AGENDA

Committee of the Whole
AGENDA FOR MARCH 28, 2022 AT 5:30 PM

Lansing City Hall, Tony Benavides Lansing City Council Chambers
124 W. Michigan Avenue, 10th Floor
To provide input or ask questions on any item that is listed on the agenda,
members of the public may contact the City Council at city.council@lansingmi.gov or (517) 483-4177 prior to the meeting.

Council Member Hussain, Chairperson
Council Member Wood, Vice Chairperson

1. Call to Order

2. Roll Call

3. Minutes

A. March 14, 2022

4. Public Comment on Agenda Items (Up to 3 Minutes)

5. Discussion/Action:

B. RESOLUTION - Condemn Russian Invasion of Ukraine

C. RESOLUTION - Reappointment; David Price; At-Large member of the Board of Water and Light; Term to Expire June 30, 2026

D. RESOLUTION - Setting a Public Hearing; Ordinance Amendment Chapter 1300, Section 1300.07, 1300.10 & 1300.11, Marihuana Operations

Closed Session

E. QUARTERLY LITIGATION UPDATE
Pursuant to MCL 15.268(e), Council will recess into closed session to consult with the City Attorney in connection with pending litigation. An open meeting will have a detrimental financial effect on the litigating or settlement position of the City of Lansing concerning these cases.

Reconvene

6. Other

7. Adjourn

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

MINUTES
Committee of the Whole
Monday, March 14, 2022 @ 5:30 p.m.
Tony Benavides Lansing City Council Chambers

CALL TO ORDER
Council President Hussain called the meeting to order at 5:31 p.m.

PRESENT
Councilmember Adam Hussain
Councilmember Carol Wood
Councilmember Peter Spadafore
Councilmember Patricia Spitzley
Councilmember Jeremy Garza
Councilmember Brian T. Jackson
Councilmember Jeffrey Brown
Councilmember Brian Daniels

OTHERS PRESENT
Sherrie Boak, Council Office Manager
Eric Brewer, Internal Auditor
Jim Smiertka, OCA – arrived at 5:34 p.m.
Lisa Hagen, OCA
Elizabeth O'Leary, Labor Negotiator
Mark Lawrence, Mayor's Office
Jake Brower, Finance
Desiree Kirkland, Finance
Kim Coleman, HRCS
Guadalupe Ayala, HRCS- Diversity Officer
Andy Skelton, HRCS
Sam Quon, IT

Minutes
MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM FEBRUARY 28, 2022 AS PRESENTED. MOTION CARRIED 8-0.

Public Comment
No public comment at this time.

Presentation
Fiscal Year 2021/2022 2nd Qtr. General Fund Status Report and Vacancy Positions Report
Mr. Brower summarized the status report from the 2nd quarter report, noting overall budget of GF reserves, revenue, and expenditure with an ending budget of $14 million after ARPA funds

to supplement revenue losses. Mr. Brower noted they are preparing a budget amendment for this FY to be delivered on 3/28/2022. There were not questions on the General Fund Summary. Regarding the Revenue Summary it was noted that revenue exceeds the projections, but this does not include income tax collection. The original projection was a 30% cut, but appears only a $2 million loss, which is favorable but they are still looking with caution in future years. The BWL return on equity is coming to 19%. Council President Hussain asked if the Administration was in negotiations because this was the last year of the current agreement. Mr. Brower confirmed they are on track to have something approved by the end of this FY. They are currently looking at doing away from a fixed dollar and going back to the variable rate. Council Member Spadafore asked for an analysis on if they would have stayed with the formula would the City have lost or gained in comparison to what was gained with the fixed amount. Council President Hussain asked if there was revenue during the agreement did it climb in excess and was a payment received, and Mr. Brower confirmed it was not. Council Member Wood asked the Budget Director to look if the debt changed from the previous and what was incurred due to the pandemic, and if their outstanding debt would be applicable.
Mr. Brower noted that they are also looking at mutual grant applications with the BWL to see what they would be eligible for. There was $6.9 million in housing grants used for utility reimbursement and have reached out to HRCS to work on resolving outstanding utility bills. Council Member Wood asked them to reach out to Consumers Power as well for opportunities.
Council Member Jackson asked how the negotiations on this return on equity works since BWL is a public utility in the Charter. Mr. Smiertka confirmed the OCA, Finance, and BWL Executive Director all meet, and he himself has attend the last couple meetings of the BWL Board of Commissioners and they have not had any discussions yet. Once that is done it will then come to Council for approval or to send back.

Mr. Brower moved onto the revenue summary in the packet, noting there is $600,000 negative adjustment in relation to the revenue sharing, and also the State received excess sales tax then they expected so this will leave it at a neutral standing. Council President Hussain asked if the City was challenging the decline, and Mr. Lawrence confirmed they are challenging the census numbers but the appeal process can take months.

Mr. Brower moved onto the Expenditures summary. Council Member Wood asked what the City was expecting on fuel prices. Mr. Brower was not able to provide that information, but would at what is the anticipated additional costs and will include a comment in the General Fund for the 3rd Quarter that Council will receive the end of March. Council Member Garza asked him to include the impact 10 years ago when gas prices were high.

Mr. Brewer had no comments.

Council Member Jackson asked if they have had discussion on what happens in next years' budget when there is no Cares Act funds. Mr. Brower noted that those types of questions will be answered with the budget amendment he mentioned earlier that Council will get March 28th and the proposed FY 2022/2023 budget. There was $18 million for services and $5 million for parking service losses in the upcoming budget from the ARPA funds and they also plan to spread that out over future years to cover through 2024.

