



City of Ann Arbor

100 N. Fifth Avenue
Ann Arbor, MI 48104
www.a2gov.org

Action Minutes City Council

Tuesday, February 17, 2009

7:00 PM

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

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:09 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 Derezinski, 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: DC-7 after DS-5

ADD: DC-8 Resolution Congratulating and Honoring Congressman John D. Dingell

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

INT INTRODUCTIONS

INT-1 09-0147 5th Anniversary of Dicken Woods

John Eaton, President of The Friends of Dicken Woods, thanked Council for recognizing Dicken Woods and its 5th Anniversary. Mr. Eaton gave a brief summary of the accomplishments of the group over the last five years.

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. Maura Thomson - Parking Structure (DS-5)

Maura Thomson, 2321 Devonshire, spoke in support of the proposed Fifth Avenue Parking Garage and street improvements Site Plan Resolution.

2. Thomas Partridge

Thomas Partridge, 4220 Eyrie in Scio Township, asked that Council halt the proposed AATA fare increases, to replace discrimination with regional cooperation in transportation, housing, and health care and honor the agenda of President Barack Obama.

3. Harriet Seaver - City Closing Tios

Harriet Seaver, 333 E. Huron, part owner of the Tios Restaurant, read a letter to Council addressing her concerns regarding the sale of the Tios property to the City, resulting in the pending closure of her business.

4. G. Timothy Seaver - Tios Mexican Restaurant

G. Timothy Seaver, 333 E. Huron, part owner of the Tios Restaurant, continued reading a letter to Council addressing his and his wife's concerns of the City forcing the closure of Tios Restaurant.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 08-1157

An Ordinance to Amend Chapter 55, Rezoning of 1.25 Acres from TWP (Township District) to R1B (Single-Family Dwelling District), Muhleman Property, 3055 Dover Place and Contiguous Vacant Parcel (CPC Recommendation: Approval - 6 Years and 0 Nays) (Ordinance No. ORD-09-01)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 1.25 acres from TWP (Township District) to R1B (Single-Family Dwelling District), Muhleman property, located at 3055 Dover Place and contiguous vacant parcel. Notice of public hearing was published February 1, 2009.

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

PH-2 08-1158

An Ordinance to Amend Chapter 55, Rezoning of 0.47 Acres from TWP (Township District) to R1B (Single-Family Dwelling District), Willing Property, 1545 Chalmers Drive (CPC Recommendation: Approval - 6 Yeas and 0 Nays) (Ordinance No. ORD-09-02)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.47 acre from TWP (Township District) to R1B (Single-Family Dwelling District), Willing property, located at 1545 Chalmers Drive. Notice of public hearing was published February 1, 2009.

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

PH-3 08-1167

An Ordinance to Amend Chapter 26, Solid Waste Ordinance, Sections 2:1, 2:2, 2:3, 2:5, 2:7, 2:9, 2:10 and 2:13 to Implement Commercial Recycling Recommendations (Ordinance No. ORD-09-03)

A public hearing was conducted on the proposed amendment to Chapter 26, Solid Waste Ordinance, Sections 2:1, 2:2, 2:3, 2:5, 2:7, 2:9, 2:10 and 2:13 to implement Commercial Recycling Recommendations. Notice of public hearing was published February 15, 2009.

LuAnn Bullington, 1801 S. Boulevard, spoke in opposition of the proposed ordinance, expressing concerns about a monopoly in the City for solid waste.

David Stead, 910 Edgewood Place, spoke in support of the proposed ordinance changes, stating the ordinance supports a recycling friendly community.

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

PH-4 09-0068

Resolution to Approve Compost Rates and to Establish Administrative Guidelines for Future Compost Rate Changes

A public hearing was conducted on the proposed Resolution to approve the Compost Rates and to establish Administrative Guidelines for future Compost Rate Changes. Notice of public hearing was published February 15, 2009.

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

PH-5 09-0093

Resolution to Approve 930 Church Street Planned Project Site Plan, 0.20 Acre (CPC Recommendation: Approval - 8 Yeas and 1 Nay)

A public hearing was conducted on the proposed resolution to approve the 930 Church Street Planned project Site Plan, 0.20 acre. Notice of public hearing was published February 8, 2009.

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

PH-6 09-0139

Resolution to Approve South Fifth Avenue Parking Garage and Street Improvements Site Plan (319 South Fifth Avenue)

A public hearing was conducted on the proposed Resolution to approve South Fifth Avenue Parking Garage and Street Improvements Site Plan, located at 319 South Fifth Avenue. Notice of public hearing was published February 10, 2009.

The following people spoke in opposition of the proposed underground parking structure:

LuAnn Bullington expressed concern with the proposed site plan and questioned the City's future plans for the former YMCA lot.

Thomas Partridge spoke in opposition of the proposed site plan.

The following people spoke in support of the proposed underground parking structure:

Roger Pothus, owner of Renaissance clothing store on Liberty Street

Bill Siezer, Manager of Renaissance clothing store

Rich Ballas, store owner in Nickels Arcade

Bob Livingston, Sr. Minister of First Congregational Services

Bob Descola, State Street business owner, spoke in support of more downtown parking

Timothy Seaver

Ray Detter, member of the Downtown Area Citizens Advisory Council

Joan Lowenstein, Downtown Development Authority member

Newcomb Clark, 340 Maynard

Janice Glander, 322 E. Liberty, said that she was not opposed to underground parking, however she did have concerns regarding any future plans for a building on the site above the underground parking.

Steven Bean, 810 S. Main, asked that the matter be postponed to allow the Council more time to study the data. He stated he is not sure this structure would serve the State Street area.

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

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER DEREZINSKI*

Councilmember Derezinski informed council that he would be bringing forward a resolution addressing some of the concerns regarding the R4C zoning to the next Council meeting. The resolution would direct Planning and Development Services, as well as the Planning Commission to review and recommend changes to that zoning designation.

