



MINUTES
Committee on City Operations
Tuesday, April 5, 2022 @ 4:30 p.m.
City Council Conference Room

CALL TO ORDER

Council Member Spitzley called the meeting to order at 4:32 p.m.

PRESENT via audio/video

Council Member Spitzley, Chair
Council Member Daniels, Vice-Chair
Council Member Hussain, Member

OTHERS PRESENT via audio/video

Sherrie Boak, Council Office Manager
Mary Bowen, OCA
Eric Brewer, Internal Auditor
Scott Sanford, Code Compliance
Andrey Vail
Billie O'Berry
Lori Welch, Public Service Dept.
Andy Kilpatrick, Public Service Dept.

MINUTES

MOTION BY COUNCIL MEMBER DANIELS TO APPROVE THE MINUTES FROM MARCH 15, 2022, AS PRESENTED. MOTION CARRIED 3-0.

PUBLIC COMMENT

No public comment at this time.

Discussion/Action

RESOLUTION – Claim Appeal #1879 – Gerald D Phillips Revocable Trust for \$3,608 in trash violation fees at 4805 Pleasant Grove Rd

Ms. Boak informed the Committee that claimants attorney sent an email on April 4, 2022 stating the claimant was not well enough to attend.

Council Member Spitzley asked the Committee for a consensus on how to act on the claim at this time. Ms. Boak referenced the cover sheet which reflected this was referred to Committee in February and there had been delays to make sure the claimant could attend.

Mr. Sanford outlined the timeline beginning with the violation date of 7/19/2021, compliance date of 7/26/2021, and when code went back to site on 7/27/2021 the violations were still present. Mr. Sanford noted that during the cleanup LPD was called to the property to allow the contractors to remove the trash, and the owner was present. In addition he noted that all notices were sent to the owner and occupant, following the address on file with the City of 4350 W Willow, even though the claim states PO Box 766. Council Member Spitzley asked for confirmation the notice was sent to the address of record on file with the City and it was confirmed. Mr. Sanford added that this property owner also owns 1917 Osband, which was before the Committee in the past for a claim as well, and that tenant now lives in 4805 Pleasant Grove.

Council Member Hussain asked if the property was a registered rental, and Mr. Sanford informed the Committee it was a red tagged property and should not even have occupants.

MOTION BY COUNCIL MEMBER HUSSAIN TO DENY CLAIM APPEAL #1879; GERALD D PHILLIPS REVOCABLE TRUST FOR \$3,608 IN TRASH VIOLATION FEES AT 4805 PLEASANT GROVE RD. MOTION CARRIED 3-0.

Mr. Brewer stated he had no comments.

Ms. Boak was asked to notify the attorney and claimant that it will appear on the Council agenda 4/11/2022 and they will have time then to speak to the claim.

RESOLUTION – Claim Appeal #1868; Andreyia Vail for \$1,568 in trash violation fees at 411 Dunlap St

Ms. Sanford outlined the timeline and noted the owner was given extensions on mowing the grass, and then referenced the photos on the brush on the property.

Ms. Vail appealed to the Committee noting that she was present when the officer was there for the grass, was granted an extension and did mow the grass. At the time the officer did not mention anything about the brush in the back yard. She did admit she had gotten the notification on the brush, however due to her work schedule she did not open them immediately. She was made aware when the contractor arrived, at which point she said she called the number on the notice and went to the property to stop the contractors. She stated she witnessed them leave and what they had removed, so was disputing the 20 yards on the invoice in addition to it taking 6 hours for 3 people. Mr. Sanford noted there were 51 pictures in the packet, and Ms. Vail added those were pictures of brush that the contractor did not remove.

Mr. Brewer spoke on the Claims Review Committee action of denial, based on the pre-authorization, photos and they agreed with the time it took to remove the items off site.

Council Member Spitzley inquired into the 6 hours, and Council Member Hussain explained they have 20 yards they have to remove and then take to another site and dispose of; 3 employees, 1 hour on site, 1 hour off site. Council Member Spitzley then asked about the grass violation, and Mr. Sanford confirmed that was addressed, and the notice is for the brush removal.

