



# City of Ann Arbor

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Ann Arbor, MI 48104  
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## Meeting Minutes City Planning Commission

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Tuesday, December 6, 2011

7:00 PM

City Hall, 301 E. Huron Street, 2nd Floor

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Commission public meetings are held the first and third Tuesday of each month. Both of these meetings provide opportunities for the public to address the Commission. Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office at 734-794-6140 (V/TDD) at least 24 hours in advance. Planning Commission meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting. Agendas and packets are also sent to subscribers of the City's email notification service, GovDelivery. You can subscribe to this free service by accessing the City's website and clicking on the red envelope at the top of the home page.

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### 1 CALL TO ORDER

*Chair Mahler called the meeting to order at 7:03 pm.*

### 2 ROLL CALL

*Rampson called the roll.*

**Present** 8 - Bona, Mahler, Woods, Derezinski, Briggs, Westphal, Giannola, and Adenekan

**Absent** 1 - Pratt

### 3 APPROVAL OF AGENDA

**A motion was made by Adenekan, seconded by Derezinski, that the agenda be approved. On a voice vote, the Chair declared the motion carried.**

### 4 INTRODUCTIONS

#### **Andy LaBarre, V.P. of Governmental Affairs and Administration**

*Andy LaBarre thanked the Commission for inviting him to introduce himself. He explained that the Ann Arbor Ypsilanti Regional Chamber of Commerce has a public policy committee that meets monthly to tackle land use, tax structure and other issues. He noted that at their next Public Policy Committee meeting, Councilmember Derezinski and Supervisor Grewal will present the Reimagining Washtenaw project.*

*He said he looks forward to future dialog with the Commission.*

*Derezinski noted that Mr. LaBarre ran Congressman John Dingell's local office for six years and did much of the early work for local transportation projects, including the Stadium bridges project. He pointed out that the Chamber recently expanded to a regional focus for the Ann Arbor/Ypsilanti area.*

## **5 MINUTES OF PREVIOUS MEETING**

**5-a 11-1499** City Planning Commission Meeting Minutes of October 4, 2011

**A motion was made by Bona, seconded by Westphal, that the minutes be approved by the Commission and forwarded to the City Council. On a voice vote, the Chair declared the motion carried.**

**Yeas:** 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

**Nays:** 0

**Absent:** 1 - Evan Pratt

## **6 REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL, PLANNING MANAGER, PLANNING COMMISSION OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS**

**6-a City Council**

*Derezinski reported that at the previous evening's meeting, City Council dealt with an ordinance amendment on the public arts funding. He noted that at the first reading, two weeks ago, several amendments had been made, including reductions from 3% to 2.5%, which would spring back after 3 years, and a requirement to set a limit on the time in which funds could be spent. He said after further discussion the previous night, Council decided to reinstate the 1%, and the clause for expenditure in a certain time was eliminated. He explained that most of the concerns raised about the Arts Commission funding could be tied to concerns about process issues and why things weren't being done quicker. He noted that the Arts Commission work is handled by a part time administrator and commissioners, so one result of this discussion will be to look at more administrative help to move things along.*

*Derezinski listed other items of note from the City Council meeting: approval of an expansion of the Open Space and Parkland Preservation boundaries; tabling of amendments to the litter/handbill ordinance; approval of the transfer of the City dispatch to the County; and receipt of a communication from Ann Arbor City Apartments of a notice of intent to form a condominium. He noted that he had been reappointed to the Planning Commission.*

*Derezinski reported that the County received a \$ 3 M federal grant [from HUD, the US Dept of Transportation and the EPA], that will be providing support for the Reimagining Washtenaw initiative. He explained the main reason behind receiving the grant is its regional collaborative approach.*

*Derezinski passed out a flyer for a SEMCOG-sponsored hearing to be held on December 13 at the Malletts Creek Library, to review the socio-economic forecast for the region.*

Rampson added that City staff would be participating at the SEMCOG hearing. She noted the City has made sure that the University population has been recognized properly as well that the employment changes at the Central Campus and the Medical Campus are noted as part of the model.

Rampson expressed appreciation to all those involved in the grant application process which resulted in the HUD Planning grant, which would help fund several exciting initiatives including; transit, right-of-way work, zoning changes and greening of rental housing programs.

Woods asked Derezinski about feedback he might have received on the traffic rerouting due to the Stadium bridge construction, adding that it is very difficult getting off of campus at this time.

Derezinski said that alternate routes were well thought through, and the City created card maps for commuters. He noted that the police have been there to guide drivers through alternate routes. He said that the bridges are slated to be completed in May 2013, but may be open to traffic before then. He noted that the bridges will accommodate a lot of pedestrian as well as vehicular traffic when completed.

Derezinski brought the Commission's attention to an article in the New York Times on *Treasuring Urban Areas and making living affordable in these places.*

#### **6-b Planning Manager**

Rampson said the Sustainability Framework is moving forward and is currently working on goal statements for the four interest areas. She explained that starting on January 12th and continuing for 4 months at the Downtown Ann Arbor Library, there would be a lecture series focusing on the four sustainability themes.

Rampson explained that the Planning Division has been quite busy with projects that have passed through the planning process and are moving on to construction to make sure all site plan related issues are addressed before construction permits are issued. The three largest projects are Ann Arbor City Apartments, City Place and The Varsity of Ann Arbor. She informed the Commission that the Windsong project had been completed.

Derezinski asked what the current status is on Georgetown Mall and if deconstruction plans had begun.

Rampson responded that the City is in contact with the owners and they are currently in the process of working through minor changes on the Development Agreement that have been requested by the petitioner. She added that there haven't been any demolition plans submitted yet.

11-1501

December 2011 Meeting Calendar

**Received and Filed**

#### **6-c Planning Commission Officers and Committees**

Bona reported that she has been serving on the Climate Action Plan task force, which had its third meeting the previous day. She explained that the Plan is focused on reducing greenhouse gases from the 2000 base year. She said the goal is 8% reduction by 2015, 25% by 2025 and 90% by 2050. She noted that the task force is

*working closely with the Sustainability Framework effort. She said that they will be determining what activities net reductions, but they will probably need to dig deeper to meet the targets. She noted that in the last 11 years the percentage of greenhouse gases have pretty much stayed the same. She said that public input would be sought in the spring after they put together a draft of the recommendations.*

*Woods asked about the status of the idling ordinance.*

*Bona responded that this will be on the list of activities recommended in the draft Climate Action Plan.*

*Derezinski said that the idling ordinance was previously tabled at City Council, with no set date for reconsideration.*

**6-d Written Communications and Petitions**

11-1502 Correspondence to the City Planning Commission

**Received and Filed**

**7 AUDIENCE PARTICIPATION (Persons may speak for three minutes about an item that is NOT listed as a public hearing on this agenda. Please state your name and address for the record.)**

*None.*

**8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING**

8-a 11-1503 Traver Village Site Plan for City Planning Commission Approval - A proposal to construct a new 25-space parking lot in front of the retail building at the southwest corner of the site at 2601 Plymouth Rd; remove 14,021 sq ft of parking and driveway at the northwest corner of the site (Huron Parkway) and restore to lawn area; and add covered bicycle parking throughout the center. A landscape ordinance modification is requested to retain crushed brick mulch in landscape islands on the 16.98 acres parcel.

*Chair Mahler read the Public Notice as published.*

**9 REGULAR BUSINESS - Staff Report, Public Hearing and Commission Discussion of Each Item**

(If an agenda item is tabled, it will most likely be rescheduled to a future date. If you would like to be notified when a tabled agenda item will appear on a future agenda, please provide your email address on the form provided on the front table at the meeting. You may also call Planning and Development Services at 734-794-6265 during office hours to obtain additional information about the review schedule or visit the Planning page on the City's website ([www.a2gov.org](http://www.a2gov.org).)

(Public Hearings: Individuals may speak for three minutes. The first person who is the official representative of an organized group or who is representing the petitioner may speak for five minutes; additional representatives may speak for three minutes. Please state your name and address for the record.)

(Comments about a proposed project are most constructive when they relate to: (1) City Code requirements and land use regulations, (2) consistency with the City Master Plan, or (3) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.)

- 9-a**      **11-1490**      Arlington Square PUD Revised Supplemental Regulations - A request to amend the approved PUD (Planned Unit Development) to allow all uses in the C3 Fringe Commercial District, thereby adding medical and dental uses as permitted uses at 3250 Washtenaw Avenue. No changes to the site are proposed. Staff Recommendation: Approval

*Cheng presented the staff report.*

**PUBLIC HEARING:**

*Steve Dykstra, architect for the petitioner, stated that he was available to answer questions. He said that the owner, Nadim Ajlouny, has owned the building for 15 years and during that time the building has not had any parking problems.*

*Noting no further speakers, the Chair closed the public hearing at 8:42 pm.*

**Moved by Giannola, seconded by Briggs, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Arlington Square Planned Unit Development (PUD) Supplemental Regulations.**

**COMMISSION DISCUSSION:**

*Bona asked about the comparison chart in the staff report, if there was a reason that the petitioner decided that there would be more square footage allowed but not more height.*

*Cheng said that a building expansion would be unlikely due to the limited parking available.*

*Bona said that the option of providing bus passes would potentially reduce the parking demand for this site. She said she would like to see in the future, over time, that buildings could be added onto in a more intense fashion; such as more parking wouldn't need to be provided on-site with alternative transportation options available. She noted that the bus passes cost money and asked if AATA had considered a bus pass "trust fund" for future projects to provide less parking.*

*Cheng said the bus pass funding would be coming from the property owner. He noted that bike hoops would be added on site, along with 8 enclosed employee parking spaces.*

*Bona noted that in light of alternative transportation, she would support 200% FAR.*

Rampson noted that the Supplemental Regulations needed to be revised to match the 15 foot setback as noted in the staff report and in accordance with the C3 Zoning Classification (pg 2 of Supplemental Regulations).

Briggs agreed. She said she is less concerned about parking and welcomes further discussions on alternative transportation needs. She asked if there had been any discussion beyond providing parking passes. She said that the purchase of bus passes meets so many of the city goals and she would like to see alternative options implemented comprehensively along that corridor.

Briggs asked if this is the first time that an alternative parking option, such as bus passes have been used in an agreement between the property owner and the City.

Rampson responded, yes.

Briggs said that she feels this is an important change happening in our community, especially along Washtenaw Ave. She said she would like to see how this could be comprehensively implemented along the whole Re-Imagine Washtenaw Corridor.

Briggs asked if the bus pass and education of the plan is part of their original PUD.

Cheng responded, yes, that it was written in the Supplemental Regulations as well as in the existing language of the Development Agreement that stated that they will have to follow paragraph (P-9) which deals with the traffic and parking mitigation plan.

Briggs asked if there are any requirements what a plan like that might look like.

Cheng explained that the City would be revisiting this petition on a yearly basis to see if there are issues with traffic and parking on site.

Briggs asked what the possibilities were for the City to work on a plan for these types of situations.

Rampson responded that it might be an issue for the Non-Motorized Plan of the City to incorporate into future ordinance revisions.

Westphal supported the changes to the Supplemental Regulations. He thinks its great to offer flexibility for uses. He asked if the 'revisiting' is happening anywhere else with other PUDs in the City. He also asked what would happens if parking becomes a problem.

Cheng said they would have to go back and revisit some of the options listed to help reduce the parking on site.

Westphal asked if it was a concern that the right-of-way might get used differently in the future.

Cheng noted yes, and that is why these right-of-way spaces can't be counted as parking, but since there currently aren't any plans for the service drives they can continue using them.

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

**Yeas:** 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

Nays: 0

Absent: 1 - Evan Pratt

9-b 11-1491

Technical Amendments to Chapter 59 (Off-Street Parking) - Amendments are proposed to 1) revise the exceptions for the front open space parking limitation applied to sites with more than one front lot line; 2) add standards for driveways that serve drive-through windows; and 3) replace the option of providing a contribution in lieu of parking with the option of executing a contract for parking permits in the City public parking system for sites with the special parking district. Staff Recommendation: Approval

*Kahan presented the staff report.*

*PUBLIC HEARING:*

*Noting no speakers, the Chair declared the public hearing closed.*

**Moved by Woods, seconded by Westphal, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the proposed technical amendments to Chapter 59 (Off-Street Parking) Sections 5:168 and 5:169 regarding front open space parking, driveways serving drive-up windows and special parking district options.**

*COMMISSION DISCUSSION:*

*Giannola asked for examples of a site with more than three sides.*

*Kahan gave examples such as Plymouth Road Mall and Traver Village.*

*Briggs had concerns about the changes to the Special Parking District section that would require a developer to purchase parking permits for 15 years, since she felt it took away incentives for them to look for alternative options during that time.*

*Rampson explained the background and intent of the amendments, noting that they were as a result of discussions of the A2D2 Committee.*

*Bona said she has always been in support of payment in lieu of parking, not bundled to permits. She said that the DDA needs to ensure that the system is full. She would like to see contribution option stay in the ordinance, and have the contract parking option taken out but understands that there are various situations in the City that require the need for alternative options to be made available.*

*Woods asked for clarification on what the City Planning Commission was being asked to do with the item before them.*

*Rampson explained that the Commission is being asked to make technical language amendments to Chapter 59. She said that Bona's option of keeping a contribution option included is also a possibility for inclusion in the drafting of the language of the ordinance.*

**Moved by Westphal, seconded by Bona, that Section 5:169(3) be revised to retain the option of a payment of a contribution in lieu of required parking, with the section now reading "The required bicycle or motor vehicle parking shall be provided on-site, off-site as described in this Chapter, through the execution of a contract for parking permits within the City's public parking system or by payment of a contribution in lieu of required parking consistent with the requirements adopted by City Council, or any combination thereof."**

*Derezinski asked staff how these alternatives work in practice and if they tend to push towards one direction.*

*Kahan said it depends on the project and the size of the project and what they can offer in terms of parking.*

*Derezinski asked staff if their experience showed that allowing flexibility was a good thing.*

*Kahan said it would make more sense.*

*Westphal asked if staff had discussed limiting parking on the side where there was more pedestrian traffic.*

*Kahan said that staff discussed implications of identifying the busiest street. He said that every site is unique and applying this may limit flexibility in design. He said it is also difficult to pick ways to measure such things as daily trips, traffic volumes and width of right-of-ways. He said it would become challenging with implementation as well.*

*Rampson said that it seemed logistically challenging and could become counterintuitive.*

*Westphal asked about drive-thrus, and what would be considered 'clearly identifies' for the pedestrian crossing, as written in the language.*

*Kahan said the City wanted to provide design flexibility, recognizing that there may be different ways to identify sidewalks, such as different building material, like brick or block, instead of asphalt or concrete, and a raised sidewalk or striped pavement.*

*Bona noted that the staff reports mentions 'raised' sidewalks but wasn't included in the draft copy of the amendments.*

*Mahler suggested inserting the word 'raised' between the words wide and sidewalk on pg 2, Section 5:168 Design of Off-Street Motor Vehicle Parking Facilities, (3), (e) (2) to read, "A minimum 5 foot wide raised sidewalk shall be provided across the driveway connecting the public right-of-way to the main entrance of the building. The portion of the sidewalk that crosses the driveway shall be designed in a manner that clearly identifies the pedestrian crossing."*

*Kahan said that the draft will be corrected to include this.*

**On a voice vote, the Chair declared the amended motion carried.**

**Yeas:** 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

**Nays:** 0

**Absent:** 1 - Evan Pratt

**On a roll call, the vote was as follows with the Chair declaring the main motion carried.**

**Yeas:** 8 - Bonnie Bona, Eric A. Mahler, Wendy Woods, Tony Derezinski, Erica Briggs, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

**Nays:** 0



**Absent:** 1 - Evan Pratt

**9-c 11-1492**

Technical Amendments to Chapter 62 (Landscape and Screening) - Amendments are proposed to 1) revise the interior landscape island requirements to apply only to site plan extensions or projects that require City Planning Commission or City Council approval, and 2) revise the conflicting land use buffer standards to apply to the R3, R4A, R4B, R4C, R4D, and R4E zoning districts and exclude the R4C district. Staff Recommendation: Approval

*Kahan gave the staff report.*

**PUBLIC HEARING:**

*Ethel Potts, 1014 Elder Boulevard, said that the proposed amendments are not an improvement to the code. She said that there is a need for screening in R4C districts. She said that 12 feet of side setback is not enough to screen residential houses from larger abutting buildings and they need a screening buffer in the side and rear. She suggested to keep the buffer requirement and include standards for modifications. She asked why R4C neighborhoods are being singled out for no buffering. She said these older liveable neighborhoods with attractive scale is where buffering is needed the most.*

*Noting no further speakers, the Chair closed the public hearing.*

**Moved by Derezinski, seconded by Westphal, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the proposed amendments to Chapter 62 (Landscape and Screening) Sections 5:602 and 5:603 regarding interior landscaping and conflicting land use buffer requirements.**

**COMMISSION DISCUSSION:**

*Briggs said that she felt new development requires buffering, while at the same time she can understand that flexibility is required for new developments. She said that City Place is an example of a new development in an existing residential area. She asked for further clarification from staff.*

*Kahan said that prior to amendments to Chapter 62, the City did not require a conflicting land use buffer or buffering of any residential developments. He said that one of the concerns after the amendments were adopted was that many of properties in R4C are quite small and if you exclude 15 feet on the periphery of the sites, you limit those that can meet the requirements, especially if you include a driveway. He explained that the amendments encouraged developers to assemble as many properties as possible for new construction. Kahan said that the R4C districts are unique and they didn't necessarily want to encourage the assembling more than the historical pattern.*

*Rampson said that since the average lot size is only 4,000 sq. ft in the R4C districts, imposing a 15 ft buffer on the sides and in the rear doesn't leave much of the parcel left. She said that even if it were limited to new development, it could impact small scale development. She explained that the conflicting land use buffer is primarily a suburban approach and not necessarily what they were hoping they would see in a very urban district such as the R4C districts, where they are, for example, looking for front porches to be closely situated.*

*Rampson said that because of the practical physical constraints of applying the buffer in the R4C districts, the committee felt it would be better to take out the requirement*

for now and if further zoning recommendations should come from the committee then they could incorporate the land use buffer issue if they felt it should be re-added.

Briggs asked about the possibility of providing exceptions in the code for those projects that are same in scale.

Kahan asked if she would like to see accommodations in the code for those bringing in something similar in character and scale.

Rampson said that something could be drafted, but the challenge would be to come up with something that is fair in terms of comparison.

Westphal suggested that the threshold could only kick in at a certain lot size or floor area, thereby if multiple lots were assembled the conflicting land-use buffer would apply. He said that a threshold could be called for example, The City Place exemption, in order to protect the neighbor.

Westphal questioned the notion and definition of 'conflicting land use' asking if it could refer to two similarly zoned parcels situated next to each other, such as in R4C districts. He said it would be important to make sure that the definition didn't conflict with any current definitions in the zoning chapter.

Rampson said that she believed it to be a term that is used but that there isn't a definition of what a 'conflict' is. She offered to look into the construction of the zoning language on this matter.

Westphal said he was curious to hear what other Commissioners had to say on the topic.

Bona said that she appreciates the concern for new construction in R4C districts, but she didn't want to solve the problem by making the problem worse. She would rather like to keep the pressure on the Planning Commission and the City Council to solve the R4C problem through having appropriately zoned and regulated buildings in R4C districts than try to instill a suburban solution onto an urban neighborhood.

Bona stated that she supports taking out the required buffer while she also supports having a clearly defined exception, whatever it might be. She didn't believe that such a definition could be clarified at the evening's meeting and suggested tabling the item in order to see if there was such a definition. She expressed the need to solve the R4C zoning problems and not simply band-aid solutions onto buildings that they don't want to see constructed in the first place.

Adenakan agreed with Bona about opening up another can of worms.

Derezinski agreed with Bona and said that staff is now working on the results of the last R4C advisory committee meeting and there will be an opportunity for a full discussion on the subject, stressing that the R4C is a major effort. He suggested that they take action on the amendments before the Commission, since they are based on addressing issues that have come up in real instances and will help to create more flexibility.

Mahler said that his concern with adding a threshold would be going beyond the scope of technical amendments and making substantive changes to the ordinance would require more than what the Commission could address at the meeting.

Briggs agrees with the Commission's intent. She said the fact that current zoning

*allows City Place to be built, and unless there are accommodations for that now, she felt they were ignoring problems today. She said that these provide protections for projects like City Place. She said she was open to table the item to allow them to find out if there is any language that can be developed for the middle ground.*

**A motion was made that action on the proposed technical amendments to Chapter 62 (Landscaping and Screening) Sections 5:602 and 5:603 regarding Interior Landscaping and Conflicting Land Use Buffer Requirements be postponed.**

**Woods offered a friendly amendment to the motion to exclude Section 5:602(2) (d) and (g) Vehicular Use Area Landscaping and Screening.**

**On a roll call, the vote was as follows with the Chair declaring the motion defeated.**

**Yeas:** 4 - Bonnie Bona, Wendy Woods, Erica Briggs, and Kirk Westphal

**Nays:** 4 - Eric A. Mahler, Tony Derezinski, Diane Giannola, and Eleanore Adenekan

**Absent:** 1 - Evan Pratt

*Westphal stated his concern about the timing of R4C moving forward, and would like to see a disaster proof threshold added until the R4C zoning is addressed.*

*Giannola said the buffer "protection" is new, and felt it was intended for projects built on the periphery. She said this is the unintended consequence and the Commission should pass the amendments now and go back to revisit the whole R4C zoning issue later and deal with the specifics at that time.*

*Derezinski agreed to get this amendment taken care of now.*

**On a roll call, the vote on the main motion was as follows with the Chair declaring the motion carried.**

**Yeas:** 6 - Bonnie Bona, Eric A. Mahler, Tony Derezinski, Kirk Westphal, Diane Giannola, and Eleanore Adenekan

**Nays:** 2 - Wendy Woods, and Erica Briggs

**Absent:** 1 - Evan Pratt

**10 AUDIENCE PARTICIPATION (Persons may speak for three minutes on any item.)**

*None.*

**11 COMMISSION PROPOSED BUSINESS**

*Derezinski asked the audience why they were attending.*

*They responded that they were University of Michigan and Eastern Michigan University students.*

**12 ADJOURNMENT**

*Meeting adjourned at 8:52 pm.*

**A motion was made by Bona, seconded by Vice Chair Westphal, that the meeting be Adjourned. On a unanimous vote, the Chair declared the motion carried.**

**Eric Mahler, Chair**

**mg**

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