

City of Ann Arbor

100 N. Fifth Avenue
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>



Action Minutes

Tuesday, February 22, 2011

7:00 PM

Please Note: Caucus has been cancelled for Sunday, February 20, 2011.

**Washtenaw County Administration Building (Commissioners Room), 220 N. Main St.
City Council**

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:11 p.m. in the Washtenaw County Board of Commissioners Room, 220 N. Main Street.

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:** 7 - John Hieftje, Councilmember Stephen Kunselman, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith and Councilmember Tony Derezinski
- Absent:** 4 - Councilmember Stephen Rapundalo, Councilmember Marcia Higgins, Councilmember Christopher Taylor and Councilmember Carsten Hohnke

APPROVAL OF AGENDA

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

INT INTRODUCTIONS

None.

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. Dennis Hayes - Medical Marijuana Ordinance (C-1)

Dennis Hayes, 120 N. Fourth Ave., addressed Council regarding the Medical Marijuana Ordinance. He expressed concerns about the licensing requirements as currently proposed, including confidentiality issues with the prescription and package labeling.

2. Chuck Ream - Medical Marijuana Ordinance (C-1)

Chuck Ream, 1911 Packard St., expressed concern with the medical marijuana licensing ordinance requiring local registration. He expressed concern for the protection of patient privacy.

3. Jonathan Shaheen - Regulations for Parking Lot Snow Plowing

Jonathan Shaheen, City resident, addressed Council regarding the need for regulations for private parking lot snow plow. He stated that it is a great burden on residents if the landlords do not plow the parking lots in apartment complexes. He noted that the City of Ypsilanti has an ordinance that addresses snow plowing in private lots.

4. Douglas Smith - FOIA Appeal

Douglas Smith addressed Council regarding an appeal of the denial of part of a Freedom of Information Act request he made regarding two AAPD reports related to sexual assaults by UM athletes.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER DEREZINSKI**

Councilmember Derezinski announced that the City is hosting two informational meetings and a public hearing on the proposed Corridor Improvement Authority on Washtenaw Avenue. The project involves four communities; Ypsilanti City, Ypsilanti Township, Pittsfield Township, and the City of Ann Arbor. The first meeting, which is targeted towards business owners on Washtenaw Avenue, is scheduled for February 23, 2011 at Paesano's Restaurant from 7:30 a.m. to 9:00 a.m. The second meeting is scheduled for March 2, 2011 at 7:00 p.m. at Cobblestone Farm and is targeted for City residents. The public hearing will take place at the City Council meeting on March 7, 2011. The public is encouraged to attend all meetings.

COUNCILMEMBER ANGLIN

Councilmember Anglin expressed concern with the City's snowplow efforts after the last snow storm. He said that a number of residents were inconvenienced due to the City's slow response and there should be a better mechanism in place to handle the volume and type of snow that fell during the last storm. He also expressed concern with the plow trucks throwing huge amounts of snow back into citizen driveways.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR**SNOW REMOVAL**

City Administrator Roger Fraser read a report from staff regarding the recent snowfall. The report explained that the City has 14 large snow plow trucks, two of which were down at the start of the last storm. Mr. Fraser noted that the City's smaller equipment does not have the capability to move the volume and weight of snow that fell during this last event and is used primarily to clean up areas that large plows have already cleared. Mr. Fraser also stated that this season's storm brought more snow than what was anticipated. City crews began Sunday morning with a pre-treatment at 10 a.m. in expectation of 1-2 inches of snow and ice accumulation. The amount of snow that fell was more than expected and was the heaviest in weight to date.

GOVERNOR'S BUDGET PROPOSAL

Mr. Fraser said questions were raised regarding the governor's budget proposal and the suggestion that revenue sharing be dramatically changed. Revenue sharing comes in two different forms. There are two types of revenue sharing from the State, a portion that is constitutional and a separate statutory portion.

The governor is recommending that the statutory portion be eliminated. Currently, Ann Arbor is expected to receive approximately \$1.9 million in statutory revenue sharing. The governor's proposal would eliminate approximately 30% of the statutory portion. The remainder of the funds would be placed in a pool and awarded to cities based on their innovation, collaboration and demonstrated abilities to better serve their communities more efficiently. The governor is also calling for a reduction in the Fire Grant Program and Ann Arbor could lose \$165,000.00 through that cut as well.

