



# City of Ann Arbor

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

## Action Minutes City Council

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Monday, March 3, 2008

7:00 PM

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

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### CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:05 p.m.

### MOMENT OF SILENCE

### PLEDGE OF ALLEGIANCE

### ROLL CALL OF COUNCIL

**Present:** 10 - Mayor John Hieftje, Councilmember Ronald Suarez, Councilmember Stephen Rapundalo, Councilmember Joan Lowenstein, Councilmember Stephen Kunselman, Councilmember Leigh Greden, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Christopher S. Easthope, and Councilmember Mike Anglin

**Absent:** 1 - Councilmember Sabra Briere

### APPROVAL OF AGENDA

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

### INT INTRODUCTIONS

None.

### 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. **Thomas Partridge - Historic Democratic Change Needed. End "Discrimination Regimes" of Hieftje, Nacht (AATA), Mrs. Coleman (U of M)**

*Thomas Partridge, 4220 Eyrie Dr., addressed Council regarding the Presidential Primary elections. He also called for the end of discrimination by the Ann Arbor Transportation Authority.*

**2. Paul Bancel - Golf Advisory Committee**

*Paul Bancel, 1115 Kuehnle, spoke in support of the Golf Advisory Committee and invited Council to come out and golf at Huron Hills on May 9, 2008 for the official opening and celebration of golf season.*

**3. Miriam Lindsey - Hot Dog Stands**

*Miriam Lindsey, 4762 Washtenaw Ave., asked for information regarding policy changes relating to hot dog vendors. She requested a meeting with the City Administrator to discuss the matter further.*

**4. Margaret Wong - Newly Issued RFP for 415 W. Washington**

*Margaret Wong, 418 S. First St., addressed Council regarding the newly issued RFP for the City-owned property at 415 W. Washington.*

**5. Peter Fink - Golf Advisory Committee**

*Peter Fink, 1629 Sheridan, addressed Council regarding the Golf Advisory Committee. He urged Council to enter into discussions regarding the future of the City golf courses with an open mind and to consider all perspectives.*

**6. Tom Wall - U of M Considering Blocking one Lane of Traffic on Main St. between Stadium and Keech**

*Tom Wall, 1031 Woodbridge, expressed concern with the possibility of the University of Michigan closing a lane of Main Street between Stadium and Keech for the renovation of the stadium.*

**PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**

**PH-1 08-0018** An Amendment to Chapter 55, Rezoning of 81 Ann Arbor Township Properties from TWP (Township District) to R1A, R1B, R1C and R1D (Single-Family Dwelling District) (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-08-06)

*A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 81 Ann Arbor Township Properties from TWP (Township District) to R1A, R1B, R1C and R1D (Single-Family Dwelling District). Notice of public hearing was published February 17, 2008.*

*Brooks Hughes, 1615 Chalmers Drive, spoke in opposition of the proposed rezoning of the 81 properties from Ann Arbor Township.*

*Mark Mau, 370 Rock Creek, asked that Council consider zoning all of the properties on Geddes Avenue R1A instead of R1B.*

*Kathy Bonds, 370 Rock Creek Drive, asked that all properties in the Arboretum area be rezoned to R1A if they are 0.5 acres or more.*

*Thomas Partridge, 4220 Eyrie Drive, spoke in opposition of the rezoning of the proposed properties from Ann Arbor Township.*

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

Enactment No: ORD-08-06

**PH-2 08-0143** An Ordinance to Amend Sections 1:813 and 1:821 of Chapter 23 (Living Wage Requirements) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-08-10)

**Sponsors:** Easthope

*A public hearing was conducted on the proposed amendment to Sections 1:813 and 1:821 of Chapter 23 - Living Wage Requirements of Title I of the Code of the City of Ann Arbor. Notice of public hearing was published March 2, 2008.*

*Jim Mogensen, 3780 Green Brier, expressed concern with the proposed changes to the Living Wage Requirements Ordinance.*

*Jamie Mistry, Summer Festival Board member, spoke in support of the proposed ordinance changes and gave a history of the Summer Festival of Ann Arbor.*

*Peter Schork, Summer Festival trustee, said that the Summer Festival is a big supporter of the Living Wage Ordinance. He expressed concern with the requirements regarding seasonal employees.*

*A member of the audience expressed concern with the proposed changes and asked that adjustments be made with inflation.*

*Tom Partridge, 4220 Eyrie Drive, spoke in opposition of the proposed changes to the Living Wage requirements.*

*There being no further comments, the Mayor declared the hearing closed.*

Enactment No: ORD-08-10

**PH-3 08-0177** Application of Proquest for an Industrial Facilities Exemption Certificate in Industrial Development District No. 2008-010  
*A public hearing was conducted on the proposed application of ProQuest for an Industrial Facilities Exemption Certificate in Industrial Development District No. 2008-010. Notice of public hearing was published March 1, 2008.*