The presentation moved into the Vacancy Report as of 12/31/2021. Mr. Brower noted there is $1.4 million in vacancy savings in GF and in the next year proposal there be less, and the departments are actively looking at filling positions. Council Member Spitzley asked for an update in Finance since it is March and the date was 12/31/2021. Mr. Brower confirmed the Finance Director position is filled along with the buyer position. Council Member Spitzley referred to the deficiencies from the external auditor due to short staffing. Mr. Brower tried to explain that in 2008 there were positions cut and they went from 20 positions to 9, which had a long term impact. Adding new position will address the 6 year concerns from the external auditor. Council Member Wood asked for clarification on "over filled" in the category of the Fire Fighter Trainee, and Mr. Brower explained that in the overall training of police and fire they have people in training with the anticipation of having the training complete when someone retires. At the time of the report the retirees had not left so it appeared the trainees were in excess, but since that time the retirees have left and those trainees have now moved into position. Council Member Wood acknowledged the spreadsheet and the work done so far, however asked for a column on the offset on the savings with a contract employee or if it is over budget with that position. Mr. Brower acknowledged her request explaining they determine this information from HR and Finance so the information is date entry into this final document. Council Member Daniels asked how many vacancies on the spreadsheet have been released by the department director to HR to be posted and filled. Mr. Brower could not answer the specifics noting it was a question to be better answered by the directors themselves. Council President Hussain asked him to provide that to Ms. Boak. Council Member Brown asked for more details on the process for completing the Vacancy Factor report.

<u>City of Lansing Equity Matrix</u>
Ms. Ayala introduced Mr. Skelton, Mr. Quon and HR Director Ms. Sanchez- Gazella. Ms. Ayala then outlined and did a presentation on the "Equity" tool on the City website; https://www.lansingmi.gov/981/Diversity-Equity-Dashboard

The presentation outlined what users can do to visualize local demographics and disparities to assist. The data source and matrix indicators where outlined along with an interactive map. Examples were provided by Mr. Skelton, which he stated he used the 2019 census data. Mr. Skelton acknowledged that once new data has been released this will be updated.

Council Member Garza voiced his concerns on the reporting or lack for Latinos and asked what can be done to address the racial justice for the Latino community. Ms. Ayala attempted to explain the breakdown and tools noting that some individuals might be under the category of Hispanic. Council Member Garza noted in the 1930's there was a separate breakdown for Hispanic and Latino, and he was concerned the numbers are a skewed, and therefore how can they look at the needs of the Latino population if they are not identified.

Mr. Skelton continued with his presentation.

Council Member Spitzley stepped away at 6:22 p.m.

Ms. Ayala asked for Council and community input on the program whenever they have any suggestions on what they would like to see.

Mr. Quon presented on the dashboard of information on City employees vs the City. This information was also from the census and in this case also included information from the City payroll to show the representation for the employees. He did add that the employee information did not include contract, temporary or seasonal.

Council Member Daniels suggested a layer for the people with disabilities.

Council Member Spitzley returned to the meeting at 6:35 p.m.

Council Member Garza again voiced his concern on the material, statistics and information on the Latino population
Council Member Wood recommended they reach out to the Disability Network for their statistics because they do it for the entire Tri-County.

Council Member Brown asked if the updates are automated or manual, and Mr. Skelton stated they were manual, and Mr. Quon added the monitor when data is updated and then they update this matrix, with the recent update coming March 17th. HR also runs a quarterly report for them to utilize for the employee matrix. Council Member Brown recommended they look into automated updates. He then asked for more layers on the maps, and Mr. Quon noted that more layers makes it more cluttered and confusing to see all the aspects that someone is looking for.

Ms. Ayala ended the presentation by adding they have currently started working on a layer and matrix of the mobile food pantries and also with parks and recreation on their participation locations.

Discussion
MOTION BY COUNCIL MEMBER WOOD AT 6:47 P.M. PURSUANT TO MCL 15.268(C) OF THE OPEN MEETINGS ACT, RECESS INTO CLOSED SESSION FOR STRATEGY AND NEGOTIATION SESSIONS CONNECTED WITH THE NEGOTIATION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF LANSING AND THE TEAMSTERS LOCAL 214 AS REQUESTED BY THE CITY. ROLL CALL, MOTION CARRIED 7-1.

RECONVENE
Council President Hussain reconvened the meeting at 6:54 p.m.

Other
RESOLUTION – Ratification of the Tentative Agreement; CBA for Union Teamsters 214 Supervisory and Non- Supervisory Units
MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION TO APPROVE THE CBA WITH TEAMSTERS 214 SUPERVISORY AND NON- SUPERVISORY. MOTION CARRIED 8-0.

Adjourn
The meeting adjourned at: 6:55 p.m.
Respectfully Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Russia, at the direction of President Vladimir Putin, Russian military began shelling and rocket attacks on several major cities in Ukraine, including its capital, Kyiv; and

WHEREAS, these Russian troops have been met with strong and courageous opposition from the Ukrainian military and citizen-resistance; and

WHEREAS, Russian forces have abducted at least two mayors of Ukrainian cities to install pro-Russian replacements; and

WHEREAS, over the last several weeks, the United States and its Western European allies have announced strong measures that are aimed to cause the Russian Government to struggle economically, including sanctions and restrictions on shipping, oil and other imports of Russian goods, and investments/banking; and

WHEREAS, in recent days President Biden has announced that the United States, European Union, and G7 countries are moving to revoke Russia's "most favored nation" trade status, due to the invasion of Ukraine; and

WHEREAS, the City of Lansing has announced that investments will no longer be made in Russian-based funds, and is working with the Employee Retirement System and the Police and Fire Pension system to reach the same goal; and

WHEREAS, Lansing City Council wishes to express support of any and all efforts to support the Ukrainian citizens and its government in light of Putin's invasion of Ukraine; and

WHEREAS, the City of Lansing recognizes the courageous opposition to these attacks by many citizens of Russia and those of Russian descent, including those living in the City of Lansing.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby strongly condemns the Russian invasion of Ukraine, denounces Vladimir Putin's years-long aggression against the sovereign country and expressly supports Ukraine and the Ukrainian people.

BE IT FURTHER RESOLVED that the Lansing City Council supports and enourages all efforts by the United States administration, federally, state-wide, and locally, to continue to impose sanctions upon Russia.

BE IT FINALLY RESOLVED that the City Clerk is directed to transmit copies of this resolution to President Biden and all of the Michigan Congressional Members.

Application for Appointment to Board or Commission

Thank you for your interest in serving on a Lansing Board, Commission, or Committee.

Certain boards, commissions, or committees require appointees to be a registered elector in the City of Lansing (Charter Section 2-102) and be a resident of Lansing for one year prior to taking office (Charter Section 2-102).

