



MINUTES

Committee on General Services

Tuesday, April 24, 2018 @ 4:00 p.m.

City Council Conference Room, City Hall 10th Floor

CALL TO ORDER

The meeting called to order at 4:00 p.m. by Council Member Hussain.

ROLL CALL

Council Member Patricia Spitzley, Chair-excused

Council Member Adam Hussain, Vice Chair

Council Member Carol Wood, Member

OTHERS PRESENT

Sherrie Boak, Council Office Manager

Eric Brewer, Internal Auditor

Scott Sanford, Code Compliance

Alec Malvetis, Public Service Department

Chris Swope, City Clerk

Amanda O'Boyle, Assistant City Attorney

Jim Smiertka, City Attorney

Lisa Hagen, Assistant City Attorney

Rev. Kent Bowden

Danielle Robinson

Public Comment on Agenda Items

No public comment at this time.

Approval of Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM APRIL 10, 2018 AS PRESENTED. MOTION CARRIED 2-0.

Discussion/Action:

RESOLUTION – Non-Profit Recognition; Jackson Charitable Foundation

Ms. Robinson explained that Jackson National Life created the Foundation in 2016 work with Junior Achievement on financial education programs and have reached 1.5 million students across the Nation. There is a fundraiser May 24th at which they wish to do a 50/50 raffle, and therefore need this approval.

Ms. O'Boyle confirmed she had reviewed their Articles of Incorporation and By-Laws, and there is a statement on dissolution, but not called "Dissolution Clause" in the Articles. Council Member Wood asked Mr. Smiertka if it needed to be in the By-Laws. Mr. Smiertka stated having it in the Articles is more important, and since it is noted in Article 7 b. they have addressed it.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION TO APPROVE THE NON-PROFIT RECOGNITION FOR JACKSON CHARITABLE FOUNDATION. MOTION CARRIED 2-0.

RESOLUTION – Set Public Hearing for Noise Waiver; Public Service Department; Combined Sewer Overflow Project; Sub-area 034C; Martin Luther King Jr. Blvd. and W. Mt. Hope Avenue

Mr. Malvetis presented the Committee with a utility map for the areas that will be impacted by the project. The project is a two (2) year project, and the request is to allow work to proceed on Saturdays in 1/3 of the area. If there are rain days, this will also allow them to work Saturdays to make up time. The department recently got the schedule, and Mr. Malvetis informed the Committee that they will do Moore Park first, north of Mt. Hope, then Mt. Hope east of MLK in 2019, with Sterling, Rundle and Beal south of Mt. Hope also in 2019. There will be a piece of Mt Hope west of MLK and Park in 2018, and then the neighborhood west of MLK in 2019.

Council Member Hussain asked if the waiver was just for 8am – 5pm on Saturdays. Mr. Malvetis confirmed, and assured them the policy they follow and always follow is to notice within a 500 radius of to the area. Council Member Hussain asked if they will do another notification in 2019 before that construction season starts, and Mr. Malvetis acknowledged that the area does not have a lot of turnover, so they will probably not.

Council Member Wood asked for clarification on the date, since the hearing is requested for June 11th with construction to start five (5) days later on June 16th. The question was asked if the department was looking for passage of the waiver the same night as the hearing. Mr. Malvetis confirmed they were. Council Member Wood suggested the department speak to the Mayor about the three (3) special noise waivers he can issue per ordinance. Mr. Malvetis confirmed the department had considered that option, but have also questioned if the project, since it is utilities is exempt from the noise ordinance. He stated he would work with the City Attorney.

Council Staff was asked for the timeline for passage, and stated the hearing would be held June 11th, back to the Committee on June 12th, and then back to Council on June 25th for final approval. If the Mayor considered the special waivers the department would only need two (2); Saturday, June 16th and Saturday, June 23rd. Mr. Malvetis understood that if the Council was not comfortable with action the same night of the hearing they would have to pursue the options.

The Clerk and the City Attorney reviewed the Ordinance to determine that temporary permits are addressed under Section 654.10 and 654.11, informing Mr. Malvetis that under those temporary or special permits they will be required to do a 12 day in advance mailed notification. Mr. Malvetis assured the Committee he will work with Law on the process and notifications.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR THE NOISE WAIVER FOR JUNE 11, 2018. MOTION CARRIED 2-0.

