

# City of Ann Arbor

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



## Action Minutes

Monday, July 18, 2011

7:00 PM

City Hall, 301 E. Huron Street, 2nd Floor

City Council

**CALL TO ORDER**

*Mayor Hieftje called the meeting to order at 7:08 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 Hohnke, seconded by Councilmember Higgins, that the Agenda be approved with the following changes:**

**Move: DC-5 Resolution Offering a Candidate the City Administrator Position (Consider before the Consent Agenda)**

**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. Tom Partridge - (C-1, C-2, C-3, DC-1)**

*Tom Partridge, Ann Arbor resident, addressed Council regarding saving Michigan's future, recalling Governor Snyder and Republican legislators, protecting Ann Arbor's most vulnerable residents, adopting fair employee health insurance policies and protecting residents from crime.*

**2. Pushpinder Sethi - Construction on the Library Lot**

*Pushpinder Sethi, Ann Arbor business owner of The Earthen Jar, expressed concern with the length of time construction has been going on at the Library Lot on Fifth Avenue and its impact to his and other local businesses in that area.*

**3. Ali Ramlawi - Underground Parking Structure**

*Ali Ramlawi, 428 S. Seventh, addressed Council regarding the DDA's role in City government. He expressed concern about a transfer of power from the City to the DDA without a vote of the people.*

**COMMUNICATIONS FROM COUNCIL****COUNCILMEMBER TEALL**

*Councilmember Teall apologized for missing the July 5 Council meeting. She stated she would like an opportunity for the Recycle Ann Arbor vote to be reconsidered.*

**COUNCILMEMBER HOHNKE**

*Councilmember Hohnke said that he would support reconsidering the Recycle Ann Arbor resolution and postponing a final action until August 4, 2011 to give staff more time to provide additional information to Council. Councilmember Hohnke also noted that the City may have to review its relationship with Recycle Bank, but this should not affect Recycle Ann Arbor.*

**11-0773** Resolution to Authorize Contract Amendment Number 3 with Recycle Ann Arbor for Adjustment to Compensation per Service Unit (\$107,042.00)

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

**A motion was made by Councilmember Hohnke, seconded by Councilmember Kunselman, that the Resolution be Postponed until 8/4/2011. On a voice vote, the Mayor declared the motion carried.**

**REOPEN AGENDA**

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

**Add Item to Agenda**

**A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the following item be added to the agenda:**

**Add: DC-6 Resolution to Appoint a Member to the Local Development Financing Authority (Consider under New Business - Council)**

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

**COMMUNICATIONS FROM COUNCIL***COUNCILMEMBER ANGLIN*

*Councilmember Anglin said that he has been in touch with the two business owners on Fifth Avenue who spoke this evening. Councilmember Anglin stated it is difficult to find their businesses and they are suffering. Councilmember Anglin stated he would be contacting the DDA to see what assistance could be provided, noting that during the Stadium Boulevard construction, signage with business names was installed to direct traffic. Councilmember Anglin encouraged the businesses in this area to contact the DDA and City Council to express their concerns and needs.*

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR***ART FAIR*

*Interim City Administrator Tom Crawford announced that the Ann Arbor Art Fairs are this week, noting that it is expected to be hot and crowded.*

*FIRST AND WASHINGTON*

*Mr. Crawford said that the existing option agreement with Village Green for the First and Washington property is set to expire at the end of August. Staff will likely need to return to Council for an additional 60 – 90 day extension due to refinements related to the bathtub design & refinements for efficient operation. Mr. Crawford did note that the project is moving forward.*

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

- PH-1 11-0855** Picometrix, LLC Application for an Industrial Facilities Exemption Certificate in Industrial Development District No. 2006-020
- A public hearing was conducted on the proposed Picometrix, LLC Application for an Industrial Facilities Exemption Certificate in Industrial Development District No. 2006-020. Notice of public hearing was published June 30, 2011.*

*Tom Partridge, Ann Arbor resident, spoke in opposition to the proposed abatement.*

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

**Held and Closed**

**COMMUNICATIONS FROM COUNCIL**

*None.*

**A APPROVAL OF COUNCIL MINUTES**

A-1 11-0868 Regular Session Minutes of July 5, 2011

**A motion was made by Councilmember Briere, seconded by Councilmember Kunselman, that the meeting minutes of July 5, 2011 be approved as presented. On a voice vote, the Mayor declared the motion carried.**

DC-5 11-0875 Resolution Offering a Candidate the City Administrator Position

**Sponsors:** Higgins, Hieftje, Briere, Derezinski and Taylor

**A motion was made by Councilmember Higgins, seconded by Councilmember Derezinski, that the resolution be approved.**

Enactment No: R-11-297

11-0875 Resolution Offering a Candidate the City Administrator Position

**Sponsors:** Higgins, Hieftje, Briere, Derezinski and Taylor

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

**...RESOLVED, That the Human Resources Director is authorized to offer the position of City Administrator to STEVEN POWERS; and...**

**Note: All Caps indicate new language.**

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

11-0875 Resolution Offering a Candidate the City Administrator Position

**Sponsors:** Higgins, Hieftje, Briere, Derezinski and Taylor

**A motion was made by Councilmember Higgins, seconded by Councilmember Kunselman, that the Resolution be amended as follows:**

**RESOLVED, That Mayor Hieftje appoints the following councilmembers BRIERE, HIGGINS AND TAYLOR to work with the HR Director on finalizing the contract for the City Administrator.**

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

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

Enactment No: R-11-297

**CA CONSENT AGENDA**

*With unanimous consent of Council, the following items were removed from the Consent Agenda and placed at the end of same:*

*CA-2 Resolution to Grant Sewer Service Outside City Limits to 1643 S. State Street*

**Passed on consent agenda**

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

- CA-1 11-0760** Resolution to Approve Use Agreement for 1501 S. State Street for the E. Stadium Boulevard Bridges Replacement Project (\$70,000.00)  
Enactment No: R-11-298
- CA-3 11-0832** Resolution to Accept Board of Insurance Administration Meeting Minutes of June 30, 2011  
Enactment No: R-11-300
- CA-2 11-0769** Resolution to Grant Sewer Service Outside City Limits to 1643 S. State Street
- 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-11-299

**B ORDINANCES - SECOND READING**

None.

**C ORDINANCES - FIRST READING**

- C-1 11-0633** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.1 Acres from TWP (Township District) to R1A (Single-Family Residential District), Betke Property, 2562 Newport (CPC Recommendation: Approval - 9 Yeas and 0 Nays)  
*(The complete text of ORD-11-12 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried.**  
Enactment No: ORD-11-12

- C-2 11-0824** An Ordinance to Amend Sections 1:700, 1:702, 1:704, 1:717, 1:723, 1:724 and 1:747 of Chapter 21, Retiree Health Care Benefits Plan and Trust, Title I, of the Code of the City of Ann Arbor

*(The complete text of ORD-11-13 is on file in the City Clerk's Office.)*

**A motion was made by Councilmember Taylor, seconded by Councilmember Rapundalo, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-11-13

- C-3 11-0837** An Ordinance to Amend Sections 1:552(1) and Section 1:572(b) of Chapter 18, Employees Retirement System, Title I of the Code of the City of Ann Arbor to Implement a "Pick-Up" Provision Allowed by Internal Revenue Code 414(h) and Increase the Contribution Level for Members Represented by the Ann Arbor Police Officers Association for Police Service Specialists and to Renumber Section 1:552

*(The complete text of ORD-11-14 is on file in the City Clerk's Office.)*

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Taylor, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-11-14

## **D MOTIONS AND RESOLUTIONS**

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

- DC-1 11-0825** Resolution to Approve City of Ann Arbor/Washtenaw County Community Corrections Advisory Board's Community Corrections Comprehensive Plan Grant Application to Michigan Department of Corrections (\$421,801.00 Requested)

**Sponsors:** Anglin

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

Enactment No: R-11-301

- DC-2 11-0794** Resolution to Approve a Request from Ann Arbor Village Pub, LLC to Transfer Ownership of an Escrowed 2011 Class C Liquor Licensed Business, and an SDM License from A & Z Investments, L.L.C., Located at 3776 S. State St., to 3452 Washtenaw - d/b/a Ann Arbor Village Pub

**Sponsors:** Council Liquor License Review Committee

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

Enactment No: R-11-302

**DC-3 11-0796** Resolution to Approve a Request to Transfer Ownership of a 2010 Class C Liquor Licensed Business with Dance-Entertainment Permit, an SDM License and an Outdoor Service Area Located at 625 Hilton Blvd., from El Camino Real, LLC to Amigos Plaza, LLC - d/b/a Los Amigos

**Sponsors:** Council Liquor License Review Committee

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

Enactment No: R-11-303

*Councilmember Smith left at 7:56 p.m.*

**Present:** 10 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Tony Derezinski, Councilmember Christopher Taylor and Councilmember Carsten Hohnke

**Absent:** 1 - Councilmember Sandi Smith

**DC-4 11-0859** Resolution to Appoint Committee Member of the Council Liquor License Review Committee to Serve as Hearing Officer for Liquor License Revocation Actions

**Sponsors:** Council Liquor License Review Committee

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

Enactment No: R-11-304

**11-0859** Resolution to Appoint Committee Member of the Council Liquor License Review Committee to Serve as Hearing Officer for Liquor License Revocation Actions

**Sponsors:** Council Liquor License Review Committee

**A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Resolution be amended as follows:**

**...RESOLVED, That City Council hereby appoints Councilmember Derezinski to be the Hearing Officer for all future liquor license revocation hearings conducted on recommendation of the Council Liquor License Review Committee by the City, THROUGH DECEMBER 5, 2011.**

**All CAPS indicate new language.**

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

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

Enactment No: R-11-304



**DC-6 11-0889** Resolution to Appoint a Member to the Local Development Financing Authority

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

Enactment No: R-11-313

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

**DB-1 11-0755** Resolution to Approve Agreement for the Purchase of Development Rights on the Lindemann and Weidmayer Property in Lodi Township and Appropriate Funds (\$699,992.00) (8 Votes Required)

**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 unanimously, thus satisfying the eight-vote requirement.**

Enactment No: R-11-305

**DS New Business - Staff:**

**DS-1 11-0735** Resolution to Approve the City of Ann Arbor Renewing Its Participation In the Washtenaw Urban County for FY 2013, 2014, and 2015

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

Enactment No: R-11-306

**DS-2 11-0791** Resolution to Award a Contract to Marine City Nursery Company (\$301,475.00; Bid No. ITB-4165) for the Purchase, Delivery and Planting of Trees along City Street Rights-of-Way

**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-11-307

**DS-3 11-0793** Resolution to Petition the Washtenaw County Water Resources Commissioner to Design and Construct Stormwater Controls in the Allen Creek Drainage District at the E. Stadium Bridges Project to Reduce Downstream Flooding and Improve Water Quality (Total Cost: \$1,094,059.40; City's Apportionment: \$1,051,391.08)

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

Enactment No: R-11-308

**DS-4 11-0797** Resolution to Petition the Washtenaw County Water Resources Commissioner to Design and Construct Stormwater Controls in the Malletts Creek Drainage District at the E. Stadium Bridges Project to Reduce Downstream Flooding and Improve Water Quality (Total Cost: \$1,284,330.60; City's Apportionment: \$1,188,005.81)

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

Enactment No: R-11-309

**E COMMUNICATIONS FROM THE MAYOR**

**E-1 11-0883** 8/4/11 Appointment - Confirmations

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

*Elizabeth Dean Fund Committee*

*Jane Immonen (Re-Appointment)  
2900 Renfrew St.  
Ann Arbor, MI 48105  
Term: August 4th, 2011-July 31, 2013*

*Al Gallup (Re-Appointment)  
1201 Bydding Rd.  
Ann Arbor, MI 48103  
Term: August 4, 2011-July 31, 2013*

*John Remsburg (Re-Appointment)  
3212 Charing Cross  
Ann Arbor, MI 48108  
Term: August 4, 2011-July 31, 2013*

**Referred to the City Council due back on 8/4/2011**

*The following appointment was approved as a one-step process:*

*Board of Canvassers*

*Joanna Scott (Re-Appointment)  
1525 Harding Rd.  
Ann Arbor, MI 48104  
Term: July 18, 2011-December 31, 2015*

**A motion was made by Councilmember Higgins, seconded by Councilmember Taylor, that the appointment to the Board of Canvassers be approved as a one-step process. On a voice vote, the Mayor declared the motion carried unanimously.**

**COMMUNICATIONS FROM COUNCIL***COUNCILMEMBER KUNSELMAN*

*Councilmember Kunselman reported that the DDA has submitted the annual reports that were missing. The reports can be located under the Clerk's Report of Communications, Petitions and Referrals on this agenda.*

**F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

*Mr. Crawford announced that the City Clerk's Office is promoting the upcoming August 2 City Council Primary election in Wards 2, 3 and 5 with a "get out the vote effort." Posters with the slogan "Your City, Your Vote, Your Voice" can be seen throughout the city. This promotional effort is aimed at improving voter awareness and turnout in the odd-year City elections.*

**F-1 11-0789** Wednesday Evening Pilot Market

**Received and Filed**

**G COMMUNICATIONS FROM THE CITY ATTORNEY**

**G-1 11-0808** Annexation of Sander Property, 0.82 acres, located at 1575 Alexandra Blvd.

**Received and Filed**

**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 Hohnke, 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 11-0804** Communication from Comcast Cable regarding name changes to its video, Internet and voice services in Ann Arbor to XFINITY TV, XFINITY INTERNET and XFINITY VOICE

**H-2 11-0805** Communication from Catherine McClary of the Office of the County Treasurer regarding notice of parcels that were foreclosed in Circuit Court

**H-3 11-0856** DDA Annual Reports from June 30, 2003, June 20, 2008 and June 30, 2009

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

- I-1     11-0740     Council Liquor License Review Committee - May 13, 2011
- I-2     11-0792     Council Administration and Labor Committee Meeting Minutes of May 31, and June 20, 2011
- I-3     11-0801     Council Administrative and Labor Committee Meeting Minutes of May 13, 2011

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

*Thomas Partridge, Ann Arbor resident, addressed Council regarding the recent passing of Betty Ford and the state of the nation.*

**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).**

*None.*

**ADJOURNMENT**

**A motion was made by Councilmember Teall, seconded by Councilmember Hohnke, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:13 p.m.**

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

**LIVE: MONDAY, JULY 18, 2011, 7:00 P.M.**

**REPLAYS: TUESDAY, JULY 19, 2011, 10:30 A.M. AND FRIDAY, JULY 22, 2011, 7:30 P.M.**

**WATCH COUNCIL LIVE WITH GOVTV WEB STREAMING OR "ON DEMAND" AT [www.a2gov.org/ctn](http://www.a2gov.org/ctn)**

**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.**

**Jacqueline Beaudry**  
**Clerk of the Council**

**Anissa R. Bowden**  
**Recording Secretary**