



City of Ann Arbor

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Ann Arbor, MI 48104
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Meeting Minutes City Planning Commission

Wednesday, November 6, 2013

7:00 PM

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

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1 CALL TO ORDER

Chair Westphal called the meeting to order at 7:07 p.m.

2 ROLL CALL

Rampson called the roll.

Present 7 - Bona, Westphal, Giannola, Adenekan, Clein, Parekh, and Peters

Absent 2 - Woods, and Briere

3 INTRODUCTIONS

4 APPROVAL OF AGENDA

Westphal noted that agenda item 9-b; Downtown Zoning, will likely be postponed, but there would still be a public hearing held at this evening's meeting.

Approved

5 MINUTES OF PREVIOUS MEETING

5-a 13-1121 July 16, 2013 City Planning Commission Meeting Minutes

Moved by Peters, seconded by Clein, that the minutes be approved as

presented. On a voice vote, the Chair declared the motion carried.

5-b 13-1360 September 10, 2013 City Planning Commission Meeting Minutes

Moved by Peters, seconded by Clein, that the minutes be approved as presented. On a voice vote, the Chair declared the motion carried.

5-c 13-1361 September 17, 2013 City Planning Commission Meeting Minutes

Moved by Peters, seconded by Clein, that the minutes be approved as presented. On a voice vote, the Chair declared the motion carried.

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

6-a City Council

Rampson noted that the City Council meeting is scheduled to be held the following night, so there would be news at the next Commission meeting.

6-b Planning Manager

Rampson reviewed the November meeting calendar with the Commission, pointing out the citizen participation meeting being held for the City-initiated rezoning of the 1643-1645 South State Street parcel. She reminded the Commission that when this parcel was annexed into the City, the proposed zoning was commercial; however the South State Street Plan was not yet completed, so the Commission recommended denial of that zoning, and Council also denied the zoning request. In the meantime, the zoning remained 'Township' and now according to the City's zoning regulations needs to be given a zoning classification (within two years of the annexation). She said staff has now initiated rezoning to C1, which is consistent with the recommendations of the South State Street Plan.

Rampson reported that on November 14th, there will be a series of identical workshops held in various locations on the 'Connector' project, which is a high-speed transit system that would go from the City airport area north to the East Ann Arbor medical campus area. She explained that these workshops would be for the purpose of getting feedback on potential routes for the high-speed commuter system, whether it be a designated bus or rail system in the future. She added that Commissioner Giannola was the Commission representative to this committee.

Rampson also pointed out that City Hall would be closed on November 11th for Veterans Day Holiday.

6-c Planning Commission Officers and Committees

Peters reported that the CIP Committee met for the beginning of the Capital Improvement Plan process for the mid-budget year changes. He asked if there are other projects or ideas that need to be added to the list that they be passed along to the committee.

Rampson added that the target date for the revised list of CIP projects to come before the Commission is the first meeting in December.

Parekh said that the active list as well as the proposed list will be available on the City's website.

Rampson noted that when it is posted on the website, she will send out notices.

Peters said the website is a2gov.org/cip.

6-d Written Communications and Petitions

[13-1362](#)

Various Correspondences 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.)

8 PUBLIC HEARINGS SCHEDULED FOR NEXT BUSINESS MEETING

[13-1363](#)

Public Hearings Scheduled for the November 19, 2013 City Planning Commission Meeting

Chair Westphal read the public hearing notice as published.

Received and Filed

9 UNFINISHED BUSINESS

9-a

[13-1364](#)

Traverwood Apartments Rezoning, Site Plan and Wetland Use Permit for City Council Approval - A proposal to rezone a vacant 3.88 acre parcel at the rear of 2025 Traverwood from ORL (Office, Research, Limited Industrial District) to R4D (Multiple-Family Dwelling District) and attach it to the adjacent 15.94 acres parcel to create a 19.82 acres development parcel. A proposal to construct 216 one and two-bedroom apartments in 16 buildings, accessed by two new driveways from Traverwood Drive. A total of 152 structured parking spaces and 184 exterior spaces will be provided. A community building, pool and play areas will also be provided. A wetland use permit is requested to allow disturbance of three small wetlands, totaling 0.27 acres. (Ward 1) Staff Recommendation: Approval

Thacher presented the staff report.

PUBLIC HEARING:

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

Moved by Bona, seconded by Giannola, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Traverwood Apartments Rezoning from ORL (Office/Research/Limited Industrial) to R4D (Multiple-Family Dwelling District, and

Moved by Bona, seconded by Giannola, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Traverwood Apartments Site Plan and Development Agreement.

