

City of Ann Arbor

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



Action Minutes

Monday, June 6, 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 7:07 p.m. in the Guy C. Larcom, Jr. 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 Smith, seconded by Councilmember Briere, that the agenda be approved with the following changes:

Move: 11-0472 B-3 An Ordinance to Add Section 1:239 of Chapter 8 (Boards and Commissions) and to Add Section 5:136 and Renumber Sections 5:136 to 5:139 of Chapter 57 (Subdivision and Land Use Control) of Title V of the Code of the City of Ann Arbor to Create a Design Review Board and Review Procedure for Certain Downtown Properties - CPC Recommendation: Approval (8 Yeas, 0 Nays) (Ordinance No. 11-07) (Consider after Consent Agenda Items)

Move: 11-0452 DS-12 Resolution to Approve an Agreement with the Ann Arbor Acquisition Corporation, dba Ann Arbor Railroad for the E. Stadium Boulevard Bridges Replacement Project (\$259,929.00) (Consider after DS-4)

Move: Intro 3 and 4 before Intro 1 and 2.

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

INT INTRODUCTIONS

INT-3 11-0694 Proclamation for Volunteer of the Month - June 2011

Mayor Hieftje read a proclamation honoring Karen Moore as Volunteer of the Month for the Month of June 2011. Ms. Moore has helped with the City's A2 Downtown Blooms Day by coordinating planter flower and mulch orders, organizing Master Gardeners and has dedicated herself to volunteering in the assistance of the Ann Arbor Parks. A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed

INT-4 11-0712

Forest Hills Co-op Proclamation

Mayor Hieftje read a proclamation recognizing and commending Forest Hills Cooperative for its efforts over the past 40 years, playing a vital role in the provision of affordable housing in Ann Arbor. Forest Hills Cooperative has been at the forefront of housing cooperative living, providing to the people of Ann Arbor safe, clean, affordable housing options with the pride of an ownership interest. A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed

INT-1 11-0602

Historic District Commission's Annual Historic Preservation Awards

Susan Weinberg, chair of the Historic District Commission, thanked Council for the opportunity to present the Historic Preservation Awards.

Preservation Award Recipients:

Preservation awards are awarded to property owners who have owned their homes for 10 years or more and have maintained their home using good preservation practices.

Helen Pappas - 809 E. Kingsley St.

Jeff and Marcia DeBoer - 1515 Cambridge Rd.

Walter Spiller - 548 S. Fifth Ave.

George and Daniel Kuper - 431 Highland Rd.

Bethlehem United Church of Christ - 423 S. Fourth Ave.

Firestone Complete Auto Care - 402 E. Huron St.

Tom and Linda O'Brien - 808 Lawrence St.

Alison Marsh - 413 Second St.

Edward Shaffran/Shaffran Equities - 306 S. Main St.

Inter Cooperative Council (ICC) - 711 Catherine St.

Jean and Randolph Perry - 1701 Hill St.

Special Merit Awards:

Special Merit awards presented in recognition of exceptional projects, landscapes or other unique preservation projects.

Jean and Randolph Perry - 1701 Hill St.

Scott Kunst/Jane Raymond - Old House Gardens Heirloom Bulbs - 536 Third St.

Jeff Hauptman/Oxford Companies - 300 S. State St.

Matt and Kelly Grocoff - 217 S. Seventh St.

Preservation Project of the Year:

Preservation Project of the Year presented for outstanding restoration or rehabilitation of a historic structure, incorporating both the highest standards of preservation and stewardship of our cultural resources.

Matt and Kelly Grocoff - 217 S. Seventh St.

A copy of the slide presentation is on file in the City Clerk's Office.

Received and Filed

INT-2 11-0684 2011 Street Reconstruction Millage - Proposed Public Engagement Process

Homayoon Pirooz, Project Management Manager, gave a presentation on the Street Reconstruction Millage renewal proposed Public Engagement Process to Council. The City of Ann Arbor's Street Reconstruction Millage ("Street Millage") will expire at the end of 2011. Since the 1980s, the Street Millage has provided critical funding - and the ability to leverage matching federal and state dollars - to ensure the quality of Ann Arbor streets. City staff intend to recommend that City Council consider ballot language on August 4th that would authorize the placement of a Street Millage on the November 8th ballot.

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 - Build affordable housing not marijuana drug houses. Increase funding for human services. Recall Governor Snyder and the republican legislative leadership.**

Thomas Partridge, Ann Arbor resident, addressed Council regarding building affordable housing, not marijuana drug houses. He also urged Council to increase funding for human services and to support recall efforts for Governor Snyder.

- 2. Tony Keene - Medical Marijuana (B-2)**

Tony Keene, 240 Crest, spoke in support of the proposed Medical Marijuana Ordinances and thanked Council for taking the time to get it right. He said that it is a well defined and structured ordinance.

- 3. James D'Amour - Professional Services Agreements with Perimeter Engineering, LLC (DS-7 and H-1)**

James D'Amour, 2771 Maplewood, expressed concern with the Resolution approving the Professional Services Agreement with Perimeter Engineering, LLC and the Fuller Road Station. Mr. D'Amour also addressed Council regarding the Ann Arbor Public Art Commission 2011 and 2012 Public Art Plans.

- 4. Charles Ream - Medical Marijuana (B-2)**

Charles Ream, 1818 Packard, expressed concerns with the proposed Medical Marijuana Ordinances and asked that portions of the ordinance relating to cultivation facilities and zoning compliance permits be removed. He also suggested that the Marijuana Zoning and the Marijuana Licensing ordinances have similar titles.

5. Rhory Gould - Medical Marijuana (B-2)

Rhory Gould, 5537 Overbrook, addressed Council regarding the proposed Medical Marijuana Ordinance. He thanked Council for all of their hard work on the ordinance and expressed concern regarding the moratorium on the opening of new dispensaries. He said that it is time to do what's right by passing an ordinance that protects patients, caregivers and dispensaries and allows safe operations in the City.

