

# **City of Ann Arbor**

*301 E. Huron Street  
Ann Arbor, MI 48104  
<http://a2gov.legistar.com/Calendar.aspx>*



## **Action Minutes**

**Monday, May 2, 2011**

**7:00 PM**

**Ann Arbor Municipal Center, 301 E. Huron Street, 2nd Floor**

## **City Council**

**CALL TO ORDER**

*Mayor Hieftje called the meeting to order at 7:09 p.m. in the Guy C. Larcom Jr., Municipal Building, 2nd Floor Council Chambers, 301 E. Huron St.*

**MOMENT OF SILENCE**

*Council stood for a moment of silence.*

**PLEDGE OF ALLEGIANCE**

*Mayor Hieftje led Council in the recitation of the Pledge of Allegiance.*

**ROLL CALL OF COUNCIL**

**Present:** 11 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor and Councilmember Carsten Hohnke

**APPROVAL OF AGENDA**

**A motion was made by Councilmember Higgins, seconded by Councilmember Taylor, that the Agenda be approved as presented. On a voice vote, the Mayor declared the motion carried.**

**INT INTRODUCTION**

**INT-1 11-0420** Proclamation for Jeanine Palms Commemoration & Buhr Park Wet Meadow

*Mayor Hieftje read a proclamation commemorating Jeannine Palms and The Buhr Park Children's Wet Meadow Volunteers for their work to improve Buhr Park and the Malletts Creek Watershed by planting and maintaining several gardens and three wet meadows that provide habitat for native plants and animals, an attractive educational site for children, neighbors and other visitors, and an environmental filter for stormwater runoff from the park grounds. A copy of the proclamation is on file in the City Clerk's Office.*

**Received and Filed**

**INT-2 11-0538** Introduction of Paul Krutko, President and CEO, Ann Arbor SPARK

**Sponsors:** Rapundalo

*Councilmember Rapundalo introduced Paul Krutko, President and CEO of Ann Arbor SPARK. Mr. Krutko introduced himself and said that he was excited to work in the Ann Arbor Community and would be speaking with councilmembers in the near future.*

**Received and Filed**

**PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)**

**\* (SPEAKERS ARE NOT PERMITTED TO GRANT THEIR RESERVED TIME TO AN ALTERNATE SPEAKER)**

**\* ACCOMMODATIONS CAN BE MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

1. **Thomas Partridge - Recall Governor Snyder. Support Michigan's most vulnerable residents. Support funding for transportation and human services; and not marijuana.**

*Thomas Partridge, Ann Arbor resident, encouraged voters to get out to the polls to vote in the May 2, 2011 Election. He also urged Council and the State to support the recall effort for Governor Snyder. Mr. Partridge spoke against medical marijuana.*

2. **Chuck Ream - Medical Marijuana (B-1)**

*Chuck Ream, 1818 Packard, expressed concern regarding the City Attorney managing the medical marijuana ordinance process due to potential bias. He also urged Council to remove any requirements for registration of caregivers and to follow the State law on medical marijuana record keeping procedures.*

3. **Rhory Gould - Medical Marijuana (B-1)**

*Rhory Gould, 5537 Overbrook Dr., thanked Council and the Mayor for their work on the two medical marijuana ordinances. He urged Council to remove references in the ordinance to record keeping for caregivers and cultivation facilities.*

4. **Kirk Reid - Medical Marijuana (B-1)**

*Kirk Reid, PO Box 7891, medical marijuana patient and caregiver, said that he appreciated the work that Council has put into the medical marijuana licensing ordinance. He spoke in opposition to placing his name on any list as a caregiver or a patient. He offered for Council to sit down and discuss the ordinance with him and other caregivers.*

5. **John Henry Kaiser - Medical Marijuana (B-1)**

*John Henry Kaiser was not present. A member of the audience submitted a letter to Council regarding his statement. See H-2 for the communication.*

6. **Dennis Hayes - Medical Marijuana (B-1)**

*Dennis Hayes, 120 N. Fourth Ave., asked that Council pay attention to the laws that the voters have already approved regarding medical marijuana, especially related to patient and caregiver needs.*

7. **Lawrence Kestenbaum - May 2011 Election**

*Lawrence Kestenbaum, Washtenaw County Clerk, announced that tomorrow, Tuesday, May 2, 2011 is Election Day. Clerk Kestenbaum stated that voters would be*

*voting on a renewal of a Washtenaw County Special Education School Millage. He also talked about a proposal that would change elections days from four times a year to twice per year, May and November.*

## **COMMUNICATIONS FROM COUNCIL**

### **MAYOR HIEFTJE**

*Mayor Hieftje updated Council on the proposed parking agreement between the City and the DDA. The mayor stated that members of staff reviewed language in Chapter 7 of the City Code, which might have bearing upon the parking contract negotiations. The parking agreement resolution for tonight's meeting was removed from the agenda until staff and the City Attorney could further review the implications of the language in Chapter 7.*

### **COUNCILMEMBER DEREZINSKI**

*Councilmember Derezinski reported on the annual retreat of the City Planning Commission. Councilmember Derezinski reported that the Planning Commission has decided to take a regional perspective on planning issues and consider decision-making in the larger context of the greater Ann Arbor area in collaboration with other communities. The Washtenaw Avenue corridor was also studied at the retreat. AATA provided a bus tour of the area and transportation impacts were discussed.*

### **COUNCILMEMBER TAYLOR**

*Councilmember Taylor said that the Park Advisory Commission met and reviewed the proposed Parks and Recreation budget and fee schedule. PAC members met with city staff regarding proposed cuts in the service areas that represent parks; Community Services and Public Services. Councilmember Taylor reported that the proposed cuts on the Public Services side are generally in excess of the dollar amount proposed by other units of the City. However, he noted that while costs would be reduced, service cuts were not proposed. PAC has passed a resolution asking City Council to refund the Public Services element of the Parks budget to bring the overall reduction of the Parks budget in line with other unit functions within the City.*

### **COUNCILMEMBER ANGLIN**

*Councilmember Anglin said that part of the discussion with PAC had to do with the gradual loss of funding in the parks. Councilmember Anglin noted that the city voters would be asked consider a parks millage again in 2013. The important part of the millage is not the wording of the millage, but the amendments that go with it (Policies for Administration).*

### **COUNCILMEMBER RAPUNDALO**

*Councilmember Rapundalo reminded the public about a budget discussion that took place at City Council's last work session. Former Administrator Roger Fraser presented the 2012 budget to Council and at that time Councilmember Rapundalo asked what part of that budget could be mitigated in terms of delaying some of the*

layoffs proposed in the budget if health care settlements were reached with the unions. Councilmember Rapundalo stated that Mr. Fraser replied that in the case of the firefighters and the Ann Arbor police officers, if they were on the same health care plan as the city's non-union employees, the cost savings would be able to pay for three or four full-time officers who are likely to be eliminated under the current proposed budget. On the Fire Department side, savings from that same health care plan would be sufficient to pay for more than two full-time firefighters. Councilmember Rapundalo encouraged more dialogue on this matter.

## COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Interim City Administrator Tom Crawford reported on the following:

### PUBLIC SERVICES

- The AATA is looking to use the collective knowledge of the entire County to develop the Transit Master Plan. The community is encouraged to attend an upcoming community forum session, where residents can provide input and speak with a representative of the Master Plan team. The meeting in Ann Arbor will be held on Wednesday, May 11th from 6 to 8pm at the Downtown Ann Arbor District Library in the Multipurpose Room.
- The end of April has been full of precipitation events. The result is that the local soils are saturated and are not absorbing any more rainfall. This means in the current conditions when a rain event occurs, it all becomes runoff. Between 7am, Wednesday, April 27, and 7am on Thursday, April 29 about 2 inches of rain fell in the area.

The effects of the saturated soils are also being noticed in the sanitary sewer collection system. On Thursday morning, many of the trunk sewers were surcharging, running more than full. While the system passed this rain with few upsets, until there is a period of drier weather, the system is at risk of overflow during such events. It will take a period of a number of weeks with little or no rain to dry out the surrounding soils and reduce the risk to the sanitary system.

### SYSTEMS PLANNING

- The Pedestrian and Bicycle Information Center has designated the City of Ann Arbor as a GOLD Level Walk Friendly Community for its walkability initiatives and programs. Sponsored by the U.S. DOT Federal Highway Administration and FedEx, Walk Friendly Communities is a national recognition program aimed at recognizing communities for their commitment to pedestrian safety. Ann Arbor is among only eleven communities recognized nationwide in the inaugural round of Walk Friendly Communities announced on April 26th. The Walk Friendly Community designation, awarded from bronze to platinum, is given to applicant communities that have demonstrated a commitment to improving and sustaining walkability and pedestrian safety through comprehensive programs, plans and policies. Ann Arbor is proud to receive the Gold.
- The Commuter Challenge is taking place again during the month of May. The City in cooperation with the DDA and AATA sponsors the getDowntown Program, who coordinates this event. In addition to supporting the getDowntown program, the City, as a downtown employer along with its employees, actively participates in the Commuter Challenge. For more information on the getDowntown program and the Commuter Challenge, please go to [www.getDowntown.org](http://www.getDowntown.org)

- *Saturday, May 7th is National Train Day, and the Michigan Association of Railroad Passengers will observe the day at the Ann Arbor Amtrak Station from 7 to 9 AM with donuts and coffee. They will celebrate with the passengers leaving on the westbound train scheduled to depart at 7:48 AM*
- *A free E-Waste Recycling Event is scheduled for Saturday, May 7th from 9 a.m. to 2 p.m. in the Pioneer High School parking lot, at 601 W. Stadium Boulevard (at Main Street). People can easily and securely dispose of working or broken electronic waste, such as computers, monitors, keyboards, mice, cables, televisions, VCRs. etc., in an environmentally friendly manner. The event is being co-sponsored by the U-M Office of Campus Sustainability and the Ann Arbor Public Schools. For more details, go to: <http://sustainability.umich.edu/events>.*
- *Another reminder that on Saturdays through May 28th, from 8 am until noon, City residents can receive up to 6 bushels of free compost or mulch, (self loaded), at the City's Compost Facility at 4150 Platt Road, compliments of the City's Compost Center operator, WeCare Organics. Residents will need to first stop at the Material Recovery Facility (MRF) Scalehouse with their water bill to verify that they are city residents, and they will receive a coupon for the free material. Residents will need to bring their own shovel and containers or truck for the material. More details can be found at [www.a2gov.org/compost](http://www.a2gov.org/compost)*

#### **PARKS**

- *Leslie Park Golf Course hosted their annual Spring Scramble on Friday, April 22nd in the snow and the rain. Even with the weather, a full field of 144 people played, raising over \$3,500 for the Parks & Recreation Scholarship Fund. Thank you for everyone's support.*

#### **CITY CLERK**

- *Tomorrow, Tuesday, May 3 is the countywide special election for the Washtenaw Intermediate School District Special Education millage renewal. All city polling places are open from 7am to 8pm. Voters can check on their voter registration and look up their polling place assignment by visiting [www.michigan.gov/vote](http://www.michigan.gov/vote) or by calling the City Clerk's Office at 734-794-6140. As a reminder to those voters who will be voting inside Ann Arbor Public School buildings, school is in session on Tuesday, so voters are asked to enter these buildings through the doors marked for voters and proceed directly to the designated room for voting. Directional signage will be in place at all polling places. For more information on the election, please visit [www.a2gov.org/elections](http://www.a2gov.org/elections)*

#### **FARMERS MARKET**

- *Wednesdays are back at the Farmer's Market! After a long, cold winter the Farmer's Market is open Wednesdays, starting May 4, from 7 am – 3 pm.*

*In addition to the normal market hours, a new pilot is being planned to meet demand for increased hours at the Farmer's Market. The new pilot market would operate on Wednesday evenings from June to September from 4:30 pm to 8:30 pm.*

#### **CITY HALL CONSTRUCTION**

- *Larcom basement: All areas from the flooding dried well and no mold activity occurred. Radon levels have been tested and found to be below the action level for residential construction, 4 pCi/L [picocuries per liter]).*
- *Work on first floor interior grid ceilings and light fixtures is underway. Sprinkler*

*pipng is finished. Drywall finishing and painting continues. Larcom access has been shifted to the south entrance to the atrium and the remaining asbestos abatement on the first floor has been completed.*

