



MINUTES
Committee of the Whole
Monday, May 22, 2017
City Council Chambers

CALL TO ORDER

Council Vice President Wood called the meeting to order at 5:30 p.m.

PRESENT

Councilmember Brown Clarke
Councilmember Kathie Dunbar
Councilmember Tina Houghton- arrived at 5:33 p.m.
Councilmember Adam Hussain
Councilmember Patricia Spitzley-excused
Councilmember Jody Washington
Councilmember Carol Wood
Councilmember Jessica Yorko-excused

OTHERS PRESENT

Sherrie Boak, Council Staff
Eric Brewer, Council Internal Auditor
Jim Smiertka, City Attorney
Randy Hannan, Mayors Executive Assistant
Doris Witherspoon, Planning & Neighborhood Development
Todd Heywood
Linda Vail, Ingham County Health Department
Brian Jackson, Deputy City Attorney
Sam Inglot
Loretta Stanaway

Minutes

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM MAY 1, 2017 AS PRESENTED. MOTION CARRIED 6-0.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM MAY 8, 2017 AS PRESENTED. MOTION CARRIED 6-0.

Public Comment

Mr. Inglot spoke in support of the ordinance amendments to Section 622 and acknowledged his role on the Ingham Community Health Center's Ad Hoc Committee on Needle Exchanges.

Ms. Stanaway spoke in support of the 622 ordinance change.

Presentations

CDBG Annual Action Plan Update – Planning & Neighborhood Development

Council Member Wood recapped for the Committee that during the budget process, the Council gets the Action Plan for the CDBG and passed before the Council budget is passed. Ms. Witherspoon confirmed that they do not have funding yet and will need Council approval before the documents are submitted. HUD has extended the deadline to August 16, 2017 and will require another 14 day public comment period, but not public hearing. Ms. Witherspoon also confirmed that there has already been 3 public hearings and one 30 day public comment period. Council Member Wood asked if the City is in jeopardy of losing any funds. Ms. Witherspoon confirmed and stated those risks are being felt nationwide.

Ordinance Amendment – Chapter 622, Section 622.01 –Drug Paraphernalia

Council Member Wood referred everyone to the report by the Ingham County Task Force in their packet, and the recent version of the Ordinance labeled Draft 3, dated May 21, 2017.

Mr. Heywood spoke as the Vice Chair of the Community Health Center Board and Chair of the Ad Hoc Task Force. Mr. Heywood made the Committee aware of their 10 month process and diligent work on research of needle exchanges and the issues facing the City of Lansing community. Mr. Heywood asked the Committee to approve the amendments the Task Force proposed which would allow the exclusion of drug paraphernalia distributed by Federal, State, County or Local Governmental Agencies from the Ordinance.

Ms. Vail provided a history on the risk of dirty syringes, and the high HIV rates and opioid epidemic. She cited a story from 2015 where after an outbreak of HIV newly diagnosed cases, they were decreased after free needles were offered so they did not have to use used syringes. The Community Health is educating so that the perception is not that if they are free, it is okay to inject drugs, but that the opioids, heroin and other drugs are highly addictive.

Council Member Brown Clarke asked Ms. Vail for detail on the program structure. Ms. Vail admitted they do not have anything set in stone, but do know that they will not distribute at any government owned site because the users do not feel comfortable going there for them. The first steps with these changes made by the County and the City were the first steps, so the group will now focus on the path to get there, and have even talked about a mobile concept to service in multiple locations on multiple dates.

Council Member Wood referred the Committee to the amendments in the ordinance which were found on page 5, line 11-15; “ nor include drug paraphernalia sold, offered for sale, or given away by a Federal, State or local governmental agency, including a County Health Department or a nonprofit corporation designated by the County Health Department, to prevent the transmission of infectious agents.” She then asked Ms. Vail if the Ad Hoc Group would look to implementation or if it would be the Health Department. Ms. Vail stated the AD Hoc has transitioned into an Implementation Group which does include members from the Health Department.

Discussion/Action:

RESOLUTION – Temporary Relocation of the Polling Place for Ward 1, Precinct 4 for the August 8, 2017 City Primary Election

Mr. Jackson presented to the Committee that the Clerk’s office was informed recently during their preparation for the August Primary that Fairview School will not be available due to construction. Therefore they have acquired Pattengill for that one election, and the voters will

be back at Fairview for the General Election. Notifications will be sent to those affected voters before each election.

MOTION BY COUNCIL HOUGHTON TO APPROVE THE RESOLUTION FOR THE TEMPORARY RELOCATION OF THE POLLING PLACE FOR WARD 1, PRECINCT 4 FOR THE AUGUST 8, 2017 CITY PRIMARY ELECTION. MOTION CARRIED 6-0.

RESOLUTION– Application and Setting of a Public Hearing for Renaming Lansing City Hall as “David C. Hollister City Hall”

Mr. Hannan noted the Mayor is proposing this renamed in recognizing former Mayor Hollister for all the roles he has played in the City and the State level.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR THE RENAMING OF LANSING CITY HALL AS DAVID C. HOLLISTER CITY HALL. MOTION CARRIED 6-0.

Other

Council Member Wood referenced a “Late Item” in the Council packet for the meeting at 7 p.m. regarding the Lansing Taxi Authority and asked Mr. Hannan to provide details on the request.

Mr. Hannan stated that in 2015 the City of Lansing and East Lansing formed the Greater Lansing Taxing Authority, however the recent Michigan legislation that passed in 2016 and took effect March 2017, strips the GLTA of local governance to do any regulating. The GLTA was able to do back ground checks, conduct checks, and now that is no longer subject to do as a local community, but regulated by the State through LARA. The new law did include a “grandfather clause”, that stated the GLTA Articles of Incorporation remain in effect for the next 4years, however the same law prohibits the local governance from any enforceable laws. With this, the GLTA would exist in name only. The GLTA met in April and decided the best path was to dissolve the authority since they will have no role, and the agencies will be self-enforcing. Council Member Wood asked Mr. Smiertka if the original resolution will need to be repealed. Mr. Smiertka confirmed it would, along with other procedures to dissolve the Authority.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO MOVE THE LATE ITEM THAT WAS PRESENTED ON DISSOLUTION THE GREATER LANSING TAXI AUTHORITY (GLTA). MOTION CARRIED 6-0.

Council Member Wood then introduced her recommendations for the Urban Garden Ordinance that was passed on May 15, 2017. This Ordinance was going to be presented for reconsideration at the Council meeting at 7:00 p.m. The changes she stated were added after speaking to the City Attorney, and these would address her concerns on the Medical Marihuana issues. At the May 15, 2017 meeting Mr. Abood had stated the changes were not necessary, and Council Member Brown Clarke as Chairperson of the Committee on Development and Planning also met with Law before passage and was told they were not necessary. Council Member Wood stated she approached Mr. Smiertka with her suggestions and he had amended the Ordinance that was now in front of the Committee for reconsideration.

The Committee reviewed the suggestions by Council Member Wood which appeared on page 11 lines 7-10 and lines 17-20. Mr. Smiertka confirmed he had made the suggestions to the Ordinance to make it clear to the reader, so nothing in the ordinance could be construed by the State Marihuana Acts, but he added that other than clarity, it was not necessary. The Act

states they can only grow in an industrial area, and the second Act is the original Michigan Medical Marihuana Act which has a definition that states it has to be in a closed locked facility with extensive locks, and security devices, and to operate as a primary care giver the product is only available for qualified patients. That Act would pre-empt any growing.

Council Member Brown Clarke explained to the Committee and public that the reason the suggested language was not initially in there was the ordinance outlines and speaks to it must comply with Michigan Law, and therefore it was not added because there was an understanding there was not issue, but because they knew there were existing perimeters.

Council Member Washington spoke in support of the suggestions, noting that the constituents she spoke to did not want the ordinance to allow for marihuana.

Council Member Hussain spoke in support to the suggested changes, and acknowledged it was not necessary but provides clarification.

Council Member Wood concluded the discussion by stating to the Committee that if the Committee is comfortable with the suggestions they would need to take action at the Council meeting on the reconsideration of them and she will ask for immediate effect.

Council Member Dunbar asked for the reconsideration also includes the correction to page 10, line 25 to be changed to "a space used for a growing of plants." Council Staff was directed to make the change and provide at the Council Meeting for reconsideration.

Adjourn

Adjourned at 6:19 p.m.

Respectfully Submitted by,
Sherrie Boak, Recording Secretary
Lansing City Council

Approved by Committee on June 12, 2017