

# City of Ann Arbor

*100 N. Fifth Avenue  
Ann Arbor, MI 48104  
[www.a2gov.org](http://www.a2gov.org)*



## Action Minutes

**Monday, December 1, 2008**

**7:00 PM**

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

**City Council**

**CALL TO ORDER**

*Mayor Hieftje called the meeting to order at 7:10 p.m. in the Guy C. Larcom Jr., Municipal Building, 2nd Floor Council Chambers, 100 N. Fifth Avenue.*

**MOMENT OF SILENCE**

*Council stood for a moment of silence.*

**PLEDGE OF ALLEGIANCE**

*Mayor Hieftje led Council in the recitation of the Pledge of Allegiance.*

**ROLL CALL OF COUNCIL**

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

**APPROVAL OF AGENDA**

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

**INT INTRODUCTIONS**

**INT-1 08-1088** World AIDS Day Proclamation

**Sponsors:** Hieftje

*Mayor Hieftje read a proclamation recognizing World AIDS Day as December 1, 2008. A copy of the proclamation is on file in the City Clerk's Office.*

**INT-2 Main Street Lane Closure for UM Construction Project - Jim Kosteva**

*Jim Kosteva from the University of Michigan thanked Council for providing the authorization to grant intermittent lane closures on Main Street from Stadium to Keech Street during the month of December 2008 for the University's Stadium project.*

**INT-3 Update on Ann Arbor Municipal Center project - Bill Wheeler**

*Ken Klein, architect for the new Ann Arbor Municipal Center project, updated Council on the project. He gave a slide presentation of the stages that would take place during the construction of the Police/Court building as well as possible future renovations to the Larcom Building. Construction is expected to begin in March 2009.*

**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. Tom Partridge - Give the greatest holiday gift. Save the jobs of Ann Arbor and Michigan residents. Support economic development, public transportation, affordable housing, health care and education.**

*Tom Partridge, 4220 Eyrie Dr. in Scio Township, addressed Council regarding a resolution to protect and save the jobs of Ann Arbor and Michigan residents. He urged Council to support economic development, public transportation, affordable housing, health care and education.*

- 2. Andrea Clyne - Teen Summer Program at Community Action**

*Andrea Clyne, 3424 Oakwood, addressed Council regarding a Teen Summer Program at Community Action Network this past summer. She also passed out a calendar that the teens put together featuring elected officials and their pets. The calendar is on sale at Community Action Network for \$14.95.*

- 3. Henry Herskovitz - Palestine**

*Henry Herskovitz, Mark Hannah Drive, addressed Council regarding the issues surrounding Palestine.*

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

**PH-1 08-0960**

An Ordinance to Amend Chapter 55, Rezoning of 0.57 Acre from P (Parking District) to PUD (Planned Unit Development), Ann Arbor City Apartments, Southeast Corner of West Washington and South First Streets (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-08-37)

*A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.057 acre from P (Parking District) to PUD (Planned Unit Development), Ann Arbor City Apartments property, located on the southeast corner of West Washington and South First Streets. Notice of public hearing was published November 16, 2008.*

*Tom Partridge of Scio Township expressed concern with the City's current zoning ordinances.*

*John Frank, vice present of Village Green, explained the project and was available to answer questions of Council.*

*(Councilmember Greden arrived at 7:58 p.m.)*

*The following people spoke in support of the proposed rezoning of Ann Arbor City Apartments:*

*Mark Hodesh, 210 S. Ashley Street, stated the developer has worked with him to address his concerns regarding trash and the alley.*

*Ray Detter, speaking on behalf of the DDA Citizens Advisory Council*

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

Enactment No: ORD-08-37

**ROLL CALL**

**Present:** 10 - Mayor John Hieftje, Councilmember Leigh Greden, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor, and Councilmember Carsten Hohnke

