



City of Ann Arbor

Meeting Minutes

City Council

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

Monday, December 17, 2007

7:00 PM

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

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:09 p.m.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

Present: 11 - 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, Councilmember Mike Anglin, and Councilmember Sabra Briere

APPROVAL OF AGENDA

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

INT INTRODUCTIONS

INT-1 07-0878 Legislative Annual Update - Kirk Profit

Kirk Profit, of GCSI, gave an update to Council on the current events in Lansing. He said that the State introduces more than 4,000 bills annually and appropriates 42 billion dollars annually. The creativity of the City Council and the City of Ann Arbor is what GCSI would like to take to Lansing on the City's behalf.

Mr. Profit explained that it has been a difficult year for the State Legislature and how term limits continue to have a negative impact on government operations. Mr. Profit provided an update regarding revenue sharing and budget. He added that legislators are unlikely or less likely to go into a November Election year with unresolved budgets and unresolved tax codes so the issue may be resolved sooner next year.

Mr. Profit encouraged the City to continue to do what they've done in the past as this Council is very effective and can have a strong voice.

ORGANIZATION OF NEW COUNCIL

1. 07-0859 Adoption of Council Rules

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

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. Paul Morel - Crary Park Donation (DC-3)

Paul Morel, 703 Berkshire Rd., spoke in support of the proposed donation of the Crary Park to the City of Ann Arbor.

2. John Nystuen - Doug Crary (DC-3)

John Nystuen, 1016 Olivia, spoke in support of the proposed donation of the Crary Park to the City of Ann Arbor.

3. Barbara Stark-Nemon - Crary Park Donation (DC-3)

Barbara Stark-Nemon, 1922 Day St., spoke in support of the donation of the Crary Park to the City of Ann Arbor.

4. Kristin Tomey - Backyard Chicken Farming

Kristin Tomey, 337 Beaks St., addressed Council regarding support of backyard chicken farming and eating locally produced foods.

5. Thomas Partridge - Give the Ultimate Holiday Gift. Help build a caring, sharing, progressive democratic society. Support John Edwards for President.

Thomas Partridge, 4220 Eyrie Dr., asked that everyone give the ultimate holiday gift. Help build a caring, sharing, progressive democratic society by supporting John Edwards for President.

6. Mario Brennan - Comcast Community Network (DC-2)

Mario Brennan, 516 Gott St., spoke in opposition of the channel changes proposed by Comcast for the Community Television Network.

7. John Floyd - 202 Division Proposed Hotel (C-1)

John Floyd, 519 Sunset Rd., asked that 202 Division St. be developed under the existing zoning, not under the proposed PUD.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**PH-1 07-0678** Public Hearing on Housing and Human Services Needs

Gary Bell, 5807 Cedar Ridge, director of SOS, spoke in support of Housing and Human Service needs provided by the City of Ann Arbor. He thanked the Council for its past support of SOS.

Barbara Neice, director of Safehouse, thanked Council for their help with homelessness and provided resources to those in need within the City.

Julie Steiner, 502 Sunset, director of Interfaith Hospitality Network, asked that Council keep the Housing and Human Services plan intact and to remember the "Y" as a place for low-income housing in the downtown.

Thomas Partridge, 4220 Eyrie Dr., said that there is a need to provide leadership regarding human services.

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

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM COUNCIL

Councilmember Easthope - AAPS Foundation

Councilmember Easthope passed out literature regarding the Ann Arbor Public Schools Educational Foundation. He said that the foundation is planning a fund raiser for Ann Arbor Public Schools and asked that Council spread the word and donate if they could.

Councilmember Higgins - UM Stadium construction

Councilmember Higgins thanked the City Administrator and other city staff for working with Councilmembers Teall and Higgins regarding the UM Stadium construction, including communicating to residents affected in that area.

Councilmember Kunselman - Council Rule 15

Councilmember Kunselman asked if Council Rule 15 requires that the Finance and Labor Committee report information to City Council. He expressed concern that he has not received information/communications from that committee. He asked if the City Attorney could clarify this rule for him.

REPORTS FROM COUNCIL COMMITTEES

Cable Commission

Councilmember Higgins stated that a resolution from the Cable Commission opposing the channel changes initiated by Comcast would be presented to Council for their consideration at tonight's meeting.

A APPROVAL OF COUNCIL MINUTES**Passed on consent agenda**

A motion was made by Councilmember Greden, seconded by Councilmember Teall, that the minutes of December 3 and 10, 2007 be approved as presented. On a voice vote, the Mayor declared the motion carried.

- A-1 07-0879** Regular Session Minutes of December 3, 2007
- A-2 07-0971** Working Session Minutes of December 10, 2007

CA CONSENT AGENDA**Passed on consent agenda**

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

- CA-1 07-0682** Resolution to Approve an Amendment to the Services Agreement with Haengel & Associates Engineering, Inc. (\$29,171.00) for Material Testing Services for the Recycle Rule Compliance Project
Enactment No: R-07-593
- CA-2 07-0691** Resolution Authorizing Sanitary Sewer and Water Improvement Charges for 788 Arlington Boulevard (\$29,071.00)
Enactment No: R-07-594
- CA-3 07-0827** Resolution to Extend the Contract with Rantoul Truck Center, LLC., for the Rental of Five Rear Load Refuse Trucks to Complete the Fall Leaf Collection Program (\$7,500.00)
Enactment No: R-07-595
- CA-4 07-0828** Resolution to Authorize a Purchase Order to Michigan Waterworks, Inc., to Purchase Services and Materials for Emergency Repairs to Water Mains (\$50,000.00)
Enactment No: R-07-596
- CA-5 07-0870** Resolution to Amend Previously Approved Resolution R-07-561 Authorizing Sanitary Sewer Improvement Charge for 127 S. Wagner Road (\$4,835.60)
Enactment No: R-07-597
- CA-6 07-0686** Resolution to Accept Board of Insurance Administration Meeting Minutes of November 16, 2007
Enactment No: R-07-598

- CA-7 07-0808** Resolution to Amend Resolution R-07-461 to Approve the Sale of 1315 S. Seventh from Child and Family Services - Huron Service for Youth d/b/a HelpSource to Washtenaw Community Health Organization and to Approve the Assumption of a \$50,000.00 HOME Mortgage, Note and Housing Affordability Agreement

Enactment No: R-07-599

- CA-8 07-0866** Resolution to Approve the Transfer of Ownership of a 2006 Class C Liquor Licensed Business, Located in Escrow at 50 E. North Territorial, Suite A, in Whitmore Lake, MI 48189, Northfield Township, from Northfield Road House, Inc. to Whole Foods Market Group, Inc.; and Transfer Location to 3135 Washtenaw - D/B/A Whole Foods

Enactment No: R-07-600

B ORDINANCE - SECOND READING

None.

C ORDINANCE - FIRST READING

- C-1 07-0867** An Ordinance to Repeal Chapter 14, Purchasing Contracting and Selling Procedure, of Title I of the Code of the City of Ann Arbor and Replace it with a new Chapter 14, Purchasing, Contracting and Selling Procedure of Title I of the Code of the City of Ann Arbor

A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Ordinance be Approved on First Reading to the City Council and should be returned by 1/7/2008. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-07-61

- C-2 07-0596** An Ordinance to Amend to Chapter 55, Rezoning of 0.20 Acre from C2A/R (Commercial/Residential District) to PUD (Planned Unit Development) District, 202 South Division Street (CPC Recommendation: Motion to Approve Failed - 4 Yeas and 4 Nays)

A motion was made by Councilmember Higgins, seconded by Councilmember Easthope, that the Ordinance be Approved on First Reading to the City Council and should be returned by 1/22/2008. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-07-62

D MOTIONS AND RESOLUTIONS

D Old Business:

None.

DC New Business - Council:

DC-1 07-1177 Resolution to Reject the 2007 Local Officers' Compensation Committee Salary for Mayor

Sponsors: Easthope

With unanimous consent of Councilmembers Easthope and Briere, this resolution was separated out into three separate resolutions to address the proposed salary increases for the offices of Mayor, Councilmember and Mayor Pro-Tem.

A motion was made by Councilmember Easthope, seconded by Councilmember Briere, that the Resolution be Approved. On a voice vote, the Mayor declared the motion FAILED.

DC-1a 07-1195 Resolution to Reject the 2007 Local Officers' Compensation Committee Salary for Mayor Pro Tem

Sponsors: Easthope

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

Enactment No: R-07-602

DC-1b 07-1194 Resolution to Reject the 2007 Local Officers' Compensation Committee Salary for Councilmembers

Sponsors: Easthope

A motion was made by Councilmember Easthope, seconded by Councilmember Briere, that the Resolution be Approved. On a voice vote, the Mayor declared the motion FAILED.

Added After Newspaper Deadline:

DC-2 07-1188 Resolution to Request Preservation of the Existing Channel Locations for the Public, Educational, and Government Access Channels Known as PEG

Sponsors: Higgins and Suarez

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

Enactment No: R-07-603

DC-3 07-1186 Resolution to Accept the Donation of The Douglas D. Cray Trust Property Located at 1805 Washtenaw Avenue for a Neighborhood Park, Appropriate Funds in the Amount of \$25,000.00 to Cover Closing and Due Diligence Costs, and Name the Park "Cray Park" (8 Votes Required)

Sponsors: Lowenstein

Councilmember Higgins was absent at 8:58 p.m.

A motion was made by Councilmember Lowenstein, seconded by Councilmember Rapundalo, 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-07-604

DB New Business - Boards and Commissions:

- DB-1 07-0826** Resolution to Approve Ann Arbor Township Annexations (62 Properties) (CPC Recommendation: Approval - 9 Yeas and 0 Nays)
- A motion was made by Councilmember Briere, seconded by Councilmember Rapundalo, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-07-605

DS New Business - Staff:

- DS-1 07-0683** Resolution to Approve Professional Services Agreement with CDM Michigan Inc. for the Lime Feed System Improvements Project (\$523,163.00)
- Councilmember Higgins returned at 9:00 p.m.*
- A motion was made by Councilmember Teall, seconded by Councilmember Lowenstein, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-07-606

- DS-2 07-0689** Resolution to Approve the Lease - Purchase of Two Frontload Refuse Trucks from Bell Equipment Company with Financing from 1st Source Bank (\$470,712.08)
- 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.**

Enactment No: R-07-607

- DS-3 07-0825** Resolution to Approve Amendment No. 1 to Contract with Earth Tech, Inc. for the Provision of Environmental Consulting Services for Broadway Village at Lowertown (\$49,662.00)(8 Votes Required)
- Councilmember Greden recused himself from discussion and voting on this resolution due to conflict of interest.*
- A motion was made by Councilmember Lowenstein, seconded by Councilmember Teall, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried with ten members seated, thus satisfying the eight-vote requirement.**

Enactment No: R-07-608

- DS-4 07-0830** Resolution to Approve a Payment in Lieu of Taxes (PILOT) for Pear Street Apartments Limited Dividend Housing Association Limited Partnership at 1440 Pear Street
- 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-07-609

- DS-5 07-0831** Resolution to Approve Street Closings for the 2008 Ann Arbor Summer Festival's "Top of the Park" - June 9 through July 8, 2008
***Staff to provide the amount of the waiver of the right of way rental fees to Council.*
- A motion was made by Councilmember Kunselman, seconded by Councilmember Briere, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-07-610
- DS-6 07-0865** Resolution to Extend Deadline for Urban County Task Force Recommendation
- 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.**
- Enactment No: R-07-611
- DS-7 07-0690** Resolution No. 3 Setting a Public Hearing on January 7, 2008 to Receive Public Comment on the Proposed Wagner Road Improvements Special Assessment
- A motion was made by Councilmember Teall, seconded by Councilmember Lowenstein, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-07-612
- DS-8 07-0869** Resolution to Approve a Lease Agreement with Dan-Man I, L.L.C., for 15th Judicial District Court Probation Department Offices (\$53,500.08) (8 Votes Required)
- A motion was made by Councilmember Briere, seconded by Councilmember Easthope, 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-07-613
- DS-9 07-0673** Resolution of Support for DDA Curb Ramp Replacement Project and to Amend the Approved FY 2007/08 DDA Budget and Appropriate for Expenditure Necessary Funds for the Project (\$1,860,000.00) (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-07-614

E COMMUNICATIONS FROM THE MAYOR

***Mayor Hieftje announced that the Governor has issued an executive order creating the Michigan Climate Action Council. It includes the directors of several departments; Department of Environmental Quality, Department of Agriculture, Department of Labor and Economic Growth, the Department of Management and Budget, Department of Natural Resources, the President of the Michigan Strategic Fund, chairperson of the Michigan Public Service Commission and the State Climatologist, along with 27 other residents of the state of Michigan. The committee has one year to deliver a report of recommendations for the State.*

E-1 07-1190 Appointment - Confirmations

Approved: Historic District Commission and Human Rights Commission

E-2 07-1191 Appointments - Nominations

Nominations: Board of Canvassers, Housing and Human Services Advisory Board, and Human Rights Commission

Mayor Hieftje noted a correction to the 2008 City Council Committee Appointments. The Ann Arbor Public Schools Liaison should have been Councilmember Kunselman.

F COMMUNICATIONS FROM CITY ADMINISTRATOR

***City Administrator Fraser announced that Fire Fighters have been raising money for Bikes for Tots. The presentation of those bicycles will take place December 18, 2007 at 5:30 p.m. at Fire Station 1. Council was invited to attend the event and show their support. He also wished everyone Happy Holidays.*

F-1 07-0678 Public Hearing on Housing and Human Services Needs

F-2 07-0861 A2D2 (Ann Arbor Discovering Downtown) - Implementation Update

Filed.

G COMMUNICATIONS FROM CITY ATTORNEY

***City Attorney Postema informed Council and the public that the proposed salary amounts presented by the Local Officers Compensation Committee cannot be debated by the Council. Adjustments can not be made. Council only has the option to reject the proposal.*

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

- H-1 07-0873 Communication from S.E.M.C.O.G. regarding their Regional Update Publication, Vol. 12, No. 24 - 11/19/07
- H-2 07-0874 Comcast Communication regarding Channel Line Up changes for Channels 16, 17, 18 and 19 - cc. CTN
- H-3 07-0875 Communication from Governor Granholm regarding the Michigan Renewable Resources Act
- H-4 07-0876 Communication from Pittsfield Charter Township regarding a Public Hearing on Valley Ranch Business Park
- H-5 07-0877 Communication from Comcast regarding NOGGIN & The N networks separating into two 24-hour services - cc: CTN
- H-6 07-0881 2007 Local Officers Compensation Commission Determination
- H-7 07-0883 Objection to Proposed Rezoning of Lower Burns Park Neighborhood, Dated November 27, 2007 and Received from Todd A. Wyett, President of Touchstone Corp. - cc. Planning and Development Services
- H-8 07-0885 Communication dated November 27, 2007 from Michigan Department of Treasury, Frederick Headen, Director, Bureau of Local Government Services regarding Fiscal Distress Indicator Score for the City of Ann Arbor - cc: Tom Crawford, CFO
- H-9 07-1182 Communication from Transwestern Investment Company regarding a Request from ProQuest to Establish an Industrial Development District at 777 and 789 Eisenhower Parkway - cc: City Assessor, Finance
- H-10 07-1189 Communication from Sean Bennette regarding City Human Rights enforcement performance and reliability
- H-11 07-1192 Communication from Peter and Henrietta Heydon regarding opposition of the proposed 202 South Division Street PUD Zoning District - cc: Planning and Development Services
- H-12 07-1193 Communication from Comcast regarding expansion of service center hours at the Ann Arbor Service Center on Washtenaw Avenue - File
Filed.
- I The following minutes were received for file:**
- I-1 07-0731 Ann Arbor Downtown Development Authority Minutes - October 3, 2007
- I-2 07-0732 Ann Arbor Downtown Development Authority Mid-Year Retreat Minutes - October 16, 2007
- I-3 07-0832 Greenbelt Advisory Commission Minutes - July 9, 2007 and September 5, 2007

I-4 07-0852 Ann Arbor Housing Commission Minutes - October 24, 2007

I-5 07-0882 Local Officers Compensation Commission - November 15 and December 5, 2007

Filed.

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Ann Arbor Resident - Comcast

A resident of 430 Kellogg St., spoke in opposition of the proposed changes to the CTN channels on Comcast Cable.

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

None.

07-1198 Resolution to settle Litigation Case No. 07888CH - City of Ann Arbor v. Alpha Tau Omega Beta Lambda Alumni Association

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.

Enactment No: R-07-615

ADJOURNMENT

A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the meeting be Adjourned. On a voice vote, the Mayor declared the motion carried and meeting adjourned at 9:22 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, DECEMBER 17, 2007, 7:00 P.M.

REPLAYS: TUESDAY, DECEMBER 18, 2007, 10:00 A.M.

FRIDAY, DECEMBER 21, 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.