



MINUTES
Committee on General Services
Tuesday, December 8, 2020

Access the meeting via: <https://us02web.zoom.us/j/89395783782> ID: 893 9578 3782; Dial In: (312)626-6799

Email comments prior to the meeting to renee.richmond@lansingmi.gov

All Council Members will participate virtually. They may be contacted prior at city.council@lansingmi.gov or (517)483-4177

CALL TO ORDER

The meeting called to order at 3:01 p.m. via zoom.

PRESENT – via audio/video

Council Member Hussain remotely from Lansing, Michigan

Council Member Wood excused

Council Member Garza remotely from Lansing, Michigan

OTHERS PRESENT via ZOOM

Renee Richmond, Council Administrative Asst.

Lisa Hagen, OCA

Heather Sumner, OCA

Andrew Kilpatrick, Director Public Service

Chris Swope, City Clerk

Brian Jackson, Deputy City Clerk

Karen Allen, ANA Law Firm

Scot Pelc, Owner Sidecar LLC

Steve Simon, Owner Sidecar LLC

Scott Sanford, Code Compliance

Bengt Jansson

David Shellenbarger

Bob Vanarkel, Royal Wulff property Manager

Kim Coleman, Director HRCS

Katrina Urista, HRCS

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM NOVEMBER 10, 2020 AS PRESENTED. ROLL CALL VOTE, MOTION CARRIED 2-0.

Public Comment on Agenda Items

No public comment at this time.

Discussion/Action:

RESOLUTION – Noise Waiver for Miller Road between Pennsylvania & Aurelius

Councilmember Hussain stated this is a resolution for a noise waiver for construction to replace a culver on Miller Road. This should take about 10 weeks from mid-April to early September and apply for 8am-7pm if necessary. Councilmember Wood asked why we were doing it so early. Ms. Parry stated they were just getting ahead of the game so everything is in place when it starts. Councilmember Wood asked how many residents were affected. Ms. Parry stated 2 apartment complexes to the East and 2 residential houses to the West.

MOTION BY COUNCILMEMBER WOOD TO APPROVE THE RESOLUTION FOR THE NOISE WAIVER FOR MILLER ROAD BETWEEN PENNSYLVANIA AND AURELIUS. ROLL CALL VOTE, MOTION CARRIED 2-0

RESOLUTION – Michigan Liquor control Commission – Transfer of Ownership Sidecar LLC, 500 E Michigan Ave

Councilmember Hussain stated he reached out to the Clerk's office for clarification on what needed to be done. Councilmember Wood stated she didn't see an approval from Treasury is there one. Mr. Swope from the Clerk's office stated yes there was one in Laserfiche. Councilmember Hussain asked for any comment from public and asked if anyone was present for Sidecar LLC. Ms. Kelly Allen attorney spoke about what Sidecar LLC is as well as did Steve Simon majority owner. Councilmember Wood asked what percentage of sales did the business due; Mr. Simon stated 70% food and 30% liquor. Councilmember Wood then asked about any violations. Ms. Allen stated there were 2-3 NSF checks written to the Liquor Commission. As well as one serving training violation as to which the proof of training was late. No further comment.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION FOR MICHIGAN LIQUOR CONTROL COMMISSION TO TRANSFER OWNERSHIP OF 500 E MICHIGAN TO SIDECAR LLC. ROLL CALL VOTE, MOTION CARRIED 2-0.

RESOLUTION – Claim Appeal #1794 & 1819; Bengt Jansson; 1122 Platt Street; \$450

Scot Sanford stated there was a letter sent 10/24/2019 and 02/2020 from Code Enforcement who was called by LPD for interior conditions & was red tagged. Owner called on 11/6/2019, 1/22/2020 and 3/25/2020 for extensions all were granted and have now expired. The building safety department is issuing permits and Mr. Jansson cannot demolish on his own. Councilmember Hussain verified that extensions were granted and asked when the monitory fees start. Mr. Sanford said first bill was June 2020 and paid then 08/04/2020 and that has been paid. November/December have not been paid yet.

Ms. Sumner stated the Review Committee met and based on the review the house was properly red tagged and fees in place and we ultimately denied the claim. Mr. Jansson stated he bought the property in May 2019 to invest in REO town. Plan was to fix it up in his spare time and ultimately found out the foundation was not in good condition. He never received a response back from a Masonry request and was going to demolish in March 2020 then COVID. He didn't recall Steve Swan medicating he heeded a license for demolition. My concern in that it took some time for the review committee to look at it. Also, there were no notices to previous owners since it was vacant for years. Councilmember Wood stated it was her understanding that this had been properly noticed. You have been paying the fees correct? Mr. Jansson stated yes and another check for Nov. was going out. Councilmember Hussain commented that he was struggling with the fact that Mr. Jansson you bought the home to fix but waited six months after receiving the first notice. Are there any further questions, there were none.