WATER EVENT IN CITY HALL

Mr. Fraser updated Council regarding the recent flooding in the Larcom City Hall basement. He stated a pipe froze during the ongoing construction and burst over the weekend, flooding the basement. The frozen pipe was the contractor's responsibility and the damage and repair to the newly remodeled basement will be at the contractor's expense, not the City. However, Mr. Fraser noted that the clean-up and repair will delay the construction and relocation of staff by approximately one month. Police Patrol Services will likely remain at the Wheeler Center for another month as the police locker rooms are located in the Larcom basement and were affected by the flood.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 11-0133

Resolution to Modify Fees at the City Golf Courses Effective for the 2011 Golf Season and Increase the Senior Citizen Qualification Age

Sponsors: Rapundalo

A public hearing was conducted on the proposed Resolution to modify fees at the City Golf Courses effective for the 2011 golf season and increase the senior citizen qualification age. Notice of public hearing was published February 17, 2011.

Paul Bancel, 1115 Kuehnle, spoke in support of the proposed fee increase to the golf courses, but encouraged Council and staff to revisit the fees and review and evaluate the change next year.

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

Held and Closed

PH-2 11-0207

Public Hearing on Housing and Human Services Needs for the 2011-2012 Washtenaw Urban County Annual Action Plan

A public hearing was conducted on Housing and Human Services Needs for the 2011-2012 Washtenaw Urban County Annual Action Plan. Notice of public hearing was published February 17, 2011.

Lily Au, Ann Arbor resident, expressed concerns with the City's public housing policies and urged Council to avoid cuts to human services.

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

Held and Closed

PH-3 11-0051

Resolution to Approve 1500 Pauline Boulevard Site Plan (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

A public hearing was conducted on the proposed 1500 Pauline Boulevard Site Plan. Notice of public hearing was published February 10, 2011.

Lily Au, City resident, spoke in opposition to the site plan, stating that the apartment building is still in good condition and should not be demolished.

Lee Murphy, 1500 Pauline, #B22, spoke in support of the proposed site plan, indicating that the existing buildings are unsound. He did object to reducing the number of one-bedroom units from 21 to 6.

The following people spoke in support of the proposed site plan:

*Michael Apple, Associate Director of Avalon Housing
Wendy Carter-Xaxon, Director of Housing Development
Carol, McCabe, Director of Operations for Avalon Housing*

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

Held and Closed

COMMUNICATIONS FROM COUNCIL

None.

A APPROVAL OF COUNCIL MINUTES

- A-1 11-0252** Council Retreats of December 4, 2010 and January 8, 2011, Work Session of January 10, 2011 and Regular Session of February 7, 2011
- A motion was made by Councilmember Derezinski, seconded by Councilmember Teall, that the Council Retreat minutes of December 4, 2010 and January 8, 2011, Work Session of January 10, 2011 and Regular Session of February 7, 2011 be approved as presented. On a voice vote, the Mayor declared the motion carried.**

CA CONSENT AGENDA**Passed on consent agenda**

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

- CA-1 11-0191** Resolution to Accept Board of Insurance Administration Meeting Minutes of January 27, 2011
- Enactment No: R-11-059
- CA-2 11-0215** Resolution Recognizing the Washtenaw Association for Community Advocacy as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License
- Enactment No: R-11-060

B ORDINANCES - SECOND READING

None.

C ORDINANCES - FIRST READING**Old Business:**

- C-1 10-1249** An Ordinance to Add a New Chapter 71 to Title VI (Medical Marijuana Business and Home Occupation Licenses) of the Code of the City of Ann Arbor
- A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Ordinance be adopted at First Reading.**
- A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that the Ordinance be postponed until 3/7/2011. On a voice vote, the Mayor declared the motion carried.**

D MOTIONS AND RESOLUTIONS**DC New Business - Council:**

DC-1 11-0231 Resolution to Renew Mandate and Appoint Members of the Golf Courses Advisory Task Force

Sponsors: Rapundalo

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

Enactment No: R-11-061

DC-2 11-0232 Resolution to Appoint Susan Hutton as a Member of the City of Ann Arbor Environmental Commission

Sponsors: Hohnke and Teall

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

Enactment No: R-11-062

DB New Business - Boards and Commissions:

DB-1 11-0051 Resolution to Approve 1500 Pauline Boulevard Site Plan (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

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

Enactment No: R-11-063

DS New Business - Staff:

DS-1 11-0049 Resolution to Award a Construction Contract to Douglas N. Higgins, Inc. for the Arbor Oaks Water Main Replacement Project (\$2,480,456.25; Bid No. ITB-4100)

