

City of Ann Arbor

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



Action Minutes

Tuesday, February 21, 2012

7:00 PM

Please note that the Caucus meeting scheduled for February 19,
2012 has been cancelled.
City Hall, 301 E. Huron Street, Council Chamber, 2nd Floor

City Council

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:09 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:** 8 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski and Councilmember Jane Lumm
- Absent:** 3 - Councilmember Margie Teall, Councilmember Christopher Taylor and Councilmember Carsten Hohnke

APPROVAL OF AGENDA

A motion was made by Councilmember Derezinski, seconded by Councilmember Briere, that the Agenda be approved with the following changes:

Consider DS-4 through DS-11 together.

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

INT INTRODUCTIONS

INT-2 Appointment of Judge Joseph F. Burke to 15th District Court

Judge Elizabeth Hines introduced the newest member of the 15th District Court, Judge Joseph F. Burke. Judge Burke was appointed by Governor Snyder last week to fill the vacancy created by Judge Creal. Judge Burke has practiced law in Ann Arbor for 30 years, serving in the Prosecutor's Office for a number of years, in civil practice for 6 years, and then back to the Prosecutor's Office when Brian Mackey invited him to work as Chief Assistant.

INT-1 12-0256 GetDowntown Presentation - Nancy Shore

Mayor Hieftje introduced Nancy Shore of the getDowntown Program. She reported on some of the findings of the 2011 getDowntown Program Evaluation. Every two years, the getDowntown Program conducts a survey of downtown Ann Arbor Employers and Employees to; 1) Get a snapshot of the commuting habits of downtown Ann Arbor employees and 2) Gauge Employer and Employees attitudes, awareness and use of the getDowntown Program and of transportation options in general. A copy of the key findings of the evaluation 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. **Thomas Partridge - Priority concerns and issues. Vote Democratic on February 28, 2012. Protect human rights before property rights. Fund affordable housing in Ann Arbor and neighboring Townships. (DS-2, I-4)**

Thomas Partridge, Ann Arbor resident, addressed Council regarding priority concerns and issues, voting Democratic on February 28, 2012, protecting human rights before property rights, and funding affordable housing in Ann Arbor and neighboring townships.

2. **Mary Kate Bachler - Ann Arbor Housing Commission Meeting Minutes (I-4)**

Mary Kate Bachler, 1697 Cram Circle, addressed Council regarding the need for a warming center in the City of Ann Arbor. She also responded to comments made by the Mayor at the last Council meeting on the topic of the 100 units of affordable housing that was promised to the community by the City. She said that social change is only possible through taking a risk, and asked if Council would continue to provide scapegoats around the issue of homelessness in Washtenaw County or take a risk to promote real social change.

3. **Mary Conway - Ann Arbor Downtown Development Authority Meeting Minutes (I-5)**

Mary Conway, 312 W. Huron, addressed Council regarding the homeless in Ann Arbor. She said there is a body of employable people living at the Delonis Center. They are not all drug addicts or alcoholics, each of their stories are real and have had real impacts on their lives. The homeless are a part of Ann Arbor, she said, and they are a part of the ridership of the transit authority and should be included in surveys regarding the bus transit system.

4. TJ Rice - Housing Issues

TJ Rice, 100 N. Fourth Ave., Apt. 1001, addressed Council regarding homeless issues in Ann Arbor. He said that he has gotten involved with the Imagine Warming Centers recently and they held a meeting at the Library to discuss the project and progress thus far. They also met with the city administrator and looked at the property at 721 N. Main. He welcomed any help that Council could provide regarding a new warming center.

5. Bill Hanna - Engineering Advice

Bill Hanna, 2163 Ardenne Dr. addressed Council regarding changes that Council could make while conducting their business. He spoke about the process that took place during the pedestrian crossing ordinance and the recent discuss regarding an idling ordinance. He asked that Council consider that these smaller incremental changes may be the way to approach change in the future. With incremental small changes, modifications could later be made as necessary.

(Councilmember Teall arrived at 7:44 p.m.)

