

City of Ann Arbor

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



Meeting Minutes - Final

Monday, March 21, 2011

7:00 PM

Washtenaw County Commissioner Board Room, 220 N. Main St. 1st
Floor

City Council

*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 7:06 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: 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 Taylor, seconded by Councilmember Derezinski, that the Agenda be approved as presented. On a voice vote, the Mayor declared the motion carried.

INT INTRODUCTIONS**INT-1 [11-0285](#) Center for Digital Government Digital Cities Award Presentation**

Robert Blake, Regional Vice President for Government and Education Solutions for AT&T, presented the Center for Digital Government Award to Daniel Rainey, IT Director for the City of Ann Arbor. The Digital Government Awards recognize outstanding agency and department web sites and projects at the application and infrastructure level. The City of Ann Arbor was identified as one of the top ten digital cities in the United States three years in a row.

Received and Filed

INT-2 [11-0371](#) Street Outreach Task Force Report

Maggie Ladd and Charles Coleman of the Mayor's Street Outreach Task Force presented The Mayor's Street Outreach Task Force Report to Council. A copy of the report is on file in the City Clerk's Office.

Received and Filed

INT-3 [11-0369](#) Resolution on Millers Creek Plan Adoption

Scott Dierks gave a slide presentation of the Millers Creek Plan. The plan is a comprehensive watershed improvement plan for Millers Creek, an urban tributary of the Huron River located on the northeast side of the City of Ann Arbor in Washtenaw

County, Michigan. A copy of the plan can be found by using the following link:
<http://wiki.mtri.org/display/milcreek/Improvement+Plan>

Enactment No: R-11-100

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. Gersh Avery - Medical Marijuana (C-1)

Gersh Avery addressed Council regarding the Medical Marijuana Ordinance. He asked that Council make the City of Ann Arbor a city for medical advancement and protect the testing facilities that are necessary to ensure the health and the life of cancer patients.

2. Rhory Gould - Medical Marijuana (C-1)

Rhory Gould, 5537 Overbrook, thanked Council for drafting the Medical Marijuana Ordinance and expressed concerns with the portion of the ordinance that required keeping permanent records of people who are legally growing cannabis under state law. Mr. Gould stated there are concerns amongst caregivers regarding privacy and the ordinance as proposed may limit the number of people willing to supply dispensaries.

3. Dennis Hayes - Medical Marijuana (C-1)

Dennis Hayes thanked Council for the work that has been done on the Medical Marijuana Ordinance. The current version of the ordinance contains a substantial number of restrictions that are still of concern to the medical marijuana community.

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

Chuck Ream expressed concerns with portions of the proposed Medical Marijuana Ordinance. He said that the cultivation license is an attempt to restrict rights that are already provided by the Michigan Medical Marijuana Act. He reminded Council that City voters overwhelmingly supported the constitutional amendment.

5. Henry Herskovitz - Palestine

Henry Herskovitz, 404 Mark Hannah, asked that Council consider two items to promote peace in Palestine. He asked that Council pass the Human Rights Resolution calling for cessation of military aid to Israel and invited Council to attend their group's forum which will be held on March 29, 2011 at the Malletts Creek Branch of the Ann Arbor District Library.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER TAYLOR

Councilmember Taylor reported on the City's and the DDA's Mutually Beneficial Committees. The two have been meeting to discuss contractual language for a parking agreement. Councilmember Taylor stated there are still some outstanding issues to resolve, but progress is being made.

COUNCILMEMBER RAPUNDALO

Councilmember Rapundalo responded to an article in AnnArbor.com. He clarified some comments made regarding Act 312 and binding arbitration. Councilmember Rapundalo also clarified comments in the article that made reference to past negotiated agreements and he stated the City recognizes that both sides negotiated in good faith for those agreements based on the needs at that time. The economic circumstances today are different than they were even two or three years ago and what the City is asking for in terms of concessions in future contracts now is a reflection of today's economic reality.

Councilmember Rapundalo also clarified that the City was not proposing to reduce the health care benefits for the Ann Arbor Police Officers Association, as was reported. He stated that the groups who have already agreed to the new health care plan have similar or in some cases, such as preventive care, improved benefits. The City has never sought a reduction in benefits, but is requesting that employees share in the increasing costs of health care both now and in retirement.

COUNCILMEMBER ANGLIN

Councilmember Anglin reported on the Police Department handing a case in the 5th Ward. He commended the police for their efforts.

COUNCILMEMBER BRIERE

Councilmember Briere thanked everyone who reviewed the Street Outreach Committee's Report. One of the tasks of the committee was to think about new ways to confront panhandling and by extension, both homelessness and the needs for additional human services without increasing the budget. She added that an ordinance to amend the panhandling chapter of the City Code would be coming soon.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

INTERNATIONAL EARTH HOUR

City Administrator Roger Fraser said that the City would be participating in International Earth Hour on Saturday, March 26, 2011, from 8:30 p.m. to 9:30 p.m. The street lights will be turned off on Main Street between William and Huron Streets during this time period. Traffic lights will remain on and individuals may also participate in the earth hour at their own homes. Details may be found at www.a2gov.org/earthhour or at earthhour.org.

RESIDENTIAL COMPOST COLLECTION

Residential curbside compost collection will resume on April 4, 2011. In addition, on Saturdays, from 8 a.m. until noon between April 16 through May 28, 2011, Ann Arbor residents can receive without charge up to six bushels of compost or mulch from the compost facility located at 4150 Platt Rd. Residents will need to first stop at the at the Material Recovery Facility (MRF) House with their water bill to verify that they are city residents, where they will receive a coupon for the free material. Please bring your own shovel and containers or truck for the removal of the material. More

information can be found by logging onto www.a2gov.org/compost.

HURON HILLS OPEN FOR BUSINESS

The first seven holes at Huron Hills opened for play last Thursday and over 300 people have played the course over the last few days. All 18 holes are tentatively scheduled to open later this week.

Leslie Park Golf Course is scheduled to open early next week.

COBBLESTONE FARM LED LIGHTS

LED lights are being installed at Cobblestone Farm. This project is supported by the American Recovery and Reinvestment Act Funds from the US Department of Energy.

JUSTICE CENTER OPEN HOUSE

The Justice Center Open House is scheduled for Saturday, April 16, 2011, at 301 E. Huron St. from 10 a.m. to 12 noon. This is an effort to invite the community in to the facility. Guided tours will be available.

EAST STADIUM BRIDGE REPLACEMENT PUBLIC MEETING

A public meeting to discuss the East Stadium Bridge Replacement Project is scheduled for March 23, 2011 from 6:30-8 p.m. in the Pioneer High School cafeteria. The meeting will include updates on funding, construction plans and construction timelines.

LIVE STREAMING OF MEETINGS

Beginning April 4, 2011, all City Council and public meetings televised on CTN's public meeting channel will also be streamed live on the web. The program actually went live this afternoon, thereby making tonight's meeting live on the web. Visit www.a2gov.org/ctn for more details.

CITY BUDGET

The annual Town Hall meeting to discuss the 2012-2013 City Budget is scheduled for April 13, 2011 at CTN from 7-9 p.m.

U OF M MOTTS SPRING FOOTBALL GAME

On April 16, 2011, the University of Michigan will hold its annual Motts Spring Football game. This game will be treated as a football game day in Ann Arbor with respect to parking restrictions. For more information, visit mgoblue.com. No Parking, vendor restriction and street traffic control will be similar to any football game day.

THE DDA AND THE ANN ARBOR POLICE DEPARTMENT

The DDA and the Ann Arbor Police Department will give the public an opportunity to rid their households of dangerous unused prescription drugs on April 30, 2011 at the Justice Center from 10-2 p.m. The drop-off of the drugs can be made anonymously.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [10-1300](#) Resolution to Approve the Brush/Frey Annexation, 1.1 Acres, 2437

Newport Road (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve the Brush/Frey Annexation, 1.1 Acres, located at 2437 Newport Road. Notice of public hearing was published March 17, 2011. There being no one present for comment, the Mayor declared the hearing closed.

Held and Closed

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER TEALL

Councilmember Teall announced that the Fool Moon festival is scheduled for April 1, 2011 on Washington between Ashley and Main Streets. This will be a parade with giant luminaries. Anyone who is interested in creating their own luminaries can log onto festifools.org for more information. The Festifools Parade is scheduled for April 3, 2011 from 4-5 p.m. on Main Street. She encouraged everyone to come out and participate.

A APPROVAL OF COUNCIL MINUTES

A-1 [11-0350](#) Regular Session of March 7, 2011

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the regular session minutes of March 7, 2011 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

Passed on consent agenda

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

CA-1 [11-0248](#) Resolution to Approve the Purchase Order with Hach Company for Filter Effluent Turbidimeters (\$41,536.44)

Enactment No: R-11-094

CA-2 [11-0274](#) Resolution to Approve a Sobriety Court Grant Program Contract with the Washtenaw Community Health Organization (WCHO) to Provide Mental Health Treatment Services to 15th Judicial District Court Defendants (\$95,000.00)

Enactment No: R-11-095

CA-3 [11-0314](#) Resolution Recognizing the Greater Ann Arbor Quilt Guild as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Enactment No: R-11-096

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 Smith, seconded by Councilmember Briere, that the Ordinance be approved at First Reading.

Enactment No: ORD-11-04

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

Amendment #1

AN ORDINANCE TO ADD A NEW CHAPTER [71]95 TO TITLE [VI]VII [FOOD AND HEALTH](BUSINESSES AND TRADES) OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor Ordains:

Section 1. That a new Chapter [71]95 be added to Title [VI]VII of the Code of the City of Ann Arbor to read as follows:

CHAPTER [71]95. MEDICAL MARIJUANA [BUSINESS] LICENSES FOR CULTIVATION FACILITIES AND DISPENSARIES ...

Note: [] Brackets 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 Smith, that the Ordinance be amended as follows:

Amendment #2

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

...(2) [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 any felony under Michigan law, or the law of any other state or the United States.] 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 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. ...

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

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

Amendment #3

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

...(7) The City Council will establish a licensing board to consist of one member of Council, one physician, 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 **TAKING INTO CONSIDERATION RECOMMENDATIONS FROM STAFF**, 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 Smith, that the Ordinance be amended as follows:

Amendment #4

Section 6:415. 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 ISSUED TO THE CAREGIVER WHO IS DELIVERING THE MARIJUANA. ...**

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

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

Nays: 2 - Councilmember Rapundalo and Councilmember Kunselman

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

Amendment #5

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

(1) APPLICATION ACCEPTANCE. A dispensary or cultivation facility 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 cultivation facility or 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 cultivation facility or dispensary shall discontinue all operation unless the Building Official determines it must be closed sooner for safety reasons.

(2) APPLICATION REQUIREMENTS. An application for a new annual license or the renewal of an existing license for a cultivation facility or dispensary, shall be submitted to the City Clerk on a form provided by the City, which shall fulfill all of the requirements indicated on the form, including but not limited to: ...

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

...(3)(d) The applicant has installed a sign [containing] **IN A LOCATION VISIBLE TO ALL PERSONS WHO ENTER THE PREMISES, 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.

Councilmember Derezinski was absent during the time of this vote.

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

Amendment #7

Section 6:419. Conduct of Business at Cultivation Facility or Dispensary.

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

Delete:

- [(a) the name of the person to whom it is being delivered;
- (b) the name of the business delivering the marijuana;
- (c) that the package contains marijuana;
- (d) the date of delivery, weight, type of marijuana and dollar amount or other consideration of being exchanged in the transaction; and,
- (e) 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 ACT OR BY ANY PERSON WHO DOES NOT POSSESS A VALID MEDICAL MARIJUANA PATIENT REGISTRATION CARD.

(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.]

Add new:

- ...(A) A UNIQUE ALPHANUMERIC IDENTIFIER FOR THE PERSON TO WHOM IT IS BEING DELIVERED;**
- (B) A UNIQUE ALPHANUMERIC IDENTIFIER FOR THE CULTIVATION SOURCE OF THE MARIJUANA;**
- (C) THAT THE PACKAGE CONTAINS MARIJUANA;**
- (D) THE DATE OF DELIVERY, WEIGHT, TYPE OF MARIJUANA AND DOLLAR AMOUNT OR OTHER CONSIDERATION BEING EXCHANGED IN THE TRANSACTION; AND,**
- (E) A CERTIFICATION THAT ALL MARIJUANA IN ANY FORM CONTAINED IN THE PACKAGE WAS CULTIVATED, MANUFACTURED, AND PACKAGED IN THE STATE OF MICHIGAN.**
- (F) 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 ACT OR BY ANY PERSON WHO DOES NOT POSSESS A VALID MEDICAL MARIJUANA PATIENT REGISTRATION CARD.

(G) THE NAME, ADDRESS, E-MAIL ADDRESS, AND TELEPHONE NUMBER OF AN AUTHORIZED REPRESENTATIVE OF THE DISPENSARY WHOM A PATIENT CAN CONTACT WITH ANY QUESTIONS REGARDING THE PRODUCT.

(H) THE NAME, ADDRESS, E-MAIL ADDRESS, AND TELEPHONE NUMBER OF

AT LEAST ONE GOVERNMENTAL OR NON-PROFIT ORGANIZATION THAT MAY BE CONTACTED BY A PATIENT WHO HAS CONCERNS ABOUT SUBSTANCE ABUSE OF DRUGS, INCLUDING MARIJUANA.

(5) ALL OF THE REQUIRED LABELING INFORMATION, INCLUDING CODED PATIENT AND CAREGIVER INFORMATION SHALL BE MAINTAINED AND AVAILABLE FOR INSPECTION AT A CULTIVATION FACILITY OR DISPENSARY FOR NO LESS THAN ONE YEAR AFTER DISPENSING.

[(5)](6) A cultivation facility or dispensary shall report all criminal activities to the Ann Arbor Police Department immediately upon discovery.

[(6)](7) An authorized person shall consent to the entry into a cultivation facility or dispensary by the Building Official and zoning inspectors for the purpose of inspection to determine compliance with this chapter pursuant to a notice posted in a conspicuous place on the premises two (2) or more days before the date of the inspection or sent by first class mail to the address of the premises four (4) or more calendar days before the date of the inspection.

[(7)](8) All security measures required in this chapter shall be maintained in good working order. The premises shall be monitored and secured twenty-four hours per day.

[(8)](9) All marijuana in any form provided to patients at or by a dispensary or cultivation facility shall have been cultivated, manufactured, and packaged in the state of Michigan.

[(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.]

(10) A CULTIVATION FACILITY OR DISPENSARY SHALL KEEP RECORDS OF THE CAREGIVERS FROM WHOM THEY RECEIVE MARIJUANA IN ANY FORM, AND SHALL MAKE THE RECORDS AVAILABLE TO THE CITY, UPON REQUEST TO PROMOTE HEALTH, SAFETY AND WELFARE OR TO OTHERWISE VERIFY COMPLIANCE TO 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 #8

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

(8) A LICENSE ISSUED UNDER THIS CHAPTER SHALL EXPIRE ONE YEAR AFTER THE DATE OF ISSUANCE. TO RENEW AN EXISTING LICENSE, THE LICENSEE SHALL SUBMIT AN APPLICATION IN THE SAME MANNER AS IS REQUIRED TO APPLY FOR A NEW LICENSE NO SOONER THAN NINETY (90) DAYS BEFORE THE EXPIRATION DATE AND NO LATER THAN SIXTY (60) BEFORE THE EXPIRATION DATE. ...

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

[10-1249](#) An Ordinance to Add a New Chapter 95 to Title VII (Medical Marijuana Licenses for Cultivation Facilities and Dispensaries) of the Code of the City of Ann Arbor (Ordinance No. ORD-11-04)

The question being the ordinance as amended, on a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-11-04

RECESS

Mayor Hieftje declared a recess at 8:53 p.m. and reconvened the meeting at 9:10 p.m.

Councilmember Teall left the meeting at 9:11 p.m.

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

Absent: 1 - Councilmember Margie Teall

[11-0777](#) Motion to extend the Medical Marijuana Moratorium to June 30, 2011

A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, to extend the Medical Marijuana moratorium to June 30, 2011. On a voice vote, the Mayor declared the motion carried.

New Business:

C-2 [11-0267](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.63 Acre from TWP (Township District) to R1B (Single Family Dwelling District), Gacek Property, 3011 Geddes Ave (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-11-05)

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

D MOTIONS AND RESOLUTIONS

DC Old Business - Council:

DC-1 11-0315 Resolution Adopting a Policy of Non-Disclosure of Certain Medical Marijuana Information

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Resolution be approved. The motion was withdrawn.

DC New Business - Council:

DC-2 [11-0357](#) Resolution to Consider a Letter of Support for Washtenaw County's

Grant Application to the Michigan Trust Fund

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

Enactment No: R-11-097

DC-3 [11-0340](#)

Resolution to Approve a Request to Transfer Ownership of a 2010 Resort B-Hotel Liquor Licensed Business, with a Dance-Entertainment Permit, from Z.L.C., Inc. to RB Hotel Ann Arbor LLC, Located at 3200 Boardwalk, D/B/A Four Points by Sheraton

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-11-098

DC-4 [11-0364](#)

Resolution to Amend the 2011 City Council Calendar

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 with one no-vote made by Councilmember Higgins.

Enactment No: R-11-099

DC-5 [11-0369](#)

Resolution on Millers Creek Plan Adoption

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-11-100

DC-6 [11-0375](#)

Resolution to Establish Council Search Committee

City Councilmembers requested that staff provide information to them regarding the cost of doing an in-house city administrator search versus hiring a national search firm.

Mayor Hieftje selected the following members to serve on the committee: Councilmembers Higgins, Derezinski, Taylor, Briere and Mayor Hieftje

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

Enactment No: R-11-101

DC-7 [11-0378](#)

Resolution Requesting Non-Renewal of Liquor License Number 173083-2010 Held by Legends Nightclub LLC (d/b/a The Fifth Quarter) by Michigan Liquor Control Commission

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 unanimously with ten members voting.

Enactment No: R-11-102

- DC-8 [11-0383](#) Resolution to Approve Renewal of Liquor License Number 186555-2010 Held by V. R. Entertainment Network, Inc. (d/b/a Dream Niteclub & Lounge, formerly Studio 4)

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 with no-votes made by Councilmembers Briere and Rapundalo.

Enactment No: R-11-103

DB New Business - Boards and Commissions:

- DB-1 [10-1300](#) Resolution to Approve the Brush/Frey Annexation, 1.1 Acres, 2437 Newport Road (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

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-11-104

- DB-2 [11-0253](#) Resolution to Approve Purchase Agreement for the Purchase of Development Rights on the Nancy M. Geiger Revocable Living Trust and Rose Ann Geiger Contingent Trust in Northfield Township and Appropriate Funds in the Amount of \$583,187.00 **(8 Votes Required)**

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

Enactment No: R-11-105

DS New Business - Staff:

- DS-1 [11-0186](#) Resolution to Approve the Sale/Transfer of Washtenaw Affordable Housing Corporation's Property at 1500 Pauline to Avalon Housing Inc., or an Affiliated Agency, and Discharge of the City HOME and CDBG Mortgages for \$700,000.00 and \$300,000.00 Respectively

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

Enactment No: R-11-106

- DS-2 [11-0124](#) Resolution to Authorize the Transfer of \$90,000.00 from the Park Memorials and Contributions Fund to the DDA for Design and Renovations of Forest Street Plaza and Appropriate Funds **(8 Votes Required)**

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 unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-11-107

DS-3 [11-0263](#)

Resolution to Approve Three Grant Applications to the Michigan Department of Natural Resources and Environment to Make Improvements to the Gallup Park Livery, to Upgrade the Boat Launches at Gallup Park and Argo Park, and to Construct a Skatepark at Veteran's Memorial Park

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

Enactment No: R-11-108

[11-0263](#)

Resolution to Approve Three Grant Applications to the Michigan Department of Natural Resources and Environment to Make Improvements to the Gallup Park Livery, to Upgrade the Boat Launches at Gallup Park and Argo Park, and to Construct a Skatepark at Veteran's Memorial Park

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

Add a RESOLVED Clause:

...RESOLVED, THAT CITY COUNCIL DIRECTS STAFF TO PRIORITIZE THE ANN ARBOR SKATEPARK GRANT APPLICATION TO THE MDNRE TRUST FUND AHEAD OF THE GALLUP LIVERY AND PARK APPLICATION.

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

The question being, the Resolution as amended, on a voice vote, the Mayor declared the motion carried.