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

Enactment No: R-11-064

DS-2 11-0133 Resolution to Modify Fees at the City Golf Courses Effective for the 2011 Golf Season and Increase the Senior Citizen Qualification Age

Sponsors: Rapundalo

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

Enactment No: R-11-065

DS-3 11-0226

Resolution to Approve Street Closing for South Utopia - Saturday, March 12, 2011

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-11-066

DS-4 11-0227

Resolution to Approve Street Closing for Fool Moon - Friday, April 1, 2011

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

Enactment No: R-11-067

DS-5 11-0228

Resolution to Approve the Closing of Monroe Street for the Monroe Street Fair, Saturday, April 2, 2011

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

Enactment No: R-11-068

DS-6 11-0175

Resolution Accepting Easement for Pedestrian Access from Glacier Hills, Inc. for the Glacier Hills Skilled Nursing Care Facility Addition (8 Votes Required)

A motion was made by Councilmember Derezinski, seconded by Councilmember Kunselman, that the Resolution be approved.

A motion was made by Councilmember Derezinski, seconded by Councilmember Kunselman, that the Resolution be postponed until 3/7/2011. On a voice vote, the Mayor declared the motion carried.

DS-7 11-0176

Resolution Accepting Easement for Public Utilities from Glacier Hills, Inc. and Partially Vacating Prior Easement for Public Utilities (8 Votes Required)

A motion was made by Councilmember Derezinski, seconded by Councilmember Kunselman, that the Resolution be approved.

A motion was made by Councilmember Derezinski, seconded by Councilmember Kunselman, that the Resolution be postponed until 3/7/2011. On a voice vote, the Mayor declared the motion carried.

DS-8 11-0126

Resolution to Approve the Purchase of Five Police Patrol Cars from Signature Ford (Macomb County Bid \$103,650.00)

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-11-069

E COMMUNICATIONS FROM THE MAYOR

E-1 11-0070 Appointments - February 22, 2011

Mayor Hieftje requested confirmation of the following nominations that were placed on the table at the January 18, 2011 Regular Session:

Elizabeth Dean Fund Committee

**John R. Bassett (Re-Appointment)
1100 Clague Ave.
Ann Arbor, MI 48103
Term: February 22, 2011-July 31, 2013**

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

COMMUNICATIONS FROM COUNCIL

None.

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

F-1 11-0115 Public Hearing on Housing and Human Services Needs for the 2011-2012 Washtenaw Urban County Annual Action Plan
Received and Filed

G COMMUNICATIONS FROM THE CITY ATTORNEY

G-1 11-0297 Resolution Regarding the Matter of City v. MMJ-East Stadium, LLC and Michigan Survey Specialists, Inc. d/b/a/ KEM-TEC Land Surveyors, Case No.: 10-540-CH
A motion was made by Councilmember Derezinski, seconded by Councilmember Teall, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-11-070

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 Teall, seconded by Councilmember Derezinski, that the following Consent Agenda items be Approved as presented. On a voice vote, the Mayor declared the motion carried.

- H-1 11-0254 Communication from Norman L. Zemke regarding notice of assignment of all funds due and to be come due on the Plymouth Road Water Main Replacement
- H-2 11-0271 Communication from Janis A. Bobrin regarding notice if hearings concerning various public corporations regarding stabilization projects

I The following minutes were received for file:

- I-1 11-0003 Historic District Commission (HDC) Special Meeting Minutes of November 30, 2010
- I-2 11-0020 Historic District Commission Minutes of August 12, 2010
- I-3 11-0021 Historic District Commission Meeting Minutes of November 10, 2010
- I-4 11-0040 Greenbelt Advisory Commission Meeting Minutes of November 10, 2010
- I-5 11-0168 Commission on Disability Issues Meeting Minutes - October 20, 2010, November 17, 2010
- I-6 11-0074 Airport Advisory Committee Minutes - November 17, 2010
- I-7 11-0195 Taxicab Board Meeting Minutes - January 27, 2011
- I-8 11-0211 Park Advisory Commission Minutes - November 16, 2010

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

None.

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 Smith, seconded by Councilmember Kunselman, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:48 p.m.

- 11-0298 City Council Emails - February 22, 2011

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: TUESDAY, FEBRUARY 22, 2011 AT 7:00 P.M.

**REPLAYS: WEDNESDAY, FEBRUARY 23, 2011 AT 10:00 A.M. AND
FRIDAY, FEBRUARY 25, 2011 AT 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.