



MINUTES
Committee on Public Safety
Wednesday, May 17, 2017 @ 3:30 p.m.
City Hall, Council Chambers

CALL TO ORDER

The meeting called to order at 3:30 p.m.

ROLL CALL

Councilmember Adam Hussain, Chair
Councilmember Carol Wood, Vice Chair
Councilmember Tina Houghton, Member - arrived at 3:36 p.m.

OTHERS PRESENT

Sherrie Boak, Council Staff
Heather Sumner, Assistant City Attorney
Lee Klein
Kathy Miles
Eric Lacy
Jon Miles
Elaine Womboldt
Mary Ann Prince
Mary Ellen Purifacato
Paul Brusso

MINUTES

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM MAY 2, 2017 AS PRESENTED. MOTION CARRIED 2-0.

PUBLIC COMMENT

Mr. Klein spoke in support of City legalization of medical marihuana with a \$5 ticket for a violation and suggested leaving the regulations for dispensaries and the movement of the marihuana, so everyone will have tools to comply with the ordinance.

DISCUSSION/ACTION:

DISCUSSION – Needle Exchange Program; Ingham County Health Department Recommendations

Council Member Hussain did a brief introduction on the subcommittee with Ingham County Community Health and Health Department. The group reviewed ordinances and found their City Council and a public hearing was set for May 22, 2017. Mr. Muir outline their subcommittee on the topic of needle exchanges, noting to the public that Ingham County as a whole has a high exchange rate, and a high rate of opioid use. The group is looking to get the

tools needed in Lansing set in place to address the issues. The group recommendations were to have a program in the community, a non-profit focus on prevention and outreach. Currently the group cannot apply for funds for the program if the City bans them from applying for those funds. The State of Michigan provides an exception, and so the subcommittee wants the City to conform to the State to allow an exception for a needle exchange program.

Council Member Hussain referred everyone to the Draft 2 of the proposed amendments, noting that on page 5, lines 11-13, which after discussion was confirmed by Mr. Smiertka that the interpretation would be "including a Health Department or a non-profit agency designated by the Health Department designated non-profit agency."

Council Member Wood asked if Lansing was the only community that had issues in their ordinance. The subcommittee would look into that information.

Council Member Hussain reminded the public that the public hearing on the amendments will be May 22, 2017 and there will also be similar presentation at the May 22, 2017 Committee of the Whole meeting.

ORDINANCE DRAFT #6D Medical Marihuana Licensing

Council Member Hussain noted to the public that the Committee had received the latest draft on May 5th, they then in turn sent their recommended changes back to Law. Those changes were incorporated or explained and that resulted in the recent Draft 6D May 16, 2017. The ordinance as written does allow for all five (5) facility types, there are spatial limitations, a provision regarding vetting, revocation process and an appeal process.

Ms. Sumner went through the changes in 6D May 16, 2017 version. Included in those changes were the removal of "Commission" throughout the document, adding MTA (Marihuana Tracking Act) through out to be consistent, adding "Clerk" where consistent where "Commission" used to be. Changes on page 7 speak to the process the Clerk will perform, and page 8 Line 25 now includes the word "complete" which clarifies a complete application. Page 11 line 25 was changed to not "tangible financial capital" "sufficient to complete the medical marihuana establishments and to fund the business plan and other plans required by this section 1300.5". Further on in the document, changes were made to page 13 to address the license application evaluation in lines 26-32. Page 18 spoke to changes that addressed signage in items (O) and (P), and line 44 on the same page added the word "school". Page 19, line 9 added the word "parks" and additional information was added in lines 27-30 to address grower facilities. On page 20 they now included permits are to be required from Lansing and any other applicable government authority. On page 26, line 12 added the word "park" and also added three new items that spoke to no provisioning center in another business, none located in an unzoned area or area under an Act 425, and no consumption on licensed premises. Page 27 spoke to the provision that grower facilities shall be limited to H-Light Industrial or I-Heavy Industrial as identified by the City Zoning district.

Council Member Wood asked Mr. Smiertka the status of a fee schedule, and asked if the departments he had spoken to previously had seen the new changes or if they would need more information. Mr. Smiertka informed the Committee that the State law prohibits anything in excess of \$5,000, and based on his preliminary review 5 months ago, they could come up to the \$5,000 due to LPD investigations, reviews by departments, City Attorney time and the appeal process. Their preliminary amount was at \$3,500. This will be an application fee, and if they are not approved they get half back.

Council Member Hussain stated the he was looking for action today to set the public hearing for June 26th, with an open discussion at the Committee of the Whole meeting on June 12th.

MOTION BY COUNCIL MEMBER WOOD TO MAKE A MOTION TO SET THE HEARING FOR JUNE 26TH.