- The sixth floor framing for interior walls is complete, as are sprinklers and exterior insulation installation. Drywall installation, finishing, and painting are occurring.*
- In the new elevator tower, the two elevators are complete and have passed state inspection. The mechanical and electrical work in the elevator lobbies at the various floors is done, including fire protection. Grinding and polishing the floors is complete. The old elevators (west side of Larcom) are permanently out of service.*
- The south side layout and excavation for site work is continuing. Construction of the new south stairway from the promenade deck to Huron St. has begun. The north side excavation for foundations and planters will begin soon.*

#### **PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**

**PH-1 11-0334** Resolution to Approve Packard Square Site Plan and Development Agreement, 2502-2568 Packard Street (CPC Recommendation: Approval - 9 Yeas and 0 Nays)  
*A public hearing was conducted on the proposed Resolution to approve the Packard Square Site Plan and Development Agreement, located at 2502-2568 Packard Street. Notice of public hearing was published April 21, 2011.*

*A representative of the Georgetown Neighborhood Association thanked Council and City Planning for their time and effort working with the Georgetown neighborhood on an acceptable solution for the redevelopment of the Georgetown Mall. Jean Horvath, 2776 Page, spoke in support of the proposed site plan. Thomas Partridge asked that the proposed site plan be tabled.*

*There being no further comment, the Mayor declared the hearing closed.*

**Held and Closed**

**PH-2 11-0425** Resolution to Approve Fiscal Year 2012 Fee Adjustments for Public Services Area Project Management, Customer Service, Systems Planning, Waste Water Treatment and Field Operations  
*A public hearing was conducted on the proposed Resolution to Approve Fiscal Year 2012 Fee Adjustments for Public Services Area Project Management, Customer Service, Systems Planning, Waste Water Treatment and Field Operations. Notice of public hearing was published April 28, 2011.*

*There being no one present for comment, the Mayor declared the hearing closed.*

**Held and Closed**

**PH-3 11-0435** Resolution to Approve FY 2012 Fee Adjustments for the Community Services Area  
*A public hearing was conducted on the proposed Resolution to Approve FY 2012 Fee Adjustments for the Community Services Area. Notice of public hearing was published April 28, 2011.*

*There being no one present for comment, the Mayor declared the hearing closed.*

**Held and Closed**

**PH-4 11-0451**

Resolution to Adopt Ann Arbor City Budget and Related Property Tax Millage Rates for fiscal year 2012 (7 Votes Required)

*A public hearing was conducted on the proposed Resolution to Adopt Ann Arbor City Budget and Related Property Tax Millage Rates for fiscal year 2012. Notice of public hearing was published April 21, 2011.*

*Thomas Partridge, City resident, said that Council should not pass the budget without reviewing it with respect to a progressive tax structure.*

*Matt Schroeder, president of the Ann Arbor Fire Fighters, expressed concern with the proposed budget cuts in the Fire Department.*

*Susan McGarry, 3rd Ward resident, encouraged Council to approve full funding for human services in the community.*

*Lucia Heinold, member of Interfaith Council for Peace and Justice, spoke in support of keeping funding for Ann Arbor Parks and asked that Council maintain the highest level of funding possible for human services.*

*Michael Apple, Avalon Housing, thanked Council for their support of Avalon Housing.*

*Ellen Schulmeister, director of the Shelter Association of Washtenaw County (The Delonis Center), thanked Council for always supporting human services.*

*Nicole Eidelman, executive director of Interfaith Hospitality Network, asked that Council fully fund human services this budget year.*

*Julie Grand, chair of Park Advisory Commission, said that PAC passed two resolutions regarding their proposed budget. She expressed concerns about the proposed budget for the parks system not complying with the 2006 "fairness resolution."*

*Sam Offen, Chair of PAC Budget & Finance Committee, expressed concern with the park operations proposed budget. He stated PAC was not notified timely of the proposed cuts.*

*Joan Motenio-Bailey, director of Nurses and Midwives at U of M, asked Council to continue the human services funding.*

*Barbara May, executive director of Safehouse Center, said that Human Service funding is a necessary investment.*

*Diana Nearing, employee of Shelter Association of Washtenaw County, spoke in support of human services funding.*

*Pam Smith, executive director of Child Care Network, asked that Council continue to fund human services.*

*Lori Bush, director of the Family Support Programs at Child Care Network, spoke in support of funding human services.*

*Julie Steiner, Washtenaw Housing Alliance, asked that Council continue to fund human services.*

*Jean Carlberg, Washtenaw Housing Alliance, spoke in support of funding for human services programs.*

*There being no further comment, the Mayor declared the hearing closed.*

**Held and Closed**

**RECESS**

*Mayor Hieftje declared a recess at 8:53 p.m. and reconvened the meeting at 9:07 p.m.*

**COMMUNICATIONS FROM COUNCIL**

*None.*



**A APPROVAL OF COUNCIL MINUTES**

- A-1 11-0486** Working Sessions of March 14 and April 11, 2011, Special Session of April 11, 2011 and Regular Session of April 19, 2011

**A motion was made by Councilmember Taylor, seconded by Councilmember Hohnke, that the working session minutes of March 14 and April 11, 2011, special session minutes of April 11, 2011 and the regular session minutes of April 19, 2011 be Approved with corrections on the working session minutes to show the roll call. On a voice vote, the Mayor declared the motion carried.**

**CA CONSENT AGENDA****Passed on consent agenda**

**A motion was made by Councilmember Higgins, seconded by Councilmember Anglin, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.**

- CA-1 11-0376** Resolution to Approve the Installation of Traffic Calming Devices on Independence Boulevard  
Enactment No: R-11-160
- CA-2 11-0379** Resolution to Approve the Installation of Traffic Calming Devices on Hilldale Drive  
Enactment No: R-11-161
- CA-3 11-0457** Resolution to Approve the 2011 Ann Arbor Jaycees Summer Carnival at Pioneer High School - July 7 to July 10, 2011  
Enactment No: R-11-162
- CA-4 11-0503** Resolution to Approve Temporary Authorization for Outdoor Liquor License Service to Arbor Brewing Company for the Taste of Ann Arbor Beer Tent on Sunday, June 5, 2011  
Enactment No: R-11-163

