



AGENDA
Committee on Public Safety
Thursday, November 17, 2016 @ 3:30 p.m.(note day)
City Council Conference Room, 10th Floor, City Hall

UPDATED 11/14/2016 P.M.

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

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - November 4, 2016
4. **Public Comment on Agenda Items**
5. **Discussion/Action:**
 - A.) RESOLUTION – Make Safe and Demolish; 1517 Pattengill
 - B.) RESOLUTION – Make Safe and Demolish; 2915 Turner Street
 - C.) Code Compliance Information on Lead Information Requirements on Rentals
 - D.) City Attorney Office Update
 - Medical Marihuana Moratorium Log
 - Medical Marihuana Moratorium Criteria
 - Legal Opinion on Enforcement of Commercial Zoning setbacks for Medical Marihuana Establishments
 - E.) Home Occupations Ordinance
6. **Other**
7. **Adjourn**



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

CALL TO ORDER

The meeting called to order at 3:39 p.m.

ROLL CALL

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

OTHERS PRESENT

Sherrie Boak, Council Staff
Elaine Womboldt, Rejuvenating South Lansing
Kathy Miles
Jon Miles
Mary Ann Prince
Steve Green
Mark Dotson, Deputy City Attorney
Harold King
Mary Ellen Purificato
David Saglimbene
Robert Ovalle
Jim Ott
Melea Bullock
Sam Johnson

MINUTES

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM OCTOBER 21, 2016 AS PRESENTED. MOTION CARRIED 3-0.

Councilmember Wood informed the Committee that she recently received an email from Chief Yankowksi who was not able to attend, and the topic of LPD Update on Medical Marijuana Establishment Enforcement would be addressed at a future meeting.

PUBLIC COMMENT

Mr. King spoke about a home (1562 High Street) on his street that is has been Red Tagged for the 3rd time. It appears that residents are living there with children and he believes should not be. Mr. King asked the home be inspected. Councilmember Wood pulled up the Code history

and confirmed it was boarded 6/2/2015 and the NEAT team was working on it. Mr. Sanford confirmed no one should be living there and he would have someone look into it. The only people that should be there are the contractors and owners. He advised Mr. King that the next time he saw someone there, to call the LPD because they are trespassing.

Mr. King then spoke about a residence behind his that has fire damage and he asked that the burned area be tarped. Per the address provided to Mr. Sanford, he confirmed the Department is working on the demolition process on that property.

Mr. Ovalle represented himself as a Holt resident and spoke in opposition to what the Governor did to not let the legalization of medical marihuana.

Ms. Womboldt spoke in opposition to the lack of enforcement of the Moratorium Ordinance and asked Mr. Dotson for an updated spreadsheet on the facilities his office has received complaints on. Ms. Womboldt referred to "Lansing Tribute" on Miller with her understanding that it did open after the Moratorium went into place.

Ms. Prince also asked for an updated Moratorium log, and also referenced 3308 S Cedar as a place that was in question on if it was open before the Moratorium or not.

Mr. Ott detail a situation in his neighborhood where his neighbor was growing marihuana in his residence and Code Enforcement informed him they did not detect an odor, so they were not able to cite it as a violation. Mr. Ott requested enforcement of the 1,000 setback from a park as part of the Home Occupation ordinance. Recently Mr. Ott also placed phone calls to the LPD to determine where the case was with this particular property and because the same house has pit bulls that run loose. Mr. Ott stated he will also forward information on the complaints to the City Attorney office.

Councilmember Dunbar asked Mr. Dotson, from the State stand point, if a caregiver is licensed by the State, can the City limit the distance from their home occupation is from parks. Mr. Dotson first stated no, then stated that the MMA is silent on regulations that can be imposed by municipalities when it comes to growth and dispensing. Mr. Dotson stated the only thing that is definite is that the City cannot eliminate the entire industry, no matter what it is labeled. There have not been any challenges to that statement of reasonable regulations to municipalities. Mr. Dotson state the City cannot zone activity into obscurity. He did clarify thought that they can place reasonable limitations on those that grow from their home. Councilmember Wood pointed out that the Home Occupation Ordinance covers setbacks with regards to residence.

Mr. Saglimbene spoke in opposition to growing in residential houses, and also added to the earlier discussion on the issues with the pit pulls roaming the neighborhood. Councilmember Wood stated she would follow up with Ingham County Animal Control.

DISCUSSION/ACTION:

City Attorney Update on Medical Marihuana Dispensary Moratorium Criteria

Mr. Dotson distributed a letter that his office is sending out to dispensaries when they receive a complaint. It was noted by Mr. Dotson that the moratorium date was May 21st not May 12th as everyone is stating. He explained that this is the date that City Clerk is using as the official date of the ordinance due to publishing.

Council Staff left the meeting to make additional copies of the letter and also copies of the moratorium complaint spreadsheets.

Mr. Dotson stated his office's criteria for verification has been to receive statements from landlords, obtain advertisements, utilizing social media and the WEED apps. Councilmember Wood asked on the enforcement of the Home Occupation Ordinance where it states they have to be within 1,000 ft. per setbacks listed in the ordinance from real property.

Councilmember Hussain informed Mr. Dotson he was not satisfied with criteria set out by his office, and he would like to see some more concrete, in writing. He added that there are issues when the person vetting the businesses is allowed to be subjective.

Councilmember Dunbar added that she understood they cannot know who the patients are, however there has to be something logged existing that would allow the City Attorney office to determine how long the business was dispensing. Mr. Dotson confirmed that some of these complaints are turning out to be inaccurate, however he feels that when the City Attorney office calls the business based on a report of violation the owners become intimidated.

