

City of Ann Arbor

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



Action Minutes

Tuesday, September 8, 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 7:19 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: 11 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Leigh Greden, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezenski, Councilmember Christopher Taylor, and Councilmember Carsten Hohnke

APPROVAL OF AGENDA

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the agenda be approved with the following changes:

Move: COMMUNICATIONS FROM COUNCIL (Consider after Public Commentary - Reserved Time)

Add: DC-8 Resolution to Approve the Transfer of Ownership of a 2009 Class C Liquor Licensed Business, an Outdoor Service Area and a request for a new SDM Liquor Licensed Business to be held in Conjunction with the Class C, Located at 114 W. Liberty, from Youngbok Ko to Pacific Rim by Kana, Inc. - D/B/A Pacific Rim Kana (Added 9/8/09)

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 HAVE BEEN MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

1. Saul Castell - Policy Statement Relative to Airport Layout Plans (DS-11)

Saul Castell, 1694 Inverness, expressed concern with a possible airport runway extension. He encouraged Council to read Andy McGill's letter emailed to them regarding this issue.

2. Thomas Partridge - Access to housing, public transportation, economic/industrial development reforms needed. (DB-1, DB-4, DS-1, DS-3, DS-4)

Thomas Partridge, Scio Township Resident, addressed Council regarding the need to have access to housing, public transportation and economic/industrial development reforms.

3. Andrea Vanhouweling - Policy Statement Relative to Airport Layout Plans (DS-11)

Andrea VanHouweling, 920 Lincoln, expressed concerns with the Policy Statement relative to Airport Layout Plans. She said that there are many complex issues embedded in the resolution and that it is important that a full and an open hearing be held before Council takes action.

4. John Etter - Rezoning of E. Huron (C-1)

John Etter, 101 N. Main, attorney for Sloan Plaza Condominiums Association, addressed Council regarding the rezoning of East Huron. He said that the rezoning of East Huron to D-1 is an unreasonable action. Rezoning to D-2 would be more reasonable. He asked that a member of Council offer an amendment to the proposed ordinance.

5. Jeff DeBoer - Argo Pond

Jeff DeBoer, 1515 Cambridge, representing the rowers, parents and alumni of the Pioneer Rowing Club, addressed Council regarding the Argo Pond. Mr. DeBoer commended the City staff for a recent memorandum to Council regarding the Argo Dam and urged Council to maintain the dam.

6. Lily Au - Housing First Program for Homeless

Lily Au, 682 Peninsula, addressed Council regarding a Housing First Program for Homeless. She asked that city government, churches and the community help to find places for the homeless to sleep.

7. Libby Hunter - Conditions of Roads

Libby Hunter, 827 Bruce, addressed Council regarding the conditions of roads in Ann Arbor.

8. Hugh Sonk - Character of Ann Arbor

Hugh Sonk, 505 E. Huron, addressed Council regarding the architectural character of Ann Arbor. He asked that Council consider rezoning East Huron to D-2 instead of D-1, consider the needs for side setbacks in the downtown area and to consider other methods that would be pleasing to all neighbors and neighborhoods near the downtown area.

COMMUNICATIONS FROM COUNCIL

09-0848

Resolution to Appoint Catherine Riseng and ReAppoint Michael Garfield to the Greenbelt Advisory Commission

Sponsors: Hohnke

The proposed appointments to the Greenbelt Advisory Commission were referred to the September 21, 2009 regular session for consideration.

COUNCILMEMBER ANGLIN

Councilmember Anglin advised the public and Council on the resolution regarding Council emails. He stated the resolution has been prepared and will be coming before Council on September 21, 2009.

COUNCILMEMBER BRIERE

Councilmember Briere reminded Council and the public that September 10, 2009 is the Murder, Mayhem and Madness opening at the Museum on Main Street. The display is about 19th Century events that happened in Washtenaw County.

COUNCILMEMBER SMITH

Councilmember Smith reminded everyone that September is Local Food Month. There is a Homegrown Festival taking place on September 12, 2009 at 5 p.m. at the Farmer's Market.

Smith added that the developers and neighbors have been working diligently to come up with an acceptable plan regarding the Near North Project. The developers have asked that if there are questions or concerns from Council that they be addressed at this meeting so that the item can move forward at the next Council meeting and still be considered for State grants.

