



MINUTES
Committee on City Operations
Tuesday, May 3, 2022 @ 4:30 p.m.
City Council Conference Room

CALL TO ORDER

Council Member Spitzley called the meeting to order at 4:30p.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
Lisa Hagen, OCA
Heather Sumner, OCA
Jim Smiertka, OCA
Alec Malvetis, Public Service Dept.
Sharon Frischman, City Assessor
Jen Estill, Downtown Lansing Inc
Isaac Francisco
Lior Ron
Lori Welch, Public Service Dept.
Charles Hauser, Granger
Steve Japinga, LRCC
Veronica Flores

MINUTES

MOTION BY COUNCIL MEMBER DANIELS TO APPROVE THE MINUTES FROM APRIL 19, 2022, AS PRESENTED. MOTION CARRIED 3-0.

PUBLIC COMMENT

Mr. Hauser with Granger spoke in opposition to the amendment to Chapter 1060, Section 1060.09. He outlined the issues included language on page 1, specific routes, current rates, collection schedule and other information. Their concern is because the City is a competing entity. Secondly they had an issue with the amount of times they have to report to the City. Council Member Spitzley asked if there was anything on weight, volume and handling, and Mr. Hauser confirmed they have a concern with that as well. The City Clerk confirmed Granger is the only licensed contractor.

Ms. Estill introduced herself and offered up her availability for questions on agenda item C.

Discussion/Action

RESOLUTION – Noise Special Permit; Hoffman Bros., Inc. request to allow construction of the Combined Sewer Overflow Project at S. Martin Luther King Boulevard and local city streets near the Norfolk Southern Railroad Tracks on Saturdays from 8:00AM to 5:00PM from May 14, 2022, through November 4, 2023

Mr. Malvetis confirmed a mailing was done the day after the hearing was set, in a 500' radius to 701 properties. This will be a full closure of M99 for 35 days, and during that time the contractor is being required by the State, this beings July 5th to remove RR tracks so utilities can be addressed underneath.

Council Member Spitzley asked for confirmation that they are asking for approval the same night of the hearing. Mr. Malvetis acknowledged they understand if there are concerns or comments at the hearing, they understand they would lose potential weekends. Ms. Boak confirmed the office has not received any comments as of this date.

Council Member Spitzley asked for the detour route to be provided so Council can assist to minimize the cut through traffic. Mr. Malvetis, there will be lane closures into late October, but keeping lanes open, except for period when RR gone. The posted detour for the 35 days will be Pleasant Grove to Holmes. In addition Mr. Malvetis confirmed they have met with Colonial Village and neighborhood meetings.

Ms. Hagen recommended an amendment to the resolution "for the work described above."

MOTION BY COUNCIL MEMBER DANIELS TO APPROVE THE RESOLUTION FOR THE NOISE SPECIAL PERMIT; HOFFMAN BROS., INC. REQUEST TO ALLOW CONSTRUCTION OF THE COMBINED SEWER OVERFLOW PROJECT AT S. MARTIN LUTHER KING BOULEVARD AND LOCAL CITY STREETS NEAR THE NORFOLK SOUTHERN RAILROAD TRACKS ON SATURDAYS FROM 8:00AM TO 5:00PM FROM MAY 14, 2022, THROUGH NOVEMBER 4, 2023 ADDING "FOR THE WORK DESCRIBED ABOVE" TO THE LAST PARAGRAPH. MOTION CARRIED 3-0.

RESOLUTION – Setting a Public Hearing in consideration of the Special Assessment; Principal Shopping District roll for Fiscal Year 2022-2023

Ms. Frischman quickly outlined the district last roll in 2017, with 3 year escalation of rates, and now there is a need for a new resolution because the first one expired due to the sunset. Also there were changes due to State law, and not assessing residential property, but that the City will assess the apartments. The rates were set by the DLI Board to be the same as they were in the last billing, and will only be the 2022/2023 roll, and revisit. Ms. Estill confirmed they are recommending not increasing the rates at this time. Ms. Frischman added that the roll will increase slightly due to adding the apartments.

