

# City of Ann Arbor

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



## Action Minutes

Tuesday, April 19, 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 7:11 p.m. in the Guy C. Larcom Jr., Municipal Building, 2nd Floor Council Chambers, 301 E. Huron 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:** 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 Anglin, seconded by Councilmember Derezinski, that the Agenda be approved with the following changes:**

**Add: Closed Session to review applications for interim city administrator position (To follow Communications from City Administrator.)**

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

**INT INTRODUCTIONS**

**INT-1 11-0393** City Administrator's FY2012 Budget Presentation

*City Administrator Roger Fraser presented the Administrator's FY 2012 Budget proposal and the FY 2013 Financial Plan to Council. He stated that City staff and Council first started discussions regarding the budget back in December 2010. A second Council workshop on the budget took place in January 2011 where Council provided some guidance and direction to staff on budget priorities and directives. A copy of the presentation is on file in the City Clerk's Office.*

**Received and Filed**

**INT-2 11-0456** Introduction of Andy LaBarre, V.P. for Public Policy, Ann Arbor/Ypsilanti Chamber of Commerce

*Andy LaBarre, Vice Present for Public Policy, Ann Arbor/Ypsilanti Chamber of Commerce, was introduced as the new vice president for the Chamber. He offered himself to Council as a resource who is available to them.*

**Received and Filed**

**INT-3 11-0479** John Dentler- Volunteer of the Month April 2011

*Mayor Hieftje read a proclamation honoring John Dentler as Volunteer of the Month for his dedication to volunteerism in the City of Ann Arbor and with the Ann Arbor Police Department. A copy of the proclamation is on file in the City Clerk's Office.*

**Received and Filed**

**INT-4 11-0478** Parkinson's Disease Awareness Month 2011

*Mayor Hieftje read a proclamation proclaiming April as Parkinson's Disease Awareness Month. Parkinson's Disease is the second most common progressive neurodegenerative disease in the United States, second only to Alzheimer's. The Mayor encouraged all citizens to recognize the need for more research to combat the devastating effects of Parkinson's Disease. A copy of the proclamation is on file in the City Clerk's Office.*

**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 - (DS-7, DS-8, H-2)**

*Thomas Partridge, Ann Arbor resident, asked Council what would Christ say? Find affordable housing, education and transportation or tax Michigan's most vulnerable residents? Recall Governor Snyder.*

**COMMUNICATIONS FROM COUNCIL***COUNCILMEMBER SMITH*

*Councilmember Smith thanked Peter Allen for organizing a North Main Street clean-up on April 10, 2011. Debris was picked up in the area starting on Main at Summit Street up to M-14. Area neighborhoods and students from Skyline High helped with the effort.*

*COUNCILMEMBER ANGLIN*

*Councilmember Anglin said that the Washtenaw County/City of Ann Arbor Community Corrections Board would be submitting a copy of their bylaws for Council's approval within the next month.*

*COUNCILMEMBER HIGGINS*

*Councilmember Higgins announced that the City Brownfield Committee met last week and they went through a review of the Packard Square Project. The committee plans to meet with the developers on April 25, 2011 for a final once-over and the committee would be bringing a recommendation to Council on May 16th.*

*Councilmember Higgins also reported that the City Administrator Search Committee has met several times over the past few weeks and would be presenting their recommendations tonight for an interim City Administrator, as well as recommendations for a new administrator search process.*

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR***ENTRANCE TO CITY HALL CHANGED*

*City Administrator Roger Fraser announced that the entrance to City Hall has been moved to the south side of the Larcom building because of construction work on the first floor. The stairwell from the first floor would not be accessible during the first floor construction work. The south elevators are the primary way to access floors in City Hall. Emergency egress out of the building is on the second floor only.*

*ANN ARBOR PUBLIC MEETINGS NOW STREAMED LIVE ON THE WEB*

*Mr. Fraser announced that CTN is now streaming public meetings live via the internet in addition to the live broadcast on CTN Channel 16. Any public meeting that can be viewed on CTN Channel 16 can now be watched live by logging onto to <https://a2gov.ctn>.*

