

# City of Ann Arbor

100 N. Fifth Avenue  
Ann Arbor, MI 48104  
[www.a2gov.org](http://www.a2gov.org)



## Action Minutes

Thursday, August 7, 2008

7:00 PM

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

City Council

**CALL TO ORDER**

*Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:07 p.m. in the City Hall Council Chamber, 100 N. Fifth Ave, Ann Arbor, Michigan.*

**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:** 7 - Mayor John Hieftje, Councilmember Ronald Suarez, Councilmember Stephen Rapundalo, Councilmember Joan Lowenstein, Councilmember Stephen Kunselman, Councilmember Mike Anglin, and Councilmember Sabra Briere
- Absent:** 4 - Councilmember Leigh Greden, Councilmember Marcia Higgins, Councilmember Margie Teall, and Councilmember Christopher S. Easthope

**APPROVAL OF AGENDA**

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Lowenstein, that the Agenda be Approved. 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. Griffith Dick - Sidewalk Repair**

*Griffith Dick addressed Council regarding the City's sidewalk repair program and the City's responsibility for the street trees and their impact on the sidewalk slabs.*

**2. Tom Partridge - Choose real democratic change for Ann Arbor and America. Elect Senator Obama in November. Replace the environment of discrimination and repression with access to affordable universal health care, public transportation, lifetime education, and protection for America's most vulnerable residents.**

*Mr. Partridge was not present.*

**3. Carolyn Hastings - City's Emergency Management Plan**

*Carolyn Hastings, 2008 Day Street, addressed Council regarding the City's Emergency Management Process and the need to be ready. She noted that the damage from floods in Cedar Rapids, IA is devastating.*

**ROLL CALL**

**Present:** 8 - Mayor John Hieftje, Councilmember Ronald Suarez, Councilmember Stephen Rapundalo, Councilmember Joan Lowenstein, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Mike Anglin, and Councilmember Sabra Briere

**Absent:** 3 - Councilmember Leigh Greden, Councilmember Margie Teall, and Councilmember Christopher S. Easthope

**4. Susan Morrison - Status update re: Michigan Historic Preservation Network's recent letter to Council and Planning Commission**

*Susan Morrison, 1124 Brooks, provided Council with a status update regarding the Michigan Historic Preservation Network's recent letter to Council and Planning Commission. She urged Council to allow public input on zoning and preservation issues.*

**PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)****PH-1 08-0638**

Amendment to Chapter 55, Rezoning of 1.06 Acres from TWP (Township District) to R1B (Single-Family Dwelling District), Maher Property, 3087 Glazier Way (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-08-26)

*A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 1.06 acre from TWP (Township District) to R1B (Single-Family Dwelling District), Maher property, located at 3087 Glazier Way. Notice of public hearing was published July 20, 2008.*

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

Enactment No: ORD-08-26

**PH-2 08-0639**

Amendment to Chapter 55, Rezoning of 3.94 Acres from TWP (Township District), R1B and R1C (Single-Family Dwelling District), and R3 (Townhouse District) to O (Office District), Maple Cove Office/Residential Complex, Northwest Corner of Maple and Miller Roads (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (Ordinance No. ORD-08-27)

*A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 3.94 acres from TWP (Township District), R1B and R1C (Single-Family Dwelling District), and R3 (Townhouse District) to O (Office District), Maple Cove Office/Residential Complex, located on the northwest corner of Maple and Miller Roads. Notice of public hearing was published July 20, 2008.*

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

Enactment No: ORD-08-27

**PH-3 08-0719** Resolution to Approve Maple Cove Office/Residential Complex Site Plan and Development Agreement, 3.94 Acres, Northwest Corner of Maple and Miller Roads (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

*A public hearing was conducted on the proposed resolution to approve the Maple Cove Office/Residential Complex Site Plan and Development Agreement, 3.94 acres, located on the northwest corner of Maple and Miller Roads. Notice of public hearing was published July 28, 2008.*

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

Enactment No: R-08-345

**PH-4 08-0677** An Ordinance to Amend Section 2:51.1 of Chapter 28 (Sewers and Sewage Disposal Footing Drain Disconnecting Program Reimbursement) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-08-28)

*A public hearing was conducted on the proposed amendment to Chapter 28, Section 2:51.1 (Sewers and Sewage Disposal Footing Drain Disconnecting Program Reimbursement) of Title II of the Code of the City of Ann Arbor. Notice of public hearing was published August 3, 2008.*

