

# City of Ann Arbor

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



## Action Minutes

**Monday, August 17, 2009**

**7:00 PM**

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

**City Council**

**CALL TO ORDER**

*Mayor Hieftje called the meeting to order at 7:08 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 Stephen Rapundalo, Councilmember Leigh Greden, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, and Councilmember Tony Derezinski
- Absent:** 2 - Councilmember Christopher Taylor, and Councilmember Carsten Hohnke

**APPROVAL OF AGENDA**

**A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the Agenda be Approved with the following changes:**

**Add: DC-4 Resolution to Order Election and to Determine Ballot Question for Charter Amendment to Authorize Publication of Ordinances by Alternate Means and Methods Except Where Publication is Specified by State Law**

**Add: DC-5 Reconsideration of Resolution Establishing the South Fourth and Fifth Avenues Historic District Study Committee.**

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

**INT INTRODUCTIONS****INT-1 09-0750**

Presentation of the E. Stadium Boulevard Bridges Replacement Project's Conceptual Design and other related information to the Ann Arbor City Council

*Homayoon Pirooz, Project Management Manager, gave a slide presentation about the Stadium Bridges repair project. Mr. Pirooz gave background information, as well as the schedule and funding for the project and answered questions of Council. A copy of the presentation is on file in the City Clerk's Office.*

INT-2 09-0812 Local Food Month Proclamation

*Mayor Hieftje read a proclamation proclaiming September 2009 as Local Food Month. The Mayor stated local food systems support local growers, the local economy, environment, and reduce transportation costs. A copy of the proclamation is on file in the City Clerk's Office.*

**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. Elizabeth Hunter - Stadium Bridge (INT-1)**

*Elizabeth Hunter, 827 Bruce Street, sang a song to City Council regarding the proposed Stadium Bridge Project and other development priorities in the City.*

**2. Blaine Coleman - Boycott Israel**

*Blaine Coleman addressed Council regarding Israel. He asked that Council hold a public hearing on a boycott of Israel, take a vote on a boycott of Israel and vote for an Ann Arbor City Boycott of all products imported from Israel.*

**3. Thomas Partridge - Affordable housing and public transportation amendments needed for all zoning approvals including zoning approvals for parks and private properties. Act now to desegregate housing in Ann Arbor and the region.**

*Thomas Partridge, 4220 Eyrie Drive, addressed Council regarding affordable housing and public transportation amendments needed for all zoning approvals, including zoning approvals for parks and private properties and asked Council to act now to desegregate housing in Ann Arbor and the region.*

**4. Mozghan Savabiesfahani - Home demolition from Ann Arbor to Palestine (Moratorium)**

*Mozghan Savabiesfahani addressed Council regarding boycotting Israel.*

**5. Kathy Griswold - Ordinance Revisions**

*Kathy Griswold addressed Council regarding changes to Chapter 40 of the City Code and talked about improving safety for cyclists and pedestrians in Ann Arbor.*

**6. Henry Herskovitz - Palestine**

*Henry Herskovitz, 404 Mark Hannah, addressed Council regarding Palestine.*

**7. Karen Sidney - City Finances**

*Karen Sidney, 100 Longman Lane, addressed Council regarding the City's finances and gave suggestions on how to improve them.*

**COMMUNICATIONS FROM COUNCIL****COUNCILMEMBER HIGGINS**

*Councilmember Higgins announced that the A2D2 Steering Committee met regarding the design guidelines. A new format has been created, which is much more clear and concise and is moving forward. A public meeting has been scheduled for the first week in September, prior to coming before City Council, the DDA and Planning Commission on September 14, 2009.*

*Councilmember Higgins also updated Council on the Area Height and Placement Committee. They met last week. There were over 100 people that attended various board meetings over the summer. The committee received comments and suggestions from many residents and the committee made the decision to have two additional meetings in September to solidify the recommendations from the public.*

**COUNCILMEMBER ANGLIN**

*Councilmember Anglin informed Council that the long established jazz club, The Firefly Club, has been closed due to past due sales taxes owed to the State of Michigan. He said that if the public was interested in helping The Firefly Club, they could contact the owner directly.*

*Mr. Anglin also addressed Council regarding transparency on City Council. He intends to bring a resolution to Council regarding transparency at the first meeting in September. Councilmember Anglin asked for support from Council regarding the resolution.*

**COUNCILMEMBER RAPUNDALO**

*Councilmember Rapundalo asked that the City Attorney provide costs associated with fulfilling retroactive FOIA requests. He added that he would also like to see any communications that may have come in to individual Councilmembers' city email accounts as well as private accounts, in the interest of full transparency.*

