MINUTES
Committee on General Services
Wednesday, November 16, 2016 @ 9:30 a.m.
City Council Conference Room, City Hall 10th Floor

CALL TO ORDER
The meeting called to order at 9:30 a.m.

ROLL CALL
Councilmember Tina Houghton, Chair
Councilmember Carol Wood, Vice Chair
Councilmember Patricia Spitzley, Member-excused

OTHERS PRESENT
Sherrie Boak, Council Office Manager
Billie O'Berry, Assistant City Attorney
Scot Sanford, Code Compliance
Michael Shapiro,
David Holcomb
Siman Ajak
Aaren Mathews, Clark Hill
Lance Davis
Donn Thomas
Callie Mykut
Alec Malvetis, Public Service

MINUTES
MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM OCTOBER 19, 2016 AS PRESENTED. MOTION CARRIED 2-0.

Public Comment on Agenda Items
No Public Comment

NOISE WAIVER FRANCES PARK PUMP STATION
Mr. Malvetis stated there no changes since scheduling the public hearing. Council Member Wood asked if they had reached out to all the effected residents. Mr. Malvetis confirmed all normal notifications were done along with reaching out an additional 150'. This notification was also a letter not a postcard to provide additional information.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION FOR THE NOISE WAIVER; FRANCES PARK PUMP STATION. MOTION CARRIED 2-0.

Council Member Houghton amended the agenda to move the Liquor License applications to the top of the agenda.

RESOLUTION – NEW CLASS C REDEVELOPMENT AND SDM LICENSE WITH SUNDAY SALES PM; 226 E GRAND RIVER AVENUE, LANSING (REPLAY TAVERN, LLC)

Mr. Matthews, attorney with Clark Hill representing the applicant confirmed the owners have applied for redevelopment license because of the District they are in, and the element of that is that the City needs to pass a resolution for authorization. With this type of license it does not count against the quota and once it is issued it cannot be relocated. Ms. Mykut, the owner, added that the total investment in this project is $250,000 into the building, has a proposed opening of January and will include Sunday sales.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION FOR 226 E GRAND RIVER AVENUE (REPLAY TAVERN LLC) REDEVELOPMENT AND SDM LICENSE WITH SUNDAY SALES PM. MOTION CARRIED 2-0.

RESOLUTION – NEW CLASS C REDEVELOPMENT AND SDM LICENSE WITH SUNDAY SALES; 210 S WASHINGTON SQUARE, LANSING (210 S WASHINGTON LLC)

Mr. Mathews, attorney with Clark Hill representing the applicant, provided the location of the business in the former Brannigan Brothers building, however the license was no longer available. The total level investment in this business will be $250,000 for the purchase and $150,000 on the improvements. The plan would be for final completion of the project by mid-December, however they have an option to open as a restaurant before the license is issued by the State. Council Member Wood asked what the portion of the sales will be from the liquor, and it was stated 15%. The business will begin with breakfast and lunch, then a happy hour closing at 7pm to 8 pm. This will also include Sunday sales.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION FOR THE NEW CLASS C REDEVELOPMENT AND SDM LICENSE WITH SUNDAY SALES; 210 S WASHINGTON SQUARE, LANSING (210 S WASHINGTON LLC). MOTION CARRIED 2-0.

RESOLUTION – CLAIM APPEAL #1345; 3228 REO Road

Mr. Sanford outlined the claim which included a citation July 13, 2016 for branches, leaves and a shed, with the contractor arrival on August 3, 2016 when the violations were still present and removed. There were no notes that the office was notified by the owner informing them of an interest they were cleaning up the property. The Code office recommended denial.

Mr. Holcomb briefly informed the Committee of his career and then explained his opinion that someone had cut bushes and trees on the property without his permission and left them on the property. Since that time he admitted he has made arrangements with the neighbors to update him on any activity on the property. In regards to the violation on the she, he did not respond to the shed being cleared because of work situation, and was attempting to make arrangements to get things cleared. Lastly Mr. Holcomb pleaded to an appeal of the cost from the contractor because he had received information from neighbors that the contractors were only there in 35-40 minutes.

Mr. Sanford defended the invoice stating the contractor did have to remove and mulch, and it took four (4) employees. Ms. O'Berry informed the Committee that the Claim Review

Committee determined that the notice was sent correctively, and the City did estimate 60 yards of debris and 4 hours of labor. The Committee determined the invoice did match the estimate.

MOTION BY COUNCIL MEMBER WOOD TO DENY THE CLAIM OF $3,872.00.

