

City of Ann Arbor

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



Action Minutes

Monday, March 18, 2013

7:00 PM

City Hall, 301 E. Huron Street, Council Chamber, 2nd Floor
City Council meets in caucus the Sunday prior to each regular
session at 7 p.m. in the Council Chamber.

City Council

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:09 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 Christopher Taylor, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Sally Petersen and Councilmember Chuck Warpehoski

APPROVAL OF AGENDA

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

INT INTRODUCTION

INT-1 13-0316 Proclamation honoring Victor C. Turner, Jr.

Sponsors: Hieftje

Attachments: Victor Turner Proclamation

Mayor Hieftje read a proclamation in memoriam of Victor Turner, Jr. Mr. Turner was one of the longest serving commissioners in the history of the City of Ann Arbor's Human Rights Commission and was committed to the continuing fight for human and civil rights for all of Ann Arbor's citizens. The Human Rights Commission was successful, thanks to the many contributions of Victor C. Turner, Jr. A copy of the proclamation is on file in the City Clerk's Office.

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. Susan Friedlaender - Resolution to Review D1/D2 Zoning and Establish Moratorium (DC-1)

Susan Friedlaender, 33493 W. 14 Mile Rd., Farmington Hills, MI, representing the developer of 413 E. Huron, spoke in opposition to the proposed moratorium and said that passage of the moratorium would hurt both the City and the petitioner if approved. She added that the City can review the D1 zoning without imposing a moratorium.

2. Hugh Sonk - Resolution to Review D1/D2 Zoning and Establish Moratorium (DC-1)

Hugh Sonk, 505 E. Huron St., spoke in support of the proposed moratorium. He said that the D1 zoning is flawed in its present form. He asked that Council base their decisions on what is best for the community and not give in to threats or intimidation.

3. Norman Hyman - Resolution to Review D1/D2 Zoning and Establish Moratorium (DC-1)

Norman Hyman, 300 E. Long Lake Rd., Bloomfield Hills, MI, spoke in support of the proposed moratorium. He said that it is clear under Michigan Law that no case has ever been decided with damages due to a moratorium.

4. Doug Kelbaugh - Resolution to Review D1/D2 Zoning and Establish Moratorium (DC-1)

Doug Kelbaugh, 223 E. Ann St., spoke in support of the proposed moratorium. He said that the shadows that the proposed building at 413 E. Huron would cast and the choking down of the streetscape are extreme.

5. Tom Partridge - Would Jesus have advocated for America's most vulnerable or for the wealthiest and most corrupt. Provide access to integrated affordable housing and public transportation. Recall Governor Snyder, Mayor Hieftje and State and County elected officials.

Tom Partridge, Ann Arbor resident, asked would Jesus have advocated for America's most vulnerable or for the wealthiest and most corrupt. He asked to provide access to integrated affordable housing and public transportation and recall Governor Snyder, Mayor Hieftje and State and County elected officials.

6. Steve Bellock - Resolution to Review D1/D2 Zoning and Establish Moratorium (DC-1)

Steve Bellock, 825 Cherrystone Ct., owner of 114 N. Division, spoke in support of the proposed moratorium. He said that the proposed project at 413 E. Huron Street would dwarf his home on Division Street. He expressed concern with the additional amount of shading that the new building would have on his property.

7. Norman Tyler - Resolution to Review D1/D2 Zoning and Establish Moratorium (DC-1)

Norman Tyler, 126 N. Division, spoke in support of the proposed moratorium. He said that the proposed building would have a significant impact on the surrounding historic districts.

8. Ellen Ramsburgh - Resolution to Review D1/D2 Zoning and Establish Moratorium (DC-1)

Ellen Ramsburgh, 1503 Cambridge Rd., spoke in support of the proposed moratorium. She said that the moratorium would allow valuable time to review the D1/D2 zoning and its impact to the adjacent historic districts. She added that City