

# City of Ann Arbor

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



## Action Minutes

Thursday, August 5, 2010

7:00 PM

G. C. Larcom, Jr. Municipal Building, 100 N. Fifth Avenue, 2nd Floor

**City Council**

**CALL TO ORDER**

*Mayor Hieftje called the meeting to order at 7:06 p.m. in the Guy C. Larcom Jr., Municipal Building, 2nd Floor Council Chambers, 100 N. Fifth Avenue.*

**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:** 9 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor and Councilmember Carsten Hohnke
- Absent:** 2 - Councilmember Stephen Kunselman and Councilmember Marcia Higgins

**APPROVAL OF AGENDA**

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

**INT INTRODUCTIONS**

**INT-1 10-0775** Thank you from Area Census Representative

*Twan Murphy, partnership specialist for the United States Department of Commerce, Census Bureau, thanked the City of Ann Arbor for their great effort with the census count for 2010. The national average of mail-out and mail-in responses was 72% across the nation. The state of Michigan was in the top five in the nation, with 77% and the City of Ann Arbor came in at 78%. Mr. Murphy presented the Mayor plaques of appreciation for Ann Arbor's great efforts with the 2010 Census.*

**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 HAVE BEEN MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

1. **Robert Snyder - Ban on Upholstered Furniture Outdoors (C-1)**

*Robert Snyder, 525 Elm Street, spoke in support of the proposed ordinance to ban upholstered furniture outdoors.*

2. **Dennis Hayes - Temporary Moratorium on the Use of Property & Structures in the City (DC-2)**

*Dennis Hayes, 120 N. Fourth Ave., spoke in opposition of the proposed resolution to impose a temporary moratorium on the use of property and structures in the City for dispensing and cultivating marihuana.*

3. **Kim Lemasters - Ban on Upholstered Furniture Outdoors (C-1)**

*Kim Lemasters, 434 Cambridge Dr., Dexter, spoke in support of the proposed ordinance to ban upholstered furniture outdoors.*

4. **Charles Ream - Temporary Moratorium on the Use of Property & Structures in the City (DC-2)**

*Charles Ream, 1911 Packard, spoke in opposition of the proposed resolution to impose a temporary moratorium on the use of property and structures in the City for dispensing and cultivating marihuana.*

5. **Gershom Avery - Temporary Moratorium on the Use of Property & Structures in the City (DC-2)**

*Gershom Avery, 9205 Dexter-Chelsea Rd., spoke in opposition of the proposed resolution to impose a temporary moratorium on the use of property and structures in the City for dispensing and cultivating marihuana.*

6. **Kirk Reid - Temporary Moratorium on the Use of Property & Structures in the City (DC-2)**

*Kirk Reid, P.O. Box 7891, spoke in opposition of the proposed resolution to impose a temporary moratorium on the use of property and structures in the City for dispensing and cultivating marihuana.*

7. **Anthony Freed - Temporary Moratorium on the Use of Property & Structures in the City (DC-2)**

*Anthony Freed, 1054 S. Main St., spoke in opposition of the proposed resolution to impose a temporary moratorium on the use of property and structures in the City for dispensing and cultivating marihuana.*

8. **Renee Wolfe - Temporary Moratorium on the Use of Property & Structures in the City (DC-2)**

*Renee Wolfe, 6655 Jackson, Unit 207, spoke in opposition of the proposed resolution to impose a temporary moratorium on the use of property and structures in the City for dispensing and cultivating marihuana.*

**9. Brandy Zink - Temporary Moratorium on the Use of Property & Structures in the City (DC-2)**

*Brandy Zink, 2900 E. Jefferson Ave., Detroit, Michigan, asked that City Council offer an alternative to the proposed resolution to impose a temporary moratorium on the use of property and structures in the City for dispensing and cultivating marihuana.*

**10. Michael McLeod - Temporary Moratorium on the Use of Property & Structures in the City (DC-2)**

*Michael McLeod, 30900 Highlander Way, spoke in opposition of the proposed resolution to impose a temporary moratorium on the use of property and structures in the City for dispensing and cultivating marihuana.*

