

# City of Ann Arbor

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



## Action Minutes

Tuesday, January 18, 2011

7:00 PM

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

**CALL TO ORDER**

*Mayor Hieftje called the meeting to order at 7:07 p.m. in the Washtenaw County Administration Building, 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:** 10 - John Hieftje, Councilmember Stephen Rapundalo, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor and Councilmember Carsten Hohnke

**Absent:** 1 - Councilmember Margie Teall

**APPROVAL OF AGENDA**

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

**INT INTRODUCTIONS**

**INT-1 11-0069** NAP Volunteer of the Month Proclamation for William Price

*Mayor Hieftje presented a proclamation to William Price for the Natural Area Preservation (NAP) volunteer of the month. Mr. Price is a volunteer through the Natural Area Preservation Park Steward program and has worked to improve the Argo Nature Area by working to remove invasive plant species and helping to clear trails. A copy of the proclamation is on file in the City Clerk's Office.*

**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 - Protect Ann Arbor's most vulnerable residents.  
Develop land for affordable housing and senior citizens access (DC-1)**

*Thomas Partridge, 2120 Pauline, #307, addressed Council regarding protection of Ann Arbor's most vulnerable residents, providing access to services for seniors, and developing land for affordable housing.*

**2. Alan Haber - DDA (DC-1)**

*Alan Haber, 531 Third St., spoke in opposition to the plans to delegate authority for the redevelopment of downtown City-owned parcels to the DDA. He asked that Council give the voters an opportunity to voice their opinion regarding the disposition of City-owned property.*

**3. Dennis Hayes - Chapter 71 (C-1)**

*Dennis Hayes, 120 N. Fourth Ave, spoke in opposition to the proposed Medical Marijuana Ordinance as currently written. He said that the ordinance as written would compel patients and caregivers to disclosure and self-incrimination, violating their constitutional rights.*

**4. Chuck Ream - Medical Marijuana (C-1)**

*Chuck Ream, 1911 Packard St., expressed concern with the medical marijuana licensing ordinance requiring registration and public disclosure of the names of the owners and members of medical marijuana dispensaries.*

**5. Gersh Avery - Medical Marijuana (C-1)**

*Gersh Avery, 9205 Dexter-Chelsea Road, Dexter, said that any collection of names pertaining to medical marijuana cultivators or patients could be attractive to law enforcement and violate privacy rights. Mr. Avery also expressed concern about the compounds and other chemicals used in cultivation and suggested testing sites be created.*

**6. Renee Wolfe - Medical Marijuana (C-1)**

*Renee Wolfe, 6655 Jackson Road, thanked Council for considering the medical marijuana licensing ordinance. She stressed the importance of making medical marijuana available to patients like herself who need this treatment.*

**7. David Sponseller - Solving City Budget Items**

*David Sponseller, 2648 Antietam, addressed Council regarding the budget crisis and suggested that the funding of the Ann Arbor Transportation Authority (AATA) bus service was part of the City budget problem and was not necessary.*

**COMMUNICATIONS FROM COUNCIL***COUNCILMEMBER RAPUNDALO*

*Councilmember Rapundalo updated Council regarding ongoing negotiations with the City's collective bargaining units. The Police Deputy Chiefs Bargaining Unit, the Teamsters Civilian Supervisors Bargaining Unit, and the Teamsters Professional Assistants Unit reached agreements with the City on contracts in July 2010. Those agreements included acceptance of a new health care plan that includes higher contributions by the employees, an increase in employee pension contributions and a wage freeze for the life of the agreement. Non-union employees have also accepted similar concessions in the last few years.*

*The City and the Firefighters Union (IAFF) have been negotiating since February 2010 on a new agreement and have utilized the services of a State mediator on three occasions. The previous agreement expired in June 2010.*

*The City has now filed an Act 312 petition to begin the process of binding arbitration with the Ann Arbor Police Officers Association (AAPOA). The parties are in the process of choosing the arbitrator who will handle the Act 312 hearing. The previous agreement with AAPOA expired June 30, 2009. Councilmember Rapundalo noted that the last negotiation with the AAPOA ended with binding arbitration.*

*The City is continuing to negotiate with the Command Officers Association of Michigan (COAM) and has requested that a State mediator assist with those negotiations. Their previous agreement expired on June 30, 2009. The City is also negotiating with the Police Service Specialists; their agreement previously expired on June 30, 2009.*

*The AFSCME Collective bargaining agreement runs through June 30, 2011. The City has requested to begin bargaining with that group, but has not yet received a reply from AFSCME.*

