

City of Ann Arbor

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

Monday, December 6, 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 7:08 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 - 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

1 **10-1211** Proposed Changes to Council Rules

A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that the proposed changes to Council Rules be approved.

A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the proposed changes to Council Rules be considered after introductions. On a voice vote, the Mayor declared the motion carried.

APPROVAL OF AGENDA

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

INT **INTRODUCTIONS**

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

INT-1 **10-1064** State of Michigan Budget Update - Kirk Profit, Governmental Consultant Services, Inc.

Kirk Profit, of Governmental Consultant Services, Inc., updated Council regarding the State of Michigan Budget and provided charts and graphs of the State's revenue sources and the challenges that the State faces. A copy of the handout is on file in the City Clerk's Office.

Received and FiledINT-2 [10-1175](#)

Ann Arbor Firefighter Recognition

Patrick Burtch, Village Manager in Dundee, Joanna Uhl, Dundee Township Supervisor and Dave Uhl, Police Chief for the Village of Dundee, thanked the citizens of Ann Arbor, City Council, Police Chief and the Fire Department for the help they gave Dundee during the tornado disaster of June 6, 2010. Mr. Burtch read and presented a plaque to Mayor Hieftje and Police Chief Barnett Jones.

Received and FiledINT-3 [10-1283](#)

The Pepsi Refresh Project Grant

Trevor Staples, Chair of the Friends of the Ann Arbor Skate Park, updated Council on the status of the Ann Arbor Skate Park development. Mr. Staples also informed Council and the public about The Pepsi Refresh Project Grant. The grant is a program developed by Pepsi that gives away \$1.3 million each month to charities. The Ann Arbor Skate Park project is a contender this month and the organizers are asking that Ann Arbor citizens and friends of the skate park vote everyday for the project. If they get enough votes, they could receive a \$250,000.00 grant for the skate park. Voting is free and you can vote in a number of different ways. Residents can vote through Facebook or they can create a Pepsi Refresh account. Votes can also be texted to 73774; type 104839 in the text message.

Received and FiledINT-4 [10-1247](#)

Presentation of Plaque to Mayor Hieftje

Leslie Staumbaugh, Chair of the Human Rights Commission, said that the Michigan Department of Civil Rights, US Attorney's Office, and a number of citizens groups, created the Michigan Alliance Against Hate Crimes (MAAHC). MAAHC is concerned with the amount of hate crime and hate activity taking place in Michigan.

Ms. Staumbaugh said that the Ann Arbor Community Response Group was recently awarded a plaque that recognized the group as a MAAHC champion. The plaque states that "your efforts will make Ann Arbor and indeed the entire State a better place to live, work or visit." She said that the plaque really belongs to the 18 plus groups that are partnering to make this all happen. Groups like law enforcement agencies, fair housing, NAACP, ACLU, the Dispute Resolution Center, Safe House, Interfaith Round Table, Central Academy, etc. Ms. Staumbaugh presented the plaque to the City of Ann Arbor in recognition of this important partnership.

Received and FiledINT-5 [10-1256](#)

Proclamation recognizing U of M's Men's Rugby Football Club and U-M's Women's Rugby Team as NAP Volunteers for the Month of December 2010

Mayor Hieftje read a proclamation recognizing the U of M Men's Rugby Football Club and the U of M Women's Rugby Team as Nap Volunteers for the month of December 2010. A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed[10-1211](#)

Proposed Changes to Council Rules

A motion was made by Councilmember Rapundalo, seconded by Councilmember Higgins, that the proposed changes to Council Rules be approved. On a voice vote, the Mayor declared the motion carried.

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. Alan Haber - Compost Service and Library Lot (DS-2)

Alan Haber, 531 Third Street, expressed concern with the City's compost services being privatized and also expressed concern with the proposals for the Library Lot. Mr. Haber said that both projects seem to be connected to the common policy of privatizing what is public. He urged Council to consider the public in these decisions.

2. Jeannine Palms - City Compost (DS-2)

Jeannine Palms, 2650 East St., asked that Council postpone the approval of the changes proposed to the City Compost facility so that additional discussion could take place on the issue.

3. Lily Au - Avalon Housing (DS-16)

Lily Au, 682 Peninsula, expressed concern with Avalon Housing tearing down a 37-unit building and replacing it with a 32-unit building. She urged Council to do more for the homeless.

4. Libby Hunter - WeCare Contract and Heritage Row (DS-2)

Libby Hunter, 827 Bruce, serenaded Council to the tune of 'Santa Clause is Coming to Town' regarding opposition of the proposed WeCare contract at the Compost Center and the Heritage Row project.

5. Nicholas Nightwine - Compost Facility (DS-2)

Nicholas Nightwine, AFSCME Local 369 President, 2500 Packard, Suite 209, spoke in opposition of the privatization of the Compost Facility. He suggested adjusting the compost rates to the market rate in order to make the operation more profitable, in lieu of privatization. Mr. Nightwine suggested that if rates were adjusted, the City could revisit the issue again in a few years if necessary.

6. Thomas Partridge - Reforms needed to assure access to affordable housing and public transit. Amendments to zoning ordinances and public transit plans must be enacted. (B-1 and DS-1)

Thomas Partridge, 2120 Pauline, said that reforms are needed to assure access to affordable housing and public transit. Mr. Partridge said that amendments to zoning ordinances and public transit plans must be enacted.

7. Lou Glorie - Compost Facility (DS-2)

Lou Glorie, 827 Brooks St., spoke in opposition of the privatization of the Compost Facility, stating that that the rationale for privatization is not based on any real evidence.

8. Tim Hull - Bar Louie (File No. 10-1089)

Tim Hull, 1412 McIntyre, expressed concern with Bar Louie, a local liquor licensed business, discriminating against people who do not have a driver's license. Mr. Hull stated he has been denied a drink at Bar Louie because he possesses a State ID and not a Michigan driver's license.

9. Charles Ream - Medical Marijuana Business & Home Occupation Licenses (C-2)

Charles Ream, 1911 Packard, spoke in opposition of the proposed Medical Marijuana Business & Home Occupation Licenses Ordinance, stating that the home occupation license is illegal and the current draft mixes dispensaries in with cultivation facilities.

10. Odile Hugont-Haber - Library Lot

Odile Hugont-Haber, 531 Third St., expressed concern with the parking garage being constructed at the Library Lot. She encouraged Council to use the space as a public commons for the citizens of Ann Arbor.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER HOHNKE**

Councilmember Hohnke announced that two seats are available on the Environmental Commission. He encouraged those interested to apply and stated he would like to bring names forward at the next Council meeting.

COUNCILMEMBER RAPUNDALO

Councilmember Rapundalo informed the public that no decisions have been made from the last meeting regarding the Library Lot redevelopment. He stated a consultant was hired to look at the projects that were still being considered and to determine whether or not they were economically viable. The consultant was not hired to do a feasibility study. The committee will meet again to review the consultant's report and determine how best to move forward with a recommendation to Council.

The Huron Hills Golf Course RFP Review Committee met on December 3, 2010. There was a presentation by one of the bidders who qualified; the second bidder did not pass the staff technical review and was disqualified.

Councilmember Rapundalo thanked the City Administrator for his and staff efforts planning and putting together the Council Retreat on Saturday, December 4, 2010.

COUNCILMEMBER ANGLIN

Councilmember Anglin read a letter from a resident at 600 W. Huron Street,

regarding the HAWK lights. The letter thanked the City for installing the lights at the intersection of W. Huron, Chapin, and Third Streets.

COUNCILMEMBER DEREZINSKI

Councilmember Derezinski said that another popular topic of discussion at the Council retreat was collaboration. Projects that show collaboration or consolidation with other communities are looked at more favorably at the State level for funding. Councilmember Derezinski cited the Washtenaw Avenue Corridor Study as a good example of many communities coming together on a project of mutual interest.

MAYOR HIEFTJE

Mayor Hieftje said that the DDA received a report from the Downtown Citizens Advisory Council. They were very happy with the work at West Park. Mayor Hieftje stated the Downtown Citizens Advisory Council made a suggestion to rename West Park as Central Park West.

Mayor Hieftje also announced that a new park opened downtown next to the new U of M residence hall between Washington and Huron.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

TAX BILLS

City Administrator Roger Fraser reported that winter tax bills have gone out in the mail to property owners. Taxes are due on the 31st of December; however, due to the holiday calendar this year, the City will be closed on December 31. As a consequence of the holiday schedule, the City will be accepting payments postmarked or received in-person on January 3, 2011 as received on time. Payments are accepted online, by mail, or in person at the City's Customer Service Center.

