



MINUTES
Committee on City Operations
Monday, November 27, 2023 @ 3:30 p.m.
City Council Conference Room

CALL TO ORDER

Council Member Hussain called the meeting to order at 3:30 p.m.

PRESENT

Council Member Spadafore, Chair - excused
Council Member Hussain, Vice-Chair
Council Member Kost, Member

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Emily Linden, Internal Auditor
Lisa Hagen-Lawrence, OCA
Matt Staples, OCA
Marc Jones, Dept. Public Service
Suzanne Elms
Willie Hobbs
Walter Allen, Code Compliance
Tim Knowlton, Attorney for Mr. Hobbs
Andy Kilpatrick, Director Public Service

MINUTES

MOTION BY COUNCIL MEMBER KOST TO APPROVE THE MINUTES FROM NOVEMBER 13, 2023, AS PRESENTED. MOTION CARRIED 2-0.

PUBLIC COMMENT

No public comment at this time.

Discussion/Action

MOTION BY COUNCIL MEMBER KOST TO REMOVE FROM THE TABLE THE RESOLUTION FOR THE CLAIM APPEAL #1968; WILLIE HOBBS FOR \$3,622 IN CODE ENFORCEMENT FEES AT 1217 MARQUETTE STREET. MOTION CARRIED 2-0.

RESOLUTION – Claim Appeal #1968; Willie Hobbs for \$3,622 in Code enforcement fees at 1217 Marquette Street

Mr. Allen outlined the process on the property violation, noting it was cited March 6, 2023, reinspected March 14, 2023 and still in violation. Contractor arrived on March 21, 2023 and

violation was still noted. Notices were sent to address that is listed with Assessor, and the owner did contact Assessor in May, 2023 to change address. Failure to register was sent on May 22, 2023, paperwork completed and now claiming 100% homestead. Noted during this violation process, a notice was also sent to the tenant.

Council Member Hussain explained for the record that it was tabled at the last meeting due to documents that were delivered to the City Clerk not Council. The Council does have all the information currently.

Mr. Knowlton acknowledged that Mr. Hobbs has lived at the property for years and has been living there with his son. He added that Mr. Hobbs bought on land contract and was paying the non-homestead rate, not knowing there was no registration. He then spoke on behalf of Mr. Hobbs, stating Mr. Hobbs never received the notices, and they suspect the occupant notice was tossed by his son. He continued to appeal on Mr. Hobbs behalf, that furniture that was cited was removed before the contractor arrived, and no furniture was taken. Mr. Knowlton noted they do have an issue with the contractor on the day the items were removed. The understanding of the owner was the violation was for furniture that was already removed. Mr. Knowlton went onto appeal the violation referencing what was removed, the definition of junk, and concluded by also appealing the cost of the removal of the violations.

Council Member Kost asked how the residence in Chicago is involved in the notices. Mr. Hobbs stated he goes back and forth between the two addresses. Council Member Kost noted it was stated earlier he didn't know about the violations, but admitted he removed the furniture. Mr. Hobbs stated his son lives there and has medical issues. His son determined he would remove the couch on the curb, and so he removed it and put on trailer. He noted that when contractor arrived, he told contractor couch was removed, and contractor went into the back yard. Council Member Kost noted that after reviewing the documents, it meets all the violation requirements in the City.

Council Member Hussain stated he looks at if it was properly noticed, was there a violation, was the practice put in place; was it comported with, when they arrived on property was the violation still exist, and did contractor abate it and accumulate cost. He believed all those items were met. He then noted there is another opportunity on December 11, 2023 with the full Council and if denied there, they can appeal to the Court of Appeals.

Mr. Knowlton appealed, referencing the photos, noting his belief the only thing taken was tires and rims that had value. He did not believe the contractor did not pick trash.

Council Member Hussain referred to the photos, that they cannot speculate on what is trash for each person, but all the items he mentioned earlier were met. City is not in the practice in setting precedence, and they have to be scientific in their determination.

MOTION BY COUNCIL MEMBER KOST TO DENY THE CLAIM APPEAL #1968; WILLIE HOBBS FOR \$3,622 IN CODE ENFORCEMENT FEES AT 1217 MARQUETTE STREET.

Mr. Knowlton appealed again that their appeal was filed where they were told, with the City Clerk.

MOTION CARRIED 2-0.

RESOLUTION – Setting a Public Hearing on Noise Special Permit; Leavitt and Starck Excavating, Inc. to allow for Combined Sewer Overflow (CSO) 015 South Project

Mr. Jones provided a map for the location of the CSO 015. The original request was for 3 year, and Council reduced to annually so Council can review. This is for the 2024 construction season for work on Saturdays to continue. 2023 work was delayed due to contaminated soils at Butler, and that was addressed. The map handout is the tentative plan for 2024 season, and work will be done during the winter. This request now is to make sure they can meet the timeline at MLK, and contract says work must be done 6 days a week while working on MLK, to reduce the amount of time total they are working on MLK.

