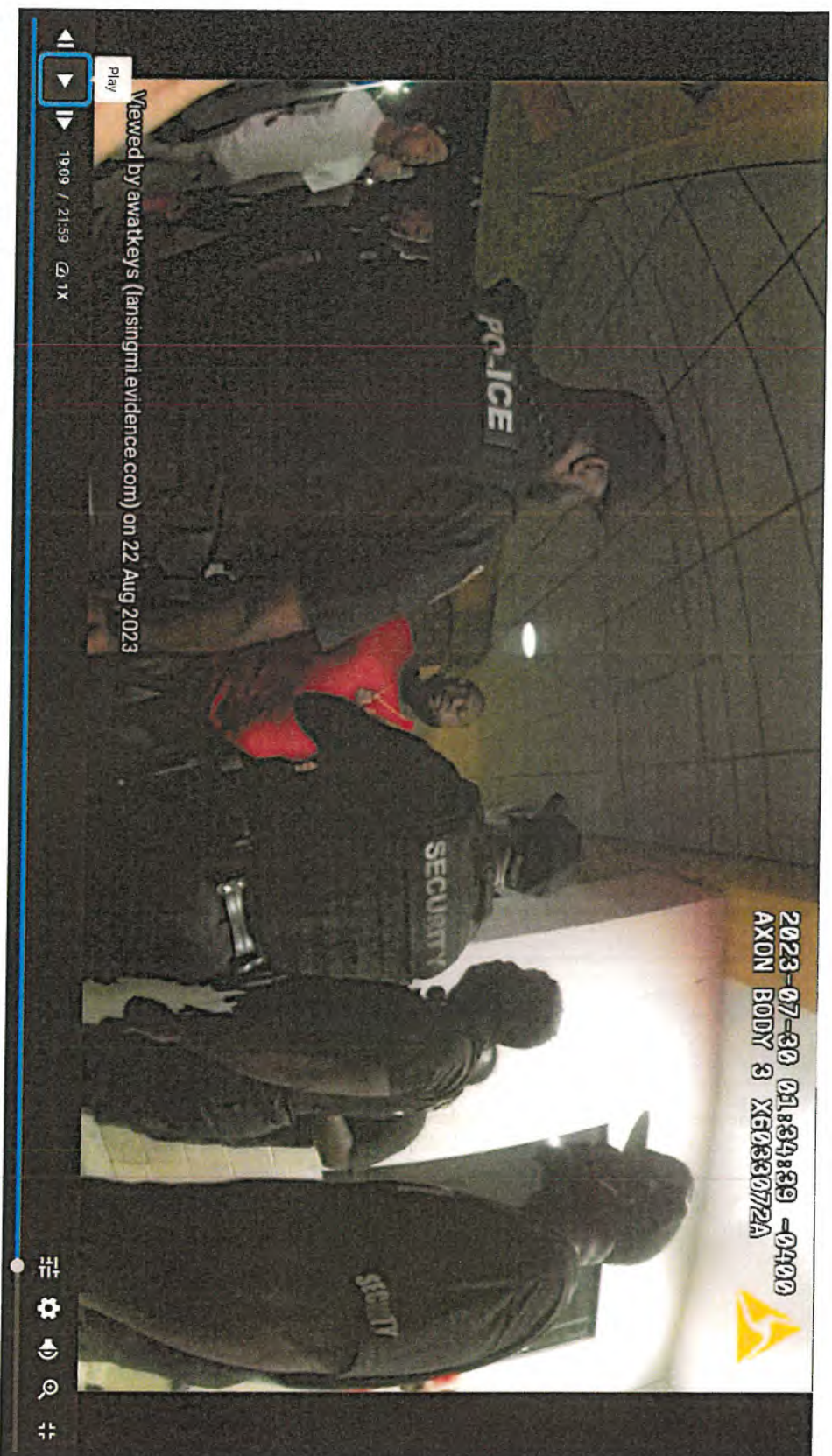
Red solo cup on sidewalk.

BWC Screen shots from multiple officer's cameras and angles.



Red solo cup by trash can.

BWC Screen shots from multiple officer's cameras and angles.



Screen shot of security in a screaming argument with a citizen.

RESOLUTION #2023-
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Chapter 808 of the Lansing Codified Ordinances regulates cabaret licenses within the City of Lansing; and

WHEREAS, Energy Event Center LLC, 3222 S MLK Jr BLVD Suite 41A, Lansing, Michigan, was previously issued a cabaret license by the City of Lansing, effective 5/19/2023; and

WHEREAS, Section 808.08 provides that a cabaret license may be revoked if the licensee “. . .operates his or her business in violation of any other provision of this chapter, other ordinances of the City or State, or Federal Law”; and

WHEREAS, Section 808.08 further requires a hearing by City Council or its designated hearing officer before recommending the revocation of an already existing cabaret license; and

WHEREAS, Ms. Elizabeth O’Leary, acting as Lansing City Council’s designated Hearing Officer pursuant to Resolution #2023-194, conducted a hearing on August 24, 2023, as required by Section 808.08; and

WHEREAS, the Licensee appeared at the revocation hearing and was provided an opportunity to be heard; and

WHEREAS, Ms. O’Leary has provided a transcript of the hearing, findings of fact, and recommendation to City Council, pursuant to the requirements of Section 808.08;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing, has been fully informed of the Hearing Officer’s findings of fact and proposed recommendation revocation of Licensee’s cabaret license for violations of Chapter 808 of the Lansing Codified Ordinances.

