

City of Ann Arbor

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

Monday, February 7, 2011

7:00 PM

(2/6/11 caucus 7p.m. City Hall 4th Fl.)

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.

City Council

CALL TO ORDER

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

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 - 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 Teall, seconded by Councilmember Higgins, that the Agenda be approved with the following changes:

Move: DC-2 Resolution Approving the Downtown Ann Arbor Design Guidelines and Design Review Program (Consider before the Consent Agenda.)

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

INT INTRODUCTIONS

INT-1 11-0229 Proclamations: Honoring Phi Beta Sigma Fraternity-Delta Rho Chapter as February NAP Volunteer of the Month and a Proclamation Commemorating Peter Pollack

Mayor Hieftje read proclamations honoring Phi Beta Sigma Fraternity-Delta Rho Chapter as February Natural Areas Preservation Volunteer of the Month and to Peter Pollack's legacy, honoring his contributions to the community. Copies of the proclamations are on file in the City Clerk's Office.

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. TJ Rice - Medical Marijuana Ordinance (C-1)

TJ Rice, 202 E. Washington, addressed Council regarding the proposed medical marijuana ordinance. He said his biggest concerns with the ordinance are issues surrounding patient privacy.

2. Dennis Hayes - Medical Marijuana Ordinance (C-1)

Dennis Hayes expressed concern with the proposed medical marijuana ordinance regarding patient and caregiver lists. He urged Council to draft the ordinance in compliance with the voter-approved City Charter amendment.

3. Tony Keene - Medical Marijuana Ordinance (C-1)

Tony Keene, 240 Crest Street, spoke in support of the proposed medical marijuana ordinance. He urged Council to ban dispensary operations, stating they are unnecessary and are giving the entire medical marijuana community a bad name.

4. Thomas Partridge - Overcome discrimination. Provide access to safe affordable housing and transportation (DC-1 and DS-1)

Thomas Partirdge, Ann Arbor resident, addressed Council regarding overcoming discrimination and providing access to safe affordable housing and transportation.

5. Rory Gould - Medical Marijuana Ordinance (C-1)

Rory Gould, 5537 Overbrook, representing Arborside Health and Wellness, addressed City Council regarding the proposed medical marijuana ordinance. He said that the current proposal would limit the number of dispensaries and may affect the quality of marijuana that is made available to patients.

6. Chuck Ream - Medical Marijuana Ordinance (C-1)

Chuck Ream, 1911 Packard St., said that Chapter 16 of the City Charter should be included in the ordinance. He also expressed concern about privacy issues due to the creation of patient lists.

7. Peter Nogourney - Design Guidelines (DC-2)

Peter Nagourney, 914 Lincoln, thanked Council for their support of the Design Guidelines process and encouraged Council to support its continued development.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER HOHNKE

Councilmember Hohnke introduced the resolution to appoint Susan Hutton to fill the vacancy on the Environmental Commission. He stated the resolution would return to Council at the next regular session (File No. 11-0232). Councilmember Hohnke added that another vacancy on the Environmental Commission is expected by the end of the month; he encouraged interested citizens to fill out an application.

COUNCILMEMBER BRIERE

Councilmember Briere stated that she was pleased to finally see the Design Guidelines on the agenda; however, she expressed concern with the lateness of the addition to the agenda.

Ms. Briere gave an update on the Street Outreach Committee. She said that the committee has finished all of its factfinding and is in the process of creating a report that may be presented to Council in early March 2011.

COUNCILMEMBER TAYLOR

Councilmember Taylor reported on the status of the Mutually Beneficial Committee and the DDA Mutually Beneficial Committee. The DDA is working on amendments to the parking agreement and Councilmember Taylor stated he expects to receive a draft for review with the committees soon.

Mr. Taylor also reported on the Burns Park Players Community Theater event that took place last weekend entitled "How to Succeed without Really Trying". The group is planning another performance again this weekend and members of the community are encouraged to attend.

