



MINUTES
Special Meeting of the Committee on Public Safety
Tuesday, August 20, 2019 @ 4:00 p.m.
City Council Conference Room, 10th Floor

CALL TO ORDER

The meeting was called to order at 4:00 p.m.

ROLL CALL

Council Member Carol Wood, Chair
Council Member Patricia Spitzley, Vice Chair
Council Member Adam Hussain, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Amanda O'Boyle, Assistant City Attorney
Heather Sumner, Deputy Chief City Attorney
Jennifer Smith – Zande, Clerks Office
Robin Snyder

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM AUGUST 13, 2019 AS PRESENTED. MOTION CARRIED 3-0.

Public Comment

Ms. Snyder spoke to the Committee on unlicensed facilities selling, and the issues they are noticing in other cities. She noted that in the first Chapter 1300 the City of Lansing had they had daily fines, so she wanted to speak in support of that, asking the Committee to consider.

DISCUSSION/ACTION

DISCUSSION: Ordinance Amendments to Chapter 1300 Marihuana Establishments/Operations

Council Member Wood spoke directly to the OCA on her frustration that at the last meeting, August 13, 2019 the Committee outlined their next steps with the hopes of having to the Planning Board for their review by their September 3, 2019. After that meeting, she continued, the Committee found out that a notice was sent to the paper the week of August 5, 2019 and published a day before the Committee meeting on August 12, 2019 stating the Planning Board had already set their public hearing for September, 30, 2019 without getting any ordinance from the Council Committee. Lastly, she noted to the OCA that when staff spoke to the Economic Development & Planning Department they confirmed they were instructed to set the hearing per the OCA. Mr. Smiertka confirmed they did instruct the EDP Department to start the process, but was not aware of any other communication then to start the process. Council

Member Wood pointed out there appeared to be a communication breakdown because they didn't start the process, they already set the public hearing without having an ordinance from Council, and she noted her frustration with what occurred.

The Committee began the review of Draft 1C. They first reviewed an email from Council Staff and asked if the OCA made the corrections and if the Committee had any comments on the questions. Ms. O'Boyle confirmed the changes were made, all except the question on *Church* definition. Ms. Boak clarified that at the meeting it was reviewed the Committee had a concern with "entire building" in the definition, and provided examples of churches in strip malls. The OCA made the change to state "entire SPACE building" instead, and the Committee was asked for their consensus on the change. The committee agreed to the change.

Ms. O'Boyle then referred the Committee to page 5, line 122 which now cited a definition for *Limit*, and page 11, line 256 which now cites a definition for *Ward*. She then moved the Committee to page 26, lines 637-659 which is 1300.06 *Limits on licenses and Locations*. The Committee reviewed the limit and agreed the OCA captured their intent and request from the last meeting.

Ms. O'Boyle referenced the new section 1300.16 for event and temporary licenses, and noted that after a review of the ordinance, the safe legal conclusion would be for the City to opt all in, or opt all out. Council Member Spitzley asked if the "profit/ non-profit" was in the State statute and Ms. O'Boyle confirmed. She then asked the OCA why it states the "Mayor or designee" for approval, and Ms. O'Boyle noted that they based the language on the current noise waivers and liquor licenses that the City currently issues. Ms. Sumner added that the Committee can make changes. Council Member Spitzley then inquired into how many licenses, can a promotor who is promoting multiple events get multiple licenses. Ms. O'Boyle confirmed they used what the State already has on the subject, and before someone can get a temporary license, they have to have a separate license with the State that says they are an "event provider" before they can even apply to the municipality. The OCA then read the State item that says an "event can be up to 1 week, issued for a single day or up to 7 days", and the public consumption would still be limited.

Page 46, Line 1154 – 1156; Council Member Spitzley asked for more clarity in the sentence. Council Member Wood asked the OCA if there was a way to not have the license as all, and was told by the OCA that what would be the best option for legally defensible would be a full "opt-in" or a full "opt-out", not opting out of certain items. Mr. Smiertka added that the OCA has asked for clarity in the State statute and has not received a response. Council Member Spitzley asked if the City opted out of one part, would their entire ordinance be in jeopardy or it would it be legally defensible. Ms. Sumner replied that she would make a strong argument that they would hold that portion severable. Mr. Smiertka asked his staff to speak to "severability" in the ordinance. Council Member Spitzley then asked if the City chose to leave it in, and then comes back and removes it, is it a significant material change to do the ordinance review process all over again. Mr. Smiertka noted it would not be. Council Member Spitzley then spoke in opposition to marijuana events, and Council Member Hussain suggested removing that section completely, and if it is determined they need to add in, they will add it back in. Mr. Smiertka acknowledged for the Committee that legally is it "unclear" because of the language, but if the Committee does not want it, they should not let the fear of litigation stop their public policy. Council Member Wood noted that if the Council wanted to they could go back and revise the ordinance.

MOTION BY COUNCIL MEMBER HUSSAIN TO REMOVE 1300.16 PROPOSED IN DRAFT 1C DATED 8/20/2019. THIS WOULD BE PAGES 47-48; LINES 1176-1212. MOTION CARRIED 2-1.

Council Member Spitzley stated she voted against it because it though she does not want those types of licenses, she supports it because it does fall under the State law.

Council Member Wood confirmed the recent changes, and acknowledged the only thing the Committee was waiting on was the maps from IT to evaluate the buffers suggested by the OCA in the ordinance. Ms. Sumner informed the Committee that after speaking to the IT Department, the OCA was informed that the IT department currently has a heavy work load and have not been able to begin the project. Ms. O'Boyle recommended that the Committee not move forward before the mapping is reviewed. Council Member Spitzley asked Council Member Wood to contact the Mayor's office or the IT Department and inform them Council cannot do their job without the map, and they are working on a deadline.

Council Member Wood stated she would contact the Administration within the next 24 hours to find out the status of the maps that the Committee requested at earlier meetings. The next meeting will be August 27, 2019 at 4 p.m. to finalize their comments.

Other

It was confirmed that there is an inspection scheduled for 3801 Walton on Wednesday, 8/21/2019 @ 9:30 a.m.

ADJOURN

Adjourned at 4:36 p.m.

Submitted by Sherrie Boak,

Recording Secretary

Lansing City Council

Approved as presented: August 27, 2019