6. Barbara Bach - Fuller Road Station

Barbara Bach, 2061 Dave St., addressed Council regarding the Fuller Road Transit Station Project. She said that the parking structure is getting in the way of a reasonable community discussion about rail; whether it is high-speed or commuter; park preservation and protection of parks legally. She spoke in opposition of the Fuller Road Station and urged Council to make plans to preserve the parkland and cancel the project.

7. Nancy Shiffler - Fuller Road Station

Nancy Shiffler, 2877 Sorrento Ave., chair of Huron Valley group of the Sierra Club, expressed concern with a precedent being set with the Fuller Road Station project. She said that this would have long term implications for all parks in Ann Arbor. The land proposed for the Fuller Road Station has been used as parkland for more than 80 years and is currently identified in the City's master plan as parkland and is designated in the PROS plan as part of Fuller Park.

8. Henry Herskovitz - City Elections

Henry Herskovitz, 404 Mark Hannah Place, addressed Council regarding a concern with a candidate on the August 2, 2011 City Primary Election, Mr. Neal Elyakin. Mr. Herskovitz expressed concern regarding Mr. Elyakin's allegiances to Israel.

9. George Gatson - Fuller Park

George Tatson, 1217 Island Dr. addressed Council regarding Fuller Park. He spoke in opposition to the Fuller Road Station Parking Structure as currently proposed on parkland.

10. Dennis Hayes - Medical Marijuana (B-2)

Dennis Hayes, 120 N. Fourth, asked that Council review Section 5:04 of the medical marijuana ordinance and find a way to require less record and information keeping for caregivers, patients and dispensaries. This information could be harmful to individuals in a possible federal case.

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER TEALL*

Councilmember Teall reported that the Building Committee met to review the construction renovation budget for the Larcom building renovation. The project is on time and proceeding under budget, she stated.

COUNCILMEMBER SMITH

Councilmember Smith informed Council that on May 17, 2011, the Human Rights Commission held a special meeting at the Neutral Zone. The topic of the meeting was about anti-bullying. It was put on by the Riot Youth which is the LGBTQ Group at the Neutral Zone. The meeting was very informative.

She also reported on the re-opening of West Park on June 19, 2011. A celebration recognizing all Ann Arbor volunteers will be held at the park on that day from 1-4 p.m.

COUNCILMEMBER ANGLIN

Councilmember Anglin updated Council on the PAC meeting of May 17, 2011. Eli Cooper gave a report on the Fuller Road Station project. Councilmember Anglin expressed concerns that the project is really looking more like a parking structure than anything else, and it was also a concern of many of the members of PAC. Mr. Anglin encouraged Council to watch the meeting.

COUNCILMEMBER BRIERE

Councilmember Briere asked that a work session of Council be scheduled to discuss Fuller Road Station in more detail.

MAYOR HIEFTJE

Mayor Hieftje said that a work session could be scheduled to discuss the Fuller Road Station project and added that \$196 million in federal funding is coming to Michigan for rail projects. This is the most exciting time for rail in Michigan in 100 years, the Mayor stated. This funding is in addition to the \$160 million that was previously announced. The mayor added that the plan has changed to put the train station inside of the main building.

11-0729

Resolution to Appoint Jamie Woolard as a Member of the City of Ann Arbor Environmental Commission

Sponsors: Hohnke and Teall

Councilmember Hohnke said that he and Councilmember Teall would be bringing forward a nomination for the Council's consideration to fill a vacant at-large, 3-year term on the Environmental Commission at the June 20, 2011 regular session of Council.

Referred to the City Clerk due back on 6/20/2011

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Interim City Administrator Tom Crawford reported on the following to Council:

FIRST AND WASHINGTON

Included in the agenda tonight is an item about the First & Washington project. For members of the community curious about the status of the project, the project is still moving ahead. The City expects the closing on the sale of the land to be some time in August or September of this year with construction activities to start sometime thereafter.

ARGO HEADRACE MODIFICATIONS PROJECT

The City has submitted the permit application to the State of Michigan and is currently waiting for the approved permit, prior to beginning any earthwork on the site. Mr. Crawford stated that the State has not given the City a timeline on their review and response, but six weeks is a reasonable guess.

In order to expedite the work, the contractor will be mobilizing this month and beginning some preliminary clearing and preparation for construction. A permit is not needed to begin this preliminary work. At this point, Mr. Crawford stated, the City is still on track to meet the consent agreement deadline of November 15, 2011.

PROJECT MANAGEMENT

On May 26, the West Stadium (Suffolk to Hutchins) Improvements Project was awarded "Project of the Year – Transportation \$5 - \$10 Million" by the Michigan Chapter of the American Public Works Association. This award promotes excellence in the management and administration of public works projects.

The following streets are currently under construction as part of the 2011 Street Resurfacing Project:

- Boardwalk/Victors Way – expected completion June 10*
- Spring St – expected completion June 10*
- Summit/Daniel ramps – expected completion June 10*
- Bruce St – expected completion June 25*
- Beakes St – Phase I expected completion early July. Phase II will begin following the Art Fair.*

Construction on Green Road is expected to commence prior to the end of June.

Arbor Oaks water main installation continues on the Champagne branch of the neighborhood. Hemlock/Rockland/Plainview are scheduled to be paved late next week (weather permitting).

FIELD OPERATIONS

The weather has blessed us with a series of days without precipitation. However, the forecasts show chances of thunderstorms through the rest of the week. The recovery from the past month of heavy rainfall is continuing.

While the clean-up continues of the earth slide, Plymouth Road is open and the Ann Arbor Railroad has re-established service on its tracks parallel to Traver Road. Plans are being made to restore a nearby park with wetlands.

The rainfall on May 25 was significant, causing portions of the sanitary sewer system to be stressed. Currently, there are 87 reports of sewer back-ups into basements due to the heavy rain. Staff strived to investigate each location as the reports were received. When the staff could confirm that the sanitary sewer mains were stressed at a particular address, the property owners were given a referral to a catastrophe clean-up company. While the locations of the back-ups were scattered throughout the City, there was two clusters of occurrences near Packard and Stadium Blvd, and near Hill Street and Division.

