

City of Ann Arbor

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

Tuesday, September 7, 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 7:07 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: 10 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Stephen Kunselman, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor and Councilmember Carsten Hohnke

Absent: 1 - Councilmember Marcia Higgins

APPROVAL OF AGENDA

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

INT INTRODUCTIONS

INT-1 [10-0907](#) Proposed Ban of Upholstered Furniture on Porches

Rita Fulton, Housing Inspector for the City of Ann Arbor, gave a slide presentation regarding the proposed ban on upholstered furniture on porches. A copy of the presentation is on file in the City Clerk's Office.

Received and Filed

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

*** (SPEAKERS ARE NOT PERMITTED TO GRANT THEIR RESERVED TIME TO AN ALTERNATE SPEAKER)**

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

1. Thomas Partridge - Zoning for Housing (C-3)

Thomas Partridge, 4220 Eyrie Dr., in Scio Township, addressed Council regarding the proposed rezoning of the Church of God in Christ located at 2000 Dhu Varren

Road.

2. Jane Klingsten - Safe Routes to School Application for Thurston Elementary (DS-5)

Jane Klingsten, 3347 Elsinore Ct., representing the Arbor Hills Condominium Association, spoke in support of the proposed Resolution to approve Safe Routes to School Application for Thurston Elementary.

3. Jim Mogensen - Lessons from old YMCA Site

Jim Mogensen, 3780 Green Brier, said that Council should rethink the RFP process and how it works.

4. Tim Hull - AATA and Board Accountability

Tim Hull, 1412 McIntyre, expressed concern with the AATA and its Board of Directors. He said that AATA board appointees as well as all other board appointees should be held accountable for their actions. He added that he has sent numerous emails explaining why this is a problem and what needs to be done and has received virtually no response from the Council.

5. Tom Wall - Football Saturdays

Tom Wall, 1011 S. Main Street, expressed concern with the cost of applying for a permit to sell hotdogs as a vendor during football Saturdays. He asked that nonprofit organizations be granted a reduced fee since most of the proceeds generated are given back to the community.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER TAYLOR

Councilmember Taylor thanked staff for the presentation regarding fire safety. He informed everyone that he would be proposing to postpone the ordinance until September 20, 2010 to allow students the opportunity to review the proposed ordinance and to speak at the hearing if desired.

Councilmember Taylor also reported on the Mutually Beneficial Committee. He said that they have met jointly with the DDA's Mutually Beneficial Committee over the past two weeks and their focus has been on parking enforcement.

COUNCILMEMBER HOHNKE

Councilmember Hohnke updated Council on the work of the Human Rights Commission. He stated the Human Rights Commission is working on a resolution for Council's September 20 meeting to speak out against Muslim discrimination nationwide and locally. They would like the Ann Arbor community to express its commitment to diversity and urge local tolerance.

COUNCILMEMBER SMITH

Councilmember Smith announced that September is Local Food Month. She reminded everyone that this Saturday is the Homegrown Festival at the Farmer's Market from 6-11 p.m., following the regularly-scheduled market. She encouraged

everyone to come and eat locally grown food.

COUNCILMEMER BRIERE

Councilmember Briere said that there has been more and more concern in the downtown about increased panhandling. She asked that the Panhandling Taskforce be recreated to review the issues.

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman read a statement regarding the Skate Park effort and a recent proposal that was brought forward to the DDA. The Friends of the Ann Arbor Skate Park Committee did not request or support the initiative that was brought forward by the DDA. They received very little advance notice of the proposal and were not able to get the solid answers they were seeking regarding how DDA funding could be used for the Skate Park, since the location of the park is in Veteran's Memorial Park, outside the DDA District.

Councilmember Kunselman expressed concern with dangerous buildings in Ann Arbor. 3254 Springbrook has a collapsed garage and 2 Faust Court is boarded up and burned out. The two properties are in tax foreclosure and are now under the jurisdiction of the County Treasurer. There is a notice or court order to have the properties demolished. Councilmember Kunselman asked for Council's support in urging Washtenaw County to provide a clean-up and demolition permit as part of the tax sale process.