Council Member Hussain, pending work in 2023, how many Saturdays. Mr. Jones said every Saturday they could work. Council Member Hussain asked if there were complaints, and Mr. Jones stated there were a few. They did comply with timeline, but the complaints were with conditions of the road. In the beginning of the project they pulverized more than they got to in the project. Council Member Hussain asked after receiving complaints, did staff meet with the contractor. Mr. Jones stated there is a progress meeting every two weeks with the contractor and speak on traffic issues, signage and complaints. They meet sporadically in between those meetings when a resident complaint comes up.

Council Member Kost asked if in 2024 it is every Saturday. Mr. Jones confirmed especially on MLK, there is an estimate of 150 total days, but due to unforeseen delays, and rain, they want to have the buffer to get MLK done as quickly as possible.

MOTION BY COUNCIL MEMBER KOST TO APPROVE THE RESOLUTION – SETTING A PUBLIC HEARING FOR DECEMBER 11, 2023 ON NOISE SPECIAL PERMIT; LEAVITT AND STARCK EXCAVATING, INC. TO ALLOW FOR COMBINED SEWER OVERFLOW (CSO) 015 SOUTH PROJECT. MOTION CARRIED 2-0.

DISCUSSION – Storm Water Flooding; 2115 Cumberland Road

Council Member Hussain stated that based on email communications, it was referred to this Committee at this time, and there are things Council can do and what Council cannot do.

Ms. Elms asked if she could come to Council tonight and handout concerns to all Council and Council Member Hussain confirmed, and Ms. Boak took her handouts for all Council.

Ms. Elms then went through the layout of the neighborhood, photos of the culverts, photos of topography of the neighbor's property, right of way photos, appealing that her property is the lowest place in the neighborhood. Ms. Elms then referenced the Committee to the Penbrooke street map and the layout on Penbrooke. In addition to the paperwork, she provided a copy of a County record which noted "no applicable" for basement, and wondered if the City never knew she had a basement and her basement is flooding.

Mr. Kilpatrick responded by stating that as far as process goes, and does not matter if storm or sanitary, it follows the State act, and there are certain tests that have to be made for the City to be liable. As far as design or maintenance issue the City knew about, and the date the flooding occurred the City was not aware the outlet/inlet was plugged. As far as the City out there pumping, in that area they bypass to avoid backups in basements. This pipe goes from Forest Glen to the pond, and the pond overflows into the Tecumseh River. From the design standpoint there is not the same standards for storm sewers. This as designed in the 1960's when the neighborhood was developed. This particular inlet was upgraded and replace in 2017, and at

that point in time a claim was paid by the contractor because they stored debris and there was a backup. From the City perspective, they are not aware of a design defect. This now on a cleaning schedule twice a year to clean up the inlet. As far as her pictures, the City cannot enter private property. The approximate cause was debris blocking the inlet. Ms. Elms said this occurred the first time, after she had lived there four (4) years. With grass in the property, how much does the rain make it down the culverts to the inlets. Mr. Kilpatrick conclude that the question is, is there a flaw in the design, the City has no maintenance easement.

Council Member Hussain noted it goes back to is there a defect, or how the City is maintaining it. Council Member Kost had no questions at this time. Council Member Hussain, noted there is nothing for the Committee or Council to act on, and if she is not happy, what is her next recourse.

Ms. Hagen-Lawrence stated she can file a claim with the Courts.

Mr. Kilpatrick stated there is a way to how to move forward in the future, which could be a public improvement, could be a special assessment, to enhance and not fix the defect. This would all be on private property, and the City cannot do work on private property.

Council Member Kost asked if all this drain is the City or the Ingham County Drain Commission. Mr. Kilpatrick when developed, the contract put everything in, and then the City took over afterwards.

Council Member Hussain noted there was a statement Ms. Elms attempted to meet with Public Service, and Mr. Kilpatrick stated there has been communications, there is a claim process, and there was no additional information that would change the determination on the claim. It was noted that the information was submitted to the City Attorney.

Ms. Elm read her handout that was made part of the record.

Council Member Hussain asked Mr. Staples if the Council has any power or is this being litigated in the wrong arena. Mr. Staples stated he would consult with the OCA but based on the claims process and claim being denied, the next step would be civil court.

Ms. Elms was frustrated and stated the City did not have permission to plug up the culverts. Council Member Hussain noted that this should not have been on this agenda since Council does not have any steps with this process.

Other

No other topics at this time.

Adjourn

Adjourned at 4:25 pm

Submitted by Sherrie Boak

Recording Secretary, Lansing City Council

Approved by the Committee on December 11, 2023