*Councilmember Rapundalo concluded by stating that he would continue to update Council and the public through upcoming City Council meetings regarding the status of ongoing negotiations.*

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR***ANN ARBOR CONNECTOR FEASIBILITY STUDY*

*City Administrator Roger Fraser updated City Council on the status of the Ann Arbor Connector Feasibility Study. The study is a collaboration between the University and various other public and private entities to discuss various ways to better use alternative transportation techniques to connect people between the University, North Campus, downtown, and the Briarwood area. The feasibility study presentation will be held at the AATA's board meeting on January 20, 2011 at 6:30 p.m. in the Ann Arbor District Library.*

*AATA MEETINGS*

*AATA is still seeking public comment and input on bus transit plans throughout Washtenaw County. A series of public meetings has been scheduled to discuss bus transportation. The first meeting is scheduled for February 1, 2011 at the Ann Arbor District Library from 6:00 - 8:00 p.m.*

*15TH DISTRICT COURT*

*The 15th District Court and Police operations will be open for business in the new Judicial Center starting January 1, 2011. The new address is 301 E. Huron.*

*CITY CLERK'S OFFICE*

*The Clerk's Office has temporarily relocated from the Larcom City Hall Building to the Customer Service Center until March 1, 2011.*

*PODCASTS FROM CTN*

*CTN now offers podcasts of City meetings online. Log onto [www.a2gov.org/ctn](http://www.a2gov.org/ctn) for copies.*

*LARCOM BUILDING UPDATES*

*Mr. Fraser announced that the police locker rooms in the Larcom basement are almost finished. The work is expected to be complete by the end of January 2011. Work continues on the 1st, 2nd and 6th Floor of the building as well.*

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

**PH-1 10-1323**

An Ordinance to Amend the Code of the City of Ann Arbor by Repeal of Chapter 18, Employees Retirement System, Title I, of the Code and Adding a New Chapter 18, Employees Retirement System, Title I of Said Code (Ordinance No. ORD-11-01)

*A public hearing was conducted on the proposed ordinance to repeal Chapter 18, Employees Retirement System of Title I of the Code of and adding a new Chapter 18, Employees Retirement System, Title I of said Code (Ordinance No. 11-01). Notice of public hearing was published January 16, 2011.*

*Thomas Partridge, 2120 Pauline Apt. 307, spoke in opposition to the proposed changes to the Employees Retirement System ordinance.*

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

**Held and Closed**

**PH-2 10-0946**

Resolution to Approve Lake Trust Credit Union Site Plan, 2180 West Stadium Boulevard (CPC Recommendation: Approval - 6 Yeas and 2 Nays)

*A public hearing was conducted on the proposed Resolution to Approve Lake Trust Credit Union Site Plan, 2180 West Stadium Boulevard. Notice of public hearing was published January 6, 2011.*

*Thomas Partridge, 2120 Pauline, Apt. 307, spoke in opposition to the proposed resolution.*

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

**Held and Closed**

**PH-3 10-1271**

Resolution to Approve the Betke Annexation, 1.1 Acres, 2562 Newport Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

*A public hearing was conducted on the proposed Resolution to Approve the Betke Annexation, 1.1 Acres, 2562 Newport Road. Notice of public hearing was published January 16, 2011.*

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

**Held and Closed**

**COMMUNICATIONS FROM COUNCIL**

*None.*

**A APPROVAL OF COUNCIL MINUTES****A-1 11-0036**

Regular Session Meeting Minutes of January 3, 2011

**A motion was made by Councilmember Derezinski, seconded by Councilmember Smith, that the minutes of the Regular Session of January 3, 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 Taylor, seconded by Councilmember Briere, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.**

- CA-1 10-1243** Resolution to Approve a Payment in Lieu of Taxes (PILOT) for 1500 Pauline  
Enactment No: R-11-009
- CA-2 10-1246** Resolution to Approve a Purchase Order to Environmental Systems Research Institute (ESRI) for the Annual Geographic Information System Software Maintenance and License Agreement (\$58,500.00)  
Enactment No: R-11-010
- CA-3 10-1327** Resolution to Accept Board of Insurance Administration Meeting Minutes of December 16, 2010  
Enactment No: R-11-011
- CA-4 10-1311** Resolution to Approve a Purchase Order to Floyd's Rigging & Machinery in the amount of (\$41,199.00)  
Enactment No: R-11-012