MAYOR HIEFTJE

Mayor Hieftje announced that the Near North proposals would be postponed to the September 21, 2009 meeting and that it is important that Council address any concerns and provide questions to staff so the proposal can be considered on September 21.

The Mayor noted that one of the speakers regarding the rezoning of East Huron often quotes a Michigan Department of Transportation staff member from the Brighton Office. Mayor Hieftje noted that a city staff member explained at an earlier Council meeting that the City's plans have already been submitted to MDOT in Lansing at a higher level than the Brighton Office and those plans did not meet with objection.

Another speaker also cited a study which said that Ann Arbor had the second worst roads in the State. The Mayor pointed out that the study referenced was contracted by the Road Builders Association in 2007. The next study in 2008 had different results and because of the unreliability of that particular study, it is not used by staff.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-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 public hearing was conducted on the proposed amendment to 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. Notice of public hearing was published September 3, 2009.

The following people spoke in opposition of the proposed Weapons and Explosives Ordinance:

*Lou Glorie, 827 Brooks St.
Karen Sidney, 100 Longman Lane*

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

PH-2 09-0722

An Ordinance to Amend Chapter 55, Rezoning of 1.19 Acres from O (Office District) to PUD (Planned Unit Development), Near North Proposal, 626-724 North Main Street (CPC Recommendation: Motion to Approve Failed - 5 Yeas and 2 Nays) (Ordinance No. ORD-09-27) (8 Votes Required)

A public hearing was conducted on the proposed amendment to Chapter 55, Rezoning of 1.19 Acres from O (Office District) to PUD (Planned Unit Development), Near North Proposal rezoning, located at 626-724 North Main Street. Notice of public hearing was published August 20, 2009.

Mayor Hieftje announced that this public hearing would be continued to the September 21, 2009 meeting. Anyone speaking at tonight's hearing will not be able to address City Council on the 21st.

Karen Sidney, 100 Longman Lane, expressed concern with the public benefit portion of the proposal and stated it is not a good use of tax dollars.

Tom Fitzsimmons, representing the North Property Owners, asked that the proposal be postponed for two weeks.

The following people spoke in opposition of the proposal:

Michael Brinkman

Jeff Jenkins, 611 N. Main

Thomas Partridge, Scio Township resident

There being no further comment, the Mayor declared the hearing continued to September 21, 2009.

PH-3 09-0797 Resolution to Approve Riverview of Ann Arbor Nursing Facility Addition Site Plan and Development Agreement, 355 Huron View Boulevard, (CPC Recommendation: Approval - 8 Ayes and 0 Nays)

A public hearing was conducted on the proposed Resolution to approve Riverview of Ann Arbor Nursing Facility Addition Site Plan and Development Agreement, located at 355 Huron View Boulevard. Notice of public hearing was published August 27, 2009.

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

PH-4 09-0753 Resolution Establishing Ann Arbor Industrial Development District 2009-040 for 3885 Research Park Drive - Anika and Associates, Inc.

A public hearing was conducted on the proposed Resolution Establishing Ann Arbor Industrial Development District 2009-040 for 3885 Research Park Drive - Anika and Associates, Inc. Notice of public hearing was published August 27, 2009.

Karen Sidney, 100 Longman Lane, spoke in opposition of the proposed establishment of IDD No. 2009-040.

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

PH-5 09-0837 Resolution to Amend FY 2010 Historic District Application Fees for the Community Services Area

A public hearing was conducted on the proposed Resolution to Amend FY 2010 Historic District Application Fees for the Community Services Area. Notice of public hearing was published September 3, 2009.

Lou Glorie, 827 Brooks St., spoke in opposition of the proposed increase of fees and urged Council to reject the resolution.

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

PH-6 09-0836 Resolution to Approve Near North PUD Site Plan and Development Agreement, 1.19 Acres, 626-724 North Main Street (CPC Recommendation: Motion to Approve Failed - 5 Yeas and 2 Nays)

A public hearing was conducted on the proposed Resolution to Approve Near North PUD Site Plan and Development Agreement, 1.19 Acres, 626-724 North Main Street. Notice of public hearing was published August 27, 2009.

Mayor Hieftje announced that this public hearing would be continued to the September 21, 2009 meeting. Anyone speaking at tonight's hearing will not be able to address City Council on the 21st.