COMMISSION DISCUSSION:

Bona thanked the petitioner for doing the sidewalk identification drawings as requested by the Commission. She asked about sidewalks adjacent to a parking space, where the front of a car tends to overhang a sidewalk.

Earl Ophoff said they are using 7 foot wide sidewalks, because with an average 2 foot overhang (of the front of the car), there will be a full 5 foot sidewalk remaining.

Bona said it was wonderful to see all the sidewalks. She asked if all of the woodchip paths connect to a sidewalk.

Ophoff, showing the paths on the plan, said they connect to the parking lots in some areas.

Bona asked if the paths will connect to the park paths on the adjacent property, and if they will be enhancing the park's paths at the same time.

Ophoff said that this is correct, noting that the path system on the park property is an informal one and the exact location (around trees etc.) will be addressed in the field together with the Parks department.

Clein asked about the phasing of the project and if the woodchip path will be constructed as part of Phase I.

Mike Martin, First Martin, 115 Depot Street, Ann Arbor, said that the intention is to do the whole thing at once, with the possibility of phasing only if there were significant work that might hinder the occupancy of the first phase.

Clein asked about trash recycling and pick-up, noting that several containers are not shown behind buildings.

Ophoff explained that the City is starting a different type of trash collection, noting there is a typical trash area enclosure with the bin in it, and recycling containers, being about 300 gallon tubs, that fit into an area that is about 16 feet long and 6 feet wide. He said the truck has to be able to go straight in to empty the dumpster as well as be able to go along side to pick up these large containers. He said they worked on the proposed trash and recycling locations as well as their orientation with City staff so they can get their trucks in there. He said that he believed the City required this type of trash collection for projects over 30 units.

Clein clarified that there will be one trash/recycling location for every two buildings.

Ophoff said that is correct.

Clein said he is concerned about the distance, since it might be a bit of a walk for people, especially in the winter, to take their trash.

Peters said he was glad that the petitioner was able to provide the sidewalk information requested and also that the wetland plan is now environmentally acceptable.

Westphal referenced an email the Commission received that asked about the

proximity of the buildings to Leslie Woods and about a possible glacier bluff on the site.

Rampson responded that it was not called out in the natural features inventory list.

Ophoff reviewed the plan with the Commission, noting that there were up and down slopes throughout the site. He pointed out the southern hedgerow as being where the major trees ceased, and that the site had been harvested at an earlier time.

Westphal said the email commenter might not have heard previous discussion about the option of buildings being built taller, but that ended up being financially infeasible.

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

Yeas: 7 - Bonnie Bona, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Paras Parekh, and Jeremy Peters

Nays: 0

Absent: 2 - Wendy Woods, and Sabra Briere

Moved by Peters, seconded by Giannola, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Traverwood Apartments Wetland Use Permit, to remove up to 1,800 square feet of wetland area, and mitigation plan, including construction of at least 2,700 square feet of new wetland, restoration and monitoring of the remaining wetland area.

COMMISSION DISCUSSION:

Clein asked a clarifying question; if the creation of a smaller wetland area on the northern area of the site was in lieu of the existing open course wetland.

Thacher said, yes.

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

Yeas: 7 - Bonnie Bona, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Paras Parekh, and Jeremy Peters

Nays: 0

Absent: 2 - Wendy Woods, and Sabra Briere

9-b [13-1365](#)

Downtown Zoning Evaluation Recommendations - The Planning Commission has conducted an evaluation of the downtown zoning changes that were adopted in 2009 and will consider a set of recommendations for changes to the zoning ordinance. These recommendations will be forwarded to the City Council for its action. Background information on the evaluation project may be found at www.a2gov.org/downtownzoning <<http://www.a2gov.org/downtownzoning>>.

Rampson explained that this item was postponed at a previous meeting to allow for further discussion.

PUBLIC HEARING:

Norm Tyler, 126 North Division Street, said he wanted to share some information provided by Doug Kelbaugh. He said this is based on simplifying the zoning boundaries. He provided a map with a diagram of potential zoning boundary changes. He noted a zone, D1.5, meant to be along the Huron corridor as a transition area. He said there is a neighborhood group that has been meeting, and this is a consensus map that has come out of this discussion. He said this map is meant as a reference or guide as the discussion moves forward.

