

City of Ann Arbor

301 E. Huron Street
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>



Action Minutes

Monday, October 24, 2011

7:00 PM

City Hall, 301 E. Huron Street, Council Chamber, 2nd Floor
City Council meets in caucus the Sunday prior to each regular
session at 7 p.m. in the Council Chamber.

City Council

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:07 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron St.

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

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

ROLL CALL OF COUNCIL

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

APPROVAL OF AGENDA

A motion was made by Councilmember Teall, seconded by Councilmember Derezinski, that the Agenda be approved with the following changes:

Add: Closed Session to discuss Attorney/Client privileged communication (Consider after Communications from the City Administrator)

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

INT INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

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

*** ACCOMMODATIONS CAN BE MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

1. **Thomas Partridge - Safe access to pedestrian transportation needed. Transportation improvement study of crosswalks including crosswalk sites on Washington and Plymouth Roads are very important. Access to safe affordable transportation and housing critically needed. (DC-1)**

Thomas Partridge, Ann Arbor resident, asked that Council consider the proposed Heritage Row Ordinance and Site Plan that was originally presented on tonight's agenda. He also addressed Council regarding safe access to pedestrian transportation and crosswalks, and access to safe affordable transportation and housing.

2. **William Hampton - NAACP**

William Hampton, 1184 Wendy Ct., announced that the NAACP will hold a Freedom Fund dinner on November 5, 2011 at 6:30 p.m. Several councilmembers are planning to attend. Councilmember Higgins will offer the welcome at the dinner and Mr. Hampton invited the rest of Council and the public to attend as well.

3. **Rita Mitchell - Heritage Row**

Rita Mitchell, 621 Fifth St., asked that Council take advantage of the opportunity afforded to them by Councilmembers Kunselman and Anglin to reconsider their votes on the City Place development in the 400 block of S. Fifth Ave. and to reset the process to a point that would allow multiple dimensions of a community benefit to be at the core of the Council's decision-making.

4. **Ethel Potts - City Place Development (DC-2)**

Ethel Potts, 1014 Elder Blvd., said that the historic houses on Fifth Avenue that are proposed to be demolished as part of the City Place project are well worth keeping and are an enhancement to the City. She asked that Council approve an historic district study committee and approve the proposed moratorium on the demolition of the seven historic homes.

5. **Kathy Boris - Historic Homes on the 400 Block of South 5th Ave.**

Kathy Boris, 1726 Charleston, spoke in support of the proposed resolutions to create an historic district study committee and a proposed moratorium on building and the demolition of the seven historic homes on Fifth Avenue.

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER ANGLIN*

Councilmember Anglin spoke about the rental inspection program and its effects on smaller scale landlords who may only have one home that they use for rental. He said that in some cases, the tone that the City may be sending out to the general public regarding rental inspections may be a little too harsh. Councilmember Anglin stated that the letters regarding inspections that are coming from staff may be more aggressive than is necessary and should be toned down.

COUNCILMEMBER BRIERE

Councilmember Briere thanked City Administrator Steve Powers for standing at the entrance of City Hall this past Sunday before the Council Caucus meeting to greet the public and Council and to make certain that everyone had access to the building. This past Sunday was not a regularly-scheduled Caucus meeting and the building was locked.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Steve Powers reported on the following:

WASHTENAW COUNTY ROAD COMMISSION (WCRC)

The Washtenaw County Road Commission (WCRC) has approved a contract with the engineering consulting firm DLZ to design the intersection improvements at the State and Ellsworth Roads intersection. This will be the 2nd joint City-Road Commission "roundabout" intersection design and construction project.

The cost for the DLZ's project design will be paid for with the fees collected by the WCRC from the developer. The construction will be paid for mainly with an approved "Congestion Mitigation and Air Quality (CMAQ)" grant. Staff will meet soon with WCRC to review the scope of work and everyone's role in the project.

CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, TO DISCUSS ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (H).

A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that Council enter into Closed session to discuss Attorney/Client privileged communication under the Michigan Open Meetings Act, MCLA 15.268 (H). On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed at 7:26 p.m.

Yeas: 11 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Kunselman, 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 Derezinski, seconded by Councilmember Taylor, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 7:56 p.m.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 10-0253 An Ordinance to Amend Chapter 55, Rezoning of 1.23 Acres from R4C (Multiple-Family Dwelling) to PUD (Planned Unit Development), Heritage Row PUD, 407-437 S. Fifth Avenue (CPC Recommendation: Approval - 6 Ayes, 2 Nays) (Ordinance No. 10-13) (8 Votes Required)

Deleted from Agenda

PH-2 10-0539 Resolution to Approve the Heritage Row PUD (Planned Unit Development) Site Plan and Development Agreement; 407- 437 South Fifth Avenue (CPC Recommendation: Approval - 6 Ayes, 2 Nays)

Deleted from Agenda

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman asked the Building Official about the process of removing asbestos from the houses that are proposed to be demolished as part of the City Place project. Ralph Welton, City Building Official, said that an asbestos survey was completed and asbestos was found in some of the homes. He was not sure how much was found, but said that it would be abated. The AAPA handles the abatement and a report is sent to the City after the abatement has been completed.

A APPROVAL OF COUNCIL MINUTES

A-1 11-1380 Regular Session of October 17, 2011

A motion was made by Councilmember Teall, seconded by Councilmember Hohnke, that the Regular Session Minutes of October 17, 2011 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

None.

B ORDINANCES - SECOND READING

- B-1 10-0253** An Ordinance to Amend Chapter 55, Rezoning of 1.23 Acres from R4C (Multiple-Family Dwelling) to PUD (Planned Unit Development), Heritage Row PUD, 407-437 S. Fifth Avenue (CPC Recommendation: Approval - 6 Ayes, 2 Nays) (Ordinance No. 10-13) (8 Votes Required)

Deleted from Agenda

C ORDINANCES - FIRST READING

None.

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1 11-1373** Resolution to Authorize Staff to Explore New Alternatives for Pedestrian Street Crossing Improvements at Washtenaw Avenue and Plymouth Road

Sponsors: Hieftje

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

Enactment No: R-11-463

- DC-2 11-1383** Motion for Reconsideration of the October 17, 2011 Vote that Approved the Resolution to Approve City Place Landscape Modification Request, 407 - 437 South Fifth Avenue (File 11-1336)

Sponsors: Kunselman

A motion was made by Councilmember Kunselman, seconded by Councilmember Anglin, that council reconsider the October 17, 2011 vote that approved the Resolution to Approve City Place Landscape Modification Request, 407 - 437 South Fifth Avenue (File 11-1336). On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 8 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor and Councilmember Hohnke

Nays: 3 - Councilmember Rapundalo, Councilmember Smith and Councilmember Derezinski

- 11-1336** Resolution to Approve City Place Landscape Modification Request, 407- 437 South Fifth Avenue

Sponsors: Derezinski

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

Enactment No: R-11-445

DC-3 11-1384 Motion for Reconsideration of the October 17, 2011 Vote that Approved the Resolution to Approve City Place Revised Building Elevations (407 - 437 South Fifth Avenue) (File No. 11-1345)

Sponsors: Kunselman

A motion was made by Councilmember Kunselman, seconded by Councilmember Briere, to reconsider the October 17, 2011 vote that approved the Resolution to Approve City Place Revised Building Elevations, 407 - 437 South Fifth Avenue, File No. 11-1345. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 8 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor and Councilmember Hohnke

Nays: 3 - Councilmember Rapundalo, Councilmember Smith and Councilmember Derezinski

11-1345 Resolution to Approve City Place Revised Building Elevations (407-437 South Fifth Avenue)

Sponsors: Derezinski

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

Enactment No: R-11-449

DC-4 11-1386 Resolution Establishing and Appointing The South Central Historic District Study Committee

Sponsors: Anglin

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

A friendly amendment was made removing the Fifth Whereas Clause from the resolution.

A motion was made by Councilmember Hohnke, seconded by Councilmember Taylor, that the Resolution be postponed until November 10, 2011. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 3 - Councilmember Kunselman, Councilmember Taylor and Councilmember Hohnke

Nays: 8 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith and Councilmember Derezinski

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

Yeas: 4 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere and Councilmember Taylor

Nays: 7 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Higgins, Councilmember Teall, Councilmember Smith, Councilmember Derezhinski and Councilmember Hohnke

DC-5 11-1387 Resolution for Emergency Moratorium

Sponsors: Anglin

A motion was made by Councilmember Briere, seconded by Councilmember Anglin, that the resolution be approved.

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

DB Old Business - Boards and Commissions:

DB-1 10-0539 Resolution to Approve the Heritage Row PUD (Planned Unit Development) Site Plan and Development Agreement; 407- 437 South Fifth Avenue (CPC Recommendation: Approval - 6 Ayes, 2 Nays)

Deleted from Agenda

DS New Business - Staff:

None.

E COMMUNICATIONS FROM THE MAYOR

None.

COMMUNICATIONS FROM COUNCIL

None.

F WRITTEN 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:

None.

I The following minutes were received for file:

None.

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Kathy Griswold, 3565 Fox Hunt Dr., expressed concern with the City's Pedestrian Ordinance. She said that the sight distance written in the ordinance does not address bike lanes or pedestrians.

Thomas Partridge, Ann Arbor resident, addressed Council regarding access to voting and the polling places for the most vulnerable residents of the City and County.

CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, INCLUDING BUT NOT LIMITED TO, LABOR NEGOTIATIONS STRATEGY, PENDING LITIGATION, AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (C), (E), AND (H).

A motion was made by Councilmember Derezinski, seconded by Councilmember Taylor, that Council enter into Closed Session to discuss personnel matters under the Michigan Open Meetings Act MCLA 15.268 (A). On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed at 9:16 p.m.:

Yeas: 11 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Kunselman, 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 Derezinski, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:43 p.m.

11-1393 Resolution to Amend the City Attorney's Employment Contract

Sponsors: Derezenski, Higgins, Teall, Rapundalo and Hieftje

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

Enactment No: R-11-464

ADJOURNMENT

A motion was made by Councilmember Hohnke, seconded by Councilmember Taylor, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:45 p.m.

11-1399 10-24-11 Council Emails and Redaction List

Received and Filed

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, OCTOBER 24, 2011, 7:30 P.M.

REPLAYS: TUESDAY, OCTOBER 25, 2011, 10:00 A.M. AND FRIDAY, OCTOBER 28, 2011 7:30 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor City Council and board and commission actions and deliberations.

- **Video on Demand: Replay public meetings at your convenience online at www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx**
- **Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.**

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.

**Jacqueline Beaudry
Clerk of the Council**

**Anissa R. Bowden
Recording Secretary**