Appointees to every board, commission, or committee must not be in default to the City at the time of taking office (Charter Section 2-103.2) and not have been convicted, within 20 years of taking office, of a violation of the election laws of the City of Lansing, State of Michigan, or the United States; a violation of public trust; or any felony (Charter Section 2-103.1).

Lansing City Charter, Section 5-104, Ineligibility For Boards, restricts certain City employee activities on some boards: "No person holding another City office or activity employed by the City shall be eligible to be a voting member on any board."

Date	02/17/2022
First Name	David
Middle	John
Last Name	Price
Date of Birth	
Address	514 Fulton Pl
City	Lansing
State	MI
Zip Code	48915
Email	scubadav824@gmail.com
Gender	Male

If you don't know which ward you live in, visit the [Lansing Neighborhoods Ward Map]() and type in your address to find out!

Ward	Ward 4

Precinct	37
Best Phone Number to Contact You	517 927-4010
In what year did you move to Lansing?	1983
Additional Information Regarding Experience and Credentials	I have served as a Lansing Board of Water and Light Commissioner since 2011 and as Board Chair since 2015. I had previously served as president and treasurer of the Michigan Non Profit Association and as a commissioner on the Governor-appointed Michigan Community Service Commission. I bring this board experience to the BWL Commission recognizing the critical importance of establishing a policy based governance system. I believe the board has benefited from my service and leadership by becoming more engaged in decision-making processes. The following area few of my accomplishments while serving on the board: Transparency •All board and committee-meeting materials are posted on the BWL Governance web page. This was not done prior to my becoming chair. •General Manager's contract discussed and approved in open meeting and provided to the press. (Not previously done.) Governance •Arranged for Board Governance training within 2 months of becoming chair. Training was an all day session with a trainer from the American Public Power Association and attended by all commission members. We have had two additional governance training sessions since then. •Introduced and passed a Board Governance Policy that defines goals and objectives for the board for its effective governance of the BWL, essentially a job description for board members. That policy should well serve current and future board members by better defining the scope of their responsibilities beyond what is in the Commission's Rules of Procedure.
Occupational Background	Retired after thirty two years successful non-profit management experience; seven years community rehabilitation facility experience; state and national elected and appointed leadership positions; legislative and lobbying skills; proficient in policy analysis; experienced in budget development and implementation; excellent oral and written communications skills.
Educational Background	BA Sociology, Marketing Minor John Carroll University, Cleveland Ohio Graduate course work in Therapeutic Recreation at Central Michigan University
Previous Appointments	Lansing Board of Water and Light
Current Appointments	Lansing Board of Water and Light
Please attach a resume if available.	*File(s) attached:* Resume - David Price.pdf
First Choice for Board to Serve on	Board of Water and Light

Please comment briefly on why you wish to serve on a particular board or commission. Please be specific as to your goals and ideas about how you wish to contribute to the work of the board or commission.	I am a firm believer in Policy Governance and will continue to work to make this the modus operandi of the BWL Commission. I support the Board's Strategic Plan that will make the BWL the utility of the future by achieving 50% clean energy by 2030 andcarbon neutrality by 2040. I look forward to the BWL developing on-bill financing to assist ratepayers who wish to achieve greater efficencies and/or install renewable energy generation. I strongly support the BWL's efforts to increase reliability while maintaining affordable rates for our customeres. I also strongly support the role that BWL plays in economic development as evidenced by our recent role in attracting the General Motors Battery Plant to the Lansing region bringing good paying jobs to the area.

This certification is not required but may impact potential consideration of the appointment being sought. I authorize the use of the information provided above to conduct a background search, including but not limited to criminal history, residency, and indebtedness to the City of Lansing. If selected to serve, I further authorize additional background checks during the term of my service to ensure the required criteria continue to be met. I also acknowledge that I have the affirmative duty to inform the City if I become aware of any change or condition in my status that fails to meet the required criteria.

Agreement to Background Check Authorization	• I agree
Please type your name in this box to signify that you can serve on a board or commission and the information in this application is accurate to the best of your knowledge.	David J. Price
Date & Time	02/17/2022 12:00 PM (EST)
Receive an email copy of this form.	Yes

David John Price

514 Fulton Place
Lansing, Michigan 48915
(517) 927-4010
Email: scubadav824@gmail.com

Summary

Retired after thirty-two years successful non-profit management experience; seven years community rehabilitation facility experience; state and national elected and appointed leadership positions; legislative and lobbying skills; proficient in policy analysis; experienced in budget development and implementation; excellent oral and written communications skills; computer literate in word processing, internet web page publishing, spreadsheets, data base management and desktop publishing.

Employment

Executive Director May 1994 to January 2015
MARO Employment and Training Association

Responsible for day-to-day operation of sixty-member trade association representing providers of employment and training services for persons with disabilities and other barriers. Responsible for government relations and public relations, Registered lobbyist. Provide staff support to association committees. Supervise association staff. Develop association's management information system. Develop and maintain association's web page. Administer $2.0 million association workers' compensation program. Report to eighteen-member board of directors.

Assistant Director March 1987 to May 1994
Michigan Association of Rehabilitation Organizations

Developed and implemented the association's government relations program. Recommended policy and positions for the association on state and federal issues. Responsible for association lobbying activities. Provided staff support to association governmental affairs committee. Managed the association in the absence of the executive director. Supervised two grant funded association projects; worked cooperatively with state agencies and consumer advocates to promote quality services for persons with disabilities. Represented the association's interests in numerous forums and advisory committees. Responsible for member communication function; designed all association promotional materials. Designed association's membership data base and worker compensation billing system; served as assistant administrator of association's worker compensation fund. Skilled in conference and meeting planning.

Project Director March 1983 to February 1987
Michigan Association of Rehabilitation Facilities
Safety Education Grant from Michigan Department of Labor

Responsible for planning and presenting occupational safety seminars to staff at rehabilitation and residential care facilities. Provided on-site technical assistance to requesting agencies; developed and coordinated Project Resource Center. Developed and managed project budget. Hired and supervised project staff. Additional duties included coordinating all association sponsored training seminars and designing and tabulating membership surveys.

Industrial Operations Director August 1976 to February 1984
Mecosta---Osceola Area Rehabilitation Center Paris, Michigan

Developed subcontract department for rehabilitation facility serving adults with developmental disabilities and mental illness; increased annual sales over 800% in eight years; developed first off-site placements for agency; assured compliance of subcontract department with all applicable federal and state regulations and CARF requirements. Coordinated public relations activities with local media. Supervised client transportation. Initiated client recreation program.