COUNCILMEMBER DEREZINSKI

Councilmember Derezinski said that he looks forward to the resolution that Councilmember Hohnke is planning to bring before Council regarding religious tolerance.

COUNCILMEMBER ANGLIN

Councilmember Anglin urged City staff to move forward with the study of the Allen Creek flood area.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

PARKS AND RECREATION - MACK POOL OPEN

City Administrator Roger Fraser announced that Mack Pool opened today and is offering additional public swimming times during the day as well as new fitness classes.

ANNUAL DOG SWIM AT BUHR PARK

Buhr Park will hold their annual dog swim on September 8, 9 and September 11, 2010.

FARMER'S MARKET DOUBLE-UP FOOD BUCKS

The Farmers Market has started a program called Double-Up Food Bucks. The program is made possible with support from the Oakland Society Foundation, the Ann Arbor Area Community Foundation and others. The program helps to make healthy foods more accessible to low-income urban families, while creating new sales

opportunities for Michigan farmers. Persons using an EBT bridge card to shop for food at the Farmers Market and spending up to \$20 per week would have that \$20 matched for double-up food bucks bonus tokens. The tokens can then be exchanged for Michigan grown foods, fruits, and vegetables. The program will supplement the already popular EBT program at the Ann Arbor Farmers Market, which has seen growth of more than 300% since August of last year.

REMOVAL OF DEAD AND DYING TREES ON ARGO EMBANKMENT

The removal of dead and dying trees on the Argo embankment began today. With that process, the trail across the mill-race will be closed from Monday through Thursday for most of September. The mill-race and the trail are expected to be open on Fridays, Saturdays and Sundays in September.

HURON HILLS RFP

An RFP for Huron Hills Golf Course was issued last Friday. The RFP seeks creative proposals to maximize the recreational golf opportunities available at Huron Hills. Mr. Fraser noted that the City is not selling Huron Hills Golf Course.

GEORGETOWN BLVD WATER MAIN / STREET RESURFACING

The Georgetown Blvd. watermain and street resurfacing reconstruction project was completed in mid-August and all traffic lanes are now open.

NORTH STATE STREET RESURFACING

The North State Street resurfacing project from Kingsley to Huron was completed in August and the street has been reopened.

PACKARD ROAD SCOOT EXPANSION

The Packard Road SCOOT (Split Cycle Offset Optimization Technique) expansion from Stadium to Eisenhower was completed and is operational. Three additional signals are now equipped with SCOOT technology, coordinating signals in real time. SCOOT measures traffic demand instantaneously all day long and adjusts the signal timing based on the traffic demand.

PERMEABLE ASPHALT PAVEMENT ROAD RECONSTRUCTION

The first permeable asphalt pavement road reconstruction on Sylvan Avenue was completed at the end of August. The asphalt requires different cleaning techniques, but will minimize stormwater runoff.

NEWPORT / WARRINGTON UTILITY IMPROVEMENT PROJECT

The Newport / Warrington Utility Improvement Project installation of under-road culvert is completed. The culvert is designed to handle large amounts of stormwater runoff during very heavy rain storms. The Newport Road restoration is currently underway with a plan to open the road to traffic by September 20, 2010.

The new watermain and sanitary sewer at Warrington Road and Bird Road are on schedule for completion in November.

PARKING LOT RECONSTRUCTION ON THE EAST SIDE OF CITY HALL

The parking lot reconstruction on the east side of the Larcom Building began today and is expected to be completed by the first of October.

GEDDES ROAD, US-23 AND EARHART

Work has progressed steadily on the segment of Geddes between US-23 and Earhart. The Geddes Road and Earhart roundabout was fully opened to traffic this past Friday. The larger project is slightly ahead of schedule and weather permitting will be open to traffic going both directions by the end of October.

MILLER ROAD CONSTRUCTION

Construction continues on the north side of Miller Road with the storm sewer and asphalt removals and concrete work. Currently, traffic is being maintained on one lane, inbound, and will continue this way until mid-November.

