

City of Ann Arbor

100 N. Fifth Avenue
Ann Arbor, MI 48104
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Action Minutes

Monday, June 21, 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 7:05 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 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 Briere, seconded by Councilmember Derezinski, that the Agenda be approved with the following changes:

**Move: DS-15 Resolution to Approve Amendment No. 4 to the Option to Purchase Agreement with Village Green Residential Properties LLC (8 Votes Required)
(Consider after Consent Agenda Items)**

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

INT INTRODUCTIONS

INT-1 10-0194 Historic District Commission 2010 Annual Awards

Ellen Ramsburgh, Historic District Commission Vice Chair, and Mayor Hieftje presented the Ann Arbor Historic District Commission's 2010 annual awards, which recognize outstanding examples of building rehabilitation, preservation and adaptive reuse. A list of award recipients 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**

Marcia Higgins arrived at 7:28 p.m.

Present: 11 - Mayor 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

- 1. Thomas Partridge - Fight government discrimination and corruption. Fully fund affordable housing instead of greenbelt developmental rights funding. (DB-3 through DB-8)**

Thomas Partridge, 4220 Eyrie Dr., addressed Council regarding fighting government discrimination and corruption and fully funding affordable housing instead of Greenbelt purchase of development rights funding.

- 2. Beverly Strassman - Historic Preservation Ordinance for 4th & 5th Ave. Historic District (C-5)**

Beverly Strassman, 545 S. Fifth Ave., expressed concern that the proposed Historic Preservation Ordinance for 4th & 5th Avenues did not include the area south of Packard.

- 3. Shirley Zempel - Historic Preservation Ordinance for 4th & 5th Ave. Historic District (C-5)**

Shirley Zempel, 434 S. Fourth Ave., member of the Germantown Neighborhood Association, expressed concern with development in the 5th Avenue area of Ann Arbor.

- 4. Claudius Vincez - Historic Preservation Ordinance for 4th & 5th Ave. Historic District (C-5)**

Claudius Vincez, 545 S. Fifth Ave., said that he is not against historic districts, but expressed concern with the way this historic district was proposed. He stated it was quickly conceived to prevent a particular development.

- 5. Tom Petiet - Ordinance Prohibiting vegetation on extensions**

Tom Petiet, 3211 Packard Road, landlord and owner of 721 Arch St., proposed a revision to an ordinance that prohibits vegetation over a certain height (3ft.) on lawn extensions. He said that we are a tree city and we want to have greenery; there should be another way to prevent blight and sight obstruction without prohibiting natural landscaping.

6. Lily Au - General Housing Situation in Ann Arbor

Lily Au, 682 Peninsula Ct., addressed Council regarding the housing situation in Ann Arbor. She said that the working poor in Ann Arbor have to move to Ypsilanti because they cannot afford to live in Ann Arbor.

7. Vince Caruso - Allen's Creek Watershed Study

Vince Caruso, 556 Glendale Cir., addressed Council regarding the Allen's Creek Watershed Study. He said that the current city-wide watershed study is not adequate, that no over-run flow data is being collected on the study, and yet the Allen's Creek on average has over-land flow every one and a half years.

8. Kathy Griswold - Crosswalk Safety

Kathy Griswold, 3565 Foxhunt Dr., addressed Council regarding the recent press release by the City titled "City of Ann Arbor Making Strides to Ensure Safe Crossing for Pedestrians". She said that the article reveals a superficial understanding of crosswalk practices and laws.

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER TEALL*

Councilmember Teall thanked Tom Petiet for speaking about the current ordinance prohibiting vegetation on lawn extensions. She said this is an issue she would like to see staff address.

COUNCILMEMBER SMITH

Councilmember Smith said that the Residential Parking Permit District in the 4th Ward Resolution is on the agenda this evening. A second district is expected in the S. University neighborhood association at the July 6, 2010 meeting.

COUNCILMEMBER ANGLIN

Councilmember Anglin responded to Vince Caruso's comments regarding the Allen's Creek Watershed. He said that he spoke with other councilmembers and this is an issue that has been around for some time and is of interest to the entire city, in particular to Wards 5 and 1. The issue is that it is the largest watershed and is the least studied. He added that they are working on the watershed effectively, but in order to make it better they have to know the amounts of water flowing through the watershed. Councilmember Anglin said that he would be forwarding information to the rest of Council regarding some of the efforts that have taken place to study the watershed.

COUNCILMEMBER TAYLOR

Councilmember Taylor gave a Park Advisory Commission update. PAC recently considered a resolution regarding the proposed Fuller Road Transit Station. The resolution would be coming to Council soon. PAC expressed concern that its role as an advisory body with respect to the parks system was not being recognized to its satisfaction. PAC members want a measure of consultation/presentation with respect to the proposed usage of the parkland. The resolution urged Council to make the complete plans public when available, urged hearings on the subject and urged Council to ensure that any proposed transit station at that location hold PAC harmless and serve as net revenue plus for the park system.

Councilmember Taylor also updated Council and the public on the Mutually Beneficial Committee. The committee met with the DDA earlier in the month and have set a regular schedule for joint monthly meetings. The DDA's retreat revealed a distaste for the DDA to take on more responsibility for code enforcement and they saw no objection to that. Additional conversations are expected to take place at the staff level at their next meeting about parking responsibilities and work flow responsibilities for parking policy. The retreat also emphasized the DDA's enthusiasm for serving as some measure of a development engine with respect to city-owned parcels within the DDA and they are going to work through those more thoroughly and come to the joint meeting of the two committees with a more complete proposal in the months to come.

COUNCILMEMBER HOHNKE

Councilmember Hohnke said that there is a lot to be done to make Ann Arbor as safe as possible for pedestrians and bicyclists and to promote alternative transportation. He informed the public that an enforcement campaign for crosswalks is underway. The intention is to make people aware that local law requires motorists to yield for pedestrians at crosswalks. They expect through significant community input, some

additional steps soon.

COUNCILMEMBER ANGLIN

Councilmember Anglin said that PAC discussed the Fuller Road Project transparency. He said this project marks the first time that parkland will be used for something different in the city. This upset the stewards of the park system. The Mayor presented his view of the ultimate goal of the Fuller Station, starting with the parking structure and putting requests for funding out for all forms of transportation, including the bus companies, MDOT for trains, etc. Councilmember Anglin said that he saw that PAC members were becoming more educated to the process. He thanked staff for the information they provided.

MAYOR HIEFTJE

Mayor Hieftje wanted to clarify the location of the Fuller Station. The Fuller Station site is located across the street from the Fuller Pool. Back in 1993, the City agreed with the University of Michigan to create a paved parking lot on this site to serve the hospital area. He also stressed that the University's investment would be more than enough to match the federal money that the City is applying for, so the University in effect is taking the place of any city money that might have been needed.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR*2010 PRIMARY ELECTION*

City Administrator Roger Fraser announced that planning for the August 3 Primary Election is ongoing. He stated that absentee ballots for the election are going out in the mail this Wednesday.

2010 SUMMER TAX BILLS

The 2010 Summer Tax bills are being mailed out next week and should arrive in residents' mailboxes in early July. Property taxes can now be paid online at www.a2gov.org/taxpayment and can also be paid by electronic transfer from a checking account at no charge or by credit card with a processing fee. The number to call for questions regarding tax bills is (734) 794-6335.

PICNIC AT GALLUP PARK

Gallup Park hosted the first ever Picnic and Paddle Event with the Ann Arbor Center for Independent Living. It was an opportunity for families and friends of AACIL to enjoy an afternoon on the Huron River and to experience recreational opportunities available for persons with disabilities. Over 200 people attended the event and enjoyed food, paddling instructions, the use of canoes and kayaks throughout the event.

POLICE/COURT BUILDING PROGRESS

Work on the planter that will add greenery along with stairs accessing an emergency exit on the west side of the building along Fifth Avenue is underway. The DDA streetscapes contractor is now working in the area. Inside, work continues on mechanical, electrical, plumbing and dry wall. Ceilings, ceiling grid, painting and bathroom tile are being installed as well. A new fire pump is being tested this week.

There is also a lot of work being done in the base of the Larcom Building. Mechanical and plumbing work is progressing well. There are all sorts of new cement block walls installed reflecting the new layout of the basement. Plumbing and valves installed in 1963 have been replaced and the structural steel for the elevator is complete and they will soon be pouring concrete for each of the landings.

Construction is on schedule and the police and court are expected to move into the building in December.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 10-0253

An Ordinance to Amend Chapter 55, Rezoning of 1.23 Acres from R4C (Multiple-Family Dwelling) to PUD (Planned Unit Development), Heritage Row PUD, 407-437 S. Fifth Avenue (CPC Recommendation: Approval - 6 Ayes, 2 Nays) (Ordinance No. 10-13) (8 Votes Required)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 1.23 acre from R4C (Multiple-Family Dwelling) to PUD (Planned Unit Development), Heritage Row property, located at 407-437 S. Fifth Avenue. Notice of public hearing was published May 20, 2010.

The following people spoke in opposition of the proposed ordinance:

*Thomas Partridge, 4220 Eyrie Dr.
Tom Luczak, 438 S. Fifth Ave.
Patricia Lesko, 817 Brookside
Gwen Nystuen, 1016 Olivia
Rita Mitchell, 621 Fifth St.
Ellen Ramsburgh, 1503 Cambridge
Bob Snyder, 525 Elm St.,
Anne Eisem, 442 S. 4th Ave.
Tom Whitaker, 444 S, Fifth Avenue
Ray Detter, 120 N. Division Apt. 1
Beverly Strassman, 545 S. Fifth Apt. 2
Lou Glorie, 827 Brooks*

The following people spoke in support of the proposed ordinance:

*Kyle Mazurak, from The Chamber of Commerce
Bob Descola, downtown business owner
Joe Ferrario, 2969 Heatherway
Alex deParry, developer of the project, explained the proposal to Council.
Scott Betzholt, 8875 Autumn Tr., engineer of the proposed project also explained the proposal to Council.
David Bierchler, 28021 Southfield Rd., planner of Lathrup Village
Brad Moore, Architect for the project
Johnny Zerman, of Johnny Zerman Architects
Scott Munzel, 121 W. Washington St.
David Peters, Architect
Peter Webster
Betsy deParry
Alex Williams*

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

- PH-2 10-0539** Resolution to Approve the Heritage Row PUD (Planned Unit Development) Site Plan and Development Agreement; 407- 437 South Fifth Avenue (CPC Recommendation: Approval - 6 Ayes, 2 Nays)
- A public hearing was conducted on the proposed Resolution to Approve the Heritage Row PUD (Planned Unit Development) Site Plan and Development Agreement, located at 407- 437 South Fifth Avenue. Notice of public hearing was published June 3, 2010 and June 10, 2010.*

The following people spoke in opposition of the proposed resolution:

*Ray Detter, 120 S. Division Apt. 1
Anne Eisem, 442 S. 4th Ave.*

The following people spoke in support of proposed resolution:

*Alex deParry, owner of the project
Brad Moore
John Zerman*

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

- PH-3 10-0395** Resolution to Approve Glacier Hills Revised Planned Project Site Plan and Development Agreement, 1200 Earhart Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)
- A public hearing was conducted on the proposed Resolution to approve the Glacier Hills Revised Planned Project Site Plan and Development Agreement, located at 1200 Earhart Road. Notice of public hearing was published June 3, 2010 and June 10, 2010.*

There being no one present for comment, the Mayor declared the hearing closed.

RECESS

Mayor Hieftje declared a recess at 9:41 p.m. and reconvened the meeting at 10:00 p.m.

- PH-4 10-0473** An Ordinance to Amend Sections 2:1, 2:3, 2:4, 2:5 and 2:9 of Chapter 26 (Solid Waste Management) of Title II of the Code of the City of Ann Arbor - for Single Stream Recycling (Ordinance No. ORD-10-16)
- A public hearing was conducted on the proposed amendment to Sections 2:1, 2:3, 2:4, 2:5 and 2:9 of Chapter 26 (Solid Waste management) of Title II of the Code of the City of Ann Arbor for Single Stream Recycling. Notice of public hearing was published June 17, 2010.*

There being no one present for comment, the Mayor declared the hearing closed.

- PH-5 10-0557** An Ordinance to Amend Section 1:572(b) of Chapter 18 (Employees Retirement System), Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-10-18)
- A public hearing was conducted on the proposed amendment Section 1:572(b) of Chapter 18 (Employees Retirement System), Title I of the Code of the City of Ann Arbor. Notice of public hearing was published June 17, 2010.*

There being no one present for comment, the Mayor declared the hearing closed.

- PH-6 10-0556** Resolution Confirming Application for, and Acceptance and Appropriation of the 2010 Edward Byrne Memorial Justice Assistance Grant from the United States Department of Justice, Bureau of Justice Assistance to Police Services

A public hearing was conducted on the proposed resolution confirming application for and acceptance and appropriation of the 2010 Edward Byrne Memorial Justice Assistance Grant from the United States department of Justice, Bureau of Justice Assistance to Police Services. Notice of public hearing was published June 3, 2010.

There being no one present for comment, the Mayor declared the hearing closed.

- PH-7 10-0507** Resolution to Approve the Windsong Site Plan and Development Agreement, Valencia Circle (CPC Recommendation: Approval - 6 Yeas, 1 Nay)
- A public hearing was conducted on the proposed Resolution to approve the Windsong Site Plan and Development Agreement, located on Valencia Circle. Notice of public hearing was published June 10, 2010.*

There being no one present for comment, the Mayor declared the hearing closed.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER BRIERE

Councilmember Briere announced that Arizona recently enacted laws that allow the police, if they are questioning individuals for other reasons, to require proof of U.S. citizenship. There has been a flurry of activity at the State of Michigan Legislature to introduce similar legislation in Michigan. Councilmember Briere stated it is likely that she would bring forward a resolution sympathetic to people who oppose such legislation at the State level. She said that asking AAPD to require people to prove citizenship every time they stop anyone they think might not be a citizen would be asking too much of them. It's not in keeping with the way we should expect police to behave, she said.

COUNCILMEMBER ANGLIN

Councilmember Anglin said that a survey regarding the PROS Plan is going out. People may contact the Parks Department to fill out the survey evaluating the parks until the end of the month. There has been close to 600 respondents so far.

A APPROVAL OF COUNCIL MINUTES

- A-1 10-0620** Regular Session Minutes of June 7, 2010

A motion was made by Councilmember Anglin, seconded by Councilmember Derezinski, that the Minutes of June 7, 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 Teall, seconded by Councilmember Higgins, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- CA-1 10-0495** Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Midwestern Consulting, LLC (\$21,650.00) for the Newport Creek Culvert Crossing Project
Enactment No: R-10-202
- CA-2 10-0530** Resolution to Approve a Construction Contract with Four Seasons Roofing & Sheet Metal, LLC for Roof Replacement of Fire Station #6, per ITB-4092 (\$50,200.00) and Approve Project Budget (\$55,220.00)
Enactment No: R-10-203
- CA-3 10-0531** Resolution to Adopt the 2010 State Revolving Fund Project Plan for Sanitary System Improvements
Enactment No: R-10-204
- CA-4 10-0532** Resolution to Approve Purchase of Hydrofluorosilicic Acid for Water Treatment from Alexander Chemical Corp, Bid No. ITB-4096 (estimated \$68,000.00/yr)
Enactment No: R-10-205
- CA-5 10-0561** Resolution to Approve a Contract with Landscape Structures, Inc. to Provide and Install Playground Equipment at Wheeler and Bader Parks (\$48,464.00)
Enactment No: R-10-206
- CA-6 10-0563** Resolution to Approve Interlocal Agreement with Oakland County For Live Scan Automated Fingerprinting System (Palm Scan Devices) (\$3,313.00/annual per unit)
Enactment No: R-10-207
- CA-7 10-0582** Resolution to Approve Temporary Outdoor Sales, Service and Consumption of Alcoholic Beverages during the 2010 Ann Arbor Art Fair
Enactment No: R-10-208
- CA-8 10-0595** Resolution to Approve a Purchase Order with Sehi Computer Products for Ten Panasonic Ruggedized Notebooks for the Fire Department (Not to Exceed \$64,000.00)
Enactment No: R-10-209
- CA-9 10-0610** Resolution to Accept Board of Insurance Administration Meeting Minutes of May 27, 2010
Enactment No: R-10-210
- DS-15 10-0633** Resolution to Approve Amendment No. 4 to the Option to Purchase Agreement with Village Green Residential Properties LLC (8 Votes Required)
A motion was made by Councilmember Taylor, seconded by Councilmember Smith, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried, thus satisfying the eight-vote requirement.

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

Nays: 1 - Councilmember Kunselman

Enactment No: R-10-211

B ORDINANCES - SECOND READING

B-1 10-0253 An Ordinance to Amend Chapter 55, Rezoning of 1.23 Acres from R4C (Multiple-Family Dwelling) to PUD (Planned Unit Development), Heritage Row PUD, 407-437 S. Fifth Avenue (CPC Recommendation: Approval - 6 Ayes, 2 Nays) (Ordinance No. 10-13) (8 Votes Required)

A motion was made by Councilmember Derezinski, seconded by Councilmember Briere, that the ordinance be adopted at second reading.

Enactment No: ORD-10-13

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

Section 2 of the Supplemental Regulations:

...The provisions of these regulations shall apply to the property described as follows, INCLUDING ANY PREVIOUSLY APPROVED DEVELOPMENT FOR THE PROPERTY: ...

Note: All CAPS indicate new language.

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

The Mayor declared a recess at 11:32 p.m. and reconvened the meeting at 11:42p.m.

A motion was made by Councilmember Kunselman, seconded by Councilmember Hohnke, that the Ordinance be postponed until 7/6/2010. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 5 - Mayor Hieftje, Councilmember Kunselman, Councilmember Briere, Councilmember Smith and Councilmember Taylor

Nays: 6 - Councilmember Rapundalo, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Derezinski and Councilmember Hohnke

The question being the ordinance as amended, on a roll call, the vote was as follows with the Mayor declaring the motion defeated, having not met the eight-vote requirement:

Yeas: 7 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Higgins, Councilmember Teall, Councilmember Smith, Councilmember Derezinski and Councilmember Taylor

Nays: 4 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere and Councilmember Hohnke

Enactment No: ORD-10-13

DB-1 10-0539 Resolution to Approve the Heritage Row PUD (Planned Unit Development) Site Plan and Development Agreement; 407- 437 South Fifth Avenue (CPC Recommendation: Approval - 6 Ayes, 2 Nays)

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

B-2 10-0473 An Ordinance to Amend Sections 2:1, 2:3, 2:4, 2:5 and 2:9 of Chapter 26 (Solid Waste Management) of Title II of the Code of the City of Ann Arbor - for Single Stream Recycling (Ordinance No. ORD-10-16)

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

DS-10 10-0627 Resolution to Authorize Summary Publication of Ordinance No. 10-16 to Amend Chapter 26 of Title II of the Code of the City of Ann Arbor

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

Enactment No: R-10-212

B-3 10-0557 An Ordinance to Amend Section 1:572(b) of Chapter 18 (Employees Retirement System), Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-10-18)

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

DS-1 10-0613 Resolution Authorizing Summary Publication of Ordinance No. ORD-10-18 Amending Section 1:572(b) of Chapter 18, Title I of the Code of the City of Ann Arbor to Increase Non -Union Employees Contributions to the City of Ann Arbor Employees Retirement System

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-10-213

C ORDINANCES - FIRST READING

C-1 10-0513 An Ordinance to Amend Section 5:131 of Chapter 57 (Subdivision and Land Use Control) of Title V of the Code of the City of Ann Arbor Regarding Fee Reimbursement Policy (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-10-19)

A motion was made by Councilmember Teall, seconded by Councilmember Taylor, that the Ordinance be Approved on First Reading and should be returned by 7/6/2010 for a second reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-10-19

- C-2 10-0515** An Ordinance to Amend Section 5:136(2) of Chapter 57 (Subdivision and Land Use Control) of Title V of the Code of the City of Ann Arbor Regarding Requirements for Display of Plans Under Review (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-10-20)

A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that the Ordinance be approved on First Reading and should be returned by 7/6/2010 for a second reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-10-20

- C-3 10-0550** An Ordinance to Amend Chapter 55, Rezoning of 10.0 Acres from TWP (Township District) to PL (Public Land District), Dicken Woods Nature Area, Southeast Corner S. Maple Road and Pauline Boulevard (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

A motion was made by Councilmember Teall, seconded by Councilmember Higgins, that the Ordinance be approved on First Reading and should be returned by 7/19/2010 for a second reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-10-21

- C-4 10-0609** An Ordinance to Amend Section 10:148 of Chapter 126 (Traffic), of Title X of the Code of the City of Ann Arbor (Deleted from Agenda)

Sponsors: Hohnke and Hieftje

This item was deleted from the agenda.

- C-5 10-0562** An Ordinance to Amend Chapter 103 (Historic Preservation) by Adding Section 8:425.15, the South Fourth and Fifth Avenue Historic District, of Title VIII of the Code of the City of Ann Arbor (Ordinance No. ORD-10-22)

A motion was made by Councilmember Hohnke, seconded by Councilmember Anglin, that the Ordinance be approved on First Reading to the City Council and should be returned on 7/6/2010 for a second reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried

Yeas: 8 - Mayor Hieftje, Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Taylor and Councilmember Hohnke

Nays: 3 - Councilmember Rapundalo, Councilmember Higgins and Councilmember Derezinski

Enactment No: ORD-10-22

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1 10-0634** Resolution to Approve a Residential Parking District in the Old Fourth Ward and Appropriate General Fund Unobligated Fund Balance (\$20,985.00) (8 Votes Required)

Sponsors: Smith and Briere

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 unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-10-214

Old Business - Boards and Commissions:

- DB-2 10-0395** Resolution to Approve Glacier Hills Revised Planned Project Site Plan and Development Agreement, 1200 Earhart Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

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

Enactment No: R-10-215

DB New Business - Boards and Commissions:

- DB-3 10-0564** Resolution to Approve Grant Application to the Federal Farm and Ranch Land Protection Program (FRPP) for the Purchase of Development Rights (PDR) on the Rose Ann Geiger Trust and Nancy Geiger Trust in Salem Township (8 Votes Required)

A motion was made by Councilmember Hohnke, seconded by Councilmember Teall, 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-10-216

- DB-4 10-0565** Resolution to Approve Grant Application to the Federal Farm and Ranch Land Protection Program (FRPP) for the Purchase of Development Rights (PDR) on the Rose Ann Geiger Trust and Nancy Geiger Trust in Northfield Township (8 Votes Required)

A motion was made by Councilmember Hohnke, seconded by Councilmember Briere, 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-10-217

- DB-5 10-0566** Resolution to Approve Grant Application to the Federal Farm and Ranch Land Protection Program (FRPP) for the Purchase of Development Rights (PDR) on the Wayne E. and Arlene D. De Forest in Salem Township (8 Votes Required)

This item was deleted from the agenda.

DB-6 10-0567 Resolution to Approve Grant Application to the Federal Farm and Ranch Land Protection Program (FRPP) for the Purchase of Development Rights (PDR) on the Lee A. Maulbetsch Trust and Lori M. Maulbetsch Trust Farm in Northfield Township (8 Votes Required)

A motion was made by Councilmember Hohnke, seconded by Councilmember Teall, 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-10-218

DB-7 10-0568 Resolution to Approve Grant Application to the Federal Farm and Ranch Land Protection Program (FRPP) for the Purchase of Development Rights (PDR) on the J.A. Bloch Company Property in Northfield Township (8 Votes Required)

A motion was made by Councilmember Hohnke, seconded by Councilmember Taylor, 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-10-219

DB-8 10-0580 Resolution to Approve Grant Application to the Federal Farm and Ranch Land Protection Program (FRPP) for the Purchase of Development Rights (PDR) on the Betty Nollar Property in Northfield Township (8 Votes Required)

A motion was made by Councilmember Hohnke, seconded by Councilmember Briere, 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-10-220

DB-9 10-0507 Resolution to Approve the Windsong Site Plan and Development Agreement, Valencia Circle (CPC Recommendation: Approval - 6 Yeas, 1 Nay)

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

Enactment No: R-10-221

DS New Business - Staff:

DS-2 10-0547 Resolution to Approve Purchase of Quicklime for Water Treatment from Carmeuse Lime Inc; Beachville Bid No. ITB-4095 (estimated \$651,000.00/yr)

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

Enactment No: R-10-222

DS-3 10-0523 Resolution to Award a Construction Contract to Inland Waters Pollution Control, Inc. for the Northside Sanitary Submain Lining Project (\$369,892.55; Bid No. ITB-4064)

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

Enactment No: R-10-223

- DS-4 10-0537** Resolution to Award a Contract for the 2010 Sanitary Sewer Manhole Replacement Project to CI Contracting Inc. (\$216,945.00)
- A motion was made by Councilmember Smith, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-10-224
- DS-5 10-0543** Resolution to Award a Contract for the Ann Arbor-Saline Road Pedestrian Bridge Replacement to CI Contracting Inc. (\$181,291.00)
- 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-10-225
- DS-6 10-0533** Washtenaw Avenue Non-Motorized Path Project Special Assessment Resolution No. 2
- 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-10-226
- DS-7 10-0553** Resolution to Purchase 0.13 and 0.27 Acre Parcels on Chalmers Drive and Appropriate \$10,000.00 from Sanitary Fund and \$10,000.00 from Stormwater Fund (8 Votes Required)
- 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 unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-10-227
- DS-8 10-0555** Resolution to Authorize the Purchase of LED Cobra Head Streetlight Fixtures from Lumecon (\$163,437.50) ITB-4081
- 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-10-228
- DS-9 10-0556** Resolution Confirming Application for, and Acceptance and Appropriation of the 2010 Edward Byrne Memorial Justice Assistance Grant from the United States Department of Justice, Bureau of Justice Assistance to Police Services
- A motion was made by Councilmember Teall, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-10-229

DS-11 10-0558 Resolution to Accept a 2008 Michigan Citizen Corps Program Pass-Through Grant Award, Approve the 2008 Michigan Citizen Corps Program Pass-Through Award and Appropriate the Funds to the Office of Emergency Management. (Not to Exceed \$4,369.00 during October 1, 2009 to September 30, 2010) (8 Votes Required)

A motion was made by Councilmember Taylor, seconded by Councilmember Anglin, 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-10-230

DS-12 10-0560 Resolution Setting a Public Hearing on July 6, 2010 to Receive Public Comment on the Proposed Industrial Development District No. 2010-010 (Green Road Assoc.)

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

Enactment No: R-10-231

DS-13 10-0577 Resolution to Approve the Renewal Contracts with Blue Cross Blue Shield of Michigan to Provide Health Care Coverage to City Employees and Retirees and their Dependents and Authorize the City Administrator to Execute the Necessary Documentation (\$1,288,076.00)

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

Enactment No: R-10-232

DS-14 10-0578 Resolution to Approve the New Contract with EyeMed Vision Care to Provide Vision Coverage to City Employees and their Dependents and Authorize the City Administrator to Execute the Necessary Documentation (\$211,376.00)

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-10-233

Present: 10 - Mayor 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

DS-16 10-0589 Resolution Accepting Easement for Permanent Drainage from Allan F. Newman (Newport Creek Culvert Construction Project) (8 Votes Required)

A motion was made by Councilmember Briere, seconded by Councilmember Smith, 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-10-234

- DS-17 10-0599** Resolution Granting Easement for Permanent Drainage to Washtenaw County Water Resources Commissioner within West Park (8 Votes Required)
- A motion was made by Councilmember Anglin, seconded by Councilmember Hohnke, 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-10-235
- DS-18 10-0611** Resolution Accepting Easement for Pedestrian Access on Geddes Road from St. Paul's Evangelical Lutheran Church (Earhart/Geddes Road project) (8 Votes Required)
- A motion was made by Councilmember Derezinski, 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-10-236
- DS-19 10-0612** Resolution Accepting Easement for Road Right-of-Way on Earhart and Geddes Roads from Concordia University (Earhart/Geddes Road project) (8 Votes Required)
- A motion was made by Councilmember Derezinski, 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-10-237
- DS-20 10-0471** Resolution Accepting Easement for Pedestrian Access on Geddes Road from Concordia University (Earhart/Geddes Road Project) (8 Votes Required)
- 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 unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-10-238
- DS-21 10-0486** Resolution Accepting Easement for Road Right-of-Way on Earhart Road from Concordia University (Earhart/Geddes Road Project) (8 Votes Required)
- 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 unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-10-239
- DS-22 10-0485** Resolution Accepting Easement for Storm Drainage on Geddes Road from Concordia University (Earhart/Geddes Road Project) (8 Votes Required)
- A motion was made by Councilmember Derezinski, 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-10-240

E COMMUNICATIONS FROM THE MAYOR

Present: 11 - Mayor 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

E-1 10-0607 Appointment Confirmations

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the June 7, 2010 regular session of Council:

Historic District Commission

*Thomas M. Stulberg replacing-Sarah Wallace (Shotwell)
1202 Traver St.
Ann Arbor, MI 48105
Term: June 21, 2010- June 21, 2013*

Planning Commission

*Eric Mahler Re-appointment
3267 Turnberry Lane
Ann Arbor, MI 48108
Term: June 21, 2010-June 30, 2013*

A motion was made by Councilmember Derezinski, 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 10-0647 Appointments & Nominations

NOMINATION

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

Ann Arbor Energy Commission

*Mike Delaney (Re-Appointment)
1541 Covington Dr.
Ann Arbor, MI 48103
Term: July 6, 2010-July 6, 2013*

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER TAYLOR*

Councilmember Taylor announced that the Mutually Beneficial Committee would like to meet with Council on July 6, 2010 at 6 p.m. Information regarding the meeting would be given to Council at a later date.

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

None.

G COMMUNICATIONS FROM THE CITY ATTORNEY

Assistant City Attorney Kevin McDonald, on behalf of City Attorney Postema, acknowledged the good work of City Attorney staff as well as Public Services staff for working on the eight easements presented tonight to Council for consideration.

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

- H-1 10-0615** Communication from Comcast regarding a name change of Digital Classic to Digital Preferred and a late fee charge increase from \$7.00 to \$8.00.
- H-2 10-0616** Communication from DTE Energy regarding negotiations currently underway at their company with Local 223 of the Utility Workers Union of America (UWAW) - File
- H-3 10-0617** Communication from the State of Michigan regarding DTE Company public hearing notice on Case No. U-16263 scheduled for June 15, 2010 and Case No. u15768 scheduled for June 22, 2010 - File

I The following minutes were received for file:

- I-1 10-0490** GAC Minutes of February 10, 2010
- I-2 10-0596** GAC Minutes of March 10, 2010
- I-3 10-0597** GAC Minutes of April 14, 2010
- I-4 10-0602** Ann Arbor Downtown Development Authority Meeting Minutes - May 5, 2010
- I-5 10-0603** Downtown Area Citizens Advisory Council Minutes - May 5, 2010
- I-6 10-0606** Taxicab Board Meeting Minutes - April 22, 2010
- I-7 10-0630** Budget Committee meeting minutes of June 8, 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).

None.

ADJOURNMENT

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:38 a.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, JUNE 21, 2010 AT 7:00 P.M.

REPLAYS: TUESDAY, JUNE 22, 2010 AT 10:00 A.M. AND FRIDAY, JUNE 25, 2010 AT 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.