Instructor/Part Time
Ferris State University, Spring 1979
Taught Introduction to Sociology

Tutor
Cleveland Board of Education, 1976
Tutored educationally disadvantaged youth.

Vocational Counselor June 1973 to June 1975
City of Cleveland, Department of Human Resources and Economic Development Provided assessment, counseling and job development services to unemployed and/or underemployed probationers and parolees.

Child Care Assistant October 1971 to May 1973 Health Hill Hospital, Cleveland, Ohio
Responsible for physical care of children with disabilities in a medical rehabilitation facility.

Education

John Carroll University Cleveland, Ohio
B.A. in Sociology May 1976
Minor in Marketing and Business Administration
Departmental Award for Outstanding Achievement in Sociology

Central Michigan University Mt. Pleasant, Michigan
Graduate coursework in Therapeutic Recreation

Volunteer Affiliations

Lansing Board of Water and Light Commissioner, 2011 to present
Board Chair, 2015 to present

Michigan Community Service Commission, Governor Appointed
2011 to 2015

Charyl Stockwell Academy (Charter School Academy)
Board of Directors, 1996 to present
Board President, 1999-present

Michigan Nonprofit Association
Board of Directors, 1994 to 2015
Board Chair, 2009-2010

Michigan Rehabilitation Advisory Council, Governor Appointed
1996---2002

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has made the reappointment of David Price as an At-Large member of the Board of Water and Light for a term to expire June 30, 2026; and

WHEREAS, the nominee has been vetted by the Mayor’s Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee of the Whole met on March 28, 2022 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of David Price as an At-Large member of the Board of Water and Light for a term to expire June 30, 2026.

INTRODUCTION OF ORDINANCE

Council Member Wood introduced:

> An ordinance of the City of Lansing, Michigan to amend Chapter 1300 of the Lansing codified ordinances by amending Sections 1300.07, 1300.10, and 1300.11 for the purpose of updating the ordinance to reflect changes in laws and rules resulting from the adoption of the form-based zoning code.

This Ordinance is read a first time by its title and referred to the Committee of the Whole.

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, _____________, 2022, at 7 p.m. in the Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of:

Approving or opposing the amendment to Chapter 1300 of the Lansing Code of Ordinances by amending Sections 1300.07, 1300.10, and 1300.11 for the purpose of updating the ordinance to reflect changes in laws and rules resulting from the adoption of the form-based zoning code.

ORDINANCE NO.______________

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE LANSING CODIFIED ORDINANCES BY AMENDING CHAPTER 1300, SECTIONS 1300.07, 1300.10, AND 1300.11 TO UPDATE THE ORDINANCE TO REFLECT CHANGES IN LAWS AND RULES AND THE RECENTLY ADOPTED FORM-BASED ZONING CODE.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1300, Sections 1300.07, 1300.10 and 1300.11, of the Code of Ordinances of the City of Lansing, Michigan be and is hereby amended to read as follows:

1300.07. License renewal application.

(a) Application for a license renewal required by this chapter shall be made in writing to the City Clerk at least 28 days prior to the expiration of an existing license.

(b) An application for a license renewal required by this chapter shall be made under oath on forms provided by the City, and shall contain all of the information required by Section 1300.04(b).

(c) An application for a license renewal shall be accompanied by a renewal fee in an amount of $5,000.00. The renewal fee is established to defray the costs of the administration and enforcement of this chapter expended by the City Clerk's Office, Police Department, City Attorney's Office, Treasury, Building Safety office, Zoning Administrator, and other relevant City departments.

(d) Upon receipt of a completed application for a license renewal meeting the requirements of this chapter and the license renewal fee, the City Clerk shall refer a copy of the renewal application to each of the following for their approval: The City Attorney's Office, the Building Safety Office, the Police Department, the Zoning Administrator, and the City Treasurer.

(e) No application for a license renewal shall be approved unless:

(1) The Building Safety Office has inspected the proposed location and/or approved proposed site plans for compliance with all laws for which they are charged with enforcement within the past calendar year.

(2) The Zoning Administrator has confirmed that the location complies with the Zoning Code and this chapter.

(3) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant and the location of the marihuana operation are not currently in default to the City, including but not limited to property taxes.

(4) The Police Department has reviewed the criminal history background checks for each applicant, stakeholder, and employee, as provided by the applicant.

(5) The City Attorney's Office has reviewed and approved as to form the insurance and either the surety bond or escrow account documentation for compliance with State and local laws.

(6) The applicant possesses the necessary State licenses or approvals.

(7) The applicant has operated the marihuana operation in accordance with the conditions and requirements of this chapter as well as Federal and State laws and regulations.

(8) The marihuana operation has not been declared a public nuisance.

(f) If written approval is given by each individual, department, or entity identified in subsection (e), the City Clerk confirms compliance with subsection (b) and receipt of the renewal fee, the City Clerk shall issue a license renewal to the applicant. The renewal shall be deemed approved if the City has not issued formal notice of denial within 60 days of the filing date of the application, unless the applicant is advised of non-compliance under Section 1300.07(e) during such period.

(g) IF AN APPLICANT RECEIVES CONDITIONAL APPROVAL TO RECEIVE A LICENSE BUT FAILS TO OBTAIN THAT LICENSE WITHIN 24 MONTHS FROM THE DATE OF CONDITIONAL APPROVAL, THE CITY CLERK

MAY REVOKE THE CONDITIONAL APPROVAL AND DENY LICENSURE. CONDITIONAL APPROVAL IS NOT A LICENSE AND IN NO WAY PERMITS GROWING, PROCESSING, TESTING, TRANSPORT, OR SALE OF MARIHUANA OR MARIHUANA PRODUCT.

1300.10. Location, buffering, dispersion, and zoning requirements for Medical Marihuana Provisioning Centers and Marihuana Retailers.