Council Member Hussain spoke in opposition to granting the claim, confirming that all steps were taken.

MOTION BY COUNCIL MEMBER HUSSAIN TO DENY CLAIM APPEAL #1868; ANDREYA VAIL FOR \$1,568 IN TRASH VIOLATION FEES AT 411 DUNLAP ST.

Council Member Spitzley noted to the claimant that according to the packet she was given multiple opportunities. Ms. Vail admitted it was her fault and she did not acknowledge the letters when they arrived, however she still disputed the cost charged by the contractor for the actual work they performed. Council Member Spitzley acknowledged her appeal again, and noted to Ms. Vail she would have an opportunity at the April 11 Council meeting to speak on her appeal as well. Council Member Hussain added that if it is denied at Council she can make arrangements with Treasury for payments.

MOTION CARRIED 3-0.

RESOLUTION – Claim Appeal #1878; Jolina O’Berry for \$651.80 in board-up fees at 1813 E Kalamazoo St

Ms. Billie O’Berry was present representing the owner and explained Ms. Jolina O’Berry was not able to attend because she is a prosecuting attorney in Eaton County and involved in a trial at the time. Ms. O’Berry then explained the board up occurred Labor Day weekend, and she herself had been at the house the day before and there were no issues with the house doors being open and Ms. O’Berry referenced the photos she submitted since Code did not submit any.

Mr. Sanford stated Code was called by LPD because the back french doors were open and the home was accessible so they were called to do a board up. Mr. Sanford stated their department did not have any photos. Council Member Spitzley asked why LPD was called and Mr. Sanford stated they did not have a police report either, but he was not sure if there was an attempt to get in, he was only aware the LPD called for the board up.

Ms. O’Berry stated the back yard is enclosed with fence and gated. Someone had knocked down a 4’ section of fence, but she has asked for a police report as to why LPD was there. She referenced the photos of inside the house noting nothing was missing. Ms. O’Berry then elaborated on the section of Code the City utilizes for these cases where they feel authorized to board up for emergency measures. In this case no notice was given, and in this case they only have the authority to do so if the current situation has immediate danger to others, and there was no danger to people. In the notice Code supplies it cites Sections – 109.2- which is International Property Maintenance Code not Housing Premise Code. It is defined as imminent danger, and none of that existed and not noted anywhere in a police report. Section 108.1.1. of unsafe describes that it has to have something that causes imminent danger. Ms. O’Berry concluded by referencing her photos again where the door does have locks and the door was operable and could have been locked and closed, and therefore she was asking for the claim to be granted.

Mr. Brewer confirmed the Claims Review Committee reviewed this in February, and the packet they had did not have photos from Code or a police report. He admitted that the Committee normally denies a claim when there is a board up and the police are involved.

Council Member Spitzley asked for the police report so the Committee could find out why the LPD was there and ordered a board up. Mr. Brewer again stated the Claims Review did not have a police report either, they just went with what Code said. Council Member Spitzley stated she had a concern with the lack of photos from Code and no police report. Council Member Hussain admitted he has never seen a police report with any board up claims, but they have usually gotten details from Code that attempts were made to call the owners. Mr. Sanford stated there is nothing in the records of this claim that there was an attempt to call the owner.

Ms. O'Berry appealed again that an open building does not constitute a danger or hazard.

Mr. Sanford and Ms. Bowen referenced Section 108.7 where it speaks to neglected, damaged, unsecure, or abandoned to become an attractive nuisance, a harbor to vagrants, or enables persons to commit a nuisance or unlawful act. Ms. O'Berry again referenced 108.9 which speaks to the emergency board up, and 108.7 defines what unsafe is. Council Member Hussain asked Ms. Bowen if OCA agrees with Code and Ms. Bowen confirmed.

Council Member Spitzley stated to all present that the arguments have become legal and this Committee is not charged with determining the legal decision. She reiterated the need for photos from Code, LPD and a police report.

