

City of Ann Arbor

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

Monday, March 1, 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 7:01 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 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

APPROVAL OF AGENDA

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

INT INTRODUCTIONS

INT-1 10-0210 Proclamation honoring Praveena & Madhan Ramaswami

Mayor Hieftje read a Proclamation honoring Praveena and Madhan Ramaswami for dedicating themselves to volunteering in the City of Ann Arbor Parks through the Adopt-A-Park program. Praveena and Madhan Ramaswami have worked to improve Bromley Park by organizing biannual events to remove invasive plants, plant flowers, and to clean up the park. A copy of the proclamation is on file in the City Clerk's Office.

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

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

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

1. Thomas Partridge - Enacting equitable budget on revenue reforms. (DC-1)

Thomas Partridge, Scio Township, addressed Council regarding enacting an equitable budget on revenue reforms for the City, County, SE Michigan and the entire State.

2. Beverly Strassman - The Moravian PUD (C-1)

Beverly Strassman, 545 S. Fifth Avenue, spoke in opposition of the proposed Moravian PUD. She said that new student apartment buildings built in Ann Arbor have a high percentage of vacancies as noted in the Michigan Daily and that the Moravian PUD does not meet any unmet housing needs.

3. Kyle Mazurek - The Moravian PUD (C-1)

Kyle Mazurek, 2010 Pauline Blvd., Vice President of Government Affairs for the Ann Arbor Area Chamber of Commerce, spoke in support of the Moravian PUD. The project would allow for higher density and development in the downtown area which is in keeping with the City's Greenbelt initiative.

4. Nancy Shiffler - Budget for Fuller Road Station (DC-1)

Nancy Shiffler, 2877 Sorrento Avenue, expressed concern with the Fuller Road Inter-model Transit Station proposed to be built on City parkland and was concerned that the City may be ignoring real budget impacts of the project that would create benefits for the University, but do little for the City. She added that it sets an unacceptable precedent for permanent conversion of parkland to other purposes without a vote of the citizens.

5. Shirley Zempel - The Moravian PUD (C-1)

Shirley Zempel, 434 S. Fourth Avenue, spoke in opposition of the proposed Moravian PUD. She expressed concern with the high level of traffic that the project may bring to the neighborhood.

6. Kim Kachadoorian - The Moravian PUD (C-1)

Kim Kachadoorian, 204 E. Davis, spoke in opposition of the proposed Moravian PUD. She said that the Moravian is not in the downtown; it is in a near-downtown neighborhood. She added that the building is huge, with approximately 43 homes worth of space and that the project takes up one quarter of a block. The entrance of the building would require Zoning Board of Appeals approval as it is too close to a property owner's property line.

7. Claudius Vincenz - The Moravian PUD (C-1)

Claudius Vincenz, 545 S. Fifth Avenue, Apartment #2, spoke in opposition of the proposed Moravian PUD. He said that the project is near the downtown area, but not in the downtown. He said that this project is not a public benefit, but rather a public loss in terms of affordable housing.

8. Alan Haber - DDA Minutes of January 16, 2010

Alan Haber, 531 Third Street, addressed Council regarding the DDA Minutes of January 16, 2010. He asked that Council have the DDA provide information regarding funding for the creation of a common area on the Library lot that they have been asking for and asked that Council accelerate the project.

9. James D'Amour - Fuller Station

James D'Amour, 2771 Maplewood Avenue, addressed Council regarding the proposed Fuller Street Station. The Huron Valley Sierra Club Executive Committee is in support of mass transit, but have concerns over this project, with respect to the lack of public process. The public process that has been seen is after the fact consultation rather than real public input, he stated.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER TAYLOR**

Councilmember Taylor announced that Google is interested in selecting one or more communities in the United States to provide fiber internet service to businesses and residential homes at speeds of more than 100 times faster than current cable providers. Google's RFI made a request for communities to show public support for the project and to find out what the public thinks about the possibility of Google fiber internet access at competitive rates. There are currently several opportunities for the public to demonstrate its support through social media and city websites. Councilmember Taylor added that a public hearing and resolution would be placed on Council's next agenda as another option for the City and residents to show support. Mr. Taylor encouraged the public to participate by using creative responses as to why Ann Arbor would be a good place to test the fiber internet service.

COUNCILMEMBER HOHNKE

Councilmember Hohnke noted that the Ann Arbor Skate Park Action Committee is in the process of raising funds for the skate park in Ann Arbor. Their next major fundraising event will take place on March 13, 2010 from noon to 6 p.m. at the Ann Arbor Airport. The event will include national skate boarding figures and old artistic signage from Zingerman's that would be available for purchase. Additional information can be obtained by visiting the www.a2skatepark.org website.

COUNCILMEMBER SMITH

Councilmember Smith said that a local food summit would be held on March 2, 2010 at the Dana Building on the University of Michigan Campus. Local food is an important topic because currently, in Washtenaw County, we consume approximately 1% of locally grown food and we spend a billion dollars on food annually. She added that if we took the challenge of consuming 10% of locally grown food, we could see a \$90 million increase in our local economy, 3000 jobs and 750 different farms and food businesses.

Councilmember Smith added that the Think Local First group is taking inquiries regarding a local currency project. They would like to find out if something like this is viable for the community. A workshop has been scheduled for March 3, 2010 from 6-8 p.m. at the Vitosha Guest Haus, located at 1917 Washtenaw Ave. More information regarding the project can be obtained by visiting the www.local-first.net website.

COUNCILMEMBER ANGLIN

Councilmember Anglin said that he walked around the German Town neighborhood to get a feel for affordability in the neighborhood. He encouraged other councilmembers to walk the neighborhood in order to better understand the area and the neighborhood concerns.

MAYOR HIEFTJE

Mayor Hieftje responded to an issue raised regarding the Fuller Road Transit Center. He confirmed that General Fund money would not be used to fund the Transit Center. (Mr. Fraser said that General Fund money would not be used to fund the Transit Center.)

Mayor Hieftje noted that in the early 1990s, the City made an agreement with the University of Michigan for an easement of 4.5 acres for the construction of new roadway. In exchange for the easement, the City agreed to lease a parking lot on Fuller Road at the base of the hospital. It was a 15-year lease with increments built in for the lease to be renewed. The process was very well documented, and there was a unanimous vote by the Park Advisory Commission at the time.

In the state of Michigan, if an entity or city government sells parkland, that sale would have to be approved by the voters. Back in the early '90s the land swap was agreed upon with the University of Michigan to construct the new roadway and to save several landmark trees. There was no need for a vote of the people because it was a long-term lease. Mayor Hieftje stated that in this new plan, the site would be used as a multi-use facility, for transit for the whole community. It is at the most logical place in Washtenaw County and in the City of Ann Arbor because this is exactly on the spoke where the most people go to visit and where most people go to work in a concentrated area. There are not very many people who don't believe that Ann Arbor is going to be one of the central stops on a new rail line that would run between Detroit and Chicago.

The Mayor said that Ann Arbor is the most visited place on the Amtrak line. The problem with the Amtrak rails site is that the rail does not have the capacity to hold the number of people that would use it as a transit center. It was decided by the transportation professionals some time ago, that the very best place on the east/west line in Ann Arbor is on a property that is already being used as a paved parking lot and has been used as such since the early 1990s. Mayor Hieftje said that the property was a part of the parkland system, but for many years, it has not been used for anything other than a paved parking lot.

The Mayor concluded by saying that more information regarding the Transit Center would be provided as the project moves forward.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR*STATUS OF COOPERATIVE EFFORTS*

Roger Fraser, City Administrator, said that the agreement with the County on a joint Police Communications center is close to fruition. Construction for the remodeling of facilities on the third floor of Fire Station #1 has been completed. An agreement is pending in the City Attorney's Office for the co-location of both County and City staff working together in the dispatch center.

POLICE/COURT BUILDING CONSTRUCTION

Mr. Fraser said that work is still on-going at the new building and that this week would be a significant transition in that the buck-hoist located on the west side of the building would be removed within the next few days. The buck-hoist is a structure that is used before working elevators to the building are installed. The building now has one working elevator and that will serve the needs for moving materials and people inside the building, allowing the exterior work of the building to be finished.