Mr. Fraser noted that the City is expecting about a 4 percent reduction in property tax revenue this year, largely due to the Pfizer property finally coming off the tax rolls.

COMPOST PICKUPS

Mr. Fraser reported that curbside compost collection will be provided through Friday, December 10, 2010. Compost collection will resume again on April 4, 2011. Mr. Fraser thanked residents for their cooperation during this year's transition with the Fall leaf pick-up program.

PACE PROGRAM

The Michigan State Legislature joined 25 other states in passing legislation for the PACE Program. The program is a property access clean energy project that allows for special assessment districts to be created for energy improvements in homes. The City expects to be a leader with PACE as projects move forward.

PHOSPHOROUS LIMITS

Mr. Fraser informed Council that the Michigan State Legislature passed phosphorous limits across the state. The Huron River Watershed Council and Michigan Environmental Council were significant in helping to make this a reality.

MICHIGAN BY RAIL PUBLIC FORUM

The Michigan by Rail public forum will be held on December 9, 2010 from 6-8 p.m. at Washtenaw Community College. Sponsors for the event include the Michigan Environmental Council, the Michigan Association of Railroad Passengers and the Michigan Municipal League. The City will also be a co-host to this important event.

PLANNING AND DEVELOPMENT SERVICES RELOCATED

Planning and Development Services have been moved temporarily to the 5th floor of City Hall. Community Services Administration and the Parks and Recreation Manager and Assistant Manager have been moved to the City Center Building on the 7th floor.

COUNCIL CHAMBER MEETINGS RELOCATION

Mr. Fraser reminded Council that Council meetings for January and February 2011 will be held in the County Commissioners' Board Room located at 200 N. Main. There will be no meetings in Council Chambers during the months of January and February 2011.

MILLER STREET RECONSTRUCTION

Mr. Fraser announced that the Miller Street Reconstruction Project was completed on November 21, 2010.

ARBOR OAKS WATERMAIN REPLACEMENT PROJECT

The Arbor Oaks Watermain Replace Project has been completed. The project includes resurfacing of Champagne Drive, Hemlock Drive and most of the courts in the area. This work will begin in March 2011. A public engagement on the project is planned for December 16, 2010 at the Bryant Community Center.

WASHTENAW AVENUE NON-MOTORIZED PATH

The Washtenaw Avenue Non-Motorized path project will begin in March 2011. The low bidder on the project was actually \$100,000.00 less than the engineer's estimate, which is a continuing reflection of what's happening with the economy.

COUNCIL RETREAT UPDATE

Mr. Fraser updated the public about the Council retreat. He stated that as staff planned the session, they chose to focus on defining a sustainable set of City services. Mr. Fraser stated the City is anticipating an additional \$2.5 million dollar reduction in available resources for the year 2012 and again in 2013. He stated personnel cuts at this point would mean cuts in services provided to the public.

Mr. Fraser noted that Ann Arbor.com published a story regarding the retreat and focused on the discussion regarding the Fire Services. Mr. Fraser stated that despite how the article presented the issue, this was only the beginning of a discussion on how to address the Safety Services budget, which represents more than half of the total General Fund budget. A paid on-call system is just one possibility that Council indicated they would be willing to further study as they prepare the budget.

A second meeting is planned to continue this discussion on January 8, 2011, again at the Wheeler Center. All materials from the Work Sessions and retreat are available

on the City website, www.a2gov.org.

CHRISTMAS TREES

Sue McCormick, Public Services Area Administrator, said that Christmas trees would no longer be picked up curbside. The options for Christmas tree removal is available online for interested residents.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [10-0879](#)

An Ordinance to Amend Chapter 55, Rezoning of 6 Park Properties (Arbor Oaks Park, Berkshire Creek Nature Area, Bluffs Nature Area, Glacier Highlands Park, Mallets Creek Nature Area, Scheffler Park) from AG (Agriculture District), R1B and R1C (Single-Family Dwelling Districts), R4A and R4B (Multiple-Family Dwelling Districts), O (Office District), C1 (Local Business District) to PL (Public Land District) (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-10-38)

A public hearing was conducted on the proposed amendment to Chapter 55, Rezoning of 6 Park Properties (Arbor Oaks Park, Berkshire Creek Nature Area, Bluffs Nature Area, Glacier Highlands Park, Mallets Creek Nature Area, Scheffler Park) from AG (Agriculture District), R1B and R1C (Single-Family Dwelling Districts), R4A and R4B (Multiple-Family Dwelling Districts), O (Office District), C1 (Local Business District) to PL (Public Land District) (Ordinance No. ORD-10-38). Notice of public hearing was published November 18, 2010.

