

# City of Ann Arbor

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



## Action Minutes

Thursday, November 6, 2008

7:00 PM

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

**City Council**

**CALL TO ORDER**

*Mayor Hieftje called the meeting to order at 7:09 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:** 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 Greden, 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 08-1018 Defeat Diabetes Day Proclamation and National Hospice Month Proclamation**

*Mayor Hieftje read and presented two proclamations honoring Defeat Diabetes Day and National Hospice Month. Keith Copeland accepted the Defeat Diabetes Day proclamation. Gloria Brooks of Arbor Hospice received the National Hospice Month Proclamation. Copies of the proclamations are on file in the City Clerk's Office.*

AAPOA - Recognition of Councilmember Easthope

*Members of the Ann Arbor Police Officers Association presented outgoing Councilmember Chris Easthope with a gift for his years of service as a Councilmember.*

**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**

*None.*

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

- PH-1 08-0868** An Ordinance to Amend Chapter 55, Rezoning of 1.20 Acres from TWP (Township District) to C1 (Local Business District), Penske Truck Leasing, 1621 Plymouth Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-08-35)

*A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of, 1.0 acre from TWP (Township District) to C1 (Local Business District), Penske Truck Leasing property, located at 1621 Plymouth Road. Notice of public hearing was published October 19, 2008. There being no one present for comment, the Mayor declared the hearing closed.*

- PH-2 08-0873** An Ordinance to Amend Section 2:22b of Chapter 27 (Water Service) and 2:42.4 of Chapter 28 (Connection Charges) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-08-36)

*A public hearing was conducted on the proposed amendment to Chapter 27, Section 2:24 B (Water Service) and Chapter 28, Section 2:42.4 (Connection Charges) of Title II of the Code of the City of Ann Arbor. Notice of public hearing was published November 2, 2008. There being no one present for comment, the Mayor declared the hearing closed.*

#### **COMMUNICATIONS FROM COUNCIL**

*COUNCILMEMBER GREDEN - 2008 General Election*

*Councilmember Greden thanked Jacqueline Beaudry and the Clerk's Office staff for their work on the 2008 Presidential Election.*

*COUNCILMEMBER EASTHOPE - 2008 General Election*

*Councilmember Easthope also thanked Jacqueline Beaudry and her staff for the long hours put into the Election this year. He also thanked City Attorney Stephen Postema for the help from his staff with the election as well.*

*COUNCILMEMBER RAPUNDALO – GLENWOOD NON-MOTORIZED PATH*

*Councilmember Rapundalo announced that an informational meeting on the Glenwood non-motorized path will be held in the Tappan Middle School Media Center at 6:30 pm on November 18, 2008.*

#### **A APPROVAL OF COUNCIL MINUTES**

- A-1 08-1004** Work Session of October 13, Regular Session of October 20 and Special Session minutes of October 20, 2008

**A motion was made by Councilmember Easthope, seconded by Councilmember Teall, that the Minutes be approved as presented. On a voice vote, the Mayor declared the motion carried.**

#### **CA CONSENT AGENDA**

*None*

#### **B ORDINANCE - SECOND READING**

- B-1 08-0868** An Ordinance to Amend Chapter 55, Rezoning of 1.20 Acres from TWP (Township District) to C1 (Local Business District), Penske Truck Leasing, 1621 Plymouth Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-08-35)

**A motion was made by Councilmember Lowenstein, seconded by Councilmember Teall, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**

**Published: 11/16/08; Effective 11/26/08**

- B-2 08-0873** An Ordinance to Amend Section 2:22b of Chapter 27 (Water Service) and 2:42.4 of Chapter 28 (Connection Charges) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-08-36)

**A motion was made by Councilmember Teall, seconded by Councilmember Kunselman, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**

**Published: 11/16/08; Effective 1/1/2009**

## **C ORDINANCE - FIRST READING**

- C-1 08-0960** An Ordinance to Amend Chapter 55, Rezoning of 0.57 Acre from P (Parking District) to PUD (Planned Unit Development), Ann Arbor City Apartments, Southeast Corner of West Washington and South First Streets (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

**A motion was made by Councilmember Easthope, seconded by Councilmember Lowenstein, that the Ordinance be approved on First Reading to the City Council and should be returned by 12/1/2008. On a voice vote, the Mayor declared the motion carried.**