MAYOR HIEFTJE

Mayor Hieftje responded to comments made during public commentary and the public hearings regarding the old YMCA site. The Mayor stated the City Council remains committed to affordable housing and will continue to move forward with plans in the future regarding replacing the 100 units from the old YMCA site.

A APPROVAL OF COUNCIL MINUTES

A-1 09-0121 City Council Retreat/Work Session - January 10, 2009 and Regular Session - February 2, 2009

A motion was made by Councilmember Rapundalo, seconded by Councilmember Hohnke, that the Minutes 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 Briere, 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 09-0024 Resolution to Approve a Purchase Order for a 5,000 Gallon E-85 Fueling Station, ITB # 3989 - Oscar W. Larson Company (\$62,080.00)

Enactment No: R-09-049

CA-2 09-0061 Resolution to Amend an Agreement with Hubbell, Roth & Clark, Inc. for the Sewage Lift Pumps Repair Project - Phase 2 at the Wastewater Treatment Plant, RFP No. 594 (\$9,624.00)

Enactment No: R-09-050

CA-3 09-0087 Resolution Authorizing the City of Ann Arbor to Join the NJPA (National Joint Purchasing Alliance) Contract for Office Supplies awarded to Staples Business Advantage and Approve a Three-Year Contract with Staples Business Advance with a Two-Year Renewal Option

Enactment No: R-09-051

CA-4 09-0096 Resolution to Accept Board of Insurance Administration Meeting Minutes of January 23, 2009

Enactment No: R-09-052

B ORDINANCES - SECOND READING

- B-1 08-1157** An Ordinance to Amend Chapter 55, Rezoning of 1.25 Acres from TWP (Township District) to R1B (Single-Family Dwelling District), Muhleman Property, 3055 Dover Place and Contiguous Vacant Parcel (CPC Recommendation: Approval - 6 Yeas and 0 Nays) (Ordinance No. ORD-09-01)

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

- B-2 08-1158** An Ordinance to Amend Chapter 55, Rezoning of 0.47 Acres from TWP (Township District) to R1B (Single-Family Dwelling District), Willing Property, 1545 Chalmers Drive (CPC Recommendation: Approval - 6 Yeas and 0 Nays) (Ordinance No. ORD-09-02)

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

- B-3 08-1167** An Ordinance to Amend Chapter 26, Solid Waste Ordinance, Sections 2:1, 2:2, 2:3, 2:5, 2:7, 2:9, 2:10 and 2:13 to Implement Commercial Recycling Recommendations (Ordinance No. ORD-09-03)

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

Enactment No: ORD-09-03

A motion was made by Councilmember Teall, seconded by Councilmember Hohnke, that the Ordinance be Postponed to the City Council and should be returned by 3/2/2009. On a voice vote, the Mayor declared the motion carried.

- DS-1 09-0086** Resolution to Authorize Summary Publication of Ordinance No. 09-03 to Amend Chapter 26 (Solid Waste) of Title II of the Code of the City of Ann Arbor

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Resolution be Approved.

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Resolution be Postponed to the City Council and should be returned by 3/2/2009. On a voice vote, the Mayor declared the motion carried.

C ORDINANCES - FIRST READING

- C-1 09-0079** Amendment to Chapter 55, Rezoning of 1.29 Acres from TWP (Township District) to R1A (Single-Family Dwelling District), Althoen Property, 226 Sumac Lane (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the Ordinance be Approved on First Reading to the City Council and should be returned by 3/16/2009. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-09-05

- C-2 09-0080** Amendment to Chapter 55, Rezoning of 4 Park Properties (Furstenberg Nature Area Park: 20.16 Acres - Fuller Road Across from Huron High School; South Pond Nature Area: 6.75 Acres - East Huron River Drive at Chalmers Drive; Zion Property: 2.64 Acres - South End of Ridgemor Drive; and Onder Property: 4.75 Acres - North Side of Brookside Drive, West of Hilldale Drive) from TWP (Township District) to PL (Public Land District) (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

A motion was made by Councilmember Rapundalo, seconded by Councilmember Derezinski, that the Ordinance be Approved on First Reading to the City Council and should be returned by 3/16/2009. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-09-06

- C-3 09-0082** Amendment to Chapter 55, Rezoning of 0.15 Acre, from TWP (Township District) to R4C (Multiple-Family Dwelling District), Westerman Property, 1612 White Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

A motion was made by Councilmember Anglin, seconded by Councilmember Teall, that the Ordinance be Approved on First Reading to the City Council and should be returned by 3/16/2009. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-09-07

- C-4 09-0083** Amendment to Chapter 55, Rezoning of 0.13 Acre from TWP (Township District) to O (Office District), Clark Property, 1710 South State Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

A motion was made by Councilmember Taylor, seconded by Councilmember Derezinski, that the Ordinance be Approved on First Reading to the City Council and should be returned by 3/16/2009. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-09-08

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1 09-0104** Resolution to Appoint a Planning Commission Representative to the City Environmental Commission

Sponsors: Teall and Hohnke

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.

Enactment No: R-09-053

DC-2 09-0106 Resolution for Community Events Fund Disbursements from the FY 09 Budget (8 Votes Required)

Sponsors: Teall and Higgins

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 unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-09-054

DC-3 09-0107 Resolution to Appoint Golf Courses Advisory Task Force Members

Sponsors: Rapundalo

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-09-055

DC-4 09-0125 Resolution for Community Events Fee Waivers from FY 2007/2008 (8 Votes Required)

Sponsors: Higgins and Teall

A motion was made by Councilmember Teall, 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-09-056

Added After Newspaper Deadline:

DC-5 09-0150 Resolution Recognizing Family Learning Institute as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Sponsors: Anglin and Briere

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

Enactment No: R-09-057

DC-6 09-0149 Resolution Recognizing The Pioneer Band Association as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Sponsors: Teall

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

Enactment No: R-09-058

DC-8 09-0156 Resolution Congratulating and Honoring Congressman John D. Dingell

Sponsors: Anglin, Briere, Derezinski, Greden, Hieftje, Hohnke, Rapundalo, Higgins, Smith, Taylor and Teall

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

Enactment No: R-09-059

DB New Business - Boards and Commissions:

DB-1 09-0093 Resolution to Approve 930 Church Street Planned Project Site Plan, 0.20 Acre (CPC Recommendation: Approval - 8 Yeas and 1 Nay)

A reference to the February 9 revised plan is reflected in the approval of this document.

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

Enactment No: R-09-060

DB-2 09-0139 Resolution to Approve South Fifth Avenue Parking Garage and Street Improvements Site Plan (319 South Fifth Avenue)

A motion was made by Councilmember Smith, seconded by Councilmember Teall, that the Resolution be approved.

Enactment No: R-09-061

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

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare; AND

...WHEREAS, THE PORTION OF THE PARKING GARAGE LOCATED UNDER FIFTH AVENUE BETWEEN THE SOUTHERN EDGE OF THE CURRENT LIBRARY PARKING LOT AND THE WESTERN EDGE OF WILLIAM STREET, CONSISTING OF APPROXIMATELY 100 PARKING SPACES, (THE "SOUTHERN SECTION") MAY PROVIDE FUTURE BENEFIT TO THE CITY;

RESOLVED, That City Council approve the South Fifth Avenue Parking Garage and Street Improvements Site Plan WITH THE CONDITION THAT THE SITE PLAN BE AMENDED TO SHOW THAT CONSTRUCTION OF THE SOUTHERN SECTION WILL BE DEFERRED;[and]

RESOLVED, That [the]CITY COUNCIL DIRECTS THE DOWNTOWN DEVELOPMENT AUTHORITY TO CONSTRUCT THE[parking garage]SOUTH FIFTH AVENUE PARKING GARAGE AND STREET IMPROVEMENTS SITE PLAN[to the southern edge of the current library parking lot]IN A MANNER THAT FACILITATES THE FUTURE CONSTRUCTION OF THE SOUTHERN SECTION[expansion to the western edge of William Street upon approval by City Council.. ; and] UPON APPROVAL BY CITY COUNCIL

[RESOLVED, That construction of the Southern Section shall require the prior approval of City Council.]

All CAPS indicate new language
[] language indicates deleted language.

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

The question being the motion made by Councilmember Smith and seconded by Councilmember Teall, as amended, on roll call, the vote was as follows, with the Mayor declaring the motion carried:

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

Nays: 1 - Councilmember Anglin

Enactment No: R-09-061

RECESS

The Mayor declared a recess at 10:02 p.m. and reconvened the meeting at 10:19 p.m. Councilmember Higgins left at this time.

DS New Business - Staff:

- DS-2 08-1152** Resolution to Approve Industrial Facilities Exemption Certificate between the City of Ann Arbor and Edwards Brothers Inc.
- 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-09-062
- DS-3 09-0131** Resolution to Approve the Ann Arbor Public Art Commission (AAPAC) Professional Services Agreement with Herbert Dreiseitl for Design Work to Propose a Project Integrating Stormwater in a Rain Garden Centerpiece for the Ann Arbor Municipal Center (\$72,000.00)
- Deleted from the agenda on 2/17/09.*
- DS-4 09-0002** Resolution Authorizing Publication of Notice of Intent to Issue General Obligation Parking Facility Capital Improvement Bonds (South Fifth Avenue Parking Deck Project) (Not To Exceed \$55,000,000.00)
- A motion was made by Councilmember Greden, seconded by Councilmember Smith, that the Resolution be approved.**
- Enactment No: R-09-063

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

CITY OF ANN ARBOR
County of Washtenaw, State of Michigan

**RESOLUTION AUTHORIZING PUBLICATION
OF NOTICE OF INTENT TO ISSUE GENERAL OBLIGATION
[PARKING FACILITY]CAPITAL IMPROVEMENT BONDS
(SOUTH FIFTH AVENUE PARKING DECK AND FIFTH AND DIVISION PROJECT)**

Minutes of a regular meeting of the City Council of the City of Ann Arbor, County of Washtenaw, State of Michigan held on Tuesday, February 17, 2009, at 7:00 o'clock p.m. Eastern Standard Time.

PRESENT: Members

ABSENT: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____ :

WHEREAS, the City of Ann Arbor, County of Washtenaw, State of Michigan (the "City") intends to issue and sell general obligation capital improvement bonds, pursuant to the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in one or more series in an aggregate principal amount not to exceed Fifty-Five Million Dollars (\$55,000,000.00) (the "Bonds") for the purpose of paying part of the costs of acquiring and constructing an approximately [777] 677 space, four level, underground public parking structure in the City and related improvements, including a new street running west to east on the north side of the Ann Arbor Public Library, utility upsizing under Fifth Avenue and Division Street and a new downtown alley (the footprint of such project being from the west side of Fifth Avenue to the west side of Division Street and under Fifth Avenue from the northern edge of the current parking lot to [William Street] THE SOUTHERN BOUNDARY OF THE LOT), with the parking structure to be built in a manner to allow future construction of an up to 25-story building on the site. THE PROJECT WILL ALSO INCLUDE THE CONSTRUCTION OF STREETScape IMPROVEMENTS ON FIFTH AVENUE AND DIVISION STREETS FROM BEAKES TO PACKARD INCLUDING IMPROVED CROSSWALKS, NEW STREETLIGHTS, TREES, SIDEWALKS, BIKE LANES, AND CURB; and,
WHEREAS, a notice of intent to issue bonds and of the right to petition for referendum thereon must be published at least 45 days before the issuance of the aforesaid Bonds in order to comply with the requirements of Section 517 of Act 34.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to cause a notice of intent to issue bonds to be published and prominently displayed once in The Ann Arbor News, of Ann Arbor, Michigan, a newspaper of general circulation in the City. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

NOTICE OF INTENTION OF THE CITY OF ANN ARBOR
TO ISSUE GENERAL OBLIGATION [PARKING FACILITY]
CAPITAL IMPROVEMENT BONDS
AND OF RIGHT TO PETITION FOR REFERENDUM THEREON

TO ALL ELECTORS AND TAXPAYERS OF THE
CITY OF ANN ARBOR:

PLEASE TAKE NOTICE that the City Council of the City of Ann Arbor, Washtenaw County, Michigan, intends to issue and sell General Obligation Capital Improvement Bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in one or more series in an aggregate principal amount not to exceed Fifty-Five Million Dollars (\$55,000,000.00) (the "Bonds"), for the purpose of paying part of the costs of acquiring and constructing an approximately [777] 677 space, four level, underground public parking structure in the City **AND MAKING STREETScape IMPROVEMENTS ALONG FIFTH AND DIVISION STREETS**. The project includes a new street running west to east on the north side of the Ann Arbor Public Library, utility improvements under Fifth Avenue and Division Street, and a new downtown alley. The footprint of the project will be from the west side of Fifth Avenue to the west side of Division Street and under Fifth Ave from the northern edge of the current parking lot to [William Street] **THE SOUTHERN BOUNDARY OF THE LOT**. The parking structure will be built in a manner to allow future construction of an up to 25-story building on the site. **THE PROJECT WILL ALSO INCLUDE THE CONSTRUCTION OF STREETScape IMPROVEMENTS ON FIFTH AVENUE AND DIVISION STREETS FROM BEAKES TO PACKARD INCLUDING IMPROVED CROSSWALKS, NEW STREETLIGHTS, TREES, SIDEWALKS, BIKE LANES, AND CURB.**

All CAPS indicate new language
[] indicates deleted language.

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

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

Enactment No: R-09-063

DS-5 09-0092

Resolution Approving Issuance of Capital Improvement Bonds (Limited Tax General Obligation) to Fund Construction of a Parking Structure at South Fifth Avenue (Not To Exceed \$55,000,000.00) (Roll Call Vote Required)

A motion was made by Councilmember Smith, seconded by Councilmember Teall, that the Resolution be approved.

Enactment No: R-09-064

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

Resolution Approving Issuance of Capital Improvement Bonds (Limited Tax General Obligation) to Fund Construction of a Parking Structure at South Fifth Avenue AND STREETScape IMPROVEMENTS ALONG FIFTH AND DIVISION STREETS (Not To Exceed \$55,000,000.00) (Roll Call Vote Required)

..Memorandum

Recommended to Council is a Resolution approving the issuance by the City of Ann Arbor of its 2009 [Parking Facility]Capital Improvement Bonds (Limited Tax General Obligation), Series B in the maximum principal amount of \$55,000,000 (the "Bonds"), with a currently anticipated bond issue size of \$4[8]9,[050]375,000. The Bonds are to be issued for the purpose of financing the construction of a [7]677 space, four story underground parking structure AND STREETScape IMPROVEMENTS ALONG FIFTH AND DIVISION STREETS. The project includes a new street running west to east on the north side of the Ann Arbor Public Library, utility improvements under Fifth Avenue and Division Street, and a new downtown alley. The footprint of the project will be from the west side of Fifth Avenue to the west side of Division Street and under Fifth Ave from the northern edge of the current parking lot to William Street. The parking structure will be built in a manner to allow future construction of an up to 25-story building on the site. THE PROJECT WILL ALSO INCLUDE THE CONSTRUCTION OF STREETScape IMPROVEMENTS ON FIFTH AVENUE AND DIVISION STREETS FROM BEAKES TO PACKARD INCLUDING IMPROVED CROSSWALKS, NEW STREETLIGHTS, TREES, SIDEWALKS, BIKE LANES, AND CURB. The Bonds are to be sold through competitive bidding.

The Bonds will mature in the years 2011 through [2035]2039. The principal maturity schedule and other terms of the Bonds, including the right to prepay Bonds maturing March 1, 2020 and thereafter without premium, have been prepared by the City's municipal financial advisors.

The cost of construction is being funded 15% by Downtown Development Authority reserves and 85% by bond proceeds. Debt service on the Bonds is expected to be paid from revenues of the City's public parking system and tax increment revenues collected by the Downtown Development Authority. Under the Resolution the City pledges its limited tax full faith and credit for payment of the Bonds.

The Resolution authorizeS[d] the Mayor, City Clerk, City Treasurer and Chief Financial Officer to execute and deliver all required documentation in connection with the issuance, sale and delivery of the Bonds.

The City's bond counsel, Dykema Gossett, prepared the resolution, with further review by the City Attorney.

..Staff

Prepared by: Tom Crawford, Chief Financial Officer

Reviewed by: Mary Joan Fales, Senior Assistant City Attorney

Approved by: Roger Fraser, City Administrator

..Body

CITY OF ANN ARBOR

County of Washtenaw, State of Michigan

RESOLUTION AUTHORIZING GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS

([2009 Parking Facility Capital Improvement Bonds, Series B]SOUTH FIFTH AVENUE PARKING DECK AND FIFTH AND DIVISION PROJECT)

Minutes of a regular meeting of the City Council of the City of Ann Arbor,

County of Washtenaw, State of Michigan held on the 17th day of February, 2009, at 7:00 o'clock p.m. Eastern Standard Time.

PRESENT: Members

ABSENT: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____ :

WHEREAS, the City of Ann Arbor, County of Washtenaw, State of Michigan (the "City") proposes to issue and sell general obligation capital improvement bonds, pursuant to the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), to finance a substantial portion of the cost of acquiring and constructing an approximately [777] 677space, four-level underground public parking structure in the City (in a portion of the area bounded by the west side of South Fifth Avenue, the west side of Division Street, East Liberty Street[and East William Street] TO THE SOUTHERN BOUNDARY OF THE CURRENT PARKING LOT), and for related capital improvements, including, without limitation, a new street, a new downtown alley, and upsizing of existing utilities, AS WELL AS THE CONSTRUCTION OF STREETScape IMPROVEMENTS ON FIFTH AVENUE AND DIVISION STREETS FROM BEAKES TO PACKARD INCLUDING IMPROVED CROSSWALKS, NEW STREETLIGHTS, TREES, SIDEWALKS, BIKE LANES, AND CURB (collectively, the "Project");

WHEREAS, it is currently anticipated that the aggregate principal amount of the bond issue will be \$[48,050,000] \$49,[000]375,000, and will in no event exceed \$55,000,000;

WHEREAS, a notice of intent to issue bonds will be published in accordance with Section 517 of Act 34, which will provide that the proposed capital improvement bonds may be issued without a vote of the electors of the City unless the requisite petitions for an election on the question of the issuance of the Bond are filed with the City Clerk within a period of 45 days from the date of publication; and,

WHEREAS, it is further proposed that the Bonds be general obligation bonds secured by a pledge of the City's full faith and credit, subject to constitutional, statutory and charter limitations.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. **The Project.** The Project, the period of usefulness of the Project of 30 years or more, and the City's prior proceedings with respect to the Project are hereby approved and confirmed.
2. **Bond Details.** The City shall borrow not to exceed \$55,000,000 and issue its bonds therefor (the "Bonds"), pursuant to Act 34 for the purpose of paying a substantial portion of the cost of the Project and the costs of issuing the Bonds, subject to the expiration of 45 days following the publication of a notice of intent to issue the Bonds without the requisite petitions for referendum having been filed with the City Clerk during such time period pursuant to Section 517 of Act 34. The Bonds shall be designated as "City of Ann Arbor 2009 [Parking Facility]Capital Improvement Bonds, Series B (Limited Tax General Obligation)." The Bonds shall be fully registered Bonds, both as to principal and interest, registrable upon the books of the Bond Registrar (as hereinafter defined), and may be issued in any denomination which is \$5,000, or any integral multiple thereof up to a single maturity, numbered from 1 upwards. Bonds initially issued shall be dated the date of their original issuance and delivery, and shall bear interest payable semi-annually from that date or from the May 1 or November 1 through which interest has been paid. The Bonds shall mature serially on May 1 of each year in the period from 2011 through[2035] 204139, inclusive, in the following

principal amounts (aggregating \$4[8]9,[050]375,000):

Year	Amount
2011	[\$ 940,000] \$0
2012	[\$ 990,000] \$385,000
2013	[\$ 1,045,000] \$830,000
2014	[\$ 1,105,000] \$875,000
2015	[\$ 1,165,000] \$925,000
2016	[\$ 1,230,000] \$975,000
2017	[\$ 1,295,000] \$1,030,000
2018	[\$ 1,365,000] \$1,085,000
2019	[\$ 1,440,000] \$1,145,000
2020	[\$ 1,520,000] \$1,210,000
2021	[\$ 1,605,000] \$1,275,000
2022	[\$ 1,695,000] \$1,345,000
2023	[\$ 1,785,000] \$1,420,000
2024	[\$ 1,885,000] \$1,495,000
2025	[\$ 1,990,000] \$1,580,000
2026	[\$ 2,095,000] \$1,665,000
2027	[\$ 2,210,000] \$1,760,000
2028	[\$ 2,335,000] \$1,855,000
2029	[\$ 2,460,000] \$1,955,000
2030	[\$ 2,600,000] \$2,065,000
2031	[\$ 2,740,000] \$2,180,000
2032	[\$ 2,890,000] \$2,295,000
2033	[\$ 3,050,000] \$2,425,000
2034	[\$ 3,220,000] \$2,555,000
2035	[\$ 3,395,000] \$2,695,000
2036	\$2,845,000
2037	\$3,000,000
2038	\$3,165,000
2039	\$3,340,000
2040	[\$0]
2041]\$0]

The Chief Financial Officer or the Treasurer of the City may adjust such maturity schedule and principal amounts prior to sale of the Bonds as required by changes in costs of the Project or bond market conditions, within the maximum aggregate principal amount of \$55,000,000 and with the final maturity date being not later than 30 years from the date of issuance and delivery of the Bonds, and may adjust the year and series designations in the caption of the Bonds to be consistent with the timing of issuance of the Bonds. The initial purchaser of the Bonds may designate any one or more maturities from May 1, 2020 through the final maturity as term bonds and the consecutive maturities which shall be aggregated in any such term bonds. Any such designation must be made within 24 hours of the bond sale. The amounts of the maturities which are aggregated in any such designated term bond shall be subject to mandatory redemption on May 1 of the years and in the amounts as set forth in the foregoing maturity schedule at a redemption price of par, plus accrued interest, to the date of mandatory redemption.

The Bonds shall be in substantially the form attached as Exhibit A, with such changes, additions or deletions as are not inconsistent with this resolution.

3. Interest Payment and Date of Record. The Bonds shall bear interest payable November 1, 2009 and each May 1 and November 1 thereafter until maturity, with the rate of interest on Bonds maturing in any one year being not in excess of 7.0%. The rate of interest borne by any one maturity of Bonds

shall not be less than the interest rate borne by the preceding maturity, and shall not exceed the interest rate borne by any preceding maturity by more than 3.0%. Interest shall be paid by check or draft mailed by first class mail to the registered owner of each Bond as of the applicable date of record. The date of record shall be April 15 with respect to interest payments made on May 1 and October 15 with respect to interest payments made on November 1.

