

City of Ann Arbor

301 E. Huron Street
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>



Action Minutes

Tuesday, September 4, 2012

7:00 PM

City Hall, 301 E. Huron Street, Council Chamber, 2nd Floor
City Council meets in caucus the Sunday prior to each regular
session at 7 p.m. in the Council Chamber.

City Council

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:08 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron St.

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:** 9 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor and Councilmember Jane Lumm
- Absent:** 2 - Councilmember Marcia Higgins and Councilmember Carsten Hohnke

APPROVAL OF AGENDA

A motion was made by Councilmember Teall, seconded by Councilmember Lumm, that the Agenda be Approved as presented. On a voice vote, the Mayor declared the motion carried.

INT INTRODUCTIONS

INT-1 12-1162 September 4th, 2012 Volunteer of the Month Proclamation-recognizing Community High School staff & students

Mayor Hieftje read a proclamation honoring Community High School students and staff for dedicating themselves to the preservation of the City's parks through their volunteer work with the Natural Area Preservation program. A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

*** (SPEAKERS ARE NOT PERMITTED TO GRANT THEIR RESERVED TIME TO AN ALTERNATE SPEAKER)**

*** ACCOMMODATIONS CAN BE MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

1. Kathy Griswold - Easement for Pedestrian Access at 2536 W. Liberty (DS-3)

Kathy Griswold, 3565 Foxhunt Dr., addressed Council regarding the proposed easement for pedestrian crossing at 2536 W. Liberty St. She said that improvements to the King School crosswalk, including location, are still needed. Ms. Griswold expressed her concerns about the City's pedestrian crossing ordinance.

2. Libby Hunter - The Proposed Tax for November Ballot (H-6)

Libby Hunter, 827 Bruce, serenaded Council in opposition to the proposed Art in Public Places millage that will be on the November Ballot.

3. Kermit Schlansker - Energy Plan

Kermit Schlansker, 2960 Marshall, addressed Council regarding an Energy Plan for the City of Ann Arbor.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER SMITH**

Councilmember Smith announced that on September 17, 2012, she would be introducing a resolution that would direct proceeds from the sale of public land to the Ann Arbor Affordable Housing Trust Fund.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Steve Powers reported on the following:

UNIVERSITY OF MICHIGAN STUDENTS BACK ON CAMPUS - WEEKEND ACTIVITY

Mr. Powers announced that the Ann Arbor Police Department issued 112 citations from Thursday through Sunday over the home football game weekend, for noise, minor in possession of alcohol, open intoxicant and other ordinance violations. They also had additional officers on staff for overtime and will continue those increased levels of staffing through football Saturdays this fall.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-1 12-0910** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.37 Acre from M1 (Light Industrial District and R2A (Two-Family Dwelling District) to C1 (Local Commercial District), Knight's Market and Spring Street Properties, 418 Miller Avenue, 306-308 and 310 Spring Street (CPC Recommendation: Approval - 7 Yeas and 1 Nay) (Ordinance No. ORD-12-24)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.37 acre from M1 (Light Industrial District) and R2A (Two-Family Dwelling District) to C1 (Local Commercial District), Knight's Market and Spring Street Properties, located at 306-308 and 310 Spring Street. Notice of public hearing was published August 16, 2012.

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

Held and Closed

Enactment No: ORD-12-24

- PH-2 12-0974** Resolution to Approve Knight's Market and Spring Street Properties Site Plan, 418 Miller Avenue, 306-38 and 310 Spring Street (CPC Recommendation: Approval - 6 Yeas and 1 Nay)

A public hearing was conducted on the proposed Resolution to approve Knight's Market and Spring Street Properties Site Plan, located at 418 Miller Avenue, 306-38 and 310 Spring Street. Notice of public hearing was published August 27, 2012.

The owner of the property across from Knight's Market expressed concern about potential flooding issues. He stated he is opposed to this rezoning as the property is in a floodplain.

Dick Fry, 117 N. Division St., speaking on behalf of Knight's Market stated the floodplain issue was studied and has been addressed. Mr. Fry stated all water can be retained on site and there is actually an easement on the site to contain water for Knight's Market as well as the neighboring parcel.