11-0232 Resolution to Appoint Susan Hutton as a Member of the City of Ann Arbor Environmental Commission

Referred to the City Council due back on 2/22/2011

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

MUNICIPAL CENTER

City Administrator Roger Fraser announced that the Police Department and the 15th District Court have moved into the new Justice Center. Police Patrol is still stationed at the Wheeler Center and awaiting their move into the new building. Site work on the south side of the Larcom building continues and the basement of Larcom is nearly complete.

Mr. Fraser also announced that the City Clerk's Office will receive carpeted flooring, due to additional asbestos work that was required after floor tiles were disrupted during the construction work on the 2nd Floor of Larcom.

RESIDENTIAL ENERGY CHALLENGE

Residents are encouraged to participate in the City's Energy Challenge during the month of February 2011. The goal of the campaign is to help households save energy, reduce their heating and electricity expenses and trim their carbon footprint. Log onto www.a2energy.org to register and learn more about the program.

COST OF SNOW REMOVAL

Mr. Fraser said there were a number of questions about the cost of snow removal last week due to the blizzard. Mr. Fraser stated the removal costs were near \$250,000.00 over the last week.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 10-1301

Resolution to Approve Allen Creek Preschool Site Plan, 1515 Franklin (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to approve the Allen Creek Preschool Site Plan, located at 1515 Franklin. Notice of public hearing was published January 27, 2011.

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

Held and Closed

PH-2 10-1337

Resolution to Approve FY 2012-2017 Capital Improvements Plan as the Basis for the FY 2012 Capital Budget (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve FY 2012-2017 Capital Improvements Plan as the basis for the FY 2012 Capital Budget. Notice of public hearing was published January 27, 2011.

Libby Hunter, 827 Bruce Street, serenaded Council, to the tune of the University of Michigan fight song, in opposition to the proposed Fuller Road Station as part of the Capital Improvements Plan.

Andrew McGill, 5221 Crooked Stick Drive in Pittsfield Township, addressed Council regarding the Ann Arbor Municipal Airport extension project. He asked that Council remove this line item from the CIP, as it was last year, until the Environmental Assessment study can be fully completed.

Thomas Partridge, Ann Arbor resident, called upon City Council and Washtenaw County Board of Commissioners to incorporate accessibility planning in the CIP.

Joel Batterman, 1512 Gilbert Ct., asked that Council reconsider the Fuller Road Station Phase I Project, while the City and the University take another look at the issues surrounding commuter parking.

Christopher Gordon, of 7396 Brass Creek Dr., Dexter, MI, President of the Ann Arbor General Aviation Association, spoke in support of the Ann Arbor Municipal Airport projects included in the Capital Improvements Plan.

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

Held and Closed

COMMUNICATIONS FROM COUNCIL

COUNCILMEMER RAPUNDALO

Councilmember Rapundalo stated that he wanted to address some comments that were attributed to him on AnnArbor.com. Councilmember Rapundalo said that no member of the labor committee or City Council is directly involved with negotiations between the City and its unions. Collective bargaining is left to the discretion of the City Administrator. Council's role and the Labor Committee's role is to set parameters and give guidance as requested.

Councilmember Rapundalo also noted that it was suggested that only the firefighters' union had given concessions to the City. Mr. Rapundalo stated this is not true, as the

non-union employees and some other bargaining groups have also made concessions in the past. He noted that the firefighter concessions were temporary, lasting 6 months, and it was not agreed upon to continue them.

Councilmember Rapundalo stated a third issue raised in the article was surrounding Act 312 arbitration. Councilmember Rapundalo stated that it was suggested that the City does not negotiate and instigates arbitration. He stated this is not true. The union contracts continue expired and the unions have little incentive to negotiate in some cases.

Mr. Rapundalo stated staff provided him with some comparisons regarding health care coverage. He stated that the non-union employees, as well as several bargaining units who have settled with the City, are now paying increased deductibles, co-pays and premiums. In contrast, the City's Fire, Police, Command Officers, and AFSCME employees pay only a very small annual deductible (\$250.00) and no other out-of-pocket costs. Staff also compared the City's costs to the University of Michigan employees' costs and found that the union employees at the City are paying considerably less.

COUNCILMEMBER HIGGINS

Councilmember Higgins announced that the Dicken Woods Annual Walk would take place on February 15, 2011 from 7-8 p.m. Those interested in participating can meet at Dicken School.

A APPROVAL OF COUNCIL MINUTES

A-1 11-0202 Regular Session of January 18, 2011

A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that the Regular Session Minutes of January 18, 2011 be approved as presented. On a voice vote, the Chair declared the motion carried.

DC-2 11-0230 Resolution Approving the Downtown Ann Arbor Design Guidelines and Design Review Program

Councilmember Higgins requested an administrative change to the submitted documents to remove the words, "the appropriateness of..." from the first paragraph of the Design Review Program Outline, as well as from the same paragraph on Page 4 of the Design Guidelines.

It was determined that this change could be made administratively.

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

Enactment No: R-11-025

RECESS

The Mayor declared a recess at 8:23 p.m. and reconvened the meeting at 8:45 p.m.

CA CONSENT AGENDA

Passed on consent agenda

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

- CA-1 10-1321** Resolution to Authorize a Purchase Order to Watertap, Inc., for Emergency Repairs to Water Mains Bid No. ITB-4129 (\$75,000.00)
Enactment No: R-11-026
- CA-2 10-1322** Resolution Authorizing the Purchase of Materials used for Maintenance Activities within Field Operations Utilizing Governmental Pricing extended by Stoneco of Michigan (\$75,000.00)
Enactment No: R-11-027
- CA-3 10-1339** Resolution Authorizing Water Improvement Charge for 2999 Override Drive (\$14,129.00)
Enactment No: R-11-028
- CA-4 11-0042** Resolution to Approve a Purchase Order to New World Systems for the Logos.net Financial System Annual Software Support and Maintenance Agreement (\$64,040.00)
Enactment No: R-11-029
- CA-5 11-0067** Resolution to Approve a One Year Operational Agreement for Information Technology Services Between the City of Ann Arbor and City of Chelsea (\$32,000.00)
Enactment No: R-11-030
- CA-6 11-0127** Resolution to Authorize City Administrator to Negotiate a Contract with International City/County Management Association (ICMA) Center for Public Safety Management for an Analysis of Fire Services for the City of Ann Arbor (not to exceed \$54,000)
Enactment No: R-11-031
- CA-7 11-0178** Resolution to Approve a Purchase Order Contract with Time Emergency Equipment for Replacement Fire Fighting Nozzles
Enactment No: R-11-032

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 Derezinski, that the ordinance be approved at First Reading.

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

Section 6:414. Definitions.

... (b) Cultivation of facility means a medical marijuana cultivation facility

(d) Medical marijuana cultivation facility. [A single facility where more than 72 marijuana plants are being grown.] A STRUCTURE OR EACH SPACE IN A STRUCTURE THAT IS SEPARATELY OWNED OR LEASED BY A PERSON OTHER THAN THE OWNER OF THE STRUCTURE, IN WHICH MARIJUANA PLANTS ARE BEING CULTIVATED OTHER THAN AS A MEDICAL MARIJUANA HOME OCCUPATION.

Note: [] Brackets indicate deleted language, all CAPS indicate new language.

On a voice vote, the Mayor declared the motion carried, with no votes made by Councilmember Higgins and Rapundalo.