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

#### **COMMUNICATIONS FROM COUNCIL**

*Councilmember Rapundalo updated Council on the sidewalk inspection program committee and their findings. He asked that City staff make this information available to the public on the City's website.*

*Councilmember Higgins stated the committee working on the new Police and Courts building will report to Council at the March 10 Work Session.*

#### **A APPROVAL OF COUNCIL MINUTES**

**A-1 08-0207** Regular Session of February 19, 2008

#### **CA CONSENT AGENDA**

**Passed on consent agenda**

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

- CA-1 08-0100** Resolution Authorizing Sanitary Sewer Improvement Charge for 3410 Ferry Street (\$3,436.71)  
Enactment No: R-08-077
- CA-2 08-0101** Resolution Authorizing Sanitary Sewer Improvement Charge for 3416 Ferry Street (\$3,436.71)  
Enactment No: R-08-078
- CA-3 08-0103** Resolution Authorizing Sanitary Sewer Improvement Charge for 3422 Ferry Street (\$3,436.71)  
Enactment No: R-08-079
- CA-4 08-0109** Resolution Authorizing Sanitary Sewer Improvement Charge for Lot 27 Westover Subdivision (\$3,436.71)  
Enactment No: R-08-080
- CA-6 08-0160** Resolution to Approve Revision to License Agreement with New Par, d/b/a Verizon Wireless, to Erect and use Telecommunications Equipment on the Manchester Water Tower Site  
Enactment No: R-08-081
- CA-7 08-0137** Resolution to Accept Special Board of Insurance Administration Meeting Minutes for February 11, 2008  
Enactment No: R-08-082
- CA-8 08-0037** Resolution Authorizing Sanitary Sewer Improvement Charge for 3404 Ferry Street (\$3,436.71)  
Enactment No: R-08-083
- CA-5 08-0151** Resolution Authorizing an Emergency Purchase Order to Turnkey Network Solutions, Inc. for Installation of Conduit (\$60,000.00)  
**A motion was made by Councilmember Kunselman, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**  
Enactment No: R-08-084

**B ORDINANCE - SECOND READING**

- B-1 08-0018** An Amendment to Chapter 55, Rezoning of 81 Ann Arbor Township Properties from TWP (Township District) to R1A, R1B, R1C and R1D (Single-Family Dwelling District) (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-08-06)  
*Published 3/10/08; Effective 3/20/08*
- Staff to review the appropriate zoning for 505 Riverview and present the proposed rezoning for this property at a future date.*
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Lowenstein, that the Ordinance be Adopted on Second Reading with the removal of 505 Riverview from the ordinance. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-08-06
- DS-4 08-0159** Resolution Authorizing Summary Publication of Ordinance ORD-08-06 - Amendment to Chapter 55, Rezoning of 81 Ann Arbor Township Properties from TWP (Township District) to R1A, R1B, R1C and R1D (Single-Family Dwelling District)
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Lowenstein, that the Resolution be Approved as Amended, with the removal of any reference to 505 Riverview. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-085
- B-2 08-0143** An Ordinance to Amend Sections 1:813 and 1:821 of Chapter 23 (Living Wage Requirements) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-08-10)
- Sponsors:** Easthope
- A motion was made by Councilmember Easthope, seconded by Councilmember Higgins, that the ordinance be adopted at Second Reading.**
- Enactment No: ORD-08-10
- A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Ordinance be Postponed to the City Council and should be returned by 3/17/2008. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-08-10
- DS-8 08-0202** Resolution Authorizing Summary Publication of Ordinance No. ORD 08-10 Amending Sections 1:813 and 1:821 of Chapter 23, Living Wage Requirements in City Contracts and Grants, of Title I of the City of Ann Arbor
- A motion was made by Councilmember Easthope, seconded by Councilmember Higgins, that the resolution be approved.**
- A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Resolution be Postponed to the City Council and should be returned by 3/17/2008. On a voice vote, the Mayor declared the motion carried.**

**C ORDINANCE - FIRST READING**

**D MOTIONS AND RESOLUTIONS**

**DC Old Business - Council:**

**DC-1 08-0115** Resolution to Modify Amendments to Solid Waste Regulations Filed With the City Clerk January 22, 2008, as Revised and Filed February 4, 2008

**Sponsors:** Rapundalo and Higgins

**A motion was made by Councilmember Higgins, supported by Councilmember Lowenstein, that the Resolution be approved.**

Enactment No:

**A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Resolution be Postponed to the City Council and should be returned by 4/7/2008. On a voice vote, the Mayor declared the motion carried.**

Enactment No:

**Added After Newspaper Deadline:**

**DC-2 08-0223** Resolution Creating Golf Courses Advisory Task Force

**Sponsors:** Rapundalo, Kunselman, Anglin and Higgins

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Kunselman, that the Resolution be approved.**

Enactment No: R-08-086

A motion was made by Councilmember Rapundalo, seconded by Councilmember Higgins, that the Resolution be Amended as follows:

**Amend Title:**

**Resolution Creating [Ad-Hoc] Golf COURSES Advisory [Committee] TASK FORCE**

**Amend 6th Whereas Clause:**

**Whereas, C[c]ommunity members have recently expressed significant interest in the continued operations of the City's golf courses;**

**Amend all Resolved Clauses:**

**RESOLVED, That the City Council hereby [re-engages and expands]FORMS a[n] [Ad-Hoc] Golf COURSES Advisory [Committee] TASK FORCE to provide input and advice to City staff, as City Staff prepares recommendations on the future of the City's golf operations to the ParkS Advisory Commission and City Council, and**

**RESOLVED, That the[is] [Ad-Hoc] Golf COURSES Advisory [Committee] TASK FORCE be comprised of 8[6] members including 1 Councilmember, 1 ParkS Advisory Commission member, 1 current commercial golf operations expert, [and] 3 Ann Arbor citizens WITH DEMONSTRATED GOLF OPERATIONS EXPERTISE, 1 CITIZEN WITH GROUP GOLF PLAY EXPERIENCE, AND ONE AT-LARGE ANN ARBOR GOLF COURSES PATRON, nominated AND APPROVED by the Mayor and [approved by] CITY Council, and**

**RESOLVED, THAT THE GOLF COURSES ADVISORY TASK FORCE WILL BE RESPONSIBLE DIRECTLY TO THE MAYOR AND CITY COUNCIL, BUT WILL ALSO REPORT OUT TO THE PARKS ADVISORY COMMISSION, AND**

**RESOLVED, The [Ad-Hoc] Golf COURSES Advisory [Committee] TASK FORCE will expire o[i]n [December]March 1, 2009[8],, AND BE ELIGIBLE FOR RENEWAL ANNUALLY THEREAFTER FOLLOWING REVIEW AND APPROVAL BY THE MAYOR AND CITY COUNCIL.[.]**

**Sponsors: Council members Rapundalo, Kunselman, Anglin, HIGGINS**

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

**Note: [ ] Indicated deleted language, all CAPS indicate new language excluding the word RESOLVED.**

Enactment No: R-08-086

**The question being, the motion made by Councilmember Rapundalo, seconded by Councilmember Kunselman, that the Resolution be approved as amended, on a voice vote, the Mayor declared the motion carried.**

Enactment No: R-08-086

**DC New Business - Council:**

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

**DB-1 08-0138** Resolution to Approve Participation Agreement with Webster Township for the Purchase of Development Rights on the Marjorie Smyth Farm and Appropriate Funds, Not to Exceed the Amount of \$202,500.00 From the Open Space and Parkland Preservation Bond Proceeds (8 Votes Required)

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Lowenstein, 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-08-087

**DB-2 08-0158** Resolution to Approve Maple Cove Office/Residential Annexation, 0.34 Acre, Northwest corner of Maple and Miller Roads (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

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

Enactment No: R-08-088

**DS Old Business - Staff:**

**DS-1 07-0203** Resolution to Transfer Delinquent Sidewalk Improvement Charges to the 2008 City Tax Roll

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

Enactment No: R-08-089

**DS New Business - Staff:**

**DS-2 08-0140** Resolution to Approve a Contract with S & J Asphalt Paving Company in the Amount of \$109,796.00 to Renovate Game Courts, per Bid #3907, and to Establish a Total Construction Project Budget of \$120,776.00

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

Enactment No: R-08-090

**DS-3 08-0139** Resolution to Approve a Contract with CXT Precast Products for \$140,012.53 to Supply and Install Prefabricated Restrooms and Storage Structures at Bandemer and Olson Parks per RFP #658 and to Establish a Total Construction Project Budget of \$154,013.00

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

Enactment No: R-08-091



- DS-5 08-0164** Resolution Accepting Utility Easement from Centro NP Holdings 1 SPE, LLC, Maple Village Shopping Center (8 Votes Required)
- A motion was made by Councilmember Higgins, 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-08-092
- DS-6 08-0152** Resolution to Increase Amount of Purchase Order to Cargill Inc., (\$143,840.00)
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Teall, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-093
- DS-7 08-0178** Resolution to Approve Industrial Facilities Exemption Certificate Between the City of Ann Arbor and Proquest LLC
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Greden, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously.**
- Enactment No: R-08-094