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

Held and Closed

Enactment No: R-12-418

- PH-3 12-0954** An Ordinance to Amend Section 1:562(2) of Chapter 18, Employees Retirement System, of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-12-25)

A public hearing was conducted on the proposed Amendment to Chapter 18, Employees Retirement System, of Title I of the Code of the City of Ann Arbor. Notice of public hearing was published August 23, 2012.

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

Held and Closed

Enactment No: ORD-12-25

PH-4 12-1029 Resolution to Approve Speedway Site Plan, 1300 North Maple Road (CPC Recommendation: Approval - 6 Years and 0 Nays)

A public hearing was conducted on the proposed Resolution to approve the Speedway Site Plan, located at 1300 North Maple Road. Notice of public hearing was published August 27, 2012.

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

Held and Closed

Enactment No: R-12-423

COMMUNICATIONS FROM COUNCIL

None.

A APPROVAL OF COUNCIL MINUTES

A-1 12-1166 August 20, 2012 Meeting Minutes

A motion was made by Councilmember Derezinski, seconded by Councilmember Briere, that the Regular Session Minutes of August 20, 2012 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

Passed on consent agenda

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

CA-1 12-1011 Resolution Authorizing a Purchase Order to Washtenaw County for the City of Ann Arbor's Share of the Maintenance of the Shared 800 MHz Simulcast System (\$36,500.00)

Enactment No: R-12-411

CA-2 12-1025 Resolution to Award a Purchase Order to Ellsworth Industries for Aggregate Materials, and Haul Out of Spoils from Utility Excavations as a Part of Maintenance Activities with Field Operations. Bid No. ITB - 4238 and fuel surcharge table F (not-to-exceed \$41,683.00)

Enactment No: R-12-412

CA-3 12-1038 Resolution to Award a Purchase Order to Osburn Industries for Aggregate Materials for Maintenance Activities for the Field Operations Services Unit. Bid No. ITB - 4238 (\$36,392.00 Annually)

Enactment No: R-12-413

- CA-4 12-1092** Resolution to Approve a Hosting and Services Agreement with The Omega Group for the implementation of CrimeView Dashboard (\$48,511.00)
Enactment No: R-12-414
- CA-5 12-1042** Resolution to Approve a Purchase Order to Cogsdale Corporation for Annual Software Maintenance and Support Agreement for FY2013 (NTE \$70,000.00)
Enactment No: R-12-415
- CA-6 12-1081** Resolution Recognizing Legal Services of South Central Michigan as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License
Enactment No: R-12-416
- CA-7 12-1143** Resolution to Approve the Member Services Agreement with Keenan & Associates for Membership in the Keenan Pharmacy Purchasing Coalition and Authorize the City Administrator to Execute the Necessary Documentation (\$52,348.00)
Enactment No: R-12-417

B ORDINANCES - SECOND READING

- B-1 12-0910** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.37 Acre from M1 (Light Industrial District and R2A (Two-Family Dwelling District) to C1 (Local Commercial District), Knight's Market and Spring Street Properties, 418 Miller Avenue, 306-308 and 310 Spring Street (CPC Recommendation: Approval - 7 Yeas and 1 Nay) (Ordinance No. ORD-12-24)
(The complete copy of the text of Ordinance No. ORD-12-24 is on file in the City Clerk's Office.)
A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.
Enactment No: ORD-12-24
- DB-1 12-0974** Resolution to Approve Knight's Market and Spring Street Properties Site Plan, 418 Miller Avenue, 306-38 and 310 Spring Street (CPC Recommendation: Approval - 6 Yeas and 1 Nay)
A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-12-418

- B-2 12-0954** An Ordinance to Amend Section 1:562(2) of Chapter 18, Employees Retirement System, of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-12-25)
- (The complete copy of the text of Ordinance No. ORD-12-25 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-12-25

