



City of Ann Arbor

Action Minutes - Draft

City Council

100 N. Fifth Avenue
Ann Arbor, MI 48104
www.a2gov.org

Tuesday, January 22, 2008

7:00 PM

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

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:10 p.m.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

- Present:** 10 - Mayor John Hieftje, Councilmember Ronald Suarez, Councilmember Stephen Rapundalo, Councilmember Joan Lowenstein, Councilmember Stephen Kunselman, Councilmember Leigh Greden, Councilmember Marcia Higgins, Councilmember Christopher S. Easthope, Councilmember Mike Anglin, and Councilmember Sabra Briere
- Absent:** 1 - Councilmember Margie Teall

APPROVAL OF AGENDA

A motion was made by Councilmember Higgins, seconded by Councilmember Lowenstein, that the Agenda be Approved with the following changes:

Add: DC-1 07-1214 Resolution to Recommend Approval of Issuance of One New Class C Liquor License (Council Liquor License Committee)

Add: DC-2 08-0058 Resolution to Establish the Ann Arbor Downtown Development District as a Redevelopment District Under the Michigan Liquor Control Act (Council Liquor License Committee)

Add: DC-3 08-0077 Resolution to Establish an Application Fee and License Fee for New Redevelopment District Licenses (Council Liquor License Committee)

Delete: DS-1 08-0020 Resolution to Receive and Appropriate a Supplemental U.S. Department of Justice Domestic Violence Prevention Grant (\$40,000.00) (8 Votes Required) (15th District Court - Keith Zeisloft, Court Administrator)

On a roll call, the vote was as follows with the Mayor declaring the agenda approved with the deletion of DS-1. Items DC-1 through DC-3 were not added to the agenda, due to a lack of an affirmative eight votes.

- Yeas:** 6 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Greden, Councilmember Higgins, and Councilmember Easthope
- Nays:** 4 - Councilmember Suarez, Councilmember Kunselman, Councilmember Anglin, and Councilmember Briere

Absent: 1 - Councilmember Teall

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

1. Blaine Coleman - Zionism is Racism
Blaine Coleman, Ann Arbor resident, addressed Council regarding Zionism and racism.
2. Mozghan Savabieasfahani - Zionism is Racism
Mozghan Savabieasfahani, Ann Arbor resident, addressed Council regarding Zionism and racism.
3. Chip Lind - YMCA to Become Common Area
Chip Lind, 3015 Miller, addressed Council regarding the old YMCA building and asked that it be turned into a common area for the arts community in Ann Arbor.
4. Henry Herskovitz - Gaza
Henry Herskovitz, 404 Mark Hannah, addressed Council regarding crimes in Gaza.
5. David Wells - Everyday Cooks Pursuit of Class C Liquor License
David Wells, 426 Spring St., expressed concern with the resolution regarding the award of the Class C liquor license to Everyday Cook being added to tonight's agenda.
6. Alan Haber - Demolition of YMCA
Alan Haber, 531 Third St., addressed Council regarding the demolition of the YMCA and asked Council to delay any contract related to the demolition of the "Y".
7. Thomas Partridge - Michigan Democratic voters deserve a legally recognized primary. A valid legally recognized primary should be held to replace the January 15 Primary.
Thomas Partridge, 4220 Eyrie Dr., addressed Council regarding Michigan democratic voters deserving a legally recognized presidential primary election.
8. Mahamed Dar - Housing Code (B-3)
Mohamed Dar, 558 S. Fifth Ave., student body president of the University of Michigan, discussed the process related to the proposed changes to the Housing Code.

9. Dee Smith - Complaint with Poll Workers

Dee Smith, 1437 Wisteria Dr., expressed concern with the treatment he received from poll workers while petitioning at the St. Clare/Temple Beth Emeth precinct location on January 15, 2008.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**PH-1 07-0596**

An Ordinance to Amend to Chapter 55, Rezoning of 0.20 Acre from C2A/R (Commercial/Residential District) to PUD (Planned Unit Development) District, 202 South Division Street (CPC Recommendation: Motion to Approve Failed - 4 Yeas and 4 Nays) (Ordinance No. ORD-07-62) (8 Votes Required)

The following people spoke in opposition of the proposed rezoning of 202 S. Division Street:

*Michael Bruner
Steven Zarnowitz, attorney for Campus Inn Hotel
Gary Rentrouth, attorney for Michigan Preservation Network
Jane Calthrup
Kent Burkhart
Ellen Beckry*

(Councilmember Teall arrived at this time.)

*Dan Mooney
Louisa Pieper, Historic Preservation Network
Thomas Partridge
John Floyd
Alan Green, attorney representing business owners in the area
Fred Beal, 112 S. Main Street
Steve Kaplan
Chris Crockett
Eric Lipson, 1518 Rosewood
Peter Heyden
Ray Detter, Downtown Area Citizens Advisory Board*

The following people spoke in support of the proposed rezoning of 202 S. Division Street:

*Jim Geeley, Joseph Freed and Associates
Mark Rasmis
Jeff Shaler, Rudolph Libby Construction
Wendy Rich, representing TCF Bank
Clint Merrill, General Manager of Hampton Inn North Campus
John Lapiere, Regional Vice President, Marriott Hotels*

Bill Meyer, representing the developer, explained the project to Council.

Ira Ury, of First Hospitality Group, Inc., addressed some of the issues that were expressed at the public hearing.

Steve Schwartz, owner of First Hospitality Group, Inc., explained the proposal to Council and outlined the benefits associated with the project.

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

Enactment No: ORD-07-62

ROLL CALL OF COUNCIL

Present: 11 - Mayor John Hieftje, Councilmember Ronald Suarez, Councilmember Stephen Rapundalo, Councilmember Joan Lowenstein, Councilmember Stephen Kunselman, Councilmember Leigh Greden, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Christopher S. Easthope, Councilmember Mike Anglin, and Councilmember Sabra Briere

PH-2 07-1239 Resolution to Approve 202 South Division Street PUD Site Plan and Development Agreement, 0.20 Acre (CPC Recommendation: Motion to Approve Failed - 4 Yeas and 4 Nays)

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

Susan Weinberg, 3415 Vintage Valley

Ray Fullerton, 505 E. Huron

An unidentified City resident

Ray Detter

Dan Mooney stated the project does not meet the PUD requirements.

An unidentified City resident

Thomas Partridge, 4220 Eyrie Rd.

Alan Green said that he was not opposed to development, but he questioned the density of the proposed project.

Ira Ury, representing the owner, explained the benefits of the proposal to Council.

Steve Schwatz, First Hospitality Group, responded to some of the issues raised during the public hearing.

Jim Geeley stated that the proposed project is a much better use for the site than what had previously been approved for that location.

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

Enactment No:

PH-3 07-1237 Resolution to Approve Huron Valley Professional Center Phase 2 Office Site Plan and Development Agreement, 2.46 Acres, 2080-2084 South Main Street (CPC Recommendation: Approval - 8 Yeas and 0 Nays)
Earl Ophoff of Midwestern Consulting, representing the petitioner, stated he was available to answer any questions of Council.

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

Enactment No: R-08-015

PH-4 07-1238 Resolution to Approve 42 North Planned Project Site Plan, Development Agreement and Wetland Use Permit, 15.32 Acres, 1430 South Maple Road (CPC Recommendation: Approval - 8 Yeas and 1 Nay).

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

John Eaton, 1606 Dicken Drive, submitted a petition signed by neighbors in opposition

Ken Parks, 1501 Las Vegas Drive
Bart Fisher, 1431 Greenview
James Gleason, 1731 Tudor Drive
Mark Fitzgerald, 1500 Dicken Drive
Judy Ivaco, 1607 Waltham Drive
Vince Caruso, 556 Glendale
Mary Lou Unterburger, 1325 S. Maple, #103
Berniece Star, Surry Park Apartments
Victoria Moesnner, 1146 S. Maple Road
Jim Boyd, 2136 Steven Terrace
Linda Piggie, 1715 Saxon Street
Stephanie Hunter, 1601 Dicken Drive
Deb Dursi, 1215 S. Maple, #302
Marian Williams, 1836 Saxon
Erman Hansen 1132 S. Maple Road
Harry Gable, 1110 S. Maple
An unidentified City resident
Mike Anthony, 2509 Jade Court
John Floyd, 519 Sunset Road
Keith Fraidenburg, 2536 Jade Court
A resident of Walden Hills Condominium

Jack Lechter, Pastor of Grace Bible Church, spoke in support of the proposed project.

