

# City of Ann Arbor

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



## Action Minutes

Monday, November 21, 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 Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor, Councilmember Carsten Hohnke and Councilmember Jane Lumm

**ADMINISTRATION OF OATH OF OFFICE**

*City Clerk Jacqueline Beaudry administered the Oath of Office to newly appointed Councilmember Jane Lumm and re-elected Councilmembers Sabra Briere, Stephen Kunselman, Marcia Higgins and Mike Anglin.*

**ORGANIZATION OF NEW COUNCIL**

**11-1457** Resolution Appointing Mayor Pro-Tem and Establishing the Order of Succession for Acting Mayor

**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-11-489

**11-1458** Resolution to Approve Council Rules

**Sponsors:** Council Rules Committee

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

**A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Resolution be postponed until 12/5/2011. On a voice vote, the Mayor declared the motion carried.**

11-1459 Resolution to Establish 2012 City Council Calendar

**A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Resolution be postponed until 12/5/2011. On a voice vote, the Mayor declared the motion carried.**

11-1460 2012 City Council Committee Appointments

**A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Resolution be postponed until 12/5/2011. On a voice vote, the Mayor declared the motion carried.**

**APPROVAL OF AGENDA**

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

**INT INTRODUCTIONS**

INT-1 11-1444 Volunteer of the Month Proclamation: Susan Tarle

**A motion was made that the Proclamation be Referred to the City Council and should be returned by 12/5/2011. On a voice vote, the Mayor declared the motion carried.**

INT-2 11-1432 Proposed Greenbelt Boundary Change - Dan Ezekiel, Greenbelt Advisory Commission Chair

**Sponsors:** Hohnke

*Dan Ezekiel, Chair of the Greenbelt Advisory Commission, presented the proposed Greenbelt boundary changes. He said that the Greenbelt is a resource providing views, water quality, food security and in some cases, recreation access in nearby townships to the City. The Commission recommended to City Council to expand the boundary of the Ann Arbor Greenbelt by pushing the current boundaries out one mile in Salem and Lodi Townships. The result would be to add seven sections in Lodi and three sections in Salem. The recommendation also includes a technical fix to the Greenbelt Ordinance dealing with parcels under the same ownership, but on different sides of the Greenbelt boundary.*

**Received and Filed**

**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. Brenda Oelbaum - Public Art (C-1)**

*Brenda Oelbaum, 3060 Newcastle Rd., addressed Council regarding Public Art. She said that one percent (1%) for art is needed, not one-half percent (1/2%), as presented in the proposed change in the Public Art Ordinance. She urged Council to consider the public value that is achieved through public art projects.*

**2. Thomas Partridge - Give real reason for Thanksgiving. End illegal discrimination and corruption. Provide access to affordable transportation and housing (I-5, I-9)**

*Thomas Partridge, Ann Arbor resident, addressed Council regarding a real reason for Thanksgiving, ending illegal discrimination and corruption in government and to provide real access to affordable transportation and housing.*

**3. Margaret Erickson - Public Art (C-1)**

*Margaret Erickson, 1910 Old Orchard Ct., spoke in opposition to the proposed changes to the Public Art Ordinance. She said that one of her reasons for moving to Ann Arbor is because it has a rich and accessible cultural life. Like festivals and markets, works of public art around the community provide a vital social fabric that connects a community.*

**4. Margaret Parker Percent for Art (C-1)**

*Margaret Parker, 2972 Parkridge Dr., AAPAC member, spoke in opposition to the proposed changes to the Public Art Ordinance. She thanked Council for the support of public art in the past. She added that one penny from each dollar spent on large city capital projects goes to public art. This funding does not raise the cost of any project; it is budget neutral and is a well proven way to fund public art, she stated.*