(a) No Medical Marihuana Provisioning Center or Marihuana Retailer shall be located within:

(1) One thousand feet, of an operational school, including pre-kindergarten that is located within a school; or

(2) Five hundred feet, of the following buffered uses: Public parks; a commercial child care organization (non-home occupation) that is required to be licensed or registered with the Michigan Department of Health and Human Services, or its successor agency; a church; a facility at which substance use disorder prevention services or substance use disorder treatment and rehabilitation services and those terms are defined in the Mental Health Code, PA 258 of 1974, MCL 330.1001 et seq. or another Medical Marihuana Provisioning Center or Marihuana Retailer.

(b) Medical Marihuana Provisioning Centers and Marihuana Retailers shall be limited to S-C (SUBURBAN CORRIDOR), MX-C (MIXED USE URBAN CORRIDOR), MX-2 (MIXED USE COMMUNITY CENTER), MX-3 (MIXED USE DISTRICT CENTER), IND-1 (SUBURBAN INDUSTRIAL), IND-2 (GENERAL INDUSTRIAL), IND-3 (URBAN INDUSTRIAL), AND DT-2 (URBAN FLEX) ~~F and F1-Commercial, G2-Wholesale, H-Light Industrial, and I-Heavy Industrial~~ as such districts are described and designated as provided in the Zoning Code provisions of this Code.

(c) No Medical Marihuana Provisioning Center or Marihuana Retailer shall be located within another business except as permitted by the Marijuana Regulatory Agency.

(d) For the purpose of calculating the buffering and dispersion requirements of this section, the distance shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the buffered use nearest to the contemplated location of the marihuana operation and from the part of the contemplated location nearest to the buffered use. The distances from the marihuana operation to the point on the centerline and from the buffered use to the point on the centerline shall be included in the calculation. For Medical Marihuana Provisioning Centers and Marihuana Retailers located within a commercial strip mall or retail center, the measurement shall be from the property line of the Medical Marihuana Provisioning Center and Marihuana Retailer to the property line of a buffered use.

(e) No marihuana operation shall be located in an unzoned area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.

1300.11. Location of Marihuana Growers, Marihuana Safety Compliance Facilities, Marihuana Processors, Marihuana Secure Transporters, Marihuana Microbusinesses, and Designated Consumption Establishment.

(a) All Marihuana Growers and Marihuana Microbusinesses shall be limited to IND-1 (SUBURBAN INDUSTRIAL), IND-2 (GENERAL INDUSTRIAL) AND IND-3 (URBAN INDUSTRIAL) ~~H-Light Industrial and I-Heavy Industrial~~ zoning districts as identified in this Code.

(b) All Marihuana Safety Compliance Facilities, Marihuana Processors, and Marihuana Secure Transporters shall be limited to IND-1 (SUBURBAN INDUSTRIAL), IND-2 (GENERAL INDUSTRIAL), IND-3 (URBAN INDUSTRIAL), AND DT-2 (URBAN FLEX) ~~the H-Light Industrial, I-Heavy Industrial, or G2-Wholesale~~ zoning districts as identified in this Code.

(c) All Designated Consumption Establishments shall be limited to S-C (SUBURBAN CORRIDOR), MX-C (MIXED USE URBAN CORRIDOR), MX-2 (MIXED USE COMMUNITY CENTER), MX-3 (MIXED USE DISTRICT CENTER), IND-1 (SUBURBAN INDUSTRIAL), IND-2 (GENERAL INDUSTRIAL), IND-3 (URBAN INDUSTRIAL), AND DT-2 (URBAN FLEX) ~~F and F-1 Commercial, G2-Wholesale, H-Light Industrial, and I-Heavy Industrial~~ zoning districts as identified in this Code.

(d) No marihuana operation shall be located in an unzoned area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.

Section 2. All ordinances, resolutions or rules, parts of ordinances inconsistent with these provisions are repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. All applications for marihuana operations licenses submitted under the former Zoning Code and still pending at the time of enactment of this Amendment will proceed under the former Zoning Code. All licenses located outside of the new zoning designations shall be considered a preexisting nonconforming use.

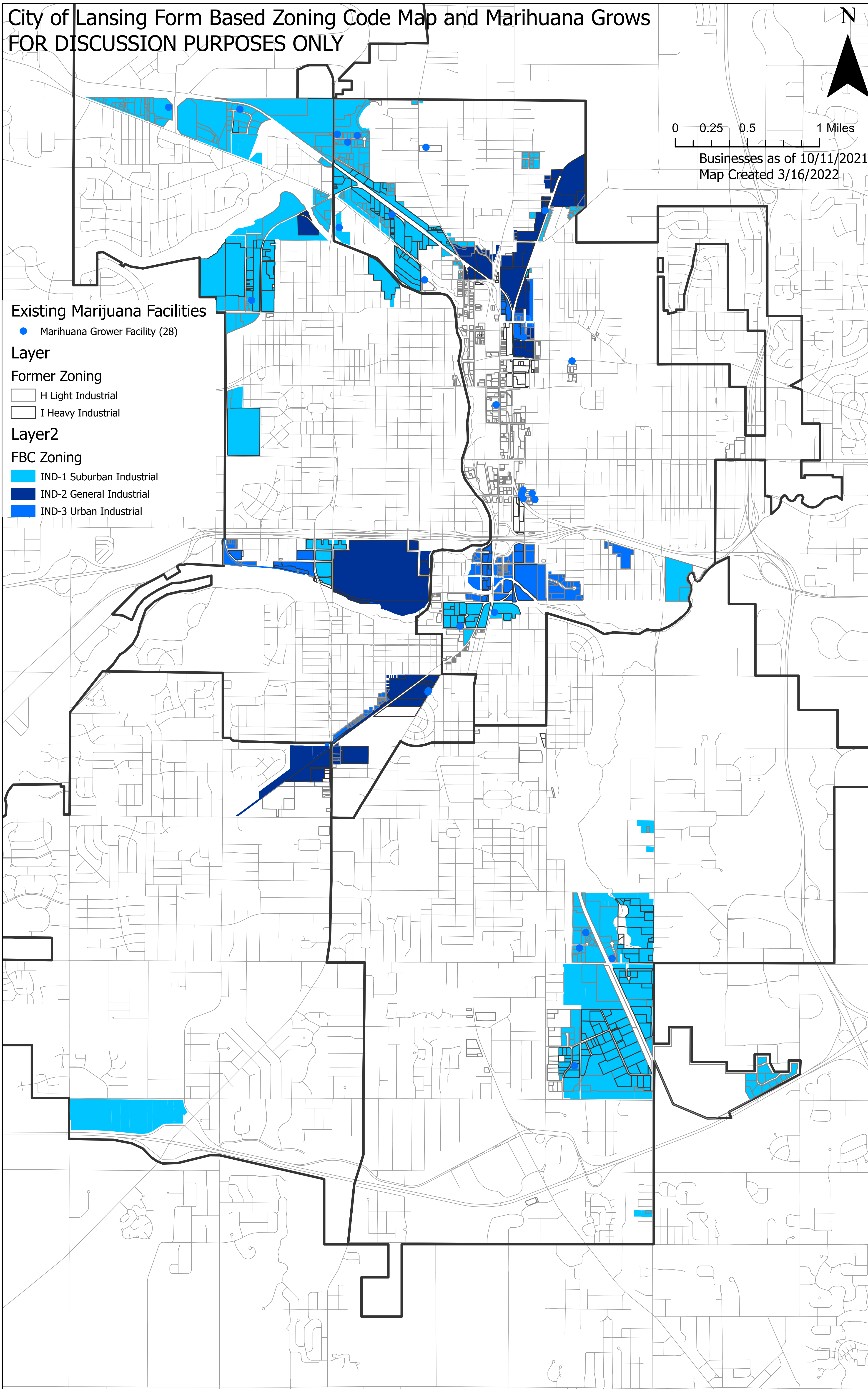
Section 5. This ordinance shall take effect on the 30th day after enactment by City Council and pursuant to Section 3-307 of the City Charter, this Chapter shall expire December 31, 2029.