**B ORDINANCES - SECOND READING****Old Business:**

- B-1 10-0949** An Ordinance to Add Section 5:50.1 of Chapter 55 (Zoning) of Title V of the Code of the City of Ann Arbor Regarding Regulations Concerning Medical Marijuana (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (Ordinance No. ORD-10-37)  
*(The complete text of ORD-10-37 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the ordinance be adopted at second reading.**
- Enactment No: ORD-10-37

*Councilmember Taylor moved, seconded by Councilmember Derezinski, that Council suspend Council Rules regarding speaking times for the discussion of B-1. On a voice vote, the Mayor declared the motion carried.*

**A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Ordinance be amended as follows:**

**ZONING**

**(REGULATIONS CONCERNING THE MEDICAL USE OF MARIJUANA)**

**AN ORDINANCE TO ADD A NEW SECTION 5:50.1 TO CHAPTER 55 (ZONING) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR REGARDING THE REGULATION OF THE MEDICAL USE OF MARIJUANA**

**5:50.1. Regulations Concerning Medical USE OF Marijuana**

**(1) Intent.**

(a) It is the intent of this section to provide appropriate locations AND REASONABLE RESTRICTIONS for the cultivation and transfer of [medical] marijuana allowed by the Michigan Medical Marihuana Act, MCL 333.26421 et seq. This is a unique land use with ramifications not addressed by more traditional zoning district and home occupation regulations. ALTHOUGH SOME SPECIFIC USES OF MEDICAL MARIJUANA ARE ALLOWED BY THE MICHIGAN MEDICAL MARIHUANA ACT, MARIJUANA CONTINUES TO BE CLASSIFIED AS A SCHEDULE 1 CONTROLLED SUBSTANCE UNDER FEDERAL LAW MAKING IT UNLAWFUL UNDER FEDERAL LAW TO USE, MANUFACTURE, DISTRIBUTE, OR DISPENSE, OR POSSESS WITH INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE MARIJUANA.

(b) IT IS THE INTENT OF THIS SECTION TO PROTECT [Medical marijuana as a home occupation should not compromise] the health, safety, or AND GENERAL welfare of PERSONS AND PROPERTY [nearby residents] BY LIMITING LAND USES RELATED TO MEDICAL MARIJUANA TO DISTRICTS THAT ARE COMPATIBLE WITH SUCH USES. ADDITIONAL REGULATIONS IN THIS SECTION ARE INTENDED TO PROVIDE REASONABLE RESTRICTIONS WITHIN DISTRICTS SO THAT THESE USES DO NOT COMPROMISE THE HEALTH, SAFETY, AND GENERAL WELFARE OF PERSONS IN THE DISTRICT, OR OTHER USES ALLOWED IN EACH DISTRICT.

**(2) Definitions.** The following words and phrases shall have the following definitions when used in this section.

(a) WORD AND PHRASES CONTAINED IN THE MICHIGAN MEDICAL MARIHUANA ACT ("MMMA"), MCL 333.26421 ET SEQ. THIS SUBSECTION CONTAINS SOME WORDS AND PHRASES THAT ARE DEFINED IN THE MMA. AS USED IN THIS SECTION, THEY HAVE THE SAME MEANING AS PROVIDED IN THE MMMA, EXCEPT THAT IF AT ANY TIME THE DEFINITION OF A WORD OR PHRASE SET FORTH BELOW CONFLICTS WITH THE DEFINITION IN THE MMMA, THEN THE DEFINITION IN THE MMMA SHALL APPLY. THESE WORDS AND PHRASES ARE AS FOLLOWS:

(i) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF COMMUNITY HEALTH.

(ii) "MARIJUANA" MEANS THAT TERM AS DEFINED IN SECTION 7106 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7106.

(iii) "MEDICAL USE" MEANS THE ACQUISITION, POSSESSION, CULTIVATION, MANUFACTURE, USE, INTERNAL POSSESSION, DELIVERY TRANSFER, OR TRANSPORTATION OF MARIHUANA OR PARAPHERNALIA RELATING TO THE ADMINISTRATION OF MARIJUANA TO TREAT OR ALLEVIATE A REGISTERED QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE DEBILITATING MEDICAL CONDITION.

(iv) "PRIMARY CAREGIVER" MEANS A PERSON WHO IS AT LEAST 21 YEARS OLD AND WHO HAS AGREED TO ASSIST WITH A PATIENT'S MEDICAL USE OF MARIHUANA AND WHO HAS NEVER BEEN CONVICTED OF A FELONY INVOLVING ILLEGAL DRUGS.

(v) "QUALIFYING PATIENT" MEANS A PERSON WHO HAS BEEN DIAGNOSED BY A PHYSICAL AS HAVING A DEBILITATING MEDICAL CONDITION.

(b) OTHER WORDS AND PHRASES. THE WORDS AND PHRASE IN THIS SUBSECTION, AS USED IN THIS SECTION, SHALL HAVE THE FOLLOWING MEANINGS:

(i) "MARIJUANA" MEANS "MARIHUANA" AS USED IN THE MMMA.

(ii) "MEDICAL MARIJUANA CULTIVATION FACILITY" MEANS BUILDING WHERE MARIJUANA PLANTS ARE BEING GROWN IN COMPLIANCE WITH THE MMMA, OTHER THAN AS A MEDICAL MARIJUANA HOME OCCUPATION.

(iii) "MEDICAL MARIJUANA DISPENSARY" MEANS ONE OR MORE PRIMARY CAREGIVERS OPERATING WITH THE INTENT TO TRANSFER MARIJUANA BETWEEN PRIMARY CARE GIVERS AND/OR QUALIFYING PATIENTS FROM A LOCATION OTHER THAN A MEDICAL MARIJUANA HOME OCCUPATION.

(iv) "MEDICAL MARIJUANA HOME OCCUPATION" MEANS AN ACCESSORY USE OF A NONRESIDENTIAL NATURE THAT IS CONDUCTED BY A REGISTERED PRIMARY CAREGIVER WHO RESIDES IN THE DWELLING AND (A) IS PERFORMED WITHIN A SINGLE-FAMILY DWELLING OR WITHIN AN ACCESSORY BUILDING TO THAT SINGLE-FAMILY DWELLING; (B) IS FOR THE PURPOSE OF ASSISTING ONE OR MORE REGISTERED QUALIFYING PATIENTS WHO DO NOT RESIDE IN THE DWELLING; AND (C) COMPLIES WITH THE MMMA.

(v) "MICHIGAN MEDICAL MARIHUANA ACT" AND "MMMA" MEAN THE MICHIGAN MEDICAL MARIHUANA ACT, MCL 333.26421 ET SEQ.

**DELETE:**

[a] Caregiver. A person who has agreed to assist with a patient's medical use of marijuana and has been issued a registry identification card and who otherwise meets the definition of a primary caregiver under the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

b) Medical marijuana. Marijuana (or marihuana) grown, used, or transferred for medical use as defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

c) Medical marijuana cultivation. Growing marijuana as allowed by the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

d) Medical marijuana cultivation facility. A single facility where more than 72 marijuana plants are being grown.

e) Medical marijuana dispensary. One or more caregivers operating with the intent to transfer medical marijuana between caregivers and/or patients from a location other than a medical marijuana home occupation.

f) Medical marijuana home occupation. An accessory use of a nonresidential nature involving medical marijuana which is performed within a single-family dwelling or within an accessory building to that single-family dwelling, and conducted by a caregiver or caregivers residing in the dwelling.

g) Patient. A person who has been diagnosed by a physician as having a debilitating medical condition and has been issued a registry identification card and who otherwise meets the definition of qualifying patient under the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

h) Registry identification card. A document issued by the Michigan Department of Community Health that identifies a person as a registered qualifying patient or registered primary caregiver.] END OF DELETED TEXT.

(3) Locations of medical marijuana dispensaries and MEDICAL MARIJUANA cultivation facilities. A medical marijuana dispensary or MEDICAL MARIJUANA cultivation facility may be located in the City only in accordance with the following restrictions:

a) Medical marijuana dispensaries shall only be located in a district classified pursuant to this chapter as D, C, or M, or in PUD districts where retail is permitted in the supplemental regulations.

b) Medical marijuana cultivation facilities shall only be located in a district classified pursuant to this chapter as C, M, RE, or ORL.

c) In C districts, buildings used for MEDICAL MARIJUANA dispensaries or MEDICAL MARIJUANA cultivation facilities shall meet the minimum parking requirements of Chapter 59 for retail uses, with no exceptions for existing nonconforming parking.

d) No medical marijuana dispensary or MEDICAL MARIJUANA cultivation facility shall be located within 100 feet of the parcel on which a public or private elementary or secondary school is located.

(4) Medical marijuana dispensary and MEDICAL MARIJUANA cultivation facility regulations.

a) No person shall reside in or permit any person to reside in a medical marijuana dispensary or MEDICAL MARIJUANA cultivation facility, except as allowed in the M1 and M2 zoning districts.

b) No one under the age of 18 shall be allowed to enter a medical marijuana dispensary or MEDICAL MARIJUANA cultivation facility unless accompanied by a parent or guardian.

c) No smoking, inhalation, or consumption of [medical] marijuana shall take place on the premises.

d) In M1 and M2 districts, retail sales of products customarily incidental to the principal use shall be allowed provided that the total amount of internal floor area of the structure devoted to sales and display of such products does not exceed 10 percent of the floor area of the total establishment.

e) Drive-in medical marijuana dispensaries shall be prohibited.

f) All activities of a medical marijuana dispensary or MEDICAL MARIJUANA

cultivation facility shall be conducted indoors.

g) No equipment or process shall be used in any medical marijuana dispensary or MEDICAL MARIJUANA cultivation facility which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.

h) AN ANNUAL ZONING COMPLIANCE PERMIT SIGNED BY THE OWNER SHALL BE REQUIRED, AND MUST BE RENEWED PRIOR TO THE ANNIVERSARY DATE OF THE ISSUANCE OF THE ORIGINAL PERMIT.

i) [h] Medical marijuana dispensaries and MEDICAL MARIJUANA cultivation facilities shall comply with all other regulations of the zoning district in which the MEDICAL MARIJUANA dispensary or MEDICAL MARIJUANA cultivation facility is located, except when they are in conflict, in which case this section shall prevail.

i) [j] Medical marijuana dispensaries and MEDICAL MARIJUANA cultivation facilities shall be operated in compliance with [the provisions of the Michigan Department of Community Health and] the [Michigan Medical Marijuana Act MCL 333.26421 et seq] MMMA.

**(5) CULTIVATION OR OTHER MEDICAL USE OF MARIJUANA AS [Medical] MEDICAL marijuana home occupation [regulations] IN SINGLE FAMILY DWELLINGS.**

a) In a single family dwelling in any zoning district, no more than 72 [medical] marijuana plants shall be grown on the premises, regardless of the number of REGISTERED PRIMARY caregivers and/or REGISTERED QUALIFYING patients residing in the dwelling[, as a home occupation].

b) The principal use of the SINGLE-FAMILY dwelling [unit] shall be [a dwelling] RESIDENTIAL OCCUPANCY and shall be in actual use as such.

c) An annual zoning compliance permit signed by the owner shall be required, and must be renewed prior to the anniversary date of the issuance of the original permit.

d) Total floor area devoted to THE medical marijuana [as a] home occupation in the principal or accessory building shall not exceed 25% of the gross floor area of the dwelling.

e) Outside appearance of premises shall have no visible evidence of the conduct of a MEDICAL MARIJUANA home occupation.

f) No outdoor display of goods or outside storage of equipment or materials used in the MEDICAL MARIJUANA home occupation shall be permitted.

g) No article or service shall be sold or offered for sale on the premises except those which are produced by such MEDICAL MARIJUANA home occupation on the premises.

h) A M[m] medical marijuana [as a] home occupation shall not generate more than 10 business-related vehicle trips in any one day in the vicinity of the MEDICAL MARIJUANA home occupation, and any need for parking generated by the conduct of such MEDICAL MARIJUANA home occupation shall be provided off-street in accordance with the off-street parking requirements.

i) [No transfer of medical marijuana to patients other than those residing on the parcel shall occur on the parcel. ] THE TRANSFER OF MARIJUANA FROM A PRIMARY CAREGIVER TO A QUALIFYING PATIENT SHALL NOT OCCUR ON THE LOT WHERE THE MEDICAL MARIJUANA HOME OCCUPATION IS LOCATED.

j) No equipment or process shall be used in such MEDICAL MARIJUANA home occupation which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property

boundary.

k) Medical marijuana home occupations shall be operated in compliance with the provisions of [the Michigan Department of Community Health and] the [Michigan Medical Marihuana Act, MCL 333.26421 et seq]MMMA.

(6) MEDICAL MARIJUANA HOME OCCUPATIONS ARE NOT PERMITTED IN MULTIPLE FAMILY DWELLINGS AND OTHER NON-SINGLE FAMILY DWELLINGS.

[(6)7] [Medical] CULTIVATION OR OTHER MEDICAL USE OF marijuana in dwelling units [other than single family dwellings] WHEN THE USE IS NOT A MEDICAL MARIJUANA HOME OCCUPATION.

a) In a dwelling unit [other than a single family dwelling] in any zoning district WHERE MEDICAL USE OF MARIJUANA IS NOT A MEDICAL MARIJUANA HOME OCCUPATION, no more than 12 plants for each REGISTERED QUALIFYING patient who resides in the dwelling unit shall be grown.

b) The principal use of the dwelling unit shall be [a dwelling]RESIDENTIAL OCCUPANCY and shall be in actual use as such.

[c] No transfer of medical marijuana to patients other than patients residing within the dwelling unit shall occur.]

[d]C No equipment or process shall be used in cultivation which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.

[e]d) All aspects of THE medical USE OF marijuana shall comply at all times with the provisions of [the Michigan Department of Community Health and the Michigan Medical Marihuana Act, MCL 333.26421 ET SEQ.]THE MMMA.

SECTION 2. THAT THIS ORDINANCE SHALLTAKE EFFECT ON THE SIXTIETH DAY FOLLOWING LEGAL PUBLICATION.

Note: [ ] Indicates deleted language, all CAPS indicate new language.

On a voice vote, the Mayor declared the motion carried.

A motion was made by Councilmember Briere, seconded by Councilmember Higgins, that the Ordinance be amended as follows:

**Section 5:50.1. Regulations Concerning Medical Use of Marijuana**

...(4)h)A[n annual] zoning compliance permit [signed by the owner] shall be required[.] CONSISTENT WITH SECTION 5:92.[and must be renewed prior to the anniversary date of the issuance of the original permit.]

On a voice vote, the Mayor declared the motion carried.

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Ordinance be amended as follows:

**Section 5:50.1. Regulations Concerning Medical Use of Marijuana**

...(4)i) NO MOE THAN 72 MARIJUANA PLANTS SHALL BE GROWN ON THE PREMISES OF ANY MEDICAL CULTIVATION FACILITY.

[i]j) Medical marijuana dispensaries and medical marijuana cultivation facilities shall comply with all other regulations of the zoning district in which the medical marijuana dispensary or medical marijuana cultivation facility is located, except when they are in conflict, in which case this section shall prevail.

[j]k) Medical marijuana dispensaries and medical marijuana cultivation facilities shall be operated in compliance with the MMMA.

On a voice vote, the Mayor declared the motion carried, with one no-vote made by Councilmember Higgins.

A motion was made by Councilmember Briere, seconded by Councilmember Teall, to amend the Ordinance as follows:

**Section 5:50.1. Regulations Concerning Medical Use of Marijuana**

...(5)(b) A[n annual] zoning compliance permit [signed by the owner] shall be required [, and must be renewed prior to the anniversary date of the issuance of the original permit] CONSISTENT WITH SECTION 5:92.

**DELETE:**

[(a) Total floor area devoted to the medical marijuana home occupation in the principal or accessory building shall not exceed 25% of the gross floor area of the dwelling.

b) Outside appearance of premises shall have no visible evidence of the conduct of a medical marijuana home occupation.

c) No outdoor display of goods or outside storage of equipment or materials used in the medical marijuana home occupation shall be permitted.

d) No article or service shall be sold or offered for sale on the premises except those which are produced by such medical marijuana home occupation on the premises.

e) A medical marijuana home occupation shall not generate more than 10 business related vehicle trips in any one day in the vicinity of the medical marijuana home occupation, and any need for parking generated by the conduct of such medical marijuana home occupation shall be provided off-street parking in accordance with the off-street parking requirements.]

[f]c) The transfer of marijuana from a primary caregiver to a qualifying patient shall not occur on the lot where the medical marijuana home occupation is located.

[g) No equipment or process shall be in such medical marijuana home occupation which creates noise, dust vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.

g) Medical marijuana home occupations shall be operated in compliance with the provisions of the MMMA.] END DELETED TEXT.

d) ALL OTHER PERFORMANCE STANDARDS FOR HOME OCCUPATIONS AS PROVIDED IN SECTION 5:10.2(4)(C) SHALL BE REQUIRED.

A friendly amendment by Councilmember Taylor to remove "c" was accepted.

On a voice vote the Mayor declared the motion carried.

A motion was made by Councilmember Taylor, seconded by Councilmember Smith, that the amendment be amended as follows:

**Section 5:50.1 Regulations Concerning Medical Use of Marijuana**

...(5)(b) [(c) The transfer of marijuana from a primary caregiver to a qualifying patient shall not occur on the lot where the medical marijuana home occupation is located.]

On a voice vote, the Mayor declared the motion carried.

The question being the amendment as amended, on a voice vote, the Mayor declared the motion carried.

A motion was made by Councilmember Hohnke, seconded by Councilmember Anglin, that the Ordinance be amended as follows:

**5:50.1 Regulations Concerning Medical Use of Marijuana**

...(3)(d) No medical marijuana dispensary or medical marijuana cultivation facility shall be located within [1000]1010 feet of a parcel on which a public or private elementary or secondary school is located.

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

**Yeas:** 5 - Councilmember Rapundalo, Councilmember Kunselman, Councilmember Anglin, Councilmember Derezinski and Councilmember Hohnke

**Nays:** 6 - Mayor Hieftje, Councilmember Higgins, Councilmember Teall, Councilmember Briere, Councilmember Smith and Councilmember Taylor

A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Ordinance be postponed until 6/6/2011. On a voice vote, the Mayor declared the motion carried with no-votes by Councilmembers Smith and Taylor.