MOTION BY COUNCIL MEMBER WOOD TO DENY THE RESOLUTION FOR CLAIM APPEAL #1794 & #1819; BENGT JANSSON; 1122 PLATT STREET \$450. ROLL CALL VOTE, MOTION CARRIED 2-0.

Councilmember Hussain stated Mr. Smiertka needed to leave so if he could address the Committee on the Ordinance. Mr. Smiertka stated the Committee has done a lot of work on the Ordinance. Regarding the conflict of interest we advise that there will be forms to prepare and the board will have to review. My concern is we've received from HUD on fines they assessed against City of Lansing. We have until February to file a response. In and Ordinance of this affect together with Administration and policy put in place it will go a long way to attempt to allow those funds so I am asking for your consideration on the form.

RESOLUTION – Claim Appeal #1815; David Shellenbarger; 2321 Commonwealth; \$7,790

Mr. Sanford stated a trash violation on 7/31/2020 with compliance office returning on 8/7 and the violation still occurred. Code Compliance returned on 8/10/2020 it was still there and therefore they removed. The claimant has submitted receipts from Granger for his removal. We followed proper procedure in removal and notifications to taxpayer of record and therefore denied the claim. Councilmember Hussain said before I turn it over I have a question on a breakdown of the bill. I see 70 yards of waste and what about labor. Mr. Sanford stated 23 man hours were records and 62 yards of wasted removed. Mr. Shellenbarger stated he bought the house for his son/daughter and ultimately his daughter was going to move in. They worked on the home for some time and then his daughter moved out after about a year and a neighbor asked for a land contract and stayed for 1 ½ years and left it a mess. By the time he got back to the house everything had been cleaned up. Mr. Shellenbarger asked about notification because he never received anything in the mail. If things could be sent certified to verify delivery and asked for consideration to approve claim. Councilmember Hussain said that the appeal seems to be based around notification and not amount of labor and waste. Mr. Shellenbarger stated they went into the garage and removed things that shouldn't have been removed. Councilmember Hussain stated we have several pictures that are available of the outside and that we are unable to bid out on every job. Councilmember Wood asked to OCA to explain under code notice and the requirement. Ms. Sumner stated when COL sends out notice and in law this is noted as mailbox rule and once placed it is deemed as sent. No way for the City to know if received but out duty is to mail. Claimant stated we should make sure of receipt. Ms. Sumner understand the frustrations for people on the other end of this. The requirement is that the City send notice and in law this is known as mailbox rule. But our duty is to mail and that is our practice. Unfortunately we don't have control over the postal office. It is the owner's responsibility to also have notice of the code and local ordinances. Councilmember Wood asked Mr. Sanford that it is here understanding that this particular violation from Mr. McGrain. There were efforts to place notice on buildings as well is this correct? Mr. Sanford said yes in regards to grass and trash but not beyond that. Councilmember Wood said looking at the information that we have in BS&A the address is 2321 Commonwealth and it shows the taxpayer and owner of record. Mr. Sanford this is correct, the last modification was 4/4/2016 and stated David E & Maria L Shellenbarger.

MOTION BY COUNCIL MEMBER WOOD TO DENY THE RESOLUTION FOR CLAIM APPEAL #1815; DAVID SHELLNBARGER; 2321 COMMONWEALTH \$7,790. ROLL CALL VOTE, MOTION CARRIED 2-0.

RESOLUTION – Claim Appeal Reconsideration #1766; Royal Wulff LLC; 903 N Capitol; \$460

Councilmember Hussain indicated we recently acted on this claim and denied it after the meeting it was brought up that the tenant did not have legal standing. At the 11/30/2020 Council meeting OCA agreed and asked to pull it back to committee. Councilmember Wood stated based on information provided to Committee and fact that OCA clarified on that she moves to deny the claim. Ms. Sumner stated she did want to clarify as well. We were unable to determine whether or not this person had standing because they failed to appear. It is possible for a tenant to have standing or a claim. It depends on what the lease structure is. Because this person failed to appear they never brought us information that would've allowed us to determine standing. Upon further review the committee and we already decided we were going to deny and person didn't appear so we went forward with the denial. Jim and I spoke about this and the fact of the denied claim on standing is functionally the same. So it did come to this committee as a denial and out of Committee and then back. My thing is the denial is proper if we wanted to amend reason to be that we were unable to determine standing as opposed to denied on merits that would be more consistent as to how the committee has handled things in the past. Councilmember Wood stated she disagreed and having sat on this committee enough when we find the

personal doesn't have standing we don't move the resolution forward. We have done this historically so I'm concerned about getting out there and having someone comeback and say we didn't even consider mine before you told me I didn't have standing. My suggestion to the chair would be to reach out to property owners and notify them that the tenant filed a claim. It shows here it was paid on summer tax bill. We have had and I do agree with you Heather had the landlord and tenant at the meeting together it would have made it clear whose responsibility it was. Mr. Sanford continuously reminds us it goes with property not tenant. My concern is we have a precedence set and how we handle it. Councilmember Hussain agreed; Councilmember Wood stated the owner on record is Michael Demmer of Royal Wulff so if we could get them involved. Mr. Bob Vanarckel mentioned he is the Property Manager and was given legal standing to speak on the issue. He stated that he thought this had been dealt with and was resolved. We have paid and taken out of the tenant's security deposit as she has since moved and we are not looking to appeal.