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

Enactment No: ORD-08-28

**PH-5 08-0724** Resolution Establishing Ann Arbor Industrial Development District 2008-040 for 201 Depot Street

*A public hearing was conducted on the proposed Resolution establishing Ann Arbor Industrial Development District 2008-040 for 201 Depot Street. Notice of public hearing was published July 27, 2008.*

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

#### **ROLL CALL**

**Present:** 9 - Mayor John Hieftje, Councilmember Ronald Suarez, Councilmember Stephen Rapundalo, Councilmember Joan Lowenstein, Councilmember Stephen Kunselman, Councilmember Leigh Greden, Councilmember Marcia Higgins, Councilmember Mike Anglin, and Councilmember Sabra Briere

**Absent:** 2 - Councilmember Margie Teall, and Councilmember Christopher S. Easthope

**PH-6 08-0743** Resolution to Approve Application Fee for Backyard Chickens Permit

*A public hearing was conducted on the proposed Resolution to Approve Application Fee for Backyard Chickens Permit. Notice of public hearing was published on August 3, 2008.*

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

Enactment No: R-08-351

PH-7 601 Forest Site Plan and Development Agreement, 2.05 Acres, Southeast Corner of South University and South Forest Avenues

*A public hearing was conducted on the proposed 601 S. Forest Site Plan and Development agreement, located on the southeast corner of South University and South Forest Avenues. Notice of public hearing was published July 28, 2008.*

*The following people spoke in opposition of the proposed Site Plan and Development Agreement:*

*Susan Pratt Walton, 1120 Baldwin, Burns Park area resident, stated she is favor of modest density increases, but this proposal is out of character for this area.*

*Christopher Taylor, 1505 Brooklyn, expressed concerns about the proposed project, including possible wind tunnels that may result from the building height.*

*Dan Burrow, resident of Burns Park, asked that Council study the material that was put together by residents of the 3rd Ward. He expressed concerns regarding safety, wind, traffic, etc.*

*Ellen Ransford reminded Council that the public expects to weigh in on the development agreement and review documents in advance of a decision.*

*Peter Nagourney, 914 Lincoln, spoke in opposition.*

*Karen Kittie, resident of Woodhaven, Michigan, spoke about her experience with this same developer in a Woodhaven condominium project. She expressed concerns regarding faulty roofs and association problems with the developer.*

*Stewart Nelson, 2975 Hickory Lane, expressed his opposition to public tax dollars being used to support the Brownfield Redevelopment.*

*Dave DeVarti, 1231 Baldwin, stated he is in favor of increased density downtown, but this project is out of scale. Mr. DeVarti also expressed concern regarding public subsidies for the project.*

*Kim Winick, 1045 Olivia Ave., stated the building is too large.*

*Kate Mendeloff, 1411 Wells, urged the University of Michigan to be responsible and provide its own housing for students.*

*There being no further comment, the Mayor declared the hearing continued to August 18, 2008.*

## **COMMUNICATIONS FROM COUNCIL**

*COUNCILMEMBER HIGGINS*

*Councilmember Higgins thanked Council and staff for their condolences regarding the recent passing of her father.*

## **A APPROVAL OF COUNCIL MINUTES**

A-1 08-0765 Regular Session of July 21, 2008

**A motion was made by Councilmember Briere, seconded by Councilmember Anglin, that the Minutes be Approved as presented. On a voice vote, the Mayor declared the motion carried.**

**CA CONSENT AGENDA**

CA-1 08-0725 Resolution to Approve a Contract with Avalon Housing, Inc. for the Management of Washtenaw Affordable Housing Corporation's Properties and Operations (\$35,000.00 Ann Arbor Affordable Housing Trust Fund)

**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-08-341

**B ORDINANCE - SECOND READING**

B-1 08-0638 Amendment to Chapter 55, Rezoning of 1.06 Acres from TWP (Township District) to R1B (Single-Family Dwelling District), Maher Property, 3087 Glazier Way (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-08-26)

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

Enactment No: ORD-08-26

B-2 08-0639 Amendment to Chapter 55, Rezoning of 3.94 Acres from TWP (Township District), R1B and R1C (Single-Family Dwelling District), and R3 (Townhouse District) to O (Office District), Maple Cove Office/Residential Complex, Northwest Corner of Maple and Miller Roads (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (Ordinance No. ORD-08-27)

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

Enactment No: ORD-08-27

B-3 08-0677 An Ordinance to Amend Section 2:51.1 of Chapter 28 (Sewers and Sewage Disposal Footing Drain Disconnecting Program Reimbursement) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-08-28)

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

Enactment No: ORD-08-28

- DS-7 08-0760** Resolution to Authorize Summary Publication of Ordinance No. 08-28 to Amend Section 2:51.1 of Chapter 28 of Title II of the Code of the City of Ann Arbor.
- 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.**
- Enactment No: R-08-342