Staff has met with the consulting engineer and construction manager for the Footing Drain Disconnection (FDD) program. A plan is being developed and will be brought forward to City Council near the end of summer. Items under consideration are creating new FDD program areas, possibly areas 6 & 7; accelerating the rate of disconnects, and treatment of sanitary manhole covers in flood plan areas.

Mowing of parks and public areas continue as much on schedule as weather allows. Portion of the parks are still too wet to support the mowers.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-1 11-0472** An Ordinance to Add Section 1:239 of Chapter 8 (Boards and Commissions) and to Add Section 5:136 and Renumber Sections 5:136 to 5:139 of Chapter 57 (Subdivision and Land Use Control) of Title V of the Code of the City of Ann Arbor to Create a Design Review Board and Review Procedure for Certain Downtown Properties - CPC Recommendation: Approval (8 Yeas, 0 Nays) (Ordinance No. 11-07)

A public hearing was conducted on the proposed Ordinance to Add Section 1:239 of Chapter 8 (Boards and Commissions) and to Add Section 5:136 and Renumber Sections 5:136 to 5:139 of Chapter 57 (Subdivision and Land Use Control) of Title V of the Code of the City of Ann Arbor to Create a Design Review Board and Review Procedure for Certain Downtown Properties. Notice of public hearing was published May 26, 2011.

Thomas Partridge, Ann Arbor resident, expressed concern with the Subdivision and Land Use Control Ordinance.

Ray Detter, 120 N. Division, thanked Council for their support of the A2D2 design guidelines process. He urged Council to approve the proposed ordinance.

James D'Amour, 2771 Maplewood, urged Council to support the proposed ordinance.

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

Held and Closed

- PH-2 11-0494** Resolution to Approve Industrial Facilities Exemption Certificate between the City of Ann Arbor and Sakti3 Corporation

A public hearing was conducted on the proposed Resolution to Approve Industrial Facilities Exemption Certificate between the City of Ann Arbor and Sakti3 Corporation. Notice of public hearing was published May 19, 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

None.

CA CONSENT AGENDA**CONSENT AGENDA ITEMS REMOVED**

With unanimous consent of Council, the following items were removed from the Consent Agenda and placed at the end of same:

CA-1 Resolution Approving a Purchase Order with Sentinel Technologies for Wireless Network Equipment (\$64,571.00) and Establishing a Project Budget (\$75,000.00)

CA-2 Resolution to Approve Contract with Industrial Organizational Solutions, Inc. (I/O) to Conduct Promotional Assessment of AAPD Officers for Ranks of Sergeant and Lieutenant (\$35,830.00)

Passed on consent agenda

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

- | | | |
|-------------|----------------|---|
| CA-3 | 11-0504 | Resolution Superseding Portions of R-11-131 for Sanitary Sewer Improvement Charge and Terms and Authorizing Water and Sanitary Sewer Improvement Charges for 2525 Newport (\$30,779.00)

Enactment No: R-11-210 |
| CA-4 | 11-0575 | Resolution to Approve a Purchase Order to Most Dependable Fountains, Inc. for Thirteen ADA Compliant Drinking Fountains (\$49,087.00)

Enactment No: R-11-211 |
| CA-5 | 11-0577 | Resolution Recognizing the Ann Arbor Jaycees Foundation as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Enactment No: R-11-212 |
| CA-6 | 11-0636 | Resolution to Approve Purchase of One (1) Newtek Tricaster TCXD850 HD Portable Live Production Unit and accessories (\$30,990.00)

Enactment No: R-11-213 |

CA-7 11-0649 Resolution to Approve a Temporary Liquor License to Kerrytown District Association for their Nash Bash Country Music Festival on Thursday, August 18, 2011 at the Ann Arbor Farmer's Market

Enactment No: R-11-214

CA-1 11-0484 Resolution Approving a Purchase Order with Sentinel Technologies for Wireless Network Equipment (\$64,571.00) and Establishing a Project Budget (\$75,000.00)

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-11-215

CA-2 11-0485 Resolution to Approve Contract with Industrial Organizational Solutions, Inc. (I/O) to Conduct Promotional Assessment of AAPD Officers for Ranks of Sergeant and Lieutenant (\$35,830.00)

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-11-216

B-3 11-0472 An Ordinance to Add Section 1:239 of Chapter 8 (Boards and Commissions) and to Add Section 5:136 and Renumber Sections 5:136 to 5:139 of Chapter 57 (Subdivision and Land Use Control) of Title V of the Code of the City of Ann Arbor to Create a Design Review Board and Review Procedure for Certain Downtown Properties - CPC Recommendation: Approval (8 Yeas, 0 Nays) (Ordinance No. 11-07)

A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.

Break

City Council took a break from 8:44 p.m. to 8:56 p.m. Councilmember Higgins left at this time.

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

Absent: 1 - Councilmember Marcia Higgins

MOTION TO REOPEN AGENDA

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

MOVE ITEM ON AGENDA

CONSIDER DC-1 BEFORE B-1

A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that Item DC-1 be considered before B-1. On a voice vote, the Mayor declared the motion carried.

DC-1 11-0733 Resolution to Appoint Fire Chief

Sponsors: Hieftje and Higgins

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

Enactment No: R-11-217

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)

Councilmember Briere moved, seconded by Councilmember Derezinski, that Council suspend the Rules regarding speaking time for this discussion. 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 approved at second reading.

Enactment No: ORD-10-37

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 Briere, seconded by Councilmember Smith, that the Ordinance be amended as follows:

Changes to zoning definitions in section 5:50.1(2)(b)(ii), (iii), and (iv):

ii “Medical marijuana cultivation facility” means A building OR PART OF A BUILDING where marijuana plants are being grown in compliance with the MMMA, other than [as] as a medical marijuana home occupation, OR MARIJUANA CULTIVATION FOR A QUALIFYING PATIENT RESIDING IN A DWELLING UNIT AS PERMITTED UNDER SUBSECTION (7).

iii “Medical marijuana dispensary” means A BUILDING OR PART OF A BUILDING WHERE one or more primary caregivers [operating]operating OPERATE with the intent to transfer marijuana between primary caregivers and/or qualifying patients [from a location]from a location , other than a medical marijuana home occupation. , OR THE TRANSFER OF MARIJUANA BETWEEN A PRIMARY CAREGIVER AND QUALIFIED PATIENT RESIDING IN A DWELLING UNIT AS PERMITTED UNDER SUBSECTION (7)

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 WITH THE MEDICAL USE OF MARIJUANA who do not reside in the dwelling and (C) complies with the MMMA.

