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ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - JANUARY 23, 2006
 Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:08 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, Robert M. Johnson, Joan Lowenstein, Stephen Rapundalo, Jean Carlberg, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

INTRODUCTIONS

PRESENTATION ON THE REVISED MARKET MASTER PLAN

Community Services Administrator Jayne Miller and Jeff Dehring of Parks and Recreation gave a presentation on the revised Market Master Plan. The Market Commission, Kerrytown District Association and the Downtown Development Authority (DDA) were in support of the revised plan. A copy of the revised market master plan is available at the City Clerk's Office.

PUBLIC COMMENTARY - RESERVED TIME

PALESTINE/ISRAEL

The following people addressed Council regarding issues in Palestine/Israel:

Blaine Coleman, P.O. Box 7038
Edward Morin, 2112 Brockman
Sol Metz, 1750 Fulmer

CHRIS HILDEBRANDT - PROCESSING NOTIFICATION

Chris Hildebrant, 2115 Devonshire, addressed Council regarding processing notification of city meetings. She suggested placing larger ads when advertising meetings in newspapers.

PUBLIC HEARINGS

REVISED MARKET MASTER PLAN

A public hearing was conducted on the proposed revised Market Master Plan. Notice of public hearing was published January 23, 2006.

Louise Vasquez, 1442 Pontiac Trail, member of the City Market Commission, spoke in support of the revised Market Master Plan.

A member of the public spoke in opposition of the proposed plan. She asked, however, that the first part of the plan be approved.

William Oliver, 2892 Bay Ridge, asked that Council not adopt the proposed plan.

Glen Thompson, 100 Longman Lane, spoke in opposition of the proposed plan.

Karen Sidney, 100 Longman Lane, spoke in opposition to a portion of the proposed plan.

Bruce Suston, a resident of Milan, asked that Council reject Phase 2 and 3 of the Plan at this time and approve Phase 1.

Chris Hildebrant, 2115 Devonshire, spoke in opposition of the proposed plan.

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

CONSTANTINOV BED AND BREAKFAST ZONING (ORDINANCE NO. 54-05)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.70 acre from PUD (Planned Unit Development) to Revised PUD (Single-Family Dwelling District), Constantinov Bed and Breakfast property, located at 1917 Washtenaw Avenue. Notice of public hearing was published January 8, 2006.

Scott Munzel, 121 W. Washington St., attorney for the project, explained the request to Council and was available to answer questions of Council.

Sally Payton, 1928 Lorraine Place, spoke in support of the proposed rezoning.

Brenda Olbon, 1316 New Castle Road, spoke in support of the proposed rezoning.

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

SCHULZ ZONING (ORDINANCE NO. 55-05)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.13 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Schulz property, located at 1680 South State Street. Notice of public hearing was published January 8, 2006.

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 Carlberg, that the agenda be approved with the following changes:

MOTIONS AND RESOLUTIONS

Revise: Resolution to Accept Grant and Appropriate Funds from the Michigan Energy Office to Promote Energy Star Homes (\$50,000.00 Federal Funds) (Public Services - Sue F. McCormick, Area Administrator) (8 Votes Required) Postponed from 1/9/06 Regular Session (Revised 1/18/06)

New Business Council:

Add: Resolution Setting a Public Hearing on February 6, 2006 to Receive Public Comment on the Proposed Industrial Development District (Ann Arbor Industrial Development District 2006-010) (Financial and Administrative Services - Tom Crawford, Chief Financial Officer) (Added 1/19/06)

Added After Newspaper Deadline:

Add: Resolution to Oppose Senate Bill 777, a Bill to Amend 1965 PA 329, Entitled "Michigan Seed Law" (MCL 286.701 to 286.716) (Councilmembers Easthope and Greden) (Added 1/20/06)

Add: Resolution to Amend Criteria for Residential Parking Permit Program (Councilmembers Rapundalo and Lowenstein) (Added 1/23/06)

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

Add: Communication from First Martin Corporation regarding its withdrawal of First Properties Associates written protest regarding the proposed PUD development, Plymouth Greens Crossings (Added 1/23/06)

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF JANUARY 7 AND 9, 2006 APPROVED

Councilmember Rapundalo moved, seconded by Councilmember Roberts, that the working session minutes of January 7, 2006 and the regular session minutes of January 9, 2006 be approved as presented.

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

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-16-1-06 APPROVED

RESOLUTION to Rescind R-382-9-05 Resolution to Grant Water and Sewer Service to Outside City Limits to 788 Arlington Boulevard

Whereas, On March 31, 2005, Michael E and Elizabeth H Champley signed Outside City Service Agreements to request water and sewer service for their property at 788 Arlington Boulevard;

Whereas, On September 6, 2005, Council approved resolution R-382-9-05 to grant water and sewer service outside City limits to the property at 788 Arlington Boulevard;

Whereas, On September 30, 2005, the owners of the property requested to terminate this agreement and refund payment of improvement charges; and

Whereas, On October 14, 2005, the City returned the original water and sewer Outside City Service Agreements as requested and refunded \$2,934.69 payment of water (\$1,401.60) and sewer (\$1,533.09) improvement charges;

RESOLVED, That Council rescind resolution R-382-9-05 Resolution to Grant Water and Sewer Service Outside City Limits to 788 Arlington Boulevard; and

RESOLVED, That Council authorize the City Administrator to take the necessary administrative actions to implement this resolution.

R-17-1-06 APPROVED

RESOLUTION to Amend Resolution R-453-9-05 Previously Approved by Council for Outside City Sewer Service for 192 Riverview Court

Whereas, On September 6, 2005, Council approved Resolution R-453-9-05 authorizing and approving an outside city service agreement to provide City sewer service to 192 Riverview Court, identified as a township parcel;

Whereas, Staff has found minor discrepancies in Resolution R-453-9-05 that need to be corrected so that the agreement can be finalized; and

Whereas, Council approval of this resolution will amend the previous resolution so that the resolution number assigned and the approval date for the outside city service agreement do not change;

RESOLVED, That Council amend the first Whereas clause of Resolution R-453-9-05 approved on September 6, 2005, as follows:

Whereas, Ruth F. Watts Revocable Trust dated April 15, 1996, owner of the property at 192 Riverview Ct. on March 3, 2005 has requested that the City extend public sewer service to their property in Ann Arbor Township in accordance with the Policy Statement of February 1, 1994 and the Amendment of October 22, 2004 between the City of Ann Arbor and Ann Arbor Township;

RESOLVED, That the City Clerk is directed to make all necessary changes in the minutes and resolutions in accordance with this resolution.

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

ORDINANCES - SECOND READING

45-05 APPROVED

PLYMOUTH GREEN CROSSINGS ZONING (NORTHWEST CORNER OF PLYMOUTH AND GREEN ROADS)

**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 PUD (Planned Unit Development District). (The complete text of Ordinance 45-05 is on file in the City Clerk's Office.)

R-18-1-06 APPROVED

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 December 21, 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, located on the northwest corner of Plymouth and Green Roads.

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

Councilmember Rapundalo moved, seconded by Councilmember Carlberg, to amend the PUD as follows:

PUD (P-6)

(P-6) To install all water mains, storm sewers, sanitary sewers and other stormwater management devices including expanded detention adjacent to the wetland, and public streets, through the first course of asphalt, pursuant to CITY approved plans and specifications, necessary to connect the site with existing CITY systems adjacent to the site prior to the issuance of any building permits.

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

Councilmember Rapundalo moved, seconded by Councilmember Lowenstein, to amend the Supplemental Regulations as follows:

Add 4th Bullet:

...
· **DRY CLEANING AND LAUNDRY OPERATIONS ARE PROHIBITED ON SITE.** ...

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

Councilmember Rapundalo moved, seconded by Councilmember Johnson, to amend the supplemental regulations as follows:

Retail may include, but is not limited to:

...
· **Family, group day care, childcare centers and nursery schools, only if licensed by the State of Michigan Department of Social Services.** ...

On roll call, the vote was as follows:

Yeas, Councilmember Rapundalo, 1;

Nays, Councilmembers Roberts, Johnson, Lowenstein, Carlberg, Greden, Teall, Higgins, Easthope, Woods, Mayor Hieftje, 10.

The Mayor declared the motion failed.

Councilmember Rapundalo moved, seconded by Councilmember Teall, that the Supplemental regulations be amended as follows:

Residential uses shall constitute floors two and three of Buildings A through C.

General office shall be limited to one-third (or 7,112 square feet) of the total ground floor (or 21,336 square feet) of Buildings A, B and C, and may include, but is not limited to:

- Executive or administrative offices;
- Business offices of a public utility, real estate, insurance, commercial, or industrial establishment,
- Offices of legal, engineering, architectural and surveying services, accounting, auditing and bookkeeping services;
- Finance, insurance and real estate offices; travel bureaus; and banks (drive-through facilities are permitted in Building D only);
- Government offices;
- Business services such as advertising, consumer credit reporting agencies, mailing list and stenographic services, business and management consulting services;
-

Offices of non-profit organizations such as professional membership organizations; labor unions; civic, social and fraternal associations; political organizations; and religious organizations.

- Offices associated with general family and internal medicine, pediatrics, and emergency or urgent care, as well as general dentistry, cosmetic dentistry and ORTHODONTISTS are EXPRESSLY prohibited. ...