**5. Wilfred Simbuerger - Public Art (C-1)**

*Wilfred Simbuerger, 1109 Woodlawn Ave., AAPAC member, addressed Council regarding the proposed Public Art Ordinance and urged Council to take a more comprehensive approach that balances cuts to the program. She said that changes to the program may be necessary, but the approach should not be merely focused on cutting the budget, but on structural improvements as well.*

**6. Connie Brown - Percent for Public Art (C-1)**

*Connie Brown, 208 Pine Ridge, AAPAC member, spoke in opposition to the proposed decrease in the funding of the Public Art Ordinance. She said that providing public art allows art to be accessible to the entire community and to visitors as well. She also highlighted some of AAPAC's recent projects.*

**7. Jan Newman - Public Art (C-1)**

*Jan Newman, 1071 Young Place, said that the City has been able to establish a 1% for art and has been able to commission an appropriate sculpture for City Hall, as a result of the program. She added that it is exciting to citizens to be a part of these new projects and it makes the community proud.*

**8. Mark Tucker - Percent for Public Art (C-1)**

*Mark Tucker, 1716 Shadford Rd., said that he was speaking before Council to represent art itself, not people who are in support of public art. He said 1% is not enough and suggested that the community should be talking about 2% for public art.*

**9. Elaine Sims - Public Art**

*Elaine Sims, 2107 Devonshire Rd., AAPAC member, asked that Council maintain the 1% for art level of funding. She urged Council to not change the existing ordinance.*

**10. Keri Hardy - Cherry Republic Donation Check (INT-2)**

*Keri Hardy, 223 S. Main St., on behalf of the owner of Cherry Republic, presented a check in the amount of \$2500.00 to the Ann Arbor Greenbelt program. Cherry Republic is a Michigan retail company that exclusively sells cherries and cherry products from Michigan.*

**COMMUNICATIONS FROM COUNCIL***COUNCILMEMBER DEREZINSKI*

*Councilmember Derezinski announced that Washtenaw County received a \$3 million award for the Washtenaw County Sustainable Community Project. The U.S. Department of Transportation, MDOT and the EPA wanted to see collaboration among communities, which was the key to receiving the grant, primarily for planning along the Washtenaw corridor and surrounding communities.*

*COUNCILMEMBER TEALL*

*Councilmember Teall said that she attended the Ann Arbor Bridges Project meeting. The Stadium bridge construction will officially start on November 28, 2011. Detours will be set up and can be found on the [www.annarborbridges.org](http://www.annarborbridges.org) webpage.*

*COUNCILMEMBER HIGGINS*

*Councilmember Higgins reported that a Resolution to appoint Stephen Rapundalo to the LDFA was being proposed tonight and to be considered for approval at the December 5, 2011 meeting.*

*COUNCILMEMBER ANGLIN*

*Councilmember Anglin said that the Fox Tent and Awning site at 618 S. Main is being considered for development. The developer is hosting a meeting at the site on November 22, 2011 from 5-7 p.m. to discuss proposed plans. Councilmember Anglin noted that this will be the first development under the new D-2 zoning. He encouraged residents in the neighborhood to come out and meet the developer and obtain more information regarding the proposal.*

*COUNCILMEMBER BRIERE*

*Councilmember Briere said that she attended a presentation by the Michigan Attorney General regarding enforcement of the Medical Marijuana Act. She said that she kept a copy of the information that was handed out and could provide the information to councilmembers electronically if they would like to have it.*

*COUNCILMEMBER LUMM*

*Councilmember Lumm thanked Council for the warm welcome earlier in the evening and said that she was excited to be back and is looking forward to working with everyone.*

**11-1484**

Resolution to Appoint a Member to the Local Development Financing Authority

**Sponsors:** Higgins**Referred to the City Council due back on 12/5/2011.**

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

*City Administrator Steve Powers informed Council that Public Services Area Administrator Sue McCormick had accepted a position as the head of the Detroit Water and Sewer Department. Mr. Powers stated he would announce an interim Public Services Area Administrator prior to Ms. McCormick's departure.*

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

**PH-1 11-1446** An Ordinance to Amend Section 10:148 of Chapter 126, Traffic, Title X, of the Code of the City of Ann Arbor (Ordinance No. ORD-11-22)

**Sponsors:** Taylor, Briere and Teall

**Deleted from Agenda**

**PH-2 11-1363** Resolution to Approve Arbor Hills Crossing Site Plan and Development Agreement, 3100 Washtenaw Avenue (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

*A public hearing was conducted on the proposed Resolution to approve Arbor Hills Crossing Site Plan and Development Agreement, located at 3100 Washtenaw Avenue. Notice of public hearing was published November 14, 2011.*

*Norman Heighman, representing the petitioner, explained the project and was available to answer questions of Council.*

*Thomas Partridge, City resident, spoke in opposition to the proposed site plan and development agreement, stating that there was a need to increase affordable housing, as well as public housing, prior to approval of any new developments. He asked that the resolution be sent back to staff and be revised to include affordable housing.*

*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 11-1466** Regular Session of November 10 and Working Session of November 14, 2011

**A motion was made by Councilmember Kunselman, seconded by Councilmember Briere, that the Regular Session Minutes of November 10 and the Work Session Minutes of November 14, 2011 be approved as presented. On a voice vote, the Mayor declared the motion carried.**

**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-4 Resolution Approving a Change Order to the Purchase Order with Anlaan Corporation for Repairs to the Sidewalk at Fuller Road Bridge (\$4,715.01)*

**Passed on consent agenda**

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

- CA-1 11-1382** Resolution to Approve Schedule 9 to the Interagency Agreement for Collaborative Technology and Services for Backup and Recovery Services (\$52,922.16)  
Enactment No: R-11-490
- CA-2 11-1359** Resolution to Approve a Services Agreement with SunTel Services, LLC for upgrading Telephone System Software. (Not to Exceed \$35,000.00)  
Enactment No: R-11-491
- CA-3 11-1427** Resolution to Accept Board of Insurance Administration Meeting Minutes of October 27, 2011  
Enactment No: R-11-492
- CA-5 11-0857** Resolution to Amend Project Scope with TSP Environmental for Work at Argo Dam Headrace  
Enactment No: R-11-493
- CA-6 11-1435** Resolution to Approve a Payment in Lieu of Taxes (PILOT) for Avalon Second Nonprofit Housing Corporation at 701 Miller, Parkside Apartments  
Enactment No: R-11-494
- CA-7 11-1428** Resolution Recognizing Project Fortitude, Inc. as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License  
Enactment No: R-11-495
- CA-4 11-1356** Resolution Approving a Change Order to the Purchase Order with Anlaan Corporation for Repairs to the Sidewalk at Fuller Road Bridge (\$4,715.01)  
**A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**  
Enactment No: R-11-496

**B ORDINANCES - SECOND READING**



**B-1 11-1446** An Ordinance to Amend Section 10:148 of Chapter 126, Traffic, Title X, of the Code of the City of Ann Arbor (Ordinance No. ORD-11-22)

Sponsors: Taylor, Briere and Teall

**Deleted from Agenda**

**C ORDINANCES - FIRST READING**

**C Old Business:**

**C-1 11-1193** An Ordinance to Amend Sections 1:832 through 1:835 of Chapter 24, Title I (Public Art) of the Code of the City of Ann Arbor (Ordinance No. ORD-11-23)

Sponsors: Briere

**A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the ordinance be adopted at first reading.**

Enactment No: ORD-11-23

**A motion was made by Councilmember Lumm, seconded by Councilmember Anglin, that the Ordinance be amended as follows:**

...1:833. **Art funding requirements for capital improvement projects.**  
**(1) Except as otherwise provided in this section, between July 1, 2012 and June 30, 2015, all capital improvement projects funded wholly or partly by the city shall include funds for public art equal to [1.0] [0.5] 0.25% of the construction costs identified in the initial project estimate, up to a maximum of \$250,000.00 per project. Where a capital improvement project is only partly funded by the city, the amount of funds allocated for public art shall be [1.0] [0.5] 0.25% of that portion of the project that is city-funded, up to a maximum of \$250,000 per project. ...**