Note: 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 Hohnke, that the Ordinance be considered for approval after consideration of B-2 on tonight’s agenda. On a voice vote, the Mayor declared the motion carried.

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)

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

Enactment No: ORD-11-04

Amendment #1

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Ordinance be amended to replace Section 7:501. Definitions, with the definitions listed in Chapter 55, Section 5:50. Definitions, and keep Chapter 95, Section 7:501(b)(v) "Authorized Person".

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

Amendment #2

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

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

...(9) Medical marijuana home occupations do not require licenses but may register with the City by providing the address of the home occupation and showing the registry number on the [caregiver] registry identification card that the [MDCH] DEPARTMENT issued to the registered primary caregiver who is delivering the marijuana.

7:503. General Provisions.

(1) EXCEPT AS OTHERWISE PROVIDED FOR THE AMENDMENT OF EXISTING LICENSES, [N]no license issued under this chapter may be transferred or assigned, and no license is valid for any location other than the location specified in the license.

(2) A medical marijuana dispensary license issued by the City under this chapter, including the name and contact information for an authorized person and business manager(s), if any, shall be conspicuously posted in the medical marijuana dispensary where it is easily open to public view.

(3) Acceptance of a license from the City under this chapter constitutes consent by the licensee, owners, managers and employees to permit the city administrator or designee to conduct [routine] inspections of the licensed medical marijuana dispensary as required in section 7:506(7) to ensure compliance with this chapter.

7:504. Application Requirements for New Annual License or Renewal of Existing License; License Requirements for New License and for Renewed License

(1) Application [Acceptance]SUBMISSION. A medical marijuana dispensary that commenced operation prior to passage of the moratorium by City Council on August 5, 2010, shall have until sixty (60) days after the effective date of this chapter to submit an application for a new annual license. No other applications will be accepted by the City until seventy-five (75) days after the effective date of this chapter. The medical marijuana dispensary may continue to operate pending final action on the application unless the Building Official determines that it must be closed for safety reasons. Within 60 days after an application is denied, the medical marijuana dispensary shall discontinue all operation unless the Building Official determines it must be closed sooner for safety reasons.

(2) Application Requirements FOR NEW LICENSE. An application for a new annual license [or the renewal of an existing license]for a medical marijuana dispensary shall be submitted to the City Clerk on a form provided by the City FOR PRELIMINARY REVIEW BY CITY STAFF TO CONFIRM THAT THE APPLICANT HAS SUBMITTED A COMPLETE APPLICATION, which shall fulfill all of the requirements indicated on the form, including but not limited to:

(a) If the medical marijuana dispensary commenced operation prior to passage of the moratorium by City Council on August 5, 2010, then proof of the date on which the medical marijuana dispensary commenced operation shall be provided.

(b) The NAME AND address of the medical marijuana dispensary and any other

contact information requested on the application form. ...

Note: [] Indicates deleted language. All caps indicate new language.

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

Amendment #3

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

...7:504. Application requirements for New Annual License or Renewal of Existing License; License Requirements for New License and for Renewed License

...2(g) Proof of applicant's ownership or legal possession of the premises. [and, if the applicant does not own the premises, the signatures of all owners on the application indicating that the owners support issuance of a license]. ...

Note: [] Indicates deleted language.

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

- Yeas:** 7 - Mayor Hieftje, Councilmember Kunselman, Councilmember Teall, Councilmember Briere, Councilmember Smith, Councilmember Taylor and Councilmember Hohnke
- Nays:** 3 - Councilmember Rapundalo, Councilmember Anglin and Councilmember Derezinski
- Absent:** 1 - Councilmember Higgins

Amendment #4

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

...Section 7:504. Application Requirements for New Annual License or Renewal of Existing License; License Requirements for New License and for Renewed License

(H) A ZONING COMPLIANCE PERMIT THAT SHOWS THE PROPOSED MEDICAL MARIJUANA DISPENSARY IS LOCATED IN A ZONING DISTRICT THAT WOULD PERMIT ITS OPERATION.

(I) A TEMPORARY CERTIFICATE OF OCCUPANCY THAT SHOWS THE STRUCTURE FOR THE PROPOSED MEDICAL MARIJUANA DISPENSARY MEETS THE REQUIREMENTS OF THE APPLICABLE USE GROUP UNDER THE MICHIGAN BUILDING CODE.

...([hi]J) Payment of a non-refundable application fee, which shall be determined by resolution of the City Council. FEES FOR ZONING COMPLIANCE PERMITS AND CERTIFICATES OF OCCUPANCY SHALL BE SEPARATE FROM THE APPLICATION FEE, BUT SHALL BE THE SAME AMOUNT AND SHALL BE PAID PURSUANT TO THE SAME PROCEDURES AS APPLY TO APPLICATIONS FOR ZONING COMPLIANCE PERMITS AND CERTIFICATES OF OCCUPANCY FOR OTHER USES.

(3) Renewal or Amendment of Existing Licenses.

(a) THE SAME PROCEDURES FOR APPLICATION FOR AND ISSUANCE OF A NEW LICENSE SHALL APPLY TO RENEWAL OR THE AMENDMENT OF EXISTING LICENSES.

(B) AN APPLICATION FOR RENEWAL OF AN EXISTING LICENSE SHALL BE SUBMITTED NO SOONER THAN 10 WEEKS (70 DAYS) BEFORE THE EXISTING LICENSE EXPIRES.

(C) AN AMENDED APPLICATION SHALL BE SUBMITTED WHEN THERE IS A CHANGE IN ANY INFORMATION THE APPLICANT WAS REQUIRED TO PROVIDE IN THE MOST RECENT APPLICATION ON FILE WITH THE CITY.

(D) AN APPLICATION TO AMEND AN EXISTING LICENSE TO CHANGE THE LOCATION OF THE MEDICAL MARIJUANA DISPENSARY SHALL BE SUBMITTED NO LATER THAN 10 WEEKS (70 DAYS) BEFORE THE EXISTING LICENSE EXPIRES. AN APPLICATION TO AMEND AN EXISTING LICENSE TO CHANGE ANY OTHER INFORMATION ON THE MOST RECENT APPLICATION ON FILE WITH THE CITY MAY BE SUBMITTED AT ANY TIME.

(E) APPLICATIONS FOR RENEWAL OR AMENDMENT OF EXISTING LICENSES SHALL BE REVIEWED AND GRANTED OR DENIED BEFORE APPLICATIONS FOR NEW LICENSES ARE CONSIDERED.

([3]4) License Requirements. FOLLOWING OFFICIAL CONFIRMATION BY STAFF THAT THE APPLICANT HAS SUBMITTED A COMPLETE APPLICATION, [A] a new license shall not be issued to a medical marijuana dispensary until the applicant for the license complies with all of the following requirements:

[(a) The applicant has submitted a complete application and the application fee.

(b) The proposed dispensary or cultivation facility is located in a zoning district permits its operation.]

[(c)A] The applicant has a valid and current certificate of occupancy.

[(d)B] The applicant has installed a sign in a location visible to all persons who enter the premise, which contains the following statement in letters that shall be no less than one inch high: ...

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

The following changes to the numbering order were made administratively:

...Section 7:504. Application Requirements for New Annual License or Renewal of Existing License; License Requirements for New License and for Renewed License

...(4) License requirements.

...([e]c) The applicant has installed the following security measures on the premises:

(i) security cameras to monitor all areas of the licensed premises where persons may gain or attempt to gain access to marijuana or cash. Recordings from security cameras shall be maintained for a minimum of seventy-two hours. The Administrator may adopt regulations implementing this requirement, including but not limited to regulations on the design, location, maintenance, and access to the cameras and recordings. Those regulations shall take effect 30 days after being filed with the City Clerk unless modified or disapproved by the City Council.

(ii) A safe for overnight storage of any processed marijuana and cash on the premises, with the safe being incorporated into the building structure or securely attached thereto.

(iii) A monitored alarm system.

[(g)d] The applicant provides the City with a certificate signed by a qualified agent of an insurance company evidencing the existence of valid and effective policies of the following types of insurance, as well as a copy of an endorsement placed on each policy requiring ten days' notice by mail to the City before the insurer may cancel the policy for any reason:

Amendment #5

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

...Section 7:504(4) License requirement

([h]E) The applicant has paid the non-renewable license fee, as determined by resolution of the City Council. INSPECTION FEES SHALL BE SEPARATE FROM THE LICENSE FEE, BUT SHALL BE THE SAME AMOUNT AND SHALL BE PAID PURSUANT TO THE SAME PROCEDURES THAT APPLY TO INSPECTIONS FOR OTHER USES.

(5) TIME PERIOD WITHIN WHICH APPLICANT MUST COMPLY WITH LICENSE REQUIREMENTS. THE APPLICANT SHALL DEMONSTRATE COMPLIANCE WITH ALL REQUIREMENTS FOR ISSUANCE OF A LICENSE BY SCHEDULING A FINAL INSPECTION TO OBTAIN A FULL CERTIFICATE OF OCCUPANCY, WHICH SHALL OCCUR WITHIN 8 WEEKS (56 CALENDAR DAYS) AFTER THE DATE OF CITY STAFF'S OFFICIAL CONFIRMATION THAT THE APPLICATION FOR A LICENSE WAS COMPLETE. ALL STAFF PERTINENT TO DETERMINING WHETHER THE APPLICANT HAS COMPLIED WITH ALL LICENSE REQUIREMENT WILL BE PRESENT AT THE FINAL INSPECTION. IF IT IS DETERMINED THAT NOT ALL LICENSE REQUIREMENTS ARE SATISFIED, THEN THE APPLICANT SHALL SCHEDULE ANOTHER INSPECTION, TO OCCUR WITHIN 14 CALENDAR DAYS, AT WHICH TIME ALL LICENSE REQUIREMENTS SHALL BE COMPLETE. IF ALL REQUIREMENTS ARE NOT COMPLETE, THEN THE LICENSE SHALL BE DENIED.

7:505. Issuance of License.

IF THE APPLICANT HAS SUCCESSFULLY DEMONSTRATED COMPLIANCE WITH ALL REQUIREMENTS FOR ISSUANCE OF A LICENSE WITHIN 10 WEEKS (70 CALENDAR DAYS) AFTER THE DATE OF CITY STAFF'S OFFICIAL CONFIRMATION THAT THE APPLICATION FOR A LICENSE WAS COMPLETE, t[T]he city administrator or designee shall [issue] GRANT RENEWAL OF AN EXISTING OR ISSUE a NEW license for a MEDICAL MARIJUANA dispensary to the applicant if a license is available [for issuance and if all requirements of this Chapter have been met. The city administrator or designee shall deny any application that does not meet the requirements of this chapter or any other applicable law, rule or regulation]AN APPLICANT WHO FAILS TO DEMONSTRATE COMPLIANCE WITH ALL REQUIREMENTS WITHIN THE REQUIRED TIME PERIOD OR WHO IS FOUND TO HAVE SUBMITTED AN APPLICATION [or]that contains any false or incomplete information IS NOT ELIGIBLE FOR ISSUANCE OF A LICENSE.

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

Amendment #6

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

...Section 7:506. Conduct of Business at Medical Marijuana Dispensary.

(1) All marijuana in any form kept at the location of the medical marijuana dispensary be kept within an enclosed, secured building and shall not be visible from any location outside of the building.

(2) Medical marijuana dispensaries shall be closed for business, and no sale or other distribution of marijuana in any form shall occur upon the premises or be delivered from the premises, between the hours of 9:00 p.m. and 7:00 a.m.