Ray Detter, 120 N. Division Street, Downtown Citizens Advisory Council, said the committee met the previous night to discuss the mistakes in the downtown zoning. He read from correspondence presented to the Commission. He said he believes the ENP report has done a good job of summarizing the views of this community and their conclusions. He said they would like premiums for open space, mixed use and mixed housing. New development should follow the recommendations of the Downtown Review Board and not give any premiums to those who do not follow the recommendations. He said they would like to include a HDC member on the Design Review Board so the Historic District Commission Guidelines are referenced as part of the recommendations. He read a list of mistakes: A) UM Credit Union parking lot; he said this parcel should be zoned D2 with a 60 foot height limitation given the residential and historic parcels neighboring the site, that need protecting. B) East Huron parking lot, east of Sloan Plaza and west of Campus Inn; he said this lot should be zoned D2, or some appropriate hybrid [1.5] with height no more than 120 feet and diagonal setback and step-back requirements that keep it at least 25 feet from the very next door Sloan Plaza as well as the historic residential neighborhood of 2-story homes of the Old Fourth Ward. He read that the Ahmos parcel and neighboring property management parcel should also be zoned with a 120 foot height limitation and C) The parcel on the east side of South Main and south of East William, across from Ashley Mews, should not be zoned D1, but they would advocate for D2 or some hybrid zoning with reduced height and setback and step-backs and diagonal requirements that will protect the historic district properties on East William Street as well as the residential and historic houses that lay on the west side of South Fourth Avenue to Packard Road.

Ethel Potts, 1014 Elder Blvd, said there have been substantial changes since the first time this was presented. She said the consultant did a good job, but since Council limited the subject to be discussed the report is also limited. She said she sees this report as stage one of A2D2 evaluation. She provided examples of other topics of discussion that have been brought forth, such as; including buffers between D1 and neighborhoods in other areas, make character area standards enforceable, amendment are needed to the D2 standards since the current zoning is just slightly less tall than the D1 standard. She said maybe a D3 district should be proposed as a buffer. She said these are flaws in the D1 and D2 that need to be corrected. She hoped the CPC would recommend further study in its report to Council.

Ted Annis, 414 S. Main, said he is in great support of map that was handed out earlier, in that this solves a great problem for him. He said that this map should replace the map that in the Erin Perdu report.

Andy Clein said he is the owner of the Edison Building and felt the need to speak on his own behalf as many have spoken on his behalf. He said his father developed this property in the 1980's, and took risks to do the project. He said they love Ann Arbor and he has built here for 25 years. He said he attended forums, was interviewed and completed on-line surveys. He said a quality development is harmonious with the surrounding areas; however splitting the zoning is difficult and cutting down the height

by 66% is a harsh and drastic reaction to recent undesirable projects in this community. He said the changes proposed in the report seem reasonable to address the concerns, adding that one key needed in the solution is that they want to preserve flexibility. He said changing or splitting the zoning could result in loss of taxes and also limits the creativity. He said cutting the height restriction is a knee jerk reaction to other projects and is not urban planning, and he hoped the Commission gave thought to a solution that benefits everyone.

Steve Bellock, 825 Cherrystone Ct, said he owns the house closest to the proposed 413 E. Huron Street project. He said that he wondered how it is possible for the city to come up with zoning regulations for a 150 foot building to be built within 65 feet of this historic property. He asked for a shade study, and that showed his house would be in the shade 10 months of the year. He said not one person wanted the project on its own merits. He said all the people who voted against it got re-elected. He said you've got to respect the historic significance of the neighborhoods that made Ann Arbor what it is.

Chris Crockett, 506 E. Kingsley St, president of the Old Fourth Ward Historic District, said that this review was promised to the neighborhood at the adoption of the D1 and D2 zoning ordinance. She said that the new buildings being built are big shoe boxes in the sky, and we are not getting quality or creativity. She said good planning is good zoning and good process, noting that she attended all the meetings. She said they need to be careful, not to guarantee that property owner will get maximum profit on their projects and that they need to plan in a good and solid way that is good for the community. She said she hoped that they will rethink.

Gwen Nystuen, 1016 Olivia, said that South University was left out of the study. She said she is in support of the group here tonight and the map presented. She said there is a need for buffer between D1 and D2. She said there is an issue for property on Washtenaw Avenue. She said there needs to be sunshine and shadow provisions for any place and if we don't incorporate that into the ordinance, it may not happen. She said setbacks also need to be incorporated so they are enforceable.