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

**Yeas:** 2 - Councilmember Kunselman and Councilmember Lumm

**Nays:** 9 - Mayor Hieftje, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

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

...1:833. Art funding requirements for capital improvement projects.  
(1) Except as otherwise provided in this section, all capital improvement projects funded wholly or partly by the city shall include funds for public art equal to 0.5% [1%] of the construction costs identified in the initial project estimate, up to a maximum of \$250,000.00 per project; provided that for the period July 1, 2012, through June 30, 2015, the percentage shall be reduced to and be one half percent (0.5%). Where a capital improvement project is only partly funded by the city, the amount of funds allocated for public art shall be 0.5 percent (0.5%) [1%] of that portion of the project that is city-funded, up to a maximum of \$250,000 per project; provided that for the period July 1, 2012, through June 30, 2015, the percentage shall be reduced to and be one half percent (0.5%). All appropriations for capital improvements falling within the provisions of this chapter shall be deemed to include funding to implement the requirements of this subsection 1. ...

Note: [ ] Brackets Indicate deleted language.

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

Yeas: 2 - Councilmember Kunselman and Councilmember Lumm

Nays: 9 - Mayor Hieftje, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

*Councilmember Briere moved, seconded by Councilmember Teall, to suspend the Speaking Rule for the discussion of the Public Art Ordinance only. On a voice vote, the mayor declared the motion carried.*

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

...1:833. Art funding requirements for capital improvement projects.  
(1) Except as otherwise provided in this section, all capital improvement projects funded wholly or partly by the city shall include funds for public art equal to one percent (1%) of the construction costs identified in the initial project estimate, up to a maximum of \$250,000.00 per project; provided that for the period July 1, 2012, through June 30, [2015] 2014, the percentage shall be reduced to and be one half percent (0.5%). Where a capital improvement project is only partly funded by the city, the amount of funds allocated for public art shall be 1 one percent (1%) of that portion of the project that is city-funded, up to a maximum of \$250,000 per project; provided that for the period July 1, 2012, through June 30, [2015] 2014, the percentage shall be reduced to and be one half percent (0.5%). All appropriations for capital improvements falling within the provisions of this chapter shall be deemed to include funding to implement the requirements of this subsection 1. ...

Note: [ ] Brackets Indicate deleted language.

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

**Yeas:** 3 - Councilmember Teall, Councilmember Derezinski and Councilmember Hohnke

**Nays:** 8 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Taylor and Councilmember Lumm

*A friendly amendment was made to the following section:*

*Section 1:834*

*(2) Prior to July 1, 2012, funds for public art that are included as part of a capital improvement project financed from the city's general fund may instead be pooled in a separate public art fund within the General Fund. New capital improvement projects financed on or after July 1, 2012, from the city's general fund shall not be subject to the requirements of this subsection 2. Any funds in this pooled public art fund as of June 30, 2012, that are not [disbursed] ALLOCATED on or before June 30, 2015, shall be returned to general fund.*

*Mayor Hieftje declared a recess at 9:19 p.m. and reconvened the meeting at 9:32 p.m.*

*Note: [ ] Brackets indicate deleted language. All CAPS indicate new language.*

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

**Section 1:835. disbursement of public art funds.**

**...(4) Funds for public art in a pooled public art fund that have not been disbursed or encumbered for an art project for three (3) full fiscal years, starting with the July 1, 2012 – June 30, 2013 fiscal year, shall be returned to the fund of origination, PROVIDED THAT COUNCIL MAY EXTEND THE FOREGOING PERIOD BY RESOLUTION FOR SUCCESSIVE PERIODS, EACH NOT TO EXCEED SIX (6) MONTHS...**