BE IT FURTHER RESOLVED, The City Council of the City of Lansing, hereby [affirms/disaffirms/modifies] the Hearing Officer’s proposed findings of fact and recommendation. [The revocation is effective immediately.]

Resolution #2023-xxx

By the Committee of the Whole
Resolved by the City Council of the City of Lansing

WHEREAS, at any time during the fiscal year, the City Council may consider appropriations which modify the previously adopted annual appropriation to transfer an unencumbered balance in whole or in part from any account; provide for the expenditure of revenues in excess of those in the budget; or meet a public emergency affecting life, health, property, or the public peace; and

WHEREAS, projected State Revenues have been adjusted to the latest revenue sharing estimates as published by Michigan's Senate Fiscal Agency and stable funding of Local Community Share (PPT) reimbursements; and

WHEREAS, the operating and personnel budgets of many departments were reduced in the adoption of the Fiscal Year 2023/2024 budget in anticipation of using prior year savings made available at this time through an improved revenue outlook relative to budget; and

WHEREAS, the City it is initiating a broader review of expenditure savings and revenue improving initiatives including the review of major contracts and City services including personnel, opportunities for internal and external cost recovery, and the management of City assets and reserves; and

WHEREAS, storm damages from the July 2023 storm in Lansing's East Side have brought about \$100k in expenses to be remediated within the Public Service operating budget; and,

WHEREAS, as a result of increased enforcement of unsafe properties, there remains a need to provide temporary hotel accommodation for families temporarily displaced in the Community; and

NOW, THEREFORE, BE IT RESOLVED that the following FY 2023/2024 budget amendment is approved:

Appropriation	Description	Amount
General Fund	State Revenues	\$500,000
Total General Fund Revenue Appropriation		<u>\$500,000</u>

Appropriation (continued)	Description	Amount
Human Services & Racial Equity	Operating(Hoteling)	\$500,000
Total General Fund Expenditure Appropriation		<u>\$500,000</u>

BE IT FINALLY RESOLVED, the Administration is authorized to create appropriation accounts and to make the necessary operating transfers for the expenditure and control of the appropriations:



CITY OF LANSING

INTERNAL AUDITOR

124 W MICHIGAN AVE FL 10

LANSING MI 48933-1605

(517) 483-4159

Date: September 12, 2023
To: Lansing City Council
From: Emily Linden, Internal Auditor
Subject: Disaster Contingency Fund

Overview

The Administration is proposing the creation of a Disaster Contingency Fund to allow for immediate action following natural disasters and other emergency situations. \$500,000 is proposed to be immediately allocated from the General Fund to pay for response and recovery efforts. The City will apply for reimbursements to then replenish the fund.

The \$500,000 is proposed to come from the General Fund using prior year savings which remain unappropriated in General Fund reserves.

From the Michigan Treasury Chart of Accounts, Section 4 Descriptions of Funds

Disaster Contingency Fund

The Disaster Contingency Fund may be found in any county or local unit. This fund is used to account for earmarked revenue for disaster contingency provisions. Disaster contingency provisions include providing for planning, mitigation, response, and recovery from natural and human-made disasters within and outside this state.

The cash and investments of the Disaster Contingency Fund are subject to the requirements of 1943 PA 20, MCL 129.91, and may be included in pooled cash and investment accounts.

The Disaster Contingency Fund must operate only with a budget adopted by the county board of commissioners, township board, city, or village council as required by 1968 PA 2, MCL 141.421 to MCL 141.440a.

All claims (expenditures) must be approved by the legislative board or council pursuant to: Cities--1895 PA 215, MCL 87.7, MCL 88.20.

Proposed Fund Creation and Operating Transfer

<u>Appropriation</u>	<u>Description</u>	<u>Amount</u>
General Fund	Use of (Contribution to) Fund Balance	\$500,000
Total General Fund Revenue Appropriation		<u>\$500,000</u>
Non-Departmental	Net Transfers	\$500,000
Total General Fund Expenditure Appropriation		<u>\$500,000</u>
Disaster Contingency Fund	Transfers In	\$500,000
Total Disaster Contingency Fund Revenue Appropriation		<u>\$500,000</u>
Non-Departmental	Operating (Natural Disasters)	\$500,000
Total Disaster Contingency Fund Expenditure Appropriation		<u>\$500,000</u>

Resolution #2023-###

By the Committee of the Whole
Resolved by the City Council of the City of Lansing

WHEREAS, at any time during the fiscal year, the City Council may consider appropriations which modify the previously adopted annual appropriation to transfer an unencumbered balance in whole or in part from any account; provide for the expenditure of revenues in excess of those in the budget; or meet a public emergency affecting life, health, property, or the public peace; and

WHEREAS, in recent times the City has responded to many such public emergencies including those for severe storms, flooding, and the COVID-19 pandemic requiring the immediate mobilization of City resources and encumbrance of Department appropriations; and

WHEREAS, per the Michigan Department of Treasury a Disaster Contingency Fund may be found in any local unit to earmark revenue for disaster contingency provisions that may provide for planning, mitigation, response, and recovery from natural and human-made disasters that may occur; and

WHEREAS, the Disaster Contingency Fund must operate only with a budget adopted by the City Council as required by 1968 Public Act 2, MCL § 141.421 to MCL § 141.440a; and

NOW, THEREFORE, BE IT RESOLVED, the City Council establishes the Disaster Contingency Fund; and

BE IT FURTHER RESOLVED, that the following FY 2023/2024 budget amendment is approved; and

BE IT FINALLY RESOLVED, the Administration is authorized to create appropriation accounts and to make the necessary operating transfers for the expenditure and control of the appropriations:

Appropriation	Description	Amount
General Fund	Use of (Contribution to) Fund Balance	\$500,000
Total General Fund Revenue Appropriation		<u>\$500,000</u>
Non-Departmental	Net Transfers	\$500,000
Total General Fund Expenditure Appropriation		<u>\$500,000</u>
Disaster Contingency Fund	Transfers In	\$500,000
Total Disaster Contingency Fund Revenue Appropriation		<u>\$500,000</u>
Non-Departmental	Operating (Natural Disasters)	\$500,000
Total Disaster Contingency Fund Expenditure Appropriation		<u>\$500,000</u>

Resolution #2023-_____
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Charter of the City of Lansing requires the Council to adopt an annual statement of Budget Policies and Priorities serving to guide the Administration in developing and presenting the Fiscal Year 2024/2025 Budget; and

WHEREAS, the City Council established the following Mission;

The City of Lansing's mission is to ensure quality of life by:

- I. Promoting a vibrant, safe, healthy and inclusive community that provides opportunity for personal and economic growth for residents, businesses and visitors,
- II. Securing short- and long-term financial stability through prudent management of city resources,
- III. Providing reliable, efficient and quality services that are responsive to the needs of residents and businesses,
- IV. Adopting sustainable practices that protect and enhance our cultural, natural and historical resources,
- V. Facilitating regional collaboration and connecting communities; and

WHEREAS, the standing committees of the City Council have met to evaluate the budget and recommend an annual statement of budget policies and priorities to guide the Administration in developing and presenting the Fiscal Year 2024/2025 budget.

NOW, THEREFORE BE IT RESOLVED, that the Lansing City Council has established the following as its Fiscal Year 2024/2025 Budget Policies and Priorities and requests that the Administration review them and encourages that they, to the extent practical, be included in the Administration's budget presented due to the City Council by the fourth Monday in March 2024.

BE IT FURTHER RESOLVED, the **Committee of the Whole** has established the following priorities:

1. \$100,000: (1) FTE focus specifically on housing legal assistance for tenants and homeowners in the City.
2. Fund sidewalk repair by \$200,000 for a total of \$500,000, with a priority placed on underserved areas.
3. Fund local street repair funding by \$1.7 million for a total of \$5 million, with a priority placed on underserved areas.
4. Funding for GED prep and passage program.
5. Funding to disseminate information on how to file a Complaint against the police.
 - a. Printing costs to add text to reverse side of of LDP business cards.

6. \$250,000 for the creation of a cold case unit in the Lansing Police Department. This unit would consist of 2 detectives, 1 administrative assistant, 1 data technician, 1 investigator, and 1 attorney.
7. Sustainability Manager Assistant: This full time position would assist the Sustainability Manager with her important work load, grant writing and City sustainability efforts.
8. Increasing Transparency: In recognizing the need for further access to all meetings held by Council this can be achieved by recording, televising and/or streaming all City Council, Committee of the Whole and all other regular Committee and Ad Hoc Meetings. Equipment has been purchased by CityTV and is being installed in Council conference room and there is ongoing cost for this platform and should be incorporated in the City TV budget to maintain this service. Council should continue to look at ways to increase transparency.
9. \$300,000: Expansion of the current City annual funding for the Lansing Economic Development Corporation from \$300,000 to \$500,000; would allow the Lansing EDC to hire new positions to increase capacity to provide a more complete level of services and programs to the businesses and citizens of Lansing. Desired positions to be funded would be as follows: Marketing and Communications Director; Small Business Development Specialist; Director of Equitable Economic Development. The Lansing EDC will provide documentation on how they intend to pay for these new positions in the FY 2024/2025 budget.
10. \$400,000: Funding for additional staff arborists and equipment in forestry to more efficiently survey and maintain tree inventory consisting of hundreds of thousands of trees in what is known as a USA City of Trees.

BE IT FURTHER RESOLVED, the **Committee on Development and Planning** has established the following priorities:

1. \$80,000: (1) FTE LEDC; RE: Focus on Small Business, Minority Businesses; Female Owned Businesses
2. \$250,000: Increase funding for the Façade Improvement Grant Program
3. Analysis of Facade Improvement Grant Program to include Return on Equity Report on Previous Façade Grants provided to small businesses including a statistical breakdown of what wards have been impacted by the program.
 - a. It's requested that this report be submitted to City Council no later than March 1, 2023.
4. \$40,000: Initiate an RFP for Engagement of Stakeholders and Completion of Community Facilities Plan, including school and county buildings, complete with inventory of assets and goals/objectives for facilities, that will serve as the basis for community facility decisions into the future.
5. \$80,000: (1) FTE compliance employee to ensure all development agreements are being followed including but not limited to: income tax collection, TIFAs, PILOTS, and Brownfields.

BE IT FURTHER RESOLVED, the **Committee on Equity, Diversity, and Inclusion** has established the following priorities:

1. The City of Lansing will include in their FY2024/2025 Budget public safety planning, a commitment, support, and a partnership with Advance Peace which will help lives and reduce the life altering trauma experienced by people living in the impacted communities and by the service providers who support them, including law enforcement. Council asks the Administration to focus the budget allocations to fully fund the City portion for FY2024/2025.
2. \$80,000: (1) FTE Human Resources Employee; RE: Focus on DEI in the hiring process to work towards having a workforce that reflects the diversity of the City of Lansing.

BE IT FURTHER RESOLVED, the **Committee on Public Safety** has established the following priorities:

1. Zoning Personnel Staff for Administrative tasks relating to Commercial Corridor Specialist.
2. Portable Speed Bumps (Public Service Department)
3. Reinstate the LFD apprenticeship/intern program (Lansing Fire Department)

BE IT FURTHER RESOLVED, the **Committee on Ways and Means** has established the following priorities:

1. Continue to explore new municipal incentives under the Inflation Recovery Act to invest in solar energy for City facilities.

BE IT FURTHER RESOLVED, the **Ad Hoc on Housing and Resident Safety of 2022** has established the following priorities:

1. Economic Development and Planning
 - a. Prepare a report of red tag statistics annually to Council during budget discussions to determine if there are fees that need to be added or updated in the upcoming budget cycle.
 - b. Dedicate resources to searching appropriate databases for non-homestead ownership.
 - c. Conduct a study of existing rental fees to ensure they are sufficient and consistent to meet the rigorous needs for safety housing with communities of similar size.
2. HRCS
 - a. Through the Housing Ombudsman prepare education materials for renters.
 - i. Rights as a renter
 - ii. Know before you sign a lease
 - iii. Eviction Court information

- iv. Conduct at least two housing fairs in City with MSU Law each year
- v. Creation of a brochure by the Administration on where tenants can go for assistance if they are forced to relocate due to red tags or violations by the landlord.
- b. Implement a pilot program to incentivize landlords to accept Section 8 vouchers

3. Law/Courts

- a. Support the creation of a Community Court with 54-A District Court.
- b. Implement policy where Nuisance Actions filed against recalcitrant landlords enabling City Attorney to enter into voluntary compliance agreements.

BE IT FURTHER RESOLVED, the City Council would like to continue its commitment, if funding is available, to:

- Maintain and improve the City's infrastructure;
- Preserve and ensure clean, safe, well-maintained housing and neighborhoods;
- Provide comprehensive and affordable recreational programs and youth and family services;
- Explore alternatives for improved efficiency in service and delivery.

BE IT FURTHER RESOLVED, the City Council has accepted the following recommendations from the 2023 Board of Public Service for FY 2024/2025:

1. Increase general fund support for implementation of the City's Street System Asset Management Plan, with a priority placed on reconstructing and preserving neighborhood streets, especially in those areas of the city which have been historically underserved. We encourage the Department to continue utilizing new and innovative ways to extend the life of our existing streets;
2. Maintain and expand funding for sidewalk repairs and right-of-way maintenance and improvement, with a priority placed on underserved areas; this should all be done while keeping safety a priority for Lansing residents and visitors, and meeting or exceeding the compliance with the Americans with Disabilities Act;
3. Maintain and expand funding to update and improve the fleet of city vehicles, with specific priority for the Department;
4. Establish Lansing as a leader in water quality, including PFAS regulation, testing, monitoring, enforcement and reducing other forms of water pollution in the city, through maintaining and increasing funding for educational and training purposes, and working relevant federal, state, county and local governments and non-government organizations;
5. Expand opportunities for multi-family residential and business recycling;
6. Follow recommendations (to the greatest extent feasible) of the energy audit of all facilities and properties to save on energy and cut costs by replacing wasteful

devices with ones that are energy efficient and reduce the carbon footprint of the City of Lansing.

DRAFT

In the budget priorities from last year:

- Sustainability: Sustainability Manager Assistant: This full-time position would assist the Sustainability Manager with her important workload, grant writing and City sustainability efforts.
- Forestry: \$400,000: Funding for additional staff arborists and equipment in forestry to more efficiently survey and maintain tree inventory consisting of hundreds of thousands of trees in what is known as a USA City of Trees.

Councilmember Jackson's Proposals for this year:

- Sustainability: ~~\$144,000~~ ^{134,000} Funding for marketing, training, professional development, needed risk assessments and updated plans, along with an additional part-time employee.
- Forestry: \$200,000 Funding for additional tree planting throughout the City.

Sustainability Budget Considerations

Category	Types of Funding Needed	Cost Estimate
Contractual	Environmental and health risk/vulnerability assessment	\$ 20,000.00
Contractual	Non motorized plan update	\$ 25,000.00
Contractual	Muni fleet inventory and EV implementation plan	\$ 10,000.00
Contractual	Greenhouse gas emissions inventory updates	\$ 10,000.00
Contractual	Climate plan update, including financial analysis	\$ 20,000.00
Contractual	Surveys/engagement	\$ 10,000.00
Contractual Total		\$ 95,000.00
Miscellaneous Operating	Internal organics collection/waste recovery plan	\$ 3,000.00
Miscellaneous Operating	Promotional items to incentivize behaviors	\$ 3,000.00
Miscellaneous Operating	Sustainability branding/logo development/marketing	\$ 10,000.00
Miscellaneous Operating	Conferences/training/professional development	\$ 3,000.00
Miscellaneous Operating Total		\$ 19,000.00
Temporary help-contractual	Intern/contract employee budget	\$ 30,000.00
Temporary help-contractual total		\$ 30,000.00

Submitted by C.M. B.T. Jackson @ mty

ORDINANCE NO.

An ordinance of the City of Lansing, Michigan to amend the Lansing Codified Ordinances by amending Chapter 288 Section 288.21. Define dutieresponsibilities, functions,s and reporting timelines to the City Council at a public meeting.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 288, Section 288.21 of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

(c) DutiesResponsibilities and Functions. Review departments for efficiencies, redundancies, continuity of services, and cost savings. Make recommendations on how to reduce costs and generate revenues in the future for the City of Lansing. Policy recommendations, including those in (c), may include but are not limited to:

(1) long term financial forecasts

(2) consult with city finance director and actuary for the police and fire retirement board and employee retirement services retirement board on financial management practices

(3) Administration's strategic planning and execution efforts.

(d) Recommendations. In recognition of the provisions set forth in Charter Sections 3-207.1, 3-207.2, and 3-207.3 wherein the City Council is the policy making body for the City of Lansing and "shall have all of the rights appropriate to City legislators as established by this Charter or by statute, including the right to make inquiries of City officers and employees and receive specific information in response" and further that "the responsibilities and activities shall be to establish policy of the City and shall be legislative in nature," and, stating further, in recognition that the Mayor is the administrator of the City and employees and "except as may otherwise be provided by law or this Charter, the administrative activities of the City Council and its members shall be limited to its own staff and they shall give no direct orders to

any other City officer or employee", the City Council and the Mayor, or mayoral designee, and the Chief Strategy Officer **shall meet and conference with ~~thereport to~~ City Council in March and September and** ~~shall conference on~~ a mutually agreeable regular schedule to-review any policy recommendations of the Chief Strategy Officer

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules in consistent with the provisions are repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinances as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council, and shall expire December 31, 2032



CITY OF LANSING

INTERNAL AUDITOR

124 W MICHIGAN AVE FL 10

LANSING MI 48933-1605

(517) 483-4159

Date: September 12, 2023
To: Lansing City Council
From: Emily Linden, Internal Auditor
Subject: Budget Policy Reports Received from the Administration on 9/1/2023

Overview

The budget policies passed on Monday, May 15th, 2023 included the following sections:

- Forestry is requested to initiate a stump removal study that would determine the number of employees and amount of equipment, and then base the recommendation on how many stumps can be removed per year. The results of the study will be presented to City Council no later than 9/1/2023.
- The Administration is requested to determine the cost to run (per day) community centers as warming and cooling centers for a total of approximately 60 in a year, 24 hours/day, which would include utilities, staff and security and report back to Council no later than 9/1/2023.
- The Administration is requested to work with Community Mental Health to determine the feasibility of contracting with them for a Social Worker Housing Outreach Specialist to work with the homeless and report back on the status of the contract by 9/1/2023.

The Administration sent Council Members the reports attached to this document on 9/1/2023.

Outstanding Questions:

The following questions were sent to the Administration on 9/6/2023. Answers from Mark Lawrence are in red below.

Forestry:

- What is the recommendation going forward for stump removal? Is the plan to hire the outside contractor to remove 1,000 stumps for \$100,000?
 - The Administration is having discussions with our departments and labor partners to see the best way to do this to get the most stumps removed for the dollars we could allocate. The Mayor has not yet decided if this is an item we'll include in our budget proposal next spring. My understanding is that Union leadership has also spoken to Council leadership regarding resources available for stump grinding, and these conversations are ongoing.

Warming and Cooling Centers:

- What are the current operating hours of Letts Community Center?
 - Council's interpretation of the given report is that the \$250,000 estimate is only for operating the facility between the hours of 7pm and 7am.
 - Per the City website, daily 8.30-4 plus whatever programming is happening on a given day/season.
- The budget policies ask for the cost of running a 24 hour a day center for 60 days. If the \$2,400 per day amount noted in the memo is used that would be \$144,000. Are these numbers accurate for 60 days?
 - This is the annual cost for a 24/7 shelter. It would be extremely difficult to determine an accurate cost for just 60 days. Uncertainties around if the 60 days are consecutive or are based on weather needs (few days here and there, based on high heat or extreme cold)? If they were nonconsecutive, costs would likely be higher due to lack of predictability and availability in staffing, including security. \$2400/day for any 60-day period in a year is an accurate estimate. HRCS continues to work on a proposal for the \$800,000 allocation from the state and the \$130,000 that was moved from the Mayor's office budget.

Social Worker Housing Outreach Specialist:

- Please elaborate on the lack of capacity stated here.
 - This was the answer I received from CMH, so I'm unable to elaborate further. Council is certainly welcome to inquire with CMH.
- Will this be revisited in the future if/when capacity increases?
 - We would be open to that.

Andy Schor
Mayor



City Hall - 9th Floor
124 W. Michigan Avenue
Lansing, MI 48933-1694
PH: 517.483.4141 – FAX: 517.483.6066
Lansing.Mayor@lansingmi.gov

Andy Schor, Mayor

OFFICE OF THE MAYOR
CITY OF LANSING, MICHIGAN

MEMORANDUM

Date: September 1, 2023
To: Lansing City Council
From: Mayor Andy Schor
Subject: 2023 Report on Stump Grinding

Per the Fiscal Year 2023-2024 Budget Ordinance, the Forestry Division has completed a study of the costs of a stump removal initiative to be conducted by City of Lansing employees.

There are approximately 7,000 stumps in the public right of way. The cost to stand up a 5-person crew of non-CDL seasonal employees who focused exclusively on stump grinding, including full restoration of the grinding site breaks down as follows:

Equipment (One-Time Cost):

1 Stump Grinder 100 HP	\$90,000 - \$100,000
1 Trailer for Stump Grinder	\$6,000 - \$8,000
1 Tractor Loader	\$140,000
2 Non-CDL Dump trucks	\$125,000 each
Top Soil, Straw and Grass Seed	\$15,000

Staffing (Annual):

1 FT Forestry Worker 600 w/Benefits	\$119,000
4 Seasonal Workers @ \$35,000	\$140,000
1 Seasonal Contract Forestry Inspector w/o Benefits	\$25,000

Grand Total **\$797,000**

It is estimated that crews could grind and restore approximately 700 sites in a season. Additionally, due to the nature of the work, it is likely that these would be high turnover positions meaning that seasonal employees would have to be trained annually on the safe and efficient operation of the equipment.

After some additional research, a local stump grinding contractor could remove approximately 1,000 stumps in the same period in which our seasonal employees work (approx. April-October) for approximately \$100,000.

Andy Schor
Mayor



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Andy Schor, Mayor

OFFICE OF THE MAYOR
CITY OF LANSING, MICHIGAN

MEMORANDUM

Date: September 1, 2023

To: Lansing City Council

From: Mayor Andy Schor

Subject: 2023 Report on Cost of Warming & Cooling Centers

Per the request from Council in the Fiscal Year 2023-2024 Budget Ordinance, the Administration provides the following information regarding the per diem cost of operating City of Lansing community centers as warming/cooling centers 60 days out of the year.

Two studies were completed; one that examined the cost of standing up a 24/7 emergency shelter & day center at a location to be determined, the other would be located at the Letts Community Center and would open in the evenings during the coldest 6 months of the year (November through April) for 12 hours a day.

The 24/7 facility would cost approximately \$870,000/year. This is approximately \$2,400 per day and does not include the cost of a facility and any needed renovations.

The overnight warming center located at Letts Community Center would cost approximately \$250,000 to operate for 182 days/year, 12 hours/day. It is expected that this facility would operate November through April from 7pm-7am. This equates to approximately \$1,400 per day. This does not include an upgrade to the building's fire suppression system which, at the current time is not adequate for a facility that is occupied overnight. A system that meets the necessary fire code would add about \$100,000 in cost but would add significant value to the building and would allow it to be utilized in the event of future emergencies.

The administration continues to look at all options to shelter and house our most vulnerable, including the \$130,000 that was appropriate for warming/cooling center activity and especially in light of the \$800,000 appropriation awarded to the City by the state of Michigan that we first reported to this body back in March.

Andy Schor
Mayor



City Hall - 9th Floor
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Lansing.Mayor@lansingmi.gov

Andy Schor, Mayor

OFFICE OF THE MAYOR
CITY OF LANSING, MICHIGAN

MEMORANDUM

Date: September 1, 2023

To: Lansing City Council

From: Mayor Andy Schor

Subject: 2023 Report on CMH Social Worker Housing Outreach Specialist

Per the Fiscal Year 2023-2024 Budget Ordinance, the Administration hereby submits its report regarding the feasibility of partnering with the Community Mental Health Authority of Clinton, Eaton and Ingham (CMHACEI) counties.

After inquiring with CMHACEI, although other partnerships exist, this partnership does not appear feasible at this time due to lack of capacity and funding to the tune of approximately \$80,000 - \$100,000 for the position.

LANSING PUBLIC SAFETY PROJECT

MEMO TITLE:	Public Safety Project 2nd Quarterly Update
TO:	The City of Lansing
PRESENTED BY:	John McGraw - River Caddis Development
DATE:	June 19, 2023

PROJECT TEAM

Owner Representative: River Caddis Development

Construction Manager: Christman Company

Design Team: Hobbs and Black Architects | BKV Group

Dear Members of the Lansing City Council,

I hope this letter finds you well. As the representative of River Caddis Development for the City of Lansing's Public Safety Project, I am pleased to provide an update on the progress we have made over the second quarter of 2023. We are proud to report that the project remains within budget, and we have obtained sign-off from all departments for the project's program.

The second quarter was a busy one for the team with various activities and accomplishments. Our efforts focused on:

- Completion of contract negotiations.
- Conducting Courts facility tours on June 20, 2023.
- Initiating the kick-off meeting with the Lansing Board of Water and Light (LBWL) on June 14, 2023.
- Commencing Schematic Design efforts across all projects.
- Updating the Master Schedule in line with the start of Schematic Design.
- Fast-tracking the development of the LPD/LFD Storage Building bidding documents for the South Washington site.
- Finalizing the Commissioning RFP.
- Completing the site and environmental survey work for the South Washington site.
- Developing bid packages for hazardous materials removal and building demolition at the South Washington site.



LANSING PUBLIC SAFETY PROJECT

- Maintaining coordination efforts with LBWL and other utility providers.
- Awarding Geo-technical and Construction Testing work.
- Conducting geo-technical work at the South Washington site, Fire Station #2, and Fire Station #8 sites.
- Continuing planning meetings with the City IT department.
- Starting activities to vacate the SWOC buildings and site by the City.

Looking ahead to the 3rd quarter, our team will concentrate on the following:

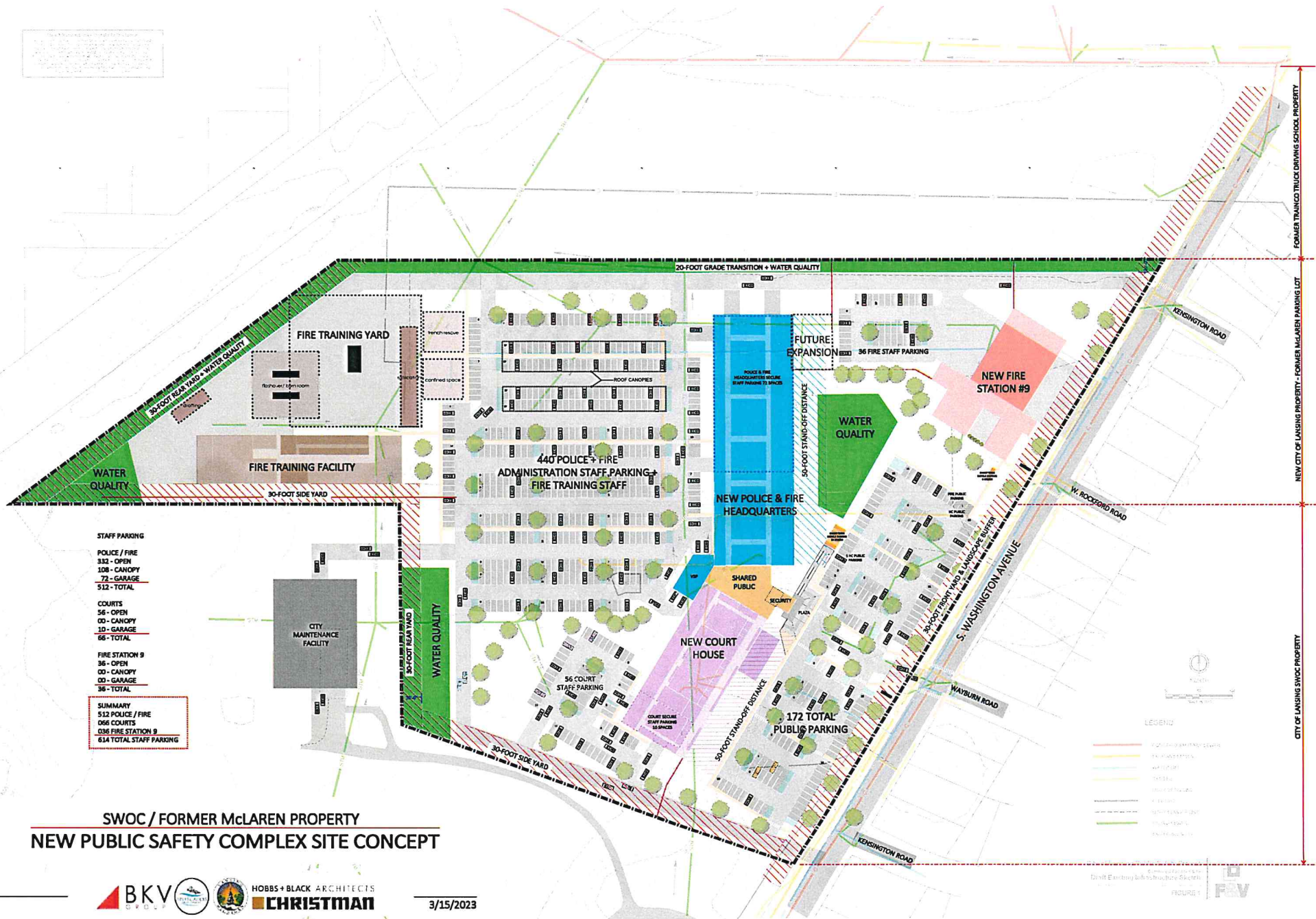
- Completion of Schematic Design efforts.
- Issuing and Awarding the Commissioning RFP.
- Initiating Design Development efforts.
- Starting early bid package development for the CPSB (mass grading/utilities/foundations).
- Updating the Cost Model and the Master Schedule upon completion of Schematic Design.
- Issuing the LPD/LFD Storage Building at the South Washington site for contractor bidding.
- Awarding the bid packages for hazardous materials removal and building demolition at the South Washington site.
- Continuing planning meetings with LBWL, other utility providers, and the city IT department.
- Actively vacating the SWOC building and site by the city, except for the City Clerk's operations.

In conclusion, we continue to stand guided by our mission to enhance public safety through our development projects, all while honoring our commitment to fiscal responsibility and strategic efficiency. Our team is grateful for the unyielding support of the Lansing City Council, and we eagerly look forward to the progress we will make together in the coming quarter.

Thank you for your time, your trust, and your ongoing commitment to making Lansing a safer, more vibrant city for all. Please feel free to contact me with any questions or concerns you may have.



NOT TO SCALE
 1" = 100'-0"



STAFF PARKING

POLICE / FIRE
332 - OPEN
108 - CANOPY
72 - GARAGE
512 - TOTAL

COURTS

56 - OPEN
00 - CANOPY
10 - GARAGE
66 - TOTAL

FIRE STATION 9

36 - OPEN
00 - CANOPY
00 - GARAGE
36 - TOTAL

SUMMARY

512 POLICE / FIRE
066 COURTS
036 FIRE STATION 9
614 TOTAL STAFF PARKING

**SWOC / FORMER McLaren PROPERTY
 NEW PUBLIC SAFETY COMPLEX SITE CONCEPT**



3/15/2023

SWOC Moves			
Logistics			
Group	Move Location	Tentative Move Date	
Treasury	City Hall	End of August	
Finance	Property Managements Bldg	Mid- October	
HRCS	Oak Park	End of August	
LPD Historical Items	Washington Park	October after mowing season	
311 Call Center	5th Floor	10/7/2023	
54A District	5th Floor/ 7th Floor CH	End of August	
CARES	Foster	10/7/2023	
City TV	North Cap & Container @ O&M	10/30/2023	
Clerk's Office	Reo Elementary	11/20/2023	
Budget Estimate			
Item	Estimated IT Cost	Estimated PM Cost	Estimated Total Cost
311 - 5th floor build out	\$ 6,210.00	\$ 6,700.00	\$ 12,910.00
IT - move to City Hall in existing IT space	\$ 7,400.00	\$ 3,500.00	\$ 10,900.00
Clerk's Office - move to Reo School	\$ 28,000.00	\$ 20,000.00	\$ 48,000.00
City TV - move to North Cap. Ramp	\$ 53,000.00	\$ 20,000.00	\$ 73,000.00
Movers for all groups	\$ -	\$ -	\$ 45,000.00
Additional Storage containers (Street/Fleet/City TV)	\$ -	\$ -	\$ 10,000.00
CARES to Foster Center	\$ 1,000.00	\$ 2,500.00	\$ 3,500.00
		Total	\$ 203,310.00

*Submitted
@mty*

8/14/2023