(3) No more marijuana than is permitted under the [Michigan Medical Marihuana Act]MMMA shall be kept on the premises of a medical marijuana dispensary.

(4) All marijuana delivered to a registered qualifying patient shall be packaged and labeled as provided in this chapter. The label shall include:

(a) a unique alphanumeric identifier for the registered qualifying patient to whom it is being delivered;

(B) A UNIQUE ALPHANUMERIC IDENTIFIER FOR THE REGISTERED PRIMARY CAREGIVER WHO IS DELIVERING

([b]C) a unique alphanumeric identifier for the cultivation source of the marijuana;

([c]D) that the package contains marijuana;

([d]E) the date of delivery, weight, type of marijuana and dollar amount or other consideration being exchanged in the transaction;

([e]F) a certification that all marijuana in any form contained in the package was cultivated, manufactured, and packaged in the state of Michigan;

([f]G) the warning that:

THIS PRODUCT IS MANUFACTURED WITHOUT ANY REGULATORY OVERSIGHT FOR HEALTH, SAFETY OR EFFICACY. THERE MAY BE HEALTH RISKS ASSOCIATED WITH THE INGESTION OR USE OF THIS PRODUCT. USING THIS PRODUCT MAY CAUSE DROWSINESS. DO NOT DRIVE OR OPERATE HEAVY MACHINERY WHILE USING THIS PRODUCT. KEEP THIS PRODUCT OUT OF REACH OF CHILDREN. THIS PRODUCT MAY NOT BE USED IN ANY WAY THAT DOES NOT COMPLY WITH THE MICHIGAN MEDICAL [MARIJUANA] MARIHUANA ACT OR BY ANY PERSON WHO DOES NOT POSSESS A VALID[MEDICAL MARIJUANA PATIENT REGISTRATION CARD] REGISTRY IDENTIFICATION CARD.

([f]H) The name, address, e-mail address, and telephone number of an authorized representative of the medical marijuana dispensary whom a registered qualifying patient can contact with any questions regarding the product.

([g]I) The name, address, e-mail address, and telephone number of at least one governmental or non-profit organization that may be contacted by a registered qualifying patient who has concerns about substance abuse of drugs, including marijuana.

(5) All of the required labeling information, including coded registered qualifying patient and registered primary caregiver information shall be maintained[and available for inspection at] BY a medical marijuana dispensary for no less than one year after dispensing AND AVAILABLE FOR INSPECTION BY THE CITY.

Amendment #6a

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the proposed Amendment be further amended as follows:

...Section 7:506. Conduct of Business at Medical Marijuana Dispensary.

...(5)All of the required labeling information, including coded REGISTERED QUALIFYING patient [and registered primary caregiver] information shall be maintained BY A MEDICAL MARIJUANA DISPENSARY FOR NOT LESS THAN THIRTY (30) DAYS AFTER DISPENSING,[and available for inspection at a cultivation facility or dispensary for no less than one year after dispensing and available for inspection at a cultivation facility or dispensary for no less than one year after dispensing and available for inspection by the City] AND AVAILABLE TO ANY REGISTERED QUALIFYING PATIENT COMPLAINING OF THE QUALITY OF THE MARIJUANA DISPENSED.

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

Yeas: 7 - Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Taylor and Councilmember Hohnke

Nays: 3 - Mayor Hieftje, Councilmember Rapundalo and Councilmember Derezinski

Absent: 1 - Councilmember Higgins

The question being, amendment #6 as amended, on a voice vote, the Mayor declared the motion carried with two no-votes by Councilmembers Derezinski and Rapundalo.

Enactment No: ORD-11-04

Amendment #7

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

...Section 7:506. Conduct of Business at Medical Dispensary.

...(10) A MEDICAL MARIJUANA dispensary shall keep records of the [caregivers]CULTIVATION SOURCE from whom [they]IT[receive]RECEIVED marijuana in any form FOR NOT LESS THAN SIXTY (60) DAYS AFTER DISPENSING, and shall make the records available to the City upon request to promote health, safety and welfare or to otherwise verify compliance with this chapter. ...

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

Yeas: 7 - Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Taylor and Councilmember Hohnke

Nays: 3 - Mayor Hieftje, Councilmember Rapundalo and Councilmember Derezinski

Absent: 1 - Councilmember Higgins

Amendment #8

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

...7:504. Application Requirements for New Annual License or Renewal of Existing License; License Requirements for New License and for Renewed License

(1) Application[Acceptance]SUBMISSION. A medical marijuana dispensary that commenced operation prior to passage of the moratorium by City Council on August 5, 2010, shall have until sixty (60) days after the effective date of this chapter to submit an application for a new annual license. IF THE MEDICAL MARIJUANA DISPENSARY COMMENCED OPERATION PRIOR TO PASSAGE OF THE MORATORIUM IN A ZONING DISTRICT WHERE ITS OPERATION IS NOT PERMITTED UNDER THE ZONING ORDINANCE, THE APPLICATION SHALL BE FOR A LOCATION IN A ZONING DISTRICT WHERE OPERATION OF A MEDICAL MARIJUANA DISPENSARY IS PERMITTED UNDER THE ZONING ORDINANCE No other applications will be accepted by the City until seventy-five (75) days after the effective date of this chapter. The medical marijuana dispensary may continue to operate pending final action on the application unless the Building Official determines that it must be closed for safety reasons. Within 60 days after an application is denied, the medical marijuana dispensary shall discontinue all operation unless the Building Official determines it must be closed sooner for safety reasons. ...

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

The following changes were made administratively:

...7:507. License Revocation.

...(2) The application contains any misrepresentation or omission of any material fact, or false or misleading information, or the applicant has provided the City with any other false or misleading information related to the medical marijuana[business]DISPENSARY;

(3) Any person required to be named on the application is convicted of a crime which, if it had occurred prior to submittal of the application, could have been cause for denial of the license application;

(4) Marijuana is dispensed on the business premises in violation of this chapter or any other applicable state or local law, rule or regulation;

(5) The medical marijuana dispensary is operated or is operating in violation of the specifications of the license application, any conditions of approval by the City or any other applicable state or local law, rule or regulation.