Approved as to form:

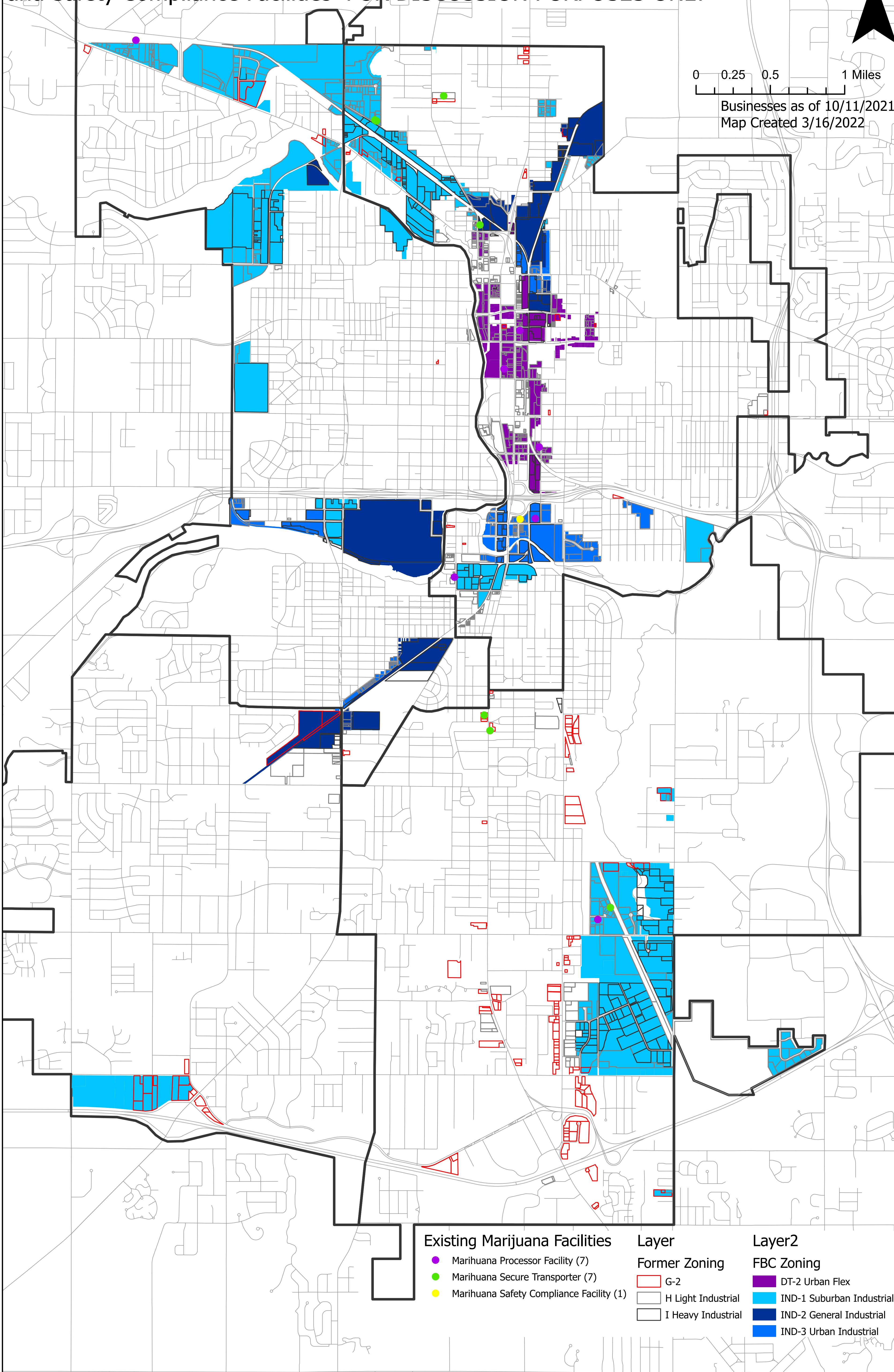
____

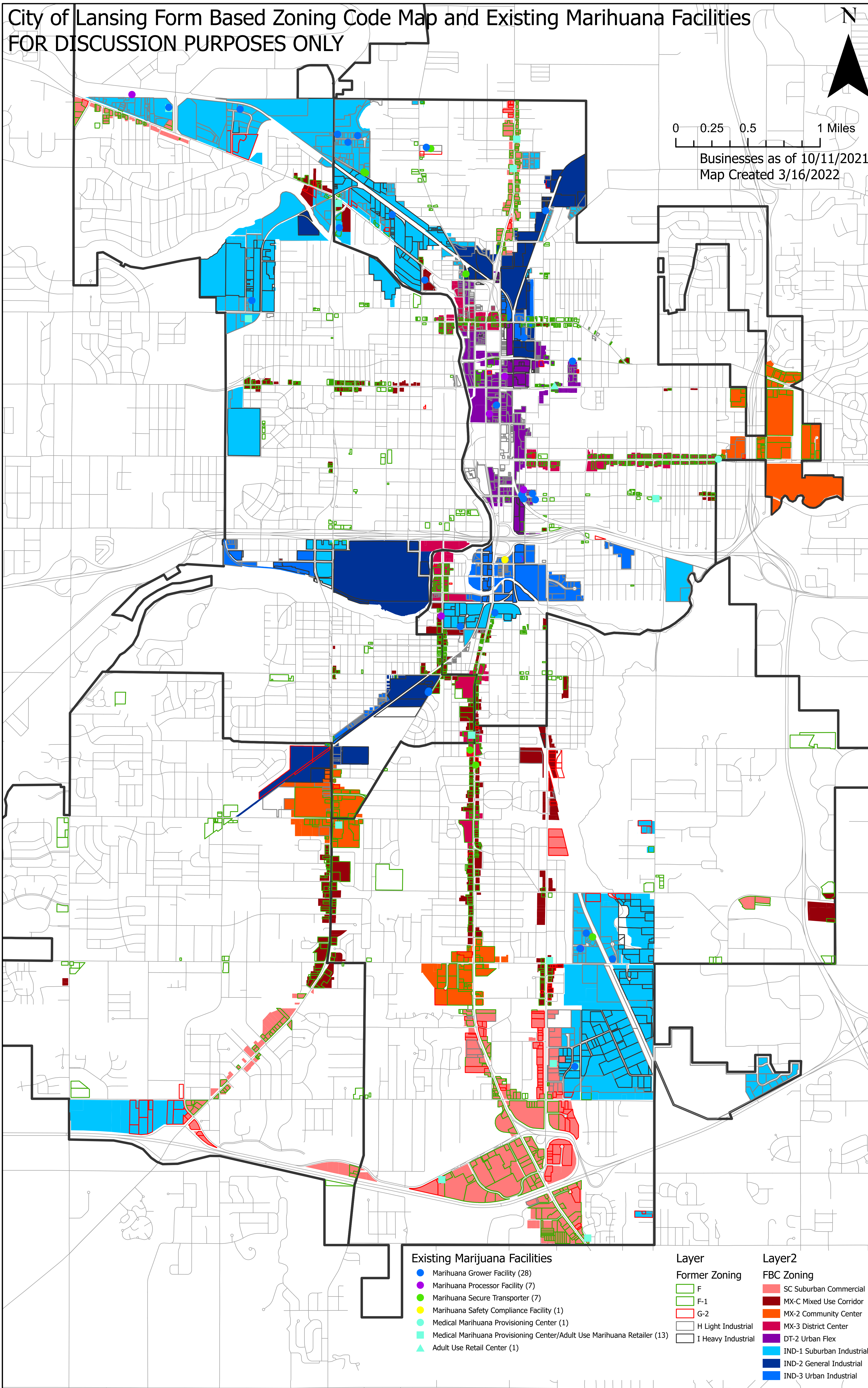
City Attorney

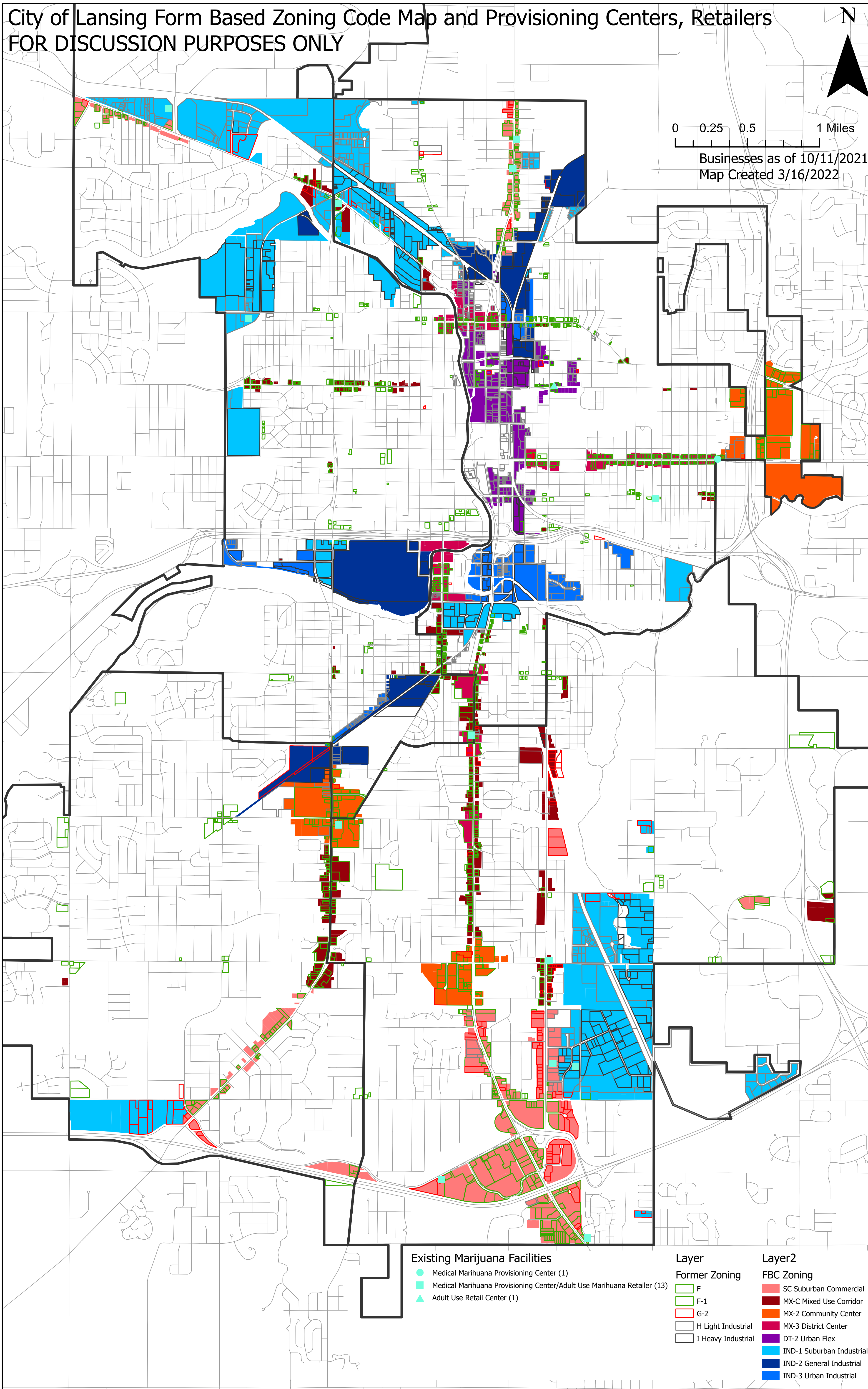
Dated: _________________


City of Lansing Form Based Zoning Code Map and Marihuana Grows
FOR DISCUSSION PURPOSES ONLY
N
0
0.25
0.5
1 Miles
Businesses as of 10/11/2021
Map Created 3/16/2022
Existing Marijuana Facilities
Marihuana Grower Facility (28)
Layer
Former Zoning
H Light Industrial
I Heavy Industrial
Layer2
FBC Zoning
IND-1 Suburban Industrial
IND-2 General Industrial
IND-3 Urban Industrial

City of Lansing Form Based Zoning Code Map and Processors, Transporters, and Safety Compliance Facilities FOR DISCUSSION PURPOSES ONLY




City of Lansing Form Based Zoning Code Map and Existing Marihuana Facilities
FOR DISCUSSION PURPOSES ONLY
N
0
0.25
0.5
1 Miles
Businesses as of 10/11/2021
Map Created 3/16/2022
Existing Marijuana Facilities
Marihuana Grower Facility (28)
Marihuana Processor Facility (7)
Marihuana Secure Transporter (7)
Marihuana Safety Compliance Facility (1)
Medical Marihuana Provisioning Center (1)
Medical Marihuana Provisioning Center/Adult Use Marihuana Retailer (13)
Adult Use Retail Center (1)
Layer
Former Zoning
F
F-1
G-2
H Light Industrial
I Heavy Industrial
Layer2
FBC Zoning
SC Suburban Commercial
MX-C Mixed Use Corridor
MX-2 Community Center
MX-3 District Center
DT-2 Urban Flex
IND-1 Suburban Industrial
IND-2 General Industrial
IND-3 Urban Industrial



City of Lansing Form Based Zoning Code Map and Provisioning Centers, Retailers
FOR DISCUSSION PURPOSES ONLY
N
0 0.25 0.5 1 Miles
Businesses as of 10/11/2021
Map Created 3/16/2022
Existing Marijuana Facilities
Medical Marihuana Provisioning Center (1)
Medical Marihuana Provisioning Center/Adult Use Marihuana Retailer (13)