**Absent:** 1 - Councilmember Stephen Rapundalo

**PH-2 08-1028**

Resolution to Approve Ann Arbor City Apartments PUD Site Plan and Development Agreement, 0.57 Acre, Southeast Corner of West Washington and South First Streets (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

*A public hearing was conducted on the proposed Resolution to approve the Ann Arbor City Apartments PUD Site Plan and Development Agreement, 0.57 acre, located on the southeast corner of West Washington and South First Streets. Notice of public hearing was published November 23, 2008.*

*Tom Partridge of Scio Township spoke in opposition of the proposed Ann Arbor City Apartments PUD Site Plan and Development Agreement.*

*Barbara Hall of the Old West Side Organization spoke in support of the proposed PUD and Development Agreement.*

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

Enactment No: R-08-481

- PH-3 08-0961** An Ordinance to Amend Chapter 55, Rezoning of 0.12 Acre from TWP (Township District) to R1A (Single-Family Dwelling District), Mucha Property, 3094 Newcastle (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (Ordinance No. ORD-08-38)
- A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.12 acre from TWP (Township District) to R1A (Single-Family Dwelling District), Mucha property, located at 3094 Newcastle. Notice of public hearing was published November 16, 2008.*
- There being no one present for comment, the Mayor declared the hearing closed.*
- Enactment No: ORD-08-38

### COMMUNICATIONS FROM COUNCIL

#### COUNCILMEMBER HOHNKE

*Councilmember Hohnke informed the public that December 10, 2008 marks the 60th anniversary of the United Nations ratification of the Universal Declaration of Human Rights. A candlelight vigil is scheduled at 5 p.m. on the 10th at the corner of Main Street and Liberty.*

#### COUNCILMEMBER DEREZINSKI

*Councilmember Derezinski congratulated Councilmember Hohnke on the birth of his first son.*

### A APPROVAL OF COUNCIL MINUTES

- A-1 08-1045** Work Session minutes of November 10, 2008 and regular session minutes of November 17, 2008
- A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Minutes be approved as presented. On a voice vote, the Mayor declared the motion carried.**

### CA CONSENT AGENDA

- CA-1 08-1031** Resolution to Approve Agreement with The Regents of the University of Michigan for Municipal Parking Citation Processing, Collections and Record Management Services
- A motion was made by Councilmember Teall, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-477

### B ORDINANCE - SECOND READING

- B-1 08-0960** An Ordinance to Amend Chapter 55, Rezoning of 0.57 Acre from P (Parking District) to PUD (Planned Unit Development), Ann Arbor City Apartments, Southeast Corner of West Washington and South First Streets (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-08-37)

**A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**

- B-2 08-0961** An Ordinance to Amend Chapter 55, Rezoning of 0.12 Acre from TWP (Township District) to R1A (Single-Family Dwelling District), Mucha Property, 3094 Newcastle (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (Ordinance No. ORD-08-38)

**A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**

**C ORDINANCE - FIRST READING**

- C-1 08-0867** An Ordinance to Amend to Chapter 55, Rezoning of 1.23 Acres from R4C (Multiple-Family Dwelling District) to PUD (Planned Unit Development District), City Place, 407-437 South Fifth Avenue (CPC Recommendation: Motion to Approve Failed - 2 Yeas and 6 Nays) (Ordinance No. ORD-08-39)

**A motion was made by Councilmember Greden, seconded by Councilmember Derezinski, that the Ordinance be approved on First Reading to the City Council and should be returned by 1/5/2009. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-08-39

**D MOTIONS AND RESOLUTIONS**

**DC New Business - Council:**

- DC-1 08-1053** Resolution for Community Events Fund Disbursements from the FY 09 Budget (8 Votes Required)

**Sponsors:** Higgins and Teall

**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 unanimously, thus satisfying the eight-vote requirement.**

Enactment No: R-08-478

**Added After Newspaper Deadline:**

**DC-2 08-1084**

City Council Resolution Supporting House Bill 5693 to Amend Section 4 of the 2006 PA 480 to Require a Video Service Provider to Provide Public, Education, and Government Access Channels at no Extra Charge, and at the Equivalent Visual and Audio Quality, Functionality and Accessibility of Commercial Channels Carried on the Provider's Service

**Sponsors:** Higgins and Smith

*Councilmember Higgins requested that staff send a copy of the approved resolutions to Kirk Profit.*

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

Enactment No: R-08-479

**DC-3 08-1085**

City Council Resolution Supporting House Bill 5047 to Ensure Communities Receive 2% Public, Education, and Government Franchise Fees

**Sponsors:** Higgins and Smith

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

Enactment No: R-08-480

**DB New Business - Boards and Commissions:****DB-1 08-1028**

Resolution to Approve Ann Arbor City Apartments PUD Site Plan and Development Agreement, 0.57 Acre, Southeast Corner of West Washington and South First Streets (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

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

Enactment No: R-08-481

**Councilmember Taylor moved, seconded by Councilmember Higgins, that the resolution be amended as follows:**

**Paragraph 19 of the Development Agreement:**

**(P-19) To provide wall-mounted, pedestrian-level light fixtures on the Project along the public alley east of the site, and to provide wall-mounted signs on the [north] SOUTH side of the alley directing loading and unloading of vehicles to this section of the alley, as depicted on the Site Plan. (Light fixtures may be provided by PROPRIETOR or by another entity acceptable to the City, such as the Downtown Development Authority.)**

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

*I move that the Paragraph 19 of the Development Agreement be amended to indicate that the number of pedestrian-level light fixtures up to a maximum of six fixtures, and amount of light produced by these fixtures be approved by the Planning and Development Services Manager consistent with the use of the alley by pedestrians, and that the Site Plan be amended to show the approved fixtures.*

**Councilmember Taylor moved, seconded by Councilmember Derezinski, to amend the Development Agreement as follows:**

**Paragraph 19 of the Development Agreement be amended to indicate that the number of pedestrian-level light fixtures up to a maximum of six fixtures, and amount of light produced by these fixtures be approved by the Planning and Development Services Manager consistent with the use of the alley by pedestrians, and that the Site Plan be amended to show the approved fixtures.**

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

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

Enactment No: R-08-481

**DB-2 08-1029**

Resolution to Approve the Memorandum of Intent and Ann Arbor Skatepark Fund Agreement for the Development of a Skatepark at Veterans Memorial Park

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

Enactment No: R-08-482

**DS New Business - Staff:**

**DS-1 08-1025**

Resolution to Approve an Amendment to the Professional Services Agreement with Quinn Evans Architects for the Courts/Police Building (\$411,003.00)

**A motion was made by Councilmember Greden, seconded by Councilmember Teall, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried with one no-vote made by Councilmember Briere.**

Enactment No: R-08-483

**DS-2 08-1035**

Resolution to Approve Exercising the Purchase Option of the City's Golf Car Lease Agreement with Club Car to Purchase 60 Golf Cars at a Cost of \$54,000.00, Appropriate \$30,000.00 from the Golf Enterprise Fund, and Allow for the Resale of up to 60 Golf Cars (8 Votes Required)

**A motion was made by Councilmember Derezinski, 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-08-484



**DS-3 08-1032** Resolution to Approve an Extension of the Existing Installment Purchase Agreement with Bank of Ann Arbor to Finance the Purchase of 350 S. Fifth Avenue (\$3,500,000.00)

**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-08-485

**DS-4 08-1038** Resolution Ratifying the Issuance of an Emergency Purchase Order to AT&T Michigan for the Relocation of Telecommunications Facilities by the City Administrator and Authorizing the City Administrator to take all Necessary Actions for the Relocation of Telecommunication Facilities(\$58,870.06)