(6) The City, or the County or the[MDCH]DEPARTMENT or any other governmental entity with jurisdiction, has closed the business temporarily or permanently or issued any sanction for failure to comply with health and safety provisions of this chapter or otherwise applicable to the business or any other applicable state or local law. ...

The question being, that the ordinance as amended be approved on First Reading, on a voice vote the Mayor declared the motion carried.

Enactment No: ORD-11-04

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)

Referred to the City Council due back on 6/20/2011.

DS-13 11-0724 Resolution to Authorize Summary Publication of Ordinance No. ORD-10-37 - An Ordinance That Adds 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

Referred to the City Council due back on 6/20/2011.

DS-14 11-0725 Resolution to Authorize Summary Publication of Ordinance No. ORD-11-04 - An Ordinance to Add a New Chapter 95 to Title VII (Medical Marijuana Licenses for Dispensaries) of the Code of the City of Ann Arbor

Referred to the City Council due back on 6/20/2011.

New Business:

DS-15 11-0665 Resolution to Authorize Summary Publication of Ordinance No. ORD-11-07 to Amend Chapter 8 (Organization of Boards and Commissions, Title I) and Chapter 57, (Subdivision and Land Use Control, Title V) of the Code of the City of Ann Arbor

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-11-218

C ORDINANCES - FIRST READING

C-1 11-0464 An Ordinance to Amend Sections 2:63, 2:64, 2:65 and 2:69 of Chapter 29 (Increase Water, Sewer, and Stormwater Rates and Amend Residential Summer Service Billings) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-11-08)

A motion was made by Councilmember Derezinski, seconded by Councilmember Teall, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-11-08

C-2 11-0477 An Ordinance to Amend Sections 5:600, 5:601, 5:602, 5:603, 5:604, 5:605, 5:606, 5:607, 5:608 and 5:610, to Repeal Section 5:611, and to Amend Renumbered Section 5:611 of Chapter 62 (Landscaping and Screening) of Title V of the Code of the City of Ann Arbor Regarding Plant Materials, Screening and Landscape Island Requirements - Planning Commission Recommendation: Approval (8 Yeas, 0 Nays) (Ordinance No. ORD-11-09)

A motion was made by Councilmember Derezinski, seconded by Councilmember Smith, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-11-09

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

- DC-2 11-0732** Resolution to Direct the City Administrator and City Attorney to Present Ordinance Amendments Changing the Retirement Benefit Package for New Non-Union Employee Hires

Sponsors: Higgins, Rapundalo, Taylor, Briere and Anglin

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-11-219

DB New Business - Boards and Commissions:

None.

DS New Business - Staff:

Councilmember Teall left the meeting at 10:56 p.m.

Present: 9 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Stephen Kunselman, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor and Councilmember Carsten Hohnke

Absent: 2 - Councilmember Marcia Higgins and Councilmember Margie Teall

- DS-1 11-0543** Resolution to Approve Amendment No. 4 with Malcolm Pirnie, Inc. for Design of the Facilities Renovations Project at the Wastewater Treatment Plant (\$2,410,347.00)

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-11-220

- DS-2 11-0650** Resolution to Approve an Amendment to the Construction Manager Agreement with Clark Construction Co. (\$1,091,211.00)

A motion was made by Councilmember Derezinski, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried with one no-vote by Councilmember Anglin.

Enactment No: R-11-221

- DS-3 11-0556** Resolution to Award a Construction Contract to Bailey Excavating, Inc. for the Collingwood Drive, Dover Court, and Ruthven Place Water Main Replacement Project (\$ 873,089.00; Bid No. ITB-4151)
- A motion was made by Councilmember Taylor, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-11-222
- DS-4 11-0533** Resolution to Approve an Agreement with the Michigan Department of Transportation for the E. Stadium Boulevard Bridges Replacement Project Right-of-Way Acquisition (\$800,000.00)
- 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-11-223
- DS-12 11-0452** Resolution to Approve an Agreement with the Ann Arbor Acquisition Corporation, dba Ann Arbor Railroad for the E. Stadium Boulevard Bridges Replacement Project (\$259,929.00)
- A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-11-224
- DS-5 11-0535** Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Stantec Consulting Michigan, Inc. (\$200,000.00) for Engineering Support Services
- 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-11-225
- DS-6 11-0534** Resolution to Approve Amendment No. 4 to the Professional Services Agreement with CDM Michigan Inc. (\$100,000.00) for Technical Engineering Services
- 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-11-226
- DS-7 11-0558** Resolution to authorize Professional Services Agreements with Perimeter Engineering, LLC, for \$85,000.00, Midwestern Consulting, LLC, for \$85,000.00, and Fishbeck, Thompson, Carr & Huber, Inc. for \$85,000.00 for General Engineering, Construction Inspection, and Surveying Services
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-11-227

- DS-8 11-0586** Resolution to Approve Schedule 4 of the Interagency Four-Year Agreement for a Shared Infrastructure Manager (Not to Exceed \$326,308.00)
- 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-11-228
- DS-9 11-0585** Resolution to Approve Five Three-Year Professional Services Agreements (PSA) for Architecture, Landscape Architecture, and Engineering Services for Parks & Recreation for a Not to Exceed Annual Amount of \$100,000.00 per PSA
- A motion was made by Councilmember Taylor, seconded by Councilmember Anglin, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-11-229
- DS-10 11-0653** Resolution to Approve Amendment No. 6 to the Option to Purchase Agreement with Village Green Residential Properties, LLC (8 Votes Required)
- A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried and satisfying the eight-vote requirement:**
- Yeas:** 9 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke
- Nays:** 0
- Absent:** 2 - Councilmember Higgins and Councilmember Teall
- Enactment No: R-11-230
- DS-11 11-0689** Resolution Approving Cooperative Agreement Between the United States of America Commodity Credit Corporation and the City of Ann Arbor for the Farm and Ranch Lands Protection Program and to Accept Grant Funds in the Amount of \$312,620.00
- A motion was made by Councilmember Hohnke, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-11-231