Ethel Potts, 1014 Elder Blvd., expressed concern with zoning the properties as PL, as this zoning has not protected parks in the past.

Thomas Partridge, Pauline Blvd., spoke in support of the ordinance but said that it should be amended to include affordable housing.

Kathy Boris, 1726 Charlton, expressed concerned with the PL zoning allowing the property to be used for something other than recreation and open space.

Dorothy Nordness, 114 Eighth St., expressed concern about the rezoning, stating she did not want parkland repurposed for other uses.

Rita Mitchell, 621 Fifth St., expressed concern regarding the flexibility under the PL zoning. She stated she wanted to preserve existing parkland.

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

Held and Closed

COMMUNICATIONS FROM COUNCIL

MAYOR HIEFTJE

Mayor Hieftje clarified that the rezoning of parkland to PL (Public Land) was for the purpose of protecting the parks. He noted that many of these properties were previously zoned office, residential or industrial. The Mayor noted that under these zonings, the Charter Amendment might not protect the properties as they are not properly classified as parkland. Mayor Hieftje stated that these rezonings are a result of Councilmember Anglin's concern that not all of the properties everyone considers to be parks actually appeared in the PROS Plan or were zoned public land and he specifically requested the city staff work to get all of the parks correctly zoned. For about two years that is what City staff has been doing. So we have had a series of

these coming to us in order to better protect these park lands and the Planning Commission has been in full agreement throughout.

COUNCILMEMBER ANGLIN

Councilmember Anglin said that every five years the City comes forward with a PROS Plan (Parks and Recreation and Open Space Plan). The PL designations that Council is considering tonight are in that PROS Plan. Councilmember Anglin stated that even though these parks are zoned PL, they still have to be included in the PROS Plan. Each park has to be identified and numbered. Councilmember Anglin stated he does have some reservations about the inclusiveness of the PL zoning and stated that is why inclusion in the PROS plan is so important for protecting parks.

Mr. Anglin asked that the people who spoke at the Public Hearing regarding the rezoning of the parks mail Council copies of their statements if possible.

A APPROVAL OF COUNCIL MINUTES

- A-1 [10-1260](#) Working Sessions of November 8, 15 and Regular Session of November 15, 2010

A motion was made by Councilmember Teall, seconded by Councilmember Taylor, that the Work Session minutes of November 8, 15 and the Regular Session minutes of November 15, 2010 be approved as presented. On a voice vote, the Mayor declared the motion carried.

RECESS

Mayor Hieftje declared a recess at 9:23 p.m. and reconvened the meeting at 9:33 p.m.

CA CONSENT AGENDA

CONSENT AGENDA ITEM REMOVED

With unanimous consent of Council, the following items were removed from the Consent Agenda and placed at the end of same:

CA-1 Resolution to Approve Amendment No. 3 to the Professional Services Agreement with CDM Michigan (CDM) (\$16,337.00) for Ann Arbor Stormwater Geographic Information System (GIS)Data Collection and Hydraulic Model Development

Passed on consent agenda

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

- CA-2 [10-1129](#) Resolution Confirming an Emergency Purchase Order to E. T. MacKenzie Company for a Emergency Repairs to a Collapsed Sanitary Manhole on Packard Road - \$70,437.65

Enactment No: R-10-420

- CA-3 [10-1191](#) Resolution to Ratify City Administrator Approval of Emergency PO with Delta Electrical Contractors of Lansing for Installation of Electrical Circuits and Infrastructure (\$40,354.00)
Enactment No: R-10-421
- CA-4 [10-1209](#) Resolution to Accept Board of Insurance Administration Meeting Minutes of October 28, 2010
Enactment No: R-10-422
- CA-1 [10-1125](#) Resolution to Approve Amendment No. 3 to the Professional Services Agreement with CDM Michigan (CDM) (\$16,337.00) for Ann Arbor Stormwater Geographic Information System (GIS)Data Collection and Hydraulic Model Development
A motion was made by Councilmember Anglin, seconded by Councilmember Teall, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-10-423

B ORDINANCES - SECOND READING

Old Business:

- B-1 [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) (Ordinance No. ORD-10-34)
A motion was made by Councilmember Higgins, seconded by Councilmember Smith, that the ordinance be adopted at second reading.
A motion was made by Councilmember Higgins, seconded by Councilmember Smith, that the Ordinance be amended as follows:
Add the following language to the Maximum Height in Section 5:40 O Office:
None, except in any area on a parcel extending 300 feet from an abutting residentially zoned land, the following limits shall apply:
Add the following language to the Maximum Height in Sections 5:42 RE Research, 5:42A ORL Office/Research/Limited Industrial:
None, unless the parcel abuts residentially zoned land, in which case the following limitations shall apply:
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:

Amend Section 5:10.2. R1A, R1B, R1C, R1D, R1E Single Family Dwelling District by adding and deleting the following language:

(2) Permitted principal uses.

(a)

Single-family dwelling firmly attached to a permanent foundation, AND connected to a public sewer and water supply[, at least 14 feet wide contain at least 900 square feet of floor area]. Single-family dwellings in the R1E district shall not exceed 2,000 square feet of floor area.

Brackets indicate deleted language. All Caps indicate new language.

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

Yeas: 7 - Hieftje, Councilmember Higgins, Councilmember Teall, Councilmember Briere, Councilmember Smith, Councilmember Derezinski and Councilmember Hohnke

Nays: 4 - Councilmember Rapundalo, Councilmember Kunselman, Councilmember Anglin and Councilmember Taylor

The question being, the motion made by Councilmember Higgins, seconded by Councilmember Smith, that the Ordinance be approved on First Reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried.

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

Nays: 0

DS-1 [10-0748](#)

Resolution Authorizing Summary Publication of Ordinance No. ORD 10-34 An Ordinance to Amend Chapter 55 (Zoning) and 59 (Off-street Parking) of Title V of the Code of the City of Ann Arbor, by adding amendments that primarily pertain to Area, Height, and Placement standards

A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that the resolution be approved.

A motion was made by Councilmember Kunselman, seconded by Councilmember Derezinski, that the Resolution be postponed until 1/3/2011. On a voice vote, the Mayor declared the motion carried.

New Business:

Passed on consent agenda

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

B-2 [10-0879](#)

An Ordinance to Amend Chapter 55, Rezoning of 6 Park Properties (Arbor Oaks Park, Berkshire Creek Nature Area, Bluffs Nature Area,

Glacier Highlands Park, Mallets Creek Nature Area, Scheffler Park) from AG (Agriculture District), R1B and R1C (Single-Family Dwelling Districts), R4A and R4B (Multiple-Family Dwelling Districts), O (Office District), C1 (Local Business District) to PL (Public Land District) (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-10-38)

- DS-17** [10-1239](#) Resolution Authorizing Summary Publication of Ordinance No. ORD 10-38, An Ordinance to Amend Chapter 55, Rezoning of 6 Park Properties (Arbor Oaks Park, Berkshire Creek Nature Area, Bluffs Nature Area, Glacier Highlands Park, Mallets Creek Nature Area, Scheffler Park) from AG (Agriculture District), R1B and R1C (Single-Family Dwelling Districts), R4A and R4B (Multiple-Family Dwelling Districts), O (Office District), C1 (Local Business District) to PL (Public Land District)
- Enactment No: R-10-424

C ORDINANCES - FIRST READING

- C-1** [10-1228](#) An Ordinance to Amend Section 10:1a of Chapter 126, Traffic (Adoption of Motor Vehicle Code and Uniform Traffic Code), of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-10-39)
- A motion was made by Councilmember Derezinski, seconded by Councilmember Rapundalo, that the Ordinance be Approved on First Reading and scheduled for Second Reading on 12/20/2010. On a voice vote, the Mayor declared the motion carried.**
- C-2** [10-1249](#) An Ordinance to Add a New Chapter 71 to Title VI (Medical Marijuana Business and Home Occupation Licenses) of the Code of the City of Ann Arbor
- A motion was made by Councilmember Smith, seconded by Councilmember Derezinski, that the ordinance be approved at First Reading.**
- A motion was made by Councilmember Derezinski, seconded by Councilmember Smith, that the Ordinance be postponed until 1/3/2011. On a voice vote, the Mayor declared the motion carried.**