ASBESTOS ABATEMENT IN CITY HALL

Asbestos abatement has been completed in City Hall and demolition of walls in the basement is now proceeding. Construction work will also take place on the south side of the building when the basement demolition is complete.

SNOW STORM

Mr. Fraser reported that there was approximately 9.6 inches of heavy snow that fell last week, followed by another 3-4 inches on Wednesday. Staff was quite busy last week with snow clean-up. He said that he would report back at a later date on the cost and the extent of the materials used pertaining to the snow storm and plowing activities.

CUSTOMER SERVICE AREA

Mr. Fraser said that Sue McCormick, Public Services Administrator, and Wendy Welser, Customer Service Manager, met with Murray Goddard from Heatherton, Australia who was interested in learning about the City's metering program and some of the programming they have been able to do to serve customers in better and different ways.

CITY OF ANN ARBOR

Mr. Fraser reported that the City of Ann Arbor is a finalist for an award in the Improved Customer Service and Water Management Options program. The results of the award should be available some time next week. The City continues to receive recognition not just for things outside the City, but for work that is being done within the City as well.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 An Ordinance to Add a New Section 10:101a to Chapter 126 (Traffic - Restricting Cell Phone Use While Driving) of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-10-07)

Deleted from agenda.

Deleted from agenda.

PH-2 10-0149 An Ordinance to Repeal Sections 10:161 and 10:163 and to Amend Section 10:162, Chapter 127, Title X (Bicycle Registration) of the Code of the City of Ann Arbor (Ordinance No. ORD-10-08)

Sponsors: Higgins

A public hearing was conducted on the proposed Ordinance to Repeal Sections 10:161 and 10:163 and to Amend Section 10:162, Chapter 127, Title X (Bicycle Registration) of the Code of the City of Ann Arbor. Notice of public hearing was published February 25, 2010.

Larry Deck, 3050 Lorraine Street, board member of the Washtenaw Bicycling and Walking Coalition, asked that the proposed ordinance to eliminate bicycle registration be postponed to allow further discussion between the Coalition and the City to better understand the reasons for the proposed elimination of the program.

Tom Partridge, Scio Township, expressed concerns about motorized scooters and bicycles not being registered with the City.

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

COMMUNICATIONS FROM COUNCIL

None.

A APPROVAL OF COUNCIL MINUTES

Councilmember Higgins was absent at 8:05 p.m.

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

A-1 10-0131 City Council Work Session of February 8, 2010 and Regular Session of February 16, 2010

A motion was made by Councilmember Hohnke, seconded by Councilmember Teall, that the work session minutes of February 8, and the regular session minutes of February 16, 2010 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

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

CA-1 Resolution Authorizing Water Improvement Charge for 305 Rock Creek Court (\$12,559.00)

CA-2 Resolution to Amend the Professional Services Agreement with CDM Michigan, Inc. for the Swift Run Parallel Relief Sewer Project (\$49,285.00)

CA-3 Resolution to Approve the Purchase of Water Meters, and Supplies from Elster AMCO Water, Inc. (\$30,000.00)

CA-5 Resolution to Approve the Purchase of Two Allen Bradley, Power Flex 700, Variable Frequency Drives from McNaughton-McKay Electric Co. for Effluent Pump Motors at the Wastewater Treatment Plant (\$46,080.00)

CA-1 10-0015

Resolution Authorizing Water Improvement Charge for 305 Rock Creek Court (\$12,559.00)

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-10-047

CA-2 10-0094

Resolution to Amend the Professional Services Agreement with CDM Michigan, Inc. for the Swift Run Parallel Relief Sewer Project (\$49,285.00)

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

Enactment No: R-10-048

CA-3 10-0108

Resolution to Approve the Purchase of Water Meters, and Supplies from Elster AMCO Water, Inc. (\$30,000.00)

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

Enactment No: R-10-049

CA-4 10-0111

Resolution to Approve the Purchase of Two Allen Bradley, Power Flex 700, Variable Frequency Drives from McNaughton-McKay Electric Co. for Effluent Pump Motors at the Wastewater Treatment Plant (\$46,080.00)

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.