MOTION BY COUNCIL MEMBER WOOD TO PLACE THE RESOLUTION FOR CLAIM APPEAL #1766; ROYAL WULFF LLD; 903 N CAPITOL; \$460 ON FILE. ROLL CALL VOTE, MOTION CARRIED 2-0.

ORDINANCE – Introduction and Setting of Public Hearing; Ordinance Amendments chapter 240; Grant Award Process

Councilmember Hussain reviewed what the Ordinance is and asked Ms. Sumner to take us through and talk about the recent changes. Ms. Sumner went through the following:

Page 1 - keep as changes reflect

Page 2 – Line 4 changed as reflected

Page 3; line 6 – should “to” City be changed to state “through” City. Councilmember Wood stated her concern when we started was that all the 1.25 would potentially go to the City Department to be utilized and not by non-profits. Ms. Coleman did a good job in explaining what they were doing. So my questions have been answered. Ms. Sumner verified “to” would stay written in.

Page 4 #2; red portion added in; the form is on the City website as an Affidavit of Disclosure this is the same as filing a conflict of interest.

Mr. Swope's concern is with this form that is specifically outlined in the Charter and is specific to indicate based on disclosure when you have a conflict. We did receive some from the department and don't think this form works for that. #1 and #2 discloses made under the form according to the Charter are to be put on City Council agenda and then through the Board of Ethics. Options are to create a sister image of the form or to use and mimic statement of financial interested. Councilmember Wood asked who can answer once the disclosure is filled out who looks at it and makes a determination and who keeps it on file. Mr. Swope said those that are completed we have them and again go to Council Agenda. We do not have a process on file is my understanding. Ms. Sumner stated Mr. Swope is correct. The statement of financial interest would work better and with minor tweaks it might work best then have it go to the City Clerk and Board of Ethic's and placed on file. All agreed

Page 4; line 10/ #3 – change from Affidavit of disclosure to conflict of interest.

Page 6 – accepted previous changes in red

Everyone agreed the rest looked good and nobody objected.

Other:

- a. Michigan Liquor Control Commission; Transfer License with Sunday Sales, Outdoor Service, Catering Bars and Dance-Entertainment from 7786 E. US 10, Walhalla to 419 Spring Street, Lansing. Transfer Governmental Unit from Branch Twp., Mason County to Lansing City, Ingham County (**Pending Application**)
- b. Michigan Liquor Control Commission; RID#RZ-1908-14021; Board of Trustees, Michigan State University, request to transfer of ownership of Escrowed 2019 Class C Licensed Business with Sunday Sales Permit (P.M.), Entertainment Permit and Sunday Sales Permit (A.M.) from HOA Restaurant Holder; transfer location from 172 E Edgewood Blvd., new Additional Bar Permit for a total of 2 bars, new outdoor service area; new specific purpose permit (golf), transfer classification from Class C License issued under MCL 436.1531 to Class C License issued under MCL436.1513(4) (non-transferable) at 3535 Forest Road, Suite C88A (**Pending Application**)
- c. RID #RQ-2007-09450; New SDM License Issued under MCL 436.1533(5) at 621 E Michigan Avenue, Batter Up LLC (**Pending Application**)
- d. RID #RQ-1907-10458; New SDM License Issued under MCL 436.1533(5)(b)(ii); New Sunday Sales Permit (AM) at 1004 E. Michigan (**Pending Application**)
- e. RID #RQ-2010-12727; Transfer Ownership Escrowed 2020 Class C Licensed Business From 500EM, LLC, New SDM License Issued Under MCL 436.1533(5)(A), Non-Transferable, New Sunday Sales Permit (AM & PM) for Sidecar Lansing LLC at 500 E Michigan Ave Ste. 100 Lansing, MI 48912 (**Pending Application**)
- f. RID #RQ-2010-12788; Transfer Location Escrowed 2020 SDD License with Sunday Sales Permit (PM) Only from 1109 E. Grand River, Ave, East Lansing to 2121 W Holmes Rd. to be held in conjunction with existing SDM License for the Quality Dairy Company (**Pending Application**)

Adjourned

Adjourned at 5:03 p.m.

Submitted by Renee Richmond,

Administrative Assistant, Lansing City Council

Placed on File by the Committee on February 3, 2021