**B-2 10-1249**

An Ordinance to Add a New Chapter 95 to Title VII (Medical Marijuana Licenses for Cultivation Facilities and Dispensaries) of the Code of the City of Ann Arbor (Ordinance No. ORD-11-04)

*(The complete text of ORD-11-04 is on file in the City Clerk's Office.)*

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the ordinance be adopted at second reading.

Enactment No: ORD-11-04

A motion was made by Councilmember Briere, seconded by Councilmember Higgins, that the Ordinance be amended as follows:

1) Add "medical marijuana" to all references to dispensaries and cultivation facilities in the licensing ordinance, 2) add "registered qualifying" to all reference to patients, 3) add "registered primary" to all references to caregivers, and 4) delete "medical" when the term "medical marijuana" is used by itself.

On a voice vote, the Mayor declared the motion carried.

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Ordinance be amended as follows:



**Section 7:502. License Required, Number of Licenses Available, Eligibility.**

...(4) The first year's licenses shall be capped at a number 10% higher than the NUMBER OF COMPLETE APPLICATIONS FOR licenses [applied for] SUBMITTED TO THE CITY in the first 60 days AFTER THE EFFECTIVE DATE OF THIS CHAPTER, but not more than 20 medical marijuana dispensary[ies] and 10 medical marijuana cultivation facility licenses SHALL BE ISSUED IN THE FIRST YEAR. Any license terminated during the license year returns to the City for possible reissuance. A business that is a combined medical marijuana dispensary and medical marijuana cultivation facility shall require two separate licenses. ...

On a voice vote, the Mayor declared the motion carried.

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Ordinance be amended as follows:

Remove the reference to "Cultivation Facilities" from the entire proposed ordinance.

On roll call, the vote was as follows with the Mayor declaring the motion carried:

**Yeas:** 8 - Mayor Hieftje, Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Taylor and Councilmember Hohnke

**Nays:** 3 - Councilmember Rapundalo, Councilmember Higgins and Councilmember Derezinski

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Ordinance be amended as follows:

**Section 7.502. License Required, Number of Licenses Available, Eligibility.**

...(5) The license requirement set forth in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other [federal,] state law or local law.

On a voice vote, the Mayor declared the motion carried with one no-vote made by Councilmember Rapundalo.

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Ordinance be amended as follows:

**Section 7.502. License Required, Number of Licenses Available, Eligibility.**

...(7) The City Council will establish a [licensing board] MEDICAL MARIJUANA LICENSING BOARD to consist of one member of Council, one physician, and three other Ann Arbor residents, these are Mayoral appointments. THE BOARD SHALL ANNUALLY SEND TO CITY COUNCIL A PROPOSED RESOLUTION RECOMMENDING EITHER APPROVAL OR REJECTION OF EACH COMPLETE LICENSE APPLICATION. A RECOMMENDED RESOLUTION MAY SET CONDITIONS FOR APPROVAL. THE DETERMINATION OF CITY COUNCIL AS TO EACH SUCH APPLICATION SHALL BE FINAL.

On a voice vote, the Mayor declared the motion carried.

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Ordinance be postponed until 6/6/2011. On a voice vote, the Mayor declared the motion carried.

## RECESS

*Mayor Hieftje declared a recess at 10:47 p.m. and reconvened the meeting at 10:55 p.m.*

## C ORDINANCES - FIRST READING

None.

## D MOTIONS AND RESOLUTIONS

### DC New Business - Council:

#### Passed on consent agenda

*Councilmember Hohnke requested that he be recused from discussion and voting on these resolutions due to potential conflict of interest. Councilmember Higgins moved, seconded by Councilmember Teall, that Councilmember Hohnke be recused. On a voice vote, the Mayor declared the motion carried.*

**A motion was made by Councilmember Higgins, seconded by Councilmember Smith, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.**

- DC-1    11-0499**      Resolution to Approve E. Washington Street Closing for Oktoberfest - September 16-18, 2011, Requested by Arbor Brewing Company
- Sponsors:**      Anglin, Higgins and Smith
- Enactment No: R-11-164
- 
- DC-2    11-0498**      Resolution to Approve W. Washington Street Closing for Oktoberfest - September 16-17, 2011, Requested by Grizzly Peak Brewing Company and the Blue Tractor
- Sponsors:**      Anglin, Higgins and Smith
- Enactment No: R-11-165
- 
- DC-3    11-0521**      Resolution to Approve Changes to Bylaws of the Washtenaw County/City of Ann Arbor Community Corrections Advisory Board for Purposes of Applying for State Funding
- Sponsors:**      Anglin
- A motion was made by Councilmember Anglin, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-11-166

- DC-4 11-0537** Resolution Approving Parking Agreement with the Ann Arbor Downtown Development Authority for Management, Operation and Maintenance of the Municipal Parking System

**Sponsors:** Hohnke, Taylor and Teall

**Deleted from Agenda**

- DC-5 11-0541** Resolution to Approve Packard Square Redevelopment Project Brownfield Plan, 2502-2568 Packard, Ann Arbor, MI (BRC Recommendation: Approval - 3 Years and 0 Days)

**Sponsors:** Higgins, Kunselman and Smith

**A motion was made by Councilmember Teall, seconded by Councilmember Higgins, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-11-168

**DB New Business - Boards and Commissions:**

- DB-1 11-0334** Resolution to Approve Packard Square Site Plan and Development Agreement, 2502-2568 Packard Street (CPC Recommendation: Approval - 9 Years and 0 Days)

**A motion was made by Councilmember Teall, seconded by Councilmember Higgins, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-11-169

**DS New Business - Staff:**

- DS-1 11-0439** Resolution Setting a Public Hearing for Sakti3, Inc. for an Industrial Facilities Exemption Certificate in Industrial Development District No. 2011-010

**A motion was made by Councilmember Smith, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-11-170

- DS-2 11-0480** Resolution to Approve FY 12 Allocations to Non-Profit Entities for Human Services - \$1,159,029.00 (General Fund)

**A motion was made by Councilmember Smith, seconded by Councilmember Rapundalo, that the resolution be approved.**

**A motion was made by Councilmember Briere, seconded by Councilmember Higgins, that the Resolution be Postponed until 5/16/2011. On a voice vote, the Mayor declared the motion carried.**