Councilmember Wood pointed out to Mr. Dotson of earlier Committee meetings where it was Law that decided there would be no specific list for dispensary owners to sign up on but Law would rely on citizens to file complaints and that is why the City is currently in this situation. Mr. Dotson was also reminded that the Committee did ask for a list of open businesses and if they were not on the list they would not be considered open, however Law advised them the City was not going to validate an illegal operation.

Mr. Dotson stated his office would follow up on all complaints, but they would not be "big brother". Council Member Dunbar asked Mr. Dotson what he believed was a viable and easy verifiable piece of evidence. Mr. Dotson's answer was "a lease", if it speaks to the name of the operation as one piece of evidence. They are also accepting reviews by customers that pre-date the moratorium as evidence. He added that utility bills also speak to activity.

Councilmember Wood noted that as long as there is no passage of an Ordinance, there is the potential of others opening up, and the goal is to make sure there is a criterion that is consistent and the Committee can feel somewhat comfortable with. Currently Law is not saying they are accepting just websites, but recommending based on the site and other things going on with it.

Councilmember Hussain acknowledged that with reviews in conjunction with a lease agreement is appreciated, however Law needs to remember is that these are completely unregulated, and they have not had to follow any process that other businesses have had to in order to open.

Mr. Ovalle spoke in support of the dispensaries because his belief was that if there were not operating the patients would have nowhere to go.

Mr. Johnson stated his opinion that he recalled sitting in a Committee meeting where the Attorney stated the criteria to vet the business, and the Committee accepted it.

Councilmember Wood stated in discussions at Committee meetings in the past that the criteria would be list of items and not just a lease to determine if the business was open before the moratorium.

Mr. Ott asked again if the home businesses have to be 1,000 from a park. Councilmember Wood stated she would provide him with the information on the Home Occupation Ordinance.

Mr. Green referenced a Supreme Court case of the City of Wyoming vs Trick which his opinion was that the case determined that no municipality can limit more than the Medical Marihuana Act does.

Councilmember Wood stated the Committee must rely on the opinion of the City Attorney. Mr. Dotson gave Mr. Green his legal opinion on the case.

City Attorney Office Update on the Medical Marihuana Moratorium Log

Mr. Dotson reviewed the spreadsheet submitted by Councilmember Wood from the last meeting, highlighting the outstanding items from that meeting.

3300 S. MLK did not prove to be a dispensary in violation.

3316 S MLK, Cornerstone; confirmed it was open prior to moratorium.

6070 S MLK, CDB Gardens; confirmed it was open prior to the moratorium.

Next to 617 E Miller; Lansing Tribute; Law was asked to contact Code Compliance however had not done so, so Council staff was directed to put the request into Code Compliance at this time.

LB Wellness is now Pure Cannabis; and law had not made any contact.

Councilmember Hussain asked for the notes Mr. Dotson was using to report to the Committee for verification of the evidence. Mr. Dotson was to provide those notes.

Councilmember Wood asked Mr. Dotson to provide the spreadsheets that were requested at the last meetings which combined all three (3) original spreadsheets. Mr. Dotson had not done that, and therefore Councilmember Wood reminded him that the spreadsheets were also supposed to also be formatted to separate business complaints from residential complaints and not which ones were resolved. Mr. Dotson asked Councilmember Wood to forward her request in an email to him, and she stated she would have Council Staff forward the Committee minutes where it was requested.

Councilmember Wood asked about the status on 2513 S. Cedar; Cedar Pharmacy. Mr. Dotson said he called them and it was a pharmacy. Councilmember Wood stated that Code Compliance was supposed to be sent there also by Law from the last meeting, and she asked Mr. Dotson if that was done. Mr. Dotson stated no, and Councilmember Wood asked Council staff to contact Code Compliance on "Lansing Tribute" and "Cedar Pharmacy".

City Attorney Clarification on Enforcement of Zoning setbacks for Medical Marihuana Establishments

Mr. Dotson affirmed that there are zoning aspects of the law that can be enforced and the Charter provision allows for possession and use of marihuana in a private place, and his interpretation was that a dispensary was a private place. He continued by stating that the MMA allows for caregivers to provide to their network of patients. If someone is operating as a dispensary it is in the limitations of the MMA. Mr. Dotson reminded the Committee that the only enforceable action is if they operate outside the MMA or violate zoning issues imposed by the City. Enforcement means the Law, but whether they can be charged is fact dependent.

Councilmember Wood provided as an example the recent enforcement of a dispensary business operating in a D1 Professional District, which did not comport with zoning requirement, and Law supported Zoning in sending a letter to that owner telling them based on the Zoning they could not be there. The letter cited part of the Zoning ordinance. In that comparison, when using that ordinance for enforcement they used the 2011 Ordinance. The question to Law from Councilmember Wood at this point was if Law and Zoning used that ordinance to enforce a business in a zoning district where it was not allowed, why they are not

using the same ordinance to enforce the setbacks in relationship to a church and the criteria. Mr. Dotson stated his understanding that Law never said they were going to pick and choose which part of the ordinance would be enforced.

Councilmember Wood at that time asked for a legal opinion on that interpretation and justification. Mr. Dotson asked for further explanation on what was being asked of him. Councilmember Wood stated the opinion should include what is enforceable with the comparable charts. Mr. Dotson attempt to explain that enforcement would depend on the circumstance. Councilmember Wood asked for an legal opinion on commercial facilities as to setbacks that are part of the ordinance can also be enforced.

Councilmember Wood informed the Committee and public of an upcoming meeting on Monday, November 21, 2016 at 6:30 p.m. at the 3200 S. Washington Community Room. This was an earlier scheduled quarterly meeting promised to the residents by the Committee. This meeting will also be open to the public.

