



**MINUTES**  
**Committee on General Services**  
**Tuesday, February 25, 2020 @ 3:30 p.m.**  
**City Council Conference Room, City Hall 10<sup>th</sup> Floor**

**CALL TO ORDER**

The meeting called to order at 3:34 p.m.

**ROLL CALL**

Council Member Hussain, Chair  
Council Member Wood, Vice Chair  
Council Member Garza, Member

**OTHERS PRESENT**

Sherrie Boak, Council Office Manager  
Lisa Hagen, Assistant City Attorney/Council Research Assistant  
Amanda O'Boyle Assistant City Attorney  
Dave Vincent  
Scott Sanford, Code Compliance  
Sue Lover, Waverly LLC  
Jesus Varva  
Frank JaJou

**Minutes**

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE MINUTES FROM FEBRUARY 11, 2020 AS PRESENTED. MOTION CARRIED 3-0.

**Public Comment on Agenda Items**

No public comment at this time.

**Discussion/Action:**

RESOLUTION – Claim Appeal #1756; Curtis & Rosemary Renshaw; 1320 Vermont Avenue; \$4,955.00

Mr. Sanford read through the staff report, noting the first violation was for indoor furniture outside. Unbeknownst to Code Compliance the furniture was moved to the back yard, so Code thought the violation was closed when they went for a re-check. It wasn't until they received a complaint about the re-roof job and shingles on the yard and neighboring yards, did they go in the back yard and see the furniture in the back yard. It was noted at that time there was no roof permit pulled, and it was not pulled until 3 months afterwards. Currently they have a complaint on file in the building department because even though new roof, it is already leaking. The Code Compliance office recommends denial.

Council Member Hussain asked the OCA if Mr. Vincent had legal standing to appeal the claim since he is not listed on the claim. Council Member Wood added to the inquiry that Council in the past has been advised by OCA that when an incident happens the owner at that time is the only one to appeal the claim. The OCA has also advised in the past, if people provide property transfers, they need to go back to the previous owner and do a small claims or title claim for the outstanding claims and fines. Ms. O'Boyle stated that the OCA discussed internally, and they are all on the same page with the decision that in this case the facts are different, because the transfer took place when the claim was filed and now being heard. The new owner was involved with the work was happening, and is knowledgeable of what was going on. Ms. O'Boyle concluded that the OCA position is that so long as Mr. Vincent puts in writing he wants to "step into the shoes" of the previous owners/claimant and address the claims present, but if he wants to address new claims, he will need to file a new claim. Council Member Wood referred to the claim form which stated the previous owners, not Mr. Vincent and asked what direction OCA would advise if the Committee wanted a new claim form from Mr. Vincent if they wanted to grant the claim. Ms. O'Boyle stated the claim follows the property and relates to the property taxes. Mr. Sanford noted the claimant is not the owner of the property, and it was acknowledged that at this meeting Mr. Vincent presented a Transfer Affidavit putting himself as owner and filed with the City Assessors office on 12/30/2019. Ms. O'Boyle asked Mr. Vincent if he was present and willing to "step into the shoes" of the prior claim, and Mr. Vincent confirmed.

Mr. Vincent acknowledged the notices were sent, but he also referenced "Contractor Requirements" for the code compliance contractor who is to arrive after 5 days of request to clean, and the dates of this claim he noted it took them 34 days. Mr. Vincent did agree there was roofing debris on the property and neighboring property, but appealed that he did not have access to a dumpster at the time. Lastly, Mr. Vincent appealed that the contractor overcharged. Council Member Garza asked if the properties had shared driveways and was told no. He then asked Mr. Sanford if this fell under an emergency cleanup and why. Mr. Sanford confirmed it was. Council Member Hussain asked if it was ever checked for the original notice of indoor furniture. Mr. Sanford stated it was a drive by and they were not aware the furniture was moved to the back yard until neighbors called about the shingles on their property, and no permit for that roofing work. Because it effected both neighboring properties it became an "emergency clean up". The yardage of the clean-up is the contractors 25yd dump truck. Council Member Hussain asked Mr. Vincent why he had no dumpster on his job site, and Mr. Vincent explained he had one, but during the project had to switch subcontractors. Council Member Hussain referenced the photos which reflected dead grass in the areas where the shingles were picked up. Mr. Vincent appealed again that the job was finished 3 days before it was picked up. Council Member Hussain asked Mr. Sanford to explain what the City needs to determine an "emergency clean up", and was told by Mr. Sanford it is a health hazard, hazard to property where the work is being performed, and a hazard to neighboring property. He added in this case, there was no permit pulled, so at time didn't even know who contractor was. Mr. Vincent confirmed he thought the owner pulled the permit, and did pull one after the fact. It was confirmed the work was done in the end of September and a permit was pulled in December. Council Member Wood asked Mr. Sanford if the original complaint was filed as "complied" because the furniture was no longer present, and Mr. Sanford agree, stating again that it wasn't until they got a call from the neighbors on the roof project, went on site, did they find the furniture had been moved to the back yard. The Committee discussed the amount of material removed, the area the furniture would have filled in the dumpster and then asked Mr. Sanford if he had any recommendations. Mr. Sanford stated he would concur with whatever decision the Committee makes. He noted that since there is only one picture of a loaded truck of material,