Adult Use Retail Center (1)
Layer
Former Zoning
F
F-1
G-2
H Light Industrial
I Heavy Industrial
Layer2
FBC Zoning
SC Suburban Commercial
MX-C Mixed Use Corridor
MX-2 Community Center
MX-3 District Center
DT-2 Urban Flex
IND-1 Suburban Industrial
IND-2 General Industrial
IND-3 Urban Industrial

Andy Schor
Mayor

LANSING PLANNING BOARD
Regular Meeting
February 1, 2022
6:30 p.m.
Neighborhood Empowerment Center 600 W Maple St.

MINUTES – *DRAFT*

EXCERPT

PUBLIC HEARINGS

C. Chapter 1300 Marijuana Operations Ordinance Amendment

Ms. Stachowiak briefly reviewed the reasons why marijuana operations were separated from the Form-Based Zoning Code (FBC) process and has for the last year still been governed by the old zoning districts. She said that now that the FBC is in place, the City Clerk is recommending that Chapter 1300 be amended so that the text reflects the current zoning districts.

Ms. Stachowiak stated that the City Clerk is also proposing language that allows for conditional licenses to be revoked if they are not obtained within 24 months so that they are freed up for other applicants.

Chairperson Ruge opened the public hearing.

Seeing no one wishing to speak, Chairperson Ruge closed the public hearing.

C. New Business

Chapter 1300 Marijuana Operations Ordinance Amendment

Mr. Hovey stated that he has a conflict of interest because he represents entities that are directly affected by the Chapter 1300 Ordinance and requested to be recused from the discussion. Mr. Ruge requested that the Board review the Rules of Administrative Procedure section about conflicts of interest.

The Planning Board confirmed that all declared potential conflicts of interest need to be discussed by the entire Board, the Board shall hold a vote to recuse a member, and if recused that member must leave the meeting table, but not the meeting room.