Ms. Bowen added that 109.2 states for safe guards if the opinion of the Code official, they shall order it to be done to make temporary safe.

MOTION BY COUNCIL MEMBER HUSSAIN TO DENY CLAIM APPEAL #1878; JOLINA O'BERRY FOR \$651.80 IN BOARD-UP FEES AT 1813 E KALAMAZOO ST.
Brian – would like to see police report, and wish code took photos

MOTION CARRIED 2-1.

Council Member Spitzley asked for the police report to be obtained; Mr. Sanford stated he did not have access to the report; Ms. Boak stated she would contact the LPD and ask for a copy.

RESOLUTION – Setting a Public Hearing in consideration of an Ordinance to amend Chapter 1060, Licensing of Waste Haulers

Ms. Welch stated there is not enough information collected when people apply. Suggested collecting information schedules, routes, charges, and volume and weight data.

MOTION BY COUNCIL MEMBER DANIELS TO APPROVE THE RESOLUTION TO SET A PUBLIC HEARING ON APRIL 25TH, 2022 TO CONSIDER AN ORDINANCE TO AMEND CHAPTER 1060, LICENSING OF WASTE HAULERS. MOTION CARRIED 3-0.

RESOLUTION – Street Decertification; Eighth Street between Jerome Street and East Michigan Ave

Mr. Kilpatrick briefly outlined the location near Sparrow on a street that was vacated in 2021, recorded in December 2021 and can now be decertified as a public street. He added it will become part of the Sparrow upcoming project and be part of their parking lot, however they have reserved rights for utilities to be in that area. Mr. Kilpatrick explained that they can vacate a street, but for public funding they need to decertify, which reduces a lower amount for public funding, which they do annually and right now they can decertify what was vacated in 2021.

MOTION BY COUNCIL MEMBER DANIELS TO APPROVE THE RESOLUTION FOR THE STREET DECERTIFICATION; EIGHTH STREET BETWEEN JEROME STREET AND EAST MICHIGAN AVE. MOTION CARRIED 3-0.

RESOLUTION – Social Districts; update various provisions

Ms. Bowen explained that the changes take it from temporary to permanent.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR SOCIAL DISTRICTS; UPDATE VARIOUS PROVISIONS. MOTION CARRIED 3-0.

Other

PENDING UPDATE – Notice from the Michigan Liquor Control Commission; LE&O Mansion LLC request for transfer ownership 2021 Resort Class C License issued under MCL 436.1531(2), and SDM licensed business with Sunday Sales Permit (PM) for Class C License – Spirits and Mixed Spirit Drink and Dance-Entertainment Permit from Gus's LLC; Transfer location to 6810 Cedar St, Ste A, Lansing; transfer governmental unit under MCL 436.1531(1) from Lansing Township to Lansing City; New Sunday Sales Permit (AM); new Sunday Sales Permit (PM) for SDM License – Mixed Spirit Drink at 6810 S Cedar St Suite A, (RID #RQ-2111-19427) **Original Agenda 1/18/2022*

Notice from the Michigan Liquor Control Commission; Batter Up, LLC request for new Non-Transferable Class C License issued under MCL 436.1521(A)(1)(B), Downtown Development Authority License and a Non-Transferable new SDM License under MCL 436.1533(5)(A), (RID #RQ-2110-18571) **Original Agenda 3/01/2022*

Notice from the Michigan Liquor Control Commission; Hooked Community LLC request for New Class C license issued under MCL 436.1521a(1)(a), non-transferable, redevelopment (RDA) license issued under MCL 436.1533(5)(a), non-transferable, in conjunction; a new Sunday sales permit (AM); new Sunday sales permit (PM) for Class C license-spirits and mixed spirit drink at 3142 E Michigan Ave, Lansing, MI 48912, (RID #RQ-2112-20341) **Original Agenda 4/05/2022*

Adjourn

Adjourned at 5:29 p.m.

Submitted by Sherrie Boak

Recording Secretary, Lansing City Council

Approved by the Committee on April 19, 2022