Matt Marshall, Wood Partners, was available to answer questions of Council.

Brad Moore, with J. Bradley Moore Architects, explained the project to Council and stated that neighbor issues had been addressed at the Planning Commission.

Earl Opoff, Midwestern Consulting, presented the site plan to City Council.

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

Enactment No:

PH-5 07-0871 An Ordinance to Amend Section 8:530 of Chapter 105 (Housing Code) of Title VII of the Code of the City of Ann Arbor (Ordinance No. ORD-08-01)

Sponsors: Easthope and Greden

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

Enactment No: ORD-08-01

PH-6 08-0008 An Ordinance to Amend Section 10:1a of Chapter 126 (Traffic) of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-08-02)

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

Enactment No: ORD-08-02

PH-7 07-1240 Resolution of Intent to Vacate Boulevard Heights Alley, located between South Maple Road, Collingwood Drive, Abbott Avenue and Jackson Avenue (8 Votes Required)

Bart Levy spoke in support of the proposed resolution to vacate Boulevard Heights Alley.

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

Enactment No: R-08-016

COMMUNICATIONS FROM COUNCIL

Councilmember Rapundalo updated Council on the status of the sidewalk program taskforce. He stated the group is meeting and beginning to address some of the procedural issues in the program. He stated they hope to bring back recommendations to Council for changes to the program.

A APPROVAL OF COUNCIL MINUTES

A-1 08-0024 Regular Session Minutes of January 7, 2008

A motion was made by Councilmember Greden, seconded by Councilmember Anglin, that the minutes be approved as presented. On a voice vote, the Mayor declared the motion carried.

Re-Open Agenda

Councilmember Easthope moved, seconded by Councilmember Higgins, that the agenda be re-opened. On a voice vote, the Mayor declared the motion carried.

Councilmember Easthope moved, seconded by Councilmember Higgins, that Council consider Closed Session, DB-2 and B-2 and DB-3 as the next items on the agenda. Items DB-2 and B-2 and DB-3 were moved; the Closed Session remained at the end of the meeting.

Recess

The Mayor declared a recess at 10:25 p.m. and reconvened the meeting at 10:38 p.m.

The City Attorney clarified that the previous vote to amend the agenda by adding DC-1, DC-2 and DC-3 to New Business - Council did not pass, due to a lack of eight affirmative votes.

The question being the agenda as amended, on a voice vote, the Mayor declared the motion carried and DB-2 and DB-3 were considered at the beginning of Ordinances - Second Reading.

Councilmember Anglin moved, seconded by Councilmember Briere, to suspend Council Rules and convene in Closed Session after 11 p.m. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

None.

B ORDINANCE - SECOND READING

Passed on consent agenda

A motion was made by Councilmember Lowenstein, seconded by Councilmember Rapundalo, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion defeated.

- B-2 07-0596** An Ordinance to Amend to Chapter 55, Rezoning of 0.20 Acre from C2A/R (Commercial/Residential District) to PUD (Planned Unit Development) District, 202 South Division Street (CPC Recommendation: Motion to Approve Failed - 4 Yeas and 4 Nays) (Ordinance No. ORD-07-62) (8 Votes Required)
DEFEATED
Enactment No: ORD-07-62
- DB-3 07-1239** Resolution to Approve 202 South Division Street PUD Site Plan and Development Agreement, 0.20 Acre (CPC Recommendation: Motion to Approve Failed - 4 Yeas and 4 Nays)
DEFEATED
Enactment No:
- DB-2 07-1238** Resolution to Approve 42 North Planned Project Site Plan, Development Agreement and Wetland Use Permit, 15.32 Acres, 1430 South Maple Road (CPC Recommendation: Approval - 8 Yeas and 1 Nay).
DEFEATED
Staff to update Council regarding the neighborhood notification process and why Dicken Woods neighbors were not notified of this project.
A motion was made by Councilmember Easthope, seconded by Councilmember Higgins, that the Resolution/Public Hearing be Approved. On a voice vote, the Mayor declared the motion defeated.
Enactment No:

Passed on consent agenda

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

- B-1 07-0867** An Ordinance to Repeal Chapter 14, Purchasing Contracting and Selling Procedure, of Title I of the Code of the City of Ann Arbor and Replace it with a new Chapter 14, Purchasing, Contracting and Selling Procedure of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-07-61)
Enactment No: ORD-07-61
- D-1 07-1207** Resolution Authorizing Summary Publication of Ordinance No. 07-61 Repealing Chapter 14, Purchasing, Contracting and Selling Procedure, of Title I of the Code of the City of Ann Arbor and Adopting a new Chapter 14, Purchasing, Contracting and Selling Procedure, of Title I of the Code of the City of Ann Arbor
Enactment No: R-08-014
- B-3 07-0871** An Ordinance to Amend Section 8:530 of Chapter 105 (Housing Code) of Title VII of the Code of the City of Ann Arbor (Ordinance No. ORD-08-01)
Sponsors: Easthope and Greden
A motion was made by Councilmember Greden, seconded by Councilmember

Easthope, that the ordinance be adopted on second reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-08-01

- B-4 08-0008** An Ordinance to Amend Section 10:1a of Chapter 126 (Traffic) of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-08-02)

A motion was made by Councilmember Rapundalo, seconded by Councilmember Briere, that the ordinance be adopted on second reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-08-02

C ORDINANCE - FIRST READING

- C-1 07-1211** An Ordinance to Amend Sections 2:4 (Points of Storage), 2:5 (Solid Waste Containers) and 2:7 (Solid Waste Facilities) of Chapter 26 of Title II and Section 5:54 (Required Open Space) of Chapter 55 of Title V of the Code of the City of Ann Arbor (Revised)

Council requested that staff more clearly indicate proposed ordinance changes in the Council packet information.

A motion was made by Councilmember Rapundalo, seconded by Councilmember Kunselman, that the ordinance be approved on first reading to the City Council and should be returned by 2/4/2008. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-08-03

- C-2 07-1234** An Ordinance to Amend Chapter 55, Rezoning of 0.12 Acre from TWP (Township District) to R1D (Single-Family Dwelling District), Angelos Property, 2950 Shady Lane (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

A motion was made by Councilmember Lowenstein, seconded by Councilmember Rapundalo, that the ordinance be approved on first reading to the City Council and should be returned by 2/19/2008. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-08-04

- C-3 07-1235** An Ordinance to Amend Chapter 55, Rezoning of Portions of Lower Burns Park Neighborhood from R4C (Multiple-Family Dwelling District) to R1D (Single-Family Dwelling District), Properties on Golden Avenue, Granger Avenue, Rose Avenue and Brooklyn Avenue (CPC Recommendation: Approval - 7 Yeas and 1 Nay)

A motion was made by Councilmember Teall, seconded by Councilmember Higgins, that the ordinance be approved on first reading to the City Council and should be returned by 2/19/2008. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-08-05

D MOTIONS AND RESOLUTIONS

D Old Business

DC New Business - Council:

DB New Business - Boards and Commissions:

- DB-1 07-1237** Resolution to Approve Huron Valley Professional Center Phase 2 Office Site Plan and Development Agreement, 2.46 Acres, 2080-2084 South Main Street (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

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

Enactment No: R-08-015

- DB-4 07-1236** Resolution to Approve Grace Bible Church Development Agreement, 1300 South Maple Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

DEFEATED

A motion was made by Councilmember Rapundalo, seconded by Councilmember Anglin, that the Resolution be Approved. On a voice vote, the Mayor declared the motion defeated.

Enactment No:

DS New Business - Staff:

- DS-1 07-1232** Resolution to Approve the Sale of 2706 Yost from Child and Family Services - Huron Service for Youth D/B/A HelpSource to SYNOD Residential Services and to Approve the Assumption of a \$50,000.00 HOME Mortgage, Note and Housing Affordability Agreement

No action taken. This item was removed from the agenda.

- DS-2 07-1240** Resolution of Intent to Vacate Boulevard Heights Alley, located between South Maple Road, Collingwood Drive, Abbott Avenue and Jackson Avenue (8 Votes Required)

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

Enactment No: R-08-016

- DS-3 08-0004** Resolution Setting a Public Hearing on February 19, 2008 to Receive Public Comment on the Proposed Industrial Development District No. 2008-020

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

Enactment No: R-08-017

Added After Newspaper Deadline:

- DS-4 08-0040** Resolution to Ratify the Emergency Request for Additional Funds from the Federal Farm and Ranch Land Protection Program (FRPP) for the Purchase of Development Rights (PDR) on the Charles and Catherine Braun Farm and William Gould Farm in Ann Arbor Township

A motion was made by Councilmember Kunselman, seconded by Councilmember

Lowenstein, that the resolution be approved. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-08-018

- DS-5 08-0042** Resolution to Ratify the Emergency Purchase and Installation of 17,284 feet of 1-1/2 inch Conduit From Turnkey Network Solutions and the Appropriation of Funds and Amendment of the Information Technology Service Unit Budget. (\$83,050.00) (8 Votes Required)

A motion was made by Councilmember Briere, seconded by Councilmember Lowenstein, 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-08-019

E COMMUNICATIONS FROM THE MAYOR

- E-1 08-0056** 1/22/08 Appointment Confirmations

Councilmember Teall left the meeting at 12:01 a.m.

A motion was made by Councilmember Higgins, seconded by Councilmember Anglin, that the Appointments be Received and Filed. On a voice vote, the Mayor declared the motion carried.

- E-2 08-0057** 1/22/08 Appointments - Nominations

COMMUNICATIONS FROM COUNCIL

Councilmember Rapundalo addressed Council regarding the liquor license recommendation and why he was trying to add the item to the agenda.

F COMMUNICATIONS FROM CITY ADMINISTRATOR

- F-1 08-0002** Compost Collection RFP Results

G COMMUNICATIONS FROM CITY ATTORNEY

- G-1 07-1233** Annexation of Angelos Property

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

H The following communications were referred as indicated:

Passed on consent agenda

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

- H-1 08-0011** Communication from Comcast regarding Comcast Local ceasing operations effective February 28, 2008 - cc CTN

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- H-2 08-0012** Communication from Miller, Canfield, Paddock and Stone, P.L.C. regarding Notice of Intent to establish Condominium Project Broadway Village at Lower Town - cc Planning and Development Services
- H-3 08-0013** Communication from Michigan State University Extension regarding the November 2007 issue of "Bringing Knowledge to Live in Washtenaw County"
- H-4 08-0014** Communication from S.E.M.C.O.G. regarding their regional updates; Vol. 12, No. 26 and Vol. 13, No. 1
- H-5 08-0015** Communication from the Department of Labor & Economic Growth regarding PE 08-009 - cc Planning and Development Services
- H-6 08-0036** Communication from David A. Gumenick regarding opposition of the proposed 42 North Student Housing Project cc: Planning and Development Services
- H-7 08-0049** Communication from Gary R. Rentrop of Rentrop & Morrison, P. C. regarding 202 S. Division St. PUD
- H-8 08-0062** Communication from Glenn Ruihley regarding opposition of the proposed 42 North Planned Project Site Plan

I The following minutes were received for file:

- I-1 07-1227** City of Ann Arbor Employees' Retirement System Minutes for 11-15-07
- I-2 07-1228** City of Ann Arbor Retiree Health Care Benefit Plan & Trust Minutes - 11-15-07
- I-3 07-1231** Ann Arbor Housing Commission Regular Board Meeting Minutes - 11/28/07
- I-4 08-0003** Ann Arbor Energy Commission Meeting Minutes - December 11, 2007

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

None.

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

A motion was made by Councilmember Kunselman, seconded by Councilmember Lowenstein, that the meeting be recessed and Council enter into Closed session. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed at 12:10 a.m.

Yeas: 8 - Mayor Hieftje, Councilmember Suarez, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Kunselman, Councilmember Easthope, Councilmember Anglin, and Councilmember Briere

Nays: 1 - Councilmember Higgins

Absent: 2 - Councilmember Greden, and Councilmember Teall

ADJOURNMENT

A motion was made by Councilmember Rapundalo, seconded by Councilmember Kunselman, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:25 a.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: January 22, 2008, 7:00 PM

REPLAYS: January 23, 2008, 10:30 AM & January 25, 2008 7:30 PM

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office by telephone at 994-2725 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.