**Passed on consent agenda**

**A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.**

**DS-3 11-0458** Resolution to Approve Street Closings for the Ready Set Fly 5K - Saturday, May 21, 2011

Enactment No: R-11-171

**DS-4 11-0434** Resolution to Approve Street Closing for The Event on Main Special Event - Thursday, June 23, 2011

Enactment No: R-11-172

*Councilmembers Hohnke and Rapundalo left the meeting at 11:19 p.m.*

**Present:** 9 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski and Councilmember Christopher Taylor

**Absent:** 2 - Councilmember Stephen Rapundalo and Councilmember Carsten Hohnke

**DS-5 11-0388** Resolution to Approve Participation in the Interagency Agreement for Collaborative Technology and Services with Washtenaw County and Ann Arbor Transportation Authority

**A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-11-180

**DS-6 11-0331** Resolution to Approve Schedule 2 to the Interagency Agreement for Collaborative Technology and Services for Enterprise Storage Services FY 2012-FY 2015 (Washtenaw County, Provider) (\$294,528.00)

**A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-11-173

**DS-7 11-0389** Resolution to Approve Schedule 3 of the Interagency Agreement for Collaborative Technology and Services for Enterprise Backup Services (Washtenaw County, Provider) (\$410,428.00)

**A motion was made by Councilmember Smith, seconded by Councilmember Teall, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-11-174

**DS-8 11-0276** Resolution to Approve Acquisition of Risk Management Claims Reporting and Management Information System (\$37,175.00) and Establish a Project Budget Not to Exceed (\$40,893.00)

**A motion was made by Councilmember Derezinski, seconded by Councilmember Anglin, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-11-175

**DS-9 11-0453**

Resolution to Finalize the Agreement with DTE Energy for the Relocation of Existing Overhead Power Lines for the E. Stadium Boulevard Bridges Replacement Project (\$377,966.20)

**A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-11-176

**DS-10 11-0403**

Resolution to Appropriate Funds and Approve the Purchase of a Combination Sewer Truck from Jack Doheny Supplies, Inc. (\$398,806.00) (8 Votes Required)

**A motion was made by Councilmember Smith, seconded by Councilmember Higgins, that the resolution be approved.**

**A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Resolution be postponed until 5/16/2011. On a voice vote, the Mayor declared the motion carried.**

**DS-11 11-0402**

Resolution to Approve the Purchase of an Elgin Street Sweeper from Bell Equipment Company (State of Michigan \$273,300.00)

**A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that the resolution be approved.**

**A motion was made by Councilmember Smith, seconded by Councilmember Higgins, that the Resolution be postponed until 5/16/2011. On a voice vote, the Mayor declared the motion carried.**

**DS-12 11-0412**

Resolution to Approve the Purchase of a Truck Mounted Rodder from Jack Doheny Supplies, Inc. (\$87,500.00)

**A motion was made by Councilmember Derezinski, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-11-177

**DS-13 11-0466**

Resolution Approving an Amendment to the Employment Agreement between William R. Wheeler and the City of Ann Arbor

**A motion was made by Councilmember Teall, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-11-178

**DS-14 11-0483**

Resolution to Approve Funding Agreement with Washtenaw County for 2009 Homeland Security Grant Program Projects and Appropriation of Funds to the Office of Emergency Management (\$70,000.00) (8 Votes Required)

**A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**

Enactment No: R-11-179

**E COMMUNICATIONS FROM THE MAYOR****E-1 11-0481 Appointments - Confirmations**

*Mayor Hieftje recommended the following appointments at the April 19, 2011 regular session of Council:*

*Ann Arbor Transportation Authority  
Charles Griffith (Re-appointment)  
1500 Dhu Varren Rd.  
Ann Arbor, MI 48105  
Term: May 2, 2011-May 2, 2016*

*Richard Robben (Re-appointment)  
3441 Wooddale Ct.  
Ann Arbor, MI 48104  
Term: May 2, 2011-May 2, 2016*

*Employees' Retirement System Board of Trustees  
Mark V. Heusel (Filling vacancy left by Atleen Kaur)  
2760 Bedford Rd.  
Ann Arbor, MI 48104  
Term: May 2, 2011-May 2, 2014*

**A motion was made by Councilmember Derezinski, seconded by Councilmember Teall, that the Council concur with the recommendations of the Mayor. On a voice vote, the Mayor declared the motion carried.**

**COMMUNICATIONS FROM COUNCIL****F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR****F-1 11-0462 Wednesday Evening Pilot Market**

**Received and Filed**

**F-2 11-0540 Resolution Approving an Increase in the Standard Taximeter Rates for the City of Ann Arbor**

**Sponsors:** Higgins

**Deleted from Agenda**

**G COMMUNICATIONS FROM THE CITY ATTORNEY**

*None.*

**H & I CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS****H The following communications were referred as indicated:**

**Passed on consent agenda**

A motion was made by Councilmember Taylor, seconded by Councilmember Briere, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- H-1     11-0515     Communication from Western Washtenaw Recycling Authority and the City of Chelsea regarding the County Cleanup Day Event scheduled for May 14, 2011
- H-2     11-0554     Communication from John Henry Kaiser regarding medical marijuana.

**Received and Filed****I     The following minutes were received for file:**

- I-1     11-0442     Ann Arbor Downtown Development Authority Meeting Minutes - March 2, 2011

**PUBLIC COMMENT - GENERAL (3 MINUTES EACH)**

*Thomas Partridge addressed Council regarding the May 2, 2011 Election.*

**CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, INCLUDING BUT NOT LIMITED TO, LABOR NEGOTIATIONS STRATEGY, PENDING LITIGATION, AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (C), (E), AND (H).**

*None.*

**ADJOURNMENT**

A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that the Meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:38 p.m.

11-0626     Redactions List & Council Emails.5-2-2011

**COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:**

**LIVE: MONDAY, MAY 2, 2011, 7:00 P.M.**

**REPLAYS: TUESDAY, MAY 3, 2011, 10:00 A.M. AND FRIDAY, MAY 6, 2011, 7:30 P.M.**

**REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE**

Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office by telephone at 734-794-6140 or by written request addressed to the City Clerk's Office, 100 N. Fifth Ave., Ann Arbor, MI 48104, at least 24 hours in advance.

A hard copy of this Council packet can be viewed at the front counter of the City Clerk's office.