



Action Minutes

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City Council

December 5, 2005

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**..Title**

Ann Arbor City Council Minutes Regular Session - December 5, 2005

**..Body**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:10 p.m. in the City Hall Council Chamber.

Council stood for a moment of silence.

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

**ROLL CALL OF COUNCIL**

PRESENT : Councilmembers John Roberts, Joan Lowenstein, Stephen Rapundalo, Jean Carlberg, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 10;

ABSENT : Councilmember Robert M. Johnson, 1.

**INTRODUCTIONS**

APPOINT SAMUEL HOPKINS AS ANN ARBOR FIRE CHIEF

City Administrator Roger Fraser introduced Samuel Hopkins as the new Ann Arbor Fire Chief. Samuel Hopkins previously served with the Lansing, Michigan Fire Department for 29 years where he started his career as a firefighter. Mr. Hopkins eventually retired from the Lansing Department as the Fire Chief.

R-618-12-05 APPROVED

**RESOLUTION TO APPOINT FIRE CHIEF**

Whereas, A national search developed candidates for the position of Fire Chief and a selection process involving Fire Department personnel, Service Area Administrators, Council Members and other citizens was conducted;

Whereas, Samuel Hopkins served with the Lansing, Michigan Fire Department for 29 years where he started his career as a Firefighter and progressed through the officer ranks, which resulted in him serving for seven years with Lansing as the Fire Chief until his recent retirement;

Whereas, Section 12:1(b) of the Ann Arbor City Charter provides that the Fire Chief shall be appointed by the City Council on recommendation of the City Administrator; and

Whereas, Samuel Hopkins is qualified to serve and is recommended to Council for appointment as Ann Arbor's Fire Chief;

RESOLVED, That City Council does hereby appoint Samuel Hopkins as City of Ann Arbor Fire Chief, effective December 5, 2005 in accordance with the terms and conditions of employment contained in the attached letter dated November 18, 2005, and which letter hereby is made a part of this resolution of appointment.

Councilmember Higgins moved, seconded by Councilmember Easthope, that the resolution be adopted.

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

City Clerk Jacqueline Beaudry officially swore in Samuel Hopkins as the City of Ann Arbor Fire Chief.

#### PRESENTATION ON CITYWIDE NON-MOTORIZED PLAN

Jeff Kahan, City Planner for the City of Ann Arbor, provided Council with the status of the citywide non-motorized plan. The Greenway Collaborative was formed in December 2003 to provide a comprehensive, citywide non-motorized transportation plan for the City of Ann Arbor. The City partnered with the Downtown Development Authority and the University of Michigan to fund the development of the plan.

The draft plan will likely be presented to the Planning Commission in early 2006 for a State-required public hearing. After Planning Commission approval, it will be forwarded to City Council for approval and adoption as an element of the City's master plan. The draft plan can be reviewed by visiting The Greenway Collaborative's website at [www.greenwaycollab.com](http://www.greenwaycollab.com).

#### BICYCLE FRIENDLY COMMUNITY AWARD

John Waterman from the League of American Bicyclists presented the Bicycle Friendly Community Award to the City. The League is one of the nation's premier cycling organizations. The League promotes bicycling through fun, fitness, transportation and works of advocacy education to create a bike-friendly America. Ann Arbor completed the process of becoming bicycle-friendly and is one of 52 communities to receive this award.

#### PRESENTATION OF RECOMMENDATIONS FOR THE DOWNTOWN DEVELOPMENT STRATEGIES PROJECT

Joseph Scanga, principal with Calthorpe Associates, presented a final report of the Downtown Development Strategies Project to Council. The report was prepared to address the complex issues affecting Downtown Ann Arbor and their impacts in its adjacent neighborhoods. The report provides strategies to identify and encourage change, while placing an emphasis on building upon the stability of core areas and the Downtown's unique characteristics. A copy of the report is on file in the City Clerk's Office.

### ORGANIZATION OF NEW COUNCIL

#### APPOINTMENT OF COUNCIL COMMITTEES

Councilmember Higgins moved, seconded by Councilmember Greden, to approve the proposed Council Committees as presented.

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

#### **2006 CITY COUNCIL COMMITTEE ASSIGNMENTS**

Ann Arbor Energy Commission	Wendy Woods
Ann Arbor Summer Festival Board	John Hieftje
Board of Insurance Administration	Joan Lowenstein Stephen Rapundalo (alt)
Brownfield Plan Review Committee	Bob Johnson John Roberts
Brownfield Plan Review - 4 <sup>th</sup> & William Ad-Hoc Committee	Jean Carlberg Chris Easthope Bob Johnson Margie Teall
Budget & Labor	Chris Easthope Leigh Greden John Hieftje Marcia Higgins Joan Lowenstein

Cable Commission	Marcia Higgins John Roberts
City/County Community Corrections Advisory Board	Jean Carlberg

City/School Committee	John Roberts Margie Teall
City/University Committee	Bob Johnson Joan Lowenstein Stephen Rapundalo
Community Development Executive Board	Leigh Greden
Community Events Funds Disbursement Committee	Marcia Higgins Margie Teall
Cool Cities Taskforce	Leigh Greden
Council Administration Committee	Chris Easthope Leigh Greden Marcia Higgins John Roberts Margie Teall
Downtown Development Authority	John Hieftje
Downtown Development Authority Partnerships	Jean Carlberg Chris Easthope
*Downtown Zoning Steering Committee	Marcia Higgins Joan Lowenstein
**Environmental Commission	Margie Teall Wendy Woods
**Greenway Taskforce	Jean Carlberg
**Greenbelt Advisory Commission	Bob Johnson
Housing Board of Appeals	Jean Carlberg
Housing Policy Board	Leigh Greden
Huron River Watershed Council Liaison	John Hieftje Joan Lowenstein
Local Development Finance Authority Board	Stephen Rapundalo
Mallett's Creekshed Coordinating Committee	Jean Carlberg
Mayor's Committee on Street Art Fairs	Chris Easthope John Hieftje
Michigan Theater Community Board Liaison	John Hieftje Margie Teall
Natural Features Ordinance Committee	Bob Johnson Wendy Woods
**Planning Commission	Jean Carlberg
SEMCOG Liaison	John Hieftje Bob Johnson
***School Safety Committee Liaison	VACANCY
WATS Liaison	Stephen Rapundalo
Washtenaw Development Council Liaison	Stephen Rapundalo
Zoning Board of Appeals	Marcia Higgins

\* City Council will be asked to dissolve the Downtown Zoning Steering Committee on December 5, 2005.

