



MINUTES
Committee on Public Safety
Friday, December 16, 2016 @ 3:30 p.m.
City Hall, Council Chambers

CALL TO ORDER

The meeting called to order at 3:32 p.m.

ROLL CALL

Councilmember Carol Wood, Chair
Councilmember Adam Hussain, Vice Chair
Councilmember Kathie Dunbar, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Mark Dotson, Deputy City Attorney- arrived at 3:50 p.m.
Brandon Waddell, Assistant City Attorney
Robert Johnson, Planning & Neighborhood Development
Marshaun Blake, Fire Marshall
Daniella Farrell
Elaine Womboldt
Jason Durham
Steve Green

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM DECEMBER 2, 2016 AS PRESENTED. MOTION CARRIED 2-0.

PUBLIC COMMENT

No public comment at this time and will be asked again at the end of the meeting.

DISCUSSION/ACTION:

Building and Occupant Safety in Vacant Buildings

Mr. Johnson informed the Committee of the Departments practice, of if the building is open and accessible they will take action to board it up. During day time hours, they will make contact with the owner to board it up, but if it is in the evening they will make arrangements to secure it. Mr. Johnson added that the Fire Marshal does have more authority. Fire Marshal Blake agreed that if anyone suspects any illegal occupation or fire hazard, all the LFD needs is notification for them to investigate. If they find a fire code violation, they will handle it, even up to getting a warrant. Council Member Wood asked how they would handle people living in a commercial building. Fire Marshal Blake acknowledged they do reach out to the City HRCS

Department for assistance with placement in suitable living arrangements. Council Member Wood then asked what the LFD would do if they were made aware of a party or gathering in a vacant building. Fire Marshal Blake provided an example where that situation had occurred in the past, and they have the fire marshal and building safety on site to assure and inspect the occupancy classification, and each is reviewed individually because they could be situational. They make attempts to work with the organization and responsible party. In the case where they find a building is not safe, it is shut down immediately.

Ordinance- Draft #6A- Medical Marihuana Licensing

Council Member Wood started the discussion by stating that at the last Committee meeting Mr. Smiertka indicated there were potential sections that law was looking at making changes to, therefore this meeting was to focus on draft 6A so law tell the group what is being changed.

Mr. Smiertka was not present, so Mr. Dotson spoke to issues that were outstanding. The review began on page 4, with the definition of "Commission". Since the City Attorney office is not sure what the State will do on imposing requirements on various entities, the current ordinance mirrors State law. They anticipate there will be a discussion on if the City will have an independent Commission however the City has the option to not have a Commission if the State does. This explanation applies to lines 1 through line 23 on page 4.

Under Page 6, line 12 (1300.3) Mr. Dotson stated this entire section is subject to change or be removed because there would be no need for redundancy if the State is going to impose regulations. On page 8 (1300.5) includes expectations when the Commission could consider and so these items also are going to be subject to reconsideration based on what the State decides to impose. If the City Attorney office anticipates stipulations before the State enacts, then the City needs to keep this ordinance in a form as it exists, because there would nothing to conflict with the State until the State decides to start issuing licenses. Currently the understanding is that the State won't issue licenses until 2018 accepting applications in December 2017. Council Member Wood referenced the current State Liquor Licenses and the permissions required by the City, where they are the same qualifications. The question was asked of Mr. Dotson, if Law is proposing not doing away with all requirements and qualifications, but just the *Commission*. Mr. Dotson clarified that if there is an ordinance prior to when the State enacts, the City could have an ordinance that predates the State. Whether the ordinance adapts to the State or remains in the form prior to the State adoption, Council can impose more or less requirements when it comes to issuing the license. Council Member Wood reminded Mr. Dotson that when the Committee started the process of the Ordinance, they asked similar questions, and were told at the time it was stuck in Committee at the State, and therefore Law wrote the ordinance to keep the City in line and mirror the State. Mr. Dotson acknowledged that Law did shape it, but it would up to Council to refine it to reflect their vision. The City Attorney office is comfortable with the legalities but now they need the City of Lansing particulars. Council Member Wood then asked Mr. Dotson why Law put the Committee on hold when they are now saying they have been comfortable with the ordinance. Mr. Dotson replied to the question, stating that Law drafted the ordinance, and out of deference to what the State decided, and many opinions at various meetings, the City Attorney asked to look at it and see if they were proceeding the right way. Most of the items were not particulars to the application but were zoning related. Mr. Dotson affirmed that they do understand they might be redundant. The proposed ordinance needs to be looked at as an independent legislation, regardless of the State, and could be voted on before the State takes action. If modifications are made, Council needs to then consider if they want to incorporate them. How they are going to regulate entities including zoning is left to the municipalities, however, commercial growers have to be zoned heavy industrial or agriculture.

Mr. Dotson moved further in to the document to Section 1300.5-1300.8 noting those areas have the potential for change and could be adopted, but with legal issue changes.

Page 16 (1300.9) there may be standards imposed or requested by the State, however there are currently none so Law left it to what the City wants.

Council Member Wood asked Law if the State has made changes on processors and safety compliance, and Mr. Dotson agreed he too had heard that but has not found anything. It could show up in operating procedures. Council Member Dunbar asked where processors could be and what they can be near. Mr. Dotson noted the earlier discussion was on in respect to growing and providing in a common area. There had been some concern expressed on that topic. Council Member Dunbar asked Mr. Dotson his opinion on having the growing, processing, safety and provision near each other. Mr. Dotson stated it could be stated "for convenience more than safety". Council Member Wood pointed out that in the State statute it says if you grow you could have an interest in the processing. Could they be in the same location with a dividing wall and separate ownership distinction. Mr. Dotson that same sentiment is made by the Planning Board and others in the industry, creating "clustering". The Committee moved onto 1300.13 and 1300.13, and Mr. Dotson reiterated these are all proposed, and at the Planning Board they told them they need to review for standards. Council Member Wood reminded Mr. Dotson that the Committee provided the Ordinance to the Planning Board for their recommendations, they should not be looking at the "public" draft, and because the Planning Board is working off the recommendation by the City Attorney for 60 days a public hearing request was pulled. There should now only be a draft from the Planning Board based on Draft 6A with their potential changes for the Committee on Public Safety consideration. The Planning Board should only be looking at zoning implications.

Council Member Hussain asked Mr. Dotson why the Planning Board was vetting other parts of the ordinance and why they weighed in on another proposed ordinance from an outside company. The Planning Board is charged to give Council Committee a recommendation, therefore they could be considered to be negligent in their duties. Council Member Hussain reminded Law that Mr. Smiertka asked for 60 days in anticipation that the State was coming with something. Law is purposeful in drafting this to make sure it is enforceable.

Mr. Dotson reminded the Committee that the goal behind the Commission was to create an appearance of an outside group, with expertise, and support for the medical marijuana commission.

Council Member Wood reminded the public that the Committee has set a public hearing for the Ordinance on the Home Occupation amendments for January 30, 2017. At the State on December 15, 2016 the Senate passed Bill 72 which allows for someone that is leasing property to write into a lease they can prohibit someone who smokes or cultivates on their premise.

City Attorney Office Update

Medical Marijuana Moratorium Log

Mr. Dotson referenced an email spreadsheet he had sent to the Committee. One item on the spreadsheet he noted, Beechfield, he has forwarded to the LPD. His office also received a commercial use complaint, and based on the supporting documentation, the Office of the City Attorney opinion is that it is not in violation of the moratorium. The Office of the City Attorney will continue to review as complaints come in. Council Member Wood asked Mr. Dotson if his office was sending letters to the residential complaints. Mr. Dotson only replied to the Beechfield incident, stated they are considering sending a letter there.

Council Member Dunbar referenced the recent Senate Bill 72, asking for confirmation that unless it is written in the lease, a landlord can't evict someone for use. Mr. Dotson confirmed that this Bill 72 provides the provision for landlords to have the provision in their lease so they can enforce.

Council Member Hussain stated his support of the work Mr. Dotson had done.

Public Comment

Ms. Farrell asked the Committee for details on who from the medical marihuana community is educating the Planning Board so they understand the ordinance, and then gave her opinion that the Council was trying to push out small grows and caregivers. Council Member Wood clarified that the Planning Board is in charge of reviewing the zoning and only the zoning. The Commission proposed in this ordinance will have a caregiver sitting on it.

Mr. Durham spoke in support of the Act Labs, having all uses next to each other in the industrial buildings, and lastly in support of DAB Wars. Mr. Durham wanted the Committee to also know he supported home inspections, but not invasion of privacy. Mr. Dotson asked what DAB Wars were, and Council Member Wood commented on no discussion on the DAB Wars, and the only thing that is legal is for a caregiver to work with five (5) patients and anything other than that is illegal.

Council Member Wood reminded the group that all Council and Council Committee meetings are open meetings.

Council Member Dunbar stated her opinion that the ordinance is trying to legitimize the medical use of marihuana, and it should be compared to pharmaceuticals not alcohol.

Mr. Sova spoke on locations, State Licenses, batch testing and multiple labs. Council Member Wood reminded the group that the State already determines the location either in agriculture or heavy industrial.

Ms. Womboldt acknowledged the Committee on the recent home occupancy ordinance, however spoke in frustration with the process since that time with the delay at the Planning Board.

Mr. Green acknowledged the Committee for their work and spoke in support of medical marihuana. Mr. Green pointed out to the Committee there is a methadone clinic next to Greencroft Park and asked for clarification on why if they can be next to a park why a dispensary can't.

Mr. Durham outlined his good efforts in the community.

Council Member Dunbar reminded the public that the Committee does understand there is a medical need, however the proposed 3,500 KWH is intended to address the fire hazard not just for the home, but surrounding homes in the neighborhoods.

Council Member Wood acknowledged the other Committee members for their time and energy working on the ordinances.

ADJOURN

The meeting was adjourned 5:09 p.m.

Submitted by, Sherrie Boak,

Recording Secretary

Lansing City Council

Approved: February 1, 2017