**B ORDINANCES - SECOND READING****Passed on consent agenda**

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

- B-1 10-1323** An Ordinance to Amend the Code of the City of Ann Arbor by Repeal of Chapter 18, Employees Retirement System, Title I, of the Code and Adding a New Chapter 18, Employees Retirement System, Title I of Said Code (Ordinance No. ORD-11-01)
- DS-1 11-0007** Resolution Authorizing Summary Publication of Ordinance No. ORD-11-01 Repealing Chapter 18, Employees Retirement System, Title I Of The Code of the City of Ann Arbor, and Adding a New Chapter 18, Employees Retirement System, of Title I of said Code  
Enactment No: R-11-013

**C ORDINANCES - FIRST READING****C 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 Kunselman, that the ordinance be approved at First Reading.**

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

**Section 6:417.(2)(d) ...Name, street address, and other contact information of all owners of the dispensary or cultivation facility WHO ARE NOT ALSO PATIENTS OR CAREGIVERS UNDER THE MICHIGAN MEDICAL MARIJUANA LAW and if the owner is a corporation, limited liability company, partnership, or sole proprietor with an assumed name, of all directors, officers, members, partners, and individuals, all of whom are considered collectively to be the applicant for the license.**

**(e) Name and address of all business managers WHO ARE NOT ALSO PATIENTS OR CAREGIVERS UNDER THE MICHIGAN MEDICAL MARIJUANA LAW.**

**Note: All Caps indicate new language. Brackets [ ] indicate deleted language.**

**Councilmember Smith offered the following friendly amendment:**

**...Name, street, address and other contact information of [all owners of the dispensary or cultivation facility who are not also patients or caregivers under the Michigan Medical Marijuana Law and,] a designated individual or if owner is a corporation, limited liability company, partnership, or sole proprietor with an assumed name...**

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

**Yeas:** 2 - Councilmember Briere and Councilmember Smith

**Nays:** 8 - Hieftje, Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

**Absent:** 1 - Councilmember Teall

## **SUSPEND THE RULES**

**A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the Council Rules be suspended to allow additional speaking time on this ordinance. On a voice vote, the Mayor declared the motion carried.**

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 Higgins, seconded by Councilmember Rapundalo, that the Ordinance be postponed until February 7, 2011. On a voice vote, the Mayor declared the motion carried.**



**D MOTIONS AND RESOLUTIONS****Medical Marijuana Moratorium extended to March 31, 2011**

A motion was made by Councilmember Higgins, seconded by Councilmember Derezinski, that the Medical Marijuana moratorium be extended to March 31, 2011. On a voice vote, the Mayor declared the motion carried.

**Postpone Second Reading of Zoning Ordinance**

A motion was made by Councilmember Rapundalo, seconded by Councilmember Higgins, that the second reading of the Medical Marijuana Zoning Ordinance be postponed until February 22, 2011. On a voice vote, the Mayor declared the motion carried.

**DC New Business - Council:**

**DC-1 11-0043** Resolution Authorizing that the Ann Arbor DDA Develop an Implementation Plan to Redevelop Downtown City-Owned Parcels

Sponsors: Taylor, Teall and Hohnke

**Councilmember Taylor moved, seconded by Councilmember Hohnke, that the resolution be approved.**

**A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, that the Resolution be postponed until March 7, 2011. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 6 - Hieftje, Councilmember Anglin, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

**Nays:** 4 - Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins and Councilmember Briere

**Absent:** 1 - Councilmember Teall

**RECESS**

*Mayor Hieftje recessed the meeting at 9:42 p.m. and reconvened the meeting at 9:56 p.m.*

**DC-2 11-0066** Resolution to Re-Appoint David Stead to the City Environmental Commission

Sponsors: Hohnke and Teall

*Councilmember Hohnke announced that there is still a vacancy on the Environmental Commission and encouraged members of the public to apply by filling out an application with either the Mayor or the City Clerk's Office.*

**A motion was made by Councilmember Hohnke, seconded by Councilmember Derezinski, that the Resolution be approved in a one-step appointment process. On a voice vote, the Mayor declared the motion carried unanimously with ten members present, thus satisfying the eight-vote requirement.**

Enactment No: R-11-014

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

**11-0043** Resolution Authorizing that the Ann Arbor DDA Develop an Implementation Plan to Redevelop Downtown City-Owned Parcels

**Sponsors:** Taylor, Teall and Hohnke

**A motion was made by Councilmember Anglin, seconded by Councilmember Rapundalo, that the Resolution be reconsidered. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:**