**C ORDINANCE - FIRST READING**

- C-1 08-0717** An Ordinance to Amend Chapter 55 (Zoning) and Chapter 57 (Subdivision and Land Use Control) of Title V of the Code of the City of Ann Arbor regarding Citizen Participation (CPC Recommendation: Approval - 7 Yeas and 2 Nays)
- A motion was made by Councilmember Briere, seconded by Councilmember Rapundalo, that the Ordinance be Approved on First Reading to the City Council, due on 9/8/2008. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-08-29

**D MOTIONS AND RESOLUTIONS**

**D Old Business**

**DC New Business - Council:**

- DC-1 08-0749** Resolution to Re-Appoint Members to the City Environmental Commission
- Sponsors:** Teall
- A motion was made by Councilmember Briere, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-343

**RECESS**

*The Mayor declared a recess at 7:52 p.m. and reconvened the meeting at 8:03 p.m.*

**Added After Newspaper Deadline:**

- DC-2 08-0667** Resolution to Order Election and to Determine Ballot Question for Charter Amendment Requiring Voter Approval of the Sale of Land Purchased, Acquired or Used for Park Purposes (7 Votes Required)
- Sponsors:** Hieftje
- A motion was made by Councilmember Briere, seconded by Councilmember Lowenstein, that the resolution be approved.**

**A motion was made by Councilmember Briere, seconded by Councilmember Lowenstein, that the Resolution be Postponed to the City Council and should be returned by 8/18/2008. On a voice vote, the Mayor declared the motion carried, with one dissenting vote by Councilmember Higgins.**

**DC-3 08-0795**

Resolution to Amend Resolution R-08-297 and Restating Approval of Issuance of a Downtown Development District Liquor License to HBSP Holdings Corp. d/b/a Salsarita's Fresh Cantina at 401 E. Liberty, Suite #2, in the City of Ann Arbor

Sponsors: Rapundalo

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

Enactment No: R-08-344

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

**DB-1 08-0719**

Resolution to Approve Maple Cove Office/Residential Complex Site Plan and Development Agreement, 3.94 Acres, Northwest Corner of Maple and Miller Roads (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

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

Enactment No: R-08-345

**DB-2 08-0722**

Resolution to Approve a Participation Agreement with Washtenaw County Parks and Recreation Commission for the purchase of 6 parcels located in Scio Township owned by Randall C. & Donna F. Rieth, Carol Dudley, Isabel A. Herrera and Open Roads Developers, LLC and to Approve a Match Share of \$350,000.00 (8 Votes Required)

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

Enactment No: R-08-346

**DS New Business - Staff:**

**DS-1 08-0724**

Resolution Establishing Ann Arbor Industrial Development District 2008-040 for 201 Depot Street

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

*\*\*Staff to provide more information regarding the establishment of an industrial development district without a tenant in the building. Has this been done in other communities? Why should the City create a district in this area? How many industrial development districts should be in the City? What are the financial considerations?*

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Greden, that the Resolution/Public Hearing be Postponed to the City Council and should be returned by 9/8/2008. On a voice vote, the Mayor declared the motion carried.**



- DS-2 08-0720** Resolution to Allocate \$845,000.00 in HOME Funds to Avalon's Pear Street Apartments LDHA LP for the Acquisition and Rehabilitation of 1440 Pear Street and to Approve the Housing Affordability Agreement (\$845,000.00 HOME Funds)
- 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 with nine members present.**
- Enactment No: R-08-347
- DS-3 08-0690** Resolution to Award a Contract for the Water Treatment Plant (WTP) HVAC Improvements Project to Great Lakes Mechanical (\$598,000.00)
- A motion was made by Councilmember Lowenstein, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-348
- DS-4 08-0696** Resolution to Approve an Amendment to the Professional Services Agreement with CDM Michigan, Inc. for the Swift Run Parallel Relief Sewer Project (\$114,146.00)
- 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-08-349
- DS-5 08-0745** Resolution to Extend Provisions of the Ann Arbor City Code and City Rules and Regulations that Pertain to Site Development, Construction and Management of the Airport Buildings, Landing Fields and Other Aeronautical Facilities at the Ann Arbor City Airport and to Authorize City Staff to Exercise Their Authority Under those Provisions over Said Aeronautical Facilities
- A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-350
- DS-6 08-0743** Resolution to Approve Application Fee for Backyard Chickens Permit
- 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-08-351
- DS-8 08-0694** Resolution to Award a Construction Contract to CI Contracting, Inc. (Bid No. 3957, \$574,383.00) for the Swift Run Parallel Relief Sewer Project
- 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-08-352