NORTHSIDE SANITARY SEWER

The Northside Sanitary Sewer project is slightly ahead of schedule and is expected to be fully completed by the end of September. A foot path along Argo Pond opened earlier this month.

PLYMOUTH ROAD STREET RESURFACING

The Plymouth Road Street resurfacing work includes the completion of road base repair, concrete, sidewalks and ramps, bus stop paths and asphalt leveling course. All lanes will be open to traffic by September 18, 2010.

PLYMOUTH ROAD WATER MAIN REPLACEMENT PROJECT

This project was completed on August 24, 2010 and traffic lanes were restored.

WEST STADIUM BLVD CONSTRUCTION

Construction is slightly ahead of schedule on West Stadium Blvd., west of 7th St. Weather permitting, this construction should be complete by the end of October. Work currently continues on the north side of the street, with stormwater, road building and light poles.

The intersection of Stadium Blvd. and 7th St. is open in three directions, but there is no eastbound traffic.

RECYCLE BANK PROGRAM

The Recycle Bank Program officially started last week. The Recycle Bank is now available and all are encouraged to take advantage of the program and increase recycling efforts in the City.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [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)

A public hearing was conducted on the proposed amendment to Chapter 55 (Zoning), Rezoning of 1.2 Acres from UNZ (Unzoned District) to R4C (Multiple-Family Dwelling District), located at 1943 Jackson Road. Notice of public hearing was published August 19, 2010.

Thomas Partridge, Scio Township resident, asked that Council not move forward with the proposed rezoning without an additional amendment that would require a sufficient number of affordable housing units to be built on the site.

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

Held and Closed

PH-2 [10-0706](#)

Resolution to Approve Industrial Facilities Exemption Certificate between the City of Ann Arbor and NanoBio Corporation

A public hearing was conducted on the proposed Resolution to Approve Industrial Facilities Exemption Certificate between the City of Ann Arbor and NanoBio Corporation. Notice of public hearing was published August 26, 2010.

Dave Paralta, Chief Operating Officer of NanoBio, explained the company and their work to Council.

Jim Mogensen, 3780 Green Brier, said that is important for the community to document and analyze how an IDD works. New major corporations coming into the City would only bring a portion of the taxes for their property with an abatement.

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

Held and Closed

PH-3 [10-0853](#)

Public Hearing on Proposed Washtenaw Avenue Non-Motorized Path Special Assessment Project

A public hearing was conducted on the proposed Washtenaw Avenue Non-Motorized Path Special Assessment Project. Notice of public hearing was published August 26, 2010.

The following people spoke in opposition of the proposed non-motorized path on Washtenaw Avenue:

Katie Gallagher, representing Colene Bollinger Trust

Edwina Koto, 2541 Washtenaw

Shannon Bellers, on behalf of the Ann Arbor Assembly of God

Jim Mogensen said that this is a public project and that City Council needs to think through the dynamics of adding additional sidewalks.

Osa Safa, 2851 Washtenaw Ave., said that the project is for the entire community and feels it is a penalty to require people who front the side of the street to pay for the assessment. He asked Council to vote no on the resolution.

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

Held and Closed

PH-4 [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)

A public hearing was conducted on the proposed Amendment to 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. Notice of public hearing was published September 2, 2010.

The following people spoke in support of the proposed ordinance:

*Bob LeMasters
Kim Kachadoorian, 204 E. Davis
Chris Crocket, 507 E. Kingsley
Bob Snyder, South University Neighborhood Association*

Mark Sapasas spoke in opposition of the proposed ordinance.

John Olten, Michigan Student Assembly, asked that the ordinance be postponed to allow students time to provide input.

There being no further comment, the Mayor declared the hearing continued to September 20, 2010. The Mayor also noted that anyone speaking at tonight's public hearing would not be able to speak at the September 20 public hearing, because it is the same public hearing being continued on that date.

Held and Continued to the City Council due back on 9/20/2010

COMMUNICATIONS FROM COUNCIL

None.

A **APPROVAL OF COUNCIL MINUTES****A-1** [10-0895](#)

Regular Session of August 16, 2010

A motion was made by Councilmember Briere, seconded by Councilmember Hohnke, that the Minutes of August 16, 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 Teall, seconded by Councilmember Taylor, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA-1 [10-0772](#)

Resolution to Approve a Purchase Order to Cogsdale Corporation for Annual Software Maintenance and Support Agreement for FY2011

(\$48,660.00)

Enactment No: R-10-314

- CA-2** [10-0774](#) Resolution to Approve a Purchase Order with Trojan Technologies Inc. for Ultraviolet Disinfection System Replacement Parts at the Wastewater Treatment Plant (\$60,000.00)
Enactment No: R-10-315
- CA-3** [10-0785](#) Resolution to Extend Contract with the U.S. Department of Energy for Solar America Cities Project
Enactment No: R-10-316
- CA-4** [10-0788](#) Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Perimeter Engineering LLC for General Engineering Services (\$55,000.00)
Enactment No: R-10-317
- CA-5** [10-0791](#) Resolution to Approve a Contract with Huron Valley Electric, Inc. to Upgrade the Electrical Service at the Farmers Market (\$59,180.00)
Enactment No: R-10-319
- CA-6** [10-0814](#) Resolution Authorizing Fixed Annexation and Water Improvement Charges and Fees for 2562 Newport Road in Connection with Access Grant for Newport Creek Culvert Project
Enactment No: R-10-318

B ORDINANCES - SECOND READING

- B-1** [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)

A motion was made by Councilmember Hohnke, seconded by Councilmember Teall, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.
- B-2** [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)

A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the ordinance be adopted at second reading.
Enactment No: ORD-10-29

A motion was made by Councilmember Taylor, seconded by Councilmember Rapundalo, that the Ordinance be postponed to the City Council and should be returned by 9/20/2010. On a voice vote, the Mayor declared the motion carried.

C ORDINANCES - FIRST READING

- C-1** [09-1174](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 12.5 Acres from TWP (Township District) to PL (Public Land District), U of M Soccer Complex, 2323 South Main Street (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-10-31)

A motion was made by Councilmember Teall, seconded by Councilmember Smith, that the Ordinance be approved on First Reading to the City Council and should be returned by 10/4/2010. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-10-31

- C-2** [10-0716](#) An Ordinance to Amend Section 5:10.6 of Chapter 55 (Zoning) of Title V of the Code of the City of Ann Arbor to Add Guest Houses as a Permitted Principal Use in R4A Zoning District (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

A motion was made by Councilmember Smith, seconded by Councilmember Derezinski, that the Ordinance be approved on First Reading to the City Council and should be returned by 10/4/2010. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-10-32

- C-3** [10-0776](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 4.77 Acres from TWP (Township District) to R4A (Multiple-Family District), The Church of God in Christ Property, 2000 Dhu Varren (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

A motion was made by Councilmember Derezinski, seconded by Councilmember Smith, that the Ordinance be approved on First Reading to the City Council and should be returned by 10/4/2010. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-10-33

- C-4** [10-0750](#) An Ordinance to Amend Chapter 55 (Zoning) and Chapter 59 (Off-Street Parking) of Title V of the Code of the City of Ann Arbor Regarding Revisions to Area, Height, and Placement Regulations (CPC Recommendation: Approval - 9 Yeas, 0 Nays)

A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that the Ordinance be approved on First Reading to the City Council and should be returned by 10/4/2010. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-10-34

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

- DC-1** [10-0885](#) Resolution for Community Events Fund Disbursements from the FY 2011 Budget
- A motion was made by Councilmember Teall, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-10-320
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- DC-2** [10-0906](#) Resolution to Support Federal, State & Local Legislation enabling the creation of Property Assessed Clean Energy (PACE) Financing Districts
- 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.**
- Enactment No: R-10-321
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- DC-3** [10-0880](#) Resolution to Amend the Fleet and Facility Unit FY 2011 Budget by Appropriating Funds from the Fleet Services Fund's Fund Balance and to Approve a Purchase Contract for Two Class 1 Fire Engines from Crimson Fire, Inc. for \$730,680.00 **(8 Votes Required)**
- A motion was made by Councilmember Taylor, 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-10-322

DB New Business - Boards and Commissions:

None.

DS New Business - Staff:

- DS-1** [10-0706](#) Resolution to Approve Industrial Facilities Exemption Certificate between the City of Ann Arbor and NanoBio Corporation
- 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-10-323
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- DS-2** [10-0738](#) Resolution to Award a Construction Contract to Utility Services Authority, LLC for the 2010 Sewer Lining Project (\$1,224,978.00; Bid No. ITB-4084)

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

Enactment No: R-10-324

DS-3 [10-0790](#)

Resolution to Approve a Professional Service Agreement with DLZ Michigan, Inc. for the 2010/2011 Bridge Inspection Program (\$98,000.57)

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

Enactment No: R-10-325

DS-4 [10-0859](#)

Resolution to Accept Planning Action Grant and Appropriate Funds from the Michigan Department of Natural Resources and Environment (\$50,000.00) **(8 Votes Required)**

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 with nine members present, thus satisfying the eight-vote requirement.

Enactment No: R-10-326

DS-5 [10-0084](#)

Resolution to Approve the Safe Routes to School Application for Thurston Elementary

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-10-327

DS-6 [10-0777](#)

Resolution to Approve a Contract with Nagle Paving, Inc. to Renovate Pathways at Veterans Memorial Park and Buhr Park (\$147,055.00)

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-10-328

DS-7 [10-0813](#)

Resolution Accepting Easement for Water Main from the Estate of Lloyd L. Quicksey, Sr, for the Washtenaw Non-Motorized Pathway Project **(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-10-329

- DS-8 [10-0830](#) Resolution Accepting Easement for Public Road Right of Way on West Ellsworth Rd from CRS Realty Company (**8 Votes Required**)
- 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 unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-10-330
- DS-9 [10-0856](#) Resolution Granting an Easement for Overhead Right of Way at the Ann Arbor Wastewater Treatment Plant to Detroit Edison Company (**8 Votes Required**)
- A motion was made by Councilmember Kunselman, seconded by Councilmember Briere, 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-10-331

E COMMUNICATIONS FROM THE MAYOR

- E-1 [10-0821](#) 8/16/10 Appointments & Nominations
- Mayor Hieftje requested confirmation of the following appointment placed on the floor of the August 16, 2010 regular session of Council:**
- Downtown Development Authority
John Splitt (Re-Appointment)
1723 Ivywood Dr.
Ann Arbor, MI 48103
Term: September 7, 2010-September 7, 2014**
- A motion was made by Councilmember Smith, seconded by Councilmember Hohnke, that the Appointment be Approved.**
- On a voice vote, the Mayor declared the motion carried.**

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER RAPUNDALO

Councilmember Rapundalo clarified the comments he made regarding medical marijuana at the last session of Council and his suggestion regarding direction given to the City Attorney in Closed Session. He said that he may have indicated there had been a discussion; it was actually one-sided because it was done by the City Attorney as part of the focus of that closed session which was concerning legal advice. He said that he also indicated that there was a directive given. That was a misrepresentation; there certainly was a councilmember who indicated that they wanted to bring this matter forward at the next meeting. That councilmember did subsequently work with the City Attorney after the Closed Session and then certainly obtained additional sponsors for the resolution. Councilmember Rapundalo wanted to be sure the clarification was made and he apologized to councilmembers if it there was any confusion resulting from his comments.

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman expressed concern with City staff regarding 601 S. Forest. He stated he was concerned about the status of the project and the ability for the project to move forward.

Councilmember Kunselman praised City staff for the Sidewalk Repair Program. A number of slabs have been poured since the issue was raised a couple of meetings ago. He said that the program is a very important program for the city.

Councilmember Kunselman said that there was a watermain break in his ward recently and he wanted to express his gratitude to the city staff who worked in the 90-degree weather to make the repairs.

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

None.

G COMMUNICATIONS FROM THE CITY ATTORNEY

City Attorney Stephen Postema said that there have been a couple of discussions about the confusion that Councilmember Rapundalo referred to regarding a discussion on medical marijuana dispensaries. There was a statement reported in the press that the purpose of a prior Closed Session was actually to go into closed session for pending litigation. In fact that claim was referencing the July 19, 2010 closed session. He wasn't sure where the statement came from, but in fact, it was incorrect and may have contributed to some of the confusion. The closed session referenced by Councilmember Rapundalo dealt with attorney/client privileged communication, which is legal advice that happens in closed sessions and certainly happened at that time. Mr. Postema stated he appreciated the clarification from Mr. Rapundalo.

City Attorney Postema added that he worked with individual councilmembers who wanted a resolution on medical marijuana brought forward to the August 5, 2010 meeting. That was done and that procedure is not unusual. He said that he works with councilmembers all the time. That is exactly how issues come before Council to be discussed in public, via resolution and/or ordinance.

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

H-1 [10-0854](#) Board of Canvassers Report for the August 3, 2010 City Primary Election

H-2 [10-0855](#) Communication from Gail Light regarding improvements to the City of Ann Arbor as a whole.

- H-3 **Communication from Jean Sager regarding 1943 Jackson Ave Rezoning**
- H-4 **Communication from David & Edwina Koto expressing objection to proposed Non-Motorized Path Special Assessment Project**
- H-5 [10-0887](#) Communication from Robert G. Faber regarding possible sale of Huron Hills Golf Course
- H-6 **Protest letter from Carlene Bollinger Trust regarding non-motorized path along Washtenaw Avenue**
- I **The following minutes were received for file:**
- I-1 [10-0733](#) Council Liquor License Review Committee - June 11, 2010
- I-2 [10-0824](#) Council Liquor License Review Committee - July 16, 2010
- I-3 [10-0796](#) Public Market Advisory Commission Minutes - June 1, 2010
- I-4 [10-0797](#) Ann Arbor Housing Commission Regular Board Meeting Minutes - June 16, 2010
- I-5 [10-0849](#) Ann Arbor Human Rights Commission Meeting Minutes, March 10, 2010
- I-6 [10-0851](#) Ann Arbor Disabilities Commission Meeting Minutes, April 21, 2010
- I-7 [10-0860](#) Council Rules Committee Meeting Minutes of August 9, 2010
- I-8 [10-0861](#) Council Administration and Labor Committee Meeting Minutes of August 16, 2010
- I-9 [10-0852](#) Ann Arbor Housing Commission Regular Board Meeting Minutes - July 21, 2010

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Jim Mogensen spoke about the City's RFP process.

Michael Benson, UM Student, stated he was pleased to hear that the City was considering a resolution on religious tolerance. He would also like to see the Fire Department's presentation made available online.

A member of the audience thanked Council for the postponement of the proposed couch ordinance.

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).

A motion was made by Councilmember Taylor, seconded by Councilmember Rapundalo, that Council enter into Closed Session under the Michigan Open Meetings Act to discuss pending litigation and attorney/client privileged communications set forth in MCLA 15.268 (C), (E), and (H). On roll call, the vote was as follows, with the Mayor declaring the motion carried and the meeting recessed at 9:33 p.m.

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

Nays: 0

Absent: 1 - Councilmember Higgins

MEETING RECONVENED

A motion was made by Councilmember Taylor, seconded by Councilmember Rapundalo, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:46 p.m.

10-0955

Resolution Directing the City Attorney in the Matter of Handley v. City of Ann Arbor, Washtenaw County Case Number GCW-07-0000244
NO

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.

Enactment No: R-10-332

ADJOURNMENT

A motion was made by Councilmember Teall, seconded by Councilmember Hohnke, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:48 p.m.

10-0959

Council Emails - September 7, 2010

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: TUESDAY, SEPTEMBER 7, 2010 AT 7:00 P.M.

REPLAYS: WEDNESDAY, SEPTEMBER 8, 2010 AT 10:00 A.M. AND

FRIDAY, SEPTEMBER 10, 2010 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.