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

Enactment No: R-08-486

**Added After Newspaper Deadline:**

**DS-5 08-1074** Resolution to Approve Amendment No. 2 to the Option to Purchase Agreement with Village Green Residential Properties LLC (8 votes required)

**A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**

Enactment No: R-08-487

**E COMMUNICATIONS FROM THE MAYOR**

**E-1 08-1089** Nominations & Appointments

*Energy Commission*

*David Wright* *Re-Appointment*  
*1420 Pear St. #2*  
*Ann Arbor, MI 48105*  
*Term: December 1, 2008-December 1, 2011*

*Re-appoint and confirm tonight*

**A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Appointment be approved in a one-step process. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**

**COMMUNICATIONS FROM COUNCIL***COUNCILMEMBER HIGGINS*

*Councilmember Higgins announced that the Ad Hoc Rules Committee will meet on December 8, 2008 at 6:00 p.m. to review the existing Council Rules. She asked that Councilmembers with proposed changes to the Rules provide the changes to her or Councilmember Briere.*

**F COMMUNICATIONS FROM CITY ADMINISTRATOR**

*Roger Fraser, City Administrator, announced that a Council Work Session to discuss Washtenaw County Community Success Strategy, Golf Course Financial Update and The 100 Units of Affordable Housing is scheduled for December 8, 2008 at 7:00 p.m.*

**G COMMUNICATIONS FROM CITY ATTORNEY**

*none.*

**H & I CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS****H The following communications were referred as indicated:****Passed on consent agenda**

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

- |            |                |                                                                                                                                                                                                                                                     |
|------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>H-1</b> | <b>08-1047</b> | Communication from Comcast regarding changes in the channel lineup effective December 1, 2008 - CTN                                                                                                                                                 |
| <b>H-2</b> | <b>08-1048</b> | Communication from S.E.M.C.O.G. regarding their regional update publication, Vo. 13, No. 23 - October 27 and Vo. 13, No. 24 November 10, 2008 - File                                                                                                |
| <b>H-3</b> | <b>08-1049</b> | Communication from The Economic Development Corporation of the City of Ann Arbor regarding the 2008 Annual Report of the Economic Development Corporation - File                                                                                    |
| <b>H-4</b> | <b>08-1050</b> | Communication from Varsity Real Estate, LLC regarding a request for an Industrial Development District located at 3775 Varsity Drive - Assessor                                                                                                     |
| <b>H-5</b> | <b>08-1051</b> | Communication from the State of Michigan regarding notice of Hearing for the Electric Customers of the Detroit Edison Company, Case No. U-15677 scheduled for Dec. 2, 2008 at 9:00 a.m. - File                                                      |
| <b>H-6</b> | <b>08-1052</b> | Communication from Bodman Attorneys & Counselors regarding notice of intent to establish two Condominium Projects with respect to property located in the City of Ann Arbor (Geddes Heights 1 & 2 Condominiums) - Planning and Development Services |

**H-7 08-1087** Letter from Jim Kosteva, UM Director of Community Relations, dated November 21, 2008, regarding a proposed vacation of Monroe Street from State Street to Oakland - cc: Planning and Development Services, Systems Planning and Project Management

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

**I-1 08-1046** City Election Commission - July 11, 2008

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

*Tom Partridge, Scio Township resident, addressed Council regarding leadership on a regional, state and national level, in order to bring forward proposals to move the State forward and unite efforts.*

**CLOSED SESSION TO DISCUSS PENDING LITIGATION AND ATTORNEY / CLIENT PRIVILEGED COMMUNICATION AND/OR LAND ACQUISITION**

*None.*

**ADJOURNMENT**

A motion was made by Councilmember Briere, seconded by Councilmember Greden, that the meeting be Adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:51 p.m.

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

**LIVE: MONDAY, DECEMBER 1, 2008; 7:00 P.M.**

**REPLAYS: TUESDAY, DECEMBER 2, 2008; 10:30 A.M. AND FRIDAY, DECEMBER 5, 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.