



MINUTES

Committee on City Operations Wednesday, June 16, 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

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

CALL TO ORDER

Councilmember Spadafore called the meeting to order at 3:33 p.m. via zoom.

PRESENT – via audio/video

Councilmember Dunbar, arrived 3:36pm, remotely from Lansing, Michigan

Councilmember Spadafore, present in City Hall

Councilmember Hussain, remotely from Lansing, Michigan

OTHERS PRESENT via ZOOM

Renee Richmond, Council Administrative Asst.

Eric Brewer, Internal Auditor

Jim Smiertka, City Attorney

Scott Sanford, Code Enforcement

Greg Frens

Julie Mullin, Mid-Michigan Sports Turf/Cleats

Kelly Allen, Representing Mid-Michigan Sports Turf/Cleats

Daron MacKinder, 320 Haag owner

Nancy MacKinder, 320 Haag owner

Joe Sim, Ocean Crab

Joe Abood, OCA

Bruce Tyree, Great Lakes Fireworks

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE MINUTES FROM JUNE 2, 2021 AS PRESENTED. ROLL CALL VOTE, MOTION CARRIED 2-0.

Public Comment on Agenda Items (3 minute limit)

No public comment

Councilmember Dunbar arrived at 3:36pm and asked Councilmember Spadafore to keep the gavel until she is able to get her computer up and running.

Discussion/Action:

RESOLUTION – Appointment; Gregory Frens as the 4th Ward member of the Board of Public for a term to expire June 30, 2024 (PEND-2564)

Councilmember Spadafore explained what the appointment was for and how long and asked Mr. Frens to share a little about himself and why he is seeking this appointment. Greg stated he has lived off and on in Lansing since 1980, he lived in the UP for about 14 years and came back to Lansing in 2008. He was on the Housing Commission for a while

until the building downtown was sold. I had some free time and wanted to get back to the City, he talked to Andy about this and thought it sounded like a good thing. Councilmember Hussain spoke to Mr. Frens and appreciates his willingness to serve and stated that this particular board was not one you had choose back in August 2019 to serve or be on and obviously the conversation with the Mayor's office is that there was an opening on this Board and everything on your application points to the diversity council and safety and asked Mr. Frens if he sees himself as being a part of and being able to serve and help. Greg confirmed and stated that based on his experience with MDOT and working on the contracts for the State of Michigan he feels comfortable with this Board. Councilmember Dunbar stated she had the same concerns as Councilmember Hussain as it wasn't his first choice but if he is comfortable with this Board she supports.

MOTION BY COUNCILMEMBER HUSSAIN TO APPROVE RESOLUTION – APPOINTMENT; GREGORY FRENS AS THE 4TH WARD MEMBER OF THE BOARD OF PUBLIC FOR A TERM TO EXPIRE JUNE 30, 2024 (PEND-2564). ROLL CALL VOTE, MOTION CARRIED 3-0.

Councilmember Dunbar asked Councilmember Spadafore to continue running the meeting as she was having computer issues.

RESOLUTION – Fireworks Display License; Great Lakes Fireworks for the City of Lansing's Independence Day Celebration (PEND-2554)

Councilmember Spadafore asked if there was anyone from the City for this item and Bruce Tyree from Great Lakes Fireworks was brought in to speak. Mr. Tyree stated that everything is pretty straight forward as it has been planned out the last couple years. Councilmember Spadafore asked for clarification and that the Parade is on July 3rd but the fireworks are on July 4th and Mr. Tyree confirmed that was correct.

MOTION BY COUNCILMEMBER HUSSAIN TO APPROVE RESOLUTION – FIREWORKS DISPLAY LICENSE; GREAT LAKES FIREWORKS FOR THE CITY OF LANSING'S INDEPENDENCE DAY CELEBRATION (PEND-2554). ROLL CALL VOTE, MOTION CARRIED 3-0.

RESOLUTION – Claim Appeal #1839; Daron & Nancy MacKinder for \$490 in Trash violation fees at 320 Haag Ct. (PEND-2568)

Mr. Sanford noted the property was cited for a trash violation on 10/27/2020 with a compliance due date of 11/3/2020 and a reinspection on 11/4/2020. On 11/25/2020 the contractor arrived almost 30 days after the initial notification and the same violation that appear in the pictures was still present and then removed. It's noted the owner of the property purchased the home in July 2019 so it is not a recent purchase and the owner stated in the claim that this was trash left by the old owner. Mr. Sanford continued that if that is the case they would need to file a claim with their title company and not the City of Lansing, proper procedures were following by the City and the Contractor and denial of the claim is recommended. Councilmember Hussain asked if we could hear from Mr. Brewer as this went before CRC. Mr. Brewer explained this was reviewed on 5/6/2021 and the original amount was \$524 through the review process it was reduced to the minimum of \$490 based on review of the packet.

