

City of Ann Arbor

100 N. Fifth Avenue
Ann Arbor, MI 48104
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Meeting Minutes - Final

Monday, March 7, 2011

7:00 PM

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

*Washtenaw County Administration Building (Commissioners Room), 220 N. Main St.
City Council meets in caucus the Sunday prior to each regular session at 7 p.m. in the
Council Chamber.*

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:12 p.m. in the Washtenaw County Board of Commissioners Room, 220 N. Main Street, Ann Arbor.

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 Higgins, seconded by Councilmember Taylor, that the Agenda be approved as presented. On a voice vote, the Mayor declared the motion carried.

INT INTRODUCTIONS

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. Ray Gould - Medical Marijuana (C-1 & DC-6)

Ray Gould, 5537 Overbrook Dr., addressed Council regarding the proposed Medical Marijuana Ordinance. He expressed concern with the proposed ordinance requirements for supplier lists and the number of dispensaries proposed.

2. Thomas Partridge - Expand access to jobs, affordable housing, human rights, improvements to the infrastructure, NOT marijuana. (C-1,C-3, Dc-1, Dc-6, I-7, I-8)

Thomas Partridge, Ann Arbor resident, addressed Council regarding access to jobs, affordable housing, human rights and improvements to infrastructure.

3. Alan Haber - Library Lot (DC-1)

Alan Haber, 531 Third St., addressed Council regarding the Library Lot. He said that a hotel-conference center is not a good economic idea for the City of Ann Arbor. He added that the public wants a fair and open process and participatory democracy regarding the Library Lot and he asked that Council consider holding a work session in order to consider The Commons proposal.

4. Dennis Hayes - Medical Marijuana (C-1 & DC-6)

Dennis Hayes, 120 N. Fourth Ave., expressed concerns about the current draft of the proposed Medical Marijuana Ordinance, particularly in regards to privacy and record keeping.

5. Chuck Ream - Medical Marijuana (C-1 & DC-6)

Chuck Ream, 1911 Packard St., urged City Council to remove the will of the Ann Arbor voters who first approved the Charter amendment regarding medical marijuana. He also expressed concerns about cultivation facilities and keeping lists of supplier names.

6. Mike McLeod - Medical Marijuana (C-1 & DC-6)

Mike McLeod, 700 Tappan, of Green Planet Patient Collective, asked that Council revise their definition of the medical marijuana cultivation facility. The latest definition currently proposed requires a license for anyone growing outside of their home even if they are growing a single plant. He added that a license should not be required for any individual patient or any individual caregiver.

7. Mathew Abel - Medical Marijuana (C-1 & DC-6)

Matthew Abel, 2930 E. Jefferson Ave., Detroit, MI, expressed concerns with patient privacy. He stated the ordinance as currently proposed is also overly bureaucratic.

8. Sol Metz - Palestine

Sol Metz, 1750 Fulmer St., addressed Council regarding the issues in Palestine and invited Council to the Mallett's Creek Library on March 29 at 7:00 p.m. for a presentation on the City's efforts on this issue.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER TAYLOR - MUTUALLY BENEFICIAL COMMITTEE**

Councilmember Taylor updated Council on the progress of the Mutually Beneficial Committee. The committee met earlier in the day and had a discussion regarding an agreement between the City and the DDA on the parking system.

COUNCILMEMBER RAPUNDALO

Councilmember Rapundalo said that the Library Lot Fee Review Committee will meet on March 8, 2011 at 3:00 p.m. to consider a draft Letter of Intent. He stated a proposal will be presented to Council at a Work Session on March 14, 2011.

COUNCILMEMBER SMITH

Councilmember Smith updated Council on the Human Rights Commission's work on a draft surveillance ordinance. She stated a proposal may be ready for Council at their April meeting.

MAYOR HIEFTJE

Mayor Hieftje welcomed students from Skyline High School.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR**CITY HALL UPDATE**

City Administrator Roger Fraser updated Council regarding the testing that has taken place in the basement due to the recent flooding. The test showed no sign of mold. He also said that larger windows have been installed on the north side of the building. Large windows will also be installed on the south side as well, allowing more natural light throughout the first floor of the building.

WORK SESSION SCHEDULED FOR MARCH 14, 2011

The work session scheduled for March 14, 2011 will be held at CTN, 2800 S. Industrial. Council is expected to return to their Chamber in April.