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

Section 6:414. Definitions

...(e) Authorized person means:

- (i) AN OWNER OF A DISPENSAR OR CULTIVATION FACILITY;
- (ii) THE DIRECTORS, OFFICERS, MEMBERS, PARTNERS, AND INDIVIDUALS OF A DISPENSARY OR CULTIVATION FACILITY THAT IS A CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, OR SOLE PROPRIETORSHIP;
- (iii) ANY PERSON WHO IS IN CHARGE OF AND ON THE PREMISES OF THE DISPENSARY DURING BUSINESS HOURS.

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

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

Section 6:415. License required, Number of Licenses available, Eligibility.

...(4) The first year's license shall be capped at a number 10% higher than the licenses applied for in the first 60 days, but not more than 20 dispensaries and 10 cultivation facility licenses. Any license terminated during the license year returns to the City for POSSIBLE reissuance. A BUSINESS THAT IS A

COMBINED DISPENSARY AND CULTIVATION FACILITY SHALL REQUIRE TWO SEPARATE LICENSES.

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

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

Section 6:416. General Provisions.

...(4) BEFORE THE CITY OFFICIALLY ISSUES A LICENSE, THE APPLICANT SHALL PROVIDE THE CITY WITH PROOF OF INSURANCE IN THE FOLLOWING TYPES AND AMOUNTS:

(A) ;
(B) ;
(ETC).

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:

Section 6:417. Application for and Issuance of New Annual License or Renewal of Existing License for Medical Marijuana Dispensaries and Medical Marijuana Cultivation Facilities.

...(2)(f) [Name and address of all physicians who will render services on the premises of the cultivation facility or dispensary.]

On a voice vote, the Mayor declared the motion carried with no votes made by Councilmembers Higgins and Rapundalo.

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

Section 6:416. General Provisions.

...[(j) A description of the products and services to be provided.]

The following new language was proposed:

THE APPLICANT MUST IDENTIFY WHETHER THEY ARE APPLYING FOR A DISPENSARY LICENSE OR CULTIVATION FACILITY LICENSE.

This proposed change was withdrawn.

The question being, the motion to delete section 6:417 (2)(j), on a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Nays: 4 - Councilmember Rapundalo, Councilmember Higgins, Councilmember Derezinski and Councilmember Taylor

A motion was made by Councilmember Briere, seconded by Councilmember

Hohnke, that the Ordinance be amended as follows:

Section 6:416. General Provisions.

...(l) [Proof that t] The following security measures [have been] **SHALL BE** installed on the premises:

(i) security cameras to monitor all areas of the licensed premises where persons may gain or attempt to gain access to marijuana or cash. Recordings from security cameras shall be maintained for a minimum of seventy-two hours [in a secure off site location]. **THE ADMINISTRATOR MAY ADOPT REGULATIONS IMPLEMENTING THIS REQUIREMENT, INCLUDING BUT NOT LIMITED TO REGULATIONS ON THE DESIGN, LOCATION, MAINTENANCE, AND ACCESS TO THE CAMERAS AND RECORDINGS. THOSE REGULATIONS SHALL TAKE EFFECT 30 DAYS AFTER BEING FILED WITH THE CITY CLERK UNLESS MODIFIED OR DISAPPROVED BY THE CITY COUNCIL.**

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

Yeas: 7 - Hieftje, Councilmember Rapundalo, Councilmember Teall, Councilmember Briere, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Nays: 4 - Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin and Councilmember Smith

Councilmember Smith recommended that staff draft language for Section 6:419(5)(e) that includes contact language for local resources for substance abuse.

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

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

...(4)(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.

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

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

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

...(6) [No person] **AN AUTHORIZED PERSON shall [fail to] 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.

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:

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

...(7) [No person shall fail to maintain all security measures required in this chapter in good working order or fail to keep the premises monitored and secured twenty four hours per day.] 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.

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

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

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

...(9) A cultivation facility or dispensary shall keep records [of the persons] CONSISTING OF CAREGIVERS' STATE ID NUMBERS, VOLUME AND TYPE OF PRODUCT AND THE DATE RECEIVED from whom they received marijuana in any form, and shall make the records available to the City for review upon request.