**COMMUNICATIONS FROM COUNCIL**

*None.*

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR****STONYFIELD FARMS**

*City Administrator Roger Fraser said that the City has a partnership with Stonyfield Farms with a campaign by the name of Bid With Your Lid. From now through October 1st, 2010, Ann Arbor grocery stores will host Stonyfield Farms Bid With Your Lid Programs. Stonyfield Farms is a leading organic yogurt producing company. Shoppers who purchase Stonyfield Farms products can return to any of the participating Ann Arbor grocery stores to cast their vote for three Ann Arbor Parks and Recreation entities; Mack Indoor Pool, Ann Arbor Senior Center and the Ann Arbor Parks and Recreation Scholarship Fund. The program that receives the most votes at the end of the eight-week program will receive a \$15,000.00 donation from Stonyfield Farms. For more information, visit the City Parks and Recreation webpage or [www.stonyfield.com/annarbor](http://www.stonyfield.com/annarbor).*

**HURON HILLS GOLF COURSE**

*Huron Hills Golf Course will be hosting the Herb Fowler Memorial Junior Championship from August 10 through August 12, 2010.*

**STREET CONSTRUCTION UPDATES**

*Geddes and Broadway Streets resurfacing projects are completed and the streets are open to traffic. The West Stadium Boulevard Project is nearing completion on the south half of the road and in the coming weeks, they will switch traffic over and begin construction on the north side. The project is on schedule for final completion in November 2010.*

*Geddes Road, US-23 at Earhart Improvement Project is ongoing. The easterly round-a-bout at the northbound US-23 ramp at Geddes is almost complete. The new non-motorized bridge spanning US-23 is nearly complete with railings and fencing yet to be installed. The remaining project stages include completing two more round-a-bouts at the southbound ramps.*

*The Plymouth Road Street Resurfacing Project is financed by the Federal Stimulus Dollars. Construction continues on the southside of Plymouth Road between Nixon and US-23. Contractors have completed removing and replacing the curb and gutter and removing the old asphalt.*

*New projects include Miller Ave. from Main to Chapin. Resurfacing begins August 16, 2010 and one-way traffic would be maintained eastbound/inbound. Outbound/westbound traffic would be detoured.*

*Mr. Fraser said the City received an email from the US Department of Transportation regarding the East Stadium Bridges. The US DOT had received the City's pre-application for the Tiger 2 Discretionary Grant program and suggested that the City go ahead and submit the final grant application by August 23, 2010.*

*The Geddes Avenue Sanitary Sewer Project neighborhood meeting is scheduled for Wednesday August 11, 2010 from 6:30 p.m. to 8:30 p.m. at the Senior Center.*

**CONSTRUCTION PROGRESS OF THE POLICE/COURT BUILDING AND CITY HALL**

*Move-in to the new Police/Court building, particularly for Information Technology staff, will begin in October 2010. Staff was given a tentative move-in schedule, and that information would be shared with Council at a later date.*

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

**PH-1 10-0571** An Ordinance to Amend Section 5:71(1) of Chapter 55 (Zoning) and Sections 5:121(2), 5:122(3), 5:124(2), and 5:130 (Subdivision and Land Use Control) of Title V of the Code of the City of Ann Arbor Regarding Approval Procedures and Timing (CPC Recommendation: Approval - 7 Yeas and 1 Nay) (Ordinance No. ORD-10-23)

*A public hearing was conducted on the proposed Ordinance to Amend Section 5:71(1) of Chapter 55 (Zoning) and Sections 5:121(2), 5:122(3), 5:124(2), and 5:130 (Subdivision and Land Use Control) of Title V of the Code of the City of Ann Arbor Regarding Approval Procedures and Timing. Notice of public hearing was published July 22, 2010. There being no one present for comment, the Mayor declared the hearing closed.*

**Held and Closed**

**PH-2 10-0581** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of .96 Acres from TWP (Township District) to R1A (Single Family Dwelling District), Vasconi Property, Southwest Corner of Geddes Avenue and Arlington Boulevard (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-10-24)

*A public hearing was conducted on the proposed amendment to Chapter 55, Rezoning of 0.96 Acres from TWP (Township District) to R1A (Single Family Dwelling District), Vasconi Property, located on the Southwest Corner of Geddes Avenue and Arlington Boulevard. Notice of public hearing was published July 22, 2010.*

*Jim Mogensen, 3780 Greenbrier, expressed concern with water runoff due to the numerous lot splits in this area.*

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

**Held and Closed**

**PH-3 10-0587** An Ordinance to Amend Chapter 55, Rezoning of 1.52 Acres from TWP (Township District) to (R1A District), Cronin Property, 3612 E. Huron River Drive (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-10-25)

*A public hearing was conducted on the proposed amendment to Chapter 55, Rezoning of 1.52 acres from TWP (Township District) to (R1A District), Cronin Property, located at 3612 E. Huron River Drive. Notice of public hearing was published July 22, 2010.*

*Thomas Partridge, 4220 Eyrie Dr., Scio Township, asked that Council make an amendment to the proposed ordinance requiring that the owners of the property contribute to affordable housing efforts elsewhere in the City.*

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

**Held and Closed**

**PH-4 10-0626**

Resolution to Approve Zaragon Place 2 Site Plan and Development Agreement, 500 East William Street (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

*A public hearing was conducted on the proposed Resolution to Approve Zaragon Place 2 Site Plan and Development Agreement, located at 500 East William Street. Notice of public hearing was published July 29, 2010.*

*Thomas Partridge, 4220 Eyrie Dr., Scio Township, asked that the property owner provide a significant number of affordable leases within the apartment complex.*

*Jim Mogensen, 3780 Greenbrier, said that Council should consider how this redevelopment project interacts with other projects on either side of it. Mr. Mogensen also expressed concern with the parking plans for the project.*

*Scott Bonney, project designer for Nueman Smith, explained the proposal to Council and was available to answer questions.*

*Tom Heywood, executive director of the State Street Area Association, spoke in support of the proposed site plan and development agreement.*

*Roger Hewitt, 1411 Harbrook, spoke in support of the proposed site plan.*

*Brad Mikas, Ann Arbor Chamber of Commerce, spoke in support of the proposed site plan and expressed concern with the TIF process and the amount of tax money from the project that would be routed to the DDA, not the City.*

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

**Held and Closed**

**COMMUNICATIONS FROM COUNCIL****A APPROVAL OF COUNCIL MINUTES**

**A-1 10-0766** Regular Session minutes of July 19, 2010

**A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, that the Minutes of July 19, 2010 be approved as presented. On a voice vote, the Mayor declared the motion carried.**

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

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

**CA-1 10-0724**

Resolution to Approve Changes to Traffic Patterns and Parking on Certain City Streets for the 2010 University of Michigan Student Move-In Program from September 1 - 3, 2010

Enactment No: R-10-282

**CA-2 10-0729** Resolution to Approve Interlocal Agreement for Search and Rescue Emergency Response Vehicle with Oakland County and other Participating Agencies  
Enactment No: R-10-283

**CA-3 10-0756** Resolution Authorizing the Emergency Purchase and Installation of Liebert NX Uninterruptible Power Supply (\$84,911.00)  
Enactment No: R-10-284

**B ORDINANCES - SECOND READING**

**B-1 10-0571** An Ordinance to Amend Section 5:71(1) of Chapter 55 (Zoning) and Sections 5:121(2), 5:122(3), 5:124(2), and 5:130 (Subdivision and Land Use Control) of Title V of the Code of the City of Ann Arbor Regarding Approval Procedures and Timing (CPC Recommendation: Approval - 7 Yeas and 1 Nay) (Ordinance No. ORD-10-23)  
*(The complete text of ORD-10-23 is on file in the City Clerk's Office.)*

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

**B-2 10-0581** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of .96 Acres from TWP (Township District) to R1A (Single Family Dwelling District), Vasconi Property, Southwest Corner of Geddes Avenue and Arlington Boulevard (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-10-24)  
*(The complete text of ORD-10-24 is on file in the City Clerk's Office.)*