SENIOR CENTER

The Senior Center received a \$4000.00 grant from the Kiwanis Club to be used towards a fitness program for senior citizens.

PARKS AND RECREATION

Parks and Recreation has launched a new program this week called Give 356. It was created to build upon a culture of volunteerism that the City has established through efforts like Natural Area Preservation and Adopt-A-Park. Give 365 seeks to provide a volunteer program focused on the maintenance of recreation facilities and playing fields.

ENERGY CHALLENGE MONTH

February was Energy Challenge Month. Participating households were asked to reduce their CO2 emissions by 5% during the month of February. Preliminary results show that the average participating household reduced their emissions by at least 6.5%. The target was exceeded and Mr. Fraser thanked all households that participated in this challenge.

MATT NAUD - DELHI

Mr. Fraser announced that Matt Naud, the City's Environmental Coordinator, participated in the Delhi India Conference on Cities and Climate Change last month. The conference was organized by the Department of Environment Government with the assistance of the International Climate Change in South Asia. It showcased speakers from 11 international cities and more than 25 Indian cities that shared their experience on sustainability. Ann Arbor was targeted from India to participate in the conference because of the work that staff has been doing on various sustainability issues in our city for more than 15 years.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-1** [11-0055](#) Resolution to Approve the Sander Annexation, 0.82 Acres, 1575 Alexandra Boulevard (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to approve the Sander Annexation, 0.82 acres, located at 1575 Alexandra Boulevard. Notice of public hearing was published March 3, 2011.

Thomas Partridge, Ann Arbor Resident, spoke in opposition of the proposed annexation, stating more affordable housing is needed.

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

Held and Closed

- PH-2** [11-0273](#) Public Hearing on Proposed Washtenaw Avenue Corridor Improvement Authority

A public hearing was conducted on the proposed Washtenaw Avenue Corridor Improvement Authority. Notice of public hearing was published February 3 and 10, 2011.

Paul Schreiber, Mayor of the City of Ypsilanti, spoke in support of the proposed corridor improvement authority. He stated this project shows a collaborative effort between the four communities surrounding Washtenaw Avenue.

Thomas Partridge, Ann Arbor resident, spoke in support of the proposed improvement and said that it should include other townships in the project as well.

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

Held and Closed

- PH-3** [11-0182](#) Resolution to Adopt the 2011- 2015 Parks and Recreation Open Space Plan (Adopted by the CPC on February 15, 2011 - 8 Yeas, 0 Nays)

A public hearing was conducted on the proposed Resolution to adopt the 2011-2015 Parks and Recreation Open Space Plan. Notice of public hearing was published March 3, 2011.

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

Held and Closed

COMMUNICATIONS FROM COUNCIL

None.

A APPROVAL OF COUNCIL MINUTES

- A-1** [11-0299](#) Working Session of January 18, 2011 and Regular Session minutes of

February 22, 2011

A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that the work session minutes of January 18, and the regular session minutes of February 22, 2011 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

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

CA-6 Resolution to Accept Board of Insurance Administration Meeting Minutes of February 24, 2011

Passed on consent agenda

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

- CA-1 [11-0028](#) Resolution to Approve a Professional Services Agreement for Construction Materials Testing with TES Consultants, P.C. for the Arbor Oaks Water Main Project (RFP No. 757, \$35,230.00)
Enactment No: R-11-072
- CA-2 [11-0220](#) Resolution to Establish Project Budget and to Authorize Contract with Huron Valley Electric to Construct Solar Electric and Solar Thermal Systems at Fire Station #6 (\$51,480.00)
Enactment No: R-11-073
- CA-3 [11-0224](#) Resolution to Approve the Purchase of Water Meters and Water Meter Supplies from Midwest Municipal Instrumentation, Inc. (\$55,000.00)
Enactment No: R-11-074
- CA-4 [11-0034](#) Resolution to Approve a Contract with Rickman Enterprise Group, L.L.C. to Paint the Buhr Park Ice Arena Steel Structure (\$93,830.00)
Enactment No: R-11-075
- CA-5 [11-0269](#) Resolution Recognizing the Greg Piotrowski Memorial Fund as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License
Enactment No: R-11-076
- CA-6 [11-0284](#) Resolution to Accept Board of Insurance Administration Meeting Minutes of February 24, 2011
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-11-077

B ORDINANCES - SECOND READING

None.