The Committee discussed the recent activity at the property including BWL performing a site visit to determine how to hook-up the commercial dryers, and communications from contractors stated that they are equipped for the upgrade and will not need an electrical upgrade because they are getting gas dryers. Currently the residents expected them in October but are being told there are contract issues. Councilmember Dunbar stated she had called the contractor, and was told that Housing Commission refused to do a 7 year lease for the two commercial dryers, but would do a 5 year lease. The LHC receives a commission of the use of the dryers so the vendor representatives want LHC to agree to a 50/50 share of the commission not what LHC wants which is 60/40. Currently LHC would get \$5,400 annually per dryer, and the vendor wants it to go to \$4,500. Those funds will be used by the lease holder to pay the gas bill.

Councilmember Wood stated the Labor Unions for the bolt locks on the doors is still waiting for the LHC to inform them if they are steel doors or wood before they can purchase and replace the existing handles.

Code Compliance Response to Mandatory Lead Testing on Rentals
Moved to the next meeting, November 17th, 3:30 p.m.

ADJOURN

The meeting was adjourned 4:55 p.m.

Submitted by, Sherrie Boak,

Recording Secretary Lansing City Council

Approved: _____

1517 Pattengill Ave

● Original Red Tag Date

● 5/02/2016

● Submitted Into Make Safe Or Demolish Process

● 2/17/2016

● Property Vacant/Repairs Exceed Building SEV

● Property vacant more than 180 days

● Repairs exceed building SEV

● Title Information

● Robert M. Hicks

1517 Pattengill Ave Property Value Information

● SEV

● \$46,500 *(as of 9/12/16)*

● Structure

● \$76,379 *(as of 9/12/16)*

● Land

● \$16,713 *(as of 9/12/16)*

● Estimate of Repairs

● \$139,300.00

1517 Pattengill Ave.

Housing Code Correction Letters

● Code Compliance Inspection Date

● 10/07/2013

● 02/17/2016

● Code Compliance Letter Written

● 10/07/2013

● 02/17/2016

● Code Compliance Due Date

1517 Pattengill Ave.

Demolition Board Actions

- Demolition Board Show Cause Hearings

- 6/23/2016

- Order by Demolition Board

- MS or D by 08/23/2016

- Request Sent To City Council for Show Cause Hearing



1517 Pattengill.

City Council Actions

- Show Cause Hearing Held
- Public Safety Committee Meeting
- Resolution passed by City Council
- Extension Requested By Owner

1517 Pattengill.

General Comments

- None of the required permits have been pulled as of 09/12/2016.

RECOMMENDATIONS

● FOR NEW CASES:

- Recommend time frame for MS or D. This requires a resolution be passed by City Council –
 - 60 days for regular demolitions
 - 30 days for fire-damaged demolitions
- Table case – Stays at PS Committee level for future review.

● FOR EXTENSION REQUESTS:

- Grant extension if requested. Requires new resolution be passed by City Council.
- Deny extension requested. Case will proceed in demo process and be sent out to bid for demolition.

● FOR TABLED CASES:

- Recommend time frame for MS or D. This requires a resolution be passed by City Council –
 - 60 days for regular demolitions
 - 30 days for fire-damaged demolitions
- Return case to table – Stays at PS Committee level for future review.

**CITY OF LANSING - DEMOLITION BOARD
REPORT FOR CITY COUNCIL
CASE OVERVIEW SHEET**

ADDRESS:	1517 Pattengill
PARCEL NUMBER:	33-01-01-20-407-041

SHOW CAUSE HEARING DATE:	
DEMOLITION CASE FILE #:	

LISTED TAXPAYER:	Hicks, Ronald M.
INTERESTED PARTIES:	Hicks, Ronald M.
SEV INFORMATION:	\$46,500.00
LAND VALUE:	\$14,043.00
BUILDING VALUE:	\$68,322.00
LOT SIZE:	48 x 99.30

HOUSING CODE VIOLATION LTR:	10/07/2013 & 2/17/2016
ORIGINAL RED TAG DATE:	5/2/2014
ZONING:	"B"
ESTIMATE OF REPAIRS:	\$139,300.00
PICTURES:	yes
OTHER:	

LEGAL DESCRIPTION:	LOT 50 MCPHERSONS INVERNESS SUB
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ORDER OF DEMOLITION BOARD

DEMOLITION BOARD MEETING DATE:	7/23/2016
ORDER:	make safe or demolish by 8/23/2016
REASON/CONDITIONS:	
HEARING OFFICER:	Joseph Vitale

CURRENT PERMIT ACTIVITY

BUILDING:	Required, not yet pulled
ELECTRICAL:	Required, not yet pulled
MECHANICAL:	Required, not yet pulled
PLUMBING:	Required, not yet pulled
DEMOLITION:	na

CURRENT CITY COUNCIL ACTIVITY

REQUEST FOR SHOW CAUSE SENT:	9/2/2016
SHOW CAUSE HEARING DATE:	
PUBLIC SAFETY COMMITTEE WILL REVIEW:	

