

City of Ann Arbor

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



Action Minutes

Monday, April 6, 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 7:05 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: 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

APPROVAL OF AGENDA

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

INT INTRODUCTIONS**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. Maggie Ladd - A2D2 (C-1)

Maggie Ladd, 2686 Elmwood, director of the South University Area Association, expressed concerns about the proposed height restrictions for the S. University area. She stated that developers have informed her that 125 feet will not work for development. She added that history has shown that this area is a part of the downtown.

2. Betsy Price - A2D2 (C-1)

Betsy Price, 905 Olivia, acknowledged the efforts of Wendy Rampson, Systems Planner, other City planning staff, and councilmembers involved in the A2D2 process. She thanked 3rd Ward councilmembers for reconsidering the buffer zoning in the South University area where it borders residential neighborhoods.

3. Robert Snyder - A2D2 Zoning and S. University (C-1)

Robert Snyder, 525 Elm St., from the South University Neighborhood Association, thanked everyone who has worked on the A2D2 project. He said that the most important thing is that the South University area, both the businesses and neighborhoods, be preserved and made stronger than they are currently.

4. Eleanor Linn - A2D2 (C-1)

Eleanor Linn, 1321 Forest Ct., spoke in support of the proposed amendments to the A2D2 plan. She thanked Councilmembers Greden, Taylor, Teall, Higgins and Briere for recognizing the value of the small residential properties by proposing amendments that would separate out as D2 the portions of the South University area that are not part of the DDA.

5. David Michener - Public Art Work - German Sculptor

David Michener, 1622 Pontiac, spoke in support of the resolution that approved the 1 percent art program and the artist selected to work on the City Hall construction project.

6. Janis Bobrin - Public Art at the New Municipal Building

Janis Bobrin, 3465 Vintage, Washtenaw County Water Resources Manager, representing the Huron River Watershed Council, spoke in support of the Public Art Commission's selection of Herbert Dreiseitl to design installations for the new Municipal building. The sculpture will be more than just art; it will be an integral part of the site stormwater management system.

7. Connie Brown - Public Art

Connie Brown, 208 Pineridge, and co-owner of an architecture business in downtown Ann Arbor, spoke in support of the proposed public art in the new municipal building. The Washtenaw County Cultural Plan highlights the need for the arts to create great places and contribute to the culture and livability of the city.

8. Kirsten Jensen - Public Art

Kirsten Jensen, 813 Daniel, spoke in opposition of the proposed art at the new municipal building. She said that it appeared that the City's established process was ignored in order to hand an \$800,000.00 contract to Mr. Dreiseitl, the German artist.

9. Jan Barney Newman - 1% Art Budget

Jan Barney Newman, 1071 Young, spoke in support of the Percent for Art in public buildings program. She added we should be proud of having an internationally known artist create the art for the new municipal building.

10. Henry Herskovitz - Palestine

Henry Herskovitz, 404 Mark Hannah, addressed Council regarding Palestine and ethnic cleansing.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-1 09-0163** An Ordinance to Amend Section 1:292 of Chapter 13 of Title I (Special Assessments) and Section 2:72 of Chapter 29 of Title II (Water, Sewer and Stormwater Rates) of the Code of the City of Ann Arbor (Ordinance No. ORD-09-10)
- A public hearing was conducted on the proposed amendment to Section 1:292 of Chapter 13 (Special Assessments) of Title I and Section 2:27 of Chapter 29, (Water, Sewer and Stormwater Rates) of Title II of the Code of the City of Ann Arbor. Notice of public hearing was published April 5, 2009.*
- Tom Partridge, Scio Township, asked that Council postpone the proposed ordinance amending Special Assessments and Water, Sewer and Stormwater Rates.*
- There being no further comment, the Mayor declared the hearing closed.*

- PH-2 09-0169** An Ordinance to Amend Sections 1:651 of Chapter 19 (Tax Exemptions for Housing Projects) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-09-11)
- A public hearing was conducted on the proposed amendment to Section 1:651 of Chapter 19 (Tax Exemptions for Housing Projects) of Title I of the Code of the City of Ann Arbor. Notice of public hearing was published April 5, 2009.*
- Thomas Partridge, Scio Township, asked that the ordinance regarding Tax Exemptions for Housing Projects be postponed.*
- There being no further comment, the Mayor declared the hearing closed.*

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER RAPUNDALO**

Councilmember Rapundalo announced that the Human Services and Housing Board will be sending out a communication to all of the applicants who filed proposals for social service funding this year. The recommendations for funding will be coming to Council at the next meeting. Given the fact that there was a new process this year, Council may receive communications from these agencies regarding the changes. Councilmember Rapundalo said that he would be available to provide more information about the process.

