



**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 21<sup>st</sup> not May 12<sup>th</sup> 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 17<sup>th</sup>, 3:30 p.m.

### **ADJOURN**

The meeting was adjourned 4:55 p.m.  
Submitted by, Sherrie Boak,  
Recording Secretary Lansing City Council  
Approved: November 17, 2016