

City of Ann Arbor

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



Action Minutes

Monday, December 20, 2010

7:00 PM

G. C. Larcom, Jr. Municipal Building, 100 N. Fifth Avenue, 2nd Floor

City Council

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:10 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 - John Hieftje, Councilmember Stephen Rapundalo, Councilmember Stephen Kunselman, 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 Anglin, that the Agenda be Approved as presented. On a voice vote, the Mayor declared the motion carried.

INT INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

*** (SPEAKERS ARE NOT PERMITTED TO GRANT THEIR RESERVED TIME TO AN ALTERNATE SPEAKER)**

*** ACCOMMODATIONS CAN BE MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

1. David Sponseller - Long Range Transportation Plans

Not present.

2. Lily Au - Ann Arbor Housing Situation

Lily Au, 682 Peninsula, serenaded Council regarding the homeless situation in Ann Arbor.

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER TAYLOR*

Councilmember Taylor updated Council on the status of the Mutually Beneficial Committee with the DDA. He stated the parcel-by-parcel plan is nearly ready for Council consideration. An H-item, H-7 from the Committee, is part of the Council packet this evening. H-7 is an announcement and the expectation is that the plan will come to Council on January 18, 2011.

COUNCILMEMBER SMITH

Councilmember Smith stated she attended the most recent Human Rights Commission meeting. The Commission discussed equality in marriage and also saw a presentation from UM students regarding privacy issues. Her participation on the committee is the first for a councilmember in a number of years.

Councilmember Smith announced that the US Senate repealed "Don't Ask, Don't Tell" for the military and it is ready for the President's signature.

COUNCILMEMBER ANGLIN

Councilmember Anglin expressed concerns about a statement regarding the DDA sheltering the Council from the public. He stated this is not the case and the public is welcome to contact Council even in a circumstance related to the downtown.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR*CHROMIUM 6 ARTICLE ON ANNARBOR.COM*

City Administrator Roger Fraser updated Council and the public regarding an article on AnnArbor.com indicating that a national environmental watch group issued a study suggesting that the City of Ann Arbor has high levels of Chromium-6 in the drinking water. The following report by the City's Water Treatment Manager was read by Mr. Fraser:

Today the Environmental Working Group (EWG), a non-profit environmental group, released results of a study they completed on the occurrence of hexavalent chromium (also known as "Chromium-6"). Hexavalent chromium is not a regulated contaminant, but is being considered for regulation by the state of California. EWG reportedly analyzed drinking water from 35 cities nationwide, and detected hexavalent chromium in 31 of those cities, including Ann Arbor. The study reports hexavalent chromium in Ann Arbor at 0.21 parts per billion.

Total chromium, which includes hexavalent and trivalent forms of chromium, is a regulated contaminant under the Safe Drinking Water Act. The maximum allowable level of total chromium in the finished drinking water is 100 parts per billion. The City is required to test its finished water for total chromium every 9 years. However, the City tests the water for chromium on an annual basis. Results from the last three annual samples were less than the EPA-approved minimum detection limit (currently set at 2 parts per billion). Samples below the minimum detection limit are considered "non-detected".

If the City detected total chromium, follow-up samples would be taken to determine the levels of hexavalent and trivalent chromium.

The City was not contacted by EWG to participate in the study or to supply a water sample. It is unknown where EWG collected the water sample(s).

While hexavalent chromium can come from man-made sources, it can also be naturally occurring at low levels.

BUDGET WORKING SESSIONS

Mr. Fraser suggested that the Council consider the following dates for budget working sessions in January and February:

January 24 and 31; February 14 and 28

PARKS AND RECREATION

Mr. Fraser announced that the parks facilities are open over the holidays and encouraged folks to come out and visit the parks. He also stated that the golf courses are closed for the season, but noted that the 2010 season had one of the highest seasons for rounds of golf at both Huron Hills and Leslie Park Golf Courses.

PEPSI REFRESH GRANT

Mr. Fraser reminded the public that the organizers of the Ann Arbor Skate Park are competing for a Pepsi Refresh Grant. Supporters can vote for the project once per day in the month of December. Currently, the skate park proposal is 20th nationally.

CHRISTMAS TREES

Mr. Fraser reminded Council and the public that Christmas trees are no longer collected curbside for recycling. He stated residents have several options for disposal of Christmas trees; they can be dropped off at the drop-off station on Ellsworth until January 31 or saved for bundled compost collection in the Spring.

CITY HALL HOLIDAY SCHEDULE

Mr. Fraser announced that City Hall would be closed for the Christmas holiday on Friday, December 24 and from 12:00 p.m. to 5:00 p.m. on Thursday, December 23. The closure would not affect trash and recycling collection. The same Thursday, Friday closure schedule would apply the following week for the New Year's holiday; trash collection would also not be affected that week either.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

Present: 11 - John Hieftje, Councilmember Stephen Rapundalo, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor and Councilmember Carsten Hohnke

PH-1 10-1228

An Ordinance to Amend Section 10:1a of Chapter 126, Traffic (Adoption of Motor Vehicle Code and Uniform Traffic Code), of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-10-39)

A public hearing was conducted on the proposed Ordinance to Amend Section 10.1a of Chapter 126, Traffic (Adoption of Motor Vehicle Code and Uniform Traffic Code), of Title X of the Code of the City of Ann Arbor (Ordinance NO. ORD-10-39). Notice of public hearing was published December 16, 2010.

Charles Loucks, 2957 Leslie Park Circle, spoke in favor of the proposed ordinance, stating he had successfully fought a ticket with the City of Ann Arbor after it was issued not in compliance with the Motor Vehicle Code.

Jim Walker, of the National Motorists Association, spoke in support of the proposed ordinance. He stated the 85th percentile is needed for setting speed limits.

A teacher and Safe Schools representative from Clague Middle School expressed concern about increasing the speed limit on Nixon Road near Clague Middle School.

Erica Briggs of the Washtenaw Bicycling and Walking Coalition spoke in opposition to the proposed ordinance. She stated the WBWC has always supported local control of speed limits. She urged Council to continue to work with the Michigan Municipal League on this issue.

Bruce Geffen, a teacher at Clague Middle School, expressed concern with the proposed ordinance and the effects it will have on the Nixon Road crosswalk that is utilized by young students.

Karen Morehead of the Washtenaw Bicycling and Walking Coalition expressed concern about a speed limit increase on Nixon Road near Clague Middle School.

Tom Wieder spoke in support.

David Sponseller spoke in support.

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

Held and Closed

COMMUNICATIONS FROM COUNCIL

PETER POLLACK

Councilmember Higgins regrettably informed Council and the public that Peter Pollack, a local citizen and community volunteer/activist, would not be continuing as a member of the A2D2 Design Guidelines Committee due to his deteriorating health. She praised Mr. Pollack for his many years of dedicated service to the community.

A APPROVAL OF COUNCIL MINUTES

A-1 10-1309 Working Session of November 4, 2010 and Regular Session of December 6, 2010

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Minutes of the Working Session of November 4, 2010 and the Regular Session of December 6, 2010 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 Higgins, 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 10-1171 Resolution Authorizing Sanitary Sewer and Water Improvement Charges for 1718 Newport Creek (\$11,908.00)

Enactment No: R-10-445

CA-2 10-1217 Resolution to Acknowledge Changes to Michigan Election Law that Govern City Council Candidate Filing Deadlines

Enactment No: R-10-446

CA-3 10-1236 Resolution to Approve a Traffic Signal Installation, Maintenance and Repair Agreement with the Board of Regents of the University of Michigan

Enactment No: R-10-447

CA-4 10-1244 Resolution to Accept Board of Insurance Administration Meeting Minutes of November 18, 2010

Enactment No: R-10-448

B ORDINANCES - SECOND READING

B-1 10-1228 An Ordinance to Amend Section 10:1a of Chapter 126, Traffic (Adoption of Motor Vehicle Code and Uniform Traffic Code), of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-10-39)

A motion was made by Councilmember Hohnke, seconded by Councilmember Derezinski, that the Ordinance be Adopted at Second Reading.

Enactment No: ORD-10-39

A motion was made by Councilmember Derezinski, seconded by Councilmember Rapundalo, that the Ordinance be Amended as follows:

Section 10:1a

(2) Effective January 1, 2011, the City of Ann Arbor adopts by reference the Michigan Uniform Traffic Code for Cities, Townships and Villages, R 28.1001 et seq., of the Michigan Administrative Code and as subsequently amended TO THE EXTENT NOT IN CONFLICT WITH EXISTING OR FUTURE ORDINANCES AND REGULATIONS OF THE CITY. A complete copy of the code is available to the public for inspection in the Office of the Ann Arbor City Clerk. THE CITY'S ADOPTION BY REFERENCE OF THE UTC DOES NOT SIMULTANEOUSLY PROHIBIT THE EXISTENCE, ADDITION, AND ADOPTION OF FURTHER ORDINANCES OR REGULATIONS, PROVIDED SUCH ORDINANCES OR REGULATIONS DO NOT CONFLICT WITH STATE LAW.

(All Caps indicate new language.)

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

The question being, the motion made by Councilmember Hohnke, seconded by Councilmember Derezinski, that the Ordinance be Approved on First Reading and returned for Second Reading on 1/3/2011. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-10-39

C ORDINANCES - FIRST READING

None.

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 10-1313 Resolution of Intent to Create a Joint Corridor Improvement Authority for Washtenaw Avenue

Sponsors: Derezinski and Taylor

Councilmember Derezinski moved, seconded by Councilmember Taylor, that the resolution be approved.

Enactment No: R-10-449

10-1313 Resolution of Intent to Create a Joint Corridor Improvement Authority for Washtenaw Avenue

Sponsors: Derezinski and Taylor

Councilmember Higgins moved that the Resolution be amended as followed:

Delete the 8th Whereas Clause:

Whereas, The Ann Arbor City Planning Commission has begun the process of integrating recommendations from the "Washtenaw Avenue Corridor Redevelopment Strategy" into the City Master Plan;

The amendment was considered friendly.

It was also considered a friendly amendment to change the date of the public hearing to March 7.

Enactment No: R-10-449

A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Resolution be Amended as follows:

Amend 1st Resolved Clause:

RESOLVED, That City Council [endorses] ACCEPTS RECEIPT OF the Washtenaw Avenue Corridor Redevelopment Strategy and its recommendations for land use, transportation improvements, and continued community cooperation;

All Caps indicate new language.
Brackets indicate deleted language.

On a voice vote, the Mayor declared the motion carried with one no-vote by Councilmember Derezinski.

The question being, the motion made by Councilmember Derezinski, seconded by Councilmember Taylor, that the Resolution be Approved as Amended, on a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-449

RECESS

Mayor Hieftje declared a recess at 9:15 p.m. The meeting re-adjourned at 9:25 p.m.

DB New Business - Boards and Commissions:

None.

DS New Business - Staff:

DS-1 10-1218 Resolution to Approve Street Closings for FestiFools Parade - Sunday, April 3, 2011

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

Enactment No: R-10-450

DS-2 10-1219 Resolution to Close N. Fourth Avenue and E. Ann Street for the 16th Annual African-American Downtown Festival, Friday, June 3, 2011 to Saturday, June 4, 2011

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

Enactment No: R-10-451

DS-3 10-1231 Resolution to Approve Notice of Intent to Issue Sewage Disposal System Revenue Bonds (Not To Exceed \$5,000,000.00) (Roll Call Vote Required)

A motion was made by Councilmember Taylor, 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:

Yeas: 10 - Hieftje, Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Taylor and Councilmember Hohnke

Nays: 0

Absent: 1 - Councilmember Derezinski

Enactment No: R-10-452

E COMMUNICATIONS FROM THE MAYOR

F-1 10-1265 Ann Arbor Public Art Commission 2010 Annual Report

Received and Filed

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

H-1 10-1296 Communication from the Michigan Liquor Control Commission (MLCC) regarding an amendment to Section 1111 and Section 1113 of the Michigan Liquor Control Code of 1998 regarding Sunday Sales of alcoholic beverages

H-2 10-1297 Communication from Jackie Zamarron, Tax Abatement Specialist regarding Nano Bio Corporation's request for an industrial development district - Assessor

H-3 10-1298 Communication from Comcast regarding channel line-up changes

H-4 10-1305 Board of Canvassers Report for the November 2, 2010 City Primary Election

H-5 10-1308 Communication from the State of Michigan Public Service Commission regarding notice of hearing for the electric customers of the Detroit Edison Company, Case No. U-16489 scheduled for December 28, 2010 at 9:00 a.m.

H-6 10-1310 Communication from Janis A. Bobrin, Washtenaw County Water Resources Commissioner, regarding notice of Receipt of Petitions

H-7 10-1330 Communication from the Mutually Beneficial Committee

Sponsors: Taylor

I The following minutes were received for file:

I-1 10-1142 Energy Commission October 12, 2010 Minutes

I-2 10-1224 Housing Board of Appeals Minutes - May 5, 2010; July 6, 2010

I-3	10-1226	Zoning Board of Appeals Minutes - July 28, 2010
I-4	10-1257	Ann Arbor Downtown Development Authority Meeting Minutes - November 3, 2010
I-5	10-1258	Downtown Area Citizens Advisory Council Meeting Minutes - November 3, 2010
I-6	10-1263	Park Advisory Commission Minutes - October 19, 2010
I-7	10-1264	Downtown Street Outreach Task Force Minutes from the November 10, 2010 Meeting
I-8	10-1266	Council Liquor License Review Committee - November 3, 2010
I-9	10-1285	Commission on Disability Issues Meeting Minutes - September 15, 2010
I-10	10-1293	GAC Minutes of October 13, 2010

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

None.

CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, INCLUDING BUT NOT LIMITED TO, LABOR NEGOTIATIONS STRATEGY, PENDING LITIGATION, AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (C), (E), AND (H).

A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, that Council enter into Closed Session under the Michigan Open Meetings Act to discuss labor negotiations strategy as set forth in MCLA 15.268 (c). On roll call, the vote was as follows, with the Mayor declaring the motion carried and the meeting recessed at 9:46 p.m.

Yeas: 11 - Hieftje, Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Nays: 0

MEETING RECONVENED

A motion was made by Councilmember Taylor, seconded by Councilmember Smith, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 10:26 p.m.

ADJOURNMENT

A motion was made by Councilmember Kunselman, seconded by Councilmember Smith, that the meeting Adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:27 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, DECEMBER 20, 2010 7:00 P.M.

REPLAYS: TUESDAY, DECEMBER 21, 2010, 10:00 A.M. AND FRIDAY, DECEMBER 24, 2010 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.