

# City of Ann Arbor

100 N. Fifth Avenue  
Ann Arbor, MI 48104  
<http://a2gov.legistar.com/Calendar.aspx>



## Action Minutes

Monday, September 21, 2009

7:00 PM

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

**City Council**

**CALL TO ORDER**

*Mayor Hieftje called the meeting to order at 7:06 p.m. in the Guy C. Larcom Jr., Municipal Building, 2nd Floor Council Chambers, 100 N. Fifth Avenue.*

**MOMENT OF SILENCE**

*Council stood for a moment of silence.*

**PLEDGE OF ALLEGIANCE**

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

**ROLL CALL OF COUNCIL**

- Present:** 10 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor, and Councilmember Carsten Hohnke
- Absent:** 1 - Councilmember Leigh Greden

**APPROVAL OF AGENDA**

**A motion was made by Councilmember Higgins, seconded by Councilmember Smith, that the Agenda be approved with the following changes:**

**Add: Closed Session (Consider after Consent Agenda)**

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

**INT INTRODUCTIONS**

**09-0940** CROP Walk Proclamation for October 2009

*Mayor Hieftje read a proclamation proclaiming October 2009 as CROP Walk Month. CROP' Walk's original purpose at the end of World War II was to gather wheat and other crops from U.S. farms for shipment to Europe for European war victims. CROP Hunger Walks are an important part of the community life today for more than 2,000 towns and cities in the United States, bringing together people of different faiths, diverse cultures and all age groups. Mayor Hieftje encouraged citizens of Ann Arbor to support and participate in the 2009 CROP Walk. (A copy of the proclamation is on file in the City Clerk's office.)*

**INT-1 09-0725** Update on State Budget - Kirk Profit, Governmental Consultant Services

**Sponsors:** Hieftje

*This introduction was deleted from the agenda on 9/21/09.*

INT-2 09-0870

Mortgage and Tax Foreclosure Prevention and Counseling Services

*Catherine McClary, Washtenaw County Treasurer, addressed Council regarding mortgage and tax foreclosure prevention and counseling services. A copy of the slide presentation, the timeline for the County Land Bank Authority, as well as a brochure explaining what the Land Bank Authority does are on file in the City Clerk's Office.*

**PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)**

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

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

**1. Jim Mogensen - Diminished astonishment on the public process**

*Jim Mogensen, 3780 Green Brier, expressed concern with how public notices are being published in different newspapers other than the Ann Arbor.com printed edition. He said that if he had not received a copy of the Detroit News, he would not have known that the public notice for City Place Site plan was published in that paper.*

**2. Kathy Boris - Introduce Ann Arbor Tree Conservancy. Resolution regarding Council Electronic Communications (DC-2)**

*Kathy Boris, 1726 Charlton, introduced a new organization, the Ann Arbor Tree Conservancy. Ms. Boris stated they are a group of concerned residents from the Virginia Park area who formed the group after the City removed a large number of healthy trees and also over-pruned trees in preparation for a repaving project in the neighborhood.*

**3. Andrew Ryder - Resolution regarding Council Electronic Communications (DC-2)**

*Andrew Ryder, 2129 Fair, spoke in support of the proposed resolution regarding Council Electronic Communications.*

**4. Kathy Griswold - MDOT agreement for improvements to Geddes Road (DS-5)**

*Kathy Griswold, 3565 Fox Hunt Dr., addressed Council regarding the MDOT agreement for improvements to Geddes Road. She asked that Council consider traffic calming and site distances considerations as part of this project.*

**5. Kim Kachadoorian - Building in Downtown**

*Kim Kachadoorian, 204 E. Davis Ave., addressed Council regarding building near downtown. She said that neighborhoods like hers near the downtown, that are not in the downtown area, should not be treated as such.*

**6. Tim Colenback - Resolution regarding Council Electronic Communications (DC-2)**

*Tim Colenback, 1730 David Ct., spoke in support of the proposed resolution regarding Council Electronic Communications.*

**7. Hugh Sonk - A2D2 Plan**

*Hugh Sonk, 505 E. Huron, addressed Council regarding diversity of neighborhoods in the proposed A2D2 Design Guidelines. He expressed concern about Council's October 19, 2009 deadline for approving the design guidelines and urged Council to take the time necessary to ensure quality guidelines are approved that protect Ann Arbor.*