Present: 9 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski and Councilmember Jane Lumm

Absent: 2 - Councilmember Christopher Taylor and Councilmember Carsten Hohnke

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER HIGGINS*

Councilmember Higgins said that there was no need for a Budget Work Session on Monday, February 27, 2012. She stated the next Work Session will be on Monday, March 12, 2012 and this session will include a presentation from the Fire Department.

COUNCILMEMBER BRIERE

Councilmember Briere spoke about a graffiti problem in the City. She stated many residents have complained to her about this issue as well. She urged property owners who are struggling with graffiti to clean up their property quickly to avoid more damage.

COUNCILMEMBER LUMM

Councilmember Lumm suggested that it is time to relook at the Pedestrian Crosswalk Ordinance. She stated there have been a number of accidents at crosswalks in the 2nd Ward.

COUNCILMEMBER ANGLIN

Councilmember Anglin spoke about the Fuller Road Station project and the possibility of using another site or the existing train station. Councilmember Anglin stated he would be bringing the topic up for discussion at the next Parks Advisory Commission meeting.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR*SNOWFALL ON FEBRUARY 21, 2012*

City Administrator Steve Powers reported that crews were ready for the snow that fell today. However, he noted that the rate of one inch of snowfall per hour presented a challenge for them within the city limits. Crews will be out in the morning monitoring and preparing for what could be a re-freeze of city streets.

TRASH COLLECTION THIS WEEK

Mr. Powers announced that trash and recycling collection would continue on its regular schedule despite the President's Day holiday, which was observed by the City on Monday, February 20, 2012.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

None.

COMMUNICATIONS FROM COUNCIL

MAYOR HIEFTJE

Mayor Hieftje said that Council would have an opportunity to discuss Fuller Road Station and the public grant associated with the project at an upcoming meeting. He said that many sites have been considered for this project and other options are continually being considered.

COUNCILMEMBER DEREZINSKI

Councilmember Derezinski said that the Ann Arbor Public Art Commission will hold their annual retreat this weekend. They are reviewing their funding process as well as discussing potential future projects.

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman expressed concern that the AATA has not been submitting reports, including audits and budgets, to the City, as is required per the existing agreement between the AATA and the City.

A APPROVAL OF COUNCIL MINUTES

A-1 12-0215 Regular Session Meeting Minutes of February 6, 2012

A motion was made by Councilmember Briere, seconded by Councilmember Anglin, that the regular session meeting minutes of February 6, 2012 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA**CONSENT AGENDA ITEM REMOVED**

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

CA-1 Resolution to Approve the Renewal Agreement for Information Technology Services between the City of Ann Arbor and City of Chelsea (\$32,000.00)

Passed on consent agenda

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

CA-2 12-0138 Resolution Recognizing the Michigan Municipal League Foundation as a Civic Nonprofit Organization Operating in the City of Ann Arbor for the Purpose of Obtaining a Charitable Gaming License
Enactment No: R-12-046

CA-3 12-0158 Resolution to Accept Board of Insurance Administration Meeting Minutes of January 26, 2012

Enactment No: R-12-047

CA-4 12-0113 Resolution to Approve a Domestic Violence Probation and Data Entry Services Contract with the 14A Judicial District Court (\$77,202.00)

Enactment No: R-12-048

CA-1 12-0100 Resolution to Approve the Renewal Agreement for Information Technology Services between the City of Ann Arbor and City of Chelsea (\$32,000.00)

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

Enactment No: R-12-049

B ORDINANCES - SECOND READING

None.

C ORDINANCES - FIRST READING

C-1 12-0016 An Ordinance to Amend Section 8:101, to Add a New Section 8:105, and to Renumber Sections 8:105 through 8:121 of Chapter 100 - Construction Code - of Title V of the Code of the City of Ann Arbor (Ordinance No. ORD-12-02)

(The complete text of ORD-12-02 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-12-02

C-2 12-0125 An Ordinance to Amend Chapter 55 (Zoning), Rezoning of .52 Acres from TWP (Township District) to C3 (Fringe Commercial District), Hoffman Property, 1643 & 1645 South State Street (CPC Recommendation: Denial - 0 Yeas and 7 Nays)

(The complete text of this ordinance is on file in the City Clerk's Office.)