#### **E COMMUNICATIONS FROM THE MAYOR**

*Mayor Hieftje announced that a meeting of the Rails to Trails group was taking place on March 4 at 9:00 a.m. at the DDA building.*

#### **COMMUNICATIONS FROM COUNCIL**

*Councilmember Higgins thanked City staff for the improvements over the last few weeks regarding snow removal.*

#### **F COMMUNICATIONS FROM CITY ADMINISTRATOR**

*City Administrator Roger Fraser announced that a work session has been scheduled for March 10, 2008.*

#### **G COMMUNICATIONS FROM CITY ATTORNEY**

- G-1 08-0171** Annexation of Boylan, Szady, Tannenbaum, Titus, Unger, Vasconi, Von Meister, Wallace, Weidenbach, Wessel-Walker, Wright and Wood Properties
- G-2 08-0173** Annexation of the Nakpairat, Iglewicz, Olson, Osler, Owen, Portnow, Reed, Salamen, Sastry, and Schueler Properties

#### **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 Lowenstein, seconded by Councilmember Teall, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.**

- H-10 08-0246** Protest letter received on behalf of Mrs. Lorentzen regarding opposition of the proposed Ordinance No. ORD-08-06 - Ann Arbor Township Rezoning
- H-1 08-0147** Communication from Food Service Economic Partnership regarding their 2008 Conference scheduled for April 3, 2008
- H-2 08-0181** Communication from the Department of Environmental Quality regarding a request made by Frank Kurk for renewal of Clean Corporate Citizen (C3) designation for Subaru Research and Development, Inc., of Ann Arbor, Michigan
- H-3 08-0182** Communication from the Department of Labor & Economic Growth regarding a complaint filed with their office from Fritz Crisler
- H-4 08-0183** Communication from the Washtenaw County Clerk regarding a resolution to accept comments from the Washtenaw County Department of Planning and Environmental staff on the Pittsfield Township comprehensive plan amendments
- H-5 08-0184** Communication from Mercedes-Benz Research & Development North America, Inc. regarding a request to establish an Industrial Development District for 3953 Research Park Drive
- H-6 08-0197** Communication from A. Brooks and Caroline Hughes regarding opposition of rezonings on Chalmers Drive
- H-7 08-0196** Communication from MDOT regarding their publication of Connecting Neighbors, Issue 4
- H-8 08-0198** Communication from SEMCOG regarding their Regional Update Biweekly Publication, Vo. 13, No. 4
- H-9 08-0219** Communication from Alfredo R. Munoz, regarding opposition of the proposed rezoning of his property located at 1463 Bird Road.

**I The following minutes were received for file:**

- I-1 08-0130** Planning Commission Minutes - November 1, November 20 and December 18, 2007 and January 15, 2008
- I-2 08-0154** Housing & Human Services Advisory Board - October 9, 2007; November 13, 2007; January 22, 2008
- I-3 08-0155** Recreation Advisory Commission Minutes - January 8, 2008
- I-4 08-0166** Ann Arbor Transportation Authority Minutes of January 16, and February 11, 2008

- I-5      08-0169      Ann Arbor Downtown Development Authority Minutes - January 2, 2008
- I-6      08-0170      Ann Arbor Downtown Development Authority Minutes - Special meeting January 25, 2008

**PUBLIC COMMENT - GENERAL (3 MINUTES EACH)**

1.      Jim Mogensen - Living Wage Ordinance

*Jim Mogensen, 2780 Greenbrier, addressed City Council regarding the proposed Living Wage Ordinance and the need for the AATA to maintain service in urban areas including Ypsilanti and Ann Arbor.*

2.      Tom Partridge - AATA

*Thomas Partridge, 4002 Eyrie Dr., expressed concern regarding the reduction in services by the AATA.*

**CLOSED SESSION TO DISCUSS PENDING LAND ACQUISITION**

**A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that Council enter into Closed session. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed at 8:47 p.m.**

**Yeas:** 10 - Mayor Hieftje, Councilmember Suarez, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Kunselman, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Easthope, and Councilmember Anglin

**Nays:** 0

**Absent:** 1 - Councilmember Briere

**MEETING RECONVENED**

**A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 8:55 p.m.**

**ADJOURNMENT**

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Suarez, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:55 p.m.**

**COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:**

**LIVE: MONDAY, MARCH 3, 2008, 7:00 P.M.**

**REPLAYS: TUESDAY MARCH 4, 2008 10:30 A.M. AND FRIDAY MARCH 7, 2008, 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 994-2725 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.**