taken as 25 yards he would be willing to accept it from 1,815 yards to 825 cubic yards of construction material after the first 3 yards.

MOTION BY COUNCIL MEMBER GARZA TO GRANT THE CLAIM 1756 IN THE AMOUNT OF \$1,255.00 AND DENY THE BALANCE OF \$3,700.00 FOR 1320 VERMONT AVENUE. MOTION CARRIED 3-0.

Mr. Vincent was informed it would appear on the March 16, 2020 Council agenda for final action.

RESOLUTION – Claim Appeal #1757; Frank JaJou; 1722 Miller; \$716.80

Mr. Sanford noted to the Committee that the LPD contacted the department for a board up due to criminal activities at the property on the night of the work, and LPD confirmed that they had attempted to reach the owner. Council Member Hussain noted it appeared attempts were made to reach the owner and asked OCA if they are required to do that, and Ms. O’Boyle stated no.

Mr. JaJou spoke on issues of the red tags and appealed the amount of the work, and assured the Committee that the tenant that was there during this time is no longer living there.

MOTION BY COUNCIL MEMBER WOOD TO DENY THE CLAIM 1757 FOR 1722 MILLER IN THE AMOUNT OF \$716.80. MOTION CARRIED 3-0.

RESOLUTION – Claim Appeal #1758; Jesus DelaTorre-Vavra; 523 Cherry St; \$4,271.00

Mr. Sanford informed the Committee that the violation was cited on 8/28/19 with a compliance date of 9/4/2019 and was re-inspected on 9/5/2019 and then submitted to the contractor for removal. He added that notices were sent, but during the inspections it was noticed the front steps to the mailbox were damaged so it was possible they were not getting mail there.

Mr. Vavra provided details to the Committee that he is an emergency responder and when he is gone for days and months at a time, he has family members checking the property. In this case, he stated, he had removed damaged ceiling tiles in his basement and bagged them, contacted a dump trailer company to drop off a dumpster and had moved the bags to the back yard for the dumpster. During the time of making the arrangement and the dumpster arrival he was called out for work. He then canceled the dumpster but was not able to move the bags back into the house before he left. Mr. Vavra appealed the contractors invoice noting it seem excessive on hours and yardage. Council Member Hussain referenced the address listed as being in Dowling, Michigan if he lived at 523 Cherry. Mr. Vavra confirmed he does not get mail at Dowling, and therefore when he filed his claim he wanted to make sure he was notified so he put an address he knew he would get mail at. Council Member Garza noted that it appeared the original notice was for tall grass and asked for clarification. Mr. Sanford stated it was cited for tall grass, and when that contractor went out to mow, they noticed the trash bags in the back yard. Mr. Varva referenced the photos noting there was no dead grass under the area where the trash bags were, so they had not been there.

Council Member Hussain noted to Mr. Vavra that the question before the Committee is if the work was done and if the work was charged for.

MOTION BY COUNCIL MEMBER GARZA TO DENY THE CLAIM 1758 FOR 523 CHERRY STREET IN THE AMOUNT OF \$4,271.00. MOTION CARRIED 3-0.

RESOLUTION – Claim Appeal #1769; Sue Lover; 3410 South Waverly St.; \$2,763.00

Mr. Sanford this property and the adjoining was cited for trash, which included bulk violations in the wooded ditch area belonging to the claimant. The debris at the gas station was removed, but the remaining was removed by the contractor. Code Compliance recommends denial of the claim unless the claimant can provide proof they do not own the area.

