



**MINUTES**  
**Committee on General Services**  
**Tuesday, March 10, 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 3:30 p.m.

**ROLL CALL**

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

**OTHERS PRESENT**

Sherrie Boak, Council Office Manager  
Lisa Hagen, Assistant City Attorney/Council Research Assistant  
Heather Sumner, Assistant City Attorney  
Dave Vincent  
Scott Sanford, Code Compliance  
Hazel Hotwagner  
Michael Hotwagner

**Minutes**

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE MINUTES FROM FEBRUARY 25, 2020 AS PRESENTED. MOTION CARRIED 2-0.

**Public Comment on Agenda Items**

No public comment at this time.

**Discussion/Action:**

**RESOLUTION – Claim Appeal # 1761; M Hotwagner; 1608 Comfort Street; \$440**

Mr. Sanford informed the Committee that the property was cited on 10/28/2019 with compliance date of 11/4/2019 and submitted to the contractor on 11/7/2019. It was noted the items were in the City right of way between the sidewalk and curb, and proper notice was given. Ms. Sumner confirmed the Claims Review Committee did hear the claim, and denied the claim. The Committee believed notice was provided and all work billed for was completed.

Ms. Hotwagner stated she initiated a call to code compliance because they received the bill, but believe they never got the notice. The Hotwagners appealed that they do reside there, admitted they had placed the items there for residents to take “free”, and when the items were gone, they assumed people did take them. Since they never got the notice, they did not realize it was

Code Compliance that took them. Mr. Hotwagner referenced the photos for the Committee highlighting the items and the estimated cost for each one. There was a brief discussion on the United States post office mail delivery, and that same discussion that was held in Claims Review Committee.

Council Member Garza referred the Committee to the photos in the packet and the date stamps which reflected 10 days notification, however on day 8 there was only one box left. This discussion lead into a discussion on the cost of the invoice from the contractor. Council Member Hussain provided the information that the contractor has a minimum fee of \$175 and the City set Administrative fee is \$265. The Hotwagners' again appealed they never got the first notice and Ms. Sumner provided the legal rule that once it is mailed it is considered "in the mailbox" and in turn considered "delivered".

Mr. Sanford recommended waiving the Administrative Fee of \$265 since it appears it was only one box, however since the contractor has already been paid, they cannot waive that minimum \$175 fee.

**MOTION BY COUNCIL MEMBER GARZA TO GRANT THE CLAIM 1761 IN THE AMOUNT OF \$265 AND DENY THE BALANCE OF \$175.00**

The Committee briefly discussed the option of door tags/hangers on violations but Mr. Sanford stated they have too much to do and not enough time to hang door tag notifications. Council Member Garza encouraged them to consider pre-generated door hangers with check box options and categories so the Officer could check the box for item and time frame. Mr. Hotwagner also encouraged the OCA to have better details in their Claims Review determination letters so the owner would know why something was denied or partially denied.

**MOTION CARRIED 2-0.**

RESOLUTION – Discharge/Reconsideration; Claim Appeal #1756; 1320 Vermont  
**MOTION BY COUNCIL MEMBER GARZA TO RECONSIDER THE ACTION FROM THE FEBRUARY 25 MEETING ON CLAIM 1756. MOTION CARRIED 2-0.**

Council Member Hussain recapped at the last meeting the Committee discussed the claim and the topic of Mr. Vincent not being the claimant for legal standing. He noted that at that meeting the OCA opinion was that since Mr. Vincent was the contractor during the project that caused the debris, then he became the buyer, he had been involved during the entire process. Council Member Hussain then referenced the transfer affidavit in the packet that was submitted at the last meeting by Mr. Vincent dated 12/31/2019 along with the Quit Claim that was filed 2/25/2020. Since the last meeting the documents were compared and the addresses provided by Mr. Vincent do not match. One of those addresses being Clare Street, which on google maps depicts a parking lot. Mr. Vincent stated he works with Mr. Simon Zany, and that is his address, and he might even sell this property to Mr. Zany in the future. The Committee reviewed the photos of the property and the sale documents, asking if these documents and new information from the last meeting changed the OCA opinion. Mr. Sanford appealed that the work was done in August, 2019, the Transfer Affidavit was filed in December, 2019 and therefore asked how it had standing. Ms. Hagen stated that the ownership changed while the claim was in process and going through the process, and therefore she did not believe the filing of the quit claim would change things. Mr. Sanford referred to the claim materials, noting the bill was sent to the original owners. Ms. Hagen again stated that the ownership changed before the claim was finalized. The OCA, she continued, is stating that in this specific situation and

specific claim, it was not completely process, and since the ownership went to the contractor who was involved he had standing. Council Member Hussain voiced his concern that this would create a channel or loop holes for claims in the future because Council has been told in the past that the owner at the time of the incident was the only individual that had legal standing. Ms. Sumner stated she did not understand why Council would refuse to hear a claim and skip to litigation. Mr. Sanford added to the conversation that the new owner does not have standing with the City, they were not the owners during the notification and compliance, so have no expectation of notification, and it would be up to the owner at the time. He too had a concern with the precedence. Ms. Hagen noted this is an exception, the transfer took place while the claim was being heard, the new owner was involved with the property owner and acknowledged at the last meeting they were willing to steps into the shoes of the prior claimant.

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 2-0.

DISCUSSION – City Contractors for Code Enforcement - Updates on Bids

Council Member Hussain noted the Council Staff had requested updates on the recent bid closure, and as of the time of the meeting there was no response from Mr. McGrain in EDP. Mr. Sanford confirmed he had not spoken to Mr. McGrain yet on the bids, but has reached out to the lowest bidder on the Grass Mowing RFP, but has not heard back. Council Member Hussain stated the topic would remain on the agenda for the next meeting for an update.

Other:

- 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)**
- c. Michigan Liquor Control Commission; Transfer of Ownership; 2019 SDD License only with Sunday Sales (PM) permits from 5101 S Pennsylvania Avenue to 2200 West Holmes Rd in conjunction with existing SDM License **Letter Sent**

**Adjourned**

Adjourned at 4:11 p.m.

Submitted by Sherrie Boak,

Office Manager, Lansing City Council

Approved by the Committee on August 11, 2020