Enactment No: R-10-050

- CA-5 10-0173** Resolution Recognizing the Hearing Loss Association of Ann Arbor (HLA3) as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

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-10-046

B ORDINANCES - SECOND READING

Councilmember Higgins returned at 8:17 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

- B-1 An Ordinance to Add a New Section 10:101a to Chapter 126 (Traffic - Restricting Cell Phone Use While Driving) of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-10-07)

Moved to First Reading, see C-3.

- DS-6 10-0187** Resolution Authorizing Summary Publication of Ordinance No. ORD-10-07 to Add a New Section 10:101a to Chapter 126, Title X (Traffic) of the Code of the City of Ann Arbor

Deleted from Agenda.

- B-2 10-0149** An Ordinance to Repeal Sections 10:161 and 10:163 and to Amend Section 10:162, Chapter 127, Title X (Bicycle Registration) of the Code of the City of Ann Arbor (Ordinance No. ORD-10-08)

Sponsors: Higgins

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

- DS-7 10-0188** Resolution Authorizing Summary Publication of Ordinance No. ORD-10-08 to Repeal Sections 10:161 and 10:163 and to Amend Section 10:162, Chapter 127, Title X (Bicycle Registration) of the Code of the City of Ann Arbor.

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

Enactment No: R-10-051

C ORDINANCES - FIRST READING

- C-1 10-0104** An Ordinance to Amend Chapter 55, Rezoning of 0.84 Acres from R4C (Multiple-Family Residential Dwelling District) and M1 (Limited Industrial District) to PUD (Planned Unit Development District), The Moravian PUD (CPC Recommendation: Approval - 7 Ayes, 1 Nay, 1 Absent)
- A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that the Ordinance be Approved on First Reading to the City Council and should be returned by 4/5/2010. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-10-09
- C-2 10-0106** An Ordinance to Amend Chapter 55, Rezoning of 1.1 Acres from TWP (Township District) to C1 (Local Business District) WITH CONDITIONS, Retail Plaza Property, Northwest corner of Platt and Ellsworth Roads, (CPC Recommendation to C1: Approval - 8 Ayes and 0 Nays)
- A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that the Ordinance be Approved on First Reading to the City Council and should be returned by 4/5/2010. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-10-10
- C-3 10-0117** An Ordinance to Add a New Section 10:101a to Chapter 126 (Traffic - Restricting Cell Phone Use While Driving) of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-10-07)
- Sponsors:** Rapundalo
- A motion was made by Councilmember Briere, seconded by Councilmember Rapundalo, that the Ordinance be approved at First Reading.**
- Enactment No: ORD-10-07
- A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, to amend the Ordinance as follows:**
- Section 1(d)**
(d) type into [or otherwise operate] a navigation system;
- Note: [] Brackets indicate deleted language.**
- Motion withdrawn.**
- Enactment No: ORD-10-07
- The question being the original motion made by Councilmember Briere, seconded by Councilmember Rapundalo, that the Ordinance be approved on First Reading and returned on 3/15/10. On a voice vote, the Mayor declared the motion carried with no-votes by Councilmembers Smith and Higgins.**
- Enactment No: ORD-10-07

D MOTIONS AND RESOLUTIONS

RECESS

The Mayor declared a recess at 9:10 p.m. and reconvened the meeting at 9:22 p.m.

DC Old Business - Council:

DC-1 10-0166 Resolution Directing the City Administrator on the Budget

Sponsors: Higgins and Rapundalo

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

Enactment No: R-10-052

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

Delete 1st Whereas Clause:

[Whereas, The following members of City Council have taken a leadership role in returning 3% of their base pay to the City of Ann Arbor:

John Hieftje, Sandi Smith, Sabra Briere, Tony Derezinski, Stephen Rapundalo, Christopher Taylor, Margie Teall, Marcia Higgins, and Carsten Hohnke;]...

Delete 1st RESOLVED Clause:

...[RESOLVED, That all City Councilmembers commit to returning 3% of their base pay to the City of Ann Arbor;]...

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

Note: [] Brackets indicate deleted language.

A motion was made by Councilmember Smith, seconded by Councilmember Anglin, that the Resolution be amended as follows:

RESOLVED, That the preparation of the FY 2011 budget there will be no allocation for travel to the Council [and Mayor];

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

Note: [] Brackets indicate deleted language.

