



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
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Meeting Minutes Park Advisory Commission

Wednesday, August 8, 2012

3:30 PM

City Hall, 301 E. Huron Street

A CALL TO ORDER

Chair Grand called the meeting to order at 3:35 p.m.

B ROLL CALL

Colin Smith called the roll.

Staff Present:

C. Smith, J. Straw, D. Borneman, S. Bahl, M. Fales; 5

Present: 9 - Timothy Berla, Chair Julie Berson Grand, Mike Anglin, Christopher Taylor, Karen Levin, Tim Doyle, Ingrid Ault, Alan Jackson, and Bob Galardi

Absent: 2 - John McCoy Lawter, and Douglas Chapman

C APPROVAL OF AGENDA

A motion was made by RAC Rep. Berla, seconded by Levin, that the Agenda be Approved. On a voice vote, the Chair declared the motion carried.

D PUBLIC COMMENTARY - (3 Minutes per Speaker)

Diane Giannola, 3252 Alpine Drive, spoke against the Resolution to Order Election and to Determine Ballot Questions for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land.

Nancy Schiffler, Chair of the Huron Valley Group of the Sierra Club, spoke in support of the Resolution to Order Election and to Determine Ballot Questions for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land.

Rita Mitchell, spoke in support of the Resolution to Order Election and to Determine Ballot Questions for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land.

Sally Hart Petersen, 2976 Hickory Lane, spoke in support of the Resolution to Order Election and to Determine Ballot Questions for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land.

Gwen Nystuen, 1016 Olivia Avenue, spoke in support of the Resolution to Order Election and to Determine Ballot Questions for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land.

Andy Buchsbaum, 1715 David Court, spoke against the Resolution to Order Election

and to Determine Ballot Questions for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land.

Linda Pedrick, 654 Greenhills Drive, spoke in support of the Resolution to Order Election and to Determine Ballot Questions for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land.

George Gaston, 1217 Island Drive, # 103, spoke in support of the Resolution to Order Election and to Determine Ballot Questions for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land.

Nancy Kaplan, City resident, spoke in support of the Resolution to Order Election and to Determine Ballot Questions for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land.

Kittie Morelock, 1050 Wall Street, # 6F, spoke against the Resolution to Order Election and to Determine Ballot Questions for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land.

James D'Amour, 2771 Maplewood Avenue, asked the Commission to proceed carefully and take into consider additional measures to protect the City's parkland.

E SPECIAL PRESENTATIONS

Councilmember Jane Lumm provided a presentation of the proposed Resolution to Order Election and to Determine Ballot Question for Charter Amendment Requiring Voter Approval of Long-Term Non-Park and Non-Recreational Uses of Park Land as sponsored by Councilmember Anglin, Briere and herself.

Councilmember Sabra Briere, presented her concerns with the Commission.

F NEW BUSINESS

12-1023

Resolution to Order Election and to Determine Ballot Question for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land

Question and Answer period pursued related to the proposed Resolution to Order Election and to Determine Ballot Question for Charter Amendment Requiring Voter Approval of Long Term Non Park or Non Recreational Uses of Park Land.

Mary Fales, Senior Assistant City Attorney, was present to respond to the Commission's questions.

The Commission took action on the following resolution:

Resolution to Order Election and to Determine Ballot Question for Charter Amendment Requiring Voter Approval of Long Term Non Park or Non Recreational Uses of Park Land

Whereas, Michigan law authorizes a City to sell land designated as a park in the City's Master Plan with voter approval;

Whereas, Michigan law authorizes a City to sell the same land without voter approval if it is removed from the City's Master Plan;

Whereas, In November 2008, electors amended section 14.3(b) of the Ann Arbor City Charter to require voter approval for the sale of any land within the City purchased, acquired or used for parkland regardless of whether it is or is not part of the City's Master Plan;

Whereas, The 2008 charter amendment provides protection for parkland and a public process requirement prior to any parkland being placed on an election ballot only in the event of a sale, but does not address or protect parkland where ownership of the parkland is retained by the City but the fundamental use of or ability to use the property for park or recreational purposes is diminished under a long term contractual arrangement;

Whereas, The voter approval of sale requirement as enacted was not intended to permit the City to constructively circumvent the requirement through long term utilization of parkland acquired to provide accessible recreation, enrichment, and leisure opportunities for the Ann Arbor community in a manner that is inconsistent with municipal stewardship of the park, recreation and open space system; and

Whereas, It is appropriate to assure citizens a voice in the decision making process of the development of park, recreation and open space system where new uses could significantly impact park and recreation services.

RESOLVED, That the Ann Arbor City Council propose that Section 14.3(b) of the City Charter be amended as follows:

Limitations on Contractual Power

Section 14.3

(b) The City shall not sell, lease, or contract for any non park or non recreational long term use, without the approval, by a majority vote of the electors of the City voting on the question at a regular or special election, any City park, or land in the City acquired for park, cemetery, or any part thereof. For purposes of this subsection long term shall be defined as a period greater than 5 years.

RESOLVED, That November 6, 2012 is designated as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the Clerk shall transmit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and shall perform all other acts required by law for holding the election;

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form:

ANN ARBOR CITY CHARTER AMENDMENT REQUIRING VOTER APPROVAL OF NON PARK OR NON RECREATIONAL USES OF LAND ACQUIRED OR USED AS PARKLAND

Shall Section 14.3(b) of the Ann Arbor City Charter be amended to require voter approval for long term (greater than 5yrs) Non Park or Non Recreational Uses of Parkland within the City while retaining the Section's current requirement for voter approval of the sale of any City park, or land acquired by the City for a park or cemetery?

- Yes
- No

RESOLVED, That the proposed Charter amendment and proposed ballot questions shall be published in full not fewer than two times in the Washtenaw Legal News and posted to the City's website;

RESOLVED, That if the amendment is adopted, it shall take effect on January 1, 2013.

Sponsored by: Councilmembers Lumm, Anglin and Briere

Motion made by Doyle, seconded by Berla, that PAC vote on the proposed [Resolution to Order Election and to Determine Ballot Question for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park Land] amendment to Section 14.3(b) of the City Charter.

(b) The City shall not sell, lease, or contract for any non park or non recreational long term use, without the approval, by a majority vote of the electors of the City voting on the question at a regular or special election, any City park, or land in the City acquired for park, cemetery, or any part thereof. For purposes of this subsection long term shall be defined as a period greater than 5 years.

On a voice vote, the Chair declared the motion failed.

Yeas: 0

Nays: 7 - RAC Rep. Berla, Chair Berson Grand, Levin, Doyle, Ault, Jackson, and Galardi

Absent: 2 - Lawter, and Chapman

Councilmember Taylor said that as he has heard the concerns of the PAC body as they relate to the proposed resolution; that they have concerns with the grey areas, unintended consequences, and who is the arbiter of non-park, non-recreation land.

Doyle added that other issues included timing of the resolution to go on the ballot and the lack of public input.

The Commission felt it would be good to have a PAC member to go before City Council at their next meeting, when they would take action on the resolution, to convey PAC's concerns and reason for voting down the resolution. Jackson volunteered to speak on behalf of the Commission.

G PUBLIC COMMENTARY - GENERAL (3 Minutes per Speaker)

H CLOSED SESSION

I TRANSMITTALS

J ADJOURNMENT

A motion was made by Galardi, seconded by Jackson, that the Meeting be Adjourned. On a voice vote, the Chair declared the motion carried.

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