



City of Ann Arbor

Meeting Minutes

City Council

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

Monday, November 19, 2007

7:00 PM

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

CALL TO ORDER

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:05 p.m. in the City Hall Council Chamber.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED COUNCILMEMBERS

The City Clerk administered the oath of office to the newly elected Councilmembers.

ROLL CALL OF COUNCIL

- Present:** 9 - Mayor John Hieftje, Councilmember Ronald Suarez, Councilmember Stephen Rapundalo, Councilmember Joan Lowenstein, Councilmember Stephen Kunselman, Councilmember Leigh Greden, Councilmember Margie Teall, Councilmember Mike Anglin, and Councilmember Sabra Briere
- Absent:** 2 - Councilmember Marcia Higgins, and Councilmember Christopher S. Easthope

APPROVAL OF AGENDA

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

ORGANIZATION OF NEW COUNCIL

1. Election of Mayor Pro Tem

A motion was made by Councilmember Rapundalo, seconded by Councilmember Kunselman, that the nomination of Councilmember Higgins as Mayor Pro-Tem be Approved. On a voice vote, the Mayor declared the motion carried.

2. Election of Next Councilmember in Line of Succession

A motion was made by Councilmember Greden, seconded by Councilmember Teall, that the nomination of Councilmember Easthope as the next Councilmember in the line of succession for Mayor Pro-Tem be Approved temporarily until a complete line of succession is approved. On a voice vote, the Mayor declared the motion carried.

INT INTRODUCTIONS

INT-1 07-0649 James P. Frenza Proclamation

This item was removed from the agenda.

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. Michelle Arvoy - Water Assessment (DS-1)

Michelle Arvoy, 137 S. Wagner Road, asked Council to not approve DS-1. She stated the levy was not recorded with the Register of Deeds when she purchased the home and she is not the original owner who had agreed to the improvement charges.

2. David Noel - Old YMCA (DC-1)

David Noel expressed concerns about the status of the old YMCA building.

3. Mary Campbell - Class C Liquor License

Mary Campbell, owner of Everyday Cook, spoke about her current application with the City of Ann Arbor for a Class C liquor license.

4. Neal Robinson - Everyday Cook

Neal Robinson, 2200 Fuller Ct., stated he is the architect for Everyday Cook. Mr. Robinson explained the plans and the term "Demonstration Kitchen" which he felt may have led to some confusion among City staff regarding Ms. Campbell's intentions with the project.

5. Monica Martin - Ann Arbor Housing Commission

This speaker was not present.

6. Tabitha Harris - Ann Arbor Housing / City Council

This speaker was not present.

7. Lou Glorie - RFP 415 W. Washington and Two Other Properties

Lou Glorie, 827 Brooks St., expressed concerns about the City of Ann Arbor issuing an RFP for the redevelopment of 415 W. Washington and other city-owned properties.

8. Sean Bennett - Human Rights Enforcement Process

This speaker was not present.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

Councilmember Easthope arrived at this time.

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

Absent: 1 - Councilmember Marcia Higgins

- PH-1 07-0189** An Ordinance to Amend Chapter 55, Rezoning of 0.45 Acre from TWP (Township District) to R1A (Single-Family Dwelling District), Glaser Property, 3122 Geddes Avenue (Ord. No. ORD-07-45) (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

Seeing no one present for comment, the Mayor declared the public hearing closed.

Enactment No: ORD-07-46

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM COUNCIL

Councilmember Rapundalo asked Sue McCormick, Public Services Administrator, to provide information regarding the fall leaf pick-up due to the late dropping of leaves this season. Ms. McCormick reported that a third pick-up would be provided for those areas of the City that had early pick-ups this year. Councilmember Rapundalo asked that all affected neighborhood associations be notified.

Councilmember Lowenstein informed Council that an AAPD employee, Adele El-Ayoubi, was awarded a State recognition for her efforts in Crime Prevention. Ms. El-Ayoubi is well-known for her work in the City with Neighborhood Watch.

REPORTS FROM COUNCIL COMMITTEES

AD-HOC COUNCIL LIQUOR COMMITTEE

Councilmember Easthope asked for an update regarding the lack of a member on the Ad-hoc Liquor Committee and the status of the available Class C Liquor License. Councilmember Rapundalo confirmed that another member would be appointed and a recommendation would be provided to Council in December.

A APPROVAL OF COUNCIL MINUTES

- A-1 07-0650** Regular Session Minutes of November 5, 2007

A motion was made by Councilmember Easthope, seconded by Councilmember Teall, that the Minutes 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 Greden, seconded by Councilmember Lowenstein, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- CA-1 07-0351** Resolution to Accept Board of Insurance Administration Meeting Minutes of October 26, 2007
Enactment No: R-07-562
- CA-2 07-0393** Resolution to Approve the Transfer of Ownership of a 2006 Class C Liquor Licensed Business with a Dance-Entertainment Permit, located in Escrow at 3965 S. State, from Tables Inc. to Champ's Club, Inc.
Enactment No: R-07-563
- CA-3 07-0368** Resolution Awarding a Contract for Directional Boring to R.C. Directional Boring (\$40,800.00, Bid No. 3902)
Enactment No: R-07-564
- CA-4 07-0348** Resolution to Approve the Purchase of Furniture, Shelving, and Storage Cabinets for the W. R. Wheeler Service Center, Bid # 3848 - Globe Trading Company (\$33,188.00)
Enactment No: R-07-565

B ORDINANCE - SECOND READING

- B-1 07-0189** An Ordinance to Amend Chapter 55, Rezoning of 0.45 Acre from TWP (Township District) to R1A (Single-Family Dwelling District), Glaser Property, 3122 Geddes Avenue (Ord. No. ORD-07-45) (CPC Recommendation: Approval - 9 Yeas and 0 Nays)
A motion was made by Councilmember Rapundalo, seconded by Councilmember Lowenstein, that the Ordinance be Adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.
Enactment No: ORD-07-46

C ORDINANCE - FIRST READING

- C-1 07-0291** An Ordinance to Amend Sections 2:4 (Points of Storage) and 2:7 (Solid Waste Facilities) of Chapter 26 of Title II of the Code of the City of Ann Arbor
This item was deleted from the agenda and no action was taken.
- C-2 07-0352** An Ordinance Authorizing the Issuance and Sale of Sewage Disposal System Revenue Bonds, Series 2007-B to the Michigan Municipal Bond Authority (Roll Call Vote Required - One Reading)
A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Ordinance be Approved on First Reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried.

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

Nays: 0

Absent: 1 - Councilmember Higgins

Enactment No: ORD-07-49

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 07-0668 Resolution Requesting that the Downtown Development Authority Demolish the City-Owned Building and Establish a Temporary Surface Parking Lot at 350 S. Fifth Avenue

Sponsors: Greden, Lowenstein and Hieftje

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

Enactment No: R-07-566

DC-2 07-0670 Resolution Restricting Peddling and Sidewalk Occupancy Permits During the Ann Arbor Art Fairs

Sponsors: Hieftje

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

Enactment No: R-07-567

DB New Business - Boards and Commissions:

None.

DS New Business - Staff:

DS-1 07-0255 Resolution Authorizing Sanitary Sewer Improvement Charge for 137 S. Wagner Road (\$4,835.60)

Councilmember Suarez requested follow-up from the City Attorney's Office regarding noticing property owners in a timely manner about improvement charges.

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

Enactment No: R-07-568

- DS-2 07-0340** Resolution to Approve the Purchase of two Zamboni Ice Resurfacers from Charles R Mueller & Sons, Inc. (\$144,300.00)
- 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.**
- Enactment No: R-07-569
- DS-3 07-0353** Resolution to Appropriate and to Establish an Internal Service Fund for the Operating Expenses of the W.R. Wheeler Service Center (\$450,000.00) (8 Votes Required)
- Councilmember Greden was absent at 8:00 p.m.*
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Teall, that the Resolution be Approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the eight-vote requirement satisfied.**
- Yeas:** 9 - Mayor Hieftje, Councilmember Suarez, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Kunselman, Councilmember Teall, Councilmember Easthope, Councilmember Anglin, and Councilmember Briere
- Nays:** 0
- Absent:** 2 - Councilmember Greden, and Councilmember Higgins
- Enactment No: R-07-570
- DS-4 07-0398** 11-19-07 Resolution Accepting Easement for Public Utilities from CVS 8088 MI, L.L.C. (2100 W. Stadium Boulevard) (8 votes required)
- Councilmember Greden returned at 8:05 p.m.*
- A motion was made by Councilmember Easthope, seconded by Councilmember Rapundalo, 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-07-571
- DS-5 07-0473** Resolution to Approve Second Amendment to Legal Services Contract with Butzel Long and to Approve Reimbursement of Legal Fees in Connection with William Street Station Development (8 Votes Required)
- 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 unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-07-572

- DS-6 07-0427** Resolution to Accept, Approve and Appropriate a Grant from the Michigan Department of State for Voting Access for Individuals with Disabilities Program through Funding from the Help America Vote Act (\$15,300.00) (8 Votes Required)

A motion was made by Councilmember Greden, 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-07-573

- DS-7 07-0262** Resolution to Adopt Revised Investment Policy

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

Enactment No: R-07-574

E COMMUNICATIONS FROM THE MAYOR

- E-1 07-0687** Confirmations

Economic Development Corporation Board, Energy Commission

- E-2 07-0688** Nominations

Building Board of Appeals

F COMMUNICATIONS FROM CITY ADMINISTRATOR

City Administrator Roger Fraser reminded Council that a goal-setting session has been set for December 1 at the Wheeler Center beginning at 8:30 a.m. The session should end no later than 4:00 p.m.

Mr. Fraser inquired if Council would be interested in a December 10 Working Session to hear the report of the City's Golf Consultant. There was general consensus that the Work Session should be held. Mayor Hieftje suggested staff bring back the Open Space Plan which was not heard at the last Work Session due to scheduling conflicts.

- F-1 07-0329** Annual Survey of Traffic Calming Projects Constructed in 2006

- F-2 07-0428** Public Engagement Process for Ann Arbor City Apartments Project at First and Washington Streets

G COMMUNICATIONS FROM CITY ATTORNEY

- G-1 07-0430** Schieb Property, 1.18 acres, located at 1400 Warrington Dr., in Ann Arbor Township

- G-2 07-0431** Sader/Goldstein Property, 0.39 acre, located at 448 Huntington Pl., in Ann Arbor Township

- G-3 07-0475** Johnson Property, 0.50 acre, located at 192 Riverview Ct., in Ann Arbor Township
- G-4 07-0476** Gadway Property, 1.0 acre, located at 310 Huntington Dr., in Ann Arbor Township
- G-5 07-0477** Faylor Property, 0.30 acre, located at 580 Rock Creek Dr., in Ann Arbor Township
- G-6 07-0518** Annexation of the Ellis/Lawton Property, Fagan/Forester Property, Delcamp Property, Dec Property, and Bird 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-1 07-0627** Communication from the State of Michigan regarding Notice of Hearing for Electric Customers of the Detroit Edison Company, Case No. U-15417
- H-2 07-0633** Communications from Comcast regarding Restructuring of Late Fees and Channel Line up Changes
- H-3 07-0638** 202 S. Division St. Zoning Protest Communications
- H-4 07-0642** S.E.M.C.O.G. Communicatio regarding Regional Update Publication, Vol. 12, No. 22, October 22, 2007
- H-5 07-0645** Communication from the Washtenaw County Clerk regarding a Resolution setting the 2007 WAShtenaw County Milllge Rate for Parks & Recreation, Natural Areas, HCMA and EECS 800 MHz for a December 2007 Tax Levy
- H-6 07-0647** State of Michigan Notice of Filing of Resident Annexations
- H-7 07-0648** State of Michigan Notice of Filing Annexations on 10-18-07

I The following minutes were recieved for file:

- I-1 07-0343** Council Ad-Hoc Liquor Committee - September 28 and October 22, 2007
- I-2 07-0429** Housing and Human Services Advisory Board Minutes of September 27, 2007

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

1. Alan Huber - Former YMCA

Alan Huber, Third Street, expressed concern about the status of the former YMCA.

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

A motion was made by Councilmember Teall, seconded by Councilmember Rapundalo, that Council enter into Closed session at 8:20 p.m. On a roll call, the vote was as follows with the Mayor declaring the motion carried.

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

Nays: 0

Absent: 1 - Councilmember Higgins

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

A motion was made by Councilmember Suarez, seconded by Councilmember Lowenstein, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 8:48 p.m.

ADJOURNMENT

A motion was made by Councilmember Lowenstein, seconded by Councilmember Suarez, that the meeting be Adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:48 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: Monday, November 19, 2007, 7:00 P.M.

REPLAYS: Tuesday, November 20, 2007, 10:00 A.M.

Friday, November 23, 2007, 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.