

City of Ann Arbor

100 N. Fifth Avenue
Ann Arbor, MI 48104
www.a2gov.org



Action Minutes

Monday, March 2, 2009

7:00 PM

G. C. Larcom, Jr. Municipal Bldg. 2nd Flr.

City Council

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:10 p.m. in the Guy C. Larcom Jr., Municipal Building, 2nd Floor Council Chambers, 100 N. Fifth Avenue.

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

Mayor Hieftje led Council in the recitation of the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: 11 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Leigh Greden, 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 Derezinski, seconded by Councilmember Higgins, that the agenda be Approved as presented. On a voice vote, the Mayor declared the motion carried.

INT INTRODUCTIONS

INT-1 09-0025 Presentation of Online Historical Council Minutes from Ann Arbor District Library

Amy Cantu' and Andrew MacLaren of the Ann Arbor District Library demonstrated the new online historical City Council minutes now available on the Library's website. Mr. MacLaren demonstrated the search features for the minutes from the years 1891 to 1931. This project was a collaboration between the Library and the City Clerk to include 40 years of council minutes that are searchable and available to the public. The link to the historical minutes can be found on the Ann Arbor District Library's web site at aadl.org/councilminutes.

INT-2 09-0166 Iraq Water Project - Ann Arbor - Laura Russello

Sponsors: Hieftje

Laura Russello talked to Council about the Iraq Water Project - Ann Arbor. The Iraq Water Project was created in 1999 by the United States' Veterans for Peace members, in a response to the ongoing crisis in Iraq, which stems from the first Gulf War and the destructive sanctions imposed by the United Nations. The goal of the project is to get water treatment units to hospitals and school all over Iraq.

INT-3 Stadium Bridges - Sue McCormick, Public Services Area Administrator

Sue McCormick, Public Services Area Administrator, updated Council regarding the status of the two bridges on Stadium Bridges. In the last few weeks, staff has made significant changes to the traffic patterns over the bridges. Traffic was moved from the entire use of the bridge to the southern most lanes only. That move was to protect the continued deterioration of the bridges and to ensure public safety. The Stadium bridges have been a part of the biannual inspection program, along with all other bridges in the City. Weight limits have been adjusted on the bridges for the past two years to minimize any damage to the understructure and to ensure public safety as precautionary measures. Repair or replacement has not yet occurred due to federal funding not previously being allocated to this project.

Staff is now proceeding with the design phase of the project, which will occur over the next 30-60 days. At that time, they will come back to Council with the preliminary design plans and ask for authorization to proceed into the design phase. They expect to have a design complete by the end of the calendar year, which will put them in a good position for Federal Stimulus Funds. Staff is also proceeding on a parallel path, given the deflection of the box beam under the bridge and not knowing whether or not Stimulus Funds would be available. They will have a repair plan in place within a couple weeks for the box beam.

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. Robert Black - Resolution to Eliminate the need to Burn Coal to Generate Our Electricity (DC-2)

Robert Black, member of the Energy Commission, spoke in support of the proposed Resolution to eliminate the need to Burn Coal to Generate Our Electricity.

2. Shary Brown - Resolution Urging MCACA Art Grants Funding Maintenance (DC-3)

Shary Brown, Director of the Ann Arbor Street Art Fair, spoke in support of the proposed Resolution urging MCACA Art Grants Funding Maintenance.

3. Margaret Parker - Resolution to Approve the Ann Arbor Public Art Commission (AAPAC) Professional Services Agreement (DS-7)

Margaret Parker, 2972 Parkridge Dr., spoke in support of the proposed Resolution to Approve the Ann Arbor Public Art Commission (AAPAC) Professional Services Agreement

4. Kenneth Fischer - Resolution urging MCACA Art Grants Funding Maintenance (DC-3)

Kenneth Fischer, 2115 Melrose Ave., spoke in support of the proposed Resolution urging MCACA Art Grants Funding Maintenance.

5. Thomas Partridge - Several Topics

Thomas Partridge, 4220 Eyrie Dr., addressed Council regarding stimulating the Ann Arbor and Washtenaw County economies by providing true regional public transportation. He urged Council to spend money on progressive regional transportation, not Greenbelt Land in Webster Township. End the regressive discriminatory AATA fare system and policies.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**PH-1 09-0055**

An Ordinance to Amend Chapter 55, Section 5:110 to Allow Certain Zoning Petitions to be Waived from Citizens Participation Requirements (CPC Recommendation: Approval - 9 Yeas and 0 Nay) (Ordinance No. ORD-09-04)

A public hearing was conducted on the proposed amendment to Chapter 55, Section 5:110, to allow certain Zoning petitions to be waived from citizens participation requirements. Notice of public hearing was published February 15, 2009.