**Public hearing scheduled 12/1/08**

Enactment No: ORD-08-37

- C-2 08-0961** An Ordinance to Amend Chapter 55, Rezoning of 0.12 Acre from TWP (Township District) to R1A (Single-Family Dwelling District), Mucha Property, 3094 Newcastle (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

**A motion was made by Councilmember Lowenstein, seconded by Councilmember Greden, that the Ordinance be approved on First Reading to the City Council and should be returned by 12/1/2008. On a voice vote, the Mayor declared the motion carried.**

**Public hearing scheduled 12/1/08**

Enactment No: ORD-08-38

## **D MOTIONS AND RESOLUTIONS**

**DC Old Business - Council:**

- DC-1 08-0766** Resolution to Approve the Transfer of Ownership of a 2008 Class C Liquor Licensed Business, Located in Escrow at 327 Braun, from Eguchi Corporation to KVA, LLC and to Transfer the Location to 800 S. State and a Request for an Outdoor Service Area on a City Sidewalk - D/B/A Quickie Burger

**A motion was made by Councilmember Briere, seconded by Councilmember Rapundalo, that the resolution be approved.**

**A motion was made by Councilmember Kunselman, seconded by Councilmember Teall, that the Resolution be postponed to the City Council and should be returned by 11/17/2008. On a voice vote, the Mayor declared the motion carried.**

**DC New Business - Council:**

- DC-2 08-0940** Resolution to Support Participation in Rails-to-Trails Conservancy's 2010 Campaign for Active Transportation

**Sponsors:** Hieftje

**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 unanimously.**

Enactment No: R-08-453

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

- DB-1 08-0962** Resolution to Approve Participation Agreement with Ann Arbor Township for the Purchase of Development Rights on the William B. Gould Property in Ann Arbor Township and Appropriate Funds for 50% of the Remaining Purchase Price, and Due Diligence and Closing Costs, Not to Exceed the Amount of \$269,000.00 From the Open Space and Parkland Preservation Bond Proceeds

**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-08-454

- DB-2 08-0967** Resolution to Approve Participation Agreement with Ann Arbor Township for the Purchase of Development Rights on the Charles F. Braun and Catherine A. Braun Property and Appropriate Funds for 50% of the Remaining Purchase Price and due Diligence Costs and all of the Closing Costs, not to Exceed the Amount of \$1,368,500 from the Open Space and Parkland Preservation Bond Proceeds

**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-08-455

**DS New Business - Staff:**

- DS-1 08-0948** Resolution to Award a Contract to Sorensen Gross Construction Services, L.L.C. to Construct the Facilities Renovations - Storage Building Demolition and Improvements Project, ITB No. 3971 (\$1,474,000.00)

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

Enactment No: R-08-456

- DS-2 08-0949** Resolution to Approve the Purchase of Water Meters, and Automatic Meter Reading Equipment and Supplies from Elster AMCO Water, Inc. (\$175,000.00)

**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-08-457

- DS-3 08-0956** Resolution to Approve Amendment No. 3 to the Professional Services Agreement with Malcolm Pirnie, Inc. for Design of the Facilities Renovations Project at the Wastewater Treatment Plant (\$244,040.00)

**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-08-458

- DS-4 08-0950** Resolution to Authorize Summary Publication of Ordinance No.08-36 - Connection Charges

**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-08-459

- DS-5 08-0998** Resolution to Amend R-08-120 to Approve the Sale of City-Owned Property Located in the Ann Arbor Tally Hall Condominium to McKinley Inc. for the McKinley Towne Centre - Liberty Retail Development (8 Votes Required)

**A motion was made by Councilmember Teall, seconded by Councilmember Lowenstein, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried.**

**Yeas:** 11 - Mayor Hieftje, Councilmember Suarez, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Kunselman, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Easthope, Councilmember Anglin, and Councilmember Briere

**Nays:** 0

Enactment No: R-08-460

**Added After Newspaper Deadline:**

**DS-6 08-1017** Resolution to Approve the Discharge of Washtenaw Affordable Housing Corporation's Mortgages and to Cancel the Promissory Notes for 5 Trowbridge, 13 Metroview and 723 South Main

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

Enactment No: R-08-461

**E COMMUNICATIONS FROM THE MAYOR**

**E-1 08-0983** Appointment - Confirmations

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

**E-2 08-1024** Nominations & Appointments - Confirmations

**COMMUNICATIONS FROM COUNCIL**

*FAREWELLS*

*Outgoing Councilmembers Easthope, Lowenstein, Kunselman and Suarez gave farewell speeches and were presented with words and gifts of appreciation from the remaining members of Council.*

**F COMMUNICATIONS FROM CITY ADMINISTRATOR**

*Roger Fraser reminded Council of an upcoming work session scheduled for November 10, 2008 at 7:00 p.m. He also recognized the hard work of the City Clerk, her staff, as well as other staff members from all over the organization who volunteered to help out with the 2008 Election.*

**G COMMUNICATIONS FROM CITY ATTORNEY**

*Stephen Postema thanked the City Clerk and her staff for a smooth election. He also recognized Election Commissioner Chief Jones for his work with the election.*

**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 Easthope, 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 08-0952 Communication from County Clerk Lawrence Kestenbaum regarding Washtenaw County Board of Commissioners passing a resolution to accept comments from Washtenaw County Department of Planning and Environment staff on the Ann Arbor Township master Plan Amendment - Planning and Development Services
- H-2 08-0972 Communication from William Sullivan of United Way for Southeastern Michigan regarding Case. No. U-15654 2-1-1 Partnership - File
- H-3 08-0973 Communication from S.E.M.C.O.G. regarding their biweekly publication of SEMCOG, Vol. 13, No.22 October 13, 2008 - File
- H-4 08-0974 Communication from Laurie Blakeney regarding support of the proposed Madison project - Planning and Development Services
- H-5 08-0975 Communication from David Crouse of Sithe Global regarding support of the proposed Madison project - Planning and Development Services
- H-6 08-0976 Communication from the American Civil Liberties Union (ACLU) regarding approval of a Resolution in Support of Freedom of Political Expression - File
- H-7 08-0992 Communication from Michigan Liquor Control Commission (MLCC) regarding Request ID #421465 - approval of outdoor sale, service and consumption of alcoholic liquor on a City sidewalk located at 122 E. Washington d/b/a Amadeus Restaurant - Ann Arbor Police Department
- H-8 08-0993 Communication William Sullivan, Director of 2-1-1 United Way for Southeastern Michigan and Robert Miller, Regional Director of 2-1-1 United Way for Southeastern Michigan regarding an application with the Michigan Public Service Commission (MSPC) requesting to be relieved of the assignment of the telephone digits 2-1-1 and of the designation as the community resource information and referral answering point for Washtenaw and Monroe Counties - File
- H-9 08-0994 Communication from Lawrence Kestenbaum, Washtenaw County Clerk regarding the 2008 Clerk's statement of money to be raised by tax (revised) - File
- H-10 08-1000 Communication from Stewart Beal, President of Beal Properties



regarding support of The Madison proposed project - Planning and Development Services

- H-11 08-1008 Communication from Gale Redding regarding support of the proposed Madison Project - Planning and Development Services.

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

- I-1 08-0939 Zoning Board of Appeals Minutes - April 23, 2008 Organizational Meeting
- I-2 08-0947 Public Market Advisory Commission Minutes - February 21, 2008; March 20, 2008
- I-3 08-0963 Sign Board of Appeals Minutes - November 13, 2007; May 13, 2008; June 10, 2008; July 8, 2008; August 12, 2008
- I-4 08-0969 Parks Advisory Commission Minutes - August 19, 2008
- I-5 08-0980 City of Ann Arbor Employees' Retirement System Minutes - September 18, 2008
- I-6 08-0981 City of Ann Arbor Retiree Health Care Benefit Plan & Trust Minutes - September 18, 2008

**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 Higgins, seconded by Councilmember Lowenstein, that 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 8:45 p.m.

**Yeas:** 9 - Mayor Hieftje, Councilmember Suarez, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Kunselman, Councilmember Greden, Councilmember Teall, Councilmember Anglin, and Councilmember Briere

**Nays:** 2 - Councilmember Higgins, and Councilmember Easthope

**ADJOURNMENT**

A motion was made by Councilmember Lowenstein, seconded by Councilmember Briere, that the meeting be Adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:10 p.m.

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

**LIVE: THURSDAY, NOVEMBER 6, 2008, 7:00 P.M.**

**REPLAYS: FRIDAY, NOVEMBER 7, 2008, 10:00 a.m. and 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.**