



AGENDA
Committee on Public Services
Monday, March 13, 2017 @ 5:00 p.m.
City Council Conference Room, City Hall 10th Floor

Councilmember Kathie Dunbar, Chair
Councilmember Carol Wood, Vice Chair
Councilmember Tina Houghton, Member

1) Call to Order

2) Public Comment on Agenda Items

3) Minutes

- March 3, 2017

4) Discussion/Action:

A.) RESOLUTION – Setting of a Public Hearing; Glenburne Commons
Annual Maintenance

5) Adjourn



MINUTES
Committee on Public Service
Friday, March 3, 2017 @ 3:30 p.m.
City Hall, Conference Room, 10th Floor

CALL TO ORDER

The meeting called to order at 3:36 p.m.

ROLL CALL

Councilmember Kathie Dunbar, Chair
Councilmember Carol Wood, Vice Chair
Councilmember Tina Houghton, Member-excused

OTHERS PRESENT

Sherrie Boak, Council Staff
Scott Sanford, Code Compliance-arrived at 4:20 p.m.
Sharon Frischman, City Assessor
Heather Sumner, City Attorney
Chris Mumby
Billie O'Berry, Assistant City Attorney
Dean Johnson, Public Service
Brett Kaschinske, Parks and Recreation
Council Member Hussain
Sharon Frischman, City Assessor
Jennet Francisco
Steven Price
Carolyn Price

Public Comment

Comment taken at each agenda items.

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM FEBRUARY 17, 2017 AS PRESENTED. MOTION CARRIED 2-0.

Discussion/Action:

Park Board Rules

Mr. Kaschinske outlined that the rules of procedure had been changed to address the quorum of the Board. The changes, which were approved by the Park Board and the City Attorney, clarified that the quorum will be 5 of the majority of those present. The Board is an advisory

DRAFT MINUTES

board making recommendation for Council to make their determinations, similar to the Planning Board. Ms. O'Berry confirmed that law had reviewed the rules and agreed.

MOTION BY COUNCIL MEMBER WOOD TO PLACE ON FILE. MOTION CARRIED 2-0.

Discussion – Glenburne Commons Special Assessment

Council Member Dunbar updated the public present on the history of the site and the reason for the delay in action thus far. At the February 2017 Committee meeting the Public Service and Code Enforcement Departments both had contractors who could do the maintenance work, and they were going to work together to determine the best path to take.

Mr. Johnson on behalf of Public Service admitted that the mowing task not been determined, but they had confirmed that Code Enforcement has managed the maintenance contract the property up until 2008. He noted that Code Enforcement is more equipped than Public Service, and would advocate for Code Enforcement to administer the program.

Council Member Dunbar asked Law if there was any issues with the former resolution on the improvements. Ms. Sumner confirmed the legal aspect was figured out last year, 2016.

Council Member Dunbar informed Mr. Johnson that Mr. Sanford was charged with determining which contractor was the best value for mowing and trash removal, then based on those findings, that Department would be in charge. Mr. Johnson assured the Committee that Mr. Sanford and Mr. Mumby with Public Service, had the conversation and determined Code Enforcement's contractor had the cheapest, so they would use that.

The Committee then discussed the earlier discussions of a survey and costs for that along with any initial mowing and clean up. Ms. Frischman pointed out that the total costs will need to be spread to all parcels, including ones owned by the City, Lansing Housing Commission and the Land Bank.

Mr. Price stated that at the neighborhood meeting in 2016, the City mentioned they were checking to see the full count of the members to split the cost. Mr. Price recalled that the majority of the residents at the meeting did not care the cost, so he encouraged the City get the work done.

Council Member Wood asked Law to confirm this would not be considered something similar to the "rain fee" situation, and Ms. O'Berry stated with it split equally, all parcels will be assessed the same. Ms. Frischman asked if the determined would be based on improved or not; as in is there a house on the lot or is it a vacant parcel. Ms. O'Berry stated it would not be based on who is benefiting, but that it is a nuisance to all.

Council Member Wood asked for an estimate, and Mr. Johnson referenced a draft resolution he saw that represented the cost determined by Code Compliance. The Committee was handed that draft, and corrected the details that the cost would cover the survey because it was determined at the February Committee meeting that the survey would not be done. Mr. Johnson stated his understanding that the contractors wanted a survey because they did not know where to mow.

Ms. Francisco stated that people had removed fences and started to encroach in the area claiming it as their own.

DRAFT MINUTES

Ms. O'Berry clarified for the Committee and public that there are two items to address; the encroachment into the commons area and secondly the actual mowing. To determine lot lines there is the need for a survey, but for mowing no survey is needed.

Mr. Price asked for it to be mowed twice a month.

The Committee spoke briefly on reinstituting the association so the association can address issues, and the association will be liable not the individuals. Ownership creates liability, easement and access does not.

Council Member Wood brought the focus to what the City is trying to accomplish, in hopes that in at the end of the 10 year assessment, they establish a condo association again. All the other items need to be initiated by them.

Council Member Hussain asked what the City could do to hold the hand of the residents through the process. Council Member Wood noted that earlier suggestions were that they speak to MSU or Cooley law. The City Attorney cannot do the work for them, or give out legal advice. If the residents wanted to create a newsletter the Council could take funds from there council member accounts to donate postage but they would have to do the newsletter.

Ms. Price noted there was a large drain on the commons property, and asked who was responsible for that.

The Committee then began discussion on the amounts, and it was suggested \$25,000 for trash removal and \$7,500 for mowing. Then those would be adjusted as the work is performed. The amounts were from the information that was provided by Code Compliance in 2016 when the idea was initially approved. Ms. Frischman stated there were 311 properties to split that total amount amongst.

The Committee determined that with 311 parcels, including those owned by the City, Lansing Housing Commission and the Land Bank, would be assessed with two mowing's a month at \$15,000 bringing each residents charge for the year to \$48.23.

Council Member Wood asked Law to speak to Mr. Smiertka about a recent presentation he attended by the Lansing Housing Commission where it was stated that HUD had advised them not to pay any special assessments or they could lose their funding.

Mr. Sanford stated he has already begun discussions with his contractor and they should be on site every other week on Thursdays and Fridays.

The Committee determined they would follow the special assessment process and hold a public hearing every December to set the assessment for the following year.

Ms. Frischman asked about a public hearing to establish the district for a special assessment. Council Member Dunbar stated there would be a hearing set to inform the residents, but the assessment roll hearing will not be until October once the work is performed and there is an actual cost. This will allow the residents to be made aware it will occur, and also that once the assessment is determined they have 90 days to pay it before it goes on the taxes.

The Committee determined they would set the hearing at the Council meeting on March 13, 2017 for a hearing on March 27th to inform the residents. Then the work would be performed and the actual costs would be assessed over 311 parcels, and placed on a special

DRAFT MINUTES

assessment roll for a public hearing in October, 2017. This will allow the residents 90 days to appeal and/or pay, before it appears on the 2017 Winter Taxes in December.

MOTION BY COUNCIL MEMBER WOOD TO RESCIND RESOLUTION 2016-202. MOTION CARRIED 2-0.

Council Member Wood asked law if a resolution would be needed to hold the public hearing, and Ms. O'Berry stated there would need to be one to authorize them to assess the owners, and the hearing would be held in October after the work and cost has been determined. Ms. Sumner stated she could not find that a hearing is required. Council Member Wood requested a hearing to inform the residents of the project and anticipation of the cost before the work.

The Committee determined a new resolution should be drafted outlining the new dates of the hearings, the estimates on a calendar year, a cost of \$48.23 per parcel, per year for 311 parcels. The overall proposed clean up and mowing for 2017 will be \$15,000.00 for mowing every two weeks. The amount per parcel will be adjusted annually. The Committee determined they would meet on March 13th at 5:00 p.m. to review and approve the resolution, and set a hearing for March 27th to inform the residents.

Mr. Johnson stated he could provide Council staff a template for a mailing to the residents, Council staff will create and mail the notice to the residents on March 14th, with assistance with the labels by the Assessing Department. The work will begin after the hearing on March 27th and then in October the Assessor will ratify the roll for the actual costs. A hearing will be held and then any non-payments will be an assessment on the winter taxes.

Council Member Dunbar acknowledged an email by Mr. Hartley on a request for a natural area, however she noted it was not the request of the majority of the residents.

ADJOURN

The meeting was adjourned at 4:58 p.m.

Submitted by, Sherrie Boak

Recording Secretary

Lansing City Council

Approved: _____

BY THE COMMITTEE ON PUBLIC SERVICE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, each property owner in the Glenburne Subdivision, by accepting a deed to property within the Subdivision, is per the Declarations of Covenants, Conditions and Restrictions filed with Eaton County, Michigan by the developer, Francis M. Fine, a member of the Glenburne Subdivision Association; and

WHEREAS, per the Declarations, members of the Association jointly own and are collectively responsible for the maintenance of an 11 acre green space within the Subdivision, known as Glenburne Commons; and

WHEREAS, the City of Lansing through its Code Compliance Office has determined the current state of the Commons requires immediate nuisance abatement in order to eliminate hazards to public health and safety; and

WHEREAS, the City Council Public Service Committee has considered options for maintenance and will hold a public hearing on March 27, 2017 to make the affected residents aware of the special assessment on their Winter 2017 tax bill; and

WHEREAS, the City of Lansing has established the need for a special assessment district that includes all properties of the Glenburne Subdivision Association for the purpose of financing the mowing and maintenance of the Commons; and

WHEREAS, the Lansing Fire Department, Code Enforcement Section has calculated the estimated cost for mowing two times per month and trash clean up at \$15,000.00 per year for an estimate of \$48.23 per parcel per year.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby determines there is a public necessity to mow and maintain the Glenburne Commons and hereby establishes the Glenburne Commons special assessment district that includes all of the parcels within this area:

Glenburne Subdivision

Glenburne Subdivision No. 2

Glenburne Subdivision No. 3

Glenburne Subdivision No. 4

Glenburne Subdivision No. 5

Part of the North 2 and South East $\frac{1}{4}$ of Section 36, T4N, R3W

City of Lansing, Eaton County, Michigan

BE IT FURTHER RESOLVED, the special assessment shall include all direct costs for mowing and trash removal, as well as indirect costs for determining estimates, preparing of the assessment and the roll, providing notices and for the assessment to be reviewed and adjusted annually based on actual cost to provide this service.

BE IT FURTHER RESOLVED, that the Office of Code Compliance has determined the necessary cost estimates for the special assessment as contained in this resolution in sufficient detail to establish the special assessment district commencing 2017, and the applicable assessment to the properties in the district, and to furnish this information to the Mayor and City Council.

BE IT FURTHER RESOLVED, the initial annual assessment is \$48.23 per parcel for calendar year 2017.

BE IT FINALLY RESOLVED, a public hearing will be held on March 27, 2017, to give notice of the establishment of a special assessment district for Glenburne Commons and the cost to be assessed by the City Assessor for preparation of the assessment roll as authorized by Public Act No. 59 of 1978, as amended and Chapter 1026 of the Lansing Code of Ordinances.

**CITY OF LANSING
NOTICE OF PUBLIC HEARING**

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that an informative public hearing be set for Monday, March 27, 2017 at 7:00 P.M. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering a Special Assessment for the Glenburne Commons Maintenance, that includes mowing and trash/debris cleanup.

Interested Persons are invited to attend this Public Hearing

Chris Swope, Lansing City Clerk