Councilmember Rapundalo added that the LDFA will be presenting the 2008 Annual LDFA Report at the next meeting. They will also be submitting their budget for FY2010 as a part of the overall budget consideration.

A APPROVAL OF COUNCIL MINUTES

- A-1 09-0281** Ann Arbor City Council Regular Session of March 16, 2009
- A motion was made by Councilmember Briere, seconded by Councilmember Taylor, 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 Higgins, seconded by Councilmember Hohnke, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- CA-1 08-0659** Resolution Authorizing Sanitary Sewer & Water Improvement Charges for 234 Westover Avenue (\$21,075.29)
Enactment No: R-09-106
- CA-2 09-0148** Resolution to Approve a Professional Services Agreement for Construction Materials Testing with Inspection Services Company (ISC) for the 2009 Local Street Resurfacing Project (RFP No. 721, \$47,565.00)
Enactment No: R-09-107
- CA-3 09-0192** Resolution to Approve an Amendment to the Professional Services Agreement with Hubbell Roth & Clark, Inc. for the West Stadium Blvd. at Pauline Blvd. Improvements Project (\$93,316.00)
Enactment No: R-09-108
- CA-4 09-0212** Resolution to Approve the Purchase of Two Allen Bradley, Power Flex 700, Variable Frequency Drives from McNaughton-McKay Electric Co. for Effluent Pump Motors at the Wastewater Treatment Plant (\$45,000.00)
Enactment No: R-09-109
- CA-5 09-0223** Resolution to Approve the Purchase of Two Vault Restrooms from Quality Precast, Incorporated in the Amount of \$34,558.00 for Leslie Park Golf Course, per Bid #4005
Enactment No: R-09-110
- CA-6 09-0246** Resolution to Accept Board of Insurance Administration Meeting Minutes of February 27, 2009
Enactment No: R-09-111
- CA-7 09-0265** Resolution to Approve Uniform Video Service Local Franchise Agreement with T2TV L.L.C., d/b/a T2TV L.L.C. or T2TV
Enactment No: R-09-112

B ORDINANCES - SECOND READING

- B-1 09-0163** An Ordinance to Amend Section 1:292 of Chapter 13 of Title I (Special Assessments) and Section 2:72 of Chapter 29 of Title II (Water, Sewer and Stormwater Rates) of the Code of the City of Ann Arbor (Ordinance No. ORD-09-10)
Published 4/12/09; Effective 4/22/09

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

DS-1 09-0268 Resolution Authorizing Summary Publication of Ordinance No. 09-10 amending Provisions Section 1:292 of Chapter 13 of Title I (Special Assessments) and Section 2:72 of Chapter 29 of Title II (Water, Sewer and Stormwater Rates) of the Ann Arbor City Code

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

Enactment No: R-09-113

B-2 09-0169 An Ordinance to Amend Sections 1:651 of Chapter 19 (Tax Exemptions for Housing Projects) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-09-11)

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

C ORDINANCES - FIRST READING

C-1 09-0227 An Ordinance to Amend Sections 5:1, 5:2, 5:3, 5:4, 5:6, 5:50, 5:61, 5:64, 5:65, 5:67 and 5:88; to Repeal Sections 5:10.19, 5:10.20, 5:44 and 5:44A and to Replace them with New Sections 5:10.19, 5:10.20 and 5:44; and to Repeal Section 5.10.22 And 5:45A of Chapter 55 (Zoning) of Title V of the Code of the City of Ann Arbor (To Revise Zoning Definitions, to Eliminate C2A, C2A/R and C2B/R Zoning Districts, to Create D1 [Downtown Core] and D2 [Downtown Interface] Zoning Districts and Permitted Uses and Standards, to Add Downtown Character Overlay Districts and Standards, and to Revise Floor Area Premiums) and to Amend Sections 5:167 and 5:169 of Chapter 59 (Off-Street Parking) of Title V of the Code of the City of Ann Arbor (To Revise Off-Street Parking Requirements for the Downtown Special Parking District), and to Amend the Zoning Map of Section 5:4 of Title V of the Code of Ann Arbor to Designate Certain Properties as D1, D2 and PL (Public Land) and to Further Designate Certain Properties as being Part of the Downtown Character Overlay Zoning Districts(CPC Recommendation: Approval - 8 Yeas and 1 Nay)

A motion was made by Councilmember Higgins, seconded by Councilmember Derezinski, that the ordinance be approved at first reading.