It was stated a roll would be provided to the Clerk by May 10th so it can be part of the notice. Ms. Frischman stated she would update Ms. Boak on Thursday, May 5th on if the roll will be ready.

Council Member Spitzley asked if the property owner will get the bill for the apartments, and Ms. Frischman confirmed.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR SETTING A PUBLIC HEARING FOR MAY 23, 2022 IN CONSIDERATION OF THE SPECIAL ASSESSMENT; PRINCIPAL SHOPPING DISTRICT ROLL FOR FISCAL YEAR 2022-2023. MOTION CARRIED 3-0.

RESOLUTION – Appointment; Isaac Francisco as a 3rd Ward member of the Park Board for a term to expire June 30, 2023

Mr. Francisco noted where he lived and worked, and his interest in serving on the Park because of his work on the trails in his neighborhoods.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE APPOINTMENT; ISAAC FRANCISCO AS A 3RD WARD MEMBER OF THE PARK BOARD FOR A TERM TO EXPIRE JUNE 30, 2023. MOTION CARRIED 3-0.

RESOLUTION – Claim Appeal; Claim #1876, Lior Ron for \$1,010 in trash violation fees at 1610 S Cedar St

Mr. Sanford outlined the property, and asked what relationship Mr. Ron had with the company, and Mr. Ron confirmed he is one of the owners.

Mr. Sanford then provided dates of citation, compliance, recheck on 8/20/2021, and the contractor arrived on 9/1/2021 when the violations were still present. There was a building permit active, however cannot leave debris, and it was confirmed proper notification was provided.

Ms. Sumner confirmed it went through the Claims Review, and even though they were not present the Committee does review and make a decision. Per the information by the claimant and code they did not see a reason to override the violation.

Mr. Ron stated that due to the exterior structure, they had to rebuild a staircase. They kept items there, but since the garage is an open garage it was seen, but if it was an enclosed garage the material would have been in the garage. He then spoke on neighboring property with inoperable vehicles and another property that has trash between his garage and their garage. Mr. Ron appeal for a reconsideration.

Council Member Spitzley referenced the photos, which seemed to represent the material was in a garage. Mr. Sanford stated that if they can see it, they can cite it. If there is a violation in plain sight they can cite it.

Council Member Daniels spoke on his concern that since it is in a garage, just an open garage.

Council Member Hussain stated he addressed if it was noticed correctly, if it was a violation, and if they were given ample opportunities.

Council Member Spitzley asked if notice was received, and Mr. Ron confirmed, but he was out of the country and acknowledged he missed it. He again appealed it was on his property, stacked orderly, and building materials that were in good condition. He is opposed to the action stating his garage does not have a door and is being published.

Mr. Sanford stated this is no different than a car port. He added other dates it was cited for multiple months on other violations.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO DENY THE CLAIM APPEAL; CLAIM #1876, LIOR RON FOR \$1,010 IN TRASH VIOLATION FEES AT 1610 S CEDAR ST. MOTION CARRIED 3-0.

ORDINANCE – Ordinance to Amend Chapter 1060, Licensing of Waste Haulers

Council Member Spitzley asked about the requirement for specific routing and prices. Ms. Welch noted there are three things- rates, collection schedule and data. For the rates it is so the City has an idea on what City residents are expected to pay, and since anyone can call and get that from the vendor, they did not see it as an issue. Regarding the collection schedule, if carts are out for an extended period of time, a violation can be made, so they need a schedule for that citation enforcement. Regarding the data, her task is to manage the information, and can't manage if cannot get it. She did add, she can agree to an annual reporting. Mr. Kilpatrick added that during several months there were carts left out and so they had to reach out to Granger for a list to enforce.

