



AGENDA
Committee on Public Safety
Friday, November 4, 2016 @ 3:30 p.m.
City Council Conference Room, 10th Floor, City Hall

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

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - October 21, 2016
4. **Public Comment on Agenda Items**
5. **Discussion/Action:**
 - City Attorney Office Update on the Medical Marihuana Moratorium Log
 - City Attorney Update on Medical Marihuana Dispensary Moratorium Criteria
 - City Attorney Clarification on Enforcement of Zoning setbacks for Medical Marihuana Establishments
 - LPD Update on Medical Marihuana Establishment Enforcement

 - Code Compliance Response to Mandatory Lead Testing on Rentals
6. **Other**
7. **Adjourn**



MINUTES
Committee on Public Safety
Friday, October 21, 2016 @ 3:30 p.m.
City Hall, Council Conference Room

CALL TO ORDER

The meeting called to order at 3:31 p.m.

ROLL CALL

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

OTHERS PRESENT

Sherrie Boak, Council Staff
Council Member Washington arrived at 4:42 p.m.
Linda Vail, Ingham County Health Department
Elaine Womboldt, Rejuvenating South Lansing
Kathy Miles
Jon Miles
Mary Ann Prince
Steve Green
Jim Smiertka, City Attorney
Mark Dotson, Deputy City Attorney arrived at 3:33 p.m.

MINUTES

COUNCIL MEMBER WOOD PASSED THE GAVEL AND MOTION TO APPROVE THE MINUTES FROM OCTOBER 7, 2016 AS PRESENTED. MOTION CARRIED 2-0.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM OCTOBER 10, 2016 AS PRESENTED. MOTION CARRIED 2-0.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM OCTOBER 14, 2016 AS PRESENTED. MOTION CARRIED 2-0.

Committee stepped away at 3:33 p.m. and returned at 3:35 p.m.

PUBLIC COMMENT

Ms. Miles spoke in opposition of the delay on the medical marihuana ordinance. Ms. Miles submitted her letter with her remarks for the public record.

Presentation

Lead Testing – Linda Vail, Ingham County Health Department

Ms. Vail distributed the handouts on Ingham County Lead Poisoning Prevention Snapshot, and they are also available on the Ingham County website. Councilmember Wood asked if there was a difference from lead poisoning with water or paint. Ms. Vail confirmed there was no difference; the cosmetics of both sources are the same.

Councilmember Wood then asked if lead exposure increases people who have dementia or Alzheimer's. Ms. Vail acknowledged they have not seen the impact of lead at high levels in adults. If the levels in children are 5 micrograms per deciliters the impacts effect decision making, mood, and hand/eye coordination.

Councilmember Wood asked if doctors test for lead when they make the ADHD diagnosis. Ms. Vail could not speak to that; however they do encourage all doctors to test for lead for children 6 years of age and younger. Ms. Vail continued with the presentation highlighting that the number one cause for lead poisoning in Michigan is dust from lead paint, and one tablespoon of lead dust spread throughout a 1,200 sq. ft. house is enough to poison a child.

Councilmember Wood asked if they look at the age of schools, do they test the paint in school buildings. Ms. Vail admitted there is no requirement to test for lead, and noted there is no requirement to test the water either but Health Department did do that. The vast majority of exposures for children are their own homes. Head-Start classrooms have their own extreme levels of testing done to get licensed.

Ms. Womboldt asked about the process to remove lead from the blood. Ms. Vail stated that to perform that the levels have to be up to 4-45 micrograms.

Ms. Vail continued with her presentation, referencing tables from the Center of Disease Control, Ingham County Lead Poisoning Data from 2008-2013, and maps of lead testing data in the County from 2008-2012. Councilmember Wood noted that Ms. Kimmel with Planning & Neighborhood Development spoke to the Committee on Public Safety about the grants that will soon be available and working in conjunction with the Health Department to address some housing in the Lansing area. She asked Ms. Vail if their calculations considered apartment complex which Ms. Vail concurred. Testing is performed by the Health Department and parents can take their kids to their pediatrician as well. Ingham County does perform testing in the WIC program also, and Medicaid covers the testing.

Ms. Vail presented a list of activities the Ingham County Health Department participates in to reduce childhood lead poisoning, which includes all children enrolled in Medicaid and WIC to be tested, in home visits for those that test above 5ug/d, outreach to landlords with rental properties, utilizing the Code Enforcement Child Lead Poisoning Assessment Tool, and offering water testing kits.

Councilmember Wood asked if they are testing vacant lots that are created once a home is demolished. Ms. Vail could not provide an answer to those questions, but would check on those requirements.