*EARTH DAY*

*Earth Day is Friday, April 22, 2011. There are several earth-friendly events that available for community participation. Mr. Fraser announced that the community's Earth Day Festival will be held, Sunday, May 1, 2011 at Washtenaw Community College from 12-4 p.m. The event will include clean energy demonstrations and dozens of hands-on environmental activities for children. The Leslie Science and Nature Center raptors will be at the festival and a concert by Joe Riley is expected to start at 2 p.m. on the same day. Log onto [www.a2earthday.org](http://www.a2earthday.org) for more details.*

*COMMUTER CHALLENGE*

*The Commuter Challenge will take place during the month of May. The City, in cooperation with the DDA and AATA, sponsors the GetDowntown Program. In addition to supporting the GetDowntown Program, the City, as a downtown employer along with its employees, actively participates in the Commuter Challenge. With the rising price of gasoline increasing the cost of driving, this year's challenge is especially a time for all members of the community to explore alternative means of getting to work. For more information on the GetDowntown Program or the Commuter Challenge, log onto [www.getdowntown.org](http://www.getdowntown.org).*

*NATIONAL TRAIN DAY*

*April 27, 2011 is National Train Day. The Michigan Association of Railroad Passengers will observe the day at the Ann Arbor Amtrak Station from 7-9 a.m. with doughnuts and coffee. They will celebrate with passengers leaving on the westbound train that is scheduled to depart at 7:40 a.m.*

*RECYCLE BANK*

*Citizens are encouraged to join Ann Arbor's partnership with Recycle Bank and get free reward points to use at local and national stores, as well as for services, by taking the Green Your Home Challenge. Residents can learn green home tips and*

earn rewards points through this free program. Details can be found at [www.recyclebank.com](http://www.recyclebank.com).

Members of the community can learn ways to save money and conserve resources on many of the city's webpages, including [a2gov.org/green](http://a2gov.org/green), [a2gov.org/stormwater](http://a2gov.org/stormwater), [a2gov.org/energy](http://a2gov.org/energy) and [a2gov.org/recycle](http://a2gov.org/recycle).

#### FREE COMPOST

Each Saturday through May 28, 2011, from 8-12 noon, city residents can receive up to six bushels of free compost at the City's compost facility, located at 4150 Platt Road, compliments of the city's compost center operator, We Care Organics. Residents will need to first stop at Materials Recovery Facility (MRF) scale house with their water bill to verify that they are city residents and they will receive a coupon for the free material. Be sure to bring your own shovel and containers or trucks for the materials. Log onto [a2gov.org/compost](http://a2gov.org/compost) for more details.

#### DISPOSAL OF PRESCRIPTION DRUGS

Residents can stop by the Ann Arbor Justice Center, 301 E. Huron St., 2nd floor on Saturday, April 30, 2011 from 10 a.m.-2 p.m. to drop off unused medical prescriptions. The City of Ann Arbor Police Services is participating with the U.S. Drug Enforcement Administration on National Take Back Day to help rid homes of potentially dangerous expired, unused and unwanted medications and prescription drugs. This service is free and anonymous. For those who cannot utilize this opportunity, Washtenaw County has a website with other alternatives for the disposal of medications. Log onto [www.dontflushdrugs.com](http://www.dontflushdrugs.com) for more information.

#### MAYOR HIEFTJE

Mayor Hieftje said that Ann Arbor has the most riders on Amtrak trains. Figures show that Amtrak ridership has been increasing over time. The first six months of their fiscal year has shown considerable increase of 26% in Michigan, with the biggest percentage coming from the Blue Water run, which runs from Port Huron to Chicago.

Mayor Hieftje stated that the open house that took place on April 16, showcasing the new Justice Center was a nice event. The Washtenaw County Juvenile Court system will move into the Washtenaw County Courthouse Building on May 23, 2011.

#### CLOSED SESSION

**A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that Council enter into Closed Session under the Michigan Open Meetings Act to review and consider the contents of an employment application under 15.268 (f). On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed at 7:54 p.m.**

**Yeas:** 11 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

**Nays:** 0

**MEETING RECONVENED**

A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 8:01 p.m.