Council Member Spitzley asked about Waste Management. Mr. Kilpatrick confirmed that during this process they found out that Granger is the only licensed waste hauler. Council Member Spitzley voiced her concern that since there are other haulers, and Granger is the only licensed, that it appears they are only subject to this. Mr. Kilpatrick confirmed they are all subject to it, just the unlicensed are in violation because not licensed. Council Member Daniels noted it would be confusing since Granger has a route in and out of the City. Ms. Welch stated she could accept an estimate to help with solid waste goals, and come up with greenhouse gas inventory. Council Member Spitzley noted it could be better articulated in the ordinance. She added it is hard to approve the ordinance after finding out there is only one licensed hauler in the City. Council Member Hussain stated Council as a legislative body creates the ordinance, but the enforcement should fall on the Clerk and/or Code Enforcement. Council Member Hussain concurred with Council Member Spitzley on amended the ordinance. Council Member Spitzley asked if the ordinance is enforceable.

Council Member Smiertka added that if the City has contracts with waste haulers they should be licensed.

Council Member Hussain voiced a concern with Eric's Refuse license expired in April 2020, and since that time they have been contracted for code enforcement. Mr. Smiertka stated there is no liability to the third party, however it is the City issue to enforce with violations.

Ms. Welch reported back on research on other communities. Ann Arbor does not have an ordinance, but allow and have a contract rule to report. East Lansing does not allow private waste haulers, and Eaton County does require the data. Lastly, under the State Great Lakes Requirement, there is pending legislation that could mandate it in the future.

Council Member Spitzley asked for amendments to the language to address reporting.

Council Member Hussain recommended page 2, line 6 changes to annual. Mr. Kilpatrick recommended changing for the reporting to the Clerk's office as part of the application to licensing.

Mr. Smiertka referenced page 1, line 23 and if it was vague.

It was confirmed a new public hearing would be set because they are substantial changes.

It was confirmed a new draft will be at the May 17th meeting, and consensus Public Service would make the changes.

The discussion now moved to enforcement of licenses that expired, and it was noted the Clerk's office, and OCA was asked who is responsible to notify the Clerk that someone is doing the work and question if they have a license. Council Member Spitzley asked OCA to bring back the research to discuss on what steps need to be taken so that haulers are working in the City with no or expired licenses. Ms. Sumner added that there also needs to be research on City vendors with expired licenses. Council Member Hussain asked for an official legal opinion on what ramifications with the City and Eric's Refuse since Eric's Refuse license expired April, 2020. Mr. Smiertka stated there is no exposure in hiring an unlicensed contractor.

Mr. Kilpatrick then pointed out that carts are only allowed for licensed haulers, so the question would be if there are unlicensed haulers giving residents carts, should all those carts be removed.

Other

Ms. Flores spoke on issues with Otto Street, property located at 1300 Otto. The issues included trash, rodents, destruction of property, abandoned vehicles, and it is currently red tagged. According to the neighbor there are residents still living there, and so she asked when people have to leave.

Mr. Sanford stated with a red tag, the tenants are not allowed to stay there and should have left when the property was tagged. If someone is there after 5 pm, call LPD. Ms. Hagen said someone can be there from 8-5 during the week if they are working on the property. Mr. Sanford stated with this property there is no work to be done, it is an unregistered rental and so no one should be there.

Council Member Hussain asked at what point OCA can call the owner into the City. Mr. Smiertka stated this is a red tag property and a misdemeanor. Ms. Sumner stated it is addressed under the internal property enforcement team.

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*

Notice from the Michigan Liquor Control Commission; JKVino, LLC request for New SDM License issued under MCL 436.1533(5), New Sunday Sales Permit (PM), New Beer and Wine Tasting Permit, New Catering Permit, (RID #RQ-2202-01186) **Original Agenda 4/19/2022*

Adjourn

Adjourned at 5:42 pm

Submitted by Sherrie Boak

Recording Secretary, Lansing City Council

Approved by the Committee on May 17, 2022