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

**A friendly amendment was made to the following section:**

**Section 1:835. disbursement of public art funds.**

**...(4) Funds for public art in a pooled public art fund that have not been disbursed or encumbered for an art project for three (3) full fiscal years, [starting with the July 1, 2012 – June 30, 2013 fiscal year,] shall be returned to the fund of origination...**

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

**Yeas:** 10 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

**Nays:** 1 - Councilmember Lumm

*Mayor Hieftje requested that the City's CFO provide Council with information regarding the use of general fund dollars for the percent for art program.*

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

...1:833. **Art funding requirements for capital improvement projects.**  
**(1) Except as otherwise provided in this section, between July 1, 2012 and June 30, 2015, all capital improvement projects funded wholly or partly by the city shall include funds for public art equal to one percent 1% of the construction costs identified in the initial project estimate, up to a maximum of \$250,000.00 per project[; provided that for the period July 1,2012, through June 30, 2015, the percentage shall be reduced to and be one half percent (0.5).0 Where a capital improvement project is only partly funded by the city, the amount of funds allocated for public art shall be one percent (1%) of that portion of the project that is city-funded, up to a maximum of \$250,000 per project[; provided that for the period July 1, 2012, through June 30, 2015, the percentage shall be reduced to and be one half percent (0.5%).]**

**Note [ ] Brackets indicate deleted language.**

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

**Yeas:** 4 - Councilmember Teall, Councilmember Anglin, Councilmember Derezinski and Councilmember Hohnke

**Nays:** 7 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Briere, Councilmember Smith, Councilmember Taylor and Councilmember Lumm

**A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the Ordinance be approved as amended on First Reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 8 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Briere, Councilmember Smith, Councilmember Taylor, Councilmember Hohnke and Councilmember Lumm

**Nays:** 3 - Councilmember Teall, Councilmember Anglin and Councilmember Derezinski

Enactment No: ORD-11-23

### **New Business:**

**C-2 11-1306** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 2.01 acres from Hoover Mansion PUD (Planned Unit Development District) to University Bank Revised PUD, 2015 Washtenaw Avenue (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-11-24)

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

Enactment No: ORD-11-24

*Councilmember Teall left the meeting at 10:37 p.m.*

**Present:** 10 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor, Councilmember Carsten Hohnke and Councilmember Jane Lumm

**Absent:** 1 - Councilmember Margie Teall

**C-3      11-1385**

An Ordinance to Amend Sections 3:62 and 3:67 of Chapter 42, Open Space and Parkland Preservation, of Title III of the Code of the City of Ann Arbor (Ordinance No. ORD-11-25)

**Sponsors:**      Hohnke

**A motion was made by Councilmember Hohnke, seconded by Councilmember Taylor, that the ordinance be approved at first reading.**

Enactment No: ORD-11-25

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

**Section 3:62. - Definitions.**

...(13) Greenbelt district is the land area surrounding the City of Ann Arbor in which the Greenbelt Advisory Commission shall exercise its powers as provided by this Chapter; the boundaries of which are hereby established and traverse the following townships as follows:

- a.) Lodi Township - that portion of land located within Sections 1—[34] and [10]9—[15]16, AND 21-24, R5E, and lying East of Zeeb Road and North of Pleasant Lake Road.
- b.) Pittsfield Township - that portion of land located within Section 1, 12—24, and to the extent not incorporated within the City, Sections 6-8, R63, and lying North of Textile Road.
- c.) Scio Township - that portion of land located within Sections 1—4, 9-16, 21—28 and 33—36, R5E, and lying west of Zeeb Road.
- d.) Ann Arbor Township all that portion of land within Sections 1—8, 12-13, and to the extent not incorporated within the City, Sections 9—11, 14, 23—25, and 36, R6E, being all the land within the known and designated boundaries of the Township.
- e.) Superior Township— that portion of land located within Section 3—10, 15—22, and 27—34, R7E, and lying east of Prospect Road.
- f.) Webster Township - that portion of land located within Sections 21—28 and 33—36, R5E, and lying South of 5 Mile Road and west of Zeeb Road.
- g.) Northfield Township -that portion of land located within Sections 19—36, R6E, and lying South of 5 Mile Road.
- h.) Salem Township - that portion of land located within Sections 19—[36]22,AND 27-34, R7E, and lying South of 5 Mile Road and west of Curtis Road.