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1** [10-1250](#) Motion to Suspend Council Rules in Order to Reconsider the Heritage Row PUD Zoning and Site Plan **(2/3 Vote of Councilmembers Present Required)**
- A motion was made by Councilmember Derezinski, seconded by Councilmember Smith, that the Resolution be Approved. On a roll call, the vote was as follows with the Mayor declaring the motion defeated, having not**

met the 2/3 vote requirement.

Yeas: 6 - Hieftje, Councilmember Rapundalo, Councilmember Teall, Councilmember Smith, Councilmember Derezinski and Councilmember Taylor

Nays: 5 - Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Briere and Councilmember Hohnke

DC-2 [10-1089](#)

Resolution to Approve a Request to Transfer Ownership of a 2009 Class C Liquor Licensed Business Located at 401 E. Liberty, Suite 200, from Bar Louie Ann Arbor, Inc. to BL Restaurant Operations, LLC. - d/b/a Bar Louie

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

Enactment No: R-10-425

DB **New Business - Boards and Commissions:**

DB-1 [10-1123](#)

Resolution to Approve Participation Agreement with Webster Township for the Purchase of Development Rights on the Whitney Farm

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.

Enactment No: R-10-426

DB-2 [10-1132](#)

Resolution to Approve Distribution of the City of Ann Arbor Draft 2011-2015 Parks and Recreation Open Space Plan (CPC Recommendation: Approval - 6 Yeas, 0 Nays)

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

Enactment No: R-10-427

DS **Suspension of Council Rules**

A motion was made by Councilmember Kunselman, seconded by Councilmember Taylor, that the Council Rules be suspended regarding Closed Session before 11:00 p.m. On a voice vote, the Mayor declared the motion carried.

Old Business - Staff:

DS-2 [10-1097](#)

Resolution to Approve Contract With WeCare Organics for Operating the Ann Arbor Compost Facility (not to exceed \$200,000.00 annually)

A motion was made by Councilmember Teall, seconded by Councilmember

Kunselman, that the resolution be approved.

Enactment No: R-10-428

Councilmember Kunselman moved, seconded by Councilmember Anglin, to postpone the resolution until February 7, 2011. The motion was withdrawn.

Enactment No: R-10-428

Suspension of Council Rules

A motion was made by Councilmember Anglin, seconded by Councilmember Kunselman, that the Rules of the Council be suspended in order to continue discussion of the Compost Operations Contract. On roll call, the vote was as follows, with the Mayor declaring the motion carried:

- Yeas:** 7 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke
- Nays:** 4 - Hieftje, Councilmember Rapundalo, Councilmember Higgins and Councilmember Teall

10-1097

Resolution to Approve Contract With WeCare Organics for Operating the Ann Arbor Compost Facility (not to exceed \$200,000.00 annually)

A motion was made by Councilmember Kunselman, seconded by Councilmember Anglin, that the Resolution be postponed until 12/20/2010. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

- Yeas:** 4 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere and Councilmember Smith
- Nays:** 7 - Hieftje, Councilmember Rapundalo, Councilmember Higgins, Councilmember Teall, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

A motion was made by Councilmember Teall, seconded by Councilmember Kunselman, that the Resolution be 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-10-428

DS New Business - Staff:

DS-3 10-1164

~~Resolution to Petition the Washtenaw County Water Resources Commissioner to Improve the Malletts Ellsworth Basin in the Malletts Creek Drainage District (\$2,430,000.00 Total; \$1,813,752.00 City Share) (Roll Call Vote Required)~~

Deleted from Agenda**DS-4** [10-1165](#)

Resolution to Petition the Washtenaw County Water Resources Commissioner for the Burns Park Porous Alley in the Malletts Creek Drainage District (\$200,000.00 Total; \$149,280.00 City Share) **(Roll Call Vote Required)**

A motion was made by Councilmember Taylor, seconded by Councilmember Teall, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Nays: 0

Enactment No: R-10-429

DS-5 [10-1166](#)