Ellen Ramsburgh, 1503 Cambridge Road, said this is the beginning of the discussions of the problems inherent with the D1 and D2 zoning. She said the evidence of the inappropriate impact now seems forthcoming in how The Varsity affects the Baptist Church and the Mans and the two historic houses to the west and how 413 affects the historic of Ann and Division Street. She said she feels that the Purdu report begins the discussion in a very effective way and she generally agreed with the recommendations for the Ann Street site and the Huron Street site. She said she believes the Main and William recommendations will cause the same problems for that neighborhood as what happened on 413 E. Huron and will make the sustainability of that neighborhood less easy to keep. She said that the recommendations for premiums associated with the Design Review Board are good, and if they had been followed, they would have resulted in a better development and context was ignored or misinterpreted in both those cases. She said she thinks there needs to be a Historic District Commission representative on the Design Review Board since there are several historic districts in the D1 and D2 zoning districts and it would be good to have the input on how projects will interface with the district. In the past year, the HDC sent two resolutions to the City Planning Commission and the City Council reminding them of the importance of upholding the historic district ordinance as it is to uphold the zoning ordinance and inappropriate zoning threatens their livability and viability and we want to make sure they continue to exist as we do with new development.

Jeff Crockett, 506 E. Kingsley, said he would support the amended zoning map

provided earlier. He said the study represents a good step but there are further considerations that need to be made. He pointed out an inconsistency between the recommendations made for the Ann Street, Huron Street and William Street. He said the rationale for the Ann Street and the Huron Street took into account the impact it had on the nearby historic neighborhoods, but when it came to the William Street property it considered that but then said they should make the height restriction consistent with the other office buildings. He said the impact on the historic neighborhood should trump the consistency with the few office buildings. She said he felt the recommendations area good first step but should not be the end of the journey in improving the planning process. He said the 413 project pointed out some flaws in the planning process. He learned that the standards are so vague and confusing and its difficult to understand what criteria would impact a decision to building plans and that the construction of new buildings lead to disconnection of homes in other areas from the stormwater system, which was a complete shock to him. He asked the Commission to consider the loopholes in the planning process that works to the advantage of the developer at the expense of the community.

Eleanor Linn, 119 Virginia, Forest Court, said her house and the rest of the court on which she lives is zoned R4C, next to D1 and D2. She read from a prepared statement. She said that all the properties being reviewed should be rezoned to D2. She said there needs to be an interface whenever D zoning abuts residential zoning, and should also have 40-60 foot setbacks from adjacent residential properties that protect residences from tall walls that deprive them of air and light. Residents contribute to downtown. She would like to see moderate size buildings with appropriate open space.

Cy Hofano, 505 E. Huron, said he has been a resident for 67 years. He said he has not been as involved in issues of government and community as he has since he moved downtown. He said at the last workshop, said his wish was expressed, being, "That we could more solidly move towards a balance between citizens as human beings and what is good for the city government as an entity and the things that it tries to push". He said one side is looking at profit, and with the 413 E Huron project you got a lot of human response and his sense of it is that it is not going to go away. The end in mind is not something that can be solved instantly. He said he is not advocating that profit should not be made but the question is; 'What is the balance?' And that deliberation is not something that is made instantly. He asked, 'How does the City Planning Commission put yourselves in a position so you don't get compromised by threats of being sued'.

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

Moved by Bona, seconded by Clein, that the drafted resolution regarding downtown zoning changes be approved.

COMMISSION DISCUSSION:

Peters asked if the postponement would be to a certain date.

Giannola asked to postpone the item and to bring it to next week's working session, if possible.

Bona said it may not take just one more meeting and felt that the sooner they kept the item on the agenda the better. She said that the fact that this is going from meeting to meeting could be tiring for members of the public and she encouraged them to send in their written comments, which the Commission could read and re-read during their discussions.

Westphal said that if they could tackle this item at the working session, it could come

after the scheduled discussion with the City Attorney.

Adenekan asked if everyone was in agreement that this should be discussed at the working session, adding that it was fine with her.

Peters said he felt it would be appropriate for a working session and he moved to consider this at the next working session and try to set a time for discussion.

Westphal asked Rampson on the timeframe they should use.

Rampson noted that the Attorney discussion could take 1.5 hrs so they could either schedule to hold a longer working session or re-schedule the Attorney to another meeting and only hold the downtown zoning discussion.

Clein asked if at the working session it would be commission discussion or public commentary included, adding that if the point is for them to discuss the item, then the meeting needs to be structured so they can do that.

Commission members discussed additional possible working session dates.

Bona suggested that the Commission only discuss this item at the next working session, noting the importance of focusing on this item.

Clein agreed.

Moved by Peters, seconded by Clein, that the item be postponed. On a voice vote, the Chair declared the motion carried.

Parekh asked for further notice to be given to the public.

Rampson suggested sending out notice via the GovDelivery notification.

Westphal asked about continuing public comment.

Bona suggested that public comment follow Commission discussion, as is the standard practice, since they are not taking action on the item at the working session.

10 **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.)

(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.)

10-a **[13-1366](#)**

Amendment to City Planning Commission Bylaws

Rampson reviewed the process for amendments to the Commission Bylaws.

Westphal asked for a brief introduction of the proposed amendments.

Rampson explained that Commissioner Peters had drafted amendment language to the bylaws that would affect public hearings that continued from meeting to meeting. She said Peters noted in such continuous hearings speakers would only be allowed to speak once on the same agenda item, regardless of how many meetings the item was up for discussion.

Peters said the point is to clarify and match as closely as possible the practice at City Council and make sure there is a standard for all public bodies for public commentary. He said he is fine with any changes to his draft language, adding that he is presenting this item for clarity alone, because he felt it will be helpful in general.

Parakh asked if the people speaking today would not be allowed to speak again next Tuesday.

Giannola said the Chair would have to make a motion and the Commission would vote on the matter.

Clein said for clarification this would be for a public hearing, and a Working Sessions does not have public hearings.

Westphal said at working sessions they allow for public commentary/ audience participation.

Peters commented that the Commission might want a legal opinion of his proposed amendments.

Rampson responded that she didn't believe they needed a legal opinion, given the Commission's knowledge of the Open Meetings Act, and as long as one provides reasonable accommodations for public comment, the Open Meetings Act is not proscriptive in how that is done.

Clein said he appreciated the work Peters and staff put into the proposed amendments and he is in favor of creating bylaws with other commissions and public bodies, especially where items move from one body to another. He said virtually all items the City Planning Commission hears go to City Council.

Parakh asked if this would primarily occur in regular meetings, noting that several weeks may pass between meetings and there may be concerns about limiting public comment when this much time passes.

Westphal said the concern is to allow for commentary as well as enough time for the Commission to discuss the agenda items and not have the meeting run to midnight.

Peters said that the intent of the second paragraph or his proposed amendment is to allow flexibility in certain situations, and for any commission member to make a motion with the Chair entertaining such motion.

Clein said currently there is always an opportunity for audience participation at the end of meetings to speak on any item.

Parakh said he wasn't concerned with it, but more so with the primary application with the third meeting leading over to the first, which is the usual circumstance.

Rampson commented that each project that is postponed at the Commission is postponed because it is not ready and might or might not be ready for the next Commission meeting. She said projects that have been in postponed for more than six months require new public hearing notifications to be mailed out.

Giannola clarified that postponements can be made at any meeting to any future meeting date.

Bona said that what they are dealing with is unusual, since they don't usually go from a regular meeting to a working session, then back to a regular meeting. She asked staff if a resolution requires a public hearing.

Rampson said no.

Bona said there may need to be clarification in the proposed language if the time limit is 3 minutes versus speaking once.

Peters suggested a modification to Section 7, to read, 'Members of the public may not be precluded from speaking at multiple public hearings on separate agenda items.' He said the main goal is to match City Council procedures.

Clein said he agreed and that it made sense.

Giannola said she felt if it mentioned speaking only once it would be clearer.

The Commission decided to continue discussion on the matter at a future meeting.

Moved by Peters, seconded by Clein, that the item be withdrawn for further clarification. On a voice vote, the Chair declaring the motion carried.

Yeas: 7 - Bonnie Bona, Kirk Westphal, Diane Giannola, Eleanore Adenekan, Kenneth Clein, Paras Parekh, and Jeremy Peters

Nays: 0

Absent: 2 - Wendy Woods, and Sabra Briere

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

Ray Detter, Downtown Citizen Advisory Council, asked for clarification that there will be Commission discussion at the working session, and the public can make comments at the end of the discussion, but the Commission won't make decisions at the working session but at a later date at a regular meeting.

Adam Coganopis, 1401 Traver, Masters of Urban Planning student at UM, said this was the second meeting he has attended here and the discussion is helping him connect the dots in his Planning Law class. He thanked the Commissioners for their helpful discussion. He said regarding the proposed amendments to the bylaws, he thinks the public persona is that people will feel limited if they don't have their time to speak.

12 **COMMISSION PROPOSED BUSINESS**

13 **ADJOURNMENT**

Adjourned at 8:58 pm.

Moved by Giannola, seconded by Adenekan, that the meeting be adjourned at 8:58 p.m. On a voice vote, the Chair declared the motion carried.

Kirk Westphal, Chair
mg

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