There being no one present for comment, the Mayor declared the hearing continued to September 21, 2009.

A APPROVAL OF COUNCIL MINUTES

A-1 09-0821 Working Session of August 13, 2009 and Regular Session of August 17, 2009

A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the work session minutes of August 13 and the regular session minutes of August 17, 2009, 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 Anglin, seconded by Councilmember Hohnke, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA-1 09-0764 Resolution to Accept Board of Insurance Administration Meeting Minutes of July 23, 2009

Enactment No: R-09-350

CA-2 09-0774 Resolution to Approve Contract with D & J Contracting for \$26,855.00 for the Construction of Disc Golf Course at Mary Beth Doyle Park per Bid #4039 and Approve Total Project Budget of \$29,540.50

Enactment No: R-09-351

CA-3 09-0834 Resolution Recognizing Friends of CASA as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Enactment No: R-09-352

CA-4 09-0781 Resolution Authorizing a Purchase Order for U.P.M. High Performance Cold Patch Material Bid # ITB-4033 from Barrett Paving Materials, Inc. (\$85,000.00 Annually)

Enactment No: R-09-353

B ORDINANCES - SECOND READING

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)

(The complete text of ORD-09-26 is on file in the City Clerk's Office.)

Councilmember Higgins moved, seconded by Councilmember Briere that the ordinance be approved at second reading.

Enactment No: ORD-09-26

A motion was made by Councilmember Teall, seconded by Councilmember Anglin, that Council Suspend the Rules regarding members' speaking times. On a voice vote, the motion carried.

A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that the Ordinance be postponed until 10/6/2009. On a roll call, the vote was as follows, with the Mayor declaring the motion carried:

Yeas: 9 - Mayor Hieftje, Councilmember Greden, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke

Nays: 2 - Councilmember Rapundalo, and Councilmember Higgins

B-2 09-0722

An Ordinance to Amend Chapter 55, Rezoning of 1.19 Acres from O (Office District) to PUD (Planned Unit Development), Near North Proposal, 626-724 North Main Street (CPC Recommendation: Motion to Approve Failed - 5 Yeas and 2 Nays) (Ordinance No. ORD-09-27) (8 Votes Required)

(The complete text of ORD-09-27 is on file in the City Clerk's Office.)

Councilmember Smith moved, seconded by Councilmember Briere, that the ordinance be approved at second reading.

Enactment No: ORD-09-27

A motion was made by Councilmember Greden, seconded by Councilmember Rapundalo, that the Ordinance be postponed until 9/21/2009. On a voice vote, the Mayor declared the motion carried.

RECESS

Mayor Hieftje declared a recess at 8:48 p.m. and reconvened the meeting at 8:54 p.m.

C ORDINANCES - FIRST READING

Old Business - Ordinances:

- C-1 09-0227** An Ordinance to Amend Sections 5:1, 5:2, 5:3, 5:4, 5:6, 5:50, 5:61, 5:64, 5:65, 5:67 and 5:88; to Repeal Sections 5:10.19, 5:10.20, 5:44 and 5:44A and to Replace them with New Sections 5:10.19, 5:10.20 and 5:44; and to Repeal Section 5.10.22 And 5:45A of Chapter 55 (Zoning) of Title V of the Code of the City of Ann Arbor (To Revise Zoning Definitions, to Eliminate C2A, C2A/R and C2B/R Zoning Districts, to Create D1 [Downtown Core] and D2 [Downtown Interface] Zoning Districts and Permitted Uses and Standards, to Add Downtown Character Overlay Districts and Standards, and to Revise Floor Area Premiums) and to Amend Sections 5:167 and 5:169 of Chapter 59 (Off-Street Parking) of Title V of the Code of the City of Ann Arbor (To Revise Off-Street Parking Requirements for the Downtown Special Parking District), and to Amend the Zoning Map of Section 5:4 of Title V of the Code of Ann Arbor to Designate Certain Properties as D1, D2 and PL (Public Land) and to Further Designate Certain Properties as being Part of the Downtown Character Overlay Zoning Districts(CPC Recommendation: Approval - 8 Yeas and 1 Nay) (Ordinance No. ORD-09-28)

(The complete text of ORD-09-28 is on file in the City Clerk's Office.)