**Yeas:** 5 - Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin and Councilmember Briere

**Nays:** 5 - Hieftje, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

**Absent:** 1 - Councilmember Teall

**DB-1 10-0946** Resolution to Approve Lake Trust Credit Union Site Plan, 2180 West Stadium Boulevard (CPC Recommendation: Approval - 6 Yeas and 2 Nays)

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

Enactment No: R-11-015

**DB-2 10-1271** Resolution to Approve the Betke Annexation, 1.1 Acres, 2562 Newport Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

**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-11-016

**DB-3 10-1334** Resolution to Approve Purchase Agreement for the Purchase of Development Rights on the Lee A. Maulbetsch Trust and Lori M. Maulbetsch Trust Property in Northfield Township and Appropriate Funds in the Amount of \$804,392.00 (8 Votes Required)

**A motion was made by Councilmember Hohnke, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously with ten members present, thus satisfying the eight-vote requirement.**

Enactment No: R-11-017

**DB-4 10-1335** Resolution to Approve Purchase Agreement for the Purchase of Development Rights on the Nancy M. Geiger Revocable Living Trust and Rose Ann Geiger Contingent Trust Property in Salem Township and Appropriate Funds in the Amount of \$1,339,442.00 (8 Votes Required)

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

Enactment No: R-11-018

**DS New Business - Staff:**

**DS-2 10-1292** Resolution to Approve Industrial Facilities Exemption Certificate between the City of Ann Arbor and Edwards Brothers Inc.

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried with one no-vote by smith.**

Enactment No: R-11-019

**DS-3 10-1242** Resolution to Appropriate Funding from the Sewage Disposal System Fund Balance to Contract with Avalon Housing, Inc. for Sanitary Sewer Expenses for Near North Apartments (\$153,611.00 Sewage Disposal System) (8 Votes Required)

**A motion was made by Councilmember Smith, seconded by Councilmember Briere, 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-11-020

**DS-4 10-1245** Resolution to Allocate 8 Footing Drain Disconnect Credits from the University of Michigan to the Near North Apartments Affordable Housing Project

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

Enactment No: R-11-021

**DS-5 11-0005** Resolution to Approve Street Closings for the Shamrocks and Shenanigans 5K Run/Walk - Sunday, March 13, 2011

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

Enactment No: R-11-022

**DS-6 10-1342** Resolution Accepting Easement for Road Right-of-Way from Stadium Linoleum and Tile Company (8 Votes Required)

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

Enactment No: R-11-023

**DS-7 11-0026** Resolution Setting Hearing Date for The Ann Arbor YMCA Project (Deleted from agenda on 1/13/11)

**Deleted from Agenda**

**DS-8 11-0008** Resolution to Accept Grant and Appropriate Funds from the Home Depot Foundation (\$95,000.00) (8 Votes Required)

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

Enactment No: R-11-024

**E COMMUNICATIONS FROM THE MAYOR**

**E-1 11-0070** Nominations & Appointments 1/18/11

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Taylor, that Council concur with the recommendations of the Mayor and approve the appointment to the Public Market Commission as a one-step process. On a voice vote, the Mayor declared the motion carried unanimously with ten members present, thus satisfying the eight-vote requirement.**

**COMMUNICATIONS FROM COUNCIL**

*COUNCILMEMBER KUNSELMAN*

*Councilmember Kunselman stated he was contacted by a constituent regarding an abandoned house at 3680 Platt. He asked City staff to look into this and other blight issues.*

**F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

**F-1 11-0068** 1/18/11 Communication from the Downtown Design Guidelines Task Force

**Received and Filed**

**G COMMUNICATIONS FROM THE CITY ATTORNEY**

**G-1 11-0033** Annexation of Gacek Property, 0.63 acres, located at 3011 Geddes Avenue

**Received and Filed**

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

- H-1    11-0044        Communication from Comcast regarding changes to the standard cable package effective February 1, 2011 - CTN
- H-2    11-0045        Communication from the Washtenaw County Drainage Board regarding notice if public hearings scheduled for January 20, 2011 at the Western County Service Center, 705 North Zeeb Rd.
- H-3    11-0048        Communication from Sandy Strehlou regarding Design Guidelines

**I        The following minutes were received for file:**

- I-1    10-1329        Ann Arbor Board of Review Meeting - December 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 Kunselman, seconded by Councilmember Derezinski, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:47 p.m.**

- 11-0201        City Council Emails - January 18, 2011

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

**LIVE: TUESDAY, JANUARY 18, 2010, 7:00 P.M.  
REPLAYS: WEDNESDAY, JANUARY 19, 2010, 10:00 A.M. AND FRIDAY  
JANUARY, 21, 2010 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.