C ORDINANCES - FIRST READING

Old Business:

C-1 [10-1249](#) An Ordinance to Add a New Chapter 71 to Title VI (Medical Marijuana Business and Home Occupation Licenses) of the Code of the City of Ann Arbor

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

Enactment No: ORD-11-04

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

Amendment #1

...Section 6:421. Prohibited Acts.

(b) Produce, distribute or possess more medical marijuana than allowed by applicable STATE OR LOCAL law.

(c) Produce, distribute or possess medical marijuana in violation of this chapter or any other applicable STATE OR LOCAL law.

Note: [] indicate deleted language, 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 Anglin, that the Ordinance be amended as follows:

Amendment #2

...Section 6:422. License Revocation.

[(6)](7) THE DISPENSARY OR CULTIVATION FACILITY IS DETERMINED BY THE CITY TO HAVE BECOME A PUBLIC NUISANCE.

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 amended as follows:

Amendment #3

...Section 6:422. License Revocation.

(1)[Conviction of a] ANY PERSON REQUIRED TO BE NAMED ON THE APPLICATION OF THE LICENSE IS CONVICTED of OR FOUND RESPONSIBLE FOR VIOLATING any provision of this chapter;

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 amended as follows:

Amendment #4

...Section 6:422. License Revocation.

(2) THE APPLICATION CONTAINS ANY [M]misrepresentation or omission of any material, fact or false or misleading information,[on the application,] or THE APPLICANT HAS PROVIDED THE CITY WITH any other FALSE OR MISLEADING information[provided to the City] related to the medical marijuana business;

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 amended as follows:

Amendment #5

...Section 6:422. License Revocation.

(3) [Conviction of a]Any person required to be named on the application IS CONVICTED of a crime which, if [occurring] IT HAD OCCURRED prior to submittal of the application, could have been cause for denial of the license [application]; ...

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 amended as follows:

Amendment #6

...Section 6:422. License Revocation.

(4) [Allowing distribution of medical m]Marijuana IS DISPENSED ON THE BUSINESS PREMISES[, including but not limited to delivery to a patient,]in violation of this chapter or any other applicable STATE OR LOCAL law, rule or regulation; ...

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 amended as follows:

Amendment #7

...Section 6:422. License Revocation.

(5) [Allowing the operation of a] THE cultivation facility or dispensary IS OPERATED OR IS OPERATING in violation of the specifications of the license

application, any conditions of approval by the City or other applicable STATE OR LOCAL law, rule or regulation. ...

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 amended as follows:

Amendment #8

...Section 6:422. License Revocation.

(6) [Temporary or permanent closure, or other sanction of the business by t]The City, or [by]the County or [State Public Health Department]the MDPH 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. ...

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 Amended as follows:

Amendment #9

...Section 6:[422]423. Revocation Not Exclusive Penalty.

Nothing in this chapter shall be deemed to prohibit the city administrator or designee from imposing other penalties authorized by this code or other ordinance of the city, including filing a [complaint] A PUBLIC NUISANCE ACTION OR ANY OTHER LEGAL ACTION in a court of competent jurisdiction.
...

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 amended as follows:

Amendment #10

...Section 6:415. License Required Number of Licenses Available. Eligibility.

[(7)](8) The City Council will establish a licensing board to consist of one member of Council, one physician [one medical marijuana caregiver] AND THREE OTHER ANN ARBOR RESIDENTS; these are Mayoral appointments. The Board will annually review AND RECOMMEND the licensing criteria, the number of licenses authorized, the license fee structure, and recommend approval of license applications. WHILE A CULTIVATION FACILITY OR DISPENSARY SHALL NOT BE ELIGIBLE FOR A LICENSE IF ANY PERSON REQUIRED UNDER THIS CHAPTER TO BE NAMED ON THE APPLICATION HAS BEEN CONVICTED OF A FELONY INVOLVING CONTROLLED SUBSTANCES, EVIDENCE THAT A PERSON REQUIRED UNDER THIS CHAPTER TO BE NAMED ON THE APPLICATION HAS BEEN CONVICTED OF ANY OTHER TYPE OF FELONY, UNDER THE LAW OF MICHIGAN, THE UNITED STATES, OR ANOTHER STATE, MAY BE USED BY THE BOARD IN ITS DETERMINATION OF

WHETHER OR NOT TO RECOMMEND THE ISSUANCE OF A LICENSE TO THE APPLICANT. AMONG OTHER THINGS, THE BOARD SHALL CONSIDER WHETHER THE SUBSTANCE OF THE OFFENSE WOULD TEND TO INDICATE A LIKELIHOOD THAT THE PERSON WOULD BE UNABLE TO SERVE THE PUBLIC IN A FAIR, HONEST AND OPEN MANNER OR TO DISPENSE OR CULTIVATE MEDICAL MARIJUANA IN COMPLIANCE WITH THE MMMA, WHETHER THERE IS EVIDENCE THAT THE PERSON HAS BEEN REHABILITATED, AND THE AGE OF THE CONVICTION.

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

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

Amendment #11

Section 6:416. General Provisions.

...(5) THE PROVISIONS OF CHAPTER 76 OF THIS CODE APPLY TO THIS CHAPTER UNLESS THIS CHAPTER ESTABLISHES ANOTHER PROCEDURE.

After further discussion, the motion was withdrawn.

Enactment No: ORD-11-04

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

Amendment #12

...Section 6:417. Application REQUIREMENTS for [and Issuance of]New Annual License or Renewal of Existing License[for Medical Marijuana Dispensaries and Medical Marijuana Cultivation Facilities]; LICENSE REQUIREMENTS FOR NEW LICENSE AND FOR RENEWED LICENSE.

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

RECESS

Mayor Hieftje declared a recess at 8:42 p.m. and reconvened the meeting at 8:59 p.m.

10-1249

An Ordinance to Add a New Chapter 71 to Title VI (Medical Marijuana Business and Home Occupation Licenses) of the Code of the City of Ann Arbor

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

Amendment #13

Section 6:414 Definitions.

...(b) Medical marijuana cultivation facility means a structure or each space in a structure that is separately owned by or leased by a person other than the owner of the structure, in which marijuana plants are being cultivated IN

COMPLIANCE WITH THE MICHIGAN MEDICAL MARIJUANA ACT.[other than as a] FOR PURPOSES OF THIS CHAPTER, A medical marijuana home occupation AS DEFINED IN CHAPTER 55 (ZONING) IS NOT CONSIDERED TO BE A MEDICAL MARIJUANA CULTIVATION FACILITY.

(c) [Dispensary means a m]Medical marijuana dispensary MEANS ONE OR MORE CAREGIVERS OPERATING AT A FIXED LOCATION, IN COMPLIANCE WITH THE MICHIGAN MEDICAL MARIJUANA ACT, FOR THE PURPOSE OF TRANSFERRING MARIJUANA AT THAT LOCATION TO ONE OR MORE PERSONS WHOSE MEDICAL USE OF MARIJUANA IS PROTECTED UNDER THE MICHIGAN MEDICAL MARIJUANA ACT. FOR PURPOSES OF THIS CHAPTER, A MEDICAL MARIJUANA HOME OCCUPATION AS DEFINED IN CHAPTER 55 (ZONING) IS NOT CONSIDERED TO BE A MEDICAL MARIJUANA DISPENSARY.

...

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

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

Amendment #14

6:414 Definitions.

...(F) MDCH MEANS THE MICHIGAN DEPARTMENT OF COMMUNITY HEALTH ...

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 amended as follows:

Amendment #15

Section 6:417 Application Requirements for New Annual License or Renewal of Existing License; License Requirements for New License and Renewed License

...(F) [A signed release on a form included with the application form permitting the Ann Arbor Police Department to perform a criminal background check to ascertain whether any person named on the application has been convicted of any felony under Michigan law, or the law of any other state, or the United States.] A STATEMENT WITH RESPECT TO EACH PERSON NAMED ON THE APPLICATION WHETHER THE PERSON HAS:

(I) EVER BEEN CONVICTED OF A FELONY INVOLVING CONTROLLED SUBSTANCES AS DEFINED UNDER THE MICHIGAN PUBLIC HEALTH CODE, MCL 333.1101, ET SEQ, THE FEDERAL LAW, OR THE LAW OF ANY OTHER STATE AND, IF SO, THE DATE OF THE CONVICTION AND THE LAW UNDER WHICH THE PERSON WAS CONVICTED;

(II) EVER BEEN CONVICTED OF ANY OTHER TYPE OF FELONY UNDER THE LAW OF MICHIGAN, THE UNITED STATES, OR ANOTHER STATE, AND, IF SO, THE DATE OF THE CONVICTION AND THE LAW UNDER WHICH THE PERSON WAS CONVICTED.

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 amended as follows:

Amendment #16

Section 6:417. Application Requirements for New Annual License or Renewal of Existing License; License Requirements for New License and Renewed License

...2[(i)](H) [The] PAYMENT OF A NON-REFUNDABLE application fee, which shall be determined by resolution of the City Council. ...

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

Councilmember Smith moved, seconded by Councilmember Kunselman, to suspend Council Rules as it relates to speaking times. 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 amended as follows:

Amendment #17

Section 6:417 Application Requirements for New Annual License or Renewal of Existing License; License Requirements for New License and Renewed License.

(3) LICENSE REQUIREMENTS. A NEW LICENSE SHALL NOT BE ISSUED TO A DISPENSARY OR CULTIVATION FACILITY 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 THAT PERMITS ITS OPERATION.

[(J)](C) THE APPLICANT HAS [A] a valid and current certificate of occupancy [issued by the Building Official after all necessary inspections have been conducted, which may include but are not limited to electrical inspection, plumbing inspection and mechanical inspection].

[(k)](D) [Proof that a sign measuring at least twenty four (24) inches wide and at least eight (8) inches high has been installed in a location visible to all persons entering the premises that reads as follows:]

THE APPLICANT HAS INSTALLED A SIGN CONTAINING THE FOLLOWING STATEMENT: ...

...[(l)](E) The APPLICANT HAS INSTALLED THE following security measures [shall be installed] on the premises: ...

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 amended as follows:

Amendment #18

(G) 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:

(I) WORKERS' COMPENSATION INSURANCE IN ACCORDANCE WITH MICHIGAN STATUTORY LIMITS AND EMPLOYERS LIABILITY INSURANCE WITH A MINIMUM LIMIT OF \$100,000 EACH ACCIDENT FOR ANY EMPLOYEE.

(II) PUBLIC LIABILITY AND PERSONAL INJURY INSURANCE WITH MINIMUM LIMITS OF \$500,000.00 FOR EACH OCCURRENCE AS RESPECT TO BODILY INJURY LIABILITY OR PROPERTY DAMAGE LIABILITY, OR BOTH COMBINED.

DOCUMENTATION MUST EXPLICITLY STATE THE FOLLOWING: (A) THE POLICY NUMBER; (B) NAME OF INSURANCE COMPANY; (C) NAME AND ADDRESS OF THE AGENT OR AUTHORIZED REPRESENTATIVE; (D) NAME AND ADDRESS OF INSURED; (E) LOCATION OF COVERAGE; (F) POLICY EXPIRATION DATE; AND

(G) SPECIFIC COVERAGE AMOUNTS. AN ORIGINAL CERTIFICATE OF INSURANCE MAY BE PROVIDED AS AN INITIAL INDICATION OF THE REQUIRED INSURANCE APPLICANT SHALL BE REQUIRED TO CONTINUE WITHOUT INTERRUPTION DURING THE TERM OF THE LICENSE THE ABOVE NAMED INSURANCE COVERAGES. IF ANY OF THE ABOVE COVERAGES EXPIRE BY THEIR TERMS DURING THE TERM OF A LICENSE, THE APPLICANT SHALL DELIVER PROOF OF RENEWAL AND/OR NEW POLICIES TO THE ADMINISTERING SERVICE AREA/UNIT AT LEAST TEN DAYS PRIOR TO THE EXPIRATION DATE.

INSURANCE COMPANIES, NAMED INSURED AND POLICY FORMS SHALL BE SUBJECT TO THE APPROVAL OF THE CITY ATTORNEY WITHIN 5 BUSINESS DAYS. INSURANCE POLICIES SHALL NOT CONTAIN ENDORSEMENTS OR POLICY CONDITIONS WHICH REDUCE COVERAGE REQUIRED UNDER THE TERMS OF THE LICENSE.

(G) THE APPLICANT HAS PAID THE NON-REFUNDABLE LICENSE FEE, AS DETERMINED BY RESOLUTION OF THE CITY COUNCIL.

Councilmember Taylor moved, seconded by Councilmember Rapundalo, to amend the amendment as follows:

Delete the following:

(G) ... [IN THE FEE RESOLUTION, COUNCIL MAY ESTABLISH A TWO-TIERED LICENSE FEE SUCH THAT THERE IS A LESSER LICENSE FEE FOR A BUSINESS THAT MAKES A SPECIFIC DONATION TO A NON-PROFIT EDUCATIONAL ORGANIZATION, WHICH IS LISTED IN THE RESOLUTION AND THE PURPOSE OF WHICH IS TO EDUCATE AND ADDRESS DRUG ABUSE ISSUES OR TO PROVIDE EDUCATION AS TO BEST PRACTICES FOR ENSURING TO THE EXTENT POSSIBLE THAT THE MEDICAL MARIJUANA

CULTIVATED FOR AND PROVIDED TO PATIENTS IS SAFE AND NOT HARMFUL TO THEIR HEALTH.]

The question being the amendment as amended, on a voice vote, the Mayor declared the motion carried with one no-vote by Councilmember Smith.

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

Amendment #19

[(3) Approval of Application.]

Section 6:419. Issuance of License.

The city administrator or designee shall issue a license for a cultivation facility or dispensary **TO THE APPLICANT IF A LICENSE IS AVAILABLE FOR ISSUANCE AND IF ALL REQUIREMENTS OF THIS CHAPTER HAVE BEEN MET.** [if inspections for safety and zoning compliance, criminal history background checks of all persons named on the application, and all other information available to the city verify that the applicant has submitted a full and complete application, has made improvements to the business location consistent with the application and is prepared to operate the business with owners and managers as set forth in the application, all in compliance with this Code and any other applicable law, rule or regulation.] 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 of that contains any false or incomplete information.

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 amended as follows:

Amendment #20

6:[419]420. Conduct of Business at Cultivation Facility or Dispensary.

... (F) THE NAME, ADDRESS, E-MAIL ADDRESS, AND TELEPHONE NUMBER OF AN AUTHORIZED PERSON WHO A PATIENT CAN CONTACT WITH ANY QUESTIONS REGARDING THE PRODUCT.

(G) THE NAME, ADDRESS, E-MAIL ADDRESS, AND TELEPHONE NUMBER OF AT LEAST ONE ORGANIZATION WHO MAY BE CONTACTED BY A PATIENT WHO HAS CONCERNS ABOUT SUBSTANCE ABUSE OF DRUGS, INCLUDING MARIJUANA.

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 amended as follows:

Amendment #21

[(9) A cultivation facility or dispensary shall keep records of the persons from whom they received marijuana in any form, and shall make the records

available to the City for review upon request.]

(9) A CULTIVATION FACILITY OR DISPENSARY SHALL KEEP RECORDS FOR EACH DELIVERY OF MARIJUANA IN ANY FORM TO THE CULTIVATION FACILITY OR DISPENSARY OF THE FOLLOWING:

- (A) THE REGISTRY NUMBER ON THE CAREGIVER REGISTRY IDENTIFICATION CARD THAT THE MDCH ISSUED TO THE CAREGIVER WHO IS DELIVERING THE MARIJUANA;**
- (B) THE REGISTRY NUMBER ON THE PATIENT REGISTRY IDENTIFICATION CARD THAT THE MDCH ISSUED TO THE PATIENT WHO ACCEPTED DELIVERY;**
- (C) THE TYPE AND VOLUME OF THE PRODUCT; AND**
- (D) THE DATE OF DELIVERY.**

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

A motion was made by Councilmember Smith, seconded by Councilmember Higgins, that the Ordinance be postponed until 3/21/2011. On a voice vote, the Mayor declared the motion carried.

New Business:

C-2 [11-0245](#)

An Ordinance Authorizing the Issuance and Sale of Sewage Disposal System Revenue Bonds, Series 2011-A to the Michigan Municipal Bond Authority **(Roll Call Vote Required - One Reading)**

(The complete text of ORD-11-02 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 a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Enactment No: ORD-11-02

C-3 [11-0246](#)

An Ordinance Authorizing the Issuance and Sale of Water Supply System Revenue Bonds, Series 2011-A to the Michigan Municipal Bond Authority **(Roll Call Vote Required - One Reading)**

(The complete text of ORD-11-03 is on file in the City Clerk's Office.)

A motion was made by Councilmember Rapundalo, seconded by Councilmember Briere, that the Ordinance be adopted. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Enactment No: ORD-11-03

D MOTIONS AND RESOLUTIONS

DC DC - Old Business Council:

DC-1 [11-0043](#) Resolution Authorizing that the Ann Arbor DDA Develop an Implementation Plan to Redevelop Downtown City-Owned Parcels

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

A motion was made by Councilmember Taylor, seconded by Councilmember Hohnke, that the Resolution be postponed until 4/4/2011. On a voice vote, the Mayor declared the motion carried.

DC New Business - Council:

DC-2 [11-0189](#) Resolution to Approve a Request to Transfer Ownership of a 2010 Class C Liquor Licensed Business Located at 112 W. Liberty, from Alley Bar, Inc. to Project B, LLC - d/b/a Alley Bar

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-11-078

DC-3 [11-0261](#) Resolution to Approve a Request to Drop The Earle Uptown, LLC as Co-Licensee and add Naya Inc., as Co-Licensee in a 2009 B-Hotel Liquor Licensed Business, located at 300 S. Thayer - d/b/a Mercy's

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-11-079

DC-4 [11-0281](#) Resolution to Appoint the Committee Members of the Council Liquor License Review Committee to serve as the Hearing Board Required for Annual Liquor License Renewals under Chapter 109 (Liquor) of the City Code

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

Enactment No: R-11-080

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

[RESOLVED, That City Council hereby approves the membership of the Liquor License Hearing Board to be the members of the Council Liquor License Review Committee, or one member of the Council Liquor License Review Committee to be a Hearing Officer as determined by the committee, for all future annual renewal hearings.]

RESOLVED, THAT CITY COUNCIL HEREBY APPOINTS COUNCILMEMBER DEREZINSKI TO BE THE HEARING OFFICER FOR ALL FUTURE ANNUAL RENEWAL HEARINGS OF THE COUNCIL LIQUOR LICENSE REVIEW COMMITTEE.

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

Yeas: 7 - Mayor Hieftje, Councilmember Teall, Councilmember Anglin, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

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

11-0281

Resolution to Appoint the Committee Members of the Council Liquor License Review Committee to serve as the Hearing Board Required for Annual Liquor License Renewals under Chapter 109 (Liquor) of the City Code

The question being the Resolution made by Councilmember Rapundalo, seconded by Councilmember Derezinski, as amended, on a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 8 - Mayor Hieftje, Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Nays: 3 - Councilmember Rapundalo, Councilmember Higgins and Councilmember Briere

Enactment No: R-11-080

DC-5 11-0282

Resolution to Approve a Request to Transfer Ownership and Location of an Escrowed 2010 Class C Liquor Licensed Business Located at 10256 Willis Road in Augusta Township from Willis Pickle Barrell Inn, Inc. to Cascabel Ventures, L.L.C. Located at 341 E. Liberty, Suite 1, DBA Mani Osteria & Bar

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-11-081

DC-6 11-0315

Resolution Adopting a Policy of Non-Disclosure of Certain Medical Marijuana Information

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Resolution be approved.

A motion was made by Councilmember Derezinski, seconded by Councilmember Teall, that the Resolution be postponed until 3/21/2011. On a voice vote, the Mayor declared the motion carried.

DB New Business - Boards and Commissions:

- DB-1 [11-0055](#) Resolution to Approve the Sander Annexation, 0.82 Acres, 1575 Alexandra Boulevard (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

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-11-082

- DB-2 [11-0182](#) Resolution to Adopt the 2011- 2015 Parks and Recreation Open Space Plan (Adopted by the CPC on February 15, 2011 - 8 Yeas, 0 Nays)

A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Nays: 1 - Councilmember Anglin

Enactment No: R-11-058

DS Old Business - Staff:

- DS-1 [11-0175](#) Resolution Accepting Easement for Pedestrian Access from Glacier Hills, Inc. for the Glacier Hills Skilled Nursing Care Facility Addition (**8 Votes Required**)

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

Enactment No: R-11-083

- DS-2 [11-0176](#) Resolution Accepting Easement for Public Utilities from Glacier Hills, Inc. and Partially Vacating Prior Easement for Public Utilities (**8 Votes Required**)

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

Enactment No: R-11-084

DS New Business - Staff:

- DS-3** [11-0086](#) Resolution to Establish Loan Loss Reserve Fund and to Appropriate Funds (\$432,800.00) for Community Energy Projects **(8 Votes Required)**

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 unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-11-085

- DS-4** [11-0119](#) Resolution to Approve a Professional Services Agreement with J. F. New for Engineering Services for the Compost Facility Stormwater Management Study (\$88,250.00) and Establish a Project Budget of \$120,000.00

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

Enactment No: R-11-086

- DS-5** [11-0193](#) Resolution to Approve Amendment 1 with Lazer Technologies, Inc. and Appropriate the Necessary Funds for Telecommunications Systems Technical Support (\$231,480.00) **(8 Votes Required)**

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

Enactment No: R-11-087

- DS-6** [11-0200](#) Resolution Proclaiming the City of Ann Arbor's Commitment to Complete Streets

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

Enactment No: R-11-088

- DS-7** [11-0219](#) Resolution to Authorize the Purchase of LED Cobra Head Streetlight Fixtures from Lumecon (\$315,968.00) ITB-4132

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

Enactment No: R-11-089

- DS-8** [11-0244](#) Resolution to Approve a Sobriety Court Grant Program Contract with

Dawn Farm, Inc. to Provide In-Patient and Out-Patient Drug Abuse Counseling and Rehabilitation Services to 15th Judicial District Court defendants (\$140,000.00)

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-11-090

DS-9 [11-0251](#)

Resolution Accepting Easement for Monitoring Well Access from Duane F. Mason and Vacating Prior Easement **(8 Votes Required)**

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 unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-11-091

E COMMUNICATIONS FROM THE MAYOR

E-1 [11-0320](#)

3/7/11 Appointments & Nominations

Mayor Hieftje informed the public that City Administrator Roger Fraser had announced his retirement from the City in order to take a position in the State Treasurer's Office. Mayor Hieftje stated Council would have a resolution at their next meeting regarding the next steps in the process to find a replacement.

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

**Recreation Advisory Commission
Susan L. Ball (Re-Appointment)
602 Oswego St.
Ann Arbor, MI 48104
Term: March 21, 2011-August 31, 2014**

**Richard Dekeon (Re-Appointment)
535 Virginia
Ann Arbor, MI 48103
Term: March 21, 2011-August 31, 2014**

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

H-1 [11-0270](#) Communication from Andrew Zweifler regarding prevention of gun violence.

I The following minutes were received for file:

- I-1 [11-0057](#) October 19, 2010 City Planning Commission Meeting Minutes
- I-2 [11-0058](#) November 3, 2010 City Planning Commission Meeting Minutes
- I-3 [11-0172](#) Ann Arbor Public Art Commission Meeting Minutes - February 1, 2011
- I-4 [11-0205](#) Ann Arbor Downtown Development Authority Meeting Minutes - (regular) January 5, 2011, (retreat) January 5, 1011
- I-5 [11-0206](#) Downtown Area Citizens Advisory Council Minutes - January 5, 2011
- I-6 [11-0247](#) Public Market Commission Minutes - October 5, 2010
- I-7 [11-0256](#) Human Rights Commission Meeting Minutes - December 8, 2010
- I-8 [11-0265](#) Ann Arbor Housing Commission Meeting Minutes - January 19, 2011
- I-9 [11-0283](#) Housing and Human Services Advisory Board Meeting Minutes 4/13/10, 6/8/10, 7/13/10, 9/14/10, 10/12/10, 12/14/10

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Thomas Partridge addressed Council regarding rallying to protect the future of residents of the City of Ann Arbor as well as the State of Michigan.

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 Kunselman, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:50 p.m.

[11-0374](#)

City Council Emails - March 7, 2011

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, MARCH 7, 2011 AT 7:00 P.M.

REPLAYS: TUESDAY, MARCH 8, 2011 AT 10:00 A.M. AND FRIDAY, MARCH 11, 2011 AT 7:30 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office by telephone at 734-794-6140 or by written request addressed to the City Clerk's Office, 100 N. Fifth Ave., Ann Arbor, MI 48104, at least 24 hours in advance.

A hard copy of this Council packet can be viewed at the front counter of the City Clerk's office.

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary