



MINUTES

Committee on General Services

Tuesday, July 10, 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.

ROLL CALL

Council Member Patricia Spitzley, Chair
Council Member Adam Hussain, Vice Chair
Council Member Carol Wood, Member

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Eric Brewer, Council Internal Auditor
Scott Sanford, Code Compliance
Rev. Kent Bowden
Sarah Hernandez
Kathy Miles
Lisa Hagen, Assistant City Attorney

Public Comment on Agenda Items

No public comment at this time.

Approval of Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM JUNE 25, 2018 AS PRESENTED. MOTION CARRIED 3-0.

Discussion/Action:

RESOLUTION – Claim Appeal #1535; S Hernandez; 3100 Ingham; \$3,939.50

At the beginning of the item the applicant was not present and the Committee held a discussion on what the next steps would be.

Ms. Hernandez arrived at 4:01 p.m.

Mr. Sanford noted the violations were cited on 12/7/2017 with a completion date of 12/14/2017. He verified the letters went to all owners of record at the time, but the claimant did not purchase until 1/9/2018. Mr. Sanford recommended the claimant file a

claim with the previous owner or title company that did the transaction. Lastly Mr. Sanford cited Section 107.6 which states anything written up on the property has to be disclosed at the time of sale. Council Member Wood stated to Ms. Hernandez that Council in the past has been told by Law that the only person that has the right to submit a claim would be the person who owned it at the time work was done. As indicated by Mr. Sanford, the only appeal process she had was to go to small claims court and go against previous owner. Ms. Hagen confirmed that information as well. Council Member Wood concluded her statements by informing Ms. Hernandez that Council has no standing to adjudicate.

MOTION BY COUNCIL MEMBER WOOD MADE A MOTION TO DENY THE CLAIM DUE TO THE FACT THE CLAIMANT WAS NOT THE LEGAL OWNER AT THE TIME OF THE VIOLATIONS AND THEREFORE HAS NO STANDING TO FILE A CLAIM AND NEEDS TO GO THROUGH THE APPROPRIATE COURTS FOR HER CLAIM.

Council Member Spitzley asked for clarification from Law, if the Committee should officially deny or pull any action since the claim has no standing. Ms. Hagen stated they could officially deny it because the claimant is not the appropriate person to file the claim. Council Member Spitzley officially told Ms. Hernandez that the claim is denied and she will have to go through the legal process to address it. Council could not provide her with legal advice to proceed, but it was brought through a process that did not have checks and balances.

Council Member Wood recommended Ms. Hernandez meet with Joe McDonald in HRCS (phone number provided by Ms. Boak) who works with residents on housing issues.

MOTION CARRIED 3-0.

RESOLUTION – Claim Appeal # 1479; Kent Bowden; 1207 N Chestnut; \$2,099.00

Mr. Sanford stated that Mr. Bowden was not the owner at the time of the violations. Council Member Spitzley reiterated from the previous case discussion, that if Mr. Bowden was not owner he had no standing to file the claim. Council Member Wood asked Mr. Brewer if when the Claims Review Committee saw it and made their determination, if Mr. Bowden was the owner. Mr. Brewer admitted they did the review and during the determination did discuss the tax payer and ownership. The Committee denied the claim. Council Member Spitzley referenced Assessing information that stated the owner was Mr. Wheaton and Mr. Bowden, at which Mr. Sanford agreed but stated that with land contracts both names are on there so Mr. Bowden is noted as the tax payer. Ms. Hagen reviewed the assessing information as well and determined that as of July 2017 Mr. Bowden was the owner, and the violation was 7/18/2016. The Committee and Mr. Brewer discussed the amounts of the claim and additional fees and it was determined the amount of the claim they would review would be \$1,584.00 because Code Compliance retracted the \$75 fee for second notice. Mr. Sanford recommended denial of the claim.

Mr. Bowden stated he never received notice of the violation until December 20, 2016, and cited his issue again that the address that Assessing had at the time and used was 508 North Grand River, not the 508 West Grand River so he never receive his mail, it went to Millies Bakery.

Council Member Spitzley asked Mr. Brewer if the Claims reviewed lowered Mr. Bowden's claim because of a wrong mailing address. Mr. Brewer could not recall the determination.

Council Member Spitzley reconfirmed the tax roll states the mailing address at 508 West Grand River. Mr. Sanford added that notices were sent to the property address as well at 1207 N Chestnut and Mr. Bowden's home address. Mr. Bowden continued his appeal stating he had an affidavit from the occupant at the time that stated they never got any notices at 1207 N Chestnut.

Council Member Wood asked Mr. Bowden if he has been paying his taxes for 1207 N Chestnut and he confirmed he had been, but did them on line.

Council Member Wood asked Mr. Sanford to confirm his office did an earlier communication that reduced the amount by the \$75 second notice fee. Mr. Sanford confirmed it was waived.

MOTION BY COUNCIL MEMBER WOOD TO DENY THE CLAIM FOR 1207 N CHESTNUT IN THE AMOUNT OF \$1,580.00. MOTION CARRIED 3-0.

Council Member Wood asked Mr. Bowden if he had any additional claims pending with the City, and he stated no.

Adjourned

Adjourned at 4:39 p.m.

Submitted by Sherrie Boak,

Office Manager, Lansing City Council

Approved by the Committee on July 24, 2018