C ORDINANCES - FIRST READING

- C-1 12-1019** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.26 Acre from PUD (Planned Unit Development District) to R4C (Multiple-Family Dwelling District), 922-926 Catherine Street (CPC Recommendation: Approval - 6 Yeas and 0 Nays) (Ordinance No. ORD-12-29)
- (The complete copy of the text of Ordinance No. ORD-12-29 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-12-29
- C-2 12-1034** An Ordinance to Amend Chapter 55 (Zoning), Staff-Initiated Rezoning of 0.34 Acre from PL (Public Land) to C3 (Fringe Commercial District), Speedway Property, 1300 North Maple (CPC Recommendation: Approval - 6 Yeas and 0 Nays) (Ordinance No. ORD-12-30)
- (The complete copy of the text of Ordinance No. ORD-30 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Anglin, seconded by Councilmember Teall, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-12-30

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1 12-0943** Resolution to Approve a Request to Transfer Ownership and Location of an Escrowed 2011 Class C Liquor Licensed Business with a Dance-Entertainment Permit, from The Blue Wolverine, Inc., Currently located at 309-311 S. Main St., to JPK Enterprises, LLC, transferring location to 209 S. Main St., d.b.a. Vellum
- A motion was made by Councilmember Derezinski, seconded by Councilmember Lumm, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-12-419
- DC-2 12-0989** Resolution to Approve a Request to Transfer Ownership of a 2011 Class C Liquor Licensed Business With an Entertainment Permit, located at 3150 Boardwalk, from Baybest Ribs, L.L.C. To Joja Hospitality, LLC, D/B/A Damon's Grill
- A motion was made by Councilmember Derezinski, seconded by Councilmember Anglin, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-12-420
- DC-3 12-0978** Resolution to Recommend Approval of Issuance of a Downtown Development District Liquor License to NeoPapalis of Ann Arbor, LLC
- A motion was made by Councilmember Anglin, seconded by Councilmember Lumm, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-12-421
- DC-4 12-1172** Resolution for Community Events Fund Disbursements from the FY 2013 Budget
- Sponsors:** Smith 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.**
- Enactment No: R-12-422
- DB New Business - Boards and Commissions:**
- DB-2 12-1029** Resolution to Approve Speedway Site Plan, 1300 North Maple Road (CPC Recommendation: Approval - 6 Yeas and 0 Nays)
- A motion was made by Councilmember Anglin, seconded by Councilmember Kunselman, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-12-423

DB-3 12-1086

Resolution to Approve Purchase Agreement for the Purchase of Development Rights on the Robbin Alexander Trust Farm in Webster Township and Appropriate Funds in the Amount of \$394,417 (8 Votes Required)

Council requested that staff provide a status report regarding the remaining available funds in the Greenbelt Fund, including how much additional acreage could be purchased under the program.

A motion was made by Councilmember Taylor, 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, thus satisfying the eight-vote requirement:

Yeas: 8 - Mayor Hieftje, Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski and Councilmember Taylor

Nays: 1 - Councilmember Lumm

Absent: 2 - Councilmember Higgins and Councilmember Hohnke

Enactment No: R-12-424

DB-4 12-1087

Resolution to Approve Purchase Agreement for the Purchase of Development Rights on the Robert H. Schultz Property in Superior Township and Appropriate Funds in the Amount of \$523,567.00 (8 Votes Required)

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

Yeas: 8 - Mayor Hieftje, Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski and Councilmember Taylor

Nays: 1 - Councilmember Lumm

Absent: 2 - Councilmember Higgins and Councilmember Hohnke

Enactment No: R-12-425

DS New Business - Staff:**DS-1 12-1041**

Resolution to Approve a Purchase Order to The Ultimate Software Group Inc. for UltiPro Human Resources and Payroll FY2013 Subscription Services (\$191,222.00)

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

Enactment No: R-12-426

DS-2 12-1089 Resolution Setting a Public Hearing on October 1, 2012 to Receive Public Comment on the Application of Barracuda Networks, Inc., for an Industrial Facilities Exemption Certificate in Industrial Development District No. 2012-010

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

Enactment No: R-12-429

DS-3 12-1105 Resolution Accepting Easement for Pedestrian Access at 2536 W. Liberty from West Town Acquisition, LLC (8 votes required)

A motion was made by Councilmember Anglin, seconded by Councilmember Briere, 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-12-427