A motion was made by Councilmember Derezinski, seconded by Councilmember Briere, that the Ordinance be approved on First Reading. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 0

Nays: 9 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski and Councilmember Lumm

Absent: 2 - Councilmember Taylor and Councilmember Hohnke

- C-3 12-0120** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.19 Acres from PL (Public Land District) to PUD (Planned Unit Development District), Society of Les Voyageurs Property, 411 Long Shore Drive (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-12-03)

(The complete text of ORD-12-03 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-12-03

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1 12-0208** Resolution Regarding Clean Air

Sponsors: Smith, Teall and Hieftje

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-12-050

- DC-2 12-0131** Resolution to Approve a Request to Transfer Ownership and Location of an Escrowed 2011 Class C Liquor Licensed Business with a Dance-Entertainment Permit, located at 403 E. Washington, from Maximum LLC to Savco LLC, d/b/a Babo by Sava

Sponsors: Council Liquor License Review Committee

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-12-051

- DC-3 12-0258** Resolution to Appoint a New Emergency Management Director and Establish the Line of Succession to the Emergency Management Director for the City of Ann Arbor

Sponsors: Hieftje

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

Enactment No: R-12-052

DS New Business - Staff:

- DS-1 12-0011** Resolution for Approval of Amendment No. 2 to the Contract for Structural Repair and Painting of Clarifiers 4 & 5 with E & L Construction Group, Inc. (\$139,000.00)
A motion was made by Councilmember Lumm, seconded by Councilmember Smith, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-12-053
- DS-2 12-0136** Resolution to Approve Grant Applications to the USDA Farm and Ranch Land Protection Program (FRPP) for the Purchase of Development Rights (PDR) on the Various Properties in Lodi, Webster and Superior Townships (8 Votes Required)
Councilmember Derezinski was absent during this discussion and vote.
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 unanimously with eight members voting, thus satisfying the eight-vote requirement.
Enactment No: R-12-054
- DS-3 12-0154** Resolution to Establish Funding for the City to Abate Dangerous Buildings (8 Votes Required)
A motion was made by Councilmember Kunselman, seconded by Councilmember Teall, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously with nine members present, thus satisfying the eight-vote requirement.
Enactment No: R-12-055
- Passed on consent agenda**
- A motion was made by Councilmember Smith, seconded by Councilmember Teall, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.**
- DS-4 12-0077** Resolution to Approve Street Closings for the Tour de Kids Competitive Bike Race - Sunday, June 10, 2012
Enactment No: R-12-056
- DS-5 12-0085** Resolution to Approve the Closing of Monroe Street for the Monroe Street Fair, Saturday, April 7, 2012
Enactment No: R-12-057
- DS-6 12-0139** Resolution to Approve Street Closings for the 2012 Take Back the Night (Rally and March) - Thursday, April 5, 2012
Enactment No: R-12-058
- DS-7 12-0140** Resolution to Close Streets for the 12th Annual Mayor's Green Fair- Friday, June 8, 2012
Enactment No: R-12-059

- DS-8 12-0143** Resolution to Approve Street Closings for the 2012 Rolling Sculpture Car Show - Friday, July 13, 2012
Enactment No: R-12-060
- DS-9 12-0144** Resolution to Approve Street Closings for the 2012 "Taste of Ann Arbor" Special Event - Sunday, June 3, 2012
Enactment No: R-12-061
- DS-10 12-0200** Resolution to Approve Street Closings for the Ann Arbor Marathon Running Event - Sunday, June 17, 2012
Enactment No: R-12-062
- DS-11 12-0151** Resolution to Approve Street Closings for the Box Cart Race/Soap Box Derby - Saturday, March 24, 2012
Enactment No: R-12-063
- DS-12 12-0147** Resolution to Approve an Amendment No. 1 to Employment Contract with Diane Koski (\$15,600.00 amendment/\$39,000.00 total)
A motion was made by Councilmember Lumm, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-12-064
- DS-13 12-0184** Resolution to Approve Legal Services Contract with Stevenson Keppleman Associates and to Appropriate Funds (\$50,000.00) (8 Votes Required)
A motion was made by Councilmember Derezinski, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously with nine members present, thus satisfying the eight-vote requirement.
Enactment No: R-12-065