1517 Pattengill Ave
Garage







16.02.2016



16.02.2016

1517 Pattengill Ave
Garage







16.02.2016



16.02.2016

1517 Pattengill Ave
2ND FL



















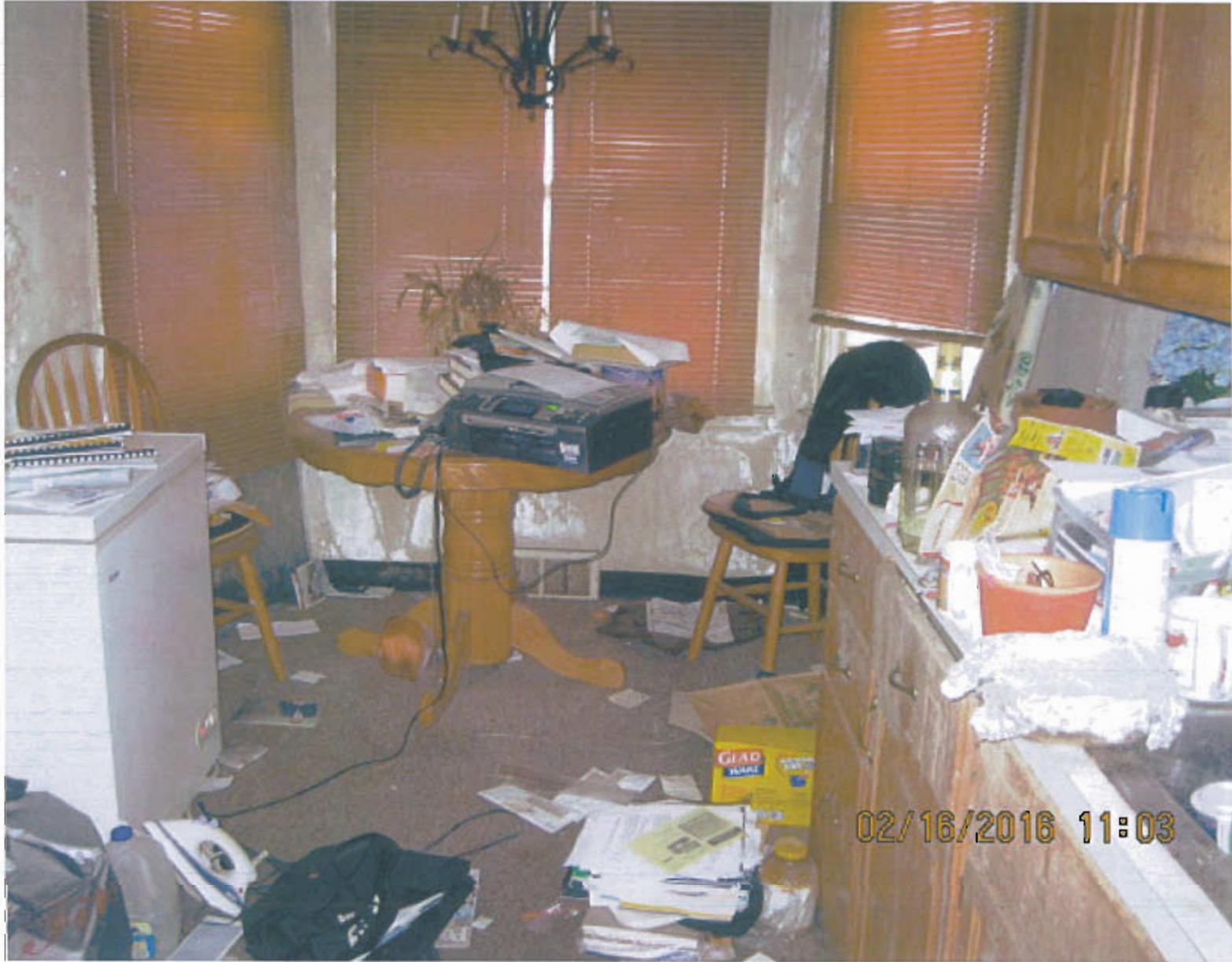
02/16/2016 11:08



517 Pattengill Ave

1st Fl











02/16/2016 11:12













02/09/2016 15:15













02/09/2016 15:15



2915 Turner Street

● Original Red Tag Date

● 5/17/2016

● Submitted Into Make Safe Or Demolish Process

● 5/17/2016

● Property Vacant/Repairs Exceed Building SEV

● Property vacant more than 180 days

● Repairs exceed building SEV

● Title Information

● Drew Seward

● Dorothy O'Connor (showed in title search ? Interested party)

2915 Turner Street Property Value Information

● SEV

● \$27,800 *(as of 9/12/16)*

● Structure

● \$41,852 *(as of 9/12/16)*

● Land

● \$13,555 *(as of 9/12/16)*

● Estimate of Repairs

● \$85,500

2915 Turner Street.

Housing Code Correction Letters

● Code Compliance Inspection Date

● 05/17/2016

● Code Compliance Letter Written

● 5/17/2016

● Code Compliance Due Date

● 6/19/2016

2915 Turner Street.

Demolition Board Actions

- Demolition Board Show Cause Hearings

- 6/23/2016

- Order by Demolition Board

- MS or D by 08/23/2016

- Request Sent To City Council for Show Cause Hearing



2915 Turner Street.

City Council Actions

- Show Cause Hearing Held
- Public Safety Committee Meeting
- Resolution passed by City Council
- Extension Requested By Owner

1424 Pontiac St.

General Comments

- None of the required permits have been pulled as of 09/12/2016.

RECOMMENDATIONS

● FOR NEW CASES:

- Recommend time frame for MS or D. This requires a resolution be passed by City Council –
 - 60 days for regular demolitions
 - 30 days for fire-damaged demolitions
- Table case – Stays at PS Committee level for future review.

● FOR EXTENSION REQUESTS:

- Grant extension if requested. Requires new resolution be passed by City Council.
- Deny extension requested. Case will proceed in demo process and be sent out to bid for demolition.

● FOR TABLED CASES:

- Recommend time frame for MS or D. This requires a resolution be passed by City Council –
 - 60 days for regular demolitions
 - 30 days for fire-damaged demolitions
- Return case to table – Stays at PS Committee level for future review.

