

# City of Ann Arbor

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

Monday, November 16, 2009

7:00 PM

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

City Council

**CALL TO ORDER**

*Mayor Hieftje called the meeting to order at 7:12 p.m. in the Guy C. Larcom Jr., Municipal Building, 2nd Floor Council Chambers, 100 N. Fifth Avenue.*

**MOMENT OF SILENCE**

*Council stood for a moment of silence.*

**PLEDGE OF ALLEGIANCE**

*Mayor Hieftje led Council in the recitation of the Pledge of Allegiance.*

**ROLL CALL OF COUNCIL**

**Present:** 10 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor and Councilmember Carsten Hohnke

**Absent:** 1 - Councilmember Sabra Briere

**ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED COUNCILMEMBERS**

*City Clerk Jacqueline Beaudry administered the Oath of Office to newly elected councilmembers Sabra Briere, Stephen Rapundalo, Stephen Kunselman, Marcia Higgins and Mike Anglin.*

**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

**ELECTION OF MAYOR PRO TEM**

1. **09-1115** Resolution Appointing Councilmember Marcia Higgins Mayor Pro Tem through November 15, 2010

**Sponsors:** Rapundalo

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Teall, that Councilmember Higgins be appointed Mayor Pro Tem until November 15, 2010. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-09-453

2. 09-1133 Adoption of Council Rules

**Sponsors:** Higgins

*Councilmember Higgins informed councilmembers that the only change proposed to the Council Rules was to move Communications from the City Administrator to the beginning of the agenda.*

**A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Council Rules be adopted as a one-step process. On a voice vote, the Mayor declared the motion carried.**

#### **APPROVAL OF AGENDA**

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

#### **INT INTRODUCTIONS**

- INT-1 09-1131 Proclamation Honoring the Ann Arbor Branch of the Woman's National Farm & Garden Association

*Mayor Hieftje read a proclamation honoring the Ann Arbor Branch of the Woman's National Farm & Garden Association. The Ann Arbor Branch of the Woman's National Farm & Garden Association was founded by Mildred Matthaei in 1946 and has provided funding for a number of projects, including the restoration of the walled garden at the Michigan League; landscape projects at the Ann Arbor Art Center, the Historical Museum on Main Street, and the Project Non-Violence Safe House; and assisted in planning the Wellness Garden at Glacier Hills Retirement Community. A copy of the proclamation is on file in the City Clerk's Office.*

**COMMUNICATIONS FROM COUNCIL***COUNCILMEMBER HOHNKE*

*Councilmember Hohnke spoke about the State budget and the local impacts. He stated many residents have inquired about some of the issues raised at a November 15 forum on the State budget process. Councilmember Hohnke requested further information.*

*Mayor Hieftje said that he sat on the panel at the forum. He noted that a representative from Pam Byrnes Office was in attendance, as well as members of the school board and Jeff Irwin from the Washtenaw County Board of Commissioners. Mayor Hieftje stated that the revenue sharing cuts from the State are hitting the school systems, as well as cities across the State, very hard. Grand Rapids recently announced 125 layoffs to take place on January 1, 2010. The City of Troy is talking about laying off 1/3 of their workforce and they have placed a special millage on the ballot for February 2010.*

*Mayor Hieftje stated that many of the cities facing extreme budget crises were previously thought of as very successful cities, and still are successful cities. Grand Rapids is one of the premiere cities in the state and Troy is top-ranked. Grand Rapids is facing a \$9.2 million deficit in this current fiscal year and \$27.7 million in the coming fiscal year. Mayor Hieftje noted that Ann Arbor is also facing a budget crisis and City Council has pledged to work on the budget year-round. A retreat has been scheduled to discuss a plan for the coming fiscal year and any adjustments that may be needed in the mid-term will also be considered. The meeting is scheduled for December 5, 2009 at the W.R. Wheeler Center.*

*COUNCILMEMBER SMITH*

*Councilmember Smith announced that this week is National Homeless Awareness Week. A self guided tour of the different facilities throughout the county has been scheduled for November 19, 2009.*

*COUNCILMEMBER HIGGINS*

*Councilmember Higgins asked for an update on the sidewalk curbcuts for ADA compliance.*

*City Administrator Roger Fraser responded that the specific details of the sidewalk intersection replacement plan are driven by a settlement that was reached with the people representing the interests of disabled citizens in the community. He stated that the City commits a large amount of money each year to the replacement of sidewalk access ramps, particularly at those intersections that have been identified as problematic. Mr. Fraser noted that there are some cases where the condition of the sidewalk itself is such that it makes sense to replace and improve sections of the entire sidewalk at the same time that the ramps are being repaired.*

*Councilmember Higgins noted that sidewalk curb cuts have been installed at Allmendinger Park on Hutchins, but there are no sidewalks around the park. She asked if sidewalks are proposed for the park and if so, who would be responsible for shoveling them in the winter. (Staff will follow-up on this question after additional research.)*

*Councilmember Higgins asked City staff for an update on the house fire that occurred on Waverly.*

*Mr. Fraser stated that there was a house fire at the residence located at 1719 Waverly, approximately two weeks ago. 911 Dispatch received a call at some time after 2:00 a.m. from neighbors in the area reporting smoke. After investigating the source of the smoke, residents called 911 again at approximately 2:53 a.m. to report black smoke emanating from the chimney of a home on Greenview. Two trucks were dispatched to that location from two different stations. Upon arrival, firefighters found no evidence of a fire on Greenview. At 3:06 a.m., 911 Dispatch received another call reporting a fire just east of the Greenview residence, at the corner of Waverly and Weldon.*

*Police responded to the call in one minute and Fire in two, once the correct location of the fire was reported. Mr. Fraser noted the importance of providing as much specific information as possible to 911 operators for anyone involved in such an unfortunate situation.*

*Councilmember Higgins said that she had heard from witnesses at the scene that there were flames coming out of the roof when the firefighters arrived and that the firefighters had done an extraordinary job containing those flames.*

**PUBLIC COMMENT - GENERAL (3 MINUTES EACH)**

**• (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 - Access to integrated public transportation and affordable housing vitally important for residents of Ann Arbor and the region (DS-3)**

*Thomas Partridge, 4220 Eyrie Dr., addressed Council regarding the vital importance of access to integrated public transportation and affordable housing to residents of Ann Arbor as well as the region.*

- 2. Russ Miller - Huron River and Impoundment Management Plan (DC-1)**

*Russ Miller, 2886 Renfrew Street, addressed Council regarding the Huron River and Impoundment Management Plan from the Environmental Commission. He said that the Energy Commission resolution was not added to the proposed plan. He also addressed data quality in the report, indicating that there were relevant data available that could be considered.*

- 3. Andrew McGill - Thank the council for passing the Airport Resolution at the last meeting.**

*Andrew McGill, 5221 Crooked Stick, thanked the Council and former Councilmember Leigh Greden for passing Airport Resolution No. 09-0851 at the last Council meeting. The resolution calls for Ann Arbor to notify Pittsfield Township of any proposed master plan changes involving airport layout plans at the Ann Arbor Municipal Airport.*

**4. Kermit Schlansker - Making Jobs**

*Kermit Schlansker, 2960 Marshall St., said that the government needs to be proactive in assisting individual inventors and entrepreneurs in order to make new jobs and stimulate the economy. He stated many engineers and other inventors have good ideas, but do not have the financial assistance needed to develop new inventions.*

**5. William Hampton - Introduce NAACP**

*William Hampton, 1184 Wendy Ct., president of the local branch of the NAACP, introduced the NAACP to Council. He added that this year is the 60th anniversary of the local branch, which works extremely hard to promote diversity in the community. The main role of the Ann Arbor NAACP is to educate our children. Mr. Hampton thanked everyone who sponsored a student scholar in Ann Arbor; thanked Councilmember Briere for her attendance at last Saturday's Freedom Fund Dinner; and thanked Councilmember Kunselman who is a member of the local branch.*

**6. Lynn Meadows - Emails/FOIAs**

*Lynn Meadows, 1201 Miller Ave., addressed Council regarding emails/FOIAs and asked Councilmember Smith if she would share with constituents the three-way discussion about development plans for near downtown neighborhoods that she exchanges with other councilmembers.*

**7. John Floyd - Two Questions of Council**

*John Floyd, 519 Sunset Road, asked if the City received a letter from Washtenaw County government dated on or around April 17, 2008, regarding re-opening discussions to extend the city's lease of court space. He also asked Councilmember Hohnke if his big picture vision of Ann Arbor's future was to emulate cities such as Boulder Colorado, Portland Oregon, and Seattle Washington, or was the shared big picture vision about something else.*

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

**PH-1 09-0920**

Public Hearing on A2D2 Downtown Design Guidelines

*A public hearing was continued on the proposed A2D2 Downtown Design Guidelines from the October 5, 2009 regular session of Council. Notice of public hearing was published October 1, 2009.*

*The following people appeared and spoke before Council:*

*Peter Nagourney, 914 Lincoln, asked that the timeline for the proposed guidelines be extended.*

*Thomas Partridge, 4220 Eyrie Dr., expressed concerns that affordable housing issues were not addressed.*

*Dorothy Nordness, 114 Eight Street, said that most of the principles laid out in the design guidelines are good, but she expressed concern about the lack or enforcement in the document.*

*Robert Snyder, representing the South University Neighborhood Association, expressed concern that the document does not adequately define or incorporate the design issue surrounding context.*

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

**PH-2 09-0227**

An Ordinance to Amend to Chapter 55 (Zoning) and Chapter 59 (Off-Street Parking) and Rezone Downtown Properties for the Ann Arbor Discovering Downtown Project (A2D2) (CPC Recommendation: Approval - 8 Yeas and 1 Nay) (Ordinance No. ORD-09-28)

*A public hearing was conducted on the proposed amendment to Chapter 55 (Zoning) and Chapter 59 (Off-Street Parking) and Rezone Downtown Properties for the Ann Arbor Discovering Downtown Project (A2D2). Notice of public hearing was published October 29, 2009. The Mayor announced that if the resolution was postponed, the hearing would also be continued until the time that the ordinance returned to Council.*

*The following people spoke at the public hearing:*

*Ethel Potts, 1014 Elder Blvd., said that the proposed D1 & D2 zoning cannot stand alone and must not be adopted without a guideline review process and standards. She added that Council should consider and adopt the amendments to the guidelines proposed by the citizens groups.*

*Hugh Sonk, 505 E. Huron, representing co-owners of Sloan Plaza, spoke in opposition of the proposed rezoning of 500 E. Huron Street. The residents of Sloan Plaza request in addition to the zoning changes to the 500 Block of E. Huron, that Council give them time to finish the guidelines.*

*Stacy Simpson-Duke, a pastor from First Baptist Church of Ann Arbor, asked that Council reconsider the zoning of their block to D1; she asked that Council consider making a D2 designation for their block or consider extending the historic district to their block.*

*Marlene Frances, a member of First Baptist Church, urged Council to consider the consequences of rezoning this area.*

*Linda Binkow, resident of Sloan Plaza, said that the proposed rezoning would allow buildings to be twice the height of the current quad buildings under construction. The rezoning would block air and sunlight in this area.*

*Mr. Frances, member of First Baptist Church, said that it would be a mistake to allow an 180 ft. tall building to be erected immediately to the west of First Baptist Church, destroying the ambience of the church property.*

*Bruce Thompson, 2682 White Oak Drive, reminded Council that this is not a change in zoning for E. Huron. He stated that the 500 block of Huron Street is already zoned for tall dense buildings. He appreciated all of the time spent on this issue and hoped that the rights of everyone would be protected.*

*Roger Hewitt, 1411 Harbrook, a member of the A2D2 Steering Committee and a downtown business owner, said that the current proposal should be rewritten so that a building that is at least half residential could go up to 700% FAR or 6% more than is currently allowed. He encouraged above-grade parking.*

*Brad Mikus, 3202 Chelsea Circle, clarified that the new D2 zoning with all of the premiums would be 900% FAR.*

*Barbara Copi, 1601 Cambridge, said that she noticed that the City has a number of new directional signs pointing to different areas in town. There are two signs on Washtenaw near South University that say "Downtown". Ms. Copi stated this was inappropriate as the zoning for this area has not been determined and it is premature*



*to call this area "downtown."*

*Chris Crockett, member of the Design Review Committee, urged Council to listen to the concerns of people who have come to talk about the proposed zoning.*

*Ray Detter, member of the Downtown Area Citizens Advisory Committee, spoke in support of the proposed A2D2 Zoning.*

*There being no further comment, the Mayor informed the public that if the proposed A2D2 zoning is postponed, the public hearing will be carried over and if Council votes to approve this zoning tonight, the public hearing will be closed.*

**PH-3 09-1109**

Individual Hearing on the Rezoning of 1320 South University at the Request of the Property Owner per MCL 125.3401

*A public hearing was conducted on the request for an individual hearing on the rezoning of 1320 South University at the request of the property owner, per MCL 125.3401. Notice of public hearing was published November 12, 2009.*

*Susan Friedlander, representing the owners, said that a protest petition opposing the rezoning of their property from D1 to D2 was filed. She asked that Council reject the proposed rezoning and accept their zoning conditions for the property at 1320 Forest Court.*

*Eleanor Linn, 1321 Forest Ct., urged Council to keep the proposed D2 zoning designation for the property at 1320 S. University.*

*Bob Snyder spoke in support of proposed D2 zoning designation for 1320 S. University. He said that it is a more appropriate zoning for the South University area.*

*Maggie Ladd, Director of South University Area Association, spoke in opposition of the proposed rezoning of 1320 S. University.*

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

**PH-4 09-0959**

An Ordinance to Amend Chapter 55, Rezoning of 15.38 Acres from PUD (Planned Unit Development District) to Revised PUD Briarwood Lots 14 and 15, 1201 Briarwood Circle, (CPC Recommendation: Approved - 6 Ayes and 0 Nays) (Ordinance No. ORD-09-31)

*A public hearing was conducted on the proposed amendment to Chapter 55, Rezoning of 15.38 Acres from PUD (Planned Unit Development District) to Revised PUD Briarwood Lots 14 and 15, located at 1201 Briarwood Circle. Notice of public hearing was published October 29, 2009.*

*Bob Marzano, representing CW Capital, said that they have no objections to the amendments being proposed to Council.*

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

**PH-5 09-1078**

Resolution to Approve Tim Horton's Site Plan, South Side of Washtenaw Avenue, West of Huron Parkway (CPC Recommendation: Approval - 8 Yeas and 1 Nay)

*A public hearing was conducted on the proposed Resolution to approve the Tim Horton's Site Plan, located on the south side of Washtenaw Avenue, west of Huron Parkway. Notice of public hearing was published November 8, 2009.*

*Leo Gonzales, with CRS Commercial, representing Safeway, said that the proposal is to redevelop the existing gas station into a new state-of-the-art facility to better serve the community. Mr. Gonzales was available to answer questions from Council.*

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

**RECESS**

*The Mayor declared a recess at 8:48 p.m. and reconvened the meeting at 9:18 p.m.*

**COMMUNICATIONS FROM COUNCIL****COUNCILMEMBER HIGGINS**

*Councilmember Higgins acknowledged the public's interest regarding the design guidelines and she clarified the fact that the design guidelines are currently in the hands of the A2D2 Steering Committee. She further explained that comments had been collected and that the committee had asked for a public hearing at this level to inform the community about its plans. She stated that the guidelines were not on the agenda for approval tonight. The committee will meet again on November 19, 2009 to review all information and then make a recommendation to Council about next steps.*

**COUNCILMEMBER SMITH**

*Councilmember Smith said that she would bring a resolution to the December 7, 2009 Council meeting to address the installation of new parking meters.*

**COUNCILMEMBER RAPUNDALO**

*Councilmember Rapundalo responded to a speaker during public commentary who addressed the need for levels of government to support entrepreneurs. He said that there were a variety of resources that in fact do support innovators and entrepreneurs. He encouraged entrepreneurs to look to those kinds of organizations for programming that they may want to pursue.*

**COUNCILMEMBER HOHNKE**

*Councilmember Hohnke responded to a public comment regarding the Huron River and Impoundment Management Plan. He clarified that those expenses are related to the question of how to manage Argo Dam, which is not a part of the consensus recommendations from committee. He asked the City Administrator to provide an update on the timeline of that process.*

*Public Services Area Administrator Sue McCormick responded by saying that there are a couple of things that are effecting the timeline. Immediately they are dealing with the consent order received from the Michigan Department of Environmental Quality on August 6, 2009, which includes the deadline to de-water the headrace by November 1. Ms. McCormick stated the City must provide an evaluation of the options addressing the deficiencies of the headrace embankment, which is required under that consent order, by April 30, 2010. If a decision is made to keep the dam, all work to correct the headrace in a manner approved by the Land and Water Management Division must be completed by December 31, 2010. If the decision to remove the dam is made, the removal is to be completed by December 31, 2012. She noted that the order does not specify when a decision must be made, but rather it specifies when final action must be completed.*

*Councilmember Hohnke addressed a public commentary speaker's reference to whether the City finds Boulder and Portland to be useful examples in creating our policies in Ann Arbor. He stated that not only do we look to these great cities for inspiration, but that these cities look to Ann Arbor for advice and council as well. He, the Mayor, and members of the community have actively explored pedestrian safety issues. They are looking hard at the pedestrian right-of-way ordinance that is in place in Boulder Colorado, because they feel that it may provide useful guidance in making important improvements in Ann Arbor.*

**A APPROVAL OF COUNCIL MINUTES**

**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

**A-1 09-1113** City Council Special and Regular Session Minutes of November 5, 2009

**A motion was made by Councilmember Smith, seconded by Councilmember Rapundalo, that the Special Session and Regular Session Minutes of November 5, 2009 be approved as presented. On a voice vote, the Mayor declared the motion carried.**

**CA CONSENT AGENDA**

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

**CA-5 Resolution to Approve the Purchase of Duncan Electronic Parking Meter Equipment from Duncan Industries (not to exceed \$87,000.00)**

**Passed on consent agenda**

**A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.**

**CA-1 09-0984** Resolution to Increase Service Purchase Order with DownUnder Municipal Services, LLC for Sanitary Sewer Cleaning Services for the Northside Sanitary Sewer Sub-Main Project (\$4,009.51)

Enactment No:

**CA-2 09-1059** Resolution to Approve Ninth Amendment to Legal Services Contract with Dykema Gossett (\$70,000.00)

Enactment No: R-09-454

**CA-3 09-1066** Resolution to Create a Second Assessing Board of Review

Enactment No: R-09-455

**CA-4 09-1074** Resolution to Approve Contract with Antler Construction to Renovate the Kitchen at Cobblestone Farm and \$50,179.80 Total Construction Project Budget

Enactment No: R-09-456

**CA-6 09-1081** Resolution to Accept Board of Insurance Administration Meeting Minutes of October 22, 2009

Enactment No: R-09-457

**CA-5 09-1079** Resolution to Approve the Purchase of Duncan Electronic Parking Meter Equipment from Duncan Industries (not to exceed \$87,000.00)

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

**A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the Resolution be postponed and should be returned by December 7, 2009. On a voice vote, the Mayor declared the motion carried.**

**B ORDINANCES - SECOND READING**

**B-1 09-0959** An Ordinance to Amend Chapter 55, Rezoning of 15.38 Acres from PUD (Planned Unit Development District) to Revised PUD Briarwood Lots 14 and 15, 1201 Briarwood Circle, (CPC Recommendation: Approved - 6 Ayes and 0 Nays) (Ordinance No. ORD-09-31)

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

**B-2 09-0227** An Ordinance to Amend to Chapter 55 (Zoning) and Chapter 59 (Off-Street Parking) and Rezone Downtown Properties for the Ann Arbor Discovering Downtown Project (A2D2) (CPC Recommendation: Approval - 8 Yeas and 1 Nay) (Ordinance No. ORD-09-28)

**A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the ordinance be adopted.**

Enactment No: ORD-09-28

**A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Ordinance be amended as follows:**

**Table 5:10.20A – Downtown Character Overlay Zoning Districts Building Massing Standards (Additional Regulations for the D1 and D2 Districts)**

**Side and Rear Setback (Column):**

**Rear or side exterior wall of the tower shall be located no further than 150 feet from the East Huron property line. [and] REAR OR SIDE EXTERIOR WALL OF THE BASE AND THE TOWER SHALL BE LOCATED no closer than 30 feet to a lot line abutting a residential zoning district. In no case shall the required setback reduce the width or depth of a lot suitable for building to less than 25 feet.**

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

**[ ] Indicates deleted language**

**All CAPS indicate new language**

**A motion made by Councilmember Kunselman, seconded by Councilmember Briere, that the ordinance be amended as follows:**

**Change the maximum building height in the D1 District for the South University Character Zone, presently listed as 150 FT to 60 FT.**

**On a voice vote, the Mayor declared the motion defeated.**

*A motion was made by Councilmember Kunselman, seconded by Councilmember Rapundalo, to suspend the Council Rules regarding speaking time. On a voice vote, the Mayor declared the motion carried.*

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

**Table 5:10.2d (South University Height) [150 ft.] to 120 FT. within the South University character.**

**After further discussion, the motion was withdrawn.**

Enactment No: ORD-09-28

**A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Ordinance be postponed until 12/7/2009. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:**

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

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

*Councilmember Higgins requested that the City Planning Commission and staff report to Council by January 2011 regarding the impacts of the ordinance changes.*

**A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the Ordinance be Amended as follows:**

**Table 5:10.2d (South University Height) [150 ft.] to 120 FT. within the South University character.**

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

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

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

**A motion was made by Councilmember Smith, seconded by Councilmember Briere, to Call The Question. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

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

Nays: 1 - Councilmember Kunselman

The question being, the motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Ordinance be adopted 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 Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

Nays: 1 - Councilmember Kunselman

Enactment No: ORD-09-28

**C ORDINANCES - FIRST READING**

None.

**D MOTIONS AND RESOLUTIONS**

**DC New Business - Council:**

**DC-1 09-1025** Resolution to Accept the Huron River and Impoundment Management Plan from the Environmental Commission and 30 Consensus Recommendations

Sponsors: Hohnke and Teall

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

**09-1025** Resolution to Accept the Huron River and Impoundment Management Plan from the Environmental Commission and 30 Consensus Recommendations

Sponsors: Hohnke and Teall

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

**Amend the 5th Resolved Clause as follows:**

**RESOLVED, That the Ann Arbor City Council SHALL appoint[s \_\_\_\_\_] as the City Council representative to the RSC and to make recommendations to Council on appointees to the RSC] THE MEMBERS OF THE RSC, INCLUDING ONE COUNCIL REPRESENTATIVE, WITHIN THE NEXT 60 DAYS;**

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

**[ ] Indicates deleted language.  
All CAPS Indicated new language.**

*Note: Energy Commission Resolution to be included as an attachment to this resolution.*

**A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Resolution be postponed until December 7, 2009. On a voice vote, the Mayor declared the motion carried.**

**DC-2 09-1100**

Resolution to Re-Appoint Member to the City Environmental Commission

**Sponsors:** Teall and Hohnke

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

Enactment No: R-09-458

**DC-3 09-1116**

Resolution to Require Execution of CUB Agreements by Contractors and Subcontractors with the Washtenaw County Skilled Building Trades Council as a Condition of City Construction Contracts

**Sponsors:** Hieftje and Derezinski

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

Enactment No: R-09-459

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

**RESOLVED, That, EFFECTIVE FEBRUARY 1, 2009, City Council require all City invitations to bid on construction contracts to include as a condition of award the requirement that all contractors and subcontractors execute CUB Agreements with the Washtenaw County Skilled Building Trades Council.**

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

**All CAPS indicate new language.**

**09-1116**

Resolution to Require Execution of CUB Agreements by Contractors and Subcontractors with the Washtenaw County Skilled Building Trades Council as a Condition of City Construction Contracts

**Sponsors:** Hieftje and Derezinski

**The question being, the motion that was made by Councilmember Derezinski, seconded by Councilmember Smith, that the Resolution be approved as amended. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-09-459



**DC-4 09-1084**

Resolution to Recommend Approval of Issuance of a Downtown Development District Liquor License to Silvio's Organic Pizzeria, Inc.

**Sponsors:** Council Liquor License Review Committee

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

Enactment No: R-09-460

**DC-5 09-1110**

Resolution to Amend the Fiscal Year 2010 SmartZone LDFA Budget for Increased Business Accelerator Services (8 Votes Required)

**Sponsors:** Rapundalo

**A motion was made by Councilmember Rapundalo, 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-09-461

**RECESS**

*Mayor Hieftje declared a recess at 12:07 a.m. and reconvened the meeting at 12:15 a.m.*

**DB New Business - Boards and Commissions:****DB-1 09-1078**

Resolution to Approve Tim Horton's Site Plan, South Side of Washtenaw Avenue, West of Huron Parkway (CPC Recommendation: Approval - 8 Yeas and 1 Nay)

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

Enactment No: R-09-462

**D Old Business - Staff:****DS New Business - Staff:****DS-1 09-0997**

Resolution to Award Contract for the Lime Feed System Improvements Project to Irish Construction Company (\$2,895,000.00)

**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-09-463

- DS-2 09-1026** Resolution to Award Contract for Structural Repair and Painting of Clarifiers 4 & 5 to E & L Construction Group, Inc. (\$322,500.00)
- A motion was made by Councilmember Hohnke, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-464
- DS-3 09-1041** Resolution to Approve an Agreement with the Michigan Department of Transportation for the Packard Road SCOOT Expansion Project (\$185,700.00)
- A motion was made by Councilmember Hohnke, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-465
- DS-4 09-1043** Resolution to Approve an Agreement with the Michigan Department of Transportation for the West Stadium (Suffolk to Hutchins) Improvements Project
- A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-466
- DS-5 09-1076** Resolution to Approve Lease Renewal Agreement with Dahlmann Properties, Ltd. for Space in the City Center Building for One Year (\$302,716.80) (8 Votes Required)
- 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 unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-09-467
- DS-6 09-1075** Resolution to Approve a Conditional Contract Award to Site Development, Incorporated for West Park Improvements, Total Construction Project Budget of \$1,587,300.00 and Appropriate Project Funding of \$1,374,082.00 from the Stormwater Fund (8 Votes Required)
- A motion was made by Councilmember Taylor, 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-09-468
- DS-7 09-1092** Resolution Accepting Utility Easement from Organ Procurement Agency of Michigan also known as Gift of Life of Michigan (8 Votes Required)
- A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-09-469

**E COMMUNICATIONS FROM THE MAYOR****E-1 09-1099** Appointments and Nominations

*Mayor Hieftje recommended the following appointments at the November 5, 2009 regular session of Council:*

*Commission on Disability Issues*

*Joan Kauffman (Filling Vacancy)*

*431 Eighth St.*

*Ann Arbor, MI 48103*

*Term: November 19, 2009-November 19, 2012*

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

**APPROVED AS A ONE STEP PROCESS****09-1142** Approve RFP Review Committee - Top of the Library Lot Parking Structure in a One-Step Process

*Mayor Hieftje recommended the following appointment be approved as a one-step process:*

*RFP Review Committee - Top of Library Lot Parking Structure*

*Sam Offen (Replacing Scott Rosencrans)*

**A motion was made by Councilmember Derezinski, seconded by Councilmember Briere, that Council concur with the recommendations of the Mayor and approve the appointment of Sam Offen to the RFP Review Committee - Top of Library Lot Parking Structure as a one-step process. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**

E-2      09-1132      Appointments - Confirmations

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

*Energy Commission*

*Phillis Englebert (Filling Vacancy)  
803 John A. Woods Dr.  
Ann Arbor, MI 48105  
Term: December 7, 2009- December 7, 2012*

*Human Rights Commission*

*Neal Elyakin (Filling Vacancy)  
1300 Red Oak  
Ann Arbor, MI 48103  
Term: December 7, 2009-October 31, 2012*

**COMMUNICATIONS FROM COUNCIL**

1.      09-1127      Communication from Councilmember Kunselman Regarding Questions Pertaining to November 16 Agenda Items

**Sponsors:**      Kunselman

**F COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

*City Administrator Roger Fraser updated Council on the following:*

**LIBRARY LOT RFPs**

*Eight proposals were received on November 13, 2009. Two of the proposals were submitted late and have been disqualified. Six proposals will be reviewed. The Technical Review Committee will review each proposal to make sure that what was submitted complies with the expectations of the RFP. The proposals will then be reviewed again by the Advisory Committee.*

**MACK POOL TASKFORCE**

*The Taskforce held a public meeting on November 12, 2009. They will hold another public meeting on December 10, 2009 at the Mack School Library to show the public their recommendations for Mack Pool. The recommendations from the Taskforce will be presented to the Park Advisory Commission on January 19, 2010 and are scheduled to be presented to City Council at the work session in February 2010.*

