

City of Ann Arbor

100 N. Fifth Avenue
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>



Action Minutes

Monday, October 5, 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 7:04 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: 10 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Leigh Greden, 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 Marcia Higgins

APPROVAL OF AGENDA

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

INT INTRODUCTIONS

INT-1 09-0987 Proclamation for Co-Op Month October 2009

Mayor Hieftje read a proclamation declaring October Co-op Month. Cooperatives are a unique form of collaborative business where members own, use, and run their own businesses, not for profit, but for the collective good of members. There are 48,000 cooperative businesses in the United States, serving their 120 million members in nearly every sector of the economy, including, but not limited to: agriculture, finance, child care, energy, housing, food, education, retail, and more. A copy of the proclamation is on file in the City Clerk's Office.

INT-2 09-0989 Status of the State of Michigan Budget (Roger Fraser, City Administrator)

Rebekah Warren, State Representative, addressed Council regarding the State of Michigan's Budget. Representative Warren said that the State is facing very serious financial times in Lansing. She talked about some of the budget issues in Lansing and her vote on those issues in support of local government and the issues important to the City of Ann Arbor. Ms. Warren passed out a Revenue Sharing Payments to the City of Ann Arbor statement to Council, which 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. Thomas Partridge - DB-1, DC-1

Thomas Partridge - 4220 Eyrie Dr., addressed Council regarding giving priority to affordable housing, public transportation, and health care to the most vulnerable of people.

2. Robert Snyder - Parking meters in residential neighborhoods (DC-4)

Robert Snyder, 525 Elm Street, addressed Council regarding parking meters in residential neighborhoods. He said that there are already some meters on residential streets. The impression is not one that depicts a stable residential neighborhood, but instead is one suggesting a transition from residential to future commercial, which is already a danger on parts of First and Ashley Streets. He added that neighborhood associations urged Council to give consideration to and endorsement of Councilmember Smith's proposal regarding parking meters on tonight's agenda.

3. Raymond Detter - Neighborhoods and the Downtown (DC-4)

Raymond Detter, 120 N. Division, representing the Downtown Citizen's Advisory Council, addressed Council regarding neighborhoods in the downtown. He said that the Advisory Council joined with other neighborhood associations surrounding the downtown to discuss the extension of parking meters in residential neighborhoods. They expressed that parking needs to be a part of a clear unified, goal-oriented transportation system. He urged Council's support of downtown neighborhoods. He asked that Council support Councilmember Smith's proposed resolutions regarding parking meters.

4. James D'Amour - By-right development approval

James D'Amour, 2771 Maplewood, read a statement to Council regarding by-right development approval. He urged Council to consider the health, safety and welfare of residents before approving a project as a by-right that may have detrimental effects on the City, including disturbance to residents and natural features.

5. Alan Haber - A2 Commons Library Lot

Alan Haber, 531 Third Street, addressed Council regarding the library lot. He reminded Council that there is another possibility for the space on the library lot and that would be to create a public gathering space for the residents of Ann Arbor.

6. John Etter - Public Trust

John Etter, 101 N. Main, representing Sloan Plaza Condominium Association, addressed Council regarding public trust. He said that Council knows how to win the public's trust because they all have been elected and in most cases reelected. He added that Council also knows that the public's trust can be lost. Mr. Etter went on to state that D2 / D1 zoning for the downtown area near Sloan Plaza should be reconsidered and in order to keep the people's trust, there needs to be more transparency in the process.

7. Henry Herskovitz - Palestine

Henry Herskovitz, 404 Mark Hannah, addressed Council regarding Palestine and asked Council to try and visualize the issue of the point of view of the displaced tortured Palestinians.

8. Joey Juanica - Protest on campus

Joey Juanica, 920 Baldwin Avenue, addressed Council regarding warnings and violations given out during the weekend of September 25, 2009, in response to student tailgate activities in the State Street area. He expressed concern that the City Police were trying to ban all tailgating in Ann Arbor. Mr. Juanica added that he has organized a protest on behalf of the University of Michigan Students to be held on October 16, 2009.

9. Abhishek Mahangi - President of the Michigan Student Assembly - Tailgating ban

Abhishek Mahangi, 214 Packard, President of the Michigan Student Assembly, addressed Council regarding the tailgating ban. He and the Michigan Student Assembly are willing to work with the City Council and the Police to ensure that students are able to safely tailgate in Ann Arbor. He also stated he is looking forward to working more with Council on mutual issues in the future.

10. Aaron Miller - Introduce himself as the new City Council Rep from U of M

Aaron Miller, 1312 Forest Court, Introduced himself as the new City Council Liaison of the Michigan Student Assembly. He explained that he would be attending future Council meetings and meeting with councilmembers to discuss concerns of students at the University, and to talk about ways to increase the links between Ann Arbor and the Campus community. Mr. Miller said that he hoped that the Assembly and the Council could work together to bring change and improve the quality of student life in Ann Arbor.

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER HOHNKE*

Councilmember Hohnke said that the United States Congress has declared October as National Arts and Humanities Month. He reminded the public of the impact here in Washtenaw County where the arts contributes \$165 million to the local economy and has created over 2500 jobs. He encouraged all to go out to the Kerrytown Concert House, the Michigan Theater, the Ann Arbor Hands On Museum or the stores of other arts organizations in the community.

Councilmember Hohnke also noted that the Ann Arbor Skate Park Committee hosted a field trip to the Farmington Hills Skate Park. He informed the public that on October 18, 2009, there will be a design workshop in the cafeteria of Slauson Middle School, starting at 2 p.m. If interested, a gathering will take place at 1:30 p.m. to walk the site of the future skate park on the northwest corner of Veterans Memorial Park.

COUNCILMEMBER ANGLIN

Councilmember Anglin gave an update to Council on the new Ann Arbor Skate Park. He said that he and a group of people visited the skate park in Farmington Hills to gather ideas for Ann Arbor's skate park.

COUNCILMEMBER RAPUNDALO

Councilmember Rapundalo responded to comments made regarding the tailgate ban. He said that he received a number of calls on this issue and in making inquiries with the police; there is no ban on tailgating and no shift in policy. Instead, the police have identified an acute public safety issue in that specific geographic location and are working within long standing city regulations to address those specific safety issues in that area. The main concern is about the safety of the students. Some of the behavior is worrisome and they did give notice not only to tenants in homes, but to the landlords as well because there may be some liability issues. The goal was not to ban all tailgating.

He added that the City is willing to work with all relevant stakeholders to ensure that there is a level of understanding and education about the rules and regulations are and why they are being enforced.

MAYOR HIEFTJE

Mayor Hieftje said that he spoke with Councilmember Higgins this evening before the meeting as well as talking with Councilmembers Briere and Anglin at last night's caucus regarding the design guidelines and they all would like to see a mandatory review and a review panel that would include both experts and residents. Mayor Hieftje added that the A2D2 Design Guidelines public hearing is not a required public hearing, but is one that staff wanted to have in order to solicit input. The public hearing for the Design Guidelines will be kept open until the first meeting in November. If people speak at tonight's public hearing, they are not allowed to speak in November.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 09-0920

Public Hearing on A2D2 Downtown Design Guidelines

A public hearing was conducted on the proposed A2D2 Downtown Design Guidelines. Notice of public hearing was published October 1, 2009. Mayor Hieftje announced that the public hearing will be continued on November 5, 2009.

Peter Nagourney, 114 Lincoln, asked that the original guidelines that residents contributed to be considered.

Kim Kachadoorian, 204 E. Davis, representing the South Main Neighborhood Association, said that a panel review board is needed as part of the guidelines.

Ethel Potts, 1014 Elder Blvd., spoke in opposition of the proposed guidelines and added that a design review process should be mandatory in the guidelines.

Eileen Tyler, 126 N. Division, spoke in opposition of the proposed guidelines and asked that Council postpone approval until the review board language is added to the guidelines.

Raymond Detter, representing the Citizens Advisory Council, said that the guidelines are essential to zoning in Ann Arbor.

John Floyd, 519 Sunset Rd., said that the guidelines are not useful in their current form and that they don't have enforcement provisions.

Chris Crocket, member of the original design review committee, said that a citizen advocate committee should also be included.

Betsy Price said that she read the 2007 proposed guidelines and urged Council to put teeth into the process. She added that this is an opportunity to shape what happens in the City in the future.

Eric Lipson, 1318 Rosewood, said that enforcement of the guidelines and a review committee should be added to the current proposed guidelines.

Alan Haber, 531 Third Street, said that enforcement must be a part of the design guidelines.

Peter Pollack, 515 Detroit Street, said that it is critical to review the language from various points of view.

There being no further comment, the Mayor declared the hearing continued to November 5, 2009.

COMMUNICATIONS FROM COUNCIL

Mayor Hieftje thanked City residents for their input into the A2D2 Zoning and design guidelines process.

A APPROVAL OF COUNCIL MINUTES

- A-1 09-0956** City Council Work Session of September 14, 2009 and Regular Session of September 21, 2009
- A motion was made by Councilmember Teall, seconded by Councilmember Smith, that the work session minutes of September 14 and the regular session minutes of September 21, 2009, be approved as presented. On a voice vote, the Mayor declared the motion carried.**

CA CONSENT AGENDA

CONSENT AGENDA ITEM REMOVED

With unanimous consent of Council, the following item was removed from the Consent Agenda and placed at the end of same:

CA-1 Resolution to Approve a Professional Services Agreement for Professional Engineering Services with Fishbeck, Thompson, Carr & Huber, Inc. for the Sylvan Avenue Permeable Pavement Project (RFP No. 738, \$54,271.69)

Passed on consent agenda

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

- CA-2 09-0850** Resolution to Approve Purchase of Anhydrous Ammonia (NH3) for Water Treatment from Tanner Industries, Bid No ITB-4043 (\$36,000.00 annually)
- Enactment No: R-09-400
- CA-3 09-0946** Resolution Recognizing Ann Arbor Cooperative Nursery School as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License
- Enactment No: R-09-401
- CA-1 09-0810** Resolution to Approve a Professional Services Agreement for Professional Engineering Services with Fishbeck, Thompson, Carr & Huber, Inc. for the Sylvan Avenue Permeable Pavement Project (RFP No. 738, \$54,271.69)
- Council requested that staff provide additional information regarding the cost differential between permeable and regular street surfacing materials.*
- A motion was made by Councilmember Teall, seconded by Councilmember Greden, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-402

B ORDINANCES - SECOND READING

Old Business:

- B-1 09-0719** An Ordinance to Amend Sections 9:260, 9:261, 9:262 and 9:263 of Chapter 115, Weapons and Explosives (Replica/Toy Guns), of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-09-26)
- A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the ordinance be adopted at second reading.**
- Enactment No: ORD-09-26
- A motion was made by Councilmember Briere, seconded by Councilmember Rapundalo, that the Ordinance be laid on the table. On a voice vote, the Mayor declared the motion carried.**

C ORDINANCES - FIRST READING

None.

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1 09-0925** Resolution to Approve Agreement with Clarion Associates for Integration and Clarification of Zoning and Land Use Ordinances (\$122,480.00 Project Budget)
- Sponsors:** Higgins and Rapundalo
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Greden, that the resolution be approved.**
- Enactment No: R-09-403
- A motion was made by Councilmember Smith, seconded by Councilmember Rapundalo, that the Resolution be amended as follows:**
- First Resolved Clause:**
- RESOLVED, That City Council establish a project budget of \$122,480.00 as follows:**
- | | |
|---------------------|------------------------------------|
| Planning Consultant | \$97,480.00 |
| Legal Services | [\$20,000.00] 15,000.00 |
| Contingency | [\$5,000.00] 10,000.00 |
| TOTAL: | \$122,480.00 |
- On a voice vote, the Mayor declared the motion carried.**
- [] Indicate deleted language**

- 09-0925** Resolution to Approve Agreement with Clarion Associates for Integration and Clarification of Zoning and Land Use Ordinances (\$122,480.00 Project Budget)
- Sponsors:** Higgins and Rapundalo
- The question being, the motion made by Councilmember Rapundalo, seconded by Councilmember Greden, that the Resolution be approved as amended, on a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-403
- DC-2 09-0951** Resolution to Approve the Request to Transfer all Stock in a 2008 Resort Class C Liquor Licensed Business from Max & Erma's Restaurants, Inc., located at 445 E. Eisenhower Parkway, Suite 1 - D/B/A Max and Erma's
- Sponsors:** Council Liquor License Review Committee
- Enactment No: R-09-412
- DC-3 09-0980** Resolution to Establish a Sandwich Sign Board Task Force
- Sponsors:** Smith, Hohnke, Greden, Briere and Anglin
- A motion was made by Councilmember Hohnke, seconded by Councilmember Briere, that the Resolution be approved as amended.**
- A friendly amendment was made that the committee include a member of the Commission on Disability Issues and a member of the Sign Board of Appeals.**
- On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-404
- DC-4 09-0981** Resolution to continue the Moratorium on the Installation of New Parking Meters
- Sponsors:** Smith, Hohnke, Briere and Anglin
- A motion was made by Councilmember Smith, seconded by Councilmember Hohnke, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-405
- DC-5 09-0982** Resolution to Permit Home Football Game Parking in Frisinger Park
- Sponsors:** Smith, Hohnke, Briere and Anglin
- Deleted from agenda.**
- DB New Business - Boards and Commissions:**

DB-1 09-0923 Resolution to Approve Participation Agreement with Webster Township and Appropriate \$590,257.00 from Open Space and Parkland Preservation Millage Bond Proceeds (8 Votes Required)

A motion was made by Councilmember Hohnke, seconded by Councilmember Greden, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously with ten members present.

Enactment No: R-09-406

DS New Business - Staff:

DS-1 09-0918 Resolution Setting a Public Hearing on the Application of Intergrated Sensing Systems, Inc., for Industrial Facilities Exemption Certificate in Industrial Development District 2009-040

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

Enactment No: R-09-407

DS-2 09-0921 Resolution to Approve a Contract with Doan Construction Co. (Bid No. ITB 4045 - \$520,000.00) for ADA Corner Ramp Replacements

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-09-408

DS-3 09-0905 Resolution to Approve the Purchase Ice Control Salt through Michigan Delivering Extended Agreements Locally (MDEAL) FY09/10 from Detroit Salt (\$43,780.00) and North American Salt (\$331,260.00)

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

Enactment No: R-09-409

DS-4 09-0857 Resolution Authorizing a Contract with Premier Truck Sales & Rentals, Inc. for the Rental of Six Rear Load Refuse Trucks (\$82,500.00)

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-09-410

E COMMUNICATIONS FROM THE MAYOR

E-1 09-0942

Appointments - Confirmations

*Approved:**Ann Arbor Commission on Disability Issues**Helen Meador (Re-Appointment)**PO Box 7488**Ann Arbor, MI 48107**Term: October 5, 2009 - October 5, 2012**Ann Arbor Building Authority**Anthony Ramirez (Re-Appointment)**920 E. Ann St.**Ann Arbor, MI 48104**Term: October 5, 2009 - June 30, 2015**Douglas Smith (Re-Appointment)**510 Eberwhite**Ann Arbor, MI 48103**Term: October 5, 2009 - June 30, 2015*

A motion was made by Councilmember Taylor, seconded by Councilmember Smith, that Council concur with the recommendations of the Mayor. On a voice vote, the Mayor declared the motion carried.

E-2 09-0988 Appointments - Confirmations

Mayor Hieftje placed the following nominations on the table for approval at a later date:

Downtown Area Citizens Advisory Council

*Paul Dannels (Filling vacancy)
203A East Washington
Ann Arbor, MI 48104
Term: October 19, 2009-October 19, 2012*

*Raymond Detter (Re-appointment)
120 N. Division
Ann Arbor, MI 48104
Term: October 19, 2009-October 19, 2012*

*Herbert Kaufer, MD (Re-appointment)
209 E. Washington St., Ste.#300
Ann Arbor, MI 48104
Term: October 19, 2009-October 19, 2012*

*Jane M. Kaufer (Re-appointment)
209 E. Washington St., Ste.#300
Ann Arbor, MI 48104
Term: October 19, 2009-October 19, 2012*

Mayor Hieftje announced that the following boards and commissions had vacancies and urged interested residents to apply:

*Sign Board of Appeals
Cable Communications Commission
Taxicab Board*

COMMUNICATIONS FROM COUNCIL

None.

F COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Roger Fraser informed Council of a work session scheduled for October 12, 2009 at 7:00 p.m. in the Council Chamber to discuss the Main Street Biz Initiative, Fuller Intermodal Transportation Station Concept Plan and Single Stream Recycling.

G COMMUNICATIONS FROM THE CITY ATTORNEY

City Attorney Stephen Postema thanked staff for all of their hard work on the Clarion Project.

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

- H-1 09-0947** Communication from Comcast regarding enhancing their network in Ann Arbor - CTN
- H-2 09-0950** Communication from Attorney General Mike Cox regarding City of Ann Arbor proposed charter amendments for the November 3, 2009 General Election - File

I The following minutes were received for file:

- I-1 09-0789** City Planning Commission Minutes of June 16, 2009
- I-2 09-0865** Council Liquor License Review Committee - August 7, 2009
- I-3 09-0879** Greenbelt Advisory Commission Minutes of July 8, 2009
- I-4 09-0902** Recreation Advisory Commission Minutes - June 2, 2009
- I-5 09-0903** Parks Advisory Commission Minutes - April 21, 2009; May 19, 2009; June 16, 2009; July 21, 2009, August 18, 2009
- I-6 09-0917** Airport Advisory Minutes - July 15, 2009
- I-7 09-0937** Ann Arbor Housing Commission Regular Board Meeting Minutes - August 19, 2009
- I-8 09-0938** City of Ann Arbor Employees' Retirement System Minutes for Regular Meeting - August 20, 2009
- I-9 09-0939** City of Ann Arbor Retiree Health Care Benefit Plan & Trust Board of Trustees Minutes - August 20, 2009
- I-10 09-0952** City Election Commission - July 14, 2009

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

None.

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

A motion was made by Councilmember Derezinski, seconded by Councilmember Smith, that Council enter into Closed session to discuss pending litigation, attorney/client privileged communication and/or land acquisition. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting adjourned at 9:03 p.m.

Yeas: 10 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Nays: 0

Absent: 1 - Councilmember Higgins

MEETING RECONVENED

A motion was made by Councilmember Teall, seconded by Councilmember Taylor, that the meeting be reconvened. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:57 p.m.

09-0992

Motion to direct the City Attorney to Act in Accordance with the Recommendation Outlined in Closed Session of October 5, 2009 in the Federal Court Case of Daniel Perach v Craig Lee - Case No. 13754.

A motion was made by Councilmember Derezinski, seconded by Councilmember Rapundalo, that City Council direct the City Attorney to Act in Accordance with the Recommendation Outlined in Closed Session of October 5, 2009 in the Federal Court Case of Daniel Perach v Craig Lee - Case No. 13754. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-09-411

ADJOURNMENT

A motion was made by Councilmember Teall, seconded by Councilmember Rapundalo, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:58 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, OCTOBER 5, 2009; 7:00 P.M.

**REPLAYS: TUESDAY, OCTOBER 6, 2009; 10:00 A.M. AND FRIDAY
OCTOBER 9, 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.

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary