

City of Ann Arbor

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



Action Minutes

Monday, September 22, 2008

7:00 PM

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

City Council

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:10 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: 9 - 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, and Councilmember Mike Anglin

Absent: 2 - Councilmember Margie Teall, and Councilmember Sabra Briere

APPROVAL OF AGENDA

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

Move: PH-4 consider after PH-5

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

1. Thomas Partridge

Tom Partridge, 4220 Eyrie Dr. in Scio Township, addressed Council regarding electing Barack Obama, Mark Shauer, and himself in the November 2008 General Election. He also spoke about protecting the rights of seniors, the disabled, and middle class residents of Ann Arbor and Michigan and to create progress in jobs, affordable housing, healthcare, education, and regional transportation.

2. John Floyd - Charm Zone

John Floyd, 519 Sunset Rd., addressed Council regarding the "Charm Zone." He expressed concern with the City's plan to rezone the Charm Zone areas of the City.

3. Tom Wall - University of Michigan

Tom Wall, 1011 S. Main, expressed concern with the relationship between the University of Michigan and the City of Ann Arbor.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 08-0763

An Ordinance to 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 1 Nay) (Ordinance No. ORD-08-30)

A public hearing was conducted on the proposed amendment to Chapter 55, Rezoning of 8.28 acres from PUD (Planned Unit Development District) to Revised PUD, Briarwood Lots 12 & 13, located at 1301 Briarwood Circle. Notice of public hearing was published September 7, 2008.

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

PH-2 08-0847

Resolution to Approve Briarwood Lots 12 and 13 Hotels PUD Site Plan and Development Agreement, 8.28 Acres, 1301 Briarwood Circle (CPC Recommendation: Approval - 8 Yeas and 1 Nay)

A public hearing was conducted on the proposed Resolution to Approve Briarwood Lots 12 and 13 Hotels PUD Site Plan and Development Agreement, 8.28 Acres, located at 1301 Briarwood Circle. Notice of public hearing was published September 14, 2008.

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

PH-3 08-0811

An Ordinance to Amend Chapter 47 (Streets) of Title IV of the Code of the City of Ann Arbor regarding the Ann Arbor Sidewalk Vendor Program (Ordinance No. ORD-08-33)

A public hearing was conducted on the proposed amendment to Chapter 47 (Streets) of Title IV of the Code of the City of Ann Arbor, regarding the Ann Arbor Sidewalk Vendor Program. Notice of public hearing was published September 14, 2008.

Tom Partridge, Scio Township resident, spoke in opposition of the proposed ordinance changes.

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

PH-4 08-0848

Resolution to Approve 133 Hill Street Site Plan, 0.20 Acre (CPC Recommendation: Denial - 3 Yeas, 2 Nays and 1 Abstention)

A public hearing was conducted on the proposed Resolution to Approve 133 Hill Street Site Plan, 0.20 Acre. Notice of public hearing was published September 14, 2008.

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

PH-5 08-0850

Resolution to Approve 326 West Liberty Street Site Plan, 0.42 Acre (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve 326 West Liberty Street Site Plan, 0.42 Acre. Notice of public hearing was published September 14, 2008.

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

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER ANGLIN**

Councilmember Anglin spoke about the AIDS walk that took place in Ann Arbor the past weekend. He stated it was a great turnout with over 200 people present.

COUNCILMEMBER EASTHOPE

Councilmember Easthope spoke about a program to educate residents about blood alcohol levels that will take place the weekend of September 27 on Main Street. He stated free PBT tests will be given and cabs will be called for those who need one.

COUNCILMEMBER RAPUNDALO

Councilmember Rapundalo updated the Council about the International Downtown Association Meeting that he and Councilmembers Greden, Teall, and Briere attended.

MAYOR HIEFTJE

Mayor Hieftje responded to a public comment regarding his affiliation with the University of Michigan. He noted that many previous mayors and councilmembers have worked for the University, as many of the City's residents do. He stated this does not affect his ability to represent the City as Mayor.

COUNCILMEMBER HIGGINS

Councilmember Higgins expressed her appreciation for the letter the Mayor sent out. She encouraged UM officials to communicate with the City.

A APPROVAL OF COUNCIL MINUTES**A-1 08-0878**

Regular Session and Special Session Minutes of September 8, 2008

A motion was made by Councilmember Lowenstein, seconded by Councilmember Higgins, that the Minutes be Approved with Corrections. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA**Passed on consent agenda**

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

- CA-1 08-0844** Resolution Authorizing a Contract with Rantoul Truck Center, LLC for the Rental of Five Rear Load Refuse Trucks (\$58,232.00)
Enactment No: R-08-390
- CA-2 08-0855** Resolution to Accept Board of Insurance Administration Meeting Minutes of August 22, 2008
Enactment No: R-08-391
- CA-3 08-0859** Resolution Renaming Terhune Pioneer Cemetery to Terhune Pioneer Memorial Park for Public Clarification
Enactment No: R-08-392

B ORDINANCE - SECOND READING

- B-1 08-0763** An Ordinance to 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 1 Nay) (Ordinance No. ORD-08-30)

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

- B-2 08-0811** An Ordinance to Amend Chapter 47 (Streets) of Title IV of the Code of the City of Ann Arbor regarding the Ann Arbor Sidewalk Vendor Program (Ordinance No. ORD-08-33)

A motion was made by Councilmember Kunselman, seconded by Councilmember Higgins, that the ordinance be adopted at second reading.

Enactment No: ORD-08-33

- 08-0811** An Ordinance to Amend Chapter 47 (Streets) of Title IV of the Code of the City of Ann Arbor regarding the Ann Arbor Sidewalk Vendor Program (Ordinance No. ORD-08-33)

A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Ordinance be postponed to the City Council, due back on 10/6/2008. On a roll call, the vote was as follows with the Mayor declaring the motion defeated.

Yeas: 5 - Councilmember Suarez, Councilmember Rapundalo, Councilmember Higgins, Councilmember Easthope, and Councilmember Anglin

Nays: 4 - Mayor Hieftje, Councilmember Lowenstein, Councilmember Kunselman, and Councilmember Greden

Absent: 2 - Councilmember Teall, and Councilmember Briere

The question being, the original motion made by Councilmember Kunselman, seconded by Councilmember Higgins, that the Ordinance be adopted on Second Reading, on a voice vote, the Mayor declared the motion carried with one no-vote made by Councilmember Higgins.

- DS-8 08-0871** Resolution Authorizing Summary Publication of Ordinance No. 08-33 - An Ordinance to Amend Chapter 47 (Streets) of Title IV of the Code of the City of Ann Arbor regarding the Ann Arbor Sidewalk Vendor Program

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-08-393

C ORDINANCE - FIRST READING

Old Business:

- C-1 08-0675** An Ordinance to Amend Sections 5:1, 5:10.6, 5:10.8, 5:10.9, 5:10.10, 5:10.11, 5:10.12, 5:10.13, 5:10.14, 5:10.14A, 5:25-5:49, 5:59 and 5:62 of Chapter 55 - Zoning; to Repeal Section 5:10.7 of Chapter 55, and to Amend Section 5:168 of Chapter 59 - Off Street Parking, of Title V of the Code of the City of Ann Arbor regarding Area, Height and Placement Standards (CPC Recommendation: Approval - 7 Yeas and 2 Nays)

A motion was made by Councilmember Higgins, seconded by Councilmember Lowenstein, that the ordinance be approved at First Reading.

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

New Business:

- C-2 08-0846** An Ordinance to Amend Chapter 55, Rezoning of 2.62 Acres from P (Parking District) and C3 (Fringe Commercial District) to C1B (Community Convenience Center), Maple Shoppes, 540 North Maple Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

Staff to provide more information to City Council regarding the billboard located on this site.