Ms. Lover provided the Committee with a survey of the property (in packet) and outlined the survey with the photos of the debris. She noted that the photos represented a building and a dumpster which she does not have a building or dumpster on her property at all because it is a vacant parcel. She also appealed that the violation was written on 11/22/2019, mailed 11/25/2019, then Thanksgiving fell in that week, then a compliance date of 11/29/2019. She did not receive the notice because of the holiday until 12/4/2019. Ms. Lover stated she contacted the office on 12/4/2019 when she got the notice and twice on 12/5/2019 but never heard back from anyone. The officer, Mr. Berry, called her on 12/6/2019, after the compliance date. Ms. Lover appealed the large amount because she was not able to comply due to the mailing dates, and also the items cited were not on her property, per the survey she provided. After review of the photos, the Committee concurred that have the photos representing debris and clean up are not even the claimant's property. Council Member Wood asked the OCA to speak to the notification mailing process followed by Code Compliance. Ms. O'Boyle stated that in terms of the ordinance it is required to be mailed by first class mail, addressed to the owner of record with the Assessor. She continued, that it appeared that did appear, however they possibly should have accounted for the additional days of the holidays. Council Member Hussain calculated out the dates, holidays and calendar and confirmed that even with the holiday it was sent and received within the 7 days. So now the question, he concluded, is if the violations were on her property. Mr. Sanford stated that after reviewing the presented survey and photos, he would be proposing to drop the contractor fees to \$195 and maintain the Administrative Fee at \$265.00.

MOTION BY COUNCIL MEMBER WOOD TO GRANT THE CLAIM 1769 IN THE AMOUNT OF \$2,303 AND DENY THE BALANCE OF \$460 FOR 3410 S WAVERLY. MOTION CARRIED 3-0.

#### DISCUSSION – City Contractors for Code Enforcement

- Updates on Bids –

Council Staff noted that the bids closed today, 2/25/2020 at 2 pm, on trash and grass. Per the purchasing department, there was one bid for the trash contract and 2 bids for the grass contract. Eric's Refuse was the lone bidder on the trash, and Tomlinson's and Lansing Real Green. Council Staff reached out to Mr. McGrain after the bids came in, since earlier he stated they were expecting more, to see what his plans were. At the time of the meeting Mr. McGrain had not responded. Mr. Sanford stated he had not seen the bids yet, but had hoped to meet with Mr. McGrain Wednesday.

- Amendments to Contracts –“Removal Required, No Resale”

Council Member Wood explained this was her inquiry at the last meeting. Mr. Sanford stated he had no update on if it can be added to the contracts, but did speak to Eric's Refuse about their policies and was told they do not sell, resell, no second hand shops, everything on the truck goes to Granger. Council Member Hussain noted, then there is no oversight.

- Invoice Notation – items Recycled, Items Taken to Dump

Mr. Sanford informed the Committee that Eric's stated to him that they only take things to the scrap yard if Granger refuses them.

**Other:**

Council Member Hussain spoke briefly on a liquor license that was recently referred moving a license from NIKOS to Bad Habits. Council Member Wood stated if the Committee Chairperson wanted to write a letter on behalf of the Committee he do, and would have 14 days to respond from the date of the letter. Council Staff noted the letter was dated 2/21/2020 so should go out 3/2/2020.

MOTION BY COUNCIL MEMBER WOOD TO GRANT THE COMMITTEE CHAIRPERSON AUTHORITY TO WRITE A LETTER ON THEIR BEHALF TO THE STATE ON THE LIQUOR LICENSE TRANSFER REQUEST FROM NIKO'S TO BAD HABITS. MOTION CARRIED 3-0.

- a. Michigan Liquor Control Commission; Transfer License with Sunday Sales, Outdoor Service, Catering Bars and Dance-Entertainment from 7786 E. US 10, Walhalla to 419 Spring Street, Lansing. Transfer Governmental Unit from Branch Twp., Mason County to Lansing City, Ingham County **(Pending Application)**
- b. Michigan Liquor Control Commission; RID#RZ-1908-14021; Board of Trustees, Michigan State University, request to transfer of ownership of Escrowed 2019 Class C Licensed Business with Sunday Sales Permit (P.M.), Entertainment Permit and Sunday Sales Permit (A.M.) from HOA Restaurant Holder; transfer location from 172 E Edgewood Blvd., new Additional Bar Permit for a total of 2 bars, new outdoor service area; new specific purpose permit (golf), transfer classification from Class C License issued under MCL 436.1531 to Class C License issued under MCL436.1513(4) (non-transferable) at 3535 Forest Road, Suite C88A **(Pending Application)**

**Adjourned**

Adjourned at 4:30 p.m.

Submitted by Sherrie Boak,

Office Manager, Lansing City Council

Approved by the Committee on March 10, 2020