A motion was made by Councilmember Kunselman, seconded by Councilmember Anglin, that the Resolution be amended as follows:

Delete RESOLVED Clause:

...[RESOLVED, That the city will strive to establish, effective July 1, 2010, the same health care benefits for all eligible employees;]...

Motion withdrawn.

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Resolution be amended as follows:

RESOLVED, that beginning July 1, 2010 the compensation package for City Administrator Roger Fraser and City Attorney Stephen Postema will be reduced by a minimum of [3]5%;

Note: [] Brackets indicate deleted language.

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 2 - Councilmember Briere and Councilmember Taylor

Nays: 9 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Smith, Councilmember Derezinski and Councilmember Hohnke

A motion was made by councilmember Taylor, seconded by Councilmember Kunselman, that the Resolution be amended as follows:

RESOLVED, That beginning July 1, 2010 the compensation packages for [all] non-union employees will be reduced in the AGGREGATE by a minimum of 3%;

Note: [] Brackets indicate deleted language. All CAPS indicate new language.

Enactment No: R-10-052

A motion was made by Councilmember Smith, seconded by Councilmember Rapundalo, to close debate and vote immediately on the pending question. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 5 - Councilmember Rapundalo, Councilmember Higgins, Councilmember Briere, Councilmember Smith and Councilmember Hohnke

Nays: 6 - Mayor Hieftje, Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Derezinski and Councilmember Taylor

The question being a motion made by Councilmember Taylor, seconded by Councilmember Kunselman, that the Resolution be amended as follows:

...RESOLVED, That beginning July 1, 2010 the compensation packages for [all] non-union employees will be reduced in the AGGREGATE by a minimum of 3%;...

Note: [] Brackets indicate deleted language. All CAPS indicate new language.

On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 7 - Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Nays: 4 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Higgins and Councilmember Smith

The question being the Resolution as amended. 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: R-10-052

DC New Business - Council:

None.

DB New Business - Boards and Commissions:

None.

DS New Business - Staff:

DS-1 10-0092 Resolution to Amend the Professional Services Agreement with Hubbell Roth & Clark, Inc. for the West Stadium Blvd. Improvements Project (\$465,079.00)
A motion was made by Councilmember Smith, seconded by Councilmember Anglin, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-053

DS-2 10-0093 Resolution to Approve a Change Order to the Construction Contract with CI Contracting, Inc. for the Swift Run Parallel Relief Sewer Project (\$144,179.00)
A motion was made by Councilmember Smith, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-10-054

DS-3 10-0105 Resolution to Approve Street Closings for the Shamrocks and Shenanigans 5K Run/Walk - Sunday, March 14, 2010
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-10-055

DS-4 10-0168 Resolution Accepting Pedestrian Access Easement From Executive Hospitality, Inc. (Hampton Inn) 2910 Jackson Road (8 Votes Required)
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 unanimously, thus satisfying the eight vote requirement.

Enactment No: R-10-056

DS-5 10-0172

Resolution Vacating Utility Easements (former Super-8 Motel) And Accepting Utility Easement (for Hampton Inn) from Executive Hospitality, Inc. 2910 Jackson Road (8 Votes Required)

A motion was made by Councilmember Hohnke, 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-10-057

E COMMUNICATIONS FROM THE MAYOR

E-1 10-0167 Appointments - Confirmations

Sponsors: Hieftje

Mayor Hieftje recommended the following appointments at the February 16, 2010 regular session of Council:

Approved:

Board of Review

Robert White (Re-Appointment)

1849 Saxon Rd.

Ann Arbor, MI 48103

Term: March 1, 2010-March 1, 2013

William Brogan (Replacing-Ted Williams)

950 Northwood St.

Ann Arbor, MI 48103

Term: March 1, 2010-March 1, 2013

Cable Commission

Tammie Williams (Replacing- Jeff Meyers)

3310 Creek

Ann Arbor, MI 48108

Term: March 1, 2010-March 1, 2015

Employees Retirement System Board of Trustees

David Hescheles (Re-Appointment)

1727 Newport Creek Dr.

Ann Arbor, MI 48103

Term: March 1, 2010 - March 1, 2013

Housing and Human Services Advisory Board

Ingrid Ault

Think Local First

P.O. Box 7961

Ann Arbor, MI 48107

Term: March 1, 2010 - March 1, 2013

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

E-2 10-0211 Appointment - Confirmation

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

Taxi Cab Board

*Tom Oldakowski (Replacing & serving out term for- Charles Snider)
404 West Davis
Ann Arbor, MI 48103
Term: March 15, 2010 - April 9, 2012*

COMMUNICATIONS FROM COUNCIL

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

F-1 10-0192 Sidewalk Occupancy Permits and Peddler's Licenses for April 3, 2010

G COMMUNICATIONS FROM THE CITY ATTORNEY

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 Kunselman, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

H-1 10-0160 Communication from Ryan Buck, of Washtenaw Area Transportation Study regarding Great Trails Training Opportunities - Parks and Recreation

H-2 Communication from Lawrence Lup in support of the proposed Traffic Ordinance

H-3 10-0200 Notice of Michigan Wetlands Meeting scheduled for March 12, 2010

H-4 Communication from Dick DeWaard, PhD., regarding support of the proposed Traffic Ordinance

H-5 Communication from Paul Green regarding support of the proposed Traffic Ordinance

I The following minutes were received for file:

- I-1 **10-0033** Airport Advisory Commission meeting minutes of November 18, 2009

- I-2 **10-0087** Council Liquor License Review Committee - January 15, 2010

- I-3 **10-0110** Cable Commission Minutes of October 27, 2009

- I-4 **10-0119** Historic District Commission Minutes - February 12, 2009; March 12, 2009; April 8, 2009; May 14, 2009

- I-5 **10-0120** Housing & Human Services Advisory Board Minutes - December 8, 2009

- I-6 **10-0121** Historic District Commission Minutes - June 11, 2009; July 9, 2009; August 13, 2009

- I-7 **10-0136** Ann Arbor Downtown Development Authority Meeting Minutes - January 6, 2010

- I-8 **10-0137** Downtown Area Citizens Advisory Council Comments to the DDA - January 5, 2010

- I-9 **10-0143** Budget Committee meeting minutes of January 19 and February 1, 2010

- I-10 **10-0144** Washtenaw Area Transportation Study (W.A.T.S.) meeting minutes of January 20, 2010

- I-11 **10-0179** Ann Arbor Transportation Authority meeting minutes of December 16, 2009

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Councilmember Rapundalo left the meeting at 10:16 p.m.

Present: 10 - Mayor John Hieftje, 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

Absent: 1 - Councilmember Stephen Rapundalo

1. Jason Chalhot - Cell Phone Ordinance

Jason Chalhot, a member of the audience, thanked Council for the clarification of the GPS system relating to the Cell Phone Ordinance and expressed concern with placing exemptions on texting and cell phone use for emergency personnel. He asked that exemptions not be included in the ordinance.

2. Michael Benson - Cell Phone Ordinance

Michael Benson, 2450 Stone Road, said that definitions of non-driving tasks should be included in the ordinance. He explained that listening to the radio is a non-driving task, but is not included in the ordinance. He added that the proposed ordinance would prohibit the use of CB radios, which truck drivers use in their line of work.

3. Ann Arbor Resident - The Moravian PUD

A resident on S. Fifth Ave., spoke in opposition of the proposed Moravian PUD.

4. Ann Eisen - The Moravian PUD

Ann Eisen, German Town Resident, spoke in opposition to the proposed Moravian PUD.

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

A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, that the regular session of Council be recessed for a closed session to discuss pending litigation and attorney/client communication. On roll call, the vote was as follows, with the Mayor declaring the motion carried and the meeting recessed at 10:25 p.m.

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

Nays: 0

Absent: 1 - Councilmember Rapundalo

MEETING RECONVENED

A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the regular session of council be reconvened. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 10:41 p.m.

ADJOURNMENT

A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:41 p.m.

10-0239

City Council Emails - March 1, 2010

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, MARCH 1, 2010 AT 7:00 P.M.

REPLAYS: TUESDAY, MARCH 2, 2010 AT 10:30 A.M. AND FRIDAY, MARCH 5, 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.