4. **Prior Redemption.** The Bonds maturing in the years 2011 through 2019, inclusive, shall not be subject to redemption prior to maturity. Bonds maturing on and after May 1, 2020 shall be subject to redemption prior to maturity, at the option of the City, in any order, in whole or in part, on any date on and after May 1, 2019, at par plus accrued interest to the date fixed for redemption, without premium. In the Sale Order (as defined in Section 18 hereof), the Chief Financial Officer or the Treasurer may adjust such redemption provisions and prices as required by bond market conditions.

With respect to partial redemptions, any portion of a Bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion and the amount not being redeemed each constitutes an authorized denomination. In the event that less than the entire principal amount of a Bond is called for redemption, upon surrender of the Bond to the Bond Registrar, the Bond Registrar shall authenticate and deliver to the registered owner of the Bond a new Bond in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each Bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption if different than otherwise provided herein. Any defect in such notice shall not affect the validity of the redemption proceedings. Bonds so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the Bond Registrar to redeem the same.

5. **Bond Registrar.** A financial institution to serve as the paying agent and bond registrar for the Bonds (the "Bond Registrar") shall be appointed in the Sale Order (as defined below), and shall perform all payment, registration, transfer, exchange and other functions otherwise required by this resolution to be performed by the Bond Registrar.

6. **Transfer or Exchange of Bonds.** Any Bond shall be transferable on the bond register maintained by the Bond Registrar with respect to the Bonds at any time prior to the applicable date of record preceding an interest payment date upon the surrender of the Bond together with an assignment executed by the registered owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned Bond, the Bond Registrar shall authenticate and deliver a new Bond or Bonds in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

Bonds may likewise be exchanged at any time prior to the applicable date of record preceding an interest payment date for one or more other Bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the Bond or Bonds being exchanged. Such exchange shall be effected by surrender of the Bond to be exchanged to the Bond Registrar with written instructions signed by the registered owner of the Bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of a Bond with proper written instructions, the Bond Registrar shall authenticate and deliver a new Bond or Bonds to the registered owner of the Bond or his or her properly designated transferee or transferees or attorney. The Bond Registrar shall not be required to honor any transfer or exchange of

Bonds during the period from the applicable date of record preceding an interest payment date to such interest payment date. Any service charge made by the Bond Registrar for any such registration, transfer or exchange shall be paid by the City. The Bond Registrar may, however, require payment by a bondholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

7. Global Form; Securities Depository. (a) Except as otherwise provided in this Section, the Bonds shall initially be issued in the form of global Bonds, shall be registered in the name of the Securities Depository (as defined below) or its nominee and ownership thereof shall be maintained in book entry form by the Securities Depository for the account of the Agent Members (as defined below) thereof. Except as provided in subsection (c) of this Section, Bonds may be transferred, in whole but not in part, only to the Securities Depository or a nominee of the Securities Depository, or to a successor Securities Depository selected by the City, or to a nominee of such successor Securities Depository.

(b) The City and the Bond Registrar shall have no responsibility or obligation with respect to:

- (i) the accuracy of the records of the Securities Depository or any Agent Member with respect to any beneficial ownership interest in the Bonds;
 - (ii) the delivery to any Agent Member, beneficial owner of the Bonds or other person, other than the Securities Depository, of any notice with respect to the Bonds;
 - (iii) the payment to any Agent Member, beneficial owner of the Bonds or other person, other than the Securities Depository, of any amount with respect to the principal of, premium, if any, or interest on, the Bonds;
 - (iv) any consent given by Cede & Co., as Bondholder of the Bonds or any successor nominee of a Securities Depository as Bondholder of such Bonds;
- or

(v) the selection by the Securities Depository or any Agent Member of any beneficial owners to receive payment if any Bonds are redeemed in part.

So long as the certificates for the Bonds are not issued pursuant to subsection (c) of this Section, the City and the Bond Registrar may treat the Securities Depository as, and deem the Securities Depository to be, the absolute owner of such Bonds for all purposes whatsoever, including without limitation:

- (A) the payment of principal, premium, if any, and interest on such Bonds;
- (B) giving notices of redemption and other matters with respect to such Bonds; and
- (C) registering transfers with respect to such Bonds.

(c) If at any time the Securities Depository notifies the City or the Bond Registrar that it is unwilling or unable to continue as Securities Depository with respect to the Bonds or if at any time the Securities Depository shall no longer be registered or in good standing under the Securities Exchange Act of 1934, as amended, or other applicable statute or regulation and a successor Securities Depository is not appointed by the City within 90 days after the City or the Bond Registrar receives notice or becomes aware of such condition, as the case may be, subsections (a) and (b) of this Section shall no longer be applicable and the City shall execute and the Bond Registrar shall authenticate and deliver certificates representing the Bonds as provided in subsection (d) below. In addition, the City may determine at any time that the Bonds shall no longer be represented by global certificates and that the provisions of subsections (a) and (b) above shall no longer apply to the Bonds. In any such event the City shall execute and the Bond Registrar shall authenticate and deliver certificates representing the Bonds as provided in subsection (d)

below.

(d) Certificates for the Bonds issued in exchange for global certificates shall be registered in such names and authorized denominations as the Securities Depository, pursuant to instructions from the Agent Members or otherwise, shall instruct the City and the Bond Registrar. The Bond Registrar shall deliver such certificates representing the Bonds to the persons in whose names such Bonds are so registered as soon as possible.

As used in this Resolution, "Securities Depository" shall mean the Depository Trust Company, New York, New York ("DTC") and its successors and assigns if any or if (i) the then-Securities Depository resigns from its functions as depository of the Bonds or (ii) the City discontinues use of the then-Securities Depository pursuant to this Section 6, any other securities depository which agrees to follow the procedures required to be followed by a securities depository in connection with the Bonds and which is selected by the City.

As used in this Resolution, "Agent Member" shall mean a member of, or participant in, the Securities Depository.

The Authorized Officers (as defined herein) are hereby authorized and directed to execute the standard form of DTC Letter of Representations relating to the Bonds (or a DTC Blanket Issuer Letter of Representations).

Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, premium, if any, and interest on such Bonds, and all notices with respect to such Bonds shall be made and given, respectively, to DTC as provided in the Letter of Representations.

8. Execution and Delivery. The Mayor and the City Clerk are authorized and directed to execute the Bonds for and on behalf of the City by manually executing the Bonds, or by causing their facsimile signatures to be affixed to the Bonds, provided in the latter instance the Bonds are thereafter authenticated by the Bond Registrar. The Bonds shall be sealed with the seal of the City or a facsimile thereof. When so executed, the Bonds shall be delivered by the City Treasurer to the Bond Registrar for authentication, and thereafter to the purchaser upon receipt in full of the purchase price for the Bonds.

9. Bond Payment Fund. The City shall establish a separate depository account, to be designated "City of Ann Arbor 2009 [Parking Facility] Capital Improvement Bonds, Series B Bond Payment Fund" (the "Bond Payment Fund"), into which shall be deposited the tax collections and other available funds to the extent provided in paragraph 11 below. Additionally, all accrued interest and premium, if any, received from the purchaser of the Bonds, shall be deposited in the Bond Payment Fund.

Moneys in the Bond Payment Fund shall be used solely to pay principal of and premium, if any, and interest on the Bonds.

Moneys in the Bond Payment Fund may be continuously invested and reinvested in any legal investment for City funds, which shall mature, or which shall be subject to redemption by the holder thereof, not later than the dates when moneys in the Bond Payment Fund will be required to pay the principal of and interest on the Bonds. Obligations purchased as an investment of moneys of the Bond Payment Fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

10. Acquisition Fund. The City shall establish a separate depository account, to be designated "City of Ann Arbor 2009 [Parking Facility] Capital Improvement Bonds, Series B Acquisition Fund" (the "Acquisition Fund"). Except for amounts required by this resolution to be deposited in the Bond

Payment Fund, the proceeds from the sale of the Bonds shall be deposited in the Acquisition Fund.

Moneys at any time in the Acquisition Fund shall be used solely to pay costs of the Project, including the costs of issuance of the Bonds, except that upon payment (or provision for payment) in full of the costs of Project any remaining moneys in the Acquisition Fund shall be transferred to the Bond Payment Fund (if any Bonds are outstanding) or applied as required by law or the ordinances of the City.

Moneys in the Acquisition Fund may be continuously invested and reinvested in any legal investment for City funds, which shall mature, or which shall be subject to redemption by the holder thereof, not later than the estimated dates when moneys in the Acquisition Fund will be required to pay the costs of the Project. Obligations purchased as an investment of moneys of the Acquisition Fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

11. Limited Tax Pledge as Security for Payment of Bonds. The City hereby irrevocably pledges its full faith and credit for the payment of principal of and interest on the Bonds, and shall as a first budget obligation advance sufficient moneys from its general funds for such payments, including the collection of any ad valorem taxes which the City is authorized to levy, but any such levy shall be subject to applicable constitutional, charter and statutory tax rate limitations.

12. Mutilated, Lost, Stolen or Destroyed Bonds. In the event any Bond is mutilated, lost, stolen or destroyed, the Mayor and the City Clerk may, on behalf of the City, execute and deliver, or order the Bond Registrar to authenticate and deliver, a new Bond having a number not then outstanding, of like date, maturity, interest rate and denomination as that mutilated, lost, stolen or destroyed Bond.

In the case of a mutilated Bond, a replacement Bond shall not be delivered unless and until such mutilated Bond is surrendered to the Bond Registrar. In the case of a lost, stolen or destroyed Bond a replacement Bond shall not be delivered unless and until the City and the Bond Registrar shall have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument bond for principal and interest remaining unpaid on the lost, stolen or destroyed Bond; (ii) an affidavit of the registered owner (or his or her attorney) setting forth ownership of the Bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the Bond (or his or her attorney) to fully indemnify the City and the Bond Registrar against loss due to the lost, stolen or destroyed Bond and the issuance of any replacement Bond in connection therewith; and (iv) the agreement of the owner of the Bond (or his or her attorney) to pay all expenses of the City and the Bond Registrar in connection with the replacement, including the transfer and exchange costs which otherwise would be paid by the City.

13. Arbitrage and Tax Covenants. Notwithstanding any other provision of this Resolution, the City covenants that it will not at any time or times:

All CAPS indicate new language

[] indicate deleted language

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

The question being the motion made by Councilmember Smith, seconded by Councilmember Teall, that the Resolution be Approved as Amended, on a roll call, the vote was as follows with the Mayor declaring the motion carried.

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

Nays: 1 - Councilmember Anglin

Enactment No: R-09-064

DC-7 09-0155

Resolution Requesting Financial Information from the Downtown Development Authority

Sponsors: Greden

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

Enactment No: R-09-065

DS-6 08-1176

Resolution to Approve Elizabeth Dean Fund Street Tree Planting Projects for 2009 and to Appropriate Funds (\$32,000.00) (8 Votes Required)

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 unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-09-066

DS-7 09-0068

Resolution to Approve Compost Rates and to Establish Administrative Guidelines for Future Compost Rate Changes

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-09-067

DS-8 08-1166

Resolution to Transfer \$61,781.00 from the Bandemer Park Fund (Fund 0025) Balance to the 2007 Annual Local Street Resurfacing Program Project Budget (8 Votes Required)

A motion was made by Councilmember Taylor, 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-09-068

DS-9 09-0102

Resolution to Approve Street Closings for the Shamrocks and Shenanigans 5K Run/Walk - Sunday, March 15, 2009

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-09-069

DS-10 09-0120

Resolution Accepting Easement for Public Storm Water from K & J Amagansett, LLC
23 Harvard Place (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-09-070

DS-11 09-0109

Resolution Accepting Easement for Public Utilities from the Public Schools of the
City of Ann Arbor (Northside Elementary School) (8 Votes Required)

A motion was made by Councilmember Greden, 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-09-071

DS-12 09-0119

Resolution Accepting Easement for Public Storm Water from Richard P. Scherer and
Patricia A. Scherer 28 Harvard Place (8 Votes Required)

A motion was made by Councilmember Rapundalo, 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-09-072

DS-13 09-0108

Resolution Accepting Utility Easement from Windwood Drive Ann Arbor, LLC
Windemere Apartments (8 Votes Required)

A motion was made by Councilmember Rapundalo, 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-09-073

E COMMUNICATIONS FROM THE MAYOR

ANNOUNCEMENT

Mayor Hieftje updated Council and the public regarding a serious off-leash dog incident that occurred at West Park, involving a man riding his bicycle. Mayor Hieftje stated that in the past the AAPD have issued warnings regarding off-leash dogs, but due to this incident, citations may be issued in the future. The Mayor reminded the public that the City has two dog parks that allow for off-leash dogs.

E-1 09-0103 Appointment - Confirmations

APPROVED:

Board of Review

Doris Preston (Re-Appointment)

593 Landings Blvd.

Ann Arbor, MI 48103

Term: February 17, 2009- January 31, 2012-January 31, 2012

Human Rights Commission

Lisa D. Schrader (Replacing -Rachel Bendit)

2489 Packard Apt. A

Ann Arbor, MI 48104

Term: February 17, 2009-October 31, 2012

A motion was made by Councilmember Derezinski, seconded by Councilmember Briere, that the Council concur with the recommendations made by the Mayor on February 2, 2009.

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

E-2 09-0154 Appointments & Confirmations

The Mayor placed the following nominations on the table for confirmation at a later date:

Board of Review

Walton Hancock

Replacing -Tim Williams

16 Southwick Ct.

Ann Arbor, MI 48105

Term: March 2, 2009- January 31, 2012

Historic District Commission

Kristina A. Glusac

Re-Appointment

885 Greenhills Dr.

Ann Arbor, MI 48105

Term: March 2, 2009- March 2, 2012

COMMUNICATIONS FROM COUNCIL

None.

F COMMUNICATIONS FROM THE CITY ADMINISTRATOR

The following reports were submitted to the Council for review:

F-1 08-1175 DDA to Increase Hourly and Monthly Parking Rates Effective July 1, 2009

F-2 09-0089 Ann Arbor-Ypsilanti SmartZone Local Development Finance Authority (LDFA) 2008 Annual Report

G COMMUNICATIONS FROM THE CITY ATTORNEY

The following annexations were reported to the Council by the City Attorney:

G-1 09-0110 Annexation of the Furstenberg Nature Area-Fuller Rd, across from Huron High School; South Pond Nature Area-East Huron River Dr. at Chalmers Dr.; Zion Property-South End of Ridgemor Dr., and Onder Property-North side of Brookside Dr., West of Hilldale Dr., located at 1710 S. State St., in Ann Arbor Township.

G-2 09-0113 Annexation of the Clark Property, located at 1710 S. State St., in Ann Arbor Township.

G-3 09-0115 Annexation of the Althoen Property, located at 226 Sumac Lane, in Ann Arbor Township.

G-4 09-0118 Annexation of the Westerman Property, located at 1612 White St., in Ann Arbor Township

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 09-0126 Communication from the State Tax Commission regarding notice to the Warner-Lambert Company of a resolution from the City of Ann Arbor requesting revocation of the real and personal property component(s) of industrial facilities exemption certificate number 2002-014.

H-2 09-0130 Communication from MDOT, regarding their publication of Connecting Neighbors, Issue 8

H-3 09-0129 Communication from Jason Brooks, Deputy Clerk of Washtenaw County, regarding Resolution No. 09-0013, a resolution to accept comments from Washtenaw County Planning Advisory Board on the Pittsfield Township Comprehensive Plan Amendments.

H-4 09-0128 Communication from S.E.M.CO.G. regarding their bi-weekly publication of SEMCOG, Vol. 14, No. 2, January 26, 2009

H-5 09-0127 Communication from Comcast regarding notice of an addition to the channel lineup effective February 28, 2009.

H-6 09-0140 Communication from Anna Dobracki expressing opposition of the proposed rezoning of the Willing property located at 1545 Chalmers Drive - Planning and Development Services

I The following minutes were received for file:

- I-1 **09-0084** Planning Commission Minutes - December 16, 2008
- I-2 **09-0085** Planning Commission Minutes - January 6, 2009
- I-3 **09-0091** Ann Arbor-Ypsilanti SmartZone Local Development Finance Authority (LDFA) Board Meeting Minutes - November 14, 2008

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

None.

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

A motion was made by Councilmember Derezinski, seconded by Councilmember Teall, that Council enter into Closed session. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed at 10:52 p.m.

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

Nays: 0

Absent: 1 - Councilmember Higgins

MEETING RECONVENED

A motion was made by Councilmember Hohnke, seconded by Councilmember Taylor, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 11:17 p.m.

ADJOURNMENT

A motion was made by Councilmember Hohnke, seconded by Councilmember Taylor, that the meeting be Adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:17 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: TUESDAY, FEBRUARY 17, 2009, 7:00 P.M.

REPLAYS: WEDNESDAY, FEBRUARY 18, 2009 10:00 A.M. AND FRIDAY, FEBRUARY 20, 2009 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.