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

**B-3 10-0587** An Ordinance to Amend Chapter 55, Rezoning of 1.52 Acres from TWP (Township District) to (R1A District), Cronin Property, 3612 E. Huron River Drive (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-10-25)  
*(The complete text of ORD-10-25 is on file in the City Clerk's Office.)*

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

**C ORDINANCES - FIRST READING**



- C-1 10-0708** An Ordinance to Amend Section 1:17 of Chapter 1 (Adoption, Contents and Interpretation) of Title 1 of the Code of the City of Ann Arbor and to Add a New Section 9:7 to Chapter 106 (Nuisances - Ban on Upholstered Furniture Outdoors) of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-10-29)

**Sponsors:** Taylor

*(The complete text of ORD-10-29 is on file in the City Clerk's Office.)*

**A motion was made by Councilmember Taylor, seconded by Councilmember Teall, that the Ordinance be approved on First Reading to the City Council and should be returned by 9/7/2010. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-10-29

- C-2 10-0623** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.2 Acres from UNZ (Unzoned District) to R4C (Multiple-Family Dwelling District), 1943 Jackson Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-10-30)

*(The complete text of ORD-10-30 is on file in the City Clerk's Office.)*

**A motion was made by Councilmember Hohnke, seconded by Councilmember Derezinski, that the Ordinance be approved on First Reading to the City Council and should be returned by 9/7/2010. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-10-30

## **D MOTIONS AND RESOLUTIONS**

### **DC New Business - Council:**

- DC-1 10-0725** Resolution to Approve E. Washington Street Closing for Arbor Brewing Company 15 Year Anniversary Party - August 13, 2010

**Sponsors:** Briere and Smith

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

Enactment No: R-10-285

- DC-2 10-0793** Resolution to Impose a Temporary Moratorium on the Use of Property and Structures in the City for Dispensing and Cultivating Marihuana

**Sponsors:** Higgins, Taylor, Rapundalo and Teall

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

Enactment No: R-10-286

*The following amendment was considered friendly:*

*4th Whereas clause:*

*Whereas, the Michigan Medical Marihuana Act ("THE ACT") PERMITS REGISTERED QUALIFYING PATIENTS AND PRIMARY CAREGIVERS TO POSSESS SPECIFIC AMOUNTS OF MARIHUANA AND TO CULTIVATE A SPECIFIC NUMBER OF PLANTS, BUT THE MICHIGAN MEDICAL MARIHUANA ACT does not specifically provide for facilities for dispensing medical marihuana and/or cultivating medical marihuana plants;*

*Add 2nd RESOLVED Clause:*

*RESOLVED, THAT THIS MORATORIUM DOES NOT APPLY TO THE FOLLOWING:*

- A DWELLING UNIT (AS DEFINED BY THE ZONING ORDINANCE) WHERE A QUALIFYING PATIENT UNDER THE ACT RESIDES AND IS CULTIVATING UP TO THE MAXIMUM NUMBER OF MARIHUANA PLANTS PERMITTED BY THE ACT FOR PERSONAL USE OR POSSESSES UP TO THE MAXIMUM AMOUNT OF MARIHUANA PERMITTED BY THE ACT FOR PERSONAL USE.*
- A BUILDING OR STRUCTURE (AS DEFINED BY THE ZONING ORDINANCE) OTHER THAN A DWELLING UNIT WHERE NO MORE THAN ONE QUALIFYING PATIENT UNDER THE ACT IS CULTIVATING UP TO THE MAXIMUM NUMBER OF MARIHUANA PLANTS PERMITTED BY THE ACT FOR PERSONAL USE OR POSSESSES UP TO THE MAXIMUM AMOUNT OF MARIHUANA PERMITTED BY THE ACT FOR PERSONAL USE.*
- A DWELLING UNIT OR OTHER BUILDING OR STRUCTURE WHERE NO MORE THAN ONE PRIMARY CAREGIVER UNDER THE ACT IS CULTIVATING UP TO THE MAXIMUM NUMBER OF MARIHUANA PLANTS PERMITTED BY THE ACT FOR ASSISTING QUALIFYING PATIENT(S) OR POSSESSES UP TO THE MAXIMUM AMOUNT OF MARIHUANA PERMITTED BY THE ACT FOR ASSISTING QUALIFYING PATIENT(S).*

*Enactment No: R-10-286*

The following amendment was considered friendly:

First RESOLVED Clause:

*...RESOLVED, That City Council hereby imposes a temporary moratorium prohibiting the use of any property in the City as a facility for dispensing marihuana for medical and any other purpose and for cultivating marihuana plants, and that any zoning compliance permits or building and trade permits for such uses be deferred for a period of [180] 120 days from the date of this resolution, in conjunction with the study and revision of the City's Zoning Ordinance or other ordinances regarding this issue;*  
...

Last RESOLVED Clause:

*...RESOLVED, That the moratorium imposed by this resolution shall expire the earlier of [180] 120 days from its effective date or upon adoption by City Council of ordinance amendments regarding the issue of facilities for dispensing marihuana and/or cultivating plants for medical or any other purposes.*

*Brackets indicate deleted language.*

Enactment No: R-10-286

**10-0793**

Resolution to Impose a Temporary Moratorium on the Use of Property and Structures in the City for Dispensing and Cultivating Marihuana

**Sponsors:** Higgins, Taylor, Rapundalo and Teall

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

**...RESOLVED, That City Council hereby imposes a temporary moratorium prohibiting the [use] INITIATION OR EXPANSION OF THE use of any property in the City as a facility for dispensing marihuana for medical and any other purpose and for cultivating marihuana plants, and that any zoning compliance permits or building and trade permits for such uses be deferred for a period of 180 days from the date of this resolution, in conjunction with the study and revision of the City's Zoning Ordinance or other ordinances regarding this issue; ...**

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

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

**Remove second to last RESOLVED Clause:**

**...[RESOLVED, That any aggrieved person shall be entitled to receive a hearing by the City Council to show that the temporary moratorium pronounced in this resolution will result in the preclusion of any viable economic use of their property, or will otherwise violate applicable provisions of State or Federal law, and if the City Council finds that an aggrieved petitioner or applicant makes such a showing, the City Council may grant relief from the moratorium to the degree necessary to cure the violation; and ]...**

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

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

**Nays:** 1 - Councilmember Derezinski

**Absent:** 2 - Councilmember Kunselman and Councilmember Higgins

**A motion was made by Councilmember Hohnke, seconded by Councilmember Briere, that the Resolution be postponed until 8/16/2010. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:**

**Yeas:** 4 - Mayor Hieftje, Councilmember Anglin, Councilmember Briere and Councilmember Hohnke

**Nays:** 5 - Councilmember Rapundalo, Councilmember Teall, Councilmember Smith, Councilmember Derezinski and Councilmember Taylor

**Absent:** 2 - Councilmember Kunselman and Councilmember Higgins

*Councilmember Briere moved, seconded by Councilmember Taylor, to suspend Council Rules regarding speaking times in order to continue discussion on this resolution. On a voice vote, the Mayor declared the motion carried.*

**A motion was made by Councilmember Briere, seconded by Councilmember Smith, to close debate and vote immediately on the pending question. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:**

**Yeas:** 5 - Councilmember Rapundalo, Councilmember Teall, Councilmember Briere, Councilmember Smith and Councilmember Derezinski

**Nays:** 4 - Mayor Hieftje, Councilmember Anglin, Councilmember Taylor and Councilmember Hohnke

**Absent:** 2 - Councilmember Kunselman and Councilmember Higgins

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

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

**Nays:** 0

**Absent:** 2 - Councilmember Kunselman and Councilmember Higgins

Enactment No: R-10-286

**RECESS**

*The Mayor declared a recess at 9:55 p.m. and reconvened the meeting at 10:10 p.m.*

**DC-3 10-0792** Resolution to Appoint a Member to the Golf Courses Advisory Task Force

**Sponsors:** Rapundalo

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

Enactment No: R-10-287

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

**DB-1 10-0626** Resolution to Approve Zaragon Place 2 Site Plan and Development Agreement, 500 East William Street (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

**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.**

Enactment No: R-10-288

**DS Old Business - Staff:**

**DS New Business - Staff:**

**DS-1 10-0704** Resolution Designating Citywide Recovery Zone

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

Enactment No: R-10-289

**DS-2 10-0753** Resolution Setting a Public Hearing on August 16, 2010 to Receive Public Comment on the Proposed Industrial Development District No. 2010-010 (Green Road Assoc.)

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

Enactment No: R-10-290

**DS-3 10-0731** Resolution to Approve Street Closings for the "Dancing In The Streets" Special Event - September 5, 2010

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

Enactment No: R-10-291

**DS-4 10-0752** Resolution Accepting Easement for Permanent Drainage from Louis E. Betke, by Power of Attorney Michael L. Betke, for the Newport Creek Culvert Construction Project  
(8 Votes Required)

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

Enactment No: R-10-292

**DS-5 10-0699** Resolution to Authorize a Sole Source Purchase Order to Carrier & Gable, Inc. for the Purchase of Traffic Signal Materials (\$450,000.00)

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

Enactment No: R-10-293

**DS-6 10-0773** Resolution to Approve Amendment No. 5 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 Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**

Enactment No: R-10-294

**E COMMUNICATIONS FROM THE MAYOR**

E-1 10-0745 Appointment - Confirmation

*APPOINTMENTS APPROVED*

*Mayor Hieftje recommended the following appointments at the July 19, 2010 regular session of Council:*

*Housing & Human Services Advisory Board  
Tony Ramirez (Re-Appointment)  
920 E. Ann  
Ann Arbor, MI 48104  
Term: August 5, 2010-August 5, 2013*

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

E-2 10-0778 Appointments - Confirmations

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

*Zoning Board of Appeals  
Alex Milshteyn  
3170 Dolph Drive  
Ann Arbor, MI 48103  
Term: August 16, 2010 - August 16, 2013*

*Downtown Development Authority Board  
Robert E. Guenzel (Replacing Jennifer Hall)  
1703 Morton  
Ann Arbor, MI 48104  
Term: August 16, 2010 - August 15, 2014*

**Referred to the City Council due back on 8/16/2010**

**COMMUNICATIONS FROM COUNCIL**

*None.*

**F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

F-1 10-0721 Proposed City Ordinance Banning Upholstered Furniture on Porches

**Received and Filed**

**G COMMUNICATIONS FROM THE CITY ATTORNEY**

*City Attorney Stephen Postema updated Council on the status of the lawsuit at the old YMCA site. He noted that the case against the City (HDC v. City of Ann Arbor) was thrown out of federal court.*

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

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

- H-1 10-0739** Communication from the Department of Energy, Labor & Economic Growth regarding promulgated rules for the Michigan Mechanical Code - Planning and Development Services
- H-2 10-0754** Communication from at&t™, regarding its Third Annual Video Report to the Michigan Public Service Commission (MPSC) and franchising entities in the State of Michigan regarding its deployment progress.
- H-3 10-0799** Communication from Charmie Gholson regarding Effects of MMJ businesses on Communities

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

- I-1 10-0588** Council Liquor License Review Committee - May 14, 2010
- I-2 10-0689** Planning Commission Meeting Minutes of May 18, June 1 and June 15, 2010.
- I-3 10-0711** Ann Arbor Downtown Development Authority Meeting Minutes - June 2, 2010, May 28, 2010 (retreat)
- I-4 10-0712** Downtown Area Citizens Advisory Council Minutes - June 2, 2010
- I-5 10-0728** Greenbelt Advisory Commission Minutes of June 9, 2010
- I-6 10-0767** Council Administration and Labor Committee minutes of June 22 and June 29, 2010

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

*Jim Mogensen, 3780 Greenbrier, addressed Council regarding the Fuller Transit Station and the use of public land for this purpose.*



**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 Taylor, seconded by Councilmember Smith, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:32 p.m.**

**10-0816** City Council Emails - August 5, 2010

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

**LIVE: THURSDAY, AUGUST 5, 2010 7:00 P.M.**

**REPLAYS: FRIDAY, AUGUST 6, 2010 7:30 P.M. AND TUESDAY, AUGUST 10, 10:00 A.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**