A motion was made by Councilmember Higgins, seconded by Councilmember Anglin, that the Ordinance be approved on First Reading to the City Council and should be returned by 10/20/2008. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-08-34

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1 08-0866** Resolution for Community Events Fund Disbursements from the FY 08 Budget (8 Votes Required)

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

Enactment No: R-08-394

DB New Business - Boards and Commissions:

- DB-1 08-0847** Resolution to Approve Briarwood Lots 12 and 13 Hotels PUD Site Plan and Development Agreement, 8.28 Acres, 1301 Briarwood Circle (CPC Recommendation: Approval - 8 Yeas and 1 Nay)
- A motion was made by Councilmember Higgins, seconded by Councilmember Lowenstein, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-395
- DB-2 08-0848** Resolution to Approve 133 Hill Street Site Plan, 0.20 Acre (CPC Recommendation: Denial - 3 Yeas, 2 Nays and 1 Abstention)
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Lowenstein, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-396
- DB-3 08-0850** Resolution to Approve 326 West Liberty Street Site Plan, 0.42 Acre (CPC Recommendation: Approval - 6 Yeas and 0 Nays)
- A motion was made by Councilmember Lowenstein, seconded by Councilmember Easthope, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-397
- DB-4 08-0849** Resolution to Approve Muhleman Annexation, 1.25 Acres, 3055 Dover Place and Contiguous Vacant Parcel (CPC Recommendation: Approval - 6 Yeas and 0 Nays)
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Greden, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-398
- DB-5 08-0851** Resolution to Approve Willing Annexation, 0.47 Acre, 1545 Chalmers Drive (CPC Recommendation: Approval - 6 Yeas and 0 Nays)
- A motion was made by Councilmember Lowenstein, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-399

DS Old Business - Staff:

- DS-1 08-0766** Resolution to Approve the Transfer of Ownership of a 2008 Class C Liquor Licensed Business, Located in Escrow at 327 Braun, from Eguchi Corporation to KVA, LLC and to Transfer the Location to 800 S. State and a Request for an Outdoor Service Area on a City Sidewalk - D/B/A Quickie Burger
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Easthope, that the resolution be Approved.**
- Enactment No:

A motion was made by Councilmember Rapundalo, seconded by Councilmember Anglin, that the Resolution be postponed to the City Council and should be returned on 11/6/2008. On a voice vote, the Mayor declared the motion carried.

New Business - Staff:

DS-2 08-0852 Resolution to Approve a Contract with Avalon Housing, Inc. for Activities Related to its Merger with Washtenaw Affordable Housing Corporation (WAHC) (\$295,000.00 Ann Arbor Housing Trust Fund)

Councilmember Greden moved, seconded by Councilmember Rapundalo, that the Resolution be approved.

Enactment No: R-08-400

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

Change 2nd resolved clause:

RESOLVED, That the Mayor and Council appropriate \$295,000.00 from the General Fund Reserve to fund this contract for merger-related activities;

Add the following Resolved clause, between the 2nd and 3rd Resolved clauses:

RESOLVED, That as funds become available in the Ann Arbor Housing Trust Fund, the Ann Arbor Housing Trust Fund pay back the General Fund Reserve the \$295,000.00 appropriated from the General Fund Reserves;

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

08-0852 Resolution to Approve a Contract with Avalon Housing, Inc. for Activities Related to its Merger with Washtenaw Affordable Housing Corporation (WAHC) (\$295,000.00 Ann Arbor Housing Trust Fund)

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

Enactment No: R-08-400

ROLL CALL

Councilmember Briere arrived at 8:28 p.m.

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

- DS-3 08-0826** Resolution to Amend Contract with the US Department of Energy for Solar America Cities Project (\$200,000.00 Federal Funds)
- A motion was made by Councilmember Lowenstein, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-401
- DS-4 08-0821** Resolution to Approve a Professional Service Agreement with Northwest Consultants, Inc. (\$148,904.57), Appropriate Funds (\$33,000.00) and Establish a Project Budget for the 2008/2009 Bridge Inspection Program (\$188,000.00) (8 Votes Required)
- A motion was made by Councilmember Briere, seconded by Councilmember Anglin, 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-08-402
- DS-5 08-0836** Resolution to Approve the Airport Layout Plan Update for the Ann Arbor Municipal Airport, which Illustrates Existing and Proposed Facilities to Meet the Future Demands of Airport Tenants and Users
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Higgins, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-403
- DS-6 08-0861** Resolution Accepting Utility Easement from Washtenaw Community College (Swift Run Sanitary Sewer Relief Project) (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-08-404
- DS-7 08-0862** Resolution Accepting Utility Easement from Gene Ohlgren, Independent Personal Representative of The Estate of Dorothy L. Smith, deceased Outlot "A", Eskermoor Subdivision (Swift Run Sanitary Sewer Relief Project) (8 Votes Required)
- A motion was made by Councilmember Briere, seconded by Councilmember Higgins, 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-08-405

E COMMUNICATIONS FROM THE MAYOR

None.

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER EASTHOPE*

Councilmember Easthope updated the Council regarding a meeting of the Michigan Public Service Commission on October 13 at Forsythe Middle School at 6:00 p.m. in the auditorium. The meeting is regarding public utility rates.

COUNCILMEMBER HIGGINS

Councilmember Higgins stated she received an email from the City Clerk clarifying a discrepancy in the minutes. It was agreed that the correction to the minutes could be made administratively.

Councilmember Higgins updated Council regarding the Citizens Advisory Meeting on Stadium Boulevard. She stated staff did a great job.

F COMMUNICATIONS FROM CITY ADMINISTRATOR

Mayor Hieftje welcomed Chief Barnett Jones to the Council meeting. Chief Jones was filling in for City Administrator Roger Fraser.

- F-1 08-0860** Agreement between the City of Ann Arbor and Washtenaw Community College to Enter into a Recreation Programming Partnership

G COMMUNICATIONS FROM 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 Lowenstein, seconded by Councilmember Greden, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- H-1 08-0853** Communication from the State of Michigan regarding notice of completion of an Annexation at 1621 Plymouth Road - Penske Truck Leasing/Mihail - File
- H-2 08-0863** Communication from Superior Charter Township Planning Commission regarding a Public Hearing Notice on an application from Washtenaw Community College - September 24, 2008 at 7:30 p.m.
- H-3 08-0864** Communication from Washtenaw Intermediate School District regarding the 2008 Tax Rate Request (I-4029) for the Washtenaw Intermediate School District (WISD)
- H-4 08-0870** Communication from Community Records Foundation regarding an invitation to all of City Council to their Community Records Foundation Friend Raiser on September 20, 2008 at 4 p.m. at EMU's Student Center, Grand Ballroom - File

H-5 08-0872 Communication from the Ann Arbor Area Chamber of Commerce regarding recent decisions by the City of Ann Arbor Historic District Commission - File

I The following minutes were received for file:

I-1 08-0838 Ann Arbor Housing Commission Regular Board Meeting Minutes - June 18, 2008 and July 23, 2008.

I-2 08-0856 Council Liquor License Review Committee - August 18, 2008

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

1. Tom Partridge - Election

Tom Partridge, Scio Township resident, addressed Council regarding the upcoming election.

2. Jim Mogensen - Zoning Issues

Jim Mogensen, 3780 Green Brier, addressed Council regarding proposed rezoning changes.

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

None.

ADJOURNMENT

A motion was made by Councilmember Suarez, seconded by Councilmember Lowenstein, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:59 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, SEPTEMBER 22, 2008, 7:00 P.M.

REPLAYS: TUESDAY, SEPTEMBER 23, 2008 10:30 A.M. AND FRIDAY, SEPTEMBER 26, 2008, 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 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.