\*\* Councilmembers are nominated and appointed to these committees by City Council, not the Mayor. Nonetheless, they are included in this document to provide a centralized list of committee assignments.

\*\*\* It is recommended that the School Safety Committee Liaison be merged with City/Schools Committee.

### PUBLIC COMMENTARY - RESERVED TIME

The following people addressed Council regarding the Calthorpe Project and Report:

Sonia Schmerl, 539 S. First St., asked that Council set a public hearing regarding the project.

Karen Sidney, 100 Longman Lane, talked about the tax dollars being used in the project.

Jill Peek, 272 Crest, expressed concerns and gave suggestions for the Calthorpe project draft.

Dale Winling, 106 W. Madison, spoke in support of the proposed Calthorpe Project.

Hank Byma, 110 Miller Ave, asked that Council amend its resolution to consider two public hearings to allow public comment on the Calthorpe draft report.

Brandt Coultas, 425 S. Main, encouraged Council to support the Calthorpe Project and to keep the project moving forward.

#### STOP FUNDING ISRAEL

The following people expressed concern with sending community tax dollars to Israel:

Blaine Coleman, P.O. Box 7038

Mozhgan Savabieasfahni, 710 E. Ann

Laurel Federbush expressed concern with the issues in Israel/Palestine.

#### BILL HANNA - PLYMOUTH ROAD PLANNING

Bill Hanna addressed Council with concerns regarding development in the northeast area of Ann Arbor. He urged Council to consider the effects on local residents when making decisions.

### **PUBLIC HEARINGS**

#### DUDA ZONING (ORDINANCE NO. 43-05)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 1.0 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Duda property. Notice of public hearing was published November 21, 2005.

The Mayor declared a recess at 8:38 p.m. and reconvened the meeting at p.m. 8:51 p.m.

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

#### HERON LANDING ZONING (ORDINANCE NO. 44-05)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 7.69 acres from R1C (Single-Family Dwelling District) to R3 (Townhouse District), Heron Landing property, located at 3680, 3696, 3746 and 3788 Platt Road. Notice of public hearing was published November 21, 2005.

Written communications expressing opposition were received from the following people:

Rafael Yahya, 3001 Williamsburg

Nicole Marroquin, Colonial Square

Doug and Jane Aprill

The following people spoke in opposition of the proposed Heron Landing rezoning:

John Stacy, 3148 Wolverine Drive

Doug Aprill, 3802 Platt Road  
Judy Bonnell-Wenzel, 2771 Braeburn Circle  
Sonia Light, 2461 Braeburn Circle

Tom Ewing, 529 Elizabeth Street, spoke about density.

There being no further comment, the Mayor declared the hearing continued to December 19, 2005.

#### HERON LANDING PLANNED PROJECT SITE PLAN

A public hearing was conducted on the proposed Heron Landing Planned Project Site Plan, 7.69 acres, located at 3680, 3696, 3746 and 3788 Platt Road. Notice of public hearing was published December 4, 2005.

There being no one present for comment, the Mayor declared the hearing continued to December 19, 2005.

#### PLYMOUTH GREEN CROSSINGS ZONING (ORDINANCE NO. 45-05)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 8.90 acres from RE (Research) to PUD (Planned unit Development District), Plymouth Green Crossings property, located on the northwest corner of Plymouth and Green Roads. Notice of public hearing was published November 21, 2005.

A communication of opposition was received from Chris Grant, First Martin Corp.

The following people expressed concerns with the proposed Plymouth Green Crossings rezoning:

Jim Mogensen, 3780 Green Brier  
Wendy Carmen, 2340 Georgetown, asked that the rezoning be tabled.

Jonathan Levine, 3006 Lexington Drive, spoke in support of the proposed rezoning.

Damian Farrell, architect for the project, was available to answer questions of Council.

There being no further comment, the Mayor declared the hearing continued to December 19, 2005.

#### PLYMOUTH GREEN CROSSINGS PUD SITE PLAN

A public hearing was conducted on the proposed Plymouth Green Crossings PUD Site Plan, 8.90 acres, located on the northwest corner of Plymouth and Green Roads. Notice of public hearing was published December 4, 2005.

Ann Attarian, 3490 Gettysburg Road expressed concerns with the proposed site plan.

There being no further comment, the Mayor the hearing continued to December 19, 2005.

#### SECOND BAPTIST CHURCH SITE PLAN

A public hearing was conducted on the proposed Second Baptist Church Site Plan, 4.0 acres, located at 850 Red Oak Road. Notice of public hearing was published December 4, 2005.

Written communications expressing concerns were received from the following people:

Steve Lyskawa  
Mary Siebert  
Anne Taylor and James Ferrio

The following people spoke in opposition of the proposed site plan:

Peter Konigsberg, 1104 Wendy Court, asked that the plan be postponed.  
Claude Faro, 1178 Wendy Court

Marybeth Brady, 1154 Wendy Court  
Steve Lyskawa, 1140 Wendy Court, asked that the proposed site plan be tabled.

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

UPLAND GREEN ZONING (ORDINANCE NO. 46-05)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 2.64 acres from TWP (Township District) to C3 (Fringe Commercial District), Upland Green property, located at 1771 Plymouth Road. Notice of public hearing was published November 21, 2005.

The following people expressed concern with the proposed rezoning:

Jim Mogensen, 3789 Green Brier  
Eric Lipson, City Planning Commission member, expressed concerns that the area is contaminated with lead.

The following people spoke in support of the proposed rezoning:

Scott McWhinney, 1875 Upland Drive  
Arthur Williams, 1899 Upland Drive

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

UPLAND GREEN PLANNED PROJECT SITE PLAN

A public hearing was conducted on the proposed Plymouth Green Planned Project Site Plan, 2.64 acres, located at 1771 Plymouth Road. Notice of public hearing was published December 4, 2005.

Jim Mogensen, 3780 Green Brier, expressed concern with environmental contaminations and the cost of clean-up.

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

ORGANIZATION OF BOARDS AND COMMISSIONS (ENVIRONMENTAL COMMISSION) (ORDINANCE NO. 53-05)

A public hearing was conducted on the proposed amendment to Section 1:237 of Chapter 8, Organization of Boards and Commissions, of Title I of the Code of the City of Ann Arbor (Environmental Commission). Notice of public hearing was published December 4, 2005.