and as shown on the district map which accompanies this chapter, and which, with all notations, references, and other information show thereon, shall be as much a part of this chapter as if fully described herein; and from which, applications for purchases of land and conservation easements will be considered. ...

**3.67(1)**

(1) Land outside the incorporated boundaries of the City of Ann Arbor within the Greenbelt District; except that a Parcel [either] dissected by the Greenbelt District boundaries, [or contiguous to the Greenbelt District boundary and a parcel under the same ownership within the Greenbelt District] as defined in Section 3:62(13) may be acquired in its entirety in the same manner under the provisions of this Ordinance as if the Parcel was within the Greenbelt District.

**Note:** [ ] Brackets indicate deleted language. All CAPS indicate new language.

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

**Yeas:** 2 - Councilmember Higgins and Councilmember Lumm

**Nays:** 8 - Mayor Hieftje, Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

**Absent:** 1 - Councilmember Teall

**A motion was made by Councilmember Hohnke, seconded by Councilmember Taylor, that the Ordinance be approved on First Reading as presented. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 9 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor and Councilmember Hohnke

**Nays:** 1 - Councilmember Lumm

**Absent:** 1 - Councilmember Teall

Enactment No: ORD-11-25

**C-4 11-1470** An Ordinance to Amend Sections 7:91, 7:97 and 7:99 of Chapter 82, Littering and Distribution of Handbills, Title VI of the Code of the City of Ann Arbor

**Sponsors:** Hohnke and Taylor

**A motion was made by Councilmember Taylor, seconded by Councilmember Hohnke, that the ordinance be approved at first reading.**

**A motion was made by Councilmember Taylor, seconded by Councilmember Hohnke, that the Ordinance be postponed until 12/5/2011. On a voice vote, the Mayor declared the motion carried.**

## **D MOTIONS AND RESOLUTIONS**

**Present:** 10 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Sandi Smith, Councilmember Tony Derezinski, Councilmember Christopher Taylor, Councilmember Carsten Hohnke and Councilmember Jane Lumm

**Absent:** 1 - Councilmember Margie Teall

## **DC Old Business - Council:**

**DC-1 11-1391** Resolution to Appoint Shannon Brines as a Member of the City of Ann Arbor Greenbelt Advisory Commission

**Sponsors:** Hohnke

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

Enactment No: R-11-497

- DC-2 11-0619** Resolution to Restate the Terms of the Membership of the Greenbelt Advisory Commission
- Sponsors:** Hohnke
- A motion was made by Councilmember Hohnke, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-11-498
- DC New Business - Council:**
- DC-3 11-1472** Resolution Protecting Ann Arbor's Non-Discrimination Ordinance and Opposing HB 5039
- Sponsors:** Smith and Taylor
- A friendly amendment was made to include Governor Snyder in the list of officials who will receive a copy of the resolution.*
- A motion was made by Councilmember Smith, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-11-499
- DC-4 11-1405** Resolution to Approve a Request from Glacier Hills, Inc. for a New Continuing Care Retirement Center Liquor License Issued Under MCL 436.1545 to be Located at 1200 Earhart Road d/b/a Glacier Hills Senior Living Community
- A motion was made by Councilmember Derezinski, seconded by Councilmember Anglin, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-11-500
- DC-5 11-1409** Resolution to Approve a Request to Transfer Ownership and Location of an Escrowed 2011 Class C Liquor Licensed Business, from Ypsi-Arbor Lanes, Inc. to Whole Foods Market Group, Inc., d/b/a Whole Foods
- 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-11-501
- DC-6 11-1415** Resolution to Approve a Request to Transfer Ownership of a 2011 Resort Class C Liquor License Located at 106 S. First St., from New Miki, Inc. to Kim & Felisha II, Inc. d/b/a Miki Japanese Restaurant
- Sponsors:** Council Liquor License Review Committee
- A motion was made by Councilmember Anglin, seconded by Councilmember Derezinski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-11-502