The motion was withdrawn.

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

Section 6:420 Prohibited Acts.

...(d) Make any changes or allow any changes to be made [to] IN THE OPERATION OF the cultivation facility or dispensary [or in the products or services offered,] as represented in the LICENSE application, WITHOUT FIRST NOTIFYING THE CITY BY AMENDING ITS APPLICATION[or the structure or location at which the business is operating without applying for and being issues a new license.]

(e) MAKE ANY CHANGES OR ALLOW ANY CHANGES TO BE MADE TO THE STRUCTURE IN WHICH THE BUSINESS IS OPERATING WITHOUT APPLYING FOR AND BEING ISSUED APPROPRIATE PERMITS AND OBTAINING FINAL INSPECTION APPROVAL.

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

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

Section 6:416. General Provisions.

...(2) A cultivation facility or dispensary license issued by the City under this chapter including the name and contact information for [the owner(s) and business manager(s)] AN AUTHORIZED PERSON AND BUSINESS MANAGER(S) IF ANY, shall be conspicuously posted in the cultivation facility or dispensary where it is easily open to public view.

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

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

Nays: 2 - Councilmember Rapundalo and Councilmember Higgins

Mayor Hieftje asked that a marked copy of the ordinance with all of the amendments approved at this time be provided by the next meeting and that any proposed amendments be provided in advance of the meeting for all of Council to review.

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Ordinance be postponed until 2/22/2011. On a voice vote, the Mayor declared the motion carried.

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 11-0192 Resolution to Waive Review Fees for the Heritage Row PUD Zoning and Site Plan Petition

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

Councilmember Higgins moved, seconded by Councilmember Briere, that the resolution be amended to change the fee to \$2000, rather than waive the fee entirely. This amendment was considered friendly and approved.

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

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

Nays: 2 - Councilmember Kunselman and Councilmember Anglin

Enactment No: R-11-033

DB New Business - Boards and Commissions:

DB-1 10-1301 Resolution to Approve Allen Creek Preschool Site Plan, 1515 Franklin (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

A motion was made by Councilmember Anglin, seconded by Councilmember

Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-11-034

DB-2 11-0018

Resolution to Approve Grant Application to the USDA Farm and Ranch Land Protection Program (FRPP) for the Purchase of Development Rights (PDR) on the William Lindemann and Karen Weidmayer Property in Lodi Township **(8 Votes Required)**

A motion was made by Councilmember Hohnke, 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-11-035

DB-3 11-0019

Resolution to Approve Grant Application to the USDA Farm and Ranch Land Protection Program (FRPP) for the Purchase of Development Rights (PDR) on the Gary and Virginia Grosshans Property in Superior Township **(8 Votes Required)**

A motion was made by Councilmember Hohnke, 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-11-036

RECESS

Mayor Hieftje declared a recess at 10:36 p.m. and reconvened the meeting at 10:47 p.m.

Medical Marijuana Zoning Ordinance Postponed

A motion was made by Councilmember Briere, seconded by Councilmember Anglin, that the Medical Marijuana Zoning Ordinance be postponed for Second Reading until such time as the Licensing Ordinance is ready for Second Reading. On a voice vote, the Mayor declared the motion carried.

DB-4 10-1337

Resolution to Approve FY 2012-2017 Capital Improvements Plan as the Basis for the FY 2012 Capital Budget (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

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

Enactment No: R-11-037

10-1337

Resolution to Approve FY 2012-2017 Capital Improvements Plan as the Basis for the FY 2012 Capital Budget (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

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

Add a RESOLVED Clause:

RESOLVED, THAT CITY COUNCIL DIRECT STAFF TO REMOVE THE AIRPORT RUNWAY SAFETY EXTENSION PROJECT FROM THE FY 2012 CAPITAL IMPROVEMENT BUDGET.