Enactment No: ORD-09-12

A motion was made by Councilmember Greden, seconded by Councilmember Taylor, that the Ordinance be amended as follows:

Table 5:10.19B. Schedule of Area, Height, Open Space and Coverage Requirements: D1 and D2 Downtown Districts:

Max. Building Height
[None]

SEE CHARACTER OVERLAY ZONING DISTRICT MASSING STANDARDS (TABLE 5:10.20A)

Table 5:10.20A – Downtown Character Overlay Zoning Districts Building Massing Standards (Additional Regulations for the D1 Districts):

State Street:
Max. Building Height

180 FEET

Midtown:
Max. Building Height
180 FEET

Main Street
Max. Building Height
180 FEET

East Huron
Max. Building Height
180 FEET

Liberty/Division district:
Max. Building Height
180 FEET

Table 5:10.20C – Downtown Character Overlay Zoning Districts Building Massing Standards (Additional Regulations for the D1 and D2 Districts):

South University:
Building Height
[170]120 feet

Brackets indicate deleted language
All Caps indicate new language.

Enactment No: ORD-09-12

A motion was made by Councilmember Hohnke, seconded by Councilmember Higgins, that the proposed Amendment be Amended as follows:

State Street:

Max. Building Height
[180] 160 FEET

Midtown:

Max. Building Height
[180] 160 FEET

Main Street:

Max. Building Height
[180] 160 FEET

East Huron:

Max. Building Height
[180] 160 FEET

On a roll call, the vote was as follows with the Mayor declaring the motion defeated.

Yeas: 5 - Mayor Hieftje, Councilmember Teall, Councilmember Anglin, Councilmember Briere, and Councilmember Hohnke

Nays: 6 - Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Smith, Councilmember Derezinski, and Councilmember Taylor

A motion was made by Councilmember Derezinski, seconded by Councilmember Hohnke, that the proposed amendment be amended as follows:

Table 5:10.20C – Downtown Character Overlay Zoning Districts Building Massing Standards (Additional Regulations for the D1 and D2 Districts)

South University:

Building Height
[170][120]150 feet

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

Yeas: 6 - Councilmember Rapundalo, Councilmember Higgins, Councilmember Teall, Councilmember Smith, Councilmember Derezinski, and Councilmember Hohnke

Nays: 5 - Mayor Hieftje, Councilmember Greden, Councilmember Anglin, Councilmember Briere, and Councilmember Taylor

The question being, the original amendment made by Councilmember Greden, seconded by Councilmember Taylor, 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

A motion was made by Councilmember Greden, seconded by Councilmember Briere, that the Ordinance be amended as follows:

Rezone properties in the South University commercial district that are outside of the DDA boundary to D2, rather than D1.

Proposed Map Amendment: See Attachment A

FURTHERMORE, REVISE THE SOUTH UNIVERSITY/SIDE AND REAR SETBACKS CELL IN TABLE 5:10.20C AS FOLLOWS:

FOR D2, A MINIMUM 40 FOOT SETBACK. THIS SETBACK SHALL BE MEASURED FROM THE REAR AND SIDE EXTERIOR WALLS OF THE BUILDING TO ANY R ZONING DISTRICT BOUNDARY ON THE SAME BLOCK AS THE BUILDING.

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

Yeas: 9 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Taylor, and Councilmember Hohnke

Nays: 2 - Councilmember Higgins, and Councilmember Derezinski

SUSPEND THE RULES

Councilmember Briere moved, seconded by Councilmember Smith, that City Council suspend the rules regarding Council speaking time for C-1. On a voice vote, the motion carried.

RECESS

The Mayor declared a recess at 8:43 p.m.

The meeting reconvened at 8:55 p.m.

09-0227

An Ordinance to Amend Sections 5:1, 5:2, 5:3, 5:4, 5:6, 5:50, 5:61, 5:64, 5:65, 5:67 and 5:88; to Repeal Sections 5:10.19, 5:10.20, 5:44 and 5:44A and to Replace them with New Sections 5:10.19, 5:10.20 and 5:44; and to Repeal Section 5.10.22 And 5:45A of Chapter 55 (Zoning) of Title V of the Code of the City of Ann Arbor (To Revise Zoning Definitions, to Eliminate C2A, C2A/R and C2B/R Zoning Districts, to Create D1 [Downtown Core] and D2 [Downtown Interface] Zoning Districts and Permitted Uses and Standards, to Add Downtown Character Overlay Districts and Standards, and to Revise Floor Area Premiums) and to Amend Sections 5:167 and 5:169 of Chapter 59 (Off-Street Parking) of Title V of the Code of the City of Ann Arbor (To Revise Off-Street Parking Requirements for the Downtown Special Parking District), and to Amend the Zoning Map of Section 5:4 of Title V of the Code of Ann Arbor to Designate Certain Properties as D1, D2 and PL (Public Land) and to Further Designate Certain Properties as being Part of the Downtown Character Overlay Zoning Districts(CPC Recommendation: Approval - 8 Yeas and 1 Nay)

A motion was made by Councilmember Greden, seconded by Councilmember Taylor, that the Ordinance be amended as follows:

South University:

FOR D1, A MINIMUM 40 FOOT SETBACK. THIS SETBACK SHALL BE MEASURED FROM THE REAR AND SIDE EXTERIOR WALLS OF THE BUILDING TO ANY R ZONING DISTRICT BOUNDARY ON THE SAME BLOCK AS THE BUILDING.

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

- Yeas:** 5 - Mayor Hieftje, Councilmember Greden, Councilmember Teall, Councilmember Briere, and Councilmember Taylor
- Nays:** 6 - Councilmember Rapundalo, Councilmember Higgins, Councilmember Anglin, Councilmember Smith, Councilmember Derezinski, and Councilmember Hohnke

A motion was made by Councilmember Briere, seconded by Councilmember Greden, that the Ordinance be amended as follows:

Revise Section 5:10.20(1). Downtown Character Overlay Zoning Districts as follows:

(a) South University. The South University Character District lies along the southeastern edge of the University of Michigan Central Campus, which separates it from the other mixed use districts of downtown. This is an area characterized by a mix of building types and sizes, with retail uses at the street level and relatively narrow lot widths. The intent for this district is to maintain a variety in scale, with design that reflects the small-scale widths and heights of buildings in the area at the streetwall and locates taller portions toward the interior of the lot. **THE SOUTH UNIVERSITY D2 CHARACTER DISTRICT LIES JUST OUTSIDE THE DDA BOUNDARIES, ADJACENT TO NEARBY RESIDENTIAL NEIGHBORHOODS. THE INTENT FOR THIS DISTRICT IS TO MAINTAIN A VARIETY OF SMALL-SCALE COMMERCIAL AND RETAIL ENTERPRISES MIXED WITH SOME RESIDENTIAL USES, MINIMIZING THE IMPACT ON NEARBY RESIDENTIAL STREETS.**

All Caps indicates new language.

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

A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Ordinance be Amended as follows:

Remove diagonal requirements from Character Overlay Zoning District massing standards

Revise Table 5:10.20A – Downtown Character Overlay Zoning Districts Building Massing Standards as follows:

Table 5:10.20A – Downtown Character Overlay Zoning Districts Building Massing Standards (Additional Regulations for the D1 and D2 Districts)

State Street:

[Lower Tower Massing (Max. Diagonal 200 feet); (Max. Building Height above Base 130 feet); Upper Tower Massing (Max. Diagonal 120 feet)]

Midtown:

[Lower Tower Massing (Max. Diagonal 250 feet) (Max. Building Height above Base 150 feet); Upper Tower Massing (Max. Diagonal 150 feet)]

East Huron:

[Lower Tower Massing (Max. Diagonal 200 feet); (Max. Building Height above Base 100 feet); Upper Tower Massing (Max. Diagonal 120 feet)]

[Brackets] indicated deleted language.

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

A motion was made by Councilmember Hohnke, seconded by Councilmember Higgins, that the Ordinance be amended as follows:

Eliminate "active use" requirements for retail streets in D1.

Delete in its entirety Section 5:10.19 (2) (b).

Delete "A" use designation from Table 5:10.19A – Schedule of Uses: D1 and D2 Downtown Districts as follows:

Use	D1 Downtown Core	D2 Downtown Interface	
Related Zoning Regulations			
COMMERCIAL			
Retail Sales	P [A]	P	
Restaurant or Bar	P [A]	P	
Personal or			
Business Services	P [A]	P	
Theater	P [A]	P	
Entertainment –			
General	P [A]	P	Section
5:104			

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

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Ordinance be Amended as follows:

Subdivide the East Huron Character Overlay Zoning District into two separate districts with different massing standards, including a height limit in the proposed East Huron 1 character district.

Revise Table 5:10.20A as follows:

Add New Language:

Overlay Zoning District: East Huron 1

Max. Streetwall Height: 3 stories

Minimum Streetwall Height: 2 stories

Offset at Top of Streetwall: None

Max. Building Height: 150 feet

Side and Rear Setbacks: Rear or side exterior wall of the tower shall be located no further than 150 feet from the East Huron property line and no closer than 30 feet to a lot line abutting a residential zoning district. In no case shall the required setback reduce the width or depth of a lot suitable for building to less than 25 feet.

Change existing Overlay Zoning District East Huron as follows:

East Huron 2

Councilmember Hohnke made a friendly amendment to remove the 5ft Offset at Top of Streetwall (changed to None). Friendly amendment was accepted.

It was decided to vote on the 150 feet proposed height limit as a separate amendment.

On a voice vote, the amendment to include the 30 feet setbacks in the East Huron 1 District, the Mayor declared the motion carried.

A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Ordinance be Amended as follows:

Amend Table 5:10.20A as follows:

Maximum Building Height:

East Huron 1 District: 150 feet.

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

Yeas: 7 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, and Councilmember Hohnke

Nays: 4 - Councilmember Greden, Councilmember Higgins, Councilmember Derezinski, and Councilmember Taylor

RECESS

The Mayor declared at Recess at 9:45 p.m.

The meeting was reconvened at 9:55 p.m.

09-0227

An Ordinance to Amend Sections 5:1, 5:2, 5:3, 5:4, 5:6, 5:50, 5:61, 5:64, 5:65, 5:67 and 5:88; to Repeal Sections 5:10.19, 5:10.20, 5:44 and 5:44A and to Replace them with New Sections 5:10.19, 5:10.20 and 5:44; and to Repeal Section 5.10.22 And 5:45A of Chapter 55 (Zoning) of Title V of the Code of the City of Ann Arbor (To Revise Zoning Definitions, to Eliminate C2A, C2A/R and C2B/R Zoning Districts, to Create D1 [Downtown Core] and D2 [Downtown Interface] Zoning Districts and Permitted Uses and Standards, to Add Downtown Character Overlay Districts and Standards, and to Revise Floor Area Premiums) and to Amend Sections 5:167 and 5:169 of Chapter 59 (Off-Street Parking) of Title V of the Code of the City of Ann Arbor (To Revise Off-Street Parking Requirements for the Downtown Special Parking District), and to Amend the Zoning Map of Section 5:4 of Title V of the Code of Ann Arbor to Designate Certain Properties as D1, D2 and PL (Public Land) and to Further Designate Certain Properties as being Part of the Downtown Character Overlay Zoning Districts(CPC Recommendation: Approval - 8 Yeas and 1 Nay)

Council requested that City staff add Building Frontage as a definition in the ordinance.

Assistant City Attorney Kevin McDonald stated staff could make this correction as an administrative correction.

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

To amend the zoning map to include the parcel known as 322 E. Kingsley St into Kerrytown overlay district and D2 zoning.

This parcel is adjacent to D2 zoning and the DDA boundary, and is currently owned by the same owners as the contiguous properties that lie within the DDA to the west and south. (Zingerman's Deli). This request was owner generated.

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

A motion was made by Councilmember Smith, seconded by Councilmember Rapundalo, that the Ordinance be Amended as follows:

Amend Section 5:50 (1):

(f) Adult personal service business. A business having as a principal activity a person [of 1 sex], while nude or partially nude, providing personal services for [a] ANOTHER person [of the other sex] on an individual basis in a closed room. It includes, but is not limited to, the following activities and services; massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.

[Brackets] indicated deleted language. All CAPS indicates new language.

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

A motion was made by Councilmember Taylor, seconded by Councilmember Greden, that the Ordinance be Amended as follows:

Amend Zoning Map to revise building frontage designations on Washtenaw Avenue and Forest Street.

