



## **MINUTES**

### **Committee on City Operations**

**Wednesday, May 19, 2021 @ 3:30 p.m.**

Access the meeting via: <https://us02web.zoom.us/j/83295036449> ID: 832 9503 6449; Dial In: (312)626-6799

Email comments prior to the meeting to [renee.richmond@lansingmi.gov](mailto:renee.richmond@lansingmi.gov)

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

### **CALL TO ORDER**

The meeting was called to order at 3:33 p.m. via zoom.

### **PRESENT – via audio/video**

Councilmember Dunbar, remotely from Port Austin, Michigan

Councilmember Spadafore, remotely from Lansing, Michigan, arrived at 3:43pm

Councilmember Hussain, remotely from Lansing, Michigan

### **OTHERS PRESENT via ZOOM**

Renee Richmond, Council Administrative Asst.

Eric Brewer, Internal Auditor

Lisa Hagen, City Attorney

Marc Jones, Dept. Public Service

Scott Sanford, Code Compliance

Gary Naeyaert, Realtor

Steve Kelly, Salt Brewery

Donna Williams, Salt Brewery

Nate Love, Attorney Salt Brewery

### **Minutes**

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE MINUTES FROM MAY 5, 2021 AS PRESENTED.

ROLL CALL VOTE, MOTION CARRIED 2-0.

### **Public Comment on Agenda Items (3 minute limit)**

No public comment

### **Discussion/Action:**

RESOLUTION – Public Improvement; Alpha-Devonshire Sewer, Water Main & Road Reconstruction Project (PEND-2531)

Councilmember Dunbar asked if there was anyone from the Department to speak on this.

Marc Jones stated he is with the Department of Public Service and in the packet they provided the sidewalk assessment totals and sent a map to Renee Richmond. Councilmember Dunbar verified they had the map.

Mr. Jones explained that this is a joint project with BWL to replace lines, sewer repair and reconstruct some roads. They've contracted with ENG their design engineer. Basically due to sewer repairs and water main repairs they have to completely reconstruct the width of the road from Kendon to Cavanaugh and south of Kendon to Jolly some intermittent repairs. Generally when they have that they go out to the public and let them know that they'll have new sidewalks, curbs and roads but per the City rule they'll pay 50% of the cost, that there will be some things that are the responsibility of the property owner. Sidewalk for driveways, city trees where they've bulked up the sidewalk that's 100% the City. He

continued that the assessments included in the document are estimates and the total cost is about \$92,000 and they haven't opened up for bids yet but the City would pick up approximately 80% and the property owners about 20%. Councilmember Dunbar asked when he states cost does he mean overall cost because there are amenities that the property owners will pay 50/50. Mr. Jones agreed and said some property owners won't pay anything because their front isn't in need of repairs and those are sections south of Kendon. The highest amount projected is \$570 and an average is \$120 and there is a spreadsheet in the packet that includes every parcel.

Councilmember Dunbar asked what efforts are being taken to notify the residents and potential cost to them. Mr. Jones indicated this was his first he's gone through and from what he's been told there is a PI1 & PI2 process. As an example they go out and mark X's & O's and they mean certain things like one is for the City and the other the owner. This then allows them to go out and get bids. The PI3 process is then a Public Hearing and the owners get a letter and they can get questions answered. He continued that they have received a few calls and questions already and that Consumers Energy has been out replacing gas mains so residents are aware that something is coming. Mr. Jones stated he believed that once this is out of Committee it goes to Council for the hearing and then PI3 is the Public Hearing and they should have cost and PI4 gives them authorization to start construction and PI5 is sending out the assessments.

Councilmember Dunbar requested that the Committee receive a copy of the notice that is sent to residents as they will probably get calls and that way they are prepared with what was sent out and also asked about an option for the residents to spread out the payment of the assessment over time. Mr. Jones indicated that Council is able to state the time period.

Councilmember Spadafore joined the meeting at 3:43pm

Councilmember Dunbar then asked if anyone had any comments or questions. Councilmember Hussain just stated that he likes that it is already centered on engagement and that it is already on Councilmember Garza's radar and is on it.