Daron – I agree with everything said so far and I would offer again the same thing that was offered from initial hearing. It was verified by one of the members of the board that was on the initial hearing and it was stated on record she lived two house down from us at one point and that the mail service is horrible at which I explained at the first hearing. Mr. MacKinder continued that more often than not the mail carrier is a substitute and we simply didn't get the letters from the City. They own a cleaning company and when they bought the home there was trash behind the house from the former owner or renters and if we would've received notification we would've removed them and we had access to a dumpster and it was something we just hadn't gotten around to doing. They were discreetly tucked behind the house so someone had to walk on our property or behind it to see it. The issues I have is (he showed a certified mail receipt) this is a certified letter notice and this is how I know I'm having this hearing, He stated he is not understanding why the City didn't see to send him one and if not getting a response then maybe do a welfare check because I obviously didn't get that. He then held the certified receipt up again and said this guaranteed he received the letter and it now results in a \$490 bill that could result in a tax lien on his property. Mr. MacKinder went on to say that the City is saying they sent two stamped letters and they think the owners received them but the City can't prove it so some trash guys were sent out. He then said he stated in the original hearing as well, to speak on the integrity of the contractors that they sent out. He had two bags of empty bottles sitting on the porch about \$70 total and the guys were getting ready to leave and they said they worked for the City and when I looked at the paper it was not with the City. Mr. MacKinder stated his wife was the one who put the bags of bottles on the porch and she was not present at the time and he was already irritated and told the guy yeah take it and not realizing it was going to add to the bill, he figured one bill. He said he didn't want to waste the time of the Committee and again mentioned the certified letter and every legal proceeding he has been involved with a person has had to been served to know they received it and a stamped letter doesn't equal that in his opinion.

Councilmember Dunbar if law could explain the legality of this. Mr. Smiertka stated the question isn't if the owner got the notice it is in the Ordinance that if the notice is sent it is the presumption that it was received and whether the owner has a different idea on how the notice should be given, if it's not in the Ordinance it's not there. Mr. Smiertka then asked Mr. Sanford if the record shows that notice was given. Mr. Sanford indicated under the Housing Code Section 107.3 under Method of Service, such notice shall be deemed properly served if a copy is delivered personally, sent by certified mail or by first class mail to the last known address. Mr. Smiertka then confirmed that first class mail was covered and then asked about posting and if that was required, Mr. Sanford stated only if the letter is returned to the City. Mr. Smiertka continued that it appears based on the testimony given that they had been served and the question is whether the Committee believes that to be correct given the explanation by the owner. Councilmember Dunbar stated the normal argument is that the notice was late not that it never arrived and asked Mr. MacKinder if he was saying the mail carrier never delivered it. Mr. MacKinder gave a few examples that when Amazon sends a picture of a delivery it was at their neighbor's house, when they got married his wife still has not received her new Social Security Card and reiterated they did not receive a letter from the City. He continued that they are not the type of people to have received two letters from the City and ignored it, also that he wanted to make a point that he wasn't a lawyer but a reference to the legal thing and there is a reason that certified mail is not first class and if he didn't receive a letter he doesn't know he didn't receive it but if I don't get a certified letter then that person sending the certified letter knows because they don't get the receipt. He added that maybe the City should consider certified mail. He has testimony from the Post Office and their block is only eight houses and we don't know where the overflow goes. Mrs. MacKinder confirmed that they were married three years ago and she still has not received her Social Security Card and Mr. MacKinder again stated this is a big bill for moving four bags of trash.

Councilmember Hussain requested Mr. Sanford to address why the City chooses first class as opposed to certified mail. Mr. Sanford stated the Ordinance does not state they have to send certified mail and last year they sent 29,875 letters that cost \$239,000 in postage and as it is now just in first class postage it is about \$2,400-\$2,900 per month. He also noted in the packet there are two photos dated 10/27/2020 that show the trash bags by a black Toyota with a license plate 9MLE5E clearly visible and in the contractors photos as well. Councilmember Dunbar agreed that with the budget there isn't a way the City could do Certified Mail and continued that she didn't believe that because of the overflow the mail carrier would say that because of the overflow it does go to other people that there is a consistent non-delivery of mail. Mr. MacKinder stated he just asked the mail carrier where the mail could have been possibly going because of like Amazon and he explained the overflow. He also agreed in regards to the certified mail but if the first letter isn't responded to then maybe a certified letter and regarding the picture I watched them take the bag from behind my house and move it. Councilmember Hussain explained to Mr. MacKinder that typically when the Committee honors a request like this it is because the policy wasn't followed or something was done wrong and in this case this is the lowest amount that is charged based on the Administrative Fee. Councilmember Hussain continued that the policy was followed and based on the picture and he's been hearing the appeals for three years now and the mail is the biggest complaint however the mailbox rules were address, we don't set precedence and I say that a lot, I just don't see us stepping outside the box and I agree with the CRC in taking away that extra yard and with that I move with the denial in the partial amount of \$490. Councilmember Dunbar and Councilmember Spadafore concurred.