Thomas Partridge, Scio Township resident, spoke in opposition of the proposed ordinance.

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

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER RAPUNDALO**

Councilmember Rapundalo addressed an issue with ball field maintenance that was brought up at Caucus, regarding an increase in fees for organizations to use the field. He asked for clarification from staff on the issue.

COUNCILMEMBER BRIERE

Councilmember Briere announced that in 1878, Virginia Watts of Ann Arbor was the first African-American woman to enroll at the University of Michigan and in 1885, she also became the first African-American woman to graduate from the University. In 1930 Ella Bareis Prochnow of Ann Arbor was the first woman in Michigan to own and manage an automobile dealership. To learn more about these women or Women's History Month, contact the Ann Arbor District Library.

A APPROVAL OF COUNCIL MINUTES**A-1 09-0173**

Regular Session - February 17, 2009

A motion was made by Councilmember Briere, seconded by Councilmember Hohnke, that the Minutes be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

- CA-1 09-0143** Resolution to Approve a Contract with D & J Lawn and Snow, Inc. for \$31,823.00 to Replace Park Sidewalks, Per Bid #3993, and to Establish a Total Construction Project Budget of \$35,005.00

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

Enactment No: R-09-074

B ORDINANCES - SECOND READING

Passed on consent agenda

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

- B-1 08-1167** An Ordinance to Amend Chapter 26, Solid Waste Ordinance, Sections 2:1, 2:2, 2:3, 2:5, 2:7, 2:9, 2:10 and 2:13 to Implement Commercial Recycling Recommendations (Ordinance No. ORD-09-03)

- DS-1 09-0086** Resolution to Authorize Summary Publication of Ordinance No. 09-03 to Amend Chapter 26 (Solid Waste) of Title II of the Code of the City of Ann Arbor

Enactment No: R-09-075

- B-2 09-0055** An Ordinance to Amend Chapter 55, Section 5:110 to Allow Certain Zoning Petitions to be Waived from Citizens Participation Requirements (CPC Recommendation: Approval - 9 Yeas and 0 Nay) (Ordinance No. ORD-09-04)

A motion was made by Councilmember Derezinski, seconded by Councilmember Teall, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.

C ORDINANCES - FIRST READING

- C-1 08-0705** An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Chapter, which New Chapter shall be Designated as Chapter 71 (Plastic Carry-Out Bags) of Title VI of said Code and to Amend Section 1:17 of Chapter 1 of Title 1 of the Code of the City of Ann Arbor

Sponsors: Rapundalo

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

A motion was made by Councilmember Rapundalo, seconded by Councilmember Teall, that the Ordinance be postponed to the City Council and should be returned by 6/1/2009. On a voice vote, the Mayor declared the motion carried.

C-2 09-0146 An Ordinance Authorizing the Issuance and Sale of Sewage Disposal System Revenue Bonds, Series 2009-A to the Michigan Municipal Bond Authority (Roll Call Vote Required - One Reading)

A motion was made by Councilmember Greden, seconded by Councilmember Derezinski, that the Ordinance be adopted at first reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried.

Yeas: 11 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke

Nays: 0

Enactment No: ORD-09-09

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 09-0180 Resolution to endorse the "Iraq Water Project-Ann Arbor"

Sponsors: Derezinski and Hieftje

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

Enactment No: R-09-076

DC-2 09-0176 Resolution to Eliminate the Need to Burn Coal to Generate Our Electricity Through Conservation, Efficiency and Renewable Energy Use

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

Enactment No: R-09-077

DC-3 09-0187 Resolution urging MCACA Art Grants Funding Maintenance in FY10

Sponsors: Hieftje and Hohnke

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

Enactment No: R-09-078

Added After Newspaper Deadline:

DC-4 09-0189 Resolution to Direct City Planning Commission and Planning Staff to Review the Zoning of Certain Residential Neighborhoods in the Central Area

Sponsors: Derezinski

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.

Enactment No: R-09-079

DC-5 09-0191 Resolution to Endorse Ann Arbor's Participation in Earth Hour on March 28, 2009

Sponsors: Smith, Hohnke and Teall

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

Enactment No: R-09-080

DB New Business - Boards and Commissions:

DB-1 09-0142 Resolution to Authorize and Appropriate Funds for the Purchase of Development Rights (PDR) on the Anna Marie Merkel, John Nicholas Heller, Barbara Ann Marr, James Michael Heller, Donald Alan Heller, and Thomas Edward Heller Farm, located in Webster Township with Matching Funds through the Federal Farm and Ranch Lands Protection Program (FRPP), and Webster Township Land Preservation Fund and Approve a Farmland Development Rights Grant of Easement Agreement and Participation Agreement with Webster Township - \$1,307,867.00 (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 unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-09-081

DS New Business - Staff:

DS-2 08-1168 Resolution to Authorize a Commercial Solid Waste Collection Contract with Waste Management of Michigan (not to exceed \$900,000.00 annually)

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.

Enactment No: R-09-082

Passed on consent agenda

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

- DS-3 09-0144** Resolution to Approve Street Closings for the Box Cart Race/Soap Box Derby - Saturday, March 28, 2009
Enactment No: R-09-083
- DS-4 09-0145** Resolution to Approve Street Closings for the 2009 Take Back The Night (Rally and March) - Thursday, April 2, 2009
Enactment No: R-09-084
- DS-5 09-0152** Resolution to Approve Street Closings for FestiFools - Sunday, April 5, 2009
Enactment No: R-09-085
- DS-6 09-0160** Resolution to Approve Acceptance of a \$275,000 Payment from the YMCA to Resolve All Outstanding Financial Obligations Between the City and YMCA Regarding the Former YMCA Site at 350 S. Fifth Ave
A motion was made by Councilmember Taylor, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-09-086

Added After Newspaper Deadline:

- DS-7 09-0131** Resolution to Approve the Ann Arbor Public Art Commission (AAPAC) Professional Services Agreement with Herbert Dreiseitl for Design Work to Propose a Project Integrating Stormwater in a Rain Garden Centerpiece for the Ann Arbor Municipal Center (\$77,000.00)
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.
Enactment No: R-09-087

E COMMUNICATIONS FROM THE MAYOR

E-1 09-0154 Appointments & Confirmations

A motion was made by Councilmember Higgins, seconded by Councilmember Taylor, that the Appointments be approved.

Board of Review

Walton Hancock Replacing -Tim Williams
16 Southwick Ct.
Ann Arbor, MI 48105
Term: March 2, 2009- January 31, 2012

Historic District Commission

Kristina A. Glusac Re-Appointment
885 Greenhills Dr.
Ann Arbor, MI 48105
Term: March 2, 2009- March 2, 2012

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

COMMUNICATIONS FROM COUNCIL

None.

F COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Fraser announced that a work session has been scheduled for March 9, 2009 to discuss A2D2.

F-1 09-0141 Fleet Alternatives Study

F-2 09-0188 Community Organizing in Bryant Neighborhood and at Pine Lake Cooperative

G COMMUNICATIONS FROM THE CITY ATTORNEY

City Attorney Stephen Postema announced that a resolution approving a contract to demolish the Michigan Inn would be coming to the next meeting of Council.

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 Briere, seconded by Councilmember Derezinski, that the following communications and minutes be approved as presented. On a voice vote, the Mayor declared the motion carried.

H-1 09-0157 Communication from S.E.M.C.O.G. regarding their Regional Update publication of SEMCOG, Vol. 14, No. 3, February 9, 2009 - File

- H-2 09-0158** Communications from the State of Michigan regarding Hearing Notices for the Electric Delivery and Supply Customers of the Detroit Edison Company on Case No. U-15751 and U-15768 scheduled for February 26, 2009 and Case no. U-15806 scheduled for March 13, 2009 - File
- H-3 09-0167** Communication from Laurie Nonnenmacher regarding concerns with the Field Operations Division of the City of Ann Arbor - File
- I The following minutes were received for file:**
- I-1 09-0132** Ann Arbor Housing Commission Regular Board Meeting Minutes - December 17, 2008
- I-2 09-0133** Downtown Area Citizens Advisory Council Minutes - January 7, 2009
- I-3 09-0134** Ann Arbor Downtown Development Authority Meeting Minutes - January 7, 2009
- I-4 09-0159** Washtenaw Area Transportation Study (W.A.T.S.) minutes of November 19, and December 17, 2008

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

1. Tom Partridge - Several Topics

Thomas Partridge, 4220 Eyrie Dr., reiterated to Council his request to stimulate the Ann Arbor-Washtenaw economies by providing true regional public transportation. Spend money on progressive regional transportation not Greenbelt Land in Webster Township. End the regressive discriminatory AATA fare system and policies.

CLOSED SESSION TO DISCUSS PENDING LABOR MATTERS AND ATTORNEY / CLIENT PRIVILEGED COMMUNICATION

A motion was made by Councilmember Rapundalo, seconded by Councilmember Hohnke, that the Council enter into Closed session. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed at 9:01 p.m.:

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

Nays: 0

Absent: 1 - Councilmember Greden

ADJOURNMENT

A motion was made by Councilmember Hohnke, seconded by Councilmember Briere, that the meeting be reconvened in open session and adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:45 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, MARCH 2, 2009, 7:00 P.M.

REPLAYS: TUESDAY, MARCH 3, 2009 10:00 A.M. AND FRIDAY MARCH 6, 2009 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.