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

**APPROVAL OF AGENDA**

AGENDA APPROVED WITH CHANGES

Councilmember Woods moved, seconded by Councilmember Higgins, that the agenda be approved with the following changes:

CONSENT AGENDA

**Added After Agenda Session Deadline:**

Add : Resolution to Accept Board of Insurance Administration Meeting Minutes of November 18, 2005 and to Authorize Payments (Financial and Administrative Services - Tom Crawford, Chief Financial Officer) **(Added 11/30/05)**

## ORDINANCES - SECOND READING

Revise : Amendment to Chapter 55, Rezoning of 8.90 Acres from RE (Research to PUD (Planned Unit Development District), Plymouth Green Crossings, Northwest Corner of Plymouth and Green Roads (Ordinance No. 45-05) **(8 Votes Required) (See Plymouth Greens Crossing Public Hearing) Revised 12/5/05)**

## MOTIONS AND RESOLUTIONS

Move : Resolution to Approve Heron Landing Planned Project Site Plan and Development Agreement, 7.69 Acres, 3680, 3696, 3746 and 3788 Platt Road (Planning Commission Recommendation: Motion to Approve Failed - 2 Yeas and 6 Nays) (Planning & Development Services - Jayne Miller, Community Services Area Administrator) **(See Heron Landing Planned Project Site Plan Public Hearing) (Consider with Heron Landing Rezoning Ordinance)**

Revised & Move: Resolution to Approve Plymouth Green Crossings PUD Site Plan and Development Agreement, 8.90 Acres, Northwest Corner of Plymouth and Green Roads (Planning and Development Services - Jayne Miller, Community Services Area Administrator) **(See Plymouth Green Crossings PUD Public Hearing) (Revised 11/29/2005) (Consider with Plymouth Green Crossings Rezoning Ordinance)**

Move : Resolution to Approve Upland Green Planned Project Site Plan and Development Agreement, 2.64 Acres, 1771 Plymouth Road (Planning Commission Recommendation: Approval - 9 Yeas and 0 Nays) **(See Upland Green Planed Project Site Plan Public Hearing) (Consider with Upland Green Rezoning Ordinance)**

Deleted & Added: Resolution to Accept Downtown Development Strategies Final Report as Presented by Calthorpe Associates (Community Services - Jayne Miller, Area Administrator) **(Deleted 11/29/05; Added 12/1/05)**

**Added After Agenda Session Deadline:**

Add : Resolution to Adopt the Statement of Philosophy and Role of Advisory Committee of the Ann Arbor Deferred Compensation Section 457 Savings Plan (Human Resources and Employee Relations - Carol Schuler, Director) **(Added 11/28/2005)**

Added: Resolution to Place Delinquent Community Standards Fees and Penalties and on the December 2005 Tax Roll (Community Standards Deleted: Gregory O'Dell, Interim Chief of Police) **(Added 11/29/2005) (Deleted 12/1/05)**

Add : Resolution Authorizing a Parking Contract Between McKinley and the City of Ann Arbor **(Added 11/29/2005, (Consider after approval of Council Minutes)**

Add: Resolution to Appoint Fire Chief **(Added 11/30/05)**

**Added After Newspaper Deadline:**

Add : Resolution Providing Input to the Michigan Department of Environmental Quality Regarding Rules for the Regulation of Non-Ferrous Metallic Mining (Mayor Hieftje) **(Added 12/5/05)**

Add : Resolution Requesting an Extension of the 15th District Court Lease from the Washtenaw County Board of Commissioners (Mayor Hieftje and Councilmembers Easthope and Greden) **(Added 12/5/05)**

## COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add : Letter of Opposition regarding Plymouth Green Crossings Rezoning (Community Services - Jayne Miller, Area Administrator) **(Added 12/5/05)**

**CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS**

Add : Communication from Janis Bobrin, chair of the Drainage Board for the Mallets Creek Drain regarding notice of hearing concerning public corporations to be assessed and apportionment of costs of locating and establishing the Mallets Creek Drain - Planning and Development Services **(Added 11/30/05)**

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

**APPROVAL OF COUNCIL MINUTES****MINUTES OF NOVEMBER 1 AND 21, 2005 APPROVED WITH CORRECTIONS**

Councilmember Greden moved, seconded by Councilmember Carlberg that the working and special session minutes of November 1, 2005 be approved as presented and the regular session minutes of November 21, 2005 be approved with minor corrections.

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

**R-622-12-05 APPROVED****RESOLUTION TO APPROVE AUTHORIZING A PARKING CONTRACT  
BETWEEN MCKINLEY AND THE CITY OF ANN ARBOR**

Whereas, McKinley recently purchased the four former TCF Bank property parcels on the northeast corner of Liberty/Division, the northeast corner of Washington/Division and the southwest corner of Washington/Division, and has proposed significant redevelopment plans for these sites within the next five years;

Whereas, These future McKinley projects are anticipated to provide significant increases in taxable value, they may provide approximately 145 new residential units, and they may serve as a catalyst for the redevelopment of the Liberty Street and Washington Street corridors;

Whereas, McKinley currently leases 252 monthly permits at the Liberty Street Parking Structure from Republic Parking, and has requested a contract for these permits to enable their redevelopment of parcels #1-4 to go forward;

Whereas, Under its 1992 agreement with the City, the DDA acts as manager of the City's parking structures, including Liberty Square;

Whereas, The DDA reviewed this request in depth and has recommended that a parking contract be provided to McKinley with the following elements:

- Parking permits under this contract would be made available at the Liberty Square parking structure for a period of twenty years with no renewals. Until permits are assigned under contract, the permits held by McKinley would continue to be paid for on a month-to-month basis by McKinley.
- After each of McKinley's three proposed redevelopment efforts receives a certificate of occupancy from the City, a long-term contract would be approved as follows: 107 permits for parcel #1; 45 permits for parcel #2 and 100 permits for parcels #3 and #4. No single assignee shall be provided with more than 59 permits under a contract.
- During the term of the agreement, McKinley may at any time reduce the number of permits from this agreed-upon number; however, unless otherwise agreed to by the DDA, any such reduction will be permanent.
- The permits under this contract would be available for use only by individuals who are occupants of the three projects listed above.
- In addition to the prevailing monthly permit rate in Liberty Square upon issuance of these permits under contract,



McKinley shall pay an additional thirty dollars per month. This additional amount shall be adjusted annually by the rate of inflation as agreed to by McKinley and the DDA.

· Once permits have been approved under contract, McKinley (or an assignee) shall pay the total of permit fees for each permit issued under this agreement on a monthly basis, in a single lump sum. No assignment of these permits shall be permitted without the permission of the DDA which shall not be unreasonably withheld.

Whereas, McKinley has requested a twenty year contract, and since the City's management agreement with the DDA will be up for renewal in 2015, the agreement for these parking permits must be made between McKinley and the City of Ann Arbor;

RESOLVED, City Council authorizes a parking agreement between the City of Ann Arbor and McKinley with the terms and conditions recommended by the DDA as stated above.

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

Councilmember Higgins moved, seconded by Councilmember Teall, that the resolution be adopted.

Councilmember Greden recused himself from voting on this resolution.

### **CONSENT AGENDA**

#### CONSENT AGENDA ITEMS APPROVED

Councilmember Rapundalo moved, seconded by Councilmember Teall, that the following Consent Agenda items be approved as presented:

#### R-619-12-05 APPROVED

#### RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO LANZO LINING SERVICES, INC., (\$542,119.00, BID NO. 3750) FOR THE 2005 STORM SEWER LINING PROJECT

Whereas, The storm sewers on Ann Street (Zina Pitcher to Glen), Ardmoor Avenue (Avondale to W. Stadium Blvd), Glen Court, Hill Street (S. Division to Oakland), Nordman Road (Sharon Dr to Butternut), South Fourth Avenue (E. Madison to Packard), and Zina Pitcher Street (Ann to Huron) are in need of immediate repair;

Whereas, The City's 2005-06 Adopted Capital Budget includes a preliminary project budget in the amount of \$612,232.00 for Major Streets Storm Water Pipe Repairs;

Whereas, The 2005 Storm Sewer Lining project is estimated at \$823,119.00;

Whereas, Funds were budgeted and are available for the balance of the project (\$210,887.00) in the approved FY2005-06 Operations & Maintenance budget of the Stormwater System;

Whereas, On October 20, 2005 Lanzo Lining Services, Inc. of Roseville Michigan submitted the lowest responsible bid for the construction at \$542,119.00;

Whereas, The contractual proposal sets forth the services to be performed by Lanzo Lining Services, Inc, and the payments to be made by the City for those services all of which are agreeable to the City;

Whereas, It is now necessary to enter into a contract with Lanzo Lining Services, Inc. for construction of the project; and

Whereas, Lanzo Lining Services, Inc. received Human Rights approval on March 29, 2005 and complies with the Living Wage Ordinance;

RESOLVED, That the project budget in an amount of \$823,119.00 be available for the life of the 2005 Storm Sewer Lining Project, without regard to fiscal year;

RESOLVED, That a contract in the amount of \$542,119.00 be awarded to Lanzo Lining Services, Inc. for the construction of the 2005 Storm Sewer Lining Project (Bid No. 3750);

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said contract after approval as to form by the City Attorney, and approval as to substance by the City Administrator;

RESOLVED, That the City Administrator be authorized to make the necessary adjustments to approve change orders to the construction contract and to amend professional service agreements in order to satisfactorily complete the project within the amended project budget; and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution.

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R-620-12-05 APPROVED

RESOLUTION TO RESCIND RESOLUTION NO. R-29-2-04 AND APPROVE PURCHASE ORDER TO CDW-G FOR TEN PANASONIC RUGGEDIZED NOTEBOOKS FOR THE FIRE SERVICES FLEET AS PART OF THE PUBLIC SAFETY DISPATCH CENTER PROJECT)

Whereas, Safety Services Dispatch is expanding its function to include Ann Arbor Fire in its computer aided dispatch capabilities.

Whereas, Competitive bids were received by the Ann Arbor Fire Services Unit and CDW-G was the lowest responsible bidder at \$37,218.80.00;

Whereas, The Fire Services Unit did not purchase the mobile computer units that were approved for purchase from a different vendor by City Council Resolution No. R-29-2-04 on February 2, 2004;

Whereas, CDW-G received Human Rights approval on October 20, 2005; and

Whereas, Funding for the project is available within the approved budget under the Public Safety Dispatch Center Project;

RESOLVED, That Resolution No. R-29-2-04 be rescinded;

RESOLVED, That City Council authorize the issuance of a purchase order to CDW-G in the amount of \$37,218.80 for the purchase of ten (10) Panasonic mobile computer notebooks; and

RESOLVED, That the City Administrator be authorized to take all necessary actions to implement this resolution.

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R-621-12-05 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MEETING MINUTES OF NOVEMBER 18, 2005 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of November 18, 2005 be accepted and that the recommended course of action therein, including payments, be approved and authorized.

MINUTES CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION November 18, 2005

PRESENT: Leigh Greden, Council Member

Brenda Smith, Interim Treasurer  
Abigail Elias, Chief Assistant City Attorney  
Bob West, Assistant City Attorney  
David Swan, Assistant City Attorney  
Tom Crawford, Chief Financial Officer  
Jack Tallerico, AJ Gallagher and Company  
Sarah Singleton, Management Assistant

3BUSINESS

CC054-05                      Lax, Jerold  
Property Damage  
Postpone for further consideration

BUSINESS

Claims Recommended for Approval:

CC040-05                      Longinus, Iwuana  
Vehicle Damage  
Discussed by Sarah Singleton, Management Assistant

Claims Recommended for Denial:

CC066-05                      Barnes, Gail  
Property Damage  
Discussed by Sarah Singleton, Management Assistant

CC063-05                      Tracey Bartzel  
Property Damage  
Discussed by Sarah Singleton, Management Assistant

CC069-05                      Scott, Joan  
Property Damage  
Discussed by Sarah Singleton, Management Assistant

CC071-05                      Topper Innovations, LLC  
Vehicle Damage (Airplane)  
Discussed by Sarah Singleton, Management Assistant

Prepared by: Sarah Singleton, Management Assistant  
Date: November 18, 2005

The question being the foregoing Consent Agenda items as presented, on a voice vote, the Mayor declared the motion carried.

**ORDINANCES - SECOND READING**

43-05 APPROVED

DUDA ZONING

An Ordinance to Amend the Zoning Map Being a Part of  
Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 1.0 acre, located at 1720 Green Road, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 43-05 is on file in the City Clerk's Office.)

Councilmember Carlberg moved, seconded by Councilmember Teall, that the ordinance be adopted at second reading.

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

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44-05 POSTPONED

HERON LANDING ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 7.69 acres, located at 3680, 3696, 3746 and 3788 Platt Road, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 44-05 is on file in the City Clerk's Office.)

Councilmember Carlberg moved, seconded by Councilmember Woods, that the ordinance be adopted at second reading.

Councilmember Greden moved, seconded by Councilmember Carlberg, to postpone the ordinance until December 19, 2005.

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

POSTPONED

RESOLUTION TO APPROVE HERON LANDING PLANNED PROJECT SITE PLAN AND DEVELOPMENT AGREEMENT

Whereas, Archcon Management Inc. has requested site plan approval in order to construct 64 townhouse and flat-style dwelling units at 3680, 3696, 3746 and 3788 Platt Road;

Whereas, Archcon Management Inc. has also requested planned project modifications from the side and rear setback requirements and building separation requirements of Chapter 55 (Zoning);

Whereas, A development agreement has been prepared to address public and private utilities, a street name signing plan, improvements to Platt Road, conveyance of land for a public park wildlife corridor, landmark trees, a street tree planting escrow account, creation of a condominium association, on-site storm water management, lawn care fertilizer use, a Wetland Monitoring Plan, traffic mitigation at the Platt/Lorraine intersection, and footing drain disconnection;

Whereas, The Ann Arbor City Planning Commission, on September 27, 2005, reviewed said request;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in Chapter 57; and

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;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated September 22, 2005;

RESOLVED, That the Mayor and City Clerk Be authorized and directed to sign the Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That City Council approve the Heron Landing Site Plan and planned project modifications from the side and rear setback requirements and building separation requirements of Chapter 55, upon the conditions that (1) the Development Agreement is signed by all necessary parties, (2) all terms of the Development Agreement are satisfied, (3) a minimum usable open space of 71 percent is provided, (4) a minimum lot area per dwelling unit of 5,153 square feet is provided, and (5) a variance is obtained from the Zoning Board of Appeals to allow 54 tandem parking spaces.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed resolution to approve Heron Landing Planned Project Site Plan and Development Agreement, 7.69 acres, 3680, 3696, 3746 and 3788 Platt Road.

Councilmember Carlberg moved, seconded by Councilmember Woods, that the resolution be adopted.

Councilmember Greden moved, seconded by Councilmember Carlberg, to postpone the ordinance until December 19, 2005.

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

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45-05 POSTPONED

PLYMOUTH GREEN CROSSINGS ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 8.90. acres, located on the northwest corner of Plymouth and Green Roads, from RE (Research) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 45-05 is on file in the City Clerk's Office.)

Councilmember Lowenstein moved, seconded by Councilmember Carlberg, that the ordinance be adopted at second reading.

Councilmember Rapundalo moved, seconded by Councilmember Easthope, to postpone the ordinance until December 19, 2005.

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

POSTPONED

RESOLUTION TO APPROVE PLYMOUTH GREEN CROSSINGS PUD SITE PLAN AND DEVELOPMENT AGREEMENT

Whereas, Gateway Ann Arbor LLC has requested PUD site plan approval in order to construct five buildings consisting of retail, restaurant, bank and residential uses, totaling 81,486 square feet, at the northwest corner of Plymouth and Green Roads;

Whereas, A development agreement has been prepared to address public and private utilities, landmark trees, a conservation easement, shared access and parking agreements, a street tree planting escrow account, on-site storm water management, lawn care fertilizer use, annual report regarding Wetland Monitoring Plan, feasibility of obtaining soils from property to the north, footing drain disconnection, contribution to the City's Affordable Housing Trust Fund, and improvements to Plymouth and Green Roads;

Whereas, The Ann Arbor City Planning Commission, on October 6, 2005, recommended approval of said request;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in this Chapter; and

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;

RESOLVED, That City Council approve an affordable housing contribution to the Affordable Housing Trust Fund in lieu of providing affordable units on-site;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated November 23, 2005;

RESOLVED, That City Council approve the Plymouth Green Crossings PUD Site Plan upon the conditions that (1) the Development Agreement is signed by all necessary parties, (2) all terms of the Development Agreement are satisfied, (3) a land transfer is completed, and (4) an administrative amendment for the adjoining site on the north is approved prior to the issuance of permits; and

RESOLVED, That the Mayor and the Clerk be authorized and directed to execute the Plymouth Green Crossings PUD Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Plymouth Green Crossings PUD Site Plan and Development Agreement, 8.90 Acres, Northwest Corner of Plymouth and Green Roads.

Councilmember Lowenstein moved, seconded by Councilmember Carlberg, that the ordinance be adopted at second reading.

Councilmember Rapundalo moved, seconded by Councilmember Easthope, to postpone the ordinance until December 19, 2005.

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

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46-05 APPROVED

UPLAND GREEN ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 2.64 acres, located at 1771 Plymouth Road, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 46-05 is on file in the City Clerk's Office.)

Councilmember Roberts moved, seconded by Councilmember Carlberg, that the ordinance be adopted at second reading.

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

R-623-12-05 APPROVED

RESOLUTION TO APPROVE UPLAND GREEN PLANNED PROJECT  
SITE PLAN AND DEVELOPMENT AGREEMENT

Whereas, Plymouth Ventures, LLC, has requested site plan approval in order to construct an 11,020-square foot, one-story commercial building on the south portion of the site; a 23,844-square foot, two-story retail/office building with 34 underground parking spaces on the north portion of the site; and 20 residential units totaling 42 bedrooms above the commercial component.;

Whereas, Plymouth Ventures, LLC, has also requested planned project modifications from the side setback requirements of Chapter 55 (Zoning);

Whereas, A development agreement has been prepared to address a park contribution, construction and maintenance of an on-site storm water management system, Upland Drive improvements, Plymouth Road egress, use of lawn care chemicals and fertilizers, and footing drain disconnections;

Whereas, The Ann Arbor City Planning Commission, on October 6, 2005, recommended approval of said request;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in Chapter 57; and

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;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated November 9, 2005;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign the Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That City Council approve the Upland Green Site Plan and planned project modifications from the side setback requirements of Chapter 55, upon the conditions that (1) the Development Agreement is signed by all necessary parties, (2) all terms of the Development Agreement are satisfied, (3) a minimum usable open space of 34 percent is provided, (4) and 12 footing drain disconnections are completed prior to the issuance of certificates of occupancy.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Upland Green Planned Project Site Plan and Development Agreement, 2.64 Acres, 1771 Plymouth Road.

Councilmember Roberts moved, seconded by Councilmember Carlberg, that the resolution be adopted.

City Council directed the City Administrator to work with the developer regarding follow-up to environmental testing.

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

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53-05 APPROVED

ORGANIZATION OF BOARDS AND COMMISSIONS -  
ENVIRONMENTAL COMMISSION

An Ordinance to Amend Section 1:237 of Chapter 8 of Title I  
of the Code of the City of Ann Arbor

(The complete text of Ordinance 53-05 is on file in the City Clerk's Office.)

Councilmember Teall moved, seconded by Councilmember Woods, that the ordinance be adopted at second reading.

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

**ORDINANCES - FIRST READING**

None.

**MOTIONS AND RESOLUTIONS**

R-624-12-05 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH DEMEX INC.,  
IN THE AMOUNT OF \$44,320.00 FOR THE DEMOLITION AND  
REMOVAL OF STRUCTURES LOCATED IN BANDEMER PARK,  
FAIRVIEW CEMETERY AND RIVERSIDE PARK PER BID NO. 3756  
AND TO ESTABLISH A CONSTRUCTION BUDGET OF \$48,752.00

Whereas, The structures at Bandemer Park, Fairview Cemetery and Riverside Park are not viable for park use due to age, structural and barrier free issues, and under-utilization;

Whereas, Competitive bids were sought by Purchasing Services with bids received on September 27, 2005 and Demex, Inc. was identified as the lowest responsible bidder;

Whereas, Funds for the project are included in the FY 05-06 approved Rehabilitation and Development Millage and the Parks Repair and Restoration Millage budgets; and

Whereas, Human Rights approval and compliance with the Living Wage Ordinance was received on October 10, 2005 for Demex Inc.;

RESOLVED, That City Council approve a contract with Demex, Inc. For the demolition and removal of structures located in Bandemer Park, Fairview Cemetery and Riverside Park per Bid #3756;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the contract between the City and Demex Inc. in the amount of \$44,320.00 subject to approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That City Council approve a construction contingency of \$4,432.00 (10%) to cover potential contract change orders to be approved by the City Administrator, and approve a total project budget of \$48,752.00 for the life of the project without regard to fiscal year; and

RESOLVED, That the City Administrator be authorized to take all necessary administrative actions to implement this resolution including the authority to approve change orders within the approved contingency.

Councilmember Woods moved, seconded by Councilmember Higgins, that the resolution be adopted.

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

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**POSTPONED**

**RESOLUTION TO APPROVE SECOND BAPTIST CHURCH SITE PLAN**

Whereas, Second Baptist Church has requested site plan approval in order to construct a 42,600-square foot, three-story,



multiple-purpose building on the western portion of the site, west of the existing church at 850 Red Oak Road;

Whereas, The Ann Arbor City Planning Commission, on August 2, 2005, recommended approval of said request;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in Chapter 57; and

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;

RESOLVED, That City Council approve the Second Baptist Church Site Plan, subject to sanitary sewer system mitigation equivalent to the disconnection of one footing drain before certificate of occupancy issuance.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Second Baptist Church Site Plan, 4.0 Acres, 850 Red Oak Road.

Councilmember Carlberg moved, seconded by Councilmember Higgins, that the resolution be adopted.

Councilmember Woods abstained from voting.

Councilmember Easthope moved, supported by Councilmember Teall, to postpone the resolution until December 19, 2005.

Council requested that City staff contact the developer and request his/her presence at the December 19, 2005 City Council Meeting.

**Note:** This resolution should indicate the variance approved by the Zoning Board of Appeals.

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

The Mayor declared a recess at 10:10 p.m. and reconvened the meeting at 10:24 p.m.

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R-625-12-05 APPROVED AS AMENDED

(RESOLUTION TO ACCEPT THE DOWNTOWN DEVELOPMENT STRATEGIES  
FINAL REPORT AS PRESENTED BY CALTHORPE ASSOCIATES)

Councilmember Higgins moved, seconded by Councilmember Lowenstein, that the resolution be adopted.

Councilmember Lowenstein moved, supported by Councilmember Greden, to amend the 2<sup>nd</sup> resolved clause as follows:

2<sup>nd</sup> RESOLVED Clause:

- ...Provide for a 60-day review period of this report providing the DDA [ , ] and Planning Commission [ **AND THE PUBLIC** ] the opportunity to provide informal comments to City Council and the Community Services Administrator by the end of this review period on February 6, 2006. In addition, [ **THE CITY COUNCIL PLANNING COMMISSION AND DDA SHALL EACH HOLD PUBLIC HEARINGS WITHIN THE 60 DAY REVIEW PERIOD ALL SCHEDULE THREE PUBLIC HEARINGS ON THE RECOMMENDATIONS.** ]

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

The question being the resolution as amended, on a voice vote, the Mayor declared the motion carried.

The resolution as amended reads as follows:

RESOLUTION TO ACCEPT THE DOWNTOWN DEVELOPMENT STRATEGIES FINAL REPORT AS PRESENTED BY CALTHORPE ASSOCIATES

Whereas, In December, 2004, Council passed resolution R-508-12-04 directing the Downtown Development Authority (DDA), Planning Commission, Environmental Commission and City staff to pursue action items supporting the work of the Downtown Residential Taskforce;

Whereas, In February, 2005, Council established an ad-hoc steering committee including the DDA, Planning Commission and City Council members, per resolution R-32-2-05, to expedite specific action to revise the City's zoning regulations and other policies to encourage downtown residential and commercial development;

Whereas, In May, 2005, based on the recommendation of the steering committee, Council passed resolution R-175-5-05 authorizing the hiring of Calthorpe Associates to provide land planning, urban design and implementation strategies for the downtown development strategies project to encourage downtown residential and commercial development;

Whereas, Calthorpe Associates assessed the downtown Ann Arbor zoning and development policies with regard to future development in the downtown and the future desires of Ann Arbor residents in this regard through a series of public design workshops and informational meetings, review of existing site and zoning conditions, and analysis of the economic market conditions of the downtown; and

Whereas, Calthorpe's work resulted in the Downtown Development Strategies Final Report;

RESOLVED, That City Council accept the Downtown Development Strategies Final Report; and

RESOLVED, That City Council implement the following steps with regard to continued implementation of this project:

- Provide for a 60-day review period of this report providing the DDA, Planning Commission and the public the opportunity to provide informal comments to City Council and the Community Services Administrator by the end of this review period on February 6, 2006. In addition, the City Council, Planning Commission and DDA shall each schedule public hearings on the recommendations within the 60-day review period.
- Hold a joint working session with the DDA, Planning Commission and Calthorpe Associates on Tuesday, January 17, 2006 to discuss and clarify the final report
- Direct Calthorpe Associates to provide implementation recommendations by January 3, 2006 for review and discussion by the DDA, Planning Commission, and City Council at the joint working session on Tuesday, January 17, 2006
- Direct staff to bring forward a resolution to City Council identifying a strategy to implement the recommendations in the final report by the second meeting in February 2006
- Thank the Downtown Development Strategies Steering Committee for all of their work with overseeing this six-month community project

Disband the Steering Committee effective December 5, 2005 since it's work has been completed.

City Staff were directed to set up a response email/message box on the City's website as an avenue for public input regarding the Calthorpe project.

Councilmember Easthope requested that the Greenway Task Force consider holding a public hearing on the Calthorpe recommendations.

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R-626-12-05 APPROVED

RESOLUTION TO SUPPORT STUDY OF US-23 CORRIDOR

Whereas, The US 23 corridor through Washtenaw and Livingston counties is congested, which has resulted in an erosion of the quality of life and community, and will likely worsen as this corridor is projected to continue growing;

Whereas, The Michigan Department of Transportation deferred a study to address the transportation capacity issues in corridor and is now moving selected projects into planning and National Environmental Policy Act process as funding becomes available;

Whereas, The City of Ann Arbor recognizes, based on its own experience as well as the experience of many other metropolitan areas including Atlanta and Chicago, that a community cannot build its way out of traffic congestion by solely adding road capacity;

Whereas, The City of Ann Arbor recommends that further study of this corridor include full consideration of techniques to manage the demand on the transportation system and be based upon an effort to coordinate actions with cities and townships responsible for land use planning and include consideration of land use, as land use patterns have been documented to have substantial impact on future demands for type and quantity of travel demand;

Whereas, High Occupancy Vehicle (HOV) lanes that can accommodate and support higher occupancy forms of transportation including car and vanpooling, conventional fixed route bus, intercity commuter bus and Bus Rapid Transit systems are preferred over general purpose lane construction, a concern exists that HOV lanes would be converted to general purpose traffic lanes upon project completion or shortly thereafter;

Whereas, A railroad corridor exists parallel to US 23, that can immediately serve travel along the corridor and connect with Ann Arbor's downtown and has the capacity to serve this corridor; and

Whereas, The City of Ann Arbor is committed to ensuring access and mobility through the development and operation of a multimodal transportation system that is designed to support high capacity transportation as a means to manage and ameliorate congestion using the least amount of resources while providing the greatest number of travel options;

RESOLVED, That the Ann Arbor City Council supports removing the US 23 transportation planning and environmental impact analysis from the list of deferred projects and resuming a comprehensive planning and transportation system development study for this corridor;

RESOLVED, That this study should include a full array of transportation and land planning strategies to address the demands along this rapidly developing corridor and be framed to address land use planning, economic development, as well as multimodal transportation systems in the corridor;

RESOLVED, That the Ann Arbor City Council supports establishing passenger rail service on the existing railroad corridor as the preferred approach to quickly meet existing and anticipated travel demand and recommends a full Benefit Cost Analysis be undertaken as part of the study and such analysis evaluate travel demand strategies, rail transport, other high occupancy strategies; and

RESOLVED, That the Washtenaw Area Transportation Study, as the region's transportation planning agency that is responsible for coordinating planning with local governments in the region, is uniquely and well qualified to lead the effort by serving as the project's manager.

Councilmember Higgins moved, seconded by Councilmember Teall, that the resolution be adopted.

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

### **RECESS FOR CLOSED SESSION**

Councilmember Higgins moved, seconded by Councilmember Teall, that the regular session of Council be recessed for a closed session to discuss pending litigation and attorney client privileged communication.

On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Greden, Teall, Higgins, Easthope, Woods, Roberts, Lowenstein, Rapundalo, Mayor Hieftje, 10;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 10:52 p.m.

Councilmember Higgins left the meeting at 10:53 p.m.

The Mayor reconvened the meeting at 11:18 p.m.

Councilmember Greden moved, seconded by Councilmember Carlberg, to authorize the City Attorney to proceed with a settlement in the matters as discussed in closed session.

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

**MOTIONS AND RESOLUTIONS CONTINUED**

R-627-12-05 APPROVED

**RESOLUTION TO ADOPT THE STATEMENT OF PHILOSOPHY AND  
ROLE OF ADVISORY COMMITTEE OF THE ANN ARBOR DEFERRED COMPENSATION SECTION 457 SAVINGS  
PLAN**

Whereas, The City sponsors a Deferred Compensation Savings Plan as provided under Section 457 of the Internal Revenue Code;

Whereas, The Federal Government has enacted several changes to the Internal Revenue Code pursuant to the Tax Reform Act of 1986 and subsequent legislation;

Whereas, The City-adopted the ICMA model plan document and trust effective January 1, 2002;

Whereas, A Resolution approved by Council on February 23, 1978, established the Deferred Compensation Administrative Board Statement of Purpose;

Whereas, ICMA as plan administrator, performs many of the services for the plan at no additional charge which the Administrative Board performed in the past as a result of the February 23, 1978, Resolution;

Whereas, The Administrative Board's fiduciary obligation is critical in ensuring that underlying investments in the plan be routinely measured and benchmarked to ensure they meet with investment goals and objectives;

Whereas, The Administrative Board's fiduciary obligation is critical in monitoring the plan's trustee which is responsible for holding and investing plan assets in accordance with the terms of the trust agreement, and the record keeper which is responsible for maintaining participant account balances as well as information regarding plan contributions and withdrawals;

Whereas, The Administrative Board's fiduciary obligation is critical in ensuring that participants in the plan have the necessary investment tools and communication materials to make informed decisions with respect to their retirement fund investments;

RESOLVED, That City Council approves the updated Section 457 Savings Plan Statement of Philosophy and Role of Advisory Committee;

RESOLVED, That the City Administrator is authorized and directed to take any further necessary administrative actions to implement this resolution.

Councilmember Greden moved, seconded by Councilmember Carlberg, that the resolution be adopted.

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

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## R-628-12-05 APPROVED

RESOLUTION PROVIDING INPUT TO THE MICHIGAN DEPARTMENT  
OF ENVIRONMENTAL QUALITY REGARDING RULES FOR  
THE REGULATION OF NON-FERROUS METALLIC MINING

Whereas, The Michigan Department of Environmental Quality has asked for input from the citizens of Michigan on the formulation of rules governing non-ferrous mining;

Whereas, The comment period ends on December 19, 2005;

Whereas, Mining of minerals in sulfide deposits inevitably creates sulfuric acid:

Whereas, Sulfide mining has caused irreversible damage in sites that were not properly regulated in Alaska, Montana, Wisconsin, and Utah;

Whereas, There are numerous sulfide mining proposals in Michigan;

Whereas, The Mid-Continental Rift which contains sulfide deposits extends as far south in Michigan as Ann Arbor;

Whereas, The potential exists for sulfide mining to contaminate the Waters of Michigan and the Great Lakes and to do lasting harm to environment of the Great Lakes State;

Whereas, The citizens of Ann Arbor use the Waters of Michigan and the Great Lakes for recreation, commerce and sustenance;

RESOLVED, That,

The Ann Arbor City Council strongly supports the proposed rules implementing Part 632 of NREPA, regulating non-ferrous metallic mining, with the following changes:

1) Liners under storage facilities must be sufficient to assure that acid and other contaminants will not leach into the environment. Consequently, the provision allowing bedrock liners (R425.409(1)(a)(ii)) should be eliminated. Additionally, the definition of "reactive" in R425.102(1)(f) should not include "contaminated" under other parts of NREPA, thus allowing the DEQ to require liners under storage facilities, which may leach harmful substances not already covered under other parts of existing law.

2) The DEQ must have the ability to order that leaks be remedied before reaching levels that require clean up, and in fact should be proactively repaired. Therefore, removal of reference to Part 201 (which governs clean-up standards) from R425.406(8-9) is necessary.

3) There are some areas of Michigan which are simply too sensitive to allow this type of mining. The state must include siting requirements in the final rules, which will set criteria outlining the types of areas, which are too sensitive to mine.

4) Given the requirement to return mining areas to "self-sustaining ecosystems" (R425.409(b)), it is essential to collect sufficient data on existing plant and animal populations. The Environmental Impact Assessment should require 3 full years of baseline data for flora and fauna in R425.202(2)(y).

This resolution to be sent without delay to:

Director Chester  
Michigan Department of Environmental Quality  
P.O. Box 30256  
Lansing, MI 48909-7756

Governor Jennifer M. Granholm  
P.O. Box 30013  
Lansing, MI 48909

State Senator Liz Brator

State Representatives  
Chris Kolb  
Pam Burns

Councilmember Teall moved, seconded by Councilmember Rapundalo, that the resolution be adopted.

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

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**R-629-12-05 APPROVED**

**RESOLUTION REQUESTING AN EXTENSION OF THE 15<sup>H</sup> DISTRICT COURT LEASE FROM THE WASHTENAW COUNTY BOARD OF COMMISSIONERS**

Whereas, The City of Ann Arbor is required by State law to maintain and operate the 15th District Court inside the City limits, which includes three judges, one magistrate , and space for probation, case management, security, and administrative offices;

Whereas, The 15th District Court is currently located in the Washtenaw County Courthouse in space leased by Washtenaw County to the City of Ann Arbor;

Whereas, The current lease for the 15th District Court in the Washtenaw County Courthouse expires on December 31, 2008, and thus the City must find new space inside the City limits for the 15th District Court;

Whereas, The City is committed to acting judiciously in planning new space for the 15th District Courthouse to ensure that the new space is cost effective, efficient, secure, and to ensure that the public has ample opportunity for input;

Whereas, The City is concerned that new space for the 15th District Court cannot be adequately designed and constructed before its current lease with Washtenaw County expires in 2008;

RESOLVED, That the City Council respectfully requests that the Washtenaw County Board of Commissioners approve a short-term extension until December 31, 2010 of the lease for the 15th District Court;

RESOLVED, That the City Administrator be authorized to negotiate with the County Administrator to effectuate such an extension.

Councilmember Easthope moved, seconded by Councilmember Greden, that the resolution be adopted.

City Council directed the City Administrator to update the Council on the status of negotiations with Washtenaw County within sixty days.

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

**REPORTS FROM COUNCIL COMMITTEES**

None.

**COUNCIL PROPOSED BUSINESS**

None.

**COMMUNICATIONS FROM THE MAYOR**

**APPOINTMENTS APPROVED**

Mayor Hieftje recommended the following appointments at the November 21, 2005 regular session of Council:

**Huron River Watershed Council**

Richard Norton  
1525 Westfield Ave.  
Ann Arbor, MI 48103  
Term: December 5, 2005 - December 5, 2007

Councilmember Easthope moved, seconded by Councilmember Teall, that Council concur with the recommendations of the Mayor.

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

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR****REPORTS SUBMITTED**

City Administrator Roger Fraser submitted the following reports for information of Council:

1. Citywide Non-Motorized Plan: Status Report (Community Services - Jayne Miller, Area Administrator)
2. Letter of Opposition regarding Plymouth Green Crossings Rezoning (Community Services - Jayne Miller, Area Administrator)

(Reports on file in the City Clerk's Office.)

**COMMUNICATIONS FROM THE CITY ATTORNEY**

None.

**COMMUNICATIONS FROM COUNCIL**

None.

**CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS**

The following communications were referred as indicated:

1. Communication from FoodSystem Economic Partnership - November 2005 Progress Report
2. Communication from Washtenaw County Support Services Concerning the Wireless Washtenaw Master Participation Agreement - CTN
3. Communication from SEMCOG regarding their Regional Update - November 14, 2005
4. Communication from the MDEQ regarding an application for permit for alteration or occupation of a floodplain has been requested by the University of Michigan, Nichols Arboretum - Environmental Services
5. Communication from the MDEQ regarding an application from the Shops at Huron Village to move a portion of the County Farm Drain and do land Infill in wetlands in order to develop the site at 3040 Washtenaw Avenue into a commercial property - Environmental Services

6. Communication from Ann Arbor Charter Township Planning Commission regarding Notice of Public Hearing for Rezoning of 2511 Pontiac Trail - Monday, December 5, 2005 - Planning and Development Services
7. Communication from Janis Bobrin, chair of the Drainage Board for the Mallets Creek Drain regarding notice of hearing concerning public corporations to be assessed and apportionment of costs of locating and establishing the Mallets Creek Drain - Planning and Development Services

The following minutes were received for file:

1. Planning Commission - September 7 and 27, 2005
2. Zoning Board of Appeals - March 23, April 27, May 25, June 22 and July 27, 2005
3. Ann Arbor Housing Commission - October 19, 2005
4. Sign Board of Appeals - December 14, 2004
5. Downtown Development Authority - September 7 and October 5, 2005
6. Employee's Retirement System - October 20, 2005
7. Retiree Health Care and Benefit Plan & Trust (V.E.B.A.) - October 20, 2005
8. Park Advisory Commission - October 18, 2005
9. City Market Commission - October 20, 2005

Councilmember Lowenstein moved, seconded by Councilmember Teall, that the Clerk's Report be accepted.

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

#### **PUBLIC COMMENTARY - GENERAL**

None.

#### **ADJOURNMENT**

There being no further business to come before Council, it was moved by Councilmember Rapundalo that the meeting be adjourned.

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:30 p.m.

Jacqueline Beaudry  
Clerk of the Council

Anissa R. King  
Recording Secretary