MOTION BY COUNCILMEMBER HUSSAIN TO APPROVE RESOLUTION – PUBLIC IMPROVEMENT; ALPHA-DEVONSHIRE SEWER, WATER MAIN & ROAD RECONSTRUCTION PROJECT. ROLL CALL VOTE, MOTION CARRIED 3-0.

RESOLUTION – Claim Appeal; Claim #1837, Carol Johnson for \$4,946 in Trash Removal Fees at 816 Shiawassee St. (PEND-2532).

Councilmember Dunbar asked for Public Comment and then Gary Naeyaert was brought in along with Scott Sanford to discuss.

Mr. Naeyaert explained that he is the real estate agent for Carol Johnson who is the former owner. We had to evict the tenant and there was all kinds of debris, so I arranged for a private contractor to remove it. He stated Ms. Johnson had gotten a letter from the City on the trash and she wasn't very attentive to it because she wasn't living there and not managing the daily stuff. Again they had a private contractor come out and remove about 60 cubic yards of refuse. He believes it was the same day as the City and that they paid \$2,400. The home was literally being sold a week after all this happened. We asked that the money be held in escrow and his client no longer owns the home and the new owner (which is also his client) is renovating. He is just wondering if there was any release on the \$5,000 and if you add the \$2,400 they paid that's about \$7,500. He stated it's been very confusing because everything happened all about the same day and he is just trying to save a little old lady some money and appreciated the opportunity to be in front of the Committee.

Councilmember Hussain asked to stop for a minute as he wanted to make sure things didn't get too far down. He said he is struggling with if Mr. Naeyaert has any legal standing to be in front of the Committee as he is not the owner and asked Lisa Hagen to comment.

Lisa Hagen confirmed he is not the owner and that the owner at the time of the claim appears to have sold the home so if the new owner came in just as Mr. Naeyaert to see the claim through that would be different. However, this is an agent and she looked through the packet and did not see any document giving him the authority to stand in for the owner. So she did not disagree with that this becomes more of a private issue between the prior and current owners.

Mr. Naeyaert stated that he contacted the title company and asked if the money still had a hold on it and they said no that they sent to the City. He is doing this as a favor to Ms. Johnson. Ms. Richmond stated there was an email including the City Attorney, Deputy Clerk and Mark Lawrence in regards to the claim but didn't know if he was authorized to speak on her behalf. Ms. Hagen asked if that was in the packet and if so where. Ms. Richmond stated she would search for it.

Councilmember Dunbar asked Scott Sanford from Code Enforcement to explain what was removed. Mr. Sanford explained the following and that the property was cited for trash on 12/1/2020 with a Compliance due date of 12/8/2020, they returned on 12/9/2020 and noted the trash still remained. Their contractor went out on 12/14/2020 as in the time stamped photos and clean up done. Code Compliance was later contacted by the title company of the sale and when noted of outstanding invoice of the trash violation and on 1/28/2021 the listing agent contacted their office and Lynne, Code Compliance Administrative Assistant regarding the fees. In his notes he stated that Lynne was contacted by the title company and asked to hold the funds if the seller was going to file a claim. They indicated they could hold off and if not paid by mid-March it was going to be transferred to Treasury for taxes. Scott continued that he was contacted by the realtor asking about the trash and that the owner had trashed cleaned up and not sure of the date and asked for pictures and if there was any way to avoid a trash bill so the owner could make more money on the sale. Scott said he sent over about 40 pictures of trash and that the garage was more than half full up to the top from the floor. Mr. Sanford pointed out that as the Committee could see in the pictures it was a huge amount of debris and that is why the cost was as high as it was. Councilmember Dunbar agreed that it was bad.

Mr. Naeyaert said he supplied pictures of what their contractors took. He pointed out that both his and the City took trash and did the work and neither took all of it on or about the same day that he wasn't sure of the day the City was there. He didn't know if Ms. Johnson was aware of it or not but that it was a combo deal on what was done.

Councilmember Dunbar asked Mr. Sanford if the property was clean now and that she was looking at page 79 and the time stamp was 12/14, was that his contractors and Mr. Sanford stated yes and then asked Mr. Naeyaert if his guys cleaned what was remaining and he said yes they emptied it. He continued that both (his and City) did it and it was a joint effort, that his client paid \$2400.

Mr. Sanford stated that the city does not do 50/50 deals and if they arrived and someone else was cleaning then the City contractors would leave. Mr. Naeyaert voiced that both his guys and the city's was there and nobody could tell him different. His guys finished the job and that in early December they thought someone broke into the garage since most of it was gone and his guys did the job they were hired to do.

Councilmember Dunbar indicated that she could see in the pictures proof that the City contractors were there on 12/14/2020 and various pictures taken throughout the day and her conclusion that it was completed by the City. Councilmember Spadafore clarified that what he could see is the city made substantial progress on the property and what Mr. Naeyaert provided was what was remaining from that day and that it wouldn't surprise him that the total would have cost \$7500. Councilmember Hussain also stated he wanted to clarify that our (the City) contractors took care of what was authorized. He also stated he didn't know if Mr. Naeyaert had a legal standing to bring in front of the Committee. The reality is the appropriate notice was sent and we followed the policy and he would not be supportive of the appeal.

Councilmember Dunbar asked if Ms. Hagen found anything out. Ms. Hagen stated that the information sent to her from Ms. Richmond did not include any opinion from OCA regarding the agent to speak on behalf of the client but she did find from April from her office to Brian McGrain indicating that OCA had not made contact with Mr. Naeyaert and nowhere on the claim did it authorize him to speak on her claim.

Councilmember Dunbar stated that she didn't know that the Committee even needed to vote on this because it wasn't properly before them.

Consensus of the Committee was in agreement.

Mr. Naeyaert finished by saying again that she didn't own the property anymore and if she could've ran a zoom she would have and he told her you can't fight City Hall and thanked everyone for the opportunity to get his face kicked in on behalf of his client.

Eric Brewer, Internal Auditor, apologized for interrupting and said that procedurally what happens is that they've had similar cases in the Review Committee and the norm is the assessment travels with the property so the new property owner has the appeal rights. But since the title company paid it, like Lisa said, the issue is with standing. So that if it was unpaid it would be the new owners responsibility and appeal rights. He indicated he wasn't an attorney just an Internal Auditor.

RESOLUTION – Liquor License Approval: Salt Brewing Company, LLC for a new micro brewer, small wine maker, small distiller, beer and wine tasting, on-premises tasting room, Sunday sales (AM), Sunday sales (PM), dance, entertainment, and outdoor service permits at 517 W. Ionia Street (PEND-2526)

Councilmember Dunbar asked if anyone had any questions regarding the item.

Steve Kelly, one of the owners stated him and Donna Williams are opening a small Brew Pub on Ionia Street. Indoor seating for roughly 80 people and outdoor for 70 on the patio. They are hoping to open in 4-5 month.

Councilmember Hussain stated he had no questions and noticed it was close to a church but they signed off.

Councilmember Spadafore asked for a reminder of where on Ionia it was and Councilmember Dunbar indicated where it was near the First Presbyterian Church.

MOTION BY COUNCILMEMBER SPADAFOR TO APPROVE RESOLUTION – LIQUOR LICENSE APPROVAL; SALT BREWING COMPANY, LLC FOR A NEW MICRO BREWER, SMALL WINE MAKER, SMALL DISTILLER, BEER AND WINE TASTING, ON-PREMISES TASTING ROOM, SUNDAY SALES (AM), SUNDAY SALES (PM), DANCE, ENTERTAINMENT, AND OUTDOOR SERVICE PERMITS AT 517 W. IONIA STREET. ROLL CALL VOTE, MOTION CARRIED 3-0.

**Other:**

UPDATE – Frances Park; Trail along river

No comments given

**Pending - None**

**Adjourned**

Adjourned at 3:58 p.m.

Submitted by Renee Richmond,

Administrative Assistant, Lansing City Council

Approved by the Committee as Presented on June 2, 2021