Mr. Green asked if there was anything in the landlord requirements that requires them to test for lead, and Councilmember Wood stated no, with Ms. Vail adding that when a house is sold they have to disclose but not required to test.

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Mr. Miles asked if there were any studies on adult percentages of lead level. Ms. Vail stated there was, but probably so small there are no discussions.

Councilmember Hussain asked to have Mr. Sanford from Code Compliance attend the next meeting to discuss what they are doing on rentals with regards to this issue.

City Attorney Presentation on Medical Moratorium Complaints

Mr. Dotson confirmed he had not updated handouts but was working on Councilmember Wood's list, and then highlighted the outstanding ones.

Cornerstone Wellness at 3316 S MLK was confirmed opened before the moratorium. The City Attorney office received a copy of an electrical bill, payment on a signs and permission on a lease from the property owner. Ms. Womboldt stated her opinion that the business was not open, but that they were only working on it with no customers yet. Mr. Dotson noted that details on "the operation" are not spelled out in the moratorium ordinance therefore they are interpreting what "operation" is.

Councilmember Wood asked for confirmation that this site did meet the legal requirements under the moratorium in operation. Mr. Dotson confirmed again that they did not define "operation" in the ordinance, therefore Law is defining it based on the communication with the applicants and what constitutes operation when the applicants tell them they have had customers. Law also can determine by checking online reviews of the business.

Councilmember Wood asked if they are required to sign an affidavit that they were in business and Mr. Dotson confirmed Law has not required that yet. Councilmember Hussain asked if Law was obtaining copies of their ledgers, etc. and Mr. Dotson stated Law has gotten affidavits from employees, but they have not asked for them.

Ms. Prince referred to Healing Tree, stated that business has always had an "open" sign that is on 24 hours. Ms. Womboldt asked Mr. Dotson what Law is considering for criteria. Mr. Dotson stated they have considered setting criteria and asked Mr. Green what he would consider and Mr. Green stated his suggestion would be a lease, utility bills, media, and affidavits. Ms. Miles spoke in opposition to accepting a lease or sign agreement. Councilmember Hussain asked Law how he knows that the online reviews aren't from their other locations outside of the City.

In regards to *Lansing Tribute* Mr. Dotson stated he would send code compliance there.

Councilmember Wood stated she would forward further information to Mr. Dotson. Mr. Dotson stated there are residential items they are working on also.

Ms. Womboldt noted that the correct address for *Lansing Herbal Farmers Market* was 914 Southland Avenue not 918.

Mr. Dotson informed the group that even though some locations are illegal, it can be protected by patient to patient, and they are not immune to caregiver to caregiver. If the City Attorney office does get evidence of known violation they will prosecute.

Mr. Green stated that 918 Southland is a market that encompasses two suites which include 916 and a separate business at 910.

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Councilmember Wood asked Mr. Dotson to follow up on all the lists, and also provide a list of criteria of what Law looks at to make their determinations on “operation”. Also it was noted to that there concern with using “Weed Map” app, as reliable information.

Ms. Womboldt asked about the “traveling church” and their locations. Councilmember Wood added that there needs to be answers on if they rent the space for church, and if so then why do they not have a SLU, and IRS paperwork.

Councilmember Wood referred Mr. Dotson to the Code of Ordinances and the Code Comparative Table, and when it was adopted it referred to different sections in the ordinance, and in this case references Ordinance 1300 and on the table 11.68. In the zoning classifications it is different and referenced permitted zoning locations. The question was asked if the City is accepting our ordinance passed Section 1300 then why, are they not looking at the setbacks are part of that as well. Mr. Dotson was asked to attend the next meeting and explain if enforcement can be pull out of Section 1300 in Zoning, within the five different districts and how Law can look at only some of the requirements in the ordinance 1300.

Mr. Green referenced the spreadsheets and asked that the names not be listed because some are residential and they should not be listed for public viewing. Councilmember Wood clarified that the complaint has to do with odor and traffic which for all the public knows, could be dog grooming, etc. Also some might be rentals so owner might not be living there.

Councilmember Wood stated that at the November 4th meeting the Committee will follow-up on the items requested by the Committee.

Councilmember Hussain asked if the LPD could be brought back regarding the comments made by Councilmember Houghton on enforcement of medical marihuana dispensaries and since the Ingham County Prosecutor has told the Committee that they are not getting any complaints to prosecute.

ADJOURN

The meeting was adjourned 5:10 p.m.

Submitted by, Sherrie Boak,

Recording Secretary Lansing City Council

Approved: _____