E COMMUNICATIONS FROM THE MAYOR

E-1 11-0624 Appointments & nominations

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the May 16, 2011 regular session of Council:

*Historic Districts Commission
Robert White (Re-Appointment)
1849 Saxon
Ann Arbor, MI 48103
Term: June 6, 2011- June 6, 2014*

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

E-2 11-0731 6/6/11 Nominations & appointments

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

*Ann Arbor Commission on Disability Issues
Larry Keeler (Replacing -Helen Meador)
1020 Hillside Manor, Pennsylvania
Ann Arbor, MI 48103
Term: June 20, 2011-June 19, 2014*

*Linda Briggs (Re-Appoint)
2124 Pauline Blvd. # 206
Ann Arbor, MI 48103
Term: June 20, 2011-June 19, 2014*

*Design Review Board
Tamara Burns (Mayor/Council Appointee)
1614 Harbal Dr.
Ann Arbor, MI 48105
Term: June 20, 2011-June 19, 2014*

*Paul Fontaine (Mayor/Council Appointee)
1701 Arborview Blvd.
Ann Arbor, MI 48104
Term: June 20, 2011-June 19, 2013*

*Chester B. Hill (Mayor/Council Appointee)
7550 Fourth St.
Dexter, MI 48130
Term: June 20, 2011-June 19, 2013*

*Mary Jukari (Mayor/Council Appointee)
JJR 110 Miller Ave.
Ann Arbor, MI 48104
Term: June 20, 2011-June 19, 2012*

*Bill Kinley (Mayor/Council Appointee)
843 Asa Gray Drive
Ann Arbor, MI 48105
Term: June 20, 2011- June 19, 2012*

*Richard Mitchell (Mayor/Council Appointee)
Mitchell & Mouat Arch., Inc.
113 S. Fourth Ave.
Ann Arbor, MI 48104
Term: June 20, 2011-June 19, 2014*

*Geoffrey M. Perkins (Mayor/Council Appointee)
310 Depot St.
Ann Arbor, MI 48104
Term: June 20, 2011-June 19, 2014*

Referred to the City Council due back on 6/20/2011.

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER KUNSELMAN*

Councilmember Kunselman reminded Council that their Sister City of Tubingen, Germany delegation would arrive on June 11, 2011. The delegation will spend a week in Ann Arbor.

MAYOR HIEFTJE

Mayor Hieftje announced that June 10, 2011 is the Mayor's Annual Green Fair and June 17, 2011 is the kick-off of Summer Fest and the Top of the Park. The Dexter-Ann Arbor Run and the Taste of Ann Arbor was held the previous weekend with great success.

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Interim City Administrator Tom Crawford suggested that Council consider a July working session due to the number of items on Council's agenda at this time.

- F-1 11-0663** City Clerk's Office Voting Equipment and Election Inspector Training Exchange with Pittsfield Township
Received and Filed

G COMMUNICATIONS FROM THE CITY ATTORNEY

City Attorney Stephen Postema updated Council on some concerns that have been raised regarding enforcement of the Medical Marijuana Ordinances. Mr. Postema stated he is seeking direction from the Council regarding these issues.

- G-1 11-0623** Annexation of Betke Property, 1.5 acres, located at 2562 Newport Road
Received and Filed

- G-2 11-0625** Annexation of Brush/Frey Property, 1.11 acres, located at 2437 Newport Road
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 Smith, seconded by Councilmember Hohnke, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- H-1 11-0491** Communication from the Ann Arbor Public Art Commission (AAPAC) to City Council Introducing the 2011 Public Art Plan and 2012 Public Art Plan
- H-2 11-0654** Communication from Ben Lee regarding expensive rental house inspection fees - Planning and Development Services
- H-3 11-0666** Communication from the State of Michigan Public Services Commission regarding notices of hearings for customers of the Detroit Edison Company, Case No. U-16578 and No. U-16756 scheduled for June 2, 2011 at the Michigan Public Service Commission, 6545 Mercantile Way, Suite 7, in Lansing Michigan
- H-4 11-0671** Resolution from Ypsilanti City Council regarding their Opposition to the State's Emergency Financial Manager Program

I The following minutes were received for file:

- I-1 11-0449** Historic District Commission Meeting Minutes of the February 10, 2011
- I-2 11-0563** Recreation Advisory Commission Minutes - March 1, 2011
- I-3 11-0571** Park Advisory Commission Minutes - January 18, 2011; February 15, 2011
- I-4 11-0573** Ann Arbor Downtown Development Authority Meeting Minutes - April 6, 2011
- I-5 11-0574** Ann Arbor Citizens Advisory Council Meeting Minutes - March 2, 2011, April 6, 2011
- I-6 11-0583** Council Administration and Labor Committee Meeting Minutes of May 2, 2011
- I-7 11-0584** Council Search Committee Meeting Minutes of April 13 & 15, 2011
- I-8 11-0604** Public Market Advisory Commission Minutes - April 5, 2011
- I-9 11-0608** Taxicab Board Meeting Minutes - March 24, 2011
- I-10 11-0617** Housing & Human Services Advisory Board Minutes February 8, 2011 and April 12, 2011
- I-11 11-0627** Council Liquor License Review Committee - March 13, 2011
- I-12 11-0660** City of Ann Arbor Employees' Retirement System Meeting Minutes - March 17, 2011
- I-13 10-0883** City Election Commission - October 13, 2009

- I-14 11-0661 City of Ann Arbor Retiree Health Care Benefit Plan & Trust Board Minutes - March 17, 2011
- I-15 11-0699 Ann Arbor Public Art Commission Meeting Minutes - April 2011
Enactment No:
- I-16 11-0659 Park Advisory Commission Minutes - April 26, 2011

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Thomas Partridge, City resident, expressed concern with the proposed Medical Marijuana Ordinances.

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 Smith, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:45 p.m.

- 11-0770 City Council Emails - June 6, 2011

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, JUNE 6, 2011, 7:30 P.M.

REPLAYS: TUESDAY, JUNE 7, 2011, 10:00 A.M. AND FRIDAY, JUNE 8, 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.