**SENIOR CENTER TASKFORCE**

*The Taskforce met on October 23 and 27, 2009 to seek public input. They will hold another public meeting on December 16, 2009 at the Senior Center to work on the draft recommendations. Their recommendations will go to the Park Advisory Commission on January 19, 2010 and to the Council work session in February 2010.*

**REDUCTION IN STAFF IN PLANNING AND DEVELOPMENT SERVICES**

*There have been reductions in staff in the Planning and Development Services as a consequence of the reduction in applications for building permits and other services. The reduction in staffing has resulted in changes in our service delivery. Most of the construction services and rental housing operations are located at 2000 S. Industrial. On Monday, Tuesday, Wednesday and Friday, Planning and Development Services offices will be open from 9 a.m. to 12 p.m. for the public. They will be closed at lunch time due to lack of coverage during the noon hour. Service will reopen at 1 p.m. and stay open until 4 p.m. on each of those days. On Thursdays, the office will be open for business from 1 p.m. to 4 p.m. only. In each case, the cash register will be closing at 4 p.m. Over-the-Counter Permit Days will remain on Tuesday. Hours are from 1:30 to 3:30 p.m.*

*Planning, Zoning and Historic Preservation and Appeals continue to be located on the 6th floor of City Hall. The winter hours of operation are 8 a.m. to 12 p.m., closed for lunch until 1 p.m. Offices will reopen at 1 p.m. and stay open until 5 p.m. The cash register will close at 4 p.m. To arrange a meeting with a planner or the historic district staff, the public is being asked to call in advance and make an appointment.*

**BRIDGE OVER STATE STREET**

*Pieces of structure were successfully removed from the Stadium Blvd. bridge. State Street is expected to reopen to traffic on November 17, 2009.*

**BRIDGE ADVISORY BOARD OF MDOT**

*The Board has approximately \$5.7 million dollars to be distributed around the state for bridge projects. They met on November 5, 2009, but chose three other projects*

over the City's proposal. The City did apply for the United States Department of Transportation Discretionary Tiger Grant, which are expected to be awarded in February 2010.

#### STATE BUDGET

The State Budget included reductions in revenue sharing. The City's loss is approximately \$1.2-\$1.4 million. The worst case scenario described in August 2009 is the budget scenario that the City now faces. Recommendations are being prepared for changes to be implemented in January 2010. No action will be taken without the Council's review and consideration.

#### RESTRUCTURING OF POLICE OPERATIONS

As a result of a Justice Administration Grant from the Federal Government, the Police Department will begin a new training program in January 2010. This training will assist staff in new assignments as a result of the recent restructuring of the Police Department.

### G COMMUNICATIONS FROM THE CITY ATTORNEY

G-1 09-1097 Annexation of the Vasconi Property

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

H-1 09-1120 Election results from the November 3, 2009 Election

H-2 09-1121 Communication from the State of Michigan Public Service Commission regarding a Hearing Notice for Electric Customers of the Detroit Edison Company - Case No. U-16047 scheduled for December 3, 2009 at 9:00 a.m. at the Michigan Public Service Commission Building in Lansing, Michigan

I The following minutes were received for file:

I-1 09-1049 Greenbelt Advisory Commission Minutes of September 9, 2009

I-2 09-1082 Taxicab Board Meeting Minutes - May 28, 2009

I-3 09-1083 Parks Advisory Commission Minutes - September 15, 2009

**PUBLIC COMMENT - GENERAL (3 MINUTES EACH)**

*Michael Benson of the Michigan Student Assembly passed out UM t-shirts to Council in support of the upcoming football game against Ohio State.*

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

*None.*

**ADJOURNMENT**

**A motion was made by Councilmember Taylor, seconded by Councilmember Anglin, that the meeting Adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:55 a.m.**

**09-1192** City Council Emails - November 16, 2009

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

**LIVE: MONDAY, NOVEMBER 16, 2009, 7:00 PM**

**REPLAYS: TUESDAY, NOVEMBER 17, 2009 10:00 AM AND FRIDAY, NOVEMBER 20, 2009 7:30 PM**

**REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE**

**Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office by telephone at 734-794-6140 or by written request addressed to the City Clerk's Office, 100 N. Fifth Ave., Ann Arbor, MI 48104, at least 24 hours in advance.**

**A hard copy of this Council packet can be viewed at the front counter of the City Clerk's office.**