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

**DB-1 11-1394** Resolution to Approve the Arbor Hills Crossing Brownfield Plan (BRC Recommendation: 3 Yeas, 0 Nays)

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

Enactment No: R-11-503

**DB-2 11-1363** Resolution to Approve Arbor Hills Crossing Site Plan and Development Agreement, 3100 Washtenaw Avenue (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

**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-11-504

**DS New Business - Staff:**

**DS-1 11-1364** Resolution to Receive and Appropriate a U.S. Department of Justice Domestic Violence Prevention Grant (\$399,898.00) (8 Votes Required)

**A motion was made by Councilmember Smith, seconded by Councilmember Briere, 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-11-505

**DS-2 11-1365** Resolution to Accept and Allocate Michigan Supreme Court State Court Administrative Office Michigan Drug Court Grant Program Grant and Approve Grant Contract (\$63,000.00) (8 Votes Required)

**A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, 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-11-506

**DS-3 11-1401** Resolution to Approve a Sobriety Court Grant Program Contract with Dawn Inc. d/b/a Dawn Farm to Provide In-Patient and Out-Patient Drug Abuse Counseling and Rehabilitation Services to 15th Judicial District Court Defendants (\$75,000.00)

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

Enactment No: R-11-507

- DS-4 11-1366** Resolution to Accept and Allocate Michigan Supreme Court State Court Administrative Office DWI Drug Treatment Court Program Grant and Approve Grant Contract (\$50,000.00) (8 Votes Required)
- A motion was made by Councilmember Lumm, seconded by Councilmember Taylor, 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-11-508
- DS-5 11-1370** Resolution to Approve a Professional Services Agreement with AM Data Service, Inc. for OnBase Development (Not to Exceed \$150,000.00)
- A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-11-509
- DS-6 11-1254** Resolution to Approve a Purchase Order to Environmental Systems Research Institute for Annual Software Maintenance and Licensing Agreement (\$58,500.00)
- A motion was made by Councilmember Anglin, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-11-510
- DS-7 11-1408** Resolution to Adopt Revised Investment Policy
- Referred to Council Budget and Labor Committee for review before 12/5/11.*
- A motion was made by Councilmember Higgins, seconded by Councilmember Derezinski, that the Resolution be postponed until 12/5/2011. On a voice vote, the Mayor declared the motion carried.**
- DS-8 11-1410** Resolution Accepting Easement for Storm Drainage at 3135 S. State St. from Waterworks Plaza Condominium Association (8 Votes Required)
- 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 unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-11-511
- DS-9 11-1434** Resolution to Approve Agreement between the City of Ann Arbor and the Regents of the University of Michigan for Right-of-Way Occupancy by Chilled Water Facilities within Tappan Street (8 Votes Required)
- A motion was made by Councilmember Higgins, seconded by Councilmember Kunselman, 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-11-512

**E COMMUNICATIONS FROM THE MAYOR****E-1 11-1461 Appointments**

**A motion was made by Councilmember Briere, seconded by Councilmember Derezinski, that the following appointments which were placed on the table for consideration at the Regular Session of November 10, 2011, be approved:**

**Energy Commission****David Wright (Re-Appointment)****1420 Pear St. #2****Ann Arbor, MI 48105****Term: November 10, 2011-November 10, 2014****Historic District Commission****John Beeson (Filling vacancy)****512 Hiscock****Ann Arbor, MI 48103****Term: November 21, 2011-November 21, 2014****Housing & Human Services Advisory Board****Anna Erickson (Re-Appointment)****1507 Las Vegas Dr.****Ann Arbor, MI 48103****Term: November 21, 2011-November 21, 2014****Adam Zemke (Filling vacancy)****628 North Fourth Ave.****Ann Arbor, MI 48104****Term: November 21, 2011-November 21, 2014**

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

**E-2 11-1482 Appointments & Confirmations**

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

**Ann Arbor Commission on Disability Issues****Gloria Kolb (Filling Vacancy)****3584 Pheasant Run Circle Apt. #2****Ann Arbor, MI 48108****Term: December 5, 2011-December 5, 2014****Zoning Board of Appeals****Ben Carlisle (Replacing Dave Gregorka)****1317 Minerva****Ann Arbor, MI 48104****Term: November 23, 2011-October 17, 2014**

**COMMUNICATIONS FROM COUNCIL***COUNCILMEMBER DEREZINSKI**Councilmember Derezinski thanked staff for their work on the Public Arts Ordinance.***F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR****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 Hohnke, 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 11-1411** Communication from the Economic Development Council (EDC) regarding their 2011 Annual Report
- H-2 11-1439** Communication from Luther Schaible, President of the Rogers Corner Community Action Group, Washtenaw County Farm Bureau regarding the new Pedestrian Law
- H-3 11-1442** Communication from Comcast regarding the Federal Emergency Management Agency (FEMA) conducting the country's first nationwide Emergency Alert System (EAS) test, scheduled for November 9, 2011 - CTN
- H-4 11-1475** Communication from the State of Michigan Public Service Commission regarding a Notice of Hearing for the Electronic Customers of the Detroit Edison Company, Case No. U-16892, scheduled for November 29, 2011

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

- I-1 11-1282** Historic District Commission Meeting Minutes of the September 8, 2011
- I-2 11-1412** Ann Arbor Public Art Commission Meeting Minutes - September 28, 2011
- I-3 11-1416** Council Administration and Labor Committee Meeting Minutes of October 24, 2011
- I-4 11-1419** Ann Arbor Downtown Development Authority Minutes - October 5, 2011

- I-5     11-1421     Ann Arbor Housing Commission Regular Board Meeting Minutes - September 21, 2011
- I-6     11-1423     Ann Arbor Housing Commission Minutes of the Special Meeting - October 7, 2011
- I-7     11-1424     Ann Arbor Housing Commission Minutes of the Special Meeting - October 12, 2011
- I-8     11-1425     Downtown Area Citizens Advisory Council Minutes - November 2, 2011
- I-9     11-1433     Ann Arbor Transportation Authority Meeting Minutes - September 15, 2011

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

*Thomas Partridge, City resident, expressed concern with giving so much time on issues such as public art and protecting land outside the city limits while people are living in tents under I-94.*

*A Student at the University of Michigan addressed Council regarding establishing a new warming center in the City that would be run 24-hours by volunteers.*

**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 Taylor, seconded by Councilmember Smith, that the Meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:41 p.m.**

- 11-1509     Council Email and Redaction List - November 21, 2011

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

**LIVE: MONDAY, NOVEMBER 21, 2011, 7:00 P.M.**

**REPLAYS: TUESDAY NOVEMBER 22, 2011, 10:00 A.M. AND FRIDAY NOVEMBER 25, 2011, 7:30 P.M.**

**REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE**

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

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

- Video on Demand: Replay public meetings at your convenience online at [www.a2gov.org/government/city\\_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx](http://www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx)
- Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.

Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office by telephone at 734-794-6140 or by written request addressed to the City Clerk's Office, 100 N. Fifth Ave., Ann Arbor, MI 48104, at least 24 hours in advance.

A hard copy of this Council packet can be viewed at the front counter of the City Clerk's office.

Jacqueline Beaudry  
Clerk of the Council

Anissa R. Bowden  
Recording Secretary