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

**PH-1 11-0267** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.63 Acre from TWP (Township District) to R1B (Single Family Dwelling District), Gacek Property, 3011 Geddes Ave (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-11-05)

*A public hearing was conducted on the proposed amendment to Chapter 55, Rezoning of 0.63 Acre from TWP (Township District) to R1B (Single Family Dwelling District), Gacek Property, located at 3011 Geddes Ave. Notice of public hearing was published March 31, 2011.*

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

**Held and Closed**

**PH-2 11-0413** An Ordinance to Amend Section 9:70 of Chapter 108, Disorderly Conduct, of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-11-06)

**Sponsors:** Briere

*A public hearing was conducted on the proposed amendment to Chapter 108, Section 9:70, Disorderly Conduct. Notice of public hearing was published April 14, 2011.*

*Thomas Partridge, Ann Arbor resident, expressed concern with the proposed ordinance.*

*Bob Descola, downtown business owner, spoke in support of the proposed ordinance and urged Council to pass the ordinance.*

*Ray Detter, representing the Downtown Citizens Advisory Council, spoke in support of the proposed ordinance.*

*Peter Luden, State Street Area Association member, spoke in support of the proposed ordinance.*

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

**Held and Closed**

**PH-3 11-0333**

Resolution to Approve 215 North Fifth Avenue Site Plan, 215 North Fifth Avenue (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

*A public hearing was conducted on the proposed Resolution to Approve 215 North Fifth Avenue Site Plan, located at 215 North Fifth Avenue. Notice of public hearing was published April 7, 2011.*

*Dick Mitchell, designer of the house, stated that the project meets all of the requirements of the zoning district. He was available to answer any questions of Council.*

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

**Held and Closed**

**PH-4 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)

*A public hearing was conducted on the proposed 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. Notice of public hearing was published October 28, 2010 and the hearing was continued from November 15, 2010.*

*Thomas Partridge, Ann Arbor resident, expressed concern with the proposed ordinance.*

*Tim Beck, Detroit Coalition of Compassionate Care, expressed concern with the caregiver portion of the ordinance.*

*Gersh Avery, Dexter resident, addressed Council regarding the medical use of marijuana. He urged Council not to persecute patients.*

*Rhory Gould, Arborside Health and Wellness, stated he disagrees with the number of dispensaries proposed in the ordinance, stating that 20 dispensaries was not enough to serve Ann Arbor.*

*Chuck Ream urged Council to follow the will of the voters from 2004.*

*Daniel Salano said that voters have voted strongly on this twice and asked Council to reconsider the proposed changes to the ordinance.*

*Trina Moss asked that the city attorney step aside if he had something personal against marijuana patients.*

*Todd McNeal spoke in support of the proposed medical marijuana ordinance and urged Council to visit local dispensaries to gain a better understanding of the system.*

*Dennis Hayes, Ann Arbor resident, expressed concern with the proposed ordinance.*

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

**Held and Closed**



**PH-5 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)

*A public hearing was conducted on the proposed 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. Notice of public hearing was published April 14, 2011.*

*Thomas Partridge, City resident, asked that the proposed ordinance be tabled to allow for further review.*

*Gersh Avery, Dexter resident, expressed concern with requirement for a caregiver registry. He stated that prescription drugs are more dangerous than marijuana.*

*Tim Beck stated he helped write the state law. He urged Council not to enforce federal law.*

*Bob Wood asked that the City pass the ordinance to protect patients and not to punish.*

*A member of the audience said she was a patient with MS, and a caregiver. She asked that Council give consideration to patient privacy.*

*Chuck Ream said that the dispensary language is too extreme.*

*Robin Snyder, a patient and caregiver from Lansing, expressed the importance of privacy for patients and caregivers. The law was written to give an extreme amount of privacy for patients and caregivers. She expressed concern with the lists of patients and caregivers being required by the ordinance.*

*Matthew Able, attorney, said that caregivers should be able to grow for anyone who has a patient card.*

*An Ann Arbor resident expressed concern with requiring lists of patients and caregivers in the proposed ordinance.*

*A member of the audience said that a registry of names causes fear in people.*

*Helen McLeod expressed concern with the definition of a cultivation facility.*

*Charmie Gholson, Ann Arbor resident, expressed concerns about patient privacy.*

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

**Held and Closed**

**COMMUNICATIONS FROM COUNCIL****COUNCILMEMBER BRIERE**

*Councilmember Briere noted that it was the second night of Passover on April 19 and also the anniversary of the battle of Lexington and Concord.*

**COUNCILMEMBER ANGLIN**

*Councilmember Anglin noted that four members of Council attended the Ann Arbor Democratic Club meeting where the Library Lot was a topic of discussion.*