Dr. Bhatti made a motion, seconded by Mr. Jackson to recuse Mr. Hovey from the discussion on Chapter 1300 Marijuana Operations Ordinance. On a voice vote the motion carried unanimously (5-0).

Mr. Fedewa explained that all industrial districts, IND-1, IND-2, and IND-3 would permit marijuana growers and microbusinesses. Planning and Zoning staff did not support including DT-2 for this use because the businesses in this area so far have generally installed fencing and blocked up the windows of their building, creating closed off pockets in the built environment. Although the DT-2 area was generally industrial zoning under the old code, DT-2 was developed with the intent of being complementary to the Downtown core and focused on redevelopment for commercial, retail, services, offices, as well as new residential and mixed-use. Many industrial businesses have left this area over the past few decades, and it no longer corresponds with the Future Land Use Plan. Mr. Fedewa stated he personally supported including DT-2 for safety compliance facilities, processors, and secure transporters because of the existing land use pattern, accessibility to commercial corridors, and to be business-friendly.

The Board discussed whether safety compliance facilities, processors, and secure transporters should be permitted in the DT-2 district when the goal of the district is to encourage customer-based redevelopment that complements the downtown.

Dr. Bhatti made a motion, seconded by Mr. Jackson to recommend approval of Chapter 1300 Marijuana Operations Ordinance Amendment, with the recommendation that the DT-2 zoning district be removed from Section 1300.11 (b). On a voice vote the motion carried unanimously (5-0).