E COMMUNICATIONS FROM THE MAYOR

Passed on consent agenda

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the January 23 and February 6, 2012 regular sessions of Council:

Board of Review

*Paul Herndon (Filling Vacancy -of exiting Walton Hancock)
1346 Wines Dr.
Ann Arbor, MI 48103
Term: February 6, 2012 - February 6, 2015*

Historic District Commission

*Patrick McCauley (Re-Appointment)
1526 Pontiac Trail
Ann Arbor, MI 48105
Term: February 6, 2012-February 6, 2015*

Recreation Advisory Commission

*Tim Berla (Re-Appointment)
129 N. Seventh
Ann Arbor, MI 48103
Term: February 6, 2012-August 31, 2015*

Ann Arbor Public Art Commission

*Theresa Reid (Replacing-Elaine Sims)
3025 Provincial Dr.
Ann Arbor, MI 48104
Term: February 21, 2012-December 31, 2015*

Historic District Commission

*Jennifer Ross (Replacing-Kristina Glusac)
1002 Granger Avenue
Ann Arbor, MI 48104
Term: February 21, 2012-February 21, 2015*

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

E-1 12-0134 Appointments - Confirmations

E-2 12-0198 Appointments - Nominations

E-3 12-0263 Appointments - Confirmations

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

Ann Arbor Transportation Authority Board

*Susan Gott (Filling Vacancy)
2661 Essex Rd.
Ann Arbor, MI 48104
Term: March 5, 2012-May 2, 2016*

Board of Review

*Doris Preston (Re-Appointment)
428 Sunset
Ann Arbor, MI 48103
Term: March 5, 2012-January 31, 2015*

Housing & Human Services Advisory Board

*Gary Hayden (Filling Vacancy)
1453 Macgregor Ln.
Ann Arbor, MI 48105
Term: March 5, 2012-March 5, 2015*

Huron River Watershed Council

*Cheryl Darnton (Replacing-Shirley Axon)
601 Eberwhite Blvd.
Ann Arbor, MI 48103
Term: March 5, 2012-March 5, 2014*

Referred to the City Council due back on 3/5/2012

COMMUNICATIONS FROM COUNCIL

None.

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

F-1 12-0155 Communication from Ann Arbor Public Art Commission (AAPAC) regarding the Allmendinger Park Mural

Received and Filed

F-2 12-0212 Sustainability Framework - Draft Sustainability Goals

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 12-0149** Communication from Comcast regarding price adjustments to its programming and other business costs - CTN
- H-2 12-0259** Medical Marijuana Licensing Board Report and Recommendations, January 31, 2012

I The following minutes were received for file:

- I-1 12-0137** Council Liquor License Review Committee - November 18, 2011
- I-2 12-0146** Cable Communications Commission Meeting Minutes of September 27, 2011
- I-3 12-0164** Greenbelt Advisory Commission Meeting Minutes of November 9, December 14, 2011 and January 5, 2012
- I-4 12-0162** Ann Arbor Housing Commission Minutes of Regular Board Meeting - December 21, 2011
- I-5 12-0190** Ann Arbor Downtown Development Authority Meeting Minutes - January 4, 2012
- I-6 12-0192** Downtown Area Citizens Advisory Council Meeting Minutes - January 31, 2012

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

A member of the audience asked questions about buildings that are scheduled for demolition and whether a possible reuse of the buildings had ever been considered.

Thomas Partridge, City resident, addressed Council regarding the democratic and un-democratic affairs of the City Council meetings. He expressed concerns about Councilmember serving on other City boards and the conflict of interest.

Bill Hanna, City resident, elaborated on his earlier remarks regarding Council's process and the discussion of new ideas. He urged Council to continue to explore new ideas and to find compromises.

Michael Benson, resident of the 2nd Ward, said that he was curious if the funds for street sweeping come from the General Fund or some other place. He inquired about what would happen to the excess funds this year that had been reserved for salt and plowing that were not needed.

**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 Kunselman, seconded by Councilmember Derezinski, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:16 p.m.

12-0316 City Council Emails - February 21, 2012

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, FEBRUARY 26, 2012, 7:00 P.M.

REPLAYS: TUESDAY, FEBRUARY 27, 2012, 10:00 A.M. AND MARCH 2, 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, 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