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

Yeas: 6 - Hieftje, Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Taylor and Councilmember Hohnke

Nays: 5 - Councilmember Rapundalo, Councilmember Higgins, Councilmember Teall, Councilmember Smith and Councilmember Derezinski

The question being, the motion made by Councilmember Kunselman, seconded by Councilmember Taylor, as amended, on a voice vote, the Mayor declared the motion carried.

Enactment No: R-11-037

DS New Business - Staff:

Present: 9 - John Hieftje, 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: 2 - Councilmember Stephen Rapundalo and Councilmember Marcia Higgins

DS-1 10-1316 Resolution to Approve a Professional Services Agreement with DLZ Michigan, Inc. for Design Engineering Services for the Fuller Road/Maiden Lane/East Medical Center Drive Intersection Improvement Project (\$460,139.05)

Councilmembers Higgins and Rapundalo left the meeting at 10:57 p.m.

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 with one no-vote by Councilmember Anglin.

Enactment No: R-11-038

DS-2 11-0012 Resolution to Approve the Purchase of Polymer from Polydyne for Centrifuges at the Wastewater Treatment Plant (not to exceed \$141,750.00)

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

Enactment No: R-11-039

DS-3 10-1315 Resolution to Approve a Purchase Order to Washtenaw County for City's FY2011 Portion of Shared Technology Services (\$178,678.00)

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

the motion carried.

Enactment No: R-11-040

- DS-4 11-0009** Resolution to Appropriate and Allocate \$60,166.00 in HOME Funds to Avalon Housing Inc. or an Affiliated Ownership Entity for the Acquisition and Rehabilitation of 701 Miller (\$60,166.00 HOME Funds) **(8 Votes Required)**

A motion was made by Councilmember Briere, seconded by Councilmember Hohnke, 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-11-041

Passed on consent agenda

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

- DS-5 11-0006** Resolution to Approve Street Closing for EcoCAR Media Ride & Drive - Monday, March 14, 2011
Enactment No: R-11-042
- DS-6 11-0023** Resolution to Close Streets for the 11th Annual Mayor's Green Fair-Friday, June 10, 2011
Enactment No: R-11-043
- DS-7 11-0025** Resolution to Approve Street Closing for the NJATC Opening Ceremony Dinner - Sunday, July 31, 2011
Enactment No: R-11-044
- DS-8 11-0030** Resolution to Approve Street Closings for the UA Block Party - Monday, August 15, 2011
Enactment No: R-11-045
- DS-9 11-0059** Resolution to Approve Street Closings for the 2011 Rolling Sculpture Car Show - Friday, July 8, 2011
Enactment No: R-11-046
- DS-10 11-0079** Resolution to Approve Street Closings for the 2011 Ann Arbor Summer Festival's "Top of the Park" - June 13 through July 13, 2011
Enactment No: R-11-047
- DS-11 11-0097** Resolution to Approve Street Closings for the 2011 Take Back The Night (Rally and March) - Thursday, April 7, 2011
Enactment No: R-11-048

- DS-12 11-0104** Resolution to Approve Street Closings for the Box Cart Race/Soap Box Derby - Saturday, March 26, 2011
Enactment No: R-11-049
- DS-13 11-0144** Resolution to Approve Street Closings for the Firecracker 5K - Monday, July 4, 2011
Enactment No: R-11-050
- DS-14 11-0169** Resolution to Approve Street Closings for the 2011 "Taste of Ann Arbor" Special Event - Sunday, June 5, 2011
Enactment No: R-11-051
- DS-15 11-0041** Resolution to Accept and Allocate a Michigan Supreme Court State Court Administrative Office Mental Health Services Drug Court Grant Program Grant and to Approve the Grant Contract (\$95,000.00) **(8 Votes Required)**.
A motion was made by Councilmember Teall, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously with nine members present, thus satisfying the eight-vote requirement.
Enactment No: R-11-052
- DS-16 11-0177** Resolution to Approve Amendment No. 2 to the Parking Agreement between Village Green Residential Properties, LLC, the City of Ann Arbor and the Ann Arbor Downtown Development Authority
A motion was made by Councilmember Teall, seconded by Councilmember Derezhinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-11-053