Mr. MacKinder concluded that in the future maybe email is something the City could look at that it would've been easier and quicker and would like to still point out that legal did say certified or first class so he would still like to argue that a final notice before sending out the trash guys is a certified letter. He continued that the home owner would be responsible for paying for that certified letter so the point that the City would be paying for that is moot. Councilmember Spadafore stated it was a good point for the future and something we can maybe talk to the City Attorney to look at and Councilmember Dunbar agreed.

MOTION BY COUNCILMEMBER HUSSAIN TO APPROVE RESOLUTION – CLAIM APPEAL #1839; DARON & NANCY MACKINDER FOR \$490 IN TRASH VIOLATION FEES AT 320 HAAG CT. (PEND-2568). ROLL CALL VOTE, MOTION CARRIED 3-0.

RESOLUTION – Liquor License; Acapulco Grill for a transfer of shares of ownership at 300 North Clippert (PEND-2561)

Councilmember Spadafore noted this was for transfer of ownership. Ms. Richmond stated there was an attendee name as Meeting Organizer and wasn't sure if it was for this item and asked them to state their name. They were not for this item. Councilmember Spadafore asked if anyone from Acapulco or the City was here and none were. Councilmember Dunbar asked if there was any time sensitivity for this and Ms. Richmond responded she was unsure. Councilmember Spadafore suggested they table this item.

At 4:08pm after discussion Item F, Councilmember Spadafore asked to revisit Item E since Ms. Boak explained the process and asked to move the Ocean Crab request. Ms. Boak shared her screen for the Committee to show the application was a little different as it was just asking to transfer ownership.

MOTION BY COUNCILMEMBER SPADAFORE TO APPROVE RESOLUTION – LIQUOR LICENSE; ACAPULCO GRILL FOR A TRANSFER OF SHARES OF OWNERSHIP AT 300 NORTH CLIPPERT (PEND-2561). ROLL CALL VOTE, MOTION CARRIED 3-0.

RESOLUTION – Liquor License; Ocean Crab Inc. for SDM & Class C License, Sunday sales (AM), Sunday sales (PM), dance entertainment, and outdoor service permits at 727 E. Miller Rd. (PEND-2563)

Joe Sim introduced himself as a partner of Ocean Crab and Bi Hao Liu who is the President of the company. He stated they were there for a liquor license and new to the process and attended to answer any questions. Councilmember Spadafore asked if there is someone normally from the City that attends or is it thrown up at the Committee. Ms. Boak explained that the application goes to the Clerk's Office and as you see this sheet (shown on the screen) it goes to each department to check and whether a site visit is needed or not and then they approve, the Clerk's office is invited but not to act other than speaking to the process. Councilmember Spadafore ask then once it gets to Committee it's been to the proper channels. Ms. Boak confirmed and then it goes to Council and if approved the applicant gets a certified copy and they send to Liquor Commission.

MOTION BY COUNCILMEMBER HUSSAIN TO APPROVE RESOLUTION – LIQUOR LICENSE; OCEAN CRAB INC. FOR SDM & CLASS C LICENSE, SUNDAY SALES (AM), SUNDAY SALES (PM), DANCE ENTERTAINMENT, AND OUTDOOR SERVICE PERMITS AT 727 E. MILLER RD. (PEND-2563). ROLL CALL VOTE, MOTION CARRIED 3-0.

RESOLUTION – Liquor License; Mid-Michigan Sports Turf, LLC for a transfer to a Class C license from a Tavern license (PEND-2562)

Both Kelly Allen, attorney representing Julie Mullin and Ms. Mullin joined the meeting. Ms. Allen stated Ms. Mullin is the president and owner of Mid-Michigan Sport Turf, LLC which operates in Hope Sports Complex. The y were previously approved by the City for a Tavern license and are now seeking a Class C license so they may serve beer, wine and spirits. The primary request is Ms. Mullin would like to have events such as weddings or corporate events as they already have a full service restaurant. Councilmember Spadafore asked if this is City property and Ms. Mullin stated the City owns it and she is on a long term lease. Councilmember asked if there were any additional questions or concerns and there were none.

MOTION BY COUNCILMEMBER SPADAFORE TO APPROVE RESOLUTION – LIQUOR LICENSE; MID-MICHIGAN SPORTS TURF, LLC FOR A TRANSFER TO A CLASS C LICENSE FROM A TAVERN LICENSE (PEND-2562). ROLL CALL VOTE, MOTION CARRIED 3-0.

Other:

Councilmember Spadafore asked about the next scheduled City Operations meeting on July 7th and if it was going to be cancelled because someone was asking about it because of something on the Council agenda being referred (which was Lansing Shuffleboard Liquor License request and Councilmember Dunbar stated no it was not going to be cancelled. Mr. Smiertka left the meeting and Joe Abood joined and thanked the Committee for asking the question on whether the property for Mid-Michigan Sports Turf was owned by the City. He continued that since it is not a dedicated park land there isn't a concern with law if it was that would open up some other issues that could be worked around but not need.

Pending - None

Adjourned

Adjourned at 4:20 p.m.

Submitted by Renee Richmond,

Administrative Assistant, Lansing City Council

Approved by the Committee on July 7, 2021