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

Enactment No: ORD-09-28

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1 09-0835** Resolution to Approve the Request from Northern United Brewery Company, LLC for a New Small Wine Maker, Micro Brewer, Small Distiller Liquor License with Outdoor Sales, Before/After Hours (for food) Permit and Sunday Sales Permit - D/B/A Jolly Pumpkin, located at 309-311 S. Main

Sponsors: Council Liquor License Review Committee

A motion was made by Councilmember Rapundalo, seconded by Councilmember Greden, that Councilmember Taylor be recused from discussion and voting on this resolution due to conflict of interest. On a voice vote, the Mayor declared the motion carried.

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-09-354

- DC-2 09-0840** Resolution to Approve Housing Rehabilitation Assistance Agreement for Clyde Sisson at 2065 Norfolk (Not to Exceed \$10,000.00 CDBG Funds)

Sponsors: Teall

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

Enactment No: R-09-355

DC-3 09-0855 Resolution Appointing Remaining Members of R4C and R2A Zoning District Study Advisory Committee

Sponsors: Derezinski

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-09-356

Added After Newspaper Deadline:

DC-4 09-0877 Resolution Opposing the Closure of the Post Office Station Located at 1210 South University Avenue

Sponsors: Taylor and Briere

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-09-357

DC-5 09-0878 Resolution Appointing South Fourth and South Fifth Avenues Historic District Study Committee

Sponsors: Hohnke and Higgins

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

Enactment No: R-09-374

DC-6 09-0886 Resolution for Community Events Fund Disbursements from the FY 2010 Budget

Sponsors: Higgins and Teall

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

Enactment No: R-09-359

DC-7 09-0887 Adoption of Council Rules

Sponsors: Higgins, Taylor, Briere and Derezinski

A motion was made by Councilmember Higgins, seconded by Councilmember Briere that the Rules of Council be adopted.

SUSPENSION OF COUNCIL RULES

A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that Rule 8 of the Council Rules be suspended in order to have discussion regarding changes to the Council Rules. On a voice vote, the Mayor declared the motion carried.

09-0887

Adoption of Council Rules

Sponsors: Higgins, Taylor, Briere and Derezinski

Mayor Hieftje asked that the Rules include a second Council communications after Public Hearings to address comments and/or concerns made during Public Hearings.

A motion was made by Councilmember Higgins, seconded by Councilmember Taylor, that the Council Rules be amended as follows:

Add: COUNCIL COMMUNICATIONS (add after Public Hearings Heading on agenda.)

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

The question being the motion made by Councilmember Higgins, seconded by Councilmember Briere, that the Rules of Council be approved as amended, on a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Nays: 0

DC-8 09-0827

Resolution to Approve the Transfer of Ownership of a 2009 Class C Liquor Licensed Business, an Outdoor Service Area and a request for a new SDM Liquor Licensed Business to be held in Conjunction with the Class C, Located at 114 W. Liberty, from Youngbok Ko to Pacific Rim by Kana, Inc. - D/B/A Pacific Rim Kana

Sponsors: Council Liquor License Review Committee

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-09-360

RE-OPEN AGENDA

A motion was made by Councilmember Derezinski, seconded by Councilmember Rapundalo, that the agenda be reopened to consider the addition of a resolution to the agenda. On a voice vote, the Mayor declared the motion carried.

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

Add DC-9: Resolution to Amend Resolution R-09-344 to Order Election and to Determine Ballot Question for Charter Amendment to Authorize Publication of Ordinances By Alternate Means and Methods Except where Publication is Specified by State Law

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

DC-9 09-0896 Resolution to Amend Resolution R-09-344 to Order Election and to Determine Ballot Question for Charter Amendment to Authorize Publication of Ordinances By Alternate Means and Methods Except where Publication is Specified by State Law

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

Enactment No: R-09-361

DB New Business - Boards and Commissions:

DB-1 09-0797 Resolution to Approve Riverview of Ann Arbor Nursing Facility Addition Site Plan and Development Agreement, 355 Huron View Boulevard, (CPC Recommendation: Approval - 8 Ayes and 0 Nays)

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

Enactment No: R-09-362

DB-2 09-0798 Resolution to Approve Vasconi Annexation, 0.96 Acres, Southwest Corner of Geddes Avenue and Arlington Boulevard (CPC Recommendation: Approval - 7 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-09-363

DB-3 09-0852 Resolution to Approve Alternate Storm Water Management for Riverview of Ann Arbor Nursing Facility Addition Site Plan, 355 Huron View Boulevard, (CPC Recommendation: Approved - 8 Ayes and 0 Nays)

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.

Enactment No: R-09-364

- DB-4 09-0836** Resolution to Approve Near North PUD Site Plan and Development Agreement, 1.19 Acres, 626-724 North Main Street (CPC Recommendation: Motion to Approve Failed - 5 Yeas and 2 Nays)

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

A motion was made by Councilmember Greden, seconded by Councilmember Briere, that the Resolution be postponed to the City Council and should be returned by 9/21/2009. On a voice vote, the Mayor declared the motion carried.

DS New Business - Staff:

- DS-1 09-0753** Resolution Establishing Ann Arbor Industrial Development District 2009-040 for 3885 Research Park Drive - Anika and Associates, Inc.

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

Enactment No: R-09-365

- DS-2 09-0824** Resolution to Accept and Appropriate a \$850,000 Grant from the Michigan State Housing Development Authority (MSHDA) for Neighborhood Stabilization Program Funds (\$850,000 CDBG-NSP Funds) (8 Votes Required)

A motion was made by Councilmember Taylor, seconded by Councilmember Greden, 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-09-366

- DS-3 09-0823** Resolution to Accept and Appropriate a \$287,298.00 Grant from the U.S. Department of Housing and Urban Development (HUD) for CDBG-R (\$287,298.00 CDBG-R Funds) (8 Votes Required)

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 unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-09-367

- DS-4 09-0822** Resolution to Allocate \$198,250.00 of CDBG Funds to Avalon Housing, Inc. and Approve a Housing Rehabilitation Agreement to Rehabilitate Stimson Apartments at 1613 White and 800-828 Stimson (\$198,250.00 CDBG Funds)

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

Enactment No: R-09-368

DS-5 09-0826 Resolution to Allocate \$215,474.00 in CDBG-R and \$25,000.00 in CDBG funds to Avalon Housing Inc., and Approve a Housing Rehabilitation Agreement for Parkhurst Apartments at 1500 Pauline (\$215,474.00 CDBG-R and \$25,000.00 CDBG Funds)

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

Enactment No: R-09-369

DS-6 09-0833 Resolution to Approve Purchase of 2-Acre Parcel of Land Subject to a Life Estate from the Elizabeth Williams Kaufman Trust and Weston E. Vivian for Parkland and to Appropriate \$636,000.00 from the Open Space and Parkland Preservation Millage Bond Proceeds (8 Votes Required)

A motion was made by Councilmember Derezinski, 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-09-370

DS-7 09-0837 Resolution to Amend FY 2010 Historic District Application Fees for the Community Services Area

Mayor Hieftje requested that staff provide case study data regarding the proposed fees and revenue generated.

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

A motion was made by Councilmember Taylor, seconded by Councilmember Rapundalo, that the Resolution be Postponed to the City Council and should be returned by 9/21/2009. On a voice vote, the Mayor declared the motion carried.

DS-8 09-0825 Resolution to Approve a Contract with Delta Temp, Inc. for \$569,170.20 for the Replacement of the Buhr Park Ice Arena Floor Slab System per Bid #4049, Approve a Construction Contingency of \$56,917.00, and Establish a Total Construction Project Budget of \$626,087.20

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

Enactment No: R-09-371

DS-9 09-0793 Resolution to Approve Change Order No. 1 to the S. Ashley, S. Main & Londonderry Water Main Construction Contract with Bricco Excavating Company, LLC. for the Installation of Water Mains at Washtenaw Ave and N. Fourth Ave (\$296,113.00)

Councilmember Higgins absent at time of vote.

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

Enactment No: R-09-372

DS-10 09-0846

Resolution Approving a Grant of Easement to the Detroit Edison Company for Underground Electric Service Line (Located on Northerly Border of 350 S. Fifth Avenue) (8 Votes Required)

Councilmember Higgins was absent at time of vote.

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 with ten members present.

Enactment No: R-09-373

DS-11 09-0851

Resolution to Approve Agreement with Charter Township of Pittsfield Supplementing 1979 Policy Statement Relative to Airport Layout Plans, Aeronautical Facilities and Non-Aeronautical Facilities at the Ann Arbor Airport

Item deleted from agenda.

E COMMUNICATIONS FROM THE MAYOR**E-1 09-0813**

Nominations and Appointments - Confirmations

Mayor Hieftje recommended the following appointments at the August 17, 2009 regular session of Council:

APPOINTMENT APPROVED

Parks Advisory Commission

Doug Chapman (Replacing -Brigit Macomber)

1611 E. Stadium Blvd.

Ann Arbor, MI 48104

Term: Sept. 8, 2009-Sept. 8, 2012

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

E-2 09-0876

Appointments - Confirmations

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

NOMINATIONS*Board of Canvassers*

*Marionette Cano (Republican) replacing-Walter Helmreich
2877 N. Bayliss Dr.
Ann Arbor, MI 48108
Term: September 21, 2009-December 31, 2013*

Commission on Disability Issues

*Pam Baker-Trostle replacing- Kimberly Gutierrez
2230 Hemlock Ct.
Ann Arbor, MI 48108
Term: September 21, 2009-September 21,2012*

Park Advisory Commission

*Karen R. Levin replacing - Linda Berauer
393 Parklake Ave.
Ann Arbor, MI 48103
Term: September 21, 2009 - September 20, 2012*

Appointment to the Budget and Labor Committee

Mayor Hieftje asked that the following appointment to the Budget and Labor Committee be approved as a one-step process:

Budget and Labor Committee:

*Councilmember Briere (replacing Councilmember Greden)
Councilmember Anglin (replacing Councilmember Teall)*

A motion was made by Councilmember Taylor, seconded by Councilmember Rapundalo, that Council concur with the recommendations of the Mayor and approve the appointments to the Budget and Labor Committee as a one-step process. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

COMMUNICATIONS FROM COUNCIL

None.

F COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Roger Fraser reminded Council of the joint work session with the DDA and Planning Commission scheduled for September 14, 2009 at CTN, starting at 7 p.m. The Budget and Labor committee will meet across the street at AATA Head Quarters at 5:30 p.m. the same day.

F-1 09-0783 Update on Open Space and Parkland Preservation Program

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 Higgins, 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 09-0787 Communication from the Michigan Department of Environmental Quality, Land and Water Management Division, regarding Public Notices posted August 13, 2009
- H-2 09-0788 Communication from James D'Amour regarding the City's Process for Revising the Area, Height and Placement Standards
- H-3 09-0829 Communication from Comcast regarding Emergency Services changes that will affect the community's use of its Local Alert System - Communications
- H-4 09-0830 Communication from the Michigan Municipal League regarding notice of its annual meeting scheduled for September 23, 2009 at the Radisson Plaza Hotel - File
- H-5 09-0831 Communication from the Department of Environmental Quality (DEQ) regarding National Pollutant Discharge Elimination System (NPDES); Permit No. MI0022217 - Ann Arbor WWTP - Public Services
- H-6 09-0832 Communication from City of Ann Arbor Board of Canvassers regarding the canvas of votes cast at the City of Ann Arbor Primary Election held on August 4, 2009 - File
- H-7 Communication from Frank and Diane E. Solecki regarding opposition of the proposed Near North Rezoning Proposal
- H-8 Communication from Michael and Lois F. Brinkman regarding opposition of the proposed Near North Rezoning

H-9 Communication from Kevin and Regina Dailey regarding opposition of the proposed Near North Project

H-10 Communication from Ben Dahlmann, of Dahlmann Properties regarding opposition of proposed changes to A2D2

I The following minutes were received for file:

I-1 09-0763 Ann Arbor Board of Review Meeting Minutes - July 21, 2009

I-2 09-0800 Public Market Advisory Commission Minutes - June 2, 2009

I-3 09-0818 Council Liquor License Review Committee - July 10, 2009

I-4 09-0819 City Board of Canvassers - November 8, 2007

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

None.

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

None.

ADJOURNMENT

A motion was made by Councilmember Rapundalo, seconded by Councilmember Derezinski, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:21 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: TUESDAY, SEPTEMBER 8, 2009

REPLAYS: WEDNESDAY, SEPTEMBER 9, 2009, 10:00 AM AND FRIDAY, SEPTEMBER 11, 2009, 7:30 PM

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