DS-4 12-1084 Resolution to Approve Entering Into Ann Arbor Connector Alternatives Analysis Memorandum of Understanding and to Appropriate \$60,000.00 from the General Fund, Fund Balance (8 Votes 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 satisfied the eight-vote requirement:

Yeas: 4 - Mayor Hieftje, Councilmember Kunselman, Councilmember Derezinski and Councilmember Taylor

Nays: 5 - Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith and Councilmember Lumm

Absent: 2 - Councilmember Higgins and Councilmember Hohnke

E COMMUNICATIONS FROM THE MAYOR

E-1 12-1155 Appointment - Nomination

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

Housing and Human Services Advisory Board

*Rosemary Sarri- Filling vacancy
1505 Wall St.*

Ann Arbor, MI 48105

Term: September 17, 2012-September 17, 2015

Referred to the City Council due back on 9/17/2012

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER KUNSELMAN*

Councilmember Kunselman said that there are limousines acting as taxis in Ann Arbor. He said that these limousines have parked along the street and have gotten out of their cars trying to solicit customers. Councilmember Kunselman said that this is a violation of the City's taxicab ordinance. He requested the City Attorney's assistance in dealing with this issue.

Approved as presented

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

F-1 12-1176 Memo to Council from City Administrator Regarding Towing Update

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

H-1 12-1090 Communication from Terry R. Brinkman, Community & Economic Development Data Specialist, of Washtenaw County regarding Environmental Notice of Finding of No Significant Effect and Request for Release of Funds from HUD Notice - File

H-2 12-1146 Communication from the Michigan Municipal League regarding the Annual Meeting scheduled from October 3 through October 5, 2012

H-3 12-1160 Communication from Assistant Attorney General Shenique A. Moss regarding City of Ann Arbor Proposed Charter Amendment for Park Maintenance and Park Capital Improvements on the November 2012 Ballot - File

- H-4 12-1161** Communication from Assistant Attorney General Shenique A. Moss regarding City of Ann Arbor Proposed Charter Amendment for funding art in public places on the November 2012 Ballot - File
- H-5 12-1163** Communication from Governor Snyder's Office regarding proposed Park Millage Charter Amendment on the November 2012 Ballot - File
- H-6 12-1164** Communication from Governor Snyder's Office regarding proposed Art in Public Places Charter Amendment for the November 2012 Ballot - File
- H-7 12-1173** Communication from Governor Snyder approving the following proposed Park Maintenance Millage Charter Amendment and the proposed Art in Public Places Charter Amendment for the November 2012 Ballot - File
- H-8 12-1174** Communication from the State of Michigan Public Services Commission regarding Notice of Hearing for the Customers of the Detroit Edison Company in Case No. U-17053 scheduled for September 10, 2012 - File
- H-9 12-1177** Communication from the State of Michigan Public Service Commission regarding notice of a Public Hearing for the Detroit Edison Company in Case No. U-17049 scheduled for September 12, 2012 - File

I The following minutes were received for file:

- I-1 12-1027** Greenbelt Advisory Commission Meeting Minutes of July 5, 2012
- I-2 12-1080** Human Rights Commission Meeting Minutes of July 11, 2012
- I-3 12-1139** Ann Arbor Transportation Authority Board (AATA) Meeting Minutes of July 12, 2012
- I-4 12-1141** Ann Arbor Public Art Commission Meeting Minutes - June 27, 2012 and July 25, 2012
- I-5 12-1145** Washtenaw Area Transportation Study (W.A.T.S.) Meeting Minutes of July 18, 2012

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Kathy Griswold, 3565 Foxhunt Drive, addressed Council regarding students walking to school and her concerns with the City's crosswalk ordinance.

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

None.

ADJOURNMENT

A motion was made by Councilmember Teall, seconded by Councilmember Anglin, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:13 p.m.

12-1246 City Council Emails - September 4, 2012

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: TUESDAY, SEPTEMBER 4, 2012, 7:00 P.M.

REPLAYS: WEDNESDAY, SEPTEMBER 5, 2012 10:00 A.M. AND FRIDAY, SEPTEMBER 7, 2012 7:30 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor City Council and board and commission actions and deliberations.

- Video on Demand: Replay public meetings at your convenience online at www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx
- Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.

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, 301 E. Huron Street, 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.