Council Member Houghton asked Council Member Hussain about a future Committee on Development and Planning meeting on the Ordinance. Council Member Hussain confirmed a meeting was set for Tuesday, May 23rd to have a discussion on the aspect of the zoning but not to bring any new changes to Committee.

MOTION CARRIED 3-0.

Medical Marihuana Moratorium

Council Member Hussain recapped past discussions and his concern with the enforcement of the moratorium. It was noted that on May 2, 2017 Mr. Smiertka, City Attorney and Mr. Dotson former Deputy City Attorney interpreted the moratorium for allowing transfer of ownership and a location change. During the earlier ordinance when Brig Smith was City Attorney the City shut down dispensaries and got the number down to 15. Recently, Council Member Hussain noted it appeared the City Attorney has been inconsistent on vetting the places, and just since May 2 there has been additional complaints. Those being one on MLK and Jolly, and another at 3301 Capital Blvd. Council Member Hussain asked for a discussion on the form of policy to approach this issue in a different way. At the last meeting, it was noted the transfer of location would be allowed but a transfer of ownership would not be. Mr. Smiertka spoke on the new practice his office is now doing where they are researching and a determining a list of if they were in operation currently, and any new ones are being asked to come into the City Attorney office and meet with law with their evidence they were business before the moratorium took place. Mr. Smiertka concluded with his acknowledgment that Council adopted the moratorium for reason and his office will diligently enforce.

Council Member Wood presented photos of a dispensary she believed was in violation of the zoning ordinance and asked for advice on enforcement since it is not a violation of no license but currently a zoning violation. Also it was noted, 3301 Capital has a drive thru window which is a violation. Mr. Smiertka stated that the zoning violation will go through the zoning department. If Council had a moratorium in place, and it was already a violation, is there something that can be done. Mr. Smiertka acknowledged he understand the zoning ordinance violation, but if it has been there for 4 years it needs to be reviewed. Council Member Wood stated she would provide law with the list again of businesses to be reviewed.

Council Member Hussain stated he would keep the item on the future agendas, and asked Mr. Smiertka to work on streamlining the process.

Council Member Wood asked with the passage of the new Medical Marihuana Ordinance, and the City getting closer to the licensing, how the City is going to be prepared for people who think they can start moving in. Mr. Smiertka stated that there will be that speculation, but with a risk. They will have to get license from the City and a license from the State. They will have to comply or they lose their license.

DISCUSSION – Request to Change Trespassing Ordinance

Council Member Hussain referred to a letter submitted from resident about trespassing at the schools. This letter was sent to Law for advisement on if it is necessary and if there could be some unintended consequences. Ms. Sumner stated it could be looked at a couple ways. It would depend on if someone is already forbidden to be at the school or if they are a first time trespasser, and the school can designate someone is to leave if they are creating a

disturbance. Council Member Hussain those can be discussed with the Lansing School District and he would also reach out to the author of the letter with the follow up.

DISCUSSION – Window Signage

Council Member Hussain stated again at this meeting that the task is to address all signage in the City similar to what is allowed in Downtown. Ms. Sumner was not able to provide any information.

Council Member Wood asked Council Member Hussain to continue to pursue getting Mr. Drew Macon into a future meeting, and Council Member Hussain stated Council Staff would pursue future dates.

PUBLIC COMMENT

Mr. Miles spoke in opposition of the recreational usage of marihuana, noting there are 18 dispensaries in the area of Colonial Village.

Ms. Womboldt spoke in opposition to the process thus far on the moratorium enforcement.

Ms. Purifecato asked for action on the current dispensaries with enforcement of the moratorium.

Mr. Brusso complained about a grow house within 100 ft. from a park, and spoke in opposition to all other current sites within parks.

Mr. Smiertka provided an update on the enforcement of the recently passed Home Occupation Ordinance that addresses home grows. He confirmed there is an active task force whose members come from the LFD, Code, Building Safety, Planning, City Attorney, LPD and inspectors. Each complaint is being reviewed on a case by case basis. They analyze to see who is the best to address the complaint, whether it is building safety, LPD or LFD. Council Member Wood asked for verification that this ordinance addresses home grows within a certain distance from parks and schools. Mr. Smiertka did not acknowledge it at first, but then clarified it was in the zoning. Council Member Wood asked that he look at the 2010 Home Occupation ordinance that was adopted where it was stated. Ms. Sumner added to the conversation that the task force is currently focusing on the homes that register higher than 3500 KWH with BWL.

ADJOURN

The meeting was adjourned 4:40 p.m.

Submitted by, Sherrie Boak,

Recording Secretary

Lansing City Council

Approved: June 7, 2017