RESOLUTION – Claim Appeal #1422; K. Bowden; 508 W Grand River

Mr. Sanford went through the timeline of events which began with the property being cited on April 18, 2016, an extension granted and a recheck on April 25, 2016 where it was found that all violations were still present. The contractor arrived on April 29, 2016 and a clean-up was performed. Mr. Sanford noted that the resident was at home and delayed the clean-up, so Code and Premise were on site to assist contractor. Mr. Sanford then pointed out to the Committee that the claim was dated January, 2017 but not mailed in until May 17, 2017, therefore his office recommended denial of the claim due to the time line of submission. Mr. Brewer confirmed the Claims Review Committee did not see this item.

Mr. Bowden took the Committee through the time line and photos of the violations. He appealed that the items were in his fenced in rear yard, his confirmation he had hired two contractors himself. He did acknowledge that when the re-inspection occurred after his extension the clean-up was not complete from his contractors. Lastly, Mr. Bowden disputed the cost of the City contractors.

Council Member Hussain asked Mr. Sanford if a fence would preclude code enforcement and Mr. Sanford answered that the fence area was open and visible for the contractor to see the violations. Mr. Bowden again referred the Committee to the photos appealing that the fence was not broken or open. Mr. Smiertka asked Mr. Sanford if the conditions of the violation were evident to the public eye, and it was confirmed by Mr. Sanford. He noted the items included junk and debris in the open back yard.

Council Member Wood pointed out to Mr. Bowden there was a total of 17 days to take care of the violations, and the photos provided proof there was debris and junk.

MOTION BY COUNCIL MEMBER WOOD TO DENY THE CLAIM FOR 508 W. GRAND RIVER AVENUE, KENT BOWDEN. MOTION CARRIED 2-0.

Council Member Hussain removed *Michigan Liquor Control Commission; Transfer Ownership Class C & SDM License from Singh Pub and Grill, Inc. to Binni's Bar & Grill, Inc. @ 820 W Miller Rd.* from PENDING.

Mr. Swope explained that the referral from April 23, 2018 was based on the normal practice of referring transfers to the Committee for approval or denial. His office was not aware of any violations until the LPD mentioned it, and they in turn wanted the Council to be also aware. Currently the application does have all the department sign offs. Council Member Wood asked if the applicant already has their license. Mr. Swope stated they did and they had submitted to transfer to Love Singh but they have not completed the transfer. If the City has an objection the State would still listen. The last time the City objected to a license was in 2017 so there it is not unprecedented to object. Mr. Smiertka added to the conversation that based on the Police report and the incidents that have occurred, the Committee could find it a nuisance. Their options under Section 830.06 – 830.07 in the Charter allows for a hearing. Mr. Smiertka asked the Committee if their conclusion, based on the Police report and findings, would be to move forward with a resolution to hold a revocation hearing. The Committee agreed. Mr. Smiertka stated his office would then take the charge to do the resolutions for objecting to the transfer and setting a hearing date for the revocation hearing. After a discussion on the time line, the Committee determined they needed to act immediately. Council Member Wood asked the City Attorney to write the resolution specific to the denial of the transfer based on the evidence.

MOTION BY COUNCIL MEMBER WOOD TO DENY THE OWNERSHIPS TRANSFER OF THE LICENSE AT 820 W. MILLER FROM BINNI'S BAR & GRILL INC. TO LOVE SINGH. RESOLVE TO BEGIN THE PROCESS IN SETTING A REVOCATION HEARING FOR JUNE 4, 2018. MOTION CARRIED 2-0.

Pending:

- Michigan Liquor Control Commission; Transfer of Ownership of Class C and SDM License; 320 E. Michigan Holdings, LLC to Bowdies's LLC, 320 E. Michigan Avenue- **Pending Application**
- Michigan Liquor Control Commission; Transfer of Ownership Class C & SDM license from RYJT, Ltd to Art's Pub, LLC at 809 Kalamazoo Street.-**Pending Application**
- Michigan Liquor Control Commission; Transfer Ownership Class C & SDM License from Singh Pub and Grill, Inc. to Binni's Bar & Grill, Inc. @ 820 W Miller Rd.-**Pending Application**
- Michigan Liquor Control Commission: New SDM Licensed Issued MCL436-1533(5)(a); New Catering Permit; Located at 505 E. Michigan Avenue; Take Me Out Too LLC & City of Lansing- **Pending Application**

Remain Pending until the applications are submitted.

Adjourned

Adjourned at 4:58 p.m.

Submitted by Sherrie Boak,

Office Manager, Lansing City Council

Approved by the Committee on May 22, 2018