**A APPROVAL OF COUNCIL MINUTES**

- A-1 11-0461** Working Session of February 14 and February 28, 2011 and Regular Session Minutes of April 4, 2011
- A motion was made by Councilmember Derezinski, seconded by Councilmember Higgins, that the Minutes be Approved as presented. On a voice vote, the Mayor declared the motion carried.**

**OPEN AGENDA**

**A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Agenda be reopened to add DC-3 and DC-4. On a voice vote, the Mayor declared the motion carried.**

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

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

- CA-1 10-1332** Resolution to Apply the 2011 Fixed Sanitary Sewer Improvement Charge to two City Properties for New Connections to the Newport Road Sanitary Sewer  
Enactment No: R-11-131
- CA-2 11-0311** Resolution to Approve Contract Amendment Extension with Michigan Department of Natural Resources and Environment for Climate Action Planning Grant (\$50,000.00)  
Enactment No: R-11-132
- CA-3 11-0327** Resolution Rescinding Resolution R-11-028 and Authorizing Water Improvement Charge for 2999 Overridge Drive (\$14,129.00)  
Enactment No: R-11-133
- CA-4 11-0387** Resolution Authorizing Sanitary Sewer and Water Improvement Charges for 1647 Franklin (\$24,422.00)  
Enactment No: R-11-134
- CA-5 11-0361** Resolution to Approve a Professional Services Agreement for Construction Materials Testing with CTI and Associates, Inc. for the 2011 Street Resurfacing Project (RFP No. 787, \$85,721.00)  
Enactment No: R-11-135
- CA-6 11-0362** Resolution to Approve a Purchase Order to CRW Systems, Inc. for Renewal of Maintenance and Support for TRAKiT Software (\$27,000.00)  
Enactment No: R-11-136

- CA-7 11-0386** Resolution to Approve the Renewal of Agreement for the Provision of Law Enforcement Services to the Ann Arbor Public Schools by the City of Ann Arbor, Ann Arbor Police Department  
Enactment No: R-11-137
- CA-8 11-0401** Resolution to Accept Board of Insurance Administration Meeting Minutes of March 24, 2011  
Enactment No: R-11-138
- CA-9 11-0395** Resolution to Authorize the City Election Commission to Establish Receiving Boards and Appoint Election Inspectors to Serve on One or More Receiving Boards for the 2011 City Elections  
Enactment No: R-11-139
- CA-10 11-0437** Resolution Recognizing The Kite Network as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License  
Enactment No: R-11-140

**B ORDINANCES - SECOND READING**

- B-1 11-0267** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.63 Acre from TWP (Township District) to R1B (Single Family Dwelling District), Gacek Property, 3011 Geddes Ave (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-11-05)  
**A motion was made by Councilmember Derezinski, seconded by Councilmember Smith, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**
- B-2 11-0413** An Ordinance to Amend Section 9:70 of Chapter 108, Disorderly Conduct, of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-11-06)  
**Sponsors:** Briere  
**A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**
- B-3 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)  
**A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the ordinance be approved at second reading.**  
Enactment No: ORD-10-37  
**A motion was made by Councilmember Smith, seconded by Councilmember Higgins, that the Ordinance be Postponed until 5/2/2011. On a voice vote, the Mayor declared the motion carried.**

**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)

**A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the ordinance be adopted at Second Reading.**

Enactment No: ORD-11-04

**A motion was made by Councilmember Smith, seconded by Councilmember Higgins, that the Ordinance be Postponed until 5/2/2011. On a voice vote, the Mayor declared the motion carried.**

## RECESS

*Mayor Hieftje declared a recess at 9:40 p.m. and reconvened the meeting at 9:55 p.m.*

## C ORDINANCES - FIRST READING

None.