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

A motion was made by Councilmember Taylor, seconded by Councilmember Greden, that the Ordinance be Amended as follows:

Increase penalty for failure to meet premium LEED commitment proportional to the benefit gained by the premium

Revise Section 5:65(2)(c) Green Building Premium as follows:

1. Failure to demonstrate full compliance with the applicant's commitment to achieve the requested LEED certification premium shall be a violation of this ordinance. The penalty for each violation is an amount determined by the following formula:

DELETE: $P = [(LC-CE) / LC] \times CV \times 0.075$

ADD: $P = [(LC-CE/LC) \times CV \times GPUP$

Where:

P is the penalty;

LC is the minimum number of credits to earn the requested LEED certification;

CE is the number of credits earned as documented by the U.S. Green Building Council report; [and]

CV is the construction value, as set forth on the building permit for the new structure;[.]

GPUP, THE GREEN PREMIUM UTILIZATION PERCENTAGE IS THE GREATER OF (I) .075; OR (II) A FRACTION, THE NUMERATOR OF WHICH IS LEED FAR, THE DENOMINATOR OF WHICH IS TFAR.

LEED FAR IS THE MINIMUM AMOUNT OF FLOOR AREA PROPOSED THAT IS ATTRIBUTABLE TO THE GREEN BUILDING PREMIUM;

TFAR IS THE TOTAL FLOOR AREA PROPOSED;

All CAPS indicated new language.

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

Councilmember Rapundalo requested that staff look at the affordable housing square footage requirements in 5:65(2)(b).

A motion was made by Councilmember Briere, seconded by Councilmember Anglin, that the Ordinance be Amended as follows:

Revise Section 5:65(2)(b) Affordable Housing Premium as follows:

Affordable Housing Premium. In D1 and D2 districts, 3,000 square feet of floor area in excess of the normal maximum usable floor area in percentage of lot area shall be allowed for each on-site dwelling unit designated as affordable to lower income households. In the D1 district, the normal maximum usable floor area in percentage of lot area with premiums may be exceeded, up to a maximum of 900%, solely to provide additional on-site dwelling units designated as affordable to lower income households. THE REQUIREMENT FOR AFFORDABLE HOUSING UNITS CANNOT BE MET BY PAYMENT OF CASH-IN-LIEU, BUT ONLY BY ACTUAL CONSTRUCTION AND SALE OR RENTAL OF THE UNIT(S). Designated units shall have a minimum of 600 square feet of floor area and shall remain affordable for the life of the building. Provisions to implement the affordable housing premium option shall meet requirements for affordable units, as determined by the Office of Community Development.

All CAPS indicates new language.

[Brackets] indicates deleted language.

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

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Ordinance be Amended as follows:

Add Small Business Premium

Add the following paragraph to Section 5:65(2):

(G) SMALL BUSINESS PREMIUM. IN D1 AND D2 DISTRICTS, 3,000 SQUARE FEET OF FLOOR AREA IN EXCESS OF THE NORMAL MAXIMUM USABLE FLOOR AREA IN PERCENTAGE OF LOT AREA SHALL BE ALLOWED FOR EACH RETAIL / COMMERCIAL SPACE DESIGNATED AS AFFORDABLE TO SMALL BUSINESSES. PROVISIONS TO IMPLEMENT THE SMALL BUSINESS PREMIUM OPTION SHALL MEET REQUIREMENTS FOR AFFORDABLE BUSINESS RENTS AS DETERMINED BY THE DOWNTOWN DEVELOPMENT AUTHORITY, UNLESS OTHERWISE NOTED. DESIGNATED UNITS SHALL REMAIN AFFORDABLE FOR THE LIFE OF THE BUILDING.

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

A motion was made by Councilmember Higgins, seconded by Councilmember Derezhinski, that the Ordinance be amended to consider the second reading and public hearing on June 1, 2009. On a voice vote, the Mayor declared the motion carried.

A motion was made by Councilmember Anglin, seconded by Councilmember Briere, that the Ordinance be postponed until 9/21/2009. The Mayor declared the motion defeated.

A motion was made by Councilmember Higgins, seconded by Councilmember Derezinski, that the Ordinance be Approved as Amended on First Reading to the City Council, due back on 6/1/2009. 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: ORD-09-12

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 09-0252 Resolution to Recommend Approval of Issuance of a Downtown Development District Liquor License to Wintawat, LLC (d/b/a Marnee Thai Restaurant)

Sponsors: Council Liquor License Review Committee

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

Enactment No: R-09-114

DC-2 09-0255 Resolution to Approve the Request to Transfer Ownership and Location of a Class C Liquor Licensed Business with a Dance-Entertainment Permit, located in Escrow at 3965 S. State, to 3393 Plymouth Road, Unit B, from Champ's Club, Inc. to UMI Trading, Inc. - D/B/A UMI Sushi

Sponsors: Council Liquor License Review Committee

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

Enactment No: R-09-115

DC-3 09-0276 Resolution Opposing SJR H

Sponsors: Greden, Higgins, Hohnke, Rapundalo and Taylor

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-09-116

Added After Newspaper Deadline:

Councilmember Teall left the meeting at 11:00 p.m.

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

Absent: 1 - Councilmember Margie Teall

DC-4 09-0298

Resolution Recognizing Ann Arbor Active Against ALS as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Sponsors: Taylor and Hohnke

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

Enactment No: R-09-117

DB New Business - Boards and Commissions:

DS New Business - Staff:

DS-2 09-0190

Resolution to Award a Construction Contract to Barrett Paving Materials, Inc. (Bid No. 3995, \$2,392,393.50) for the 2009 Local Street Resurfacing Project

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

Enactment No: R-09-118

DS-3 09-0195

Resolution to Award a Construction Contract to Ajax Paving Industries, Inc. (Bid No. 3997, \$2,422,403.75) for the 2009 Major Street Resurfacing Program

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

Enactment No: R-09-119

DS-4 09-0202

Resolution to Award a Construction Contract to Douglas N. Higgins, Inc. (\$492,494.95; Bid No. ITB-3999) for the Glendaloch Cir./Loyola Dr./Colgate Cir./Elmcrest Dr./Anderson Ave./Clair Cir./Hiawatha Pl. (GLEACH) Water Main Replacement Project

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

Enactment No: R-09-120

DS-5 09-0260

Resolution to Approve the Purchase of Three Automated Side Load Refuse Trucks from Fredrickson Supply (\$797,016.00)

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

Enactment No: R-09-121

DS-6 09-0257

Resolution to Approve City/County IT Enterprise Content Management Partnership, Authorize a Purchase Order with ImageSoft, Inc. for Consulting and System Integration Services (Not to Exceed \$263,371.00) and to Establish a Project Budget of \$270,000.00 for the first phase of the City's Enterprise Content Management Initiative

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

Enactment No: R-09-122

DS-7 09-0164

Resolution of Intent to Vacate Parkwood Street, Located Between Kingwood Street and Valley Drive (8 Votes Required)

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

Enactment No: R-09-123

DS-8 09-0218

Resolution to Approve Fuller Park Parking Lot Land Lease with the University of Michigan (8 Votes Required)

A motion was made by Councilmember Briere, seconded by Councilmember Derezhinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously with 10 members present, thus satisfying the eight-vote requirement.

Enactment No: R-09-124

DS-9 09-0225

Resolution to Approve Street Closings for the Burns Park Run - Sunday, May 3, 2009

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

Enactment No: R-09-125

DS-10 09-0228

Resolution to Close Streets for the 9th Annual Mayor's Green Fair- Friday, June 12, 2009

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

Enactment No: R-09-126

DS-11 09-0267

Resolution Accepting Warranty Deed from Charter Oaks Homes, Inc. for Woodcreek Boulevard Extension (Brentwood Square Condominiums) (8 Votes Required)

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

Enactment No: R-09-127

E COMMUNICATIONS FROM THE MAYOR**E-1 09-0304** 4/6/09 Appointments & Nominations

The Mayor placed the following nominations on the table for approval at a later date:

Sign Board of Appeals

*Sarah Okuyama (Filling vacancy)
415 West William
Ann Arbor, MI 48103
Term: April 20, 2009-April 20, 2012*

Energy Commission

*Bill Verge (Re-Appointment)
517 Glazier
Chelsea, MI 48118
Term: April 20, 2009-April 20, 2012*

SOLAR AMERICA CITIES CONFERENCE

Mayor Hieftje gave a brief report on his experience last week at the Solar America Cities Conference in San Antonio, Texas. The Mayor learned a lot about what is going in other cities and how they are moving forward in solar initiatives in energy saving and renewable energy initiatives.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER SMITH**

Councilmember Smith thanked Councilmember Higgins for all of her hard work on the A2D2 process.

Mayor Hieftje echoed the comments of Councilmember Smith.

COUNCILMEMBER TAYLOR

Councilmember Taylor announced that the closing days of the A26 Michigan Mustacheathon are coming soon. A26 Michigan is a writing and tutoring organization on Liberty Street. Anyone wishing to support the organization can go to a26michigan.org and follow the link.

F COMMUNICATIONS FROM THE CITY ADMINISTRATOR**F-1 09-0207** Living Wage Annual Increase**F-2 09-0277** Public Comment Session on A2D2 Amendments - March 23, 2009**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 Greden, seconded by Councilmember Higgins, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- H-1 09-0216** Communications from Comcast regarding the following:
1. A decrease in prices for three of their triple play bundle packages and the introduction of a new service offering.
 2. Additions and changes to the channel line up in Ann Arbor.
- H-2 09-0217** Communication from Integrys Energy Systems regarding notice of opportunity to comment on the Renewable Portfolio Standard Compliance Plan of Integrys Energy Services, Inc. - Environmental Coordination Services
- H-3 09-0248** Bureau of Justice Assistance Grant (JAG) Notice - Safety Services
- H-4 09-0250** Communication from Denise Brazer regarding the 9th edition of Connecting Neighbors, the newsletter about the progress of MDOT's I-75 Ambassador Bridge Gateway Project
- H-5 09-0251** Communication from Jason Brooks, Deputy Clerk of Washtenaw County, regarding resolution 09-0036, a resolution to accept comments from the Washtenaw County Planning Advisory Board on the City of Ann Arbor Master Plan Land Use Element and direct the County Clerk to send comments to the City of Ann Arbor and contiguous local units of government.
- H-6 09-0254** Communication from Congressman John Dingell regarding receipt of City Council Resolution honoring him for serving the people of southeast Michigan with honor and distinction as a Member of the United States House of Representatives since December 1955
- H-7 09-0256** Communication from S.E.M.C.O.G. regarding a copy of SEMCOG Public Notice: SEMCOG invites public comment on transportation projects selected for funding using American Recovery and Reinvestment Act dollars
- H-8 09-0261** Communication from Christine Brummer of the Old West Side Association, regarding proposed changes to City of Ann Arbor Zoning Ordinances, Chapters 55/57 - File
- H-9 09-0278** Communication from the Main Street Area Association Board of Directors regarding 2010 City Budget Proposal
- H-10 09-0279** Communication from Airton Arruda regarding objections to spending Federal and State taxpayer dollars to extend the runway at Ann Arbor Municipal Airport - Airport Services

H-11 09-0280 Communication from Comcast regarding the status of the NFL Network

H-12 Communication from Bruce Thompson regarding support of the proposed A2D2 Zoning

I The following minutes were received for file:

I-1 09-0215 City Planning Commission minutes from January 22, February 19, and March 3, 2009

I-2 09-0219 Ann Arbor Downtown Development Authority Meeting Minutes - February 4, 2009

I-3 09-0220 Downtown Area Citizens Advisory Council Minutes - February 4, 2009

I-4 09-0235 Public Market Advisory Commission Minutes - January 15, 2009; February 19, 2009

I-5 09-0239 Council Liquor License Review Committee - January 9, 2009 and March 6, 2009

I-6 09-0242 Sign Board of Appeals Minutes - October 14, 2008; December 9, 2008

I-7 09-0244 Building Board of Appeals Minutes - September 10, 2008; November 12, 2008; January 14, 2009

I-8 09-0262 LDFA Board Meeting Minutes - January 27, 2009

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 Rapundalo, seconded by Councilmember Taylor, that Council enter into Closed session. On a roll call, the vote was as follows with the Mayor declaring the motion carried (The meeting recessed at 11:20 p.m.):

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

Nays: 0

Absent: 1 - Councilmember Teall

ADJOURNMENT

A motion was made by Councilmember Taylor, seconded by Councilmember Rapundalo, that the meeting be Adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:37 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, APRIL 6, 2009 7:00 P.M.

REPLAYS: TUESDAY, APRIL 7, 2009 10:00 A.M. AND FRIDAY, APRIL 10, 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.