E COMMUNICATIONS FROM THE MAYOR

Mayor Hieftje asked that the term end dates for the following commission be corrected:

Public Market Advisory Commission

*Shannon Brines (Re-Appointment)
810 Sunrise Ct.
Ann Arbor, MI 48103
Term: January 18, 2011- January 18, 20[13]14*

*Lindsay-Jean Hard (Replacing-Genia Service)
807 Barton Drive
Ann Arbor, MI 48105
Term: January 18, 2011-January 18, 20[13]14*

The correction was moved by Councilmember Angin and seconded by

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

COMMUNICATIONS FROM COUNCIL

None.

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

F-1 11-0047 Sidewalk Occupancy Permits and Peddler's Licenses for April 2, 2011

Received and Filed

F-2 11-0054 Fourth Quarter 2010 Investment Portfolio Report

Received and Filed

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

H-1 11-0179 Communication from Matthew R. Abel, Attorney at Law, Cannabis counsel, P.L.C. regarding a Dispensary Application of Arborside, L.L.C.

H-2 11-0216 Communication from Pete Long, Council for the Economic Development Corporation of the City of Ann Arbor regarding issuance of a supplemental EDC bond for the Ann Arbor YMCA

H-3 11-0217 Communication from Donald V. Elliott, agent for Thomas B. McMullen Company, regarding a request to establish an Industrial Development District for the Eisenhower Commerce Center Associates No. 4, LLC property located at 1490 Eisenhower Place

H-4 11-0218 Communication from Attorney Norman L. Zemke, P.C. regarding notice of assignment of the Plymouth Road Water Main Replacement Project

H-5 Heritage Row Communication from Beverly Strassmann

H-6 Heritage Row Communication from Tom Whitaker**I The following minutes were received for file:**

- I-1 10-1299 Ann Arbor Public Art Commission Meeting Minutes - December 14, 2010
- I-2 11-0010 Recreation Advisory Commission Minutes - December 7, 2010
- I-3 11-0016 Ann Arbor Downtown Development Authority Meeting Minutes - December 1, 2010
- I-4 11-0017 Downtown Area Citizens Advisory Council Meeting Minutes - December 1, 2010
- I-5 11-0024 Building Board of Appeals Minutes - June 9, 2010
- I-6 11-0062 Budget Committee Meeting Minutes of November 4, 2010
- I-7 11-0065 Council Rules Committee Meeting Minutes of November 8, 2010
- I-8 11-0118 Ann Arbor Housing Commission Regular Board Meeting Minutes - November 17, 2010, December 15, 2010
- I-9 11-0122 City of Ann Arbor Employees' Retirement System Minutes - December 16, 2010
- I-10 11-0123 City of Ann Arbor Retiree Health Care Benefit Plan & Trust Minutes - December 16, 2010
- I-11 11-0125 Council Liquor License Review Committee - December 3, 2010
- I-12 11-0180 Washtenaw Area Transportation Study (W.A.T.S.) Meeting Minutes of December 4, 2010
- I-13 11-0225 Street Outreach Task Force Meeting Minutes of October 27, December 1, December 15, 2010 and January 5, 2011

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Thomas Partridge, Ann Arbor resident, stated he is an advocate for vulnerable citizens. Mr. Partridge expressed concerns regarding Michigan's business tax.

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

None.

ADJOURNMENT

A motion was made by Councilmember Kunselman, seconded by Councilmember Anglin, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:11 p.m.

11-0258 City Council Emails - February 7, 2011

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, FEBRUARY 7, 2011 7:00 P.M.

REPLAYS: TUESDAY, FEBRUARY 8, 2011 10:00 A.M. AND FRIDAY, FEBRUARY 11, 2011

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