**CITY OF LANSING - DEMOLITION BOARD
 REPORT FOR CITY COUNCIL
CASE OVERVIEW SHEET**

ADDRESS:	2915 Turner
PARCEL NUMBER:	33-01-01-04-155-231

SHOW CAUSE HEARING DATE:	
DEMOLITION CASE FILE #:	2016-003

LISTED TAXPAYER:	SEWARD, DREW
INTERESTED PARTIES:	
SEV INFORMATION:	\$27,800.00
LAND VALUE:	\$13,555.00
BUILDING VALUE:	\$41,852.00
LOT SIZE:	50 X 250

HOUSING CODE VIOLATION LTR:	5/20/2016
ORIGINAL RED TAG DATE:	5/20/2016
ZONING:	A
ESTIMATE OF REPAIRS:	\$85,500.00
PICTURES:	YES
OTHER:	

LEGAL DESCRIPTION:	LOT 37 EXC S 11 FT MAYFIELD FARM'S SUB
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ORDER OF DEMOLITION BOARD

DEMOLITION BOARD MEETING DATE:	6/23/2016
ORDER:	MAKE SAFE OR DEMOLISH 8/23/2016
REASON/CONDITIONS:	UNSAFE
HEARING OFFICER:	JOSEPH VITALE

CURRENT PERMIT ACTIVITY

BUILDING:	Required, not yet pulled
ELECTRICAL:	Required, not yet pulled
MECHANICAL:	Required, not yet pulled
PLUMBING:	Required, not yet pulled
DEMOLITION:	na

CURRENT CITY COUNCIL ACTIVITY

REQUEST FOR SHOW CAUSE SENT:	
SHOW CAUSE HEARING DATE:	
PUBLIC SAFETY COMMITTEE WILL REVIEW:	



Virg Bernero, Mayor

City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor
From: Susan Stachowiak, Zoning Administrator
Subject: CITY COUNCIL AGENDA ITEM - 2915 Turner Street - Make Safe or Demolish
Date: September 13, 2016

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

“Equal Opportunity Employer”

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Enforcement Lead Housing Inspector has determined that the building located at 2915 Turner, Parcel # 33-01-01-04-155-231 legally described as: The North ½ of Lot 9, Orchard Home Addition, City of Lansing, Ingham County, Michigan, is an unsafe or dangerous building as defined in Section 108.1.1 of the Lansing Housing and Premises Code and the Housing Law of Michigan and was red tagged on 05/02/2014; and

WHEREAS, a hearing was held by the City of Lansing Demolition Board on 5/20/2016, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by 08/23/2016; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the Code Enforcement Section has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within _____ days from the date of this resolution, .

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

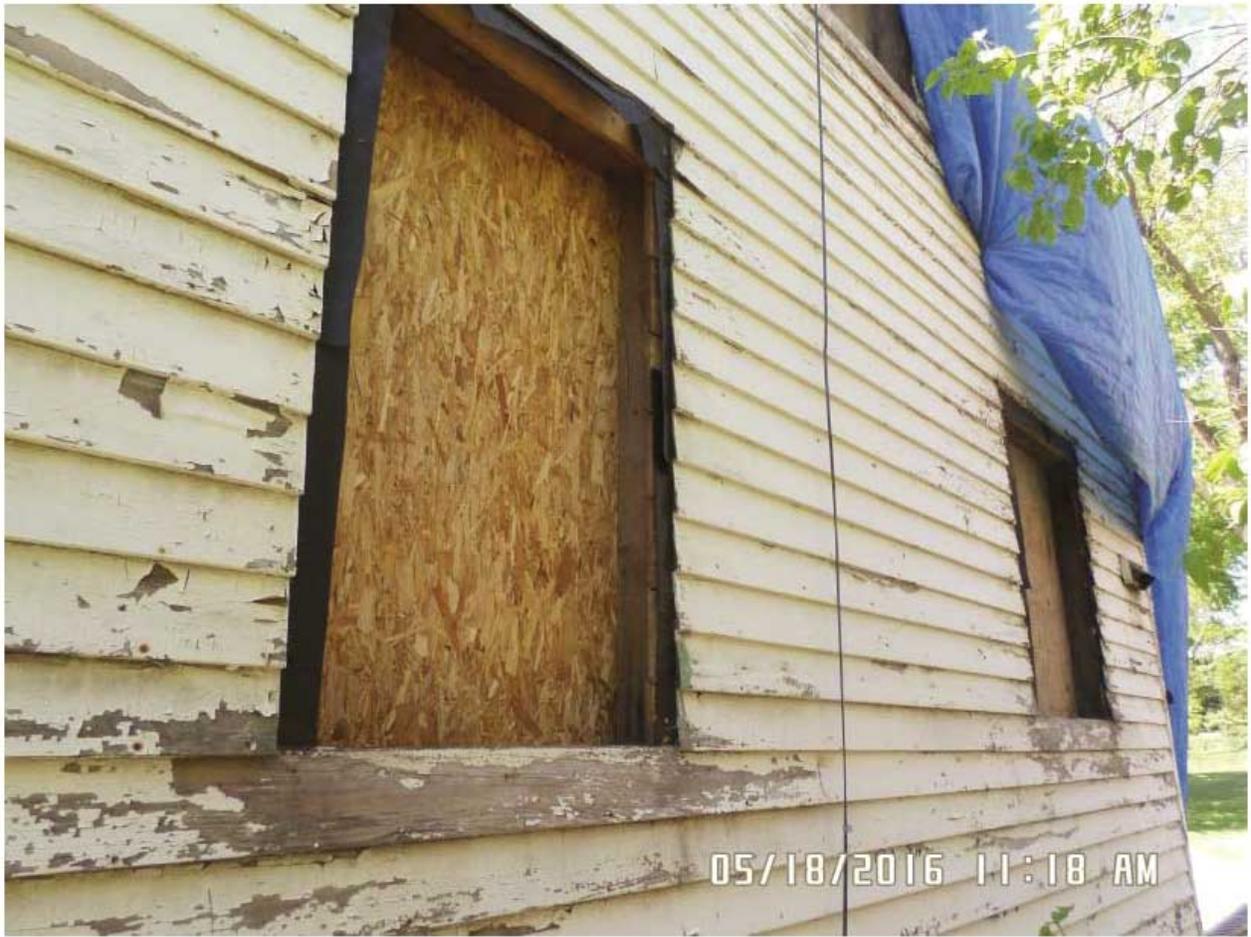
BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners

failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.















RESOLUTION #
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Enforcement Lead Housing Inspector has determined that the building located at 2915 Turner, Parcel # 33-01-01-04-155-231 legally described as: The North ½ of Lot 9, Orchard Home Addition, City of Lansing, Ingham County, Michigan, is an unsafe or dangerous building as defined in Section 108.1.1 of the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, The Code Enforcement Office red tagged the said structure on May 2, 2016, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on May 20, 2016, the Lansing Demolition Board held a meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09), and on whether to order the property owner to make safe or demolish the structure; and

WHEREAS, the Code Enforcement Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises Code require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, schedules a show cause hearing for Monday, , 2016 at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 2915 Turner to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Code Enforcement Lead Housing Inspector notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Council Member Wood

Motion Carried



AGENDA ITEM

INFORMATION
NOT AVAILABLE
AT THE TIME
PACKET WAS
DISTRIBUTED

(Date)

(Owners Name and Address)

Subject: Medical Marihuana Moratorium

Dear _____:

As you may be aware, the City of Lansing's moratorium on new Medical Marihuana Establishments became effective on May, 21, 2016. The moratorium prohibits establishments from starting operations after this date until the City has completed its study of the Medical Marihuana Act and the implications of Medical Marihuana operations on the City. A copy of the ordinance is enclosed.

On or about (type date of notice inspection) this office was notified that you may be operating in violation of the Ordinance. As such we are requesting that you provide this office with proof that your establishment was operating as a Medical Marihuana Establishment **before** the moratorium went into effect.

We are requiring that proof of operation before May 21, 2016 be provided to this office within ten (10) business days of receiving this letter. Failure to do so, in satisfactory form, will lead to immediate enforcement action by the City. A response to your offer of proof will be issued within five (5) business of it being received.

Should you have any questions concerning this letter please contact the Office of the City Attorney at 517 483-4320.

Sincerely,

Mark A. Dotson
Deputy City Attorney

cc: Jim Smiertka City Attorney

Submitted @ mtg



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
MAY 12, 2016**

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 5:02 p.m. by President Brown Clarke

PRESENT: Council Members Brown Clarke, Dunbar, Hussaln, Spitzley, Washington, Wood, Yorko

ABSENT: Council Members Houghton (arrived at 5:07 p.m.), Dunbar, Spitzley

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Brown Clarke.

**COMMENTS BY COUNCIL MEMBERS
AND THE CITY CLERK**

Council Member Washington shared details on an upcoming hiring event at the Capitol Area Michigan Works on May 17, 2016.

Council Member Houghton arrived at 5:07 p.m.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT ON LEGISLATIVE MATTERS**

City Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Executive Assistant to Mayor Bernero, Randy Hannan, spoke about the Mobile Food Pantry, and a Adopt-A-River event. Mr. Hannan thanked City Council Members for the support of moratoriums for marijuana dispensaries.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

Legislative Matters included the following public hearings:

1. In consideration of Moratorium on the Creation of New Medical Marijuana Establishments

Council Member Wood gave an overview of the public hearing.

Public Comment on Legislative Matters:

Sheila Smith spoke in support of the Moratorium on New Medical Marijuana Establishments.

Deb Parish spoke in support of the Moratorium on New Medical Marijuana Establishments.

Jon Miles spoke in support of the Moratorium on New Medical Marijuana Establishments.

Elaine Wolmboldt spoke in support of the Moratorium on New Medical Marijuana Establishments.

Mary Ann Prince spoke in support of the Moratorium on New Medical Marijuana Establishments.

Claude Beavers spoke about the Medical Marijuana Establishments Ordinance.

Brian Hamilton spoke about the Medical Marijuana Establishments Ordinance.

James Carter spoke in opposition to the Moratorium on New Medical Marijuana Establishments.

Ronald Kruger spoke in opposition to the Moratorium on New Medical Marijuana Establishments.

Brian Rotajczack spoke in opposition to the Moratorium on New Medical Marijuana Establishments.

Eileen Roraback spoke in support of the Moratorium on New Medical Marijuana Establishments.

Rhonda Fuller spoke about the Medical Marijuana Establishments.

Joan Nelson spoke in support of the Moratorium on New Medical Marijuana Establishments.

LEGISLATIVE MATTERS

ORDINANCES FOR PASSAGE

An Ordinance of the City of Lansing, Michigan, to add Chapter 878 to the Lansing Codified Ordinances by imposing a moratorium on the creation of new medical marijuana establishments was read a second time by its title.

By Council Member Wood to adopt a substitute for the Resolution.

Motion Carried

Motion Carried

The ordinance was adopted by the following roll call vote:

Yeas: Council Members Brown Clarke, Houghton, Hussaln, Washington, Wood, Yorko

Nays: None

By Council Member Wood that the ordinance be given Immediate Effect

Motion Carried

ORDINANCE NO. 1202

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO
ADD CHAPTER 878 TO THE LANSING CODIFIED ORDINANCES BY

IMPOSING A MORATORIUM ON THE CREATION OF NEW MEDICAL MARIHUANA ESTABLISHMENTS.

THE CITY OF LANSING ORDAINS:

Section 1. That chapter 878 be added to the codified ordinances of the City of Lansing, Michigan, to read as follows:

CHAPTER 878. MEDICAL MARIHUANA ESTABLISHMENTS

878.01. LEGISLATIVE FINDINGS

THE CITY COUNCIL HAS DETERMINED THAT:

(a) THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26421 ET SEQ., PRESCRIBES HOW MEDICAL MARIHUANA IS TO BE DISPENSED FROM A PRIMARY CAREGIVER TO A QUALIFIED PATIENT.

(b) THE CITY IS DILIGENTLY STUDYING ITS OPTIONS WITH RESPECT TO REGULATION OF OTHER ACTIVITY RELATING TO THE PROVISION OF MEDICAL MARIHUANA PURSUANT TO THE MICHIGAN MEDICAL MARIHUANA ACT, WHICH REQUIRES CAREFUL CONSIDERATION OF THE MICHIGAN MEDICAL MARIHUANA ACT AND ITS IMPLICATIONS TO THE CITY.

(c) A MORATORIUM ON NEW MEDICAL MARIHUANA ESTABLISHMENTS STARTING OPERATIONS AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, UNTIL THE CITY HAS COMPLETED ITS STUDY OF THE MICHIGAN MEDICAL MARIHUANA ACT AND ITS IMPLICATIONS FOR THE CITY, IS IN THE BEST INTEREST OF THE PUBLIC HEALTH, SAFETY, AND WELFARE.

(d) NO VESTED RIGHTS

A PROPERTY OWNER SHALL NOT HAVE VESTED RIGHTS OR NON-CONFORMING USE RIGHTS THAT WOULD SERVE AS A BASIS FOR FAILING TO COMPLY WITH THIS ORDINANCE OR ANY AMENDMENT OF THIS ORDINANCE OR ANY SUPERSEDING ORDINANCE.

878.02. DEFINITIONS

(1) ANY TERM DEFINED BY THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26421 ET SEQ., SHALL HAVE THE MEANING GIVEN IN THE MICHIGAN MEDICAL MARIHUANA ACT.

(2) "MEDICAL MARIHUANA ESTABLISHMENT" MEANS ANY NONRESIDENTIAL LAND USE INVOLVING THE GROWTH, DISTRIBUTION, STORAGE, OR USE OF MARIHUANA.

(3) "NEW" MEANS ANY MEDICAL MARIHUANA ESTABLISHMENT THAT BEGAN OPERATING AFTER THE EFFECTIVE DATE OF THIS ORDINANCE.

(4) "OPERATING/OPERATIONS" MEANS ENGAGING IN THE PROVISION OR DISPENSING OF MEDICAL MARIHUANA.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby 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. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

City Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Vice President Yorke that all items be considered as being read in full and that President Brown Clarke make the appropriate referrals

Motion Carried

- Communications and Petitions, and Other City Related Matters:

1. Claim Appeal Claim (#1229), Ulyana Maystrenko for trash removal fee at 222 Moores River Drive REFERRED TO THE COMMITTEE ON GENERAL SERVICES

MOTION OF EXCUSED ABSENCE

By Council Member Houghton to excuse Council Members Dunbar and Spitzley from tonight's proceedings.

Motion Carried

REMARKS BY COUNCIL MEMBERS

Council Member Wood thanked everyone who has worked on the ordinance including the citizens who collected signatures and the support of the Mayor.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

Deb Parrish spoke about various city matters.

Claude Beavers spoke about various city matters.

Brant Johnson spoke about medical marijuana establishment ordinances.

Elaine Wolmboldt spoke about various city matters.

ADJOURNED TIME 5:59 P.M.

CHRIS SWOPE, CITY CLERK



AGENDA ITEM

INFORMATION
NOT AVAILABLE
AT THE TIME
PACKET WAS
DISTRIBUTED





AGENDA ITEM

INFORMATION
NOT AVAILABLE
AT THE TIME
PACKET WAS
DISTRIBUTED



AGENDA ITEM

INFORMATION
NOT AVAILABLE
AT THE TIME
PACKET WAS
DISTRIBUTED

Boak, Sherrie

From: Wood, Carol
Sent: Monday, November 14, 2016 10:17 AM
To: Boak, Sherrie
Subject: Please include in our packet for Public Safety

Follow Up Flag: Follow up
Flag Status: Flagged

LSJ 11/14/16

Many miss out on grants for marijuana enforcement

ED WHITE

ASSOCIATED PRESS

DETROIT - Michigan sheriffs are paying for overtime and buying vests, guns, Tasers and vehicles with a little-known pot of state money that was set aside for medical marijuana enforcement.

They're also leaving a lot of cash on the table, as only 18 of 83 counties this year applied for a slice of the \$3 million.

"It's mind-blowing to think they had this money out there and we had no clue about it," said Sgt. James Every of the Ingham County sheriff's office, which was eligible for \$114,000 but didn't apply.

Kent County, which is home to the western Michigan city of Grand Rapids, was eligible for \$121,000 but also was unaware, Undersheriff Michelle Young said. Michigan voters in 2008 approved the use of marijuana to treat certain illnesses. Nearly 225,000 people have state-issued cards, but the law has confused many and has led to significant legal disputes, including over how to obtain and store the drug. Large illegal growing operations have been busted around the state. Since 2015, lawmakers have set aside money for sheriffs for medical marijuana enforcement and education. It's administered by the Department of Licensing and Regulatory Affairs. Every county was eligible this year for a portion of the \$3 million, based on the number of new cards or renewals in that county.

Seventeen counties spent \$823,000 in 2016, according to a state report. The largest, Wayne and Oakland, spent a combined 67 percent of that figure.

Oakland spent \$282,661, much of it on training and investigation overtime. The sheriff's office bought a \$31,000 van, a \$30,000 pickup truck and a \$6,800 cargo trailer.

"We didn't have equipment," Sheriff Mike Bouchard said. "We'd come across huge illegal grow operations — hundreds and hundreds of plants — and we'd have to rent trucks or trailers. ... The grant helps alleviate some of the costs necessary to do these activities, but it's just a sliver."

Macomb County, also in the Detroit area, has spent about \$100,000 over two years, much of it related to investigations and training. The sheriff's office also bought laptops, vehicles and raid vests.

"I want the guys as protected as they can be," Det. Sgt. Gary Wiegand said of vests.

Wayne County said it spent \$171,618 on wages for dozens of officers conducting surveillance from January through September on 32 marijuana dispensaries in Detroit. More than 600 vehicles were stopped.

The grants were used in smaller counties, too. Sanilac spent \$2,850 on five semi-automatic weapons. Antrim spent \$479 on night vision binoculars. Cheboygan purchased Tasers.

24 IN CHAPTER 655 OF THE CODE, TO SURROUNDING RESIDENTIAL PROPERTIES;
25 FURTHER, THAT SUCH UTILIZATION OR EMISSION PRESENTS A CLEAR AND
26 PRESENT DANGER TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE
27 RESIDENTS OF THE CITY OF LANSING, AND IT IS IN THE PUBLIC INTEREST THAT
28 SUCH HOME OCCUPATION BE INSPECTED FOR SAFETY REASONS AT LEAST
29 ANNUALLY.

30 (b) EVERY PERSON OPERATING, OR AS A LESSOR OF AN OWNER
31 ALLOWING AN OPERATION OF, A HOME OCCUPATION, AS DEFINED IN SECTION
32 1240.03 OF THE CODE, IN A RESIDENTIALLY-ZONED DISTRICT SHALL ANNUALLY
33 REGISTER THE BUILDING OR STRUCTURE WITHIN WHICH SUCH HOME
34 OCCUPATION IS SITUATED; WITH THE CITY OF LANSING OFFICE OF CODE
35 COMPLIANCE IF:

36 1. THE HOME OCCUPATION UTILIZES ELECTRICITY IN ITS OPERATIONS
37 THAT CAUSES THE ELECTRICAL LOAD OF THE BUILDING OR STRUCTURE TO
38 EXCEED 5,000 KWH AT ANY TIME OR ON A CONTINUOUS BASIS; OR

39 2. THE HOME OCCUPATION EXHAUSTS OR EMITS GASES, FUMES, SMOKE
40 OR ODOR INTO THE SURROUNDING AREAS OUTSIDE OF THE BUILDING OR
41 STRUCTURE AND ACROSS A RESIDENTIAL REAL PROPERTY BOUNDARY LINE.

42 (c) ANY DWELLING OR ACCESSORY BUILDING USED AS PART OF A HOME
43 OCCUPATION REGISTERED PURSUANT TO THIS SECTION SHALL BE INSPECTED
44 ANNUALLY BY THE OFFICE OF CODE COMPLIANCE FOR CODE AND SAFETY
45 COMPLIANCE AND FOR ADEQUATE VENTING OF GASES, FUMES, SMOKE OR
46 ODOR SO AS NOT TO CAUSE A PUBLIC NUISANCE IN THE SURROUNDING AREAS.

47

48 (d) IT IS THE INTENT OF THIS SECTION THAT THE REGISTRATION REQUIRED
49 HEREIN BE FOR SAFETY REASONS RELATED TO BUILDINGS OR STRUCTURES AND
50 NOT RELATED TO THE OWNER OR OCCUPANT OF SUCH BUILDING OR
51 STRUCTURE; THUS, EXCEPT FOR A NAME AND NECESSARY CONTACT
52 INFORMATION, PERSONAL INFORMATION RELATED TO ANY PERSON
53 REGISTERING THE BUILDING OR STRUCTURE SHALL NOT BE REQUIRED OR
54 COLLECTED. FURTHER, TO THE EXTENT ALLOWABLE UNDER THE MICHIGAN
55 FREEDOM OF INFORMATION ACT AND PROTECTED UNDER MICHIGAN AND
56 FEDERAL LAWS, INCLUDING, BUT NOT LIMITED TO, MCL 333.26421 ET SEQ. AND
57 U.S.PUBLIC LAW 104 -191 AND FEDERAL REGULATIONS PROMULGATED
58 THEREUNDER, PERSONAL INFORMATION RELATED TO AN OWNER OR OCCUPANT
59 OF A REGISTERED BUILDING OR STRUCTURE SHALL NOT BE DISCLOSED.

60 (e) FAILURE TO REGISTER A HOME OCCUPATION BUILDING OR STRUCTURE
61 AS REQUIRED BY THIS SECTION SHALL CONSTITUTE A MUNICIPAL CIVIL
62 INFRACTION PURSUANT TO CHAPTER 203 OF THE CODE AND THE PENALTIES SET
63 FORTH IN SECTION 202.99 OF THE CODE SHALL APPLY TO EACH SUCH CIVIL
64 INFRACTION.

65 (f) THE PROVISIONS OF THIS ORDINANCE SHALL EXPIRE FIVE YEARS
66 AFTER THE DATE OF ITS ENACTMENT.

67 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules,
68 inconsistent with the provisions hereof are hereby repealed in their entirety and shall be void and
69 of no effect.

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

73 Section 4. This Ordinance shall take effect on the 30th day after enactment unless given
74 immediate effect by the City Council.