**COUNCILMEMBER HIGGINS**

*Councilmember Higgins said that the Rules Committee will be bringing forth the revised Council Rules on the September 8, 2009 meeting.*

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

**PH-1 09-0665**

An Ordinance to Amend Chapter 55, Section 5:10.23 (C3 Fringe Commercial District) to Allow Temporary Outdoor Sales and the Display of Goods and Services as a Special Exception Use in the C3 Zoning District (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-09-24)

*A public hearing was conducted on the proposed amendment to Chapter 55, Section 5:10.23 (C3 Fringe Commercial District), to allow temporary outdoor sales and the display of goods and services as a Special Exception Use in the C3 Zoning District. Notice of public hearing was published August 2, 2009.*

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

**PH-2 09-0666**

An Ordinance to Amend Chapter 55, Rezoning of 12.90 Acres from TWP (Township District) to PL (Public Land District), Narrow Gauge Property, South Side of Narrow Gauge Way (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-09-22)

*A public hearing was conducted on the proposed amendment to Chapter 55, Rezoning of 12.90 Acres from TWP (Township District) to PL (Public Land District), Narrow Gauge Property, located on the south side of Narrow Gauge Way. Notice of public hearing was published August 2, 2009.*

*Thomas Partridge, 4220 Eyrie Drive, asked that Ann Arbor City Council, Washtenaw County Commission and the State Legislature act with legislation, ordinances or statutes to require that all zoning changes be accompanied by civil rights and human rights amendments requiring movement to desegregate cities, regions, states and the entire nation.*

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

**PH-3 09-0667**

An Ordinance to Amend Chapter 55, Rezoning of 11 Park Properties (Pittsview Park, Windemere Park, Waymarket Park, Turnberry Park, Stapp Nature Area, Redbud Nature Area, Maryfield Wildwood Park, Oakwoods Nature Area, Molin Nature Area, Foxfire West Park, Crary Park) from R1B, R1C, R1D (Single-Family Dwelling), R2B (Two-family Dwelling), R3 (Townhouse Dwelling Unit), R4A, R4B, and R4D (Multiple-Family Dwelling District) to PL (Public Land District) (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-09-23)

*A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 11 Park Properties (Pittsview Park, Windemere Park, Waymarket Park, Turnberry Park, Stapp Nature Area, Redbud Nature Area, Maryfield Wildwood Park, Oakwoods Nature Area, Molin Nature Area, Foxfire West Park, Crary Park) from R1B, R1C, R1D (Single-Family Dwelling), R2B (Two-family Dwelling), R3 (Townhouse Dwelling Unit), R4A, R4B, and R4D (Multiple-Family Dwelling District) to PL (Public Land District). Notice of public hearing was published August 2, 2009.*

*Randy Bricks, resident of Ann Arbor, spoke in opposition of developing existing park land.*

*Thomas Partridge, Scio Township resident, said that public transportation access should be made available to all of the proposed park rezonings.*

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

**PH-4 09-0734**

Resolution to Approve Fiscal Year 2010 Commercial Solid Waste Fees for Roll-Off Containers

*A public hearing was conducted on the proposed Resolution to Approve Fiscal Year 2010 Commercial Solid Waste Fees for Roll-Off Containers. Notice of public hearing was published August 16, 2009.*

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

**PH-5 09-0712**

An Ordinance to Amend Section 1:17 of Chapter 1 (Code Violation Citations - ROW Enforcement) of Title I of the Code of the City of Ann Arbor for the Public Services Project Management Unit (Ordinance No. ORD-09-25)

*A public hearing was conducted on the proposed amendment to Section 1:17 of Chapter 1 (Code Violation Citations - ROW Enforcement) of Title I of the Code of the City of Ann Arbor for the Public Services Project Management Unit. Notice of public hearing was published August 16, 2009.*

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

**RECESS**

*The Mayor declared a recess at 8:45 p.m. and reconvened the meeting at 8:53 p.m.*

**COMMUNICATIONS FROM COUNCIL**

*None.*

**A APPROVAL OF COUNCIL MINUTES****A-1 09-0782**

Ann Arbor City Council Minutes of August 6, 2009

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

**CA-1 09-0358**

Resolution to Approve Amendment No. 2 to the Professional Services Agreement with Stantec for the Easy Street Water Main and Road Replacement Project (\$21,636.00)

Enactment No: R-09-337

- CA-2 09-0683** Resolution to Approve a Professional Services Agreement with the Huron River Watershed Council for Stormwater Permit Requirements (\$56,103.00)  
Enactment No: R-09-338
- CA-3 09-0757** Resolution to Approve a Contract with J.W. Field Grading and Excavating, LLC in the Amount of \$36,820.00 to Replace a Pathway and Construct a Rain Garden Feature at Buhr Park per Bid #4040 and Approve a Construction Contingency of \$3,682.00 (10%) for a Total Project Budget of \$40,502.00  
Enactment No: R-09-339

**B ORDINANCES - SECOND READING**

- B-1 09-0665** An Ordinance to Amend Chapter 55, Section 5:10.23 (C3 Fringe Commercial District) to Allow Temporary Outdoor Sales and the Display of Goods and Services as a Special Exception Use in the C3 Zoning District (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-09-24)  
**A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**
- B-2 09-0666** An Ordinance to Amend Chapter 55, Rezoning of 12.90 Acres from TWP (Township District) to PL (Public Land District), Narrow Gauge Property, South Side of Narrow Gauge Way (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-09-22)  
**A motion was made by Councilmember Rapundalo, seconded by Councilmember Derezinski, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**
- B-3 09-0667** An Ordinance to Amend Chapter 55, Rezoning of 11 Park Properties (Pittsview Park, Windemere Park, Waymarket Park, Turnberry Park, Stapp Nature Area, Redbud Nature Area, Maryfield Wildwood Park, Oakwoods Nature Area, Molin Nature Area, Foxfire West Park, Crary Park) from R1B, R1C, R1D (Single-Family Dwelling), R2B (Two-family Dwelling), R3 (Townhouse Dwelling Unit), R4A, R4B, and R4D (Multiple-Family Dwelling District) to PL (Public Land District) (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-09-23)  
**A motion was made by Councilmember Teall, seconded by Councilmember Smith, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**
- B-4 09-0712** An Ordinance to Amend Section 1:17 of Chapter 1 (Code Violation Citations - ROW Enforcement) of Title I of the Code of the City of Ann Arbor for the Public Services Project Management Unit (Ordinance No. ORD-09-25)  
**A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**

- DS-1 09-0760** Resolution to Authorize Summary Publication of Ordinance No. 09-25 to Amend Section 1:17 of Chapter 1 (Code Violation Citations - ROW Enforcement) of Title I of the Code of the City of Ann Arbor for the Public Services Project Management Unit
- A motion was made by Councilmember Briere, seconded by Councilmember Greden, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-340

## **C ORDINANCES - FIRST READING**

None.

## **D MOTIONS AND RESOLUTIONS**

### **DC New Business - Council:**

- DC-1 09-0780** Resolution to Approve a Temporary Liquor License to Kerrytown District Association for their Nash Bash Country Music Festival on Thursday, August 20, 2009 at the Ann Arbor Farmer's Market
- Sponsors:** Briere and Smith
- A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-341
- DC-2 09-0762** Resolution to Approve a Temporary Liquor License to HomeGrown Festival, Inc. - HomeGrown Festival 2009 (Local Food Festival) on Saturday, September 12, 2009 at the Ann Arbor Farmer's Market
- Sponsors:** Smith
- 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-09-342

### **Added After Newspaper Deadline:**



- DC-3 09-0816** Resolution to Approve a Professional Services Agreement with JJR, LLC for Phase I Engineering Services for the Fuller Intermodal Transportation Station (FITS) and to Establish the Project Budget of \$541,717.00 and Appropriate Project Funds from Economic Development Fund Reserves (8 Votes Required)

**Sponsors:** Greden and Higgins

**A motion was made by Councilmember Greden, 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-09-343

- DC-4 09-0817** Resolution to Order Election and to Determine Ballot Question for Charter Amendment to Authorize Publication of Ordinances by Alternate Means and Methods Except Where Publication is Specified by State Law

**Sponsors:** Higgins

**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.**

Enactment No: R-09-344

- DC-5 09-0770** Resolution Establishing the South Fourth and Fifth Avenues Historic District Study Committee

**Sponsors:** Hohnke and Higgins

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

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

Enactment No: R-09-345

**A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Resolution be amended as follows:**

**Replace last RESOLVED Clause:**

**RESOLVED, THE CITY COUNCIL DECLARES AN EMERGENCY MORATORIUM ON ALL CONSTRUCTION, ADDITION, ALTERATION, REPAIR, MOVING, ESCAVATION OR DEMOLITION IN THE PROPOSED SOUTH FOURTH AND FIFTH AVENUE HISTORIC DISTRICT, CONSISTENT WITH CHAPTER 103 SECTION 8:411 OF ANN ARBOR CITY CODE FOR SIX MONTHS FROM AUGUST 6, 2009.**

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

**09-0770** Resolution Establishing the South Fourth and Fifth Avenues Historic District Study Committee

**Sponsors:** Hohnke and Higgins

**A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Resolution be approved as amended. On a voice vote, the Mayor declared the motion carried, with 7 members of Council present.**

Enactment No: R-09-345

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

**None.**

**DS New Business - Staff:**

**DS-2 09-0673** Resolution to Appropriate Funds and Amend the FY10 Stormwater Budget and Approve a Purchase Order with the Washtenaw County Water Resources Commissioner (WCWRC) for Installation and Operation of a Stream Gage at Mary Beth Doyle Park (\$38,500.00) (8 Votes Required)

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

Enactment No: R-09-346

**DS-3 09-0734** Resolution to Approve Fiscal Year 2010 Commercial Solid Waste Fees for Roll-Off Containers

**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-09-347

**DS-4 09-0758** Resolution Accepting Utility Easement from Zion Evangelical Lutheran Church of Ann Arbor 1501 W. Liberty Street (8 Votes Required)

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

Enactment No: R-09-348

**DS-5 09-0752** Resolution Setting a Public Hearing on September 8, 2009 to Receive Public Comment on the Proposed Industrial Development District No. 2009-040 - Anika and Associates, Inc. Located at 3885 Research Park Drive

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

Enactment No: R-09-349

**E COMMUNICATIONS FROM THE MAYOR**

**E-1 09-0772** 8/6/09 Appointments & Nominations

*Employees Retirement System Board of Trustees*

*William Stanford (Replacing- Chris Heatley)  
15664 Walnut Ridge Cir.  
Canton, MI 48187  
Term: August 6, 2009- December 31, 2009  
Approved as a one step process on 8/6/09*

*Energy Commission*

*Ken Wadland (Replacing -Bill Verge)  
208 W. Jefferson  
Ann Arbor, MI 48103  
Term: August 17, 2009-August 17, 2012*

*Historic District Commission*

*Lesa Rozmarek (Replacing- Henry James Henrichs)  
2924 Birch Hollow Apt. 2B  
Ann Arbor, MI 48108  
Term: August 17, 2009-August 17, 2012*

*Park Advisory Commission*

*David Barrett (Re-Appointment)  
1810 Alhambra Dr.  
Ann Arbor, MI 48103  
Term: August 17, 2009- August 17, 2012*

*Public Market Advisory Commission*

*David Barkman (Replacing- Ken King)  
1281 Liebeck Rd.  
Chelsea, MI 48118  
Term: August 17, 2009- August 17, 2012*

**A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Appointment be Approved. On a voice vote, the Mayor declared the motion carried.**

**E-2 09-0813** Nominations and Appointments - Confirmations

*Parks Advisory Commission*

*Doug Chapman (Replacing -Brigit Macomber)  
1611 E. Stadium Blvd.  
Ann Arbor, MI 48104  
Term: Sept. 8, 2009-Sept. 8, 2012*

**F COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

*None.*

**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 Greden, 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 09-0761** Communication from Conlin, McKenney & Philbrick, P.C. regarding notice of intent to establish a condominium project at 116 West Liberty - Planning and Development Services
- H-2 09-0766** Communication from Washtenaw County regarding 2009 Washtenaw County Home Toxics Collection Hours - File
- H-3 09-0773** Communication from Fifth Avenue Limited Partnership regarding plan for a portion of the 400 block of South Fifth Avenue - Planning and Development Services
- H-4 Communication from Sharon Burack regarding protest of Molin Park Rezoning. See File 09-0667 for copy of letter.)

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

- I-1 09-0767** Washtenaw Area Transportation Study (W.A.T.S.) minutes of June 4, 2009
- I-2 09-0769** Ann Arbor Housing Commission Meeting Minutes - July 22, 2009

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

1. Thomas Partridge - Council Rules

*Thomas Partridge, Scio Township resident, addressed Council regarding the Council Rules. He said that priority should be given to important items on an agenda for all City Council meetings.*

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

A motion was made by Councilmember Rapundalo, seconded by Councilmember Derezinski, that the 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 9:56 p.m.

**Yeas:** 9 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, and Councilmember Derezinski

**Nays:** 0

**Absent:** 2 - Councilmember Taylor, and Councilmember Hohnke

**MEETING RECONVENED**

A motion was made by Councilmember Derezinski, seconded by Councilmember Briere, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 10:15 p.m.

**ADJOURNMENT**

A motion was made by Councilmember Rapundalo, seconded by Councilmember Anglin, that the meeting be Adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:15 p.m.

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

**LIVE: MONDAY, AUGUST 17, 2009 7:00 P.M.**

**REPLAYS: TUESDAY, AUGUST 18, 2009 10:30 A.M. AND FRIDAY, AUGUST 21, 2009 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 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.