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

Councilmember Carlberg moved, seconded by Councilmember Teall, to amend the Supplemental Regulations as follows:

(K) Architectural Design:

...
Façades: All building façades, EXCEPT FACADE FACING PROPERTY LINE, shall be detailed to provide architectural relief, accent materials, fenestration, upper story balconies and varied rooflines (as shown on Exhibit A). ...

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

Councilmember Greden moved, seconded by Councilmember Carlberg, to amend the PUD as follows:

Section 4: pud regulations

...
(D) Height: Maximum heights shall be restricted, as shown below (refer to Exhibit A, attached for building location):

Building A: 50 feet and 3 stories, maximum; 45 feet and 3 stories, minimum.

Building B: 50 feet and 3 stories, maximum; 45 feet and 3 stories, minimum.

Building C: 50 feet and 3 stories, maximum; 45 feet and 3 stories, minimum.

Building D: 3550 feet and 23 stories, maximum; 15 feet and 1 story, minimum.

Building E: 2550 feet and 13 storyies, maximum, 15 feet and 1 story, minimum, (seasonal roof-top dining

terrace SHALL BE permissible). ...

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

The question being the ordinance, resolution PUD as amended, and Supplemental Regulations as amended, on roll call, the vote was as follows:

Yeas, Councilmembers Roberts, Lowenstein, Carlberg, Greden, Teall, Higgins, Easthope, Woods, 8;

Nays, Councilmembers Rapundalo, Johnson, Mayor Hieftje, 3.

The Mayor declared the motion carried.

54-05 APPROVED

**CONSTANTINOV BED AND BREAKFAST ZONING
(1917 WASHTENAW AVENUE)**

**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 0.70 acre, located at 1917 Washtenaw Avenue, from PUD (Planned Unit Development District) to Revised PUD (Planned Unit Development District). (The complete text of Ordinance 54-05 is on file in the City Clerk's Office.)

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

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

55-05 APPROVED

**SCHULZ ZONING
(1680 SOUTH STATE STREET)**

**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 0.13 acre, located at 1680 South State Street, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 55-05 is on file in the City Clerk's Office.)

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

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

The Mayor declared a recess at 8:53 p.m. and reconvened the meeting at 9:06 p.m.

ORDINANCES - FIRST READING

1-06 APPROVED

**MANUFACTURED FERTILIZER AND
ADOPTION, CONTENTS AND INTERPRETATION
(CODE VIOLATION CITATIONS)**

An Ordinance to Amend the Code of the City of Ann Arbor By adding a New Chapter which New Chapter shall be Designated as Chapter 70 (Manufactured Fertilizer) of Title VI of said Code and to Amend Section 1:17 of Chapter 1 (Adoption, Contents and Interpretation) of Title I of the Code of the City of Ann Arbor

(The complete text of Ordinance 1-06 is on file in the City Clerk's Office.)

Councilmember Teall moved, seconded by Councilmember Easthope, that the ordinance be approved at first reading.

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

2-06 APPROVED

**SUBDIVISION AND LAND USE CONTROL
(SITE PLANS)**

An Ordinance to Amend Section 5:122 of Chapter 57 of Title V of the Code of the City of Ann Arbor

(The complete text of Ordinance 2-06 is on file in the City Clerk's Office.)

Councilmember Johnson moved, seconded by Councilmember Carlberg, that the ordinance be approved at first reading.

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

MOTIONS AND RESOLUTIONS

R-19-1-06 APPROVED

**Resolution to Annually Update Formula Calculation
for a Per-Unit Contribution Amount for Affordable Housing Contributions for Planned Unit Development
Districts**

Whereas, It is the intent of the City Council to promote a full range of housing choices as a part of the Planned Unit Development (PUD) district regulations;

Whereas, Section 5:80 of Chapter 55 of Ann Arbor City Code allows for additional density in a PUD development if affordable housing for lower income households is provided;

Whereas, Individual site and economic factors may make the development of on-site affordable housing for lower income households less desirable than providing affordable housing through other means, such as monetary contributions;

Whereas, The purpose of the PUD affordable housing contribution is to establish a per-unit amount that would be accepted by City Council in lieu of providing housing units within a PUD;

Whereas, The affordable housing contribution is a per-unit payment that serves to offset the difference between the cost to purchase a moderately priced housing unit that is available on the market and the sales price that is affordable to a lower income household; and

Whereas, This formula will be prorated for projects of 9 units or less to counteract the high per-unit burden for smaller developments;

RESOLVED, That a petitioner for a PUD Zoning District that proposes to provide affordable housing in accordance with the requirements of Section 5:80(2) and 5:80(6)(e) of Chapter 55 of Ann Arbor City Code may request that the City accept an affordable housing contribution in lieu of the required affordable units;

RESOLVED, That City Council may approve a request for an affordable housing contribution in lieu of the required PUD units at its sole discretion;

RESOLVED, That City Council will use the following formula to determine the per-unit affordable housing contribution for each fiscal year for PUD Zoning Districts where there are 10 or more units:

- 1) A moderately priced housing unit will be determined by calculating the 40th percentile of all residential property sales (excluding vacant land and commercial property) in the City of Ann Arbor from February, March and April of the previous fiscal year, using public information provided by the City of Ann Arbor Assessor.
- 2) A sales price that is affordable to a lower income household will be determined by multiplying two (2) times the income of a family of four at 80% Area Median Income (AMI), as published by HUD.
- 3) The difference between the moderately priced housing unit and a housing unit affordable to a lower income household shall determine the affordable housing contribution for each affordable housing unit that is required in the PUD.

RESOLVED, That for all PUD projects that have not submitted a plan for site plan approval as of March 1, 2006, the FY 05-06 affordable housing contribution for each unit required by a PUD Zoning District is \$89,000.00;

RESOLVED, That for PUD Zoning Districts with 1-9 total dwelling units, the affordable housing contribution shall be pro-rated by multiplying the amount of the affordable housing contribution for one dwelling unit by the following:

9 units	0.9 of the per-unit amount	\$80,100.00;
8 units	0.8 of the per-unit amount	\$71,200.00;
7 units	0.7 of the per-unit amount	\$62,300.00;
6 units	0.6 of the per-unit amount	\$53,400.00;
5 units	0.5 of the per-unit amount	\$44,500.00;
4 units	0.4 of the per-unit amount	\$35,600.00;
3 units	0.3 of the per-unit amount	\$26,700.00;
2 units	0.2 of the per-unit amount	\$17,800.00;
1 unit	0.1 of the per-unit amount	\$ 8,900.00;

RESOLVED, That PUD affordable housing contributions received by the City shall be deposited in the Affordable Housing Trust Fund, to be used to develop affordable housing units in the City;

RESOLVED, That City Council will review information provided by the Office of Community Development on an annual basis and may adjust the formula at the start of the fiscal year if necessary; and

RESOLVED, That affordable units and/or affordable housing contributions required as part of a PUD Zoning District approval shall be secured through contractual arrangements, restrictive covenants, resale and rental restrictions or other available legal remedies, as determined to be necessary by the City Attorney.

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

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

R-20-1-06 APPROVED

**Resolution to Approve the Request For Proposals
for the Sale and Redevelopment of City-Owned
Property Located at First and Washington Streets**

Whereas, City Council approved “Resolution Requesting Preparation of Requests for Proposals for The Redevelopment of City-Owned Properties” (R-346-8-05) on August 1, 2005, which set forward goals for the redevelopment of the Kline Lot and First & Washington;

Whereas, This resolution requested that a DDA/City Council subcommittee prepare a Request for Proposals (RFP) for Council approval to encourage the redevelopment of First & Washington with a new development to include market-rate and/or affordable housing; and public and/or private parking;

Whereas, The DDA/City Partnerships Committee has met weekly for several months and has formulated an RFP that would meet Council’s goals; and

Whereas, The Partnerships Committee presented the contents of the RFP to City Council at a work session on December 12, 2005;

RESOLVED, That City Council approves the issuance of the Request for Proposals for the Sale and Redevelopment of City-Owned Property Located at First and Washington Streets;

RESOLVED, That the City Administrator and the Financial and Administrative Services Area be authorized and directed to coordinate the proposal review process consistent with this resolution and the terms of the Request for Proposals; and

RESOLVED, That the City Administrator be authorized to take all necessary administrative actions to implement this resolution including modification of the terms of the Request for Proposals if addendum(s) to the document are required to clarify specific provisions after approval as to form by the City Attorney.

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

Councilmember Easthope moved, seconded by Councilmember Teall, to amend the parking portion of the RFP as follows:

« Parking

If the public parking spaces on this site are constructed above grade, the DDA will provide \$35,000.00 per car space for each public parking space. If the public parking on this site is constructed below grade, the DDA will provide \$[40,000] up to \$45,000.00 per car space for each public parking space. This contribution is inclusive of all project costs to construct this parking. Below grade parking shall be determined to be situated completely below the lowest point on the site as currently excavated. The City of Ann Arbor will ultimately own these public parking spaces and this parking must be constructed to City engineering specifications.

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

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

R-21-1-06 APPROVED

Resolution to Accept Grant and Appropriate Funds from the Michigan Energy Office to Promote Energy Star Homes

Whereas, The City of Ann Arbor’s Energy Plan calls for the City to encourage energy efficient homes;

Whereas, Energy Efficient homes generate less green house gasses and therefore contribute to the City’s green house gas reduction goals;

Whereas, The City of Ann Arbor has been awarded a \$50,000.00 grant to promote Energy Star Homes in the Ann Arbor area;

Whereas, the City has executed sub-grantee agreements with its grant partners; Performance Systems Development, Q LTD and Recycle Ann Arbor’s EnHouse to assist in builder and homeowner training, publicity, graphics and workshops;

Whereas, The purpose of this grant is to increase the energy efficiency of homes in the Ann Arbor area as a demonstration of a program that can be expanded state wide; and

Whereas, The Energy Office will provide grant management services for this grant;

RESOLVED, That the City accept the Michigan Department of Labor and Economic Growth grant of \$50,000.00 to promote energy efficient homes;

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

RESOLVED, That the grant funds be appropriated to the FY 05-06 Energy Office Grant Fund for the life of the project, regardless of fiscal year.

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

On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

R-22-1-06 APPROVED

Resolution to Close South Fourth Avenue for the Arena’s “NCAA Basketball Tournament Celebration” on Friday and Saturday, March 17 and 18, 2006

Whereas, The City has received a request from The Arena Restaurant of Champions to close East Washington Street between South Fourth Avenue and the public alley located between SouthFourth Avenue and South Fifth Avenue from 7:00 a.m. Friday, March 17, 2006 to midnight Saturday, March 18, 2006;

Whereas, The closing will be to accommodate the Arena’s excess patrons for the NCAA Basketball tournament; and

Whereas, The sponsor of the event will obtain all necessary permits, provide evidence of proper liability insurance and comply with all procedures, rules and regulations for closing the street including payment of

all fees associated with their sponsorship of this event;

RESOLVED, That the Mayor and Council approve the closing of East Washington Street between South Fourth Avenue and the public alley located between South Fourth Avenue and South Fifth Avenue from 7:00 a.m. Friday, March 17, 2006 to midnight Saturday, March 18, 2006 contingent upon approval of the special liquor license from the State of Michigan.

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

On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Greden, Teall, Easthope, Roberts, Johnson, 6;

Nays, Councilmembers Rapundalo, Higgins, Woods, Lowenstein, Mayor Hieftje, 5.

The Mayor declared the motion carried.

R-23-1-06 APPROVED

Resolution to Approve Staggs Annexation

Whereas, The territory hereinafter described is located in the Township of Scio and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Doyce Staggs is the Power of Attorney for the owner of said property; and

Whereas, It is the desire of Doyce Staggs, Power of Attorney, to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to-wit:

Lots 4 and 5 of Killins Lakeview Subdivision, Scio Township, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Staggs Annexation, 0.92 Acre, 303 and 609 South Wagner Road.

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

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

R-24-1-06 APPROVED

Resolution to Approve Rayer Development Annexation

Whereas, The territory hereinafter described is located in the Township of Scio and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Robert and Marilyn Rayer are the owners of said property; and

Whereas, It is the desire of Robert and Marilyn Rayer to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to-wit:

Lot 3 of Killins Lakeview Subdivision, Scio Township, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Rayer Development Annexation, 0.48 Acre, 591 and 597 South Wagner Road.

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

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

R-25-1-06 APPROVED

Resolution to Approve Clinard Annexation

Whereas, The territory hereinafter described is located in the Township of Scio and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Rosemary Clinard is the owner of said property; and

Whereas, It is the desire of Rosemary Clinard to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to-wit:

Lot 8 of Killins Lakeview Subdivision, Scio Township, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Clinard Annexation, 0.46 Acre, 679 South Wagner Road.

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

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

R-26-1-06 APPROVED

Resolution to Approve the Ann Arbor Greenbelt District Strategic Plan

Whereas, Chapter 42 of the Ann Arbor City Code establishes the Greenbelt District with the purpose of preserving and protecting open space, natural habitats, and the City's source waters for the benefit of residents of the City of Ann Arbor and in cooperation with the greater Ann Arbor community;

Whereas, Chapter 42 of the Ann Arbor City Code authorizes the acquisition of voluntarily offered land and development rights on property within the Greenbelt District through an application process;

Whereas, The Greenbelt Advisory Commission established scoring criteria used to rank Greenbelt applications;

Whereas, The Ann Arbor District Strategic Plan (“Strategic Plan”) provides strategic direction for the purchasing of land and easements within the Greenbelt District;

Whereas, The Strategic Plan emphasizes partnerships with local jurisdictions; and

Whereas, The Strategic Plan emphasizes leveraging funds through State and Federal grant programs;

RESOLVED, That City Council approve the Ann Arbor Greenbelt District Strategic Plan approved by the Greenbelt Advisory Commission December 7, 2005.