## D MOTIONS AND RESOLUTIONS

### DC New Business - Council:

**DC-1 11-0467** Resolution of Instruction to the Mutually Beneficial Committee

**Sponsors:** Taylor, Hohnke and Teall

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

Enactment No: R-11-141

11-0467 Resolution of Instruction to the Mutually Beneficial Committee

**Sponsors:** Taylor, Hohnke and Teall

*Councilmember Briere moved, seconded by Councilmember Teall, to suspend the Council Rules in order to go into closed session after 11:00 p.m. On a voice vote, the Mayor declared the motion carried.*

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

**9th Whereas Clause:**

**Whereas, The DDA's Mutually Beneficial Committee has proposed that the DDA transfer [16]18% of the DDA's gross parking revenue to the City during the full term of the New Agreement ("DDA's Proposal");**

**RESOLVED Clause:**

**RESOLVED, That the City Council instructs the City's Mutually Beneficial Committee to continue negotiations with the DDA's Mutually Beneficial Committee toward the completion of the New Agreement on the basis of [(the DDA's Proposal)] (the City's Proposal.)**

**Note: [ ] indicates deleted language.**

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

**Yeas:** 8 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Briere, Councilmember Derezinski and Councilmember Hohnke

**Nays:** 3 - Councilmember Teall, Councilmember Smith and Councilmember Taylor

**The question being the resolution as amended, on roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 9 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Derezinski and Councilmember Hohnke

**Nays:** 2 - Councilmember Smith and Councilmember Taylor

Enactment No: R-11-141

DC-2 11-0473 Resolution to Set Revised Energy Challenge Goals for Ann Arbor

**Sponsors:** Hieftje

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

Enactment No: R-11-142

**DC-3 11-0487** Resolution to Accept City Administrator Search Committee Recommendations

**Sponsors:** Higgins, Hieftje, Derezinski, Briere and Taylor

*Councilmember Smith left at 11:39 p.m.*

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

Enactment No: R-11-143

**Present:** 10 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Tony Derezinski, Councilmember Christopher Taylor and Councilmember Carsten Hohnke

**Absent:** 1 - Councilmember Sandi Smith

**DC-4 11-0488** Resolution to Appoint the Interim City Administrator

**Sponsors:** Higgins

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

Enactment No: R-11-144

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

**DB-1 11-0333** Resolution to Approve 215 North Fifth Avenue Site Plan, 215 North Fifth Avenue (CPC Recommendation: Approval - 9 Yeas and 0 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-11-145

**DS New Business - Staff:**

**DS-1 11-0360** Resolution to Award a Construction Contract to Barrett Paving Materials, Inc. (Bid No. 4139, \$3,710,952.75) for the 2011 Street Resurfacing Project

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

Enactment No: R-11-146

**DS-2 11-0358** Resolution to Award a Construction Contract to Eagle Excavation, Inc. for the S. Fifth Avenue and Vaughn Street Water Main Replacement Project (\$ 448,131.00; Bid No. ITB-4125)

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

Enactment No: R-11-147

**DS-3 11-0359** Resolution to Award a Construction Contract to Eagle Excavation, Inc. for the Catherine Street Water Main Replacement Project (\$ 371,643.00; Bid No. ITB-4130A)

**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-11-148

**DS-4 11-0356** Resolution to Approve the Purchase of Two Police Patrol Vehicles from Shaheen Chevrolet (State of Michigan \$54,625.00)

*Councilmember Hohnke was absent for this vote.*

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

Enactment No: R-11-149

**DS-5 11-0329** Resolution to Approve a Purchase Order to The Ultimate Software Group Inc. for UltiPro Human Resource and Payroll Subscription Services (\$167,976.00)

**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-11-150

**DS-6 11-0349** Resolution to Approve a Professional Services Agreement with Brian Karcher, Independent Contractor for OnBase Development (Not to Exceed \$125,000.00)

**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.**

Enactment No: R-11-151

**DS-7 11-0370** Resolution to Approve Near North PUD Revised Building Elevations (626-724 North Main Street)

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

Enactment No: R-11-152

- DS-8 11-0406** Resolution to Adopt a Policy Regarding Foreclosures on Affordable Housing Covenant Units
- 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-11-153

**Passed on consent agenda**

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

- DS-9 11-0390** Resolution to Approve Street Closings for the 2011 Ann Arbor Jaycees Fourth of July Parade
- Enactment No: R-11-154
- DS-10 11-0404** Resolution to Approve Street Closings for the Tour de Kids Competitive Bike Race - Sunday, June 19, 2011
- Enactment No: R-11-155
- DS-11 11-0411** Resolution to Approve Street Closings for the Big House/Big Heart Running Event - Sunday, October 9, 2011
- Enactment No: R-11-156
- DS-12 11-0428** Resolution to Approve Additional Street Closings for the 2011 Rolling Sculpture Car Show - Friday, July 8, 2011
- Enactment No: R-11-157
- DS-13 11-0429** Resolution to Close Street for the Townie Street Party - Monday, July 18, 2011
- Enactment No: R-11-158

**E COMMUNICATIONS FROM THE MAYOR**



E-1 11-0421 4/4/11 Appointments and Nominations

*APPOINTMENTS APPROVED*

*Mayor Hieftje recommended the following appointments at the April 4, 2011 regular session of Council:*

*Energy Commission*

*Dina Kurz (Re-Appointment)*

*2731 Princeton Ct.*

*Ann Arbor, MI 48103*

*Term: April 18, 2011-April 18, 2014*

*Housing Commission*

*Ron Woods (Re-Appointment)*

*2034 Liberty Heights*

*Ann Arbor, MI 48103*

*Term: April 18, 2011-April 18, 2016*

*Public Market Advisory Commission*

*David Santacroce (Filling Vacancy)*

*601 N. Fifth Ave.*

*Ann Arbor, MI 48104*

*Term: April 18, 2011-April 18, 2014*

*Aimee Germain (Filling Vacancy)*

*320 Depot Apt. B*

*Ann Arbor, MI 48104*

*Term: April 18, 2011-April 18, 2014*

*Zoning Board of Appeals*

*Perry Zielak (Filling vacancy left by Kathryn Loomis)*

*1845 Lake Lila Dr. Apt. 4*

*Ann Arbor, MI 48105*

*Term: April 18, 2011-June 1, 2012*

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

E-2 11-0481 Appointments - Confirmations

*Mayor Hieftje placed the following nominations on the table for approval at a later date:*

*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*

**Referred to the City Council due back on 5/2/2011.**

#### **COMMUNICATIONS FROM COUNCIL**

*None.*

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

*None.*

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

H-1 11-0436 Communication from Dr. Dolsen expressing concern with the proposed Resolution to Establish a Joint Corridor Improvement Authority for portions of Washtenaw Avenue

**H-2 11-0441** Communication from Sandra Sorini Elser regarding notice of Intent to Establish Condominium Project located at 703-705 N. Fifth Condominiums - Planning and Development Services

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

**I-1 11-0296** Energy Commission Minutes - February 8, 2011

**I-2 11-0306** Historic District Commission Meeting Minutes of the January 13, 2011

**I-3 11-0400** Ann Arbor-Ypsilanti Smart Zone LDFA Board Meeting Minutes - October 26, 2010

**I-4 11-0438** Council Search Committee Minutes - March 30, 2011

Sponsors: Higgins

**I-5 11-0440** Council Administration and Labor Committee Meeting Minutes of March 21, 2011

**I-6 11-0433** Ann Arbor Public Art Commission 2012 Annual Planning Meeting Minutes - March 31, 2011

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

*None.*

**CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, INCLUDING BUT NOT LIMITED TO, PENDING LITIGATION, AND LAND ACQUISITION SET FORTH OR INCORPORATED IN MCLA 15.268 (C), (E), AND (H).**

**A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, that Council enter into Closed Session. On a roll call, the vote was as follows with the Mayor declaring the motion carried (The meeting recessed at 11:15 p.m.):**

**Yeas:** 10 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

**Nays:** 0

**Absent:** 1 - Councilmember Smith

**MEETING RECONVENED**

**A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 12:02 a.m.**

- 11-0492** Resolution Directing the City Attorney in the matter of Elinor Rosenberg v. City of Ann Arbor, Washtenaw County Circuit Court Case No. GCW 10-641 NO.
- A motion was made by Councilmember Derezinski, seconded by Councilmember Rapundalo, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-11-159

#### **ADJOURNMENT**

**A motion was made by Councilmember Teall, seconded by Councilmember Derezinski, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:03 p.m.**

- 11-0509** City Council Emails - April 19, 2011

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

**LIVE: TUESDAY, APRIL 19, 2011, 7:00 P.M.**

**REPLAYS: WEDNESDAY, APRIL 20, 2011, 10:00 A.M. AND FRIDAY, APRIL 22, 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.**

**Jacqueline Beaudry**  
**Clerk of the Council**

**Anissa R. Bowden**  
**Recording Secretary**