**E COMMUNICATIONS FROM THE MAYOR****E-1 08-0747** Appointments - Confirmations

*Downtown Development Authority*

*Roger Hewitt* *Re-appointment*  
1411 Harbrooke  
Ann Arbor, MI 48103  
Term: August 5, 2008-July 31, 2012

*Housing and Human Services Advisory Board*

*Roger Kerson* *Filling vacancy*  
402 Virginia  
Ann Arbor, MI 48103  
Term: August 5, 2008-August 5, 2011

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

**E-2 08-0776** Nominations & Appointments

*Sign Board of Appeals, Downtown Development Authority*

**COMMUNICATIONS FROM COUNCIL***COUNCILMEMBER LOWENSTEIN*

*Councilmember Lowenstein mentioned the item from the Clerk's Office on the Administrator's Report. She stated the Ann Arbor District Library is scanning and digitizing the Council minutes from 1891 to 1930. The digital versions will be available for the public to search and read.*

*COUNCILMEMBER RAPUNDALO*

*Councilmember Rapundalo thanked the City Clerk and staff members, including all of the pollworkers, for their work on the successful City election on Tuesday, August 5.*

*COUNCILMEMBER GREDEN*

*Councilmember Greden concurred with Councilmember Rapundalo and thanked the City Clerk. He also reminded the public that the Clerk's Office will need more help in November. He asked interested residents to call 994-2725 if they are interested in serving as a pollworker.*

*COUNCILMEMBER SUAREZ*

*Councilmember Suarez also thanked the Clerk and her staff, including the pollworkers, for their efforts conducting the election.*

*COUNCILMEMBER HIGGINS*

*Councilmember Higgins stated she is impressed with the pollworkers and their ability to work long hours, including in the school buildings that do not have air conditioning. She thanked them for their hard work.*

**F COMMUNICATIONS FROM CITY ADMINISTRATOR**

**F-1 08-0709** Partnership with Ann Arbor District Library to Digitize Council Proceedings through 1930

**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 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 08-0704 Communication from Bernard S. Restuccia regarding opposition of the proposed 601 Forest Avenue Project - Planning and Development Services
- H-2 08-0721 Communication from Patricia Ann Talley-Tucker regarding an incident that took place at Pizza House Restaurant on April 10, 2008 - File
- H-3 08-0756 Communication from the Department of Environmental Quality (DEQ) regarding permit applications received by the Land & Water Management Division (LWMD) - File Numbers: 08-81-0005-P, 08-81-0052-P & 08-81-0056-P cc: Environmental Coordinator
- H-4 08-0757 Communication from AT&T regarding AT&T's first annual report to the Michigan Public Service Commission July 18, 2008 - CTN
- H-5 08-0758 Communication from Comcast regarding changes in the channel line up - CTN
- H-6 08-0759 Communication from S.E.M.C.O.G. regarding their bi-weekly publication of SEMCOG Regional Update, Vol. 14, No. 16, July 21, 2008 - File
- H-7 08-0775 Communications regarding the 601 Forest Ave. Project - Planning and Development Services

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

- I-1 08-0697 Ann Arbor Downtown Development Authority Meeting Minutes - June 4, 2008
- I-2 08-0698 Downtown Area Citizens Advisory Council Minutes - July 2, 2008
- I-3 08-0739 City of Ann Arbor Employees' Retirement System Minutes - June 19, 2008
- I-4 08-0740 City of Ann Arbor Retiree Health Care Benefit Plan & Trust Minutes - June 19, 2008
- I-5 08-0744 LDFA/SmartZone Regular Board Meeting Minutes - June 10, 2008
- I-6 08-0753 City Election Commission Minutes - March 4, 2008

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

*John Floyd, 519 Sunset Road, congratulated candidates who won their primaries. He questioned the Mayor's quote in the paper regarding the Council's vision and direction.*

*Bill Higgins, resident of Ann Arbor, spoke in opposition of the proposed 601 S. Forest Project. He stated his disappointment that a zoning change allowed this type of proposal.*

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

*None.*

**ADJOURNMENT**

A motion was made by Councilmember Rapundalo, seconded by Councilmember Higgins, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:46 p.m.

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

**LIVE: THURSDAY, AUGUST 7, 2008, 7:00 P.M.**

**REPLAYS: FRIDAY, AUGUST 8, 2008, 10:00 A.M. AND TUESDAY, AUGUST 11, 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.

**Jacqueline Beaudry  
Clerk of the Council**

**Anissa R. Bowden  
Recording Secretary**