



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF APRIL 15, 2013**

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:02 p.m. by President Wood

PRESENT: Council Members Dunbar, Houghton, Jeffries, Washington, Wood, Yorko

ABSENT: Council Members Boles Robinson (arrived 7:03 p.m.), Quinney (arrived 7:03 p.m.)

Council Member Dunbar asked people to remember the victims of the Boston Marathon bombing during the moment of Meditation. The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Wood.

Council Members Boles Robinson, Quinney arrived at 7:03 p.m.

SPECIAL CEREMONIES

- Special Ceremonies

1. Council Presentation; Recognition of African Art Student Winners

Council Member Yorko spoke about the African Art project and presented certificates to the winners, Garrison Vandenboom and Zachary Mulvaney.

Garrison Vandenboom thanked Mr. Brown and the Village Summit.

2. Mayoral Presentation; Recognition of Trustees of the Michigan Veterans Trust Fund Lansing Committee

Executive Assistant to Mayor Bernero, Randy Hannan, spoke about the important work of the trust fund. He presented a Mayoral Proclamation to the trustees.

Trustee Pamela Frame thanked the Mayor and the Council for the recognition. She thanked her fellow trustees.

3. Mayoral Presentation; Recognition of Arbor Week

Executive Assistant to Mayor Bernero, Randy Hannan, spoke about Arbor Week, Arbor Day, and Earth Day.

Paul Dykema, City Forester, spoke about the Arbor Day program and invited the public.

COUNCIL MEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Council Member Wood announced a forum on the brain response to trauma and the City Council budget forums. She thanked those involved in the recent neighborhood cleanup.

Council Member Boles Robinson thanked those who attend 2nd

Saturday. She announced Churchill Downs, Kensington Meadows, Colonial Village, and Lewton-Rich neighborhood meetings. She announced the BWL Pennies for Power Dancing with the Stars event and a viewing of the film Miss Representation.

Council Member Quinney spoke about safety concerns at the intersection of Holmes Rd. and Express Ct.

Council Member Washington announced her First Contact meeting for First Ward residents.

Council Member Yorko congratulated those involved with the new mural on the side of Sparrow St. Lawrence Campus. She announced an Ingham Substance Abuse Prevention Coalition meeting to discuss protecting youth from the harmful impacts of marijuana, the Carefree Medical Clinic's Dancing with the Stars event, and a coalition of environmental organizations event for Earth Day.

Council Member Dunbar announced Homeowner Education and Resource Education (H.E.R.O.) classes and Redeemer Lutheran's taco dinner. She spoke about the Boston Marathon bombing and addressed security measures for the upcoming Lansing Marathon.

City Clerk Swope announced the filing deadline for upcoming City Elections.

COMMUNITY EVENT ANNOUNCEMENTS

Robert Ovalle announced the Walk for Wolves.

Mike Redding announced the Tune-Up in the Park event.

Maria Starr announced the Labor Council for Latin American Advancement (LACLAA) Greater Lansing Area Chapter's scholarship dinner.

Elva Reyes announced the Shinsky Golf Classic.

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS

City Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Executive Assistant to Mayor Bernero, Randy Hannan, spoke about the Boston Marathon bombing and addressed security measures for the upcoming Lansing Marathon. He gave additional details about the Lansing Marathon. He announced a rescheduled date for the Crosstown Showdown. He announced the Mobile Food Pantry. He praised the Human Relations and Community Services Department for their Feed the Children program and thanked those involved. He spoke in favor of the of the Application for IFT Exemption Certificate Submitted by General Motors LLC. He spoke about the retirement of Police Chief Teresa Szymanski.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of an Application for IFT Exemption Certificate Submitted by General Motors LLC for Property Located at 920 Townsend Avenue
2. In Consideration of Proposed CDBG Consolidated Strategy and Plan Submission to HUD for FY 2014

Council Member Jeffries gave an overview of both hearings.

John Blanchard of Detroit spoke in favor of the Application for IFT Exemption Certificate Submitted by General Motors LLC.

Claude Beavers spoke in opposition to the Application for IFT Exemption Certificate Submitted by General Motors LLC.

Brad Vauter spoke in opposition to the Application for IFT Exemption Certificate Submitted by General Motors LLC.

Lisa Benck spoke on behalf of the Westside Commercial Association's application for CDBG funding.

Kathi Raffone spoke in opposition to the Application for IFT Exemption Certificate Submitted by General Motors LLC.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of an Application for IFT Exemption Certificate Submitted by General Motors LLC for Property Located at 920 Townsend Avenue

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In Consideration of Proposed CDBG Consolidated Strategy and Plan Submission to HUD for FY 2014

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

LEGISLATIVE MATTERS

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2013-061

COMMITTEE REPORT BY THE COMMITTEE ON PUBLIC SAFETY

The Committee on Public Safety began in 2010 working with the City Attorney and the Director of Animal Control to review the most effective way to deal with nuisance and vicious dogs within the City of Lansing. The Committee held four meetings in 2010 and three meetings in 2013.

In 2002 the Lansing City Council, after much consideration and working with the Ingham County Animal Control, adopted a City ordinance that stated no owner shall permit his or her dog to run at large within the City. A dog running at large in violation of this chapter at least twice within any continuous six-month period of time is hereby deemed to be a nuisance. A dog owner is required to confine or secure his or her dog within the limits of the owner's premises, except when the dog is securely tethered on a leash and under the control of a person holding the leash who is capable of restraining the dog at all times. Violation of this ordinance is a misdemeanor which could result in a fine up to \$500.00 and up to 90 days in jail. This was to be enforced by the Lansing Police Department; the goal of this ordinance

was to deal with the owner of the animal.

The Neighborhood Specialist within the City Attorney's Office after receiving complaints would also send a warning letter to the address of the offender after receiving information.

During meeting of the Committee on Public Safety in 2010, Mr. Smith, City Attorney was to develop a reporting system in conjunction with the Ingham Animal Control on any complaints the City of Lansing receives of dogs at large, nuisance, and vicious dogs. This system was to include copies of any warning letters and ticket violation under the "Dogs running at large; nuisance; leash ordinance." Mr. Smith was also to consult with the Ingham County Prosecutor Dunning with regards to enforcement.

Staff in the City Attorney's office was to develop a policy that outlines the issues and the information needed to proceed so everyone was on the same page regardless of who was working on the case. A comparable policy that would coordinate LPD and the City Attorney's Office based on complaints would help build a case for the County when they need to take a case to court to demonstrate a nuisance property owner/dog owner.

Director McAloon would also share information on complaints or actions taken with regard to nuisance animals with the City Attorney's office, particularly concerning vicious animals. Mr. Smith suggested that if the County becomes aware of situations which fall under the City's limited ordinances, if provided the information, we could enforce those ordinances as another tool toward dealing with nuisance animals.

In 2013 due to complaints regarding the enforcement of the "Dogs running at large; nuisance; leash ordinance" and a request from Mayor Virg Bernero to develop a "Vicious Dog Ordinance," the Committee on Public Safety held three meetings. At those meetings, the Committee Members reviewed information which included current City and County ordinances, as well as State statutes, that we have at our disposal. The Committee also analyzed whether the current ordinances were working, or if changes needed to be made.

The Committee on Public Safety received numerous email messages, phone calls and letters concerning the adoption of a breed specific ordinance. The majority of these requested that any new ordinances under consideration by the Committee on Public Safety not be breed specific. Early on, the consensus of the Committee was this was not a breed problem, but an owner problem.

Director Jamie McAloon of Animal Control explained the definition to the Committee of vicious dog and dog vs. dog. Vicious behavior of a dog could include charging at a fence intimidating people, causing property damage with vicious habits, etc. It is not always a dog bite that determines whether a dog is vicious. It is more about dogs intimidating people, other dogs, and other animals.

More than 70 percent of dog bites are from unneutered male dogs. Chaining or tethering a male dog causes stress and ferocious behavior. Of dogs involved in fatal attacks, 97 percent were from unneutered males. Dogs that were abused or neglected equaled 84 percent of bites. Even the National Animal Control Association has denounced the effectiveness of breed specific legislation. Instead of any kind of breed restrictions or bans on certain breeds we should consider dog bite prevention programs, community spay and neuter programs, but our resources are limited. Also the Committee was encouraged to enforce the "Dogs running at large; nuisance; leash ordinance."

According to an investigation by the Humane Society of the United States into the cases of 20 pit bull-related human fatalities, none of the dogs involved in those attacks were spayed or neutered and only 10 % were vaccinated.

A review of policies that were to be adopted by City Attorney's office in 2010 was discussed in the meetings held in 2013. None of the recommendations made by the Committee on Public Safety in 2010 were implemented within the City Attorney's office.

Ms. Brewer, 54A District Court presented information on the number of cases handled by the Courts. The number of ticket violations written between 2011 and 2012 against the "Dogs running at large; nuisance; leash ordinance" was three.

Director McAloon stated that many times when her staff is called to a dog at large situation, the animal is often back home again before they are able to respond. Unless there is a witness, Animal Control cannot file a complaint on those cases.

The public had concerns regarding situations where dog owners release their dogs out when delivery, mail, and utility workers. The questions were answered as to the approach that should be taken if this occurs. Director McAloon stated people need to call Animal Control and make a complaint. Animal Control will then track the complaint and investigate it. Every case is investigated. If the case is prosecuted, the owner could lose the dog, receive court fines, and/or be sent to jail. People must remember that a case is only as good as your witnesses.

Based on the information provided to the Committee the following recommendations were made.

Recommendation by Committee on Public Safety:

1. Ingham County Animal Control is establishing a phone line for police officers to call in information while they are at the scene of an incident. Animal Control staff will then follow up on the matter the next day. Officers will be asked to carry hotline cards that list a direct line to record information for Animal Control.
(Lack of information is the biggest road block for enforcement of current City and County ordinance as well as State statutes)
2. Training by the City Attorney Office and Ingham Animal Control for Lansing Police Department on enforcement of current City and County ordinance as well as State statutes.
(In talking with officers some were unaware of the "Dogs running at large; nuisance; leash ordinance.")
3. City Attorney will develop a reporting system in conjunction with the Ingham County Animal Control on any complaints the City of Lansing receives on dogs at large, nuisance, and vicious dogs. This system is to include copies of any warning letters and ticket violations under the "Dogs running at large; nuisance; leash ordinance."
4. The City Attorney's office is to develop a policy that outlines the issues and the information needed to proceed so everyone was on the same page no matter who is working on the case. A comparable policy that would coordinate LPD and the City Attorney's Office based on complaints would help build a case for the County when they need to take a case to court to demonstrate a nuisance property/owner/dog owner. The City Attorney will consult with the Ingham County Prosecutor with regards to enforcement.
5. Ingham County Animal Control will share information on complaints or actions taken with regard to nuisance animals with the City Attorney's office, particularly with vicious animals. If the County becomes aware of situations which fall under the City's limited ordinances, they are to provide the information to the City Attorney. The City Attorney will enforce those ordinances as another tool toward dealing with nuisance animals.

6. Ingham County Animal Control will work with the Post Office, Consumers Power, UPS, and BWL to do an educational seminar where they could invite supervisors and personnel to have some training on how to deal with an aggressive dogs and how to report and document those issues.
7. The Court Administer, Ms. Brewer, will add to the quarter County-wide Judicial Judges Meeting scheduled in May an educational component for the judicial branch regarding dogs at large, nuisance, and vicious dogs.
8. To establish an alternative site in Lansing for Police Officer who have picked up a dog at large to deposit the animal instead of going out to Mason with the animal.
(Suggestions included a fenced in area at the 911 Center located on Jolly Road.)
9. To work with volunteers to establish educational classes that can be given at Community Centers and Schools to educate the public on what to do if encountering a dog at large.
10. Provide information to the public on neuter programs, shots and licensing of dogs.
11. Revisit this issue after August 1, 2013 to determine which recommendations have or have not been implemented. If the recommendations have not been implemented, the committee will request information as to why they have not. Once recommendations are fully implemented, the committee will review the effectiveness of the recommendations. Once fully implemented, review the effectiveness of the recommendations.

This report was prepared by the Committee on Public Safety.

Chair, Councilmember Jody Washington
Vice Chair, Councilmember Derrick Quinney
Member, Councilmember Carol Wood

By Council Member Washington to adopt the Committee Report

Motion Carried

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

City Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Vice President Boles Robinson that all items be considered as being read in full and that President Wood make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letter(s) from the City Clerk re:
 - i. Fireworks Display License; American Eagle Superstore dba Big Fireworks at Adado Riverfront Park on May 4,

2013

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

b. Letter(s) from the Mayor re:

i. Act-5-13; Property Acquisition, 221 N. Sycamore St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND
PLANNING

c. Letter from the Internal Auditor submitting a Recap of Other
Funds for FY 2012

REFERRED TO THE COMMITTEE OF THE WHOLE

• Communications and Petitions, and Other City Related Matters:

a. Application for Community Funding submitted by March of
Dimes for its March for Babies to be held April 27, 2013

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

REMARKS BY COUNCIL MEMBERS

Council Member Yorko offered to help arrange neighborhood
cleanups.

**PUBLIC COMMENT ON CITY GOVERNMENT
RELATED MATTERS:**

Claude Beavers spoke about various City matters.

Felix Campos spoke about vacant properties.

Robert Ovalle spoke about pay.

Rafael Martinez spoke about rental properties.

Alfonso Salas spoke about the lack of inclusion and diversity with
Latinos.

Tom Krug spoke about the City budget.

Russell Terry spoke about various City matters.

Brad Vauter spoke about the City budget, trash, and other City
matters.

Kathi Raffone spoke about various City matters.

ADJOURNED TIME 8:44 P.M.

CHRIS SWOPE, CITY CLERK