Enactment No: R-11-108

DS-4 [11-0268](#)

Resolution to Approve Briarwood Lots 12 & 13 Hotels PUD Revised Elevations, 1401 Briarwood Circle

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-11-109

DS-5 [11-0188](#)

Resolution Approving a Purchase Order with Oakland County for CLEMIS Information Services for FY2011 and FY2012 (Not to Exceed \$160,462.00)

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-11-110

- DS-6** [11-0255](#) Resolution Setting a Public Hearing on April 4, 2011 to Receive Public Comment on the Proposed Industrial Development District No. 2011-010 (Sakti3)

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-11-111

E COMMUNICATIONS FROM THE MAYOR

415 W. WASHINGTON

Mayor Hieftje said that a presentation with the Arts Alliance and Greenway Conservancy is scheduled for the April 4, 2011 meeting to update Council on the progress of the 415 W. Washington project.

- E-1** [11-0320](#) 3/7/11 Appointments & Nominations

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the March 7, 2011 regular session of Council:

*Recreation Advisory Commission
Susan L. Ball (Filling a Vacancy)
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*

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

- E-2** [11-0377](#) 3/21/11 Appointments & Nominations

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

*Historic District Commission
Ellen Ramsburg (Re-Appointment)
1503 Cambridge Rd.
Ann Arbor, MI 48104
Term: March 21, 2011-April 4, 2014
Note: Appointment approved on March 21, 2011 as a one-step process.*

*Housing Board of Appeals
Christopher J. Heaton (Replacing-Ann Stuart who resigned)*

2915 Sheffield Ct.
Ann Arbor, MI 48105
Term: April 4, 2011-June 30, 2014

A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that the appointment to the Historic District Commission be approved as a one-step process. On a voice vote, the Mayor declared the motion carried unanimously with ten members present, thus satisfying the eight-vote requirement.

COMMUNICATIONS FROM COUNCIL

None.

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

None.

G COMMUNICATIONS FROM THE CITY ATTORNEY

City Attorney Stephen Postema said that Assistant City Attorney Mary Fales wanted to thank Council and staff for their concern for her and her family while they were waiting on news of her son in Japan during the recent earthquake and tsunami.

Mayor Hieftje noted that Ann Arbor's sister city, Hikone, Japan, was not affected by the earthquake or tsunami.

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

- H-1 [11-0312](#) Communication from Comcast regarding video-related prices in Michigan
- H-2 [11-0322](#) Communication from the Huron River Watershed Council regarding a request to help measure Huron River water quality

I The following minutes were received for file:

- I-1 11-0014 Energy Commission Work Session Minutes - December 14, 2010
- I-2 11-0015 Energy Commission Minutes - November 9, 2010
- I-3 [11-0060](#) December 7, 2010 City Planning Commission Meeting Minutes

- I-4 [11-0190](#) Energy Commission Minutes - January 11, 2011

- I-5 [11-0199](#) Historic District Commission Minutes of the December 9, 2010 Meeting

- I-6 [11-0235](#) Greenbelt Advisory Commission Meeting Minutes of December 8, 2010 and January 12, 2011

- I-7 [11-0240](#) December 21, 2010 City Planning Commission Meeting Minutes

- I-8 [11-0280](#) Council Liquor License Review Committee - January 21, 2011

- I-9 [11-0300](#) Washtenaw Area Transportation Study (W.A.T.S.) meeting minutes of January 19, 2011

- I-10 [11-0304](#) Downtown Development Authority Meeting Minutes - February 2, 2011

- I-11 [11-0305](#) Downtown Area Citizens Advisory Council Minutes - February 2, 2011

- I-12 [11-0319](#) Taxicab Board Meeting Minutes - January 27, 2011

- I-13 [11-0321](#) Recreation Advisory Commission Minutes - January 4, 2011

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

None.

CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, INCLUDING BUT NOT LIMITED TO, LABOR NEGOTIATIONS STRATEGY, PENDING LITIGATION, AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (C), (E), AND (H).

None.

ADJOURNMENT

A motion was made by Councilmember Smith, seconded by Councilmember Derezinski, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:59 p.m.

[11-0399](#) City Council Emails - March 21, 2011

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MARCH 21, 2011, 7:00 P.M.

**REPLAYS: MARCH 22, 2011, 10:00 A.M. AND FRIDAY, MARCH 25, 2011,
7:30 P.M.**

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

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

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

**Jacqueline Beaudry
Clerk of the Council**

**Anissa R. Bowden
Recording Secretary**