Mr. Holcomb asked for an invoice breakdown.
Council Member Wood referenced the packet and that was the only invoice the Committee had. Mr. Holcomb was informed that once a decision is made by Council if it is denial Mr. Holcomb could appeal at the courts.

MOTION CARRIED 2-0.

RESOLUTION – CLAIM APPEAL #1298; 1012 W. GENESEE STREET

Mr. Sanford informed the Committee that the property was cited May 17, 2016, the contractor arrived on May 27, 2016 and cleaned the violations. The notice was sent to the owner, which was a bank, and Mr. Sanford stated he checked prior to this meeting and the owners were still the bank.

Council Member Wood asked Ms. O'Berry if the bank, Independent Bank was the owner, if Mr. Shapiro could appeal the claim. Ms. O'Berry referred to the court documents which clarified that Mr. Shapiro was appointed by the Court. Mr. Shapiro confirmed his firm was appointed in 2014 and did notify the City in 2015 and 2016 via email. Mr. Sanford informed Mr. Shapiro that just because they claim receivership it does not mean the bank relinquished ownership. The Code Compliance department sends notices to ownership of record with Assessing.

Mr. Shapiro stated that Independent Bank was in lawsuit with Amerihome, and his law firm was appointed receivership. In 2014 his office notified Assessing of 7 properties and Assessing made the change on 6 properties but not this one. Ms. O'Berry read the court documents and agreed that as a receiver it lists what the receiver can do and one thing they can is be in attendance to assert the claim. The receiver does not have ownership, but is the care taker until rightful of the premise. The Receiver has responsibility in taking care of the property.

Council Member Wood asked Mr. Shapiro that if the "notification process" was not the issue was there another issue defending his claim. Mr. Shapiro stated that he did hire a company to do bi-weekly maintenance. The property has since sold. Council Member Wood asked if it was now sold, the claim would then go with the property, and therefore what was Mr. Shapiro role.

Council Staff verified it sold on 6/30/2016 to Pretty Pink Houses. Ms. O'Berry informed Mr. Shapiro that if he had placed funds in escrow to cover this claim when the property closed. Council Member Wood reminded the Committee that in past practices, the process is to go with the property owner at the time for the claimant. Ms. O'Berry confirmed now the issue is between the seller and purchasers because the work done is attached to property and now the property is sold. Ms. O'Berry added that the court order does not tell Amerihomes they are the owner, and there was no deed filed to change ownership. Code Compliance gave notice to Independent Bank and they could have challenged.

Council Member Houghton withdrew the claim from the agenda because it was not legally before the Committee based on the City Attorney recommendations.

RESOLUTION – CLAIM APPEAL #1312; 721 NORTH CHESTNUT STREET

Mr. Sanford outlines the claim time line which began with a citation in May, 2016 and a contractor site visit on June 6, 2016.

Council Member Wood asked for clarification on the claim amount of $250.00 since the total charge was $1,332.00. Ms. O'Berry clarified that the Claim Review Committee was not sure of the claim amount, but did deny the claim for $250. Council Member Houghton asked if Mr. Ajak was present and if it was explained, and it was confirmed he was present however the question was not asked at that time.

Mr. Ajak acknowledged it was a rental and didn't deny the violations but appealed they were not done by him. Mr. Ajak pointed out to the Committee that he had a stove on the property that he believed the contractor took.

Council Member Houghton asked if the actual claim was $1,332.00 less the $250.00 which he felt he should have paid, and he confirmed.

Ms. O'Berry recalled in Claims Review Committee they did confirm the notices were sent, and there were no notes on any appliances. Mr. Sanford informed Mr. Ajak and Council Member Houghton confirmed that on the notice it states if the contractor arrives and finds additional violations they can remove them. Council Member Wood referred to the photos which did not reflect a stove before or after the contractor cleaned up.

MOTION BY COUNCIL MEMBER WOOD TO DENY CLAIM IN THE AMOUNT OF $1082.00. THE TOTAL CHARGE WAS $1,332.00, THE APPLICANT CLAIMED RESPONSIBILITY FOR $250. MOTION CARRIED 2-0.

Mr. Ajak was informed of the Council meeting dates and recommended he address the issue with the tenant.

Council Member Wood asked Council Staff to review the claims in the future to confirm ownership, if taxes are paid and if it is a registered rental.

Adjourned at 10:52 a.m.
Submitted by Sherrie Boak, Office Manager,
Lansing City Council
Approved by the Committee on December 5, 2016