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

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

R-27-1-06 APPROVED

Resolution to Approve a Participation Agreement with the Washtenaw County Parks and Recreation Commission for the Acquisition of the Fox Property and to Approve an Expenditure of Matching Funds Not to Exceed \$192,750.00

Whereas, The Washtenaw County Natural Areas Technical Advisory Commission has matching funds available for the purchase for the Merlin and Elizabeth Fox Property;

Whereas, Washtenaw County is willing to own and manage the property located in Scio Township;

Whereas, Chapter 42 of The Ann Arbor City Code establishes the Greenbelt District and authorizes the City to enter into agreement for joint acquisition of land in the greenbelt district with other governmental agencies;

Whereas, The Merlin and Elizabeth Fox Property is located within the Ann Arbor Greenbelt District;

Whereas, Washtenaw County Parks and Recreation Commission has indicated its interest in participating in a regional land preservation program with the City of Ann Arbor to work together, financially and otherwise, to preserve this critical community resource being permanently lost to community residents;

Whereas, Land acquisition may be funded through the Open Space and Park Land Preservation Millage; and

Whereas, On January 4, 2006, the Greenbelt Advisory Commission recommended City Council’s approval of the acquisition of the property in collaboration with Washtenaw County;

RESOLVED, The City Council approve participation in the acquisition of the Property in an amount equal to twenty-five percent (25%) of matching funds up to \$192,750.00, subject to the execution of a participation agreement between the government entities defining each party’s interest in the acquisition and their respective rights and responsibilities after acquisition of the Property;

RESOLVED, That City Council authorize and direct the Mayor and City Clerk to execute all documents necessary to support Washtenaw County's purchase of the Property, including but not limited to the Participation Agreement, after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That City Council authorize the expenditure of funds from the Open Space and Parkland Preservation Millage budget (Fund 024) to be available for expenditure without regard to fiscal year in accordance with a Participation Agreement.

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

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

R-29-1-06 APPROVED

Resolution to Approve the City of Ann Arbor Parks and Recreation Open Space Plan, 2006-2011

Whereas, The Parks and Recreation Open Space Plan (PROS) Plan is the guiding document for all future planning for the Ann Arbor Park System;

Whereas, The Michigan Department of Natural Resources requires that the PROS Plan be updated every 5 years and that the City must provide an updated plan to be eligible to apply for grants;

Whereas, The Parks and Recreation Open Space Plan (PROS) expired in December, 2005;

Whereas, An extensive public input process was implemented, including a City-wide telephone sample survey, interviews with elected officials and staff, focus groups, public workshops and public hearings as part of preparing the 2006-2011 PROS Plan;

Whereas, Public review of the draft plan has been completed including all surrounding municipalities, townships, Washtenaw County, and public utilities as required to incorporate the PROS Plan as part of the City of Ann Arbor's Master Plan;

Whereas, A comprehensive list of facility improvements, recreation needs and park improvements was developed to provide the basis for millage renewals and capital improvements as a result of the public input; and

Whereas, The Park Advisory Commission and the City Planning Commission approved the 2006-2011 PROS Plan and recommends that City Council approve the PROS Plan;

RESOLVED, That City Council approve the Parks and Recreation Open Space Plan, 2006-2011, as part of the City of Ann Arbor Master Plan; and

RESOLVED, That City Council approve the amendment to Section H, Trails and Greenways, page H6, paragraph 6, to read as follows: "A new staff position of Transportation Program Manager works with a team of City staff members from Engineering and Parks and Recreation, the Ann Arbor Transit Authority (AATA), the University of Michigan (U of M), Washtenaw Area Transportation Study (WATS), the Downtown Development Authority (DDA) and the Chamber of Commerce's Get Downtown Program to coordinate on issues and act on proposed projects".

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

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

R-30-1-06 APPROVED

Resolution Directing the City Attorney to Review the Ethics/Conflict of Interest Policy for City Council and to Develop a Comprehensive Ethics/Conflict of Interest Policy for Boards and Commission

Whereas, The City of Ann Arbor has a long history of open and accountable government that maintains the highest ethical standards;

Whereas, The City Charter and Rules of the City Council currently include policies to prevent potential conflicts of interest among City Council members;

Whereas, The City's citizen boards and commissions do not have uniform policies to prevent potential conflicts of interests;

Whereas, The City is committed to continuing its long history of open and accountable government at all levels of government; and

Whereas, The City would benefit from a comprehensive review of the City Council's ethics and conflicts of interest policies, and from the development of a new and uniform conflicts of interest policy for its citizen boards and commissions;

RESOLVED, That the City Attorney shall review the City Council's current policies to prevent potential conflicts of interests, and issue to the City Council by April 14, 2006, a proposed ethics and conflicts of interest policy for all citizen boards and commissions.

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

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

R-31-1-06 APPROVED

Resolution Setting a Public Hearing on February 6, 2006 to Receive Public Comment on the Proposed Industrial Development District

Whereas, Pursuant to Public Act 198 of 1974, as amended, ("the Act") the City Council has the authority to establish "Industrial Development Districts" within the City of Ann Arbor;

Whereas, On January 17, 2006, Jagar LLC formally requested the City establish a new Industrial Development District on its property located in the City of Ann Arbor comprised of land being more particularly described in Attachment 1;

Whereas, Construction, alterations or installation of a proposed facility expansion by Jagar, LLC or its current real estate tenant Picometrix, has not commenced at the time of filing the request to establish this district; and

Whereas, The Act requires that City Council set a public hearing to receive comment on the proposed new

Industrial Development District and provide notice of the public hearing by mail to all owners of real property located within the proposed district and to the public by newspaper advertisement or public posting on the establishment of the proposed district;

RESOLVED, That the City Council of the City of Ann Arbor hereby sets a public hearing for February 6, 2006 at 7:00 p.m. or as soon thereafter as it may be convened in the City Council Chambers, 2nd floor, Guy Larcom Municipal Building, 100 N. Fifth Avenue to receive public comment on the proposed new industrial development district as described in the attachments to this Resolution; and

RESOLVED, That the City Clerk is directed to publish notice of public hearing in a newspaper of general circulation in the City and mail notice to all owners of real property located within the proposed district as indicated by the records of the City Assessor.

**Attachment 1
Legal Description**

Industrial Development District

Being Parcel 12-04-301-014, situated in the City of Ann Arbor, State of Michigan, County of Washtenaw, and described as follows:

PRT OF SW 1/4 SEC 4, T3S, R6E, DESC AS COM AT SW COR OF SD SEC 4, TH N 87 DEG 9 MIN E 1904.44 FT, TH N 8 DEG 20 MIN W 82.13 FT FOR POB, TH S 85 DEG 32 MIN 50 SEC W 628.68 FT, TH N 1 DEG 53 MIN W 236.32 FT, TH N 88 DEG 7 MIN E 290.4 FT, TH N 1 DEG 53 MIN W 225 FT, TH N 88 DEG 7 MIN E 280.82 FT, TH ALG ARC OF A CUR RT 298.11 FT, RAD 5679.97 FT, CH 298.08 FT, CH BEARING S 9 DEG 50 MIN 13 SEC E, TH S 8 DEG 20 MIN E 138.81 FT TO POB, 4.687 AC M/L

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

On roll call, the vote was as follows:

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

Nays, Councilmember Woods, 1.

The Mayor declared the motion carried.

R-32-1-06 APPROVED

Resolution to Oppose Senate Bill 777, a bill to amend 1965 PA 329, entitled "Michigan seed law," - MCL 286.701 to 286.716

Whereas, SB 777 would reduce local control over the use and planting of seeds, including the seeds of species on the City's invasive species list and of genetically engineered organisms;

Whereas, SB 777 would prevent the City of Ann Arbor from enforcing the provisions in its Wetlands Preservation Ordinance (Chapter 60) that prohibit the use of invasive species in wetland mitigation plans, and would interfere with the City's planned revision of its Landscape and Screening Ordinance (Chapter 62) to protect against the use of invasive species in landscape plans;

Whereas, The resulting lack of local control would allow the seed of invasive and genetically engineered plant species to be used in an unregulated way, encouraging their escape into natural areas and increasing the likelihood of ecological damage to native plant communities;

Whereas, The hybridization of invasive species with plants containing genetically engineered herbicide resistance would reduce the effectiveness of the herbicides that are currently used to control those invasive species;

Whereas, The cost of removing invasive species in park natural areas would increase due to the establishment of new invasive species populations, and of herbicide-resistant invasive species;

Whereas, Threatened and endangered plant species rely on special and unique natural areas that are susceptible to competition from invasive plants, and the protected plants would be at greater risk of extinction due to the expansion of invasives;

Whereas, The ecological quality of wetland mitigation areas built within the city as compensation for permitted wetland impacts would be lower, because it would not be possible to prevent site plans from using invasive species, and

Whereas, Any limitation on local governments' ability to regulate the use of invasive or genetically engineered seed prevents the rapid and thorough local response necessary to effectively control newly discovered environmental problems resulting from the use of those seeds;

RESOLVED, That City Council opposes the passage of SB 777; and

RESOLVED, That the City Administrator be authorized to take the necessary actions to ensure that the City's interests are presented to state lawmakers.

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

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

R-33-1-06 APPROVED

RESOLUTION TO AMEND CRITERIA FOR RESIDENTIAL PARKING PERMIT PROGRAM

Whereas, Council adopted "Criteria for Residential Parking" (Criteria) in 1989 when the related ordinance section 10:66 was passed;

Whereas, The Criteria have been amended by Council on 8/17/92, 4/19/04, 5/16/05, 8/1/05, and 11/10/05; and

Whereas, Council has become aware of circumstances that require another amendment to the Criteria;

RESOLVED, That Council amend the Criteria, as last amended on 11/10/05, to add the following two Criteria:

- A household with property adjacent to a street in an approved residential parking permit district, but which has a street address on a block that is not in the district and on which block no residential permit parking is established will be treated as if it is located within the approved district. A resident of such a household may obtain a residential parking permit for parking on streets within the approved district under the same terms and conditions as provided in these Criteria for residents of a household with a street address on a street that is within the approved district.

The resident innkeeper of a bed and breakfast (B & B), as defined by any state law definition of B & B, may apply for and receive a maximum of eight (8) annual transferable permits for use by B & B guests only. These permits shall be available at the same cost established by council resolution for residential permits. The resident innkeeper and other residents of the B & B may also obtain permits under the same terms and conditions as provided in these Criteria for residents of a household.

RESOLVED, That the Administrator is authorized to take any other necessary administrative actions to implement this resolution.

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

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

REPORTS FROM COUNCIL COMMITTEES

STUDENT RELATIONS COMMITTEE

Councilmember Greden announced that the Student Relations Committee would hold a public hearing on the University of Michigan Campus regarding the Mayor's proposed Lease Ordinance on January 30, 2006. The committee will present a report to Council at a later date.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the January 9, 2005 regular session of Council:

City Market Commission

Carol Scott -Filling Vacancy for Artisan Rep.
15865 W. 14 Mile Rd.
Beverly Hills, MI 48025
Term: January 23, 2006 -January 23, 2009

Sign Board of Appeals

Helen Corey -Reappointment
1015 Rose Ave.
Ann Arbor, MI 48104
Term: January 23, 2006- January 23, 2009

Fred Beal -Filling Vacancy
2008 Morton Avenue
Ann Arbor, MI 48104
Term: January 23, 2006 - January 23, 2009

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

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

COMMUNICATION FOR STAFF

· Mayor Hieftje asked staff to investigate the procedures for naming a park in the city after a former activist and to report back to him.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

None.

COMMUNICATIONS FROM THE CITY ATTORNEY

REPORT ON COMPLETED ANNEXATIONS

City Attorney Stephen Postema submitted a report on the following completed annexation:

1. Schulz Annexation, 0.13 Acre, located at 1680 S. State, from Ann Arbor Township.

(The report is on file in the City Clerk's Office.)

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER RAPUNDALO

Councilmember Rapundalo announced a public hearing has been scheduled to discuss the non-motorized path along Washtenaw for January 31, 2006 at 6 p.m. at Tappan Middle School.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from S.E.M.C.O.G. regarding their Regional Update - January 2, 2006
2. Communication from Panhandle Energy regarding the implementation of an Integrity Management Program for certain Panhandle Energy pipeline systems - Emergency Management
3. Communication from The Interstate Traveler Company, LLC (ITC) regarding a petition to address the Ann Arbor City Council for a potential hydrogen powered public infrastructure for the City of Ann Arbor, for Michigan, and for the good of America
4. Communication from the Michigan State University Extension regarding an invitation to participate in their issues identification process, shaping the direction of Extension education programs in Washtenaw County - January 30 and February 6, 2006
5. Communication from Honigman Miller Schwartz and Cohn, LLP regarding proposed mixed use condominium Plymouth Green Crossing, Ann Arbor, Washtenaw County, Michigan - Planning and Development Services
6. Communication from Washtenaw County Support Services regarding an update on the Police

Services Steering Committee - Safety Services

7. Communication from the Department of Labor & Economic Growth regarding corrections to the rules for the Michigan Building Code, Michigan Residential Code and the Michigan Rehabilitation Code for Existing Buildings - Planning and Development Services

8. Communication from First Martin Corporation regarding its withdrawal of First Properties Associates written protest regarding the proposed PUD development, Plymouth Greens Crossings (Added 1/23/06)

The following minutes were received for file:

1. Ann Arbor Energy Commission - December 13, 2005
2. City of Ann Arbor Election Commission - October 27 and November 8, 2005
3. Building Board of Appeals - July 13, August 10, and September 14, 2005
4. Housing Board of Appeals - November 16, 2004, January 18 and April 5, 2005
5. Airport Advisory Commission - June 15, 2005
6. Washtenaw Area Transportation Study (WATS) - December 21, 2005
7. Recreation Advisory Commission - December 6, 2005
8. Ann Arbor Commission on Disabilities Issues - November 16, 2005
9. Ann Arbor Transportation Authority Board - December 14, 2005

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

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

PUBLIC COMMENTARY - GENERAL

MEMBER OF THE PUBLIC - MASTER MARKET PLAN

A member of public expressed concern with the revised Master Market Plan.

JIM MOGENSEN - USE OF ELECTRONIC COMMUNICATION

Jim Mogensen, 3780 Green Brier, addressed Council regarding the use of electronic communications during a council meeting. He also addressed Council regarding the proposed Industrial Development District.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:47 p.m.

**Jacqueline Beaudry
Clerk of the Council
Anissa R. King
Recording Secretary**