**8. Lily Au - Housing First Program**

*Lily Au, 682 Peninsula, addressed Council regarding homeless people in Ann Arbor and the Housing First Program. She asked for Council's help to provide shelter for the homeless in Ann Arbor.*

**9. Tonya Brown - Camp Take Notice**

*Tonya Brown, 3057 Alisa Craig, addressed Council regarding Camp Take Notice. The camp is about people helping themselves and helping each other. They offer tents and sleeping bags to the homeless and are asking churches, individuals and the City to sponsor land to help with their efforts in providing the homeless a place to sleep.*

**10. Jack Eaton - Resolution regarding Council Electronic Communications (DC-2)**

*Jack Eaton, 1606 Dicken Dr., spoke in support and urged Council to pass the resolution regarding Council Electronic Communications.*

**COMMUNICATIONS FROM COUNCIL****COUNCILMEMBER RAPUNDALO**

*Councilmember Rapundalo reported that he and Councilmember Derezinski attended a meeting of neighbors in the vicinity of Washtenaw Avenue regarding the City's proposed non-motorized transportation plan. Concerns are still being raised about the project. A resolution will be coming to Council at the second meeting of October. Council will also be updated by staff regarding the outstanding resident concerns.*

**COUNCILMEMBER SMITH**

*Councilmember Smith announced that a community meeting is scheduled for September 22, 2009 at 5 p.m. at the Community Center in order to discuss the recent increase in home invasions in the northwest neighborhoods in the Summit and Springbrook areas. The meeting was originally scheduled for Saturday, September 19, 2009, and is now re-scheduled for September 22 due to the Jewish holidays.*

*Councilmember Smith asked if City staff could include religious holidays and observances on the City's calendars so that meetings are not scheduled on these days in the future.*

**COUNCILMEMBER HIGGINS**

*Councilmember Higgins said that a citizen questioned the ballot language for the proposed Charter Amendment on the November ballot. She asked the City Attorney to address the question.*

*City Attorney Stephen Postema said that the City received approval of the ballot language from the Attorney General's office last Friday, September 18, 2009. Communication of the Attorney General's approval was given to the Washtenaw County Clerk and the ballot language was approved.*

**COUNCILMEMBER DEREZINSKI**

*Councilmember Derezinski said that staff attended the non-motorized path meeting with residents. Councilmember Derezinski thanked staff for their extra time talking and answering questions from the residents.*

**COUNCILMEMBER HOHNKE**

*Councilmember Hohnke informed the public that the City has released an announcement that they have surpassed their long standing goal of increasing bike lane miles in the community by over 300 percent. He thanked Mayor Hieftje for his leadership in that regard and urged the City to continue to move forward.*

**MAYOR HIEFTJE**

*Mayor Hieftje said that Council has received emails and communications from residents who have concerns about discussions in the past relating to the Ann Arbor Airport and about the environmental study that was under way at that time. Mayor Hieftje stated that he wants a safe airport, but does not support a large expansion.*

*The Mayor also announced that the public hearing tonight regarding City Place does meet the existing zoning and is therefore a "by-right" proposal. He stated the City*

*could risk litigation if Council were to turn the project down. The Mayor did note that the Council put a moratorium in place on development in this area until a historic district study is completed.*

**COUNCILMEMBER HIGGINS**

*Councilmember Higgins said that a Budget and Labor Committee meeting was held this evening to discuss ongoing labor negotiations.*

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

*Greden arrived at 8:03 p.m.*

**Present:** 11 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Leigh Greden, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor, and Councilmember Carsten Hohnke

**PH-1 09-0721**

Resolution to Approve City Place Site Plan and Development Agreement, 1.23 acres, 407-437 South Fifth Avenue (CPC Recommendation: Motion to Recommend Approval Failed - 5 Yeas and 1 Nay)

*A public hearing was continued on the proposed resolution to approve City Place Site Plan and Development Agreement, 1.23 acres, located a 407-437 South Fifth Avenue. Notice of public hearing was published July 15, 2009 and September 13, 2009.*

*The following people spoke in opposition of the proposed City Place Site Plan:*

*Tom Luczak, 438 S. Fifth*

*Beverly Strassman, president of the Germantown Neighborhood Association, 545 S. Fifth Ave.*

*Nancy Finegood, Michigan Historic Preservation Network*

*Thomas Petiet, owner of 432 S. Fourth Ave.*

*Kim Kachadoorian, 204 E. Davis*

*Shirley Zempel, 434 S. Fourth Ave.*

*Deanna Relyea, 451 S. Fourth Ave.*

*James D'Amour, 2771 Maplewood*

*Ray Detter, 120 N. Division*

*Ann Eisen, Fourth Avenue and Packard*

*Alan Haber, 531 Third Street*

*Rita Mitchell, 621 5th Street*

*Claudius Vincenz, 545 S. Fifth Ave.*

*The following people spoke in support of the proposed City Place Site Plan:*

*Petitioner Alex DeParry explained the changes that were made to the proposal and was available to answer questions of Council.*

*Brad Moore, architect for the project, said that the project meets all of the City's zoning requirements*

*David Birchler, a planner for the project, said that the proposal meets all requirements.*

*A representative of Midwestern Consulting Inc. was available to answer questions regarding the project.*

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

**PH-2 09-0722**

Amendment to Chapter 55, Rezoning of 1.19 Acres from O (Office District) to PUD (Planned Unit Development), Near North Proposal, 626-724 North Main Street (CPC Recommendation: Motion to Approve Failed - 5 Yeas and 2 Nays) (Ordinance No. ORD-09-27)

*A public hearing was continued on the proposed amendment to Chapter 55, rezoning of 1.19 acres from O (Office District) to PUD (Planned Unit Development), Near North Proposal property, located at 626-724 North Main Street. Notice of public hearing was published August 20, 2009.*

*The following people spoke in opposition of the Near North Project:*

*Ray Detter, 120 N. Division, expressed concerns about the destruction of the existing homes.*

*John Floyd, 519 Sunset Road*

*Alan Haber, 531 Third St., expressed concern about the existing homes on the site.*

*The following people spoke in support of the proposed Near North Project:*

*John Hilton, 701 N. Fourth Avenue*

*Hugh Shirato, 520 Eighth St.*

*Chuck Warpehoski, 2020 Winewood*

*John Rasmussen, 887 Greenhills, expressed some concern regarding barrier-free zoning*

*Damien Farrell, architect for the project, thanked residents for their part in the proposal and was available to answer questions.*

*Earl Ophoff, Midwestern Consulting Inc., was available to answer questions of Council*

*A resident at 436 Third St.*

*Peter Pollack, 515 Detroit Street*

*Jim Mogensen, 2780 Greenbrier*

*Kate Warner, 1804 Linwood Avenue, spoke in favor of the project and affordable housing*

*Dave DeVarti, 1231 Baldwin*

*Tim Colenback, 1730 David Court,*

*Julie Steiner, 502 Sunset Road.*

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

**PH-3 09-0836**

Resolution to Approve Near North PUD Site Plan and Development Agreement, 1.19 Acres from O (Office District) to PUD (Planned Unit Development), Near North Proposal, 626-724 North Main Street (CPC Recommendation: Motion to Approve Failed - 5 Yeas and 2 Nays)

*A public hearing was continued on the proposed Resolution to approve the Near North PUD Site Plan and Development Agreement, 1.19 acres, located at 626-724 North Main Street. Notice of public hearing was published August 27, 2009.*

*Tom Fitzsimmons spoke in support of the proposed Near North PUD Site Plan*

*A developer representing the project spoke about the proposed development agreement.*

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



**COMMUNICATIONS FROM COUNCIL**

*None.*

**A APPROVAL OF COUNCIL MINUTES**

**A-1 09-0927** Regular Session and Working Session of September 8, 2009

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

**CA CONSENT AGENDA****Passed on consent agenda**

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

**CA-1 09-0755** Resolution to Approve Amendment No. 1 to Agreement Between the Sanborn Map Company, Inc. and the City of Ann Arbor for Geographic Information Systems (GIS) Data Development (Amendment \$10,275.00/Total Project Not to Exceed \$31,991.00)

Enactment No: R-09-375

**CA-2 09-0759** Resolution to Approve a Purchase Order to Michigan Supreme Court State Court Administrative Office for Annual Judicial Information System Software Licensing and Hosting Fees (Not to Exceed \$48,351.96)

Enactment No: R-09-376

**CA-3 09-0779** Resolution Approving an Emergency Purchase Order to DownUnder Municipal Services, LLC for Emergency Repairs to the Northside Sanitary Sewer Sub-main (\$37,085.00)

Enactment No: R-09-377

**CA-4 09-0811** Resolution to Increase the Service Purchase Order to Washtenaw County Water Resources Commissioner (WCWRC) to Fund the Allen Creek Project Plan Amendment (\$14,000.00)

Enactment No: R-09-378

**CA-5 09-0828** Resolution to Approve a Purchase Order with Trojan Technologies Inc. for Ultraviolet Disinfection System Replacement Parts at the City's Wastewater Treatment Plant (\$60,000.00)

Enactment No: R-09-379

- CA-6 09-0861** Resolution to Allocate \$25,000.00 in NSP Funds to P.O.W.E.R Inc, to Provide Homebuyer Education to Low-Mod Homebuyers (\$25,000.00 NSP Funds)  
*This item was deleted from the agenda on 9/21/09.*
- CA-7 09-0864** Resolution to Approve a Contract with Michigan Building and Restoration in the Amount of \$49,835.00 for the Repair of the Vehicle Bridge at Gallup Park per Bid #4042, Approve a Construction Contingency of \$4,984.00 (10%), and Establish a Total Construction Project Budget of \$54,819.00  
Enactment No: R-09-381
- CA-8 09-0875** Resolution to Accept Board of Insurance Administration Meeting Minutes of August 27, 2009  
Enactment No: R-09-382

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

**A motion was made by Councilmember Higgins, seconded by Councilmember Derezinski, that Council enter into Closed session to discuss attorney/client privileged information. On roll call, the vote was as follows with the Mayor declaring the motion carried (The meeting recessed at 9:25 p.m.)**

**Yeas:** 11 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke

**Nays:** 0

**MEETING RECONVENED**

**A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:50 p.m.**

**AGENDA RECONSIDERED**

**A motion was made by Councilmember Higgins, seconded by Councilmember Greden, that the Agenda be Reconsidered and Amended as follows:**

**Consider DS-2 prior to B-1**

**Add: DC-3 Resolution Opposing 2010 State of Michigan Budget Proposed by House Speaker Andy Dillon and Senate Republicans**

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

- DS-2 09-0872** Resolution to Approve Industrial Facilities Exemption Certificate between the City of Ann Arbor and AVL Powertrain Engineering, Inc.  
**A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-09-387

## B ORDINANCES - SECOND READING

- B-1 09-0722** Amendment to Chapter 55, Rezoning of 1.19 Acres from O (Office District) to PUD (Planned Unit Development), Near North Proposal, 626-724 North Main Street (CPC Recommendation: Motion to Approve Failed - 5 Yeas and 2 Nays) (Ordinance No. ORD-09-27)

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

- DB-1 09-0836** Resolution to Approve Near North PUD Site Plan and Development Agreement, 1.19 Acres from O (Office District) to PUD (Planned Unit Development), Near North Proposal, 626-724 North Main Street (CPC Recommendation: Motion to Approve Failed - 5 Yeas and 2 Nays)

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

Enactment No: R-09-384

## C ORDINANCES - FIRST READING

- C-1 08-0705** 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 71 (Plastic Carry-Out Bags) of Title VI of said Code and to Amend Section 1:17 of Chapter 1 of Title 1 of the Code of the City of Ann Arbor

**Sponsors:** Rapundalo

*Staff will gather additional data to include with proposed options.*

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Teall, that the ordinance be adopted at first reading.**

*Councilmember Rapundalo stated that staff and members of the public have been working on this proposed ordinance and should be ready in a few months to bring back a revised proposal for Council's consideration. He recommended tabling at this time.*

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Teall, that the Ordinance be Laid on the table. On a voice vote, the Mayor declared the motion carried.**

- C-2 09-0867** An Ordinance Amend Chapter 55, Rezoning of 8.28 acres from PUD (Planned Unit Development District) to Revised PUD, Briarwood Lots 12 & 13, 1301 Briarwood Circle (CPC Recommendation: Approval- 8 Yeas and 0 Nays) (Ordinance No. ORD-09-29)

**A motion was made by Councilmember Derezinski, seconded by Councilmember Teall, that the Ordinance be approved on First Reading and should be returned by 10/19/2009 for Second Reading. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-09-29

- C-3      09-0868**            An Ordinance to Amend Chapter 55, Rezoning of 0.6 Acres from R4C (Multiple-Family Residential Dwelling District) to PUD (Planned Unit Development District, Casa Dominick's, 808-814 Monroe Street, 700 and 706 Tappan Street and 705 Oakland Avenue, (CPC Recommendation: Approved - 8 Ayes and 0 Nays) (Ordinance No. ORD-09-30)
- A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the Ordinance be approved on First Reading and should be returned by 10/19/2009 for Second Reading. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-09-30

## **D      MOTIONS AND RESOLUTIONS**

### **DC      New Business - Council:**

- DC-1      09-0848**            Resolution to Appoint Catherine Riseng and ReAppoint Michael Garfield to the Greenbelt Advisory Commission
- Sponsors:**            Hohnke
- A motion was made by Councilmember Hohnke, seconded by Councilmember Higgins, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-385
- DC-2      09-0928**            Resolution to Disclose Council Electronic Communications without Charge to the Public
- Sponsors:**            Anglin and Briere
- A motion was made by Councilmember Anglin, seconded by Councilmember Briere, that the resolution be approved.**
- Enactment No: R-09-386

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

**DC-2 Substitute Resolution**

**Resolution to Disclose Council Electronic Communications [without Charge to the Public]**

Whereas, on September 8, 2009, City Council amended its rules to place limitations on electronic communications during Council meetings, and the routine disclosure of such communications in the future will help the public monitor compliance with the amended rules; and

[Whereas, over the past several months a large volume of Council electronic communications has been disclosed to the public in response to a variety of Freedom of Information Act requests, and therefore has already been subject to deletions by the staff authorized by that Act; and]

Whereas, it is in the public interest to disclose all electronic communications to and/or from Council members during Council meetings [for as far back as records of these communications still exist]; and

Whereas, many members of the community want to view these electronic communications and rapid disclosure of all the electronic communications will help restore public confidence in City Government; and

Whereas, the disclosure of such communications should be done in an orderly way so as to minimize staff time and costs; and

Whereas, it is more cost-effective that the disclosure of such communications be done systematically, rather than in response to Freedom of Information Act requests that may be made by the public in the future;

**RESOLVED**, that [effective immediately] **GOING FORWARD AND BEGINNING WITH THE COUNCIL MEETING OF SEPTEMBER 21, 2009**, the City Clerk shall append copies of all electronic communications defined as public records under the Freedom of Information Act sent to and/or from members of Council during a City Council meeting, with deletions authorized by that Act, to the official minutes of that meeting when published on the City's website.

[**RESOLVED**, that by November 1, 2009, the City shall post on its website copies of all electronic communications to and/or from Council members that have already been disclosed to the public in response to Freedom of Information Act requests made on or after March 27, 2009 to this date.

**RESOLVED**, that by December 1, 2009, the City shall post on its website copies of all electronic communications to and/or from Council members during Council meetings, with deletions authorized by that Act, from January 1, 2008 to this date that have not already been disclosed as above.

**RESOLVED**, that by January 1, 2010, the City shall post on its website copies of all electronic communications to and/or from Council members during Council meetings, with deletions authorized by that Act, from January 1, 2007 through December 31, 2007 that have not already been disclosed as above.

**RESOLVED**, that by the first day of each succeeding month, the same procedure shall be followed for each prior calendar year of such electronic communications until all such communications have been disclosed.]

**RESOLVED**, That City Council directs the City Administrator to provide an explanation of the basis under the Michigan Freedom of Information Act or other statute for the determination that the electronic communication or a portion thereof, is exempt from disclosure, including the statutory provision authorizing the withholding information from the public. If the City Administrator determines that the contents of an electronic communication, in whole or in part, is subject to a disclosure exemption under the Act, the email, including the header information, will be included in the materials disclosed with the exempt portions redacted.

**Date:** Monday, Sept. 21, 2009

**Sponsored by:** Councilmember Michael Daniel Anglin, Ward 5 and Councilmember Sabra Briere, Ward 1, City of Ann Arbor

[ ] Indicates deleted language  
All CAPS indicate new language

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

- Yeas:** 8 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Smith, Councilmember Derezinski, and Councilmember Taylor
- Nays:** 3 - Councilmember Anglin, Councilmember Briere, and Councilmember Hohnke

**09-0928**

Resolution to Disclose Council Electronic Communications without Charge to the Public

**Sponsors:** Anglin and Briere

**The question being, the motion made by Councilmember Anglin, seconded by Councilmember Briere, that the Resolution be approved as amended, on a roll call, the vote was as follows with the Mayor declaring the motion carried:**

- Yeas:** 10 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke
- Nays:** 1 - Councilmember Anglin

Enactment No: R-09-386

**DB New Business - Boards and Commissions:**

**SUSPEND THE RULES**

**A motion was made by Councilmember Greden, seconded by Councilmember Smith, that Council Suspend the Rules regarding Closed Session Time (Rule 1). On a voice vote, the Mayor declared the motion carried.**

**DB-2 09-0721**

Resolution to Approve City Place Site Plan and Development Agreement, 1.23 acres, 407-437 South Fifth Avenue (CPC Recommendation: Motion to Recommend Approval Failed - 5 Yeas and 1 Nay)

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Derezinski, that the Resolution be Approved. On roll call, the vote was as follows, with the Mayor declaring the motion carried.**

**Yeas:** 11 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke

**Nays:** 0

Enactment No: R-09-388

**DS Old Business - Staff:****DS-1 09-0837**

Resolution to Amend FY 2010 Historic District Application Fees for the Community Services Area

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

Enactment No: R-09-389

**DS New Business - Staff:****DS-3 09-0747**

Resolution to Petition the Washtenaw County Water Resources Commissioner to Design and Construct Stormwater Controls in the Allen Creek Drainage District in West Park to Improve Water Quality (\$3,540,000.00 Project Amount; \$3,401,940.00 City Share) (Roll Call Vote Required)

**A motion was made by Councilmember Hohnke, seconded by Councilmember Anglin, that the Resolution be approved. On a roll call, the vote was as follows, with the Mayor declaring the motion carried.**

**Yeas:** 11 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke

**Nays:** 0

Enactment No: R-09-390

- DS-4 09-0815** Resolution to Petition the Washtenaw County Water Resources Commissioner to Design and Construct Stormwater Controls in the Allen Creek Drainage District on Sylvan Avenue to Improve Water Quality and Quantity (\$456,000.00 Project Amount; \$438,216.00 City Share) (Roll Call Vote Required)
- A motion was made by Councilmember Teall, seconded by Councilmember Higgins, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried.**
- Yeas:** 11 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke
- Nays:** 0
- Enactment No: R-09-391
- DS-5 09-0849** Resolution to Approve the City of Ann Arbor - Michigan Department of Transportation Agreement No. 09-5466 for Improvements to Geddes Road within the Interchange Area of US-23, and through the Intersection of Earhart Road
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-392
- DS-6 09-0863** Resolution to Purchase 0.19-Acre Property at 219 Chapin from Patrician Homes LLC and Appropriate \$267,500.00 from the Open Space and Parkland Preservation Millage Proceeds (8 Votes Required)
- Deleted from agenda.**
- DS-7 09-0860** Resolution to Allocate \$245,000.00 in NSP Funds to Habitat for Humanity of Huron Valley for the Acquisition, Rehabilitation and Resale of Affordable Housing for Low-Income Homebuyers, to Approve the Housing Affordability Agreement, and to Approve the Transfer of Home Loans to Homebuyers Purchasing Homes Through Habitat for Humanity of Huron Valley (\$245,000.00 NSP Funds)
- Councilmember Higgins was absent at time of vote.*
- A motion was made by Councilmember Greden, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-393
- DS-8 09-0859** Resolution to Approve a Contract with D & J Contracting, Inc. in the Amount of \$119,334.98 to Repair the Vehicle Bridge at Bandemer Park, per Bid #4041, Approve a Construction Contingency of \$11,933.00, and Establish a Total Construction Project Budget of \$131,267.98
- A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-09-394



**DS-9 09-0869** Resolution to Approve Contracts with Legal Services of South Central Michigan, Housing Bureau for Seniors and Washtenaw County Treasurer for Mortgage and Tax Foreclosure Prevention and Counseling Services (\$60,000.00 FY 2010 AAHTF and \$100,000.00 FY 2010 General Fund)

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

Enactment No: R-09-395

**DS-10 09-0884** Resolution to Approve Street Closings for the Big House/Big Heart Running Event - Sunday, October 4, 2009

*Councilmember Higgins requested that staff verify and ensure that residents in the area have been notified of the street closures.*

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

Enactment No: R-09-396

**DS-11 09-0894** Resolution Accepting Utility Easement from MSC Engineers, Inc. Nadia Court (8 Votes Required)

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

Enactment No: R-09-397

**DS-12 09-0899** Resolution to Approve Standard Box Hangar Lease Form (8 Votes Required)

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

Enactment No: R-09-398

**DC-3 09-0945** Resolution Opposing 2010 State Of Michigan Budget Proposed By House Speaker Andy Dillon And Senate Republicans

**Sponsors:** Greden, Teall and Higgins

*A friendly amendment was made to the resolution to add the City's lobbyist, Kirk Profit, to the list of recipients to receive a copy of the resolution.*

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

Enactment No: R-09-399

**E COMMUNICATIONS FROM THE MAYOR**

**E-1 09-0876** Appointments - Confirmations

A motion was made by Councilmember Teall, seconded by Councilmember Derezinski, that that Council concur with the recommendations of the Mayor and the following appointments be approved:

**Board of Canvassers**

**Marionette Cano (Republican)** replacing-Walter Helmreich  
2877 N. Bayliss Dr.  
Ann Arbor, MI 48108  
Term: September 21, 2009 -December 31, 2013

**Commission on Disability Issues**

**Pam Baker-Trostle** replacing - Kimberly Gutierrez  
2230 Hemlock Ct.  
Ann Arbor, MI 48108  
Term: September 21, 2009-September 21, 2012

**Park Advisory Commission**

**Karen R. Levin** replacing - Linda Berauer  
393 Parklake Ave.  
Ann Arbor, MI 48103  
Term: September 21, 2009 - September 20, 2009

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

**Approve Washtenaw County Land Bank Authority as One-Step Process**

A motion was made by Councilmember Hohnke, seconded by Councilmember Teall, that the appointment of Sabra Briere to the Washtenaw County Land Bank Authority be approved as a one-step process. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

**E-2 09-0942** Appointments - Confirmations

**COMMUNICATIONS FROM COUNCIL**

*None.*

**F COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

*None*

**G COMMUNICATIONS FROM THE CITY ATTORNEY**

*None.*

**H & I CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS**

**H The following communications were referred as indicated:**

**Passed on consent agenda**

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

- H-1 09-0904** Communication from Lawrence Kestenbaum, Washtenaw County Clerk regarding two charter amendments proposals for the November 3, 2009 Election
- H-2 09-0931** Comcast regarding channel lineup changes effective September 29, 2009 - CTN
- H-3 09-0941** Communication from Washtenaw County Clerk Lawrence Kestenbaum regarding revised proposal language passed by Ann Arbor City Council (R-09-361) for the November 3, 2009 election ballot.

**I The following minutes were received for file:**

- I-1 09-0687** Greenbelt Advisory Commission regular session minutes of June 10, 2009
- I-2 09-0853** Ann Arbor Housing Commission Regular Board Meeting Minutes - July 22, 2009
- I-3 09-0854** Cable Communications Commission Minutes of June 23, 2009
- I-4 09-0889** Ann Arbor Downtown Development Authority Meeting Minutes - July 1, 2009
- I-5 09-0890** Ann Arbor Downtown Development Authority Annual Meeting Minutes - July 1, 2009
- I-6 09-0891** Ann Arbor Downtown Development Authority Special Meeting Minutes - August 19, 2009

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

*None.*

**CLOSED SESSION TO DISCUSS LAND ACQUISITION**

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that Council enter into Closed session to discuss Land Acquisition. On roll call, the vote was as follows, with the Mayor declaring the motion carried and the meeting recessed at 12:16 a.m.:

**Yeas:** 11 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke

**Nays:** 0

**MEETING RECONVENED**

A motion was made by Councilmember Smith, seconded by Councilmember Briere, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 12:28 a.m.

**ADJOURNMENT**

A motion was made by Councilmember Higgins, seconded by Councilmember Anglin, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:28 a.m.

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

**LIVE: MONDAY, SEPTEMBER 21, 2009 7:00 P.M.**

**REPLAYS: TUESDAY, SEPTEMBER 22, 2009 10:00 A.M. AND FRIDAY, SEPTEMBER 25, 2009 7:30 P.M.**

**REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE**

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

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