Resolution to Petition the Washtenaw County Water Resources Commissioner for Malletts Creek Stream Bank Stabilization in the Malletts Creek Drainage District (\$5,140,000.00 Total Project Amount; \$2,010,000.00 Project Amount (2011); \$1,500,264.00 City Share (2011)) **(Roll Call Vote Required)**

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Nays: 0

Enactment No: R-10-430

DS-6 [10-1167](#)

Resolution to Petition the Washtenaw County Water Resources Commissioner for Streambank Stabilization in the Traver Creek Drainage District (\$650,000.00 Project Total; \$559,715.00 City Share) **(Roll Call Vote Required)**

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Nays: 0

Enactment No: R-10-431

DS-7 [10-1168](#)

Resolution to Petition the Washtenaw County Water Resources Commissioner for Cistern Installations/Downspout Disconnects/Tree Planting Project in the Swift Run Drain, Traver Creek, Malletts Creek and Allen Creek Drainage Districts (\$915,000.00 Project Amount; \$879,315.00 City Share) **(Roll Call Vote Required)**

A motion was made by Councilmember Hohnke, seconded by Councilmember Anglin, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Nays: 0

Enactment No: R-10-432

DS-8 [10-1237](#)

Resolution to Petition the Washtenaw County Water Resources Commissioner for Streambank Stabilization in the County Farm Drain Drainage District (\$2,110,000.00 Project Amount; \$2,046,700.00 City Share) **(Roll Call Vote Required)**

A motion was made by Councilmember Taylor, seconded by Councilmember Teall, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Nays: 0

Enactment No: R-10-433

DS-9 [10-1115](#)

Resolution to Approve an Agreement with the Michigan Department of Transportation for the Washtenaw Avenue Non-Motorized Path Project

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-10-434

DS-10 [10-1225](#)

Resolution Accepting Easement for Non-motorized Public Access from Ann Arbor Assembly of God Church for the Washtenaw Avenue Non-Motorized Pathway Project **(8 Votes Required)**

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, thus satisfying the eight-vote requirement.

Enactment No: R-10-435

- DS-11 [10-1173](#) Resolution Setting a Public Hearing on Edwards Brothers Inc. Application for an Industrial Facilities Exemption Certificate in Industrial Development District No. 2007-010
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-10-436
- DS-12 [10-1205](#) Resolution Partially Accepting Easement for Public Utilities from Boardwalk Commerce Associates Limited Partnership **(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-10-437
- DS-13 [10-1206](#) Resolution Partially Vacating Easement from Boardwalk Commerce Associates Limited Partnership **(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, thus satisfying the eight-vote requirement.**
- Enactment No: R-10-438
- DS-14 [10-1216](#) Resolution to Approve a Purchase Order to Kentwood Office Furniture LLC for Refurbished Furnishings & Equipment for the 15th Judicial District Court and to Approve a Budget Amendment for that Purpose (\$39,000.00) **(8 Votes Required)**
- A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-10-439
- DS-15 [10-1222](#) Resolution Accepting Easement for Non-Exclusive Pedestrian Access from the Eve L. Matusow Michigan Trust **(8 Votes Required)**
- 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, thus satisfying the eight-vote requirement.**
- Enactment No: R-10-440
- DS-16 [10-1128](#) Resolution to Approve the Subordination of the City's Mortgage Lien to the Bank of Ann Arbor's Federal Home Loan Bank Mortgage on Avalon Housing's Properties at 518, 520 and 522 S. Division and to Approve an Intercreditor Agreement with Washtenaw County

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

Enactment No: R-10-441

E COMMUNICATIONS FROM THE MAYOR

E-1 [10-1212](#) Appointments & Nominations

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the November 15, 2010 regular session of Council:

*Historic District Commission
Benjamin L. Bushkuhl (Replacing -Diane Giannola)
3186 Bolgos Circle
Ann Arbor, MI 48105
Term: December 6, 2010- December 6, 2013*

*Human Rights Commission
Linda Winkler (Re-Appointment)
625 Second St.
Ann Arbor, MI 48103
Term: November 15, 2010-October 31, 2013*

*Energy Commission
Fulter Hong
1750 Sanford Place
Ann Arbor, MI 48103
Term: December 6, 2010 - December 6, 2013*

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

E-2 [10-1286](#) Appointment - Nominations

NOMINATIONS:

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

*Ann Arbor Energy Commission
Mike Shriberg (Replacing-Jason Bing)
1473 Pine Valley Blvd.
Ann Arbor, MI 48104
Term: December 6, 2010-October 31, 2013*

*Elizabeth Dean Fund Committee
Jane Immonen (Filling vacancy left by-Chuck Cares)
2900 Renfrew St.
Ann Arbor, MI 48105
Term: December 20, 2010-July 31, 2011*

Serving the rest of his term

*Ann Arbor Housing Commission
Shanika Smith (Filling vacancy left by - Sasha Womble)
2822 Sagebrush Circle Apt. 104
Ann Arbor, MI 48103
Term: December 20, 2010-May 4, 2015
Serving the rest of Ms. Womble's term in the resident position
Referred to the City Council due back on 12/20/2010.*

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman thanked staff for providing estimates for the maintenance of the new public art project at the Municipal Center.

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Mr. Fraser announced that the work session for December 13, 2010 has been cancelled.

F-1 [10-1141](#) Annual Survey of Traffic Calming Projects Constructed in 2009

Received and Filed

F-2 [10-1227](#) Communication from Ann Arbor Public Art Commission (AAPAC) regarding the West Park Art Sculpture

Received and Filed

F-3 [10-1170](#) Solid Waste Regulations for Christmas Trees

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 Higgins, 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 [10-1230](#) Communication from the State of Michigan Public Service Commission regarding notice of hearing for the Electric Customers of

the Detroit Edison Company, Case No. U-16434, scheduled for December 2, 2010 - File

H-2 [10-1233](#) Communication from the State of Michigan Public Services Commission regarding notice of hearing for the Electric Customers of the Detroit Edison Company, Case No. U-15806 scheduled for December 14, 2010 - File

H-3 [10-1240](#) Communication from Peter A. Long, regarding the 2010 Annual Report of the Economic Development Corporation of the City of Ann Arbor

H-4 Support Email from Kyung Sun Kim Regarding Park Rezonings

H-5 Opposition Email from Wendy Piepenburg Regarding Park Rezonings

I The following minutes were received for file:

I-1 [10-1084](#) Ann Arbor Public Art Commission Minutes - October 12, 2010

I-2 [10-0939](#) Airport Advisory Committee Minutes - July 21, 2010

I-3 10-1120 Historic District Commission Meeting Minutes of the July 8, 2010

I-4 [10-1130](#) September 21, 2010 City Planning Commission Meeting Minutes

I-5 10-1134 Historic District Commission Meeting Minutes of Oct 14, 2010

I-6 [10-1145](#) Recreation Advisory Commission Minutes - October 5, 2010

I-7 [10-1151](#) Human Rights Commission Minutes - September 15, 2010

I-8 [10-1160](#) Commission on Disability Issues Minutes - August 18, 2010

I-9 10-1161 Historic District Commission Meeting Minutes of the September 9, 2010

I-10 [10-1176](#) Ann Arbor Downtown Development Authority Meeting Minutes - October 6, 2010

I-11 [10-1177](#) Downtown Area Citizen Advisory Council Minutes - October 6, 2010

I-12 [10-1183](#) Park Advisory Commission Minutes - September 21, 2010

- I-13 [10-1220](#) Ann Arbor Housing Commission Board Meeting Minutes - October 20, 2010, November 3, 2010
- I-14 [10-1223](#) Washtenaw Area Transportation Study (W.A.T.S.) Meeting Minutes of October 13, 2010

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

None.

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

A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that the Council enter into Closed session to discuss pending litigation under MCLA 15.268 (E). On roll call, the vote was as follows, with the Mayor declaring the motion carried and the meeting adjourning at 12:33 a.m.:

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

Nays: 1 - Councilmember Smith

MEETING RECONVENED

A motion was made by Councilmember Higgins, seconded by Councilmember Taylor, that the meeting be reconvened. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 12:55 a.m.

ADJOURNMENT

A motion was made by Councilmember Higgins, seconded by Councilmember Kunselman, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:56 a.m.

[10-1314](#) City Council Emails - December 6, 2010

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, DECEMBER 6, 2010, 7:00 P.M.

REPLAYS: TUESDAY, DECEMBER 7, 2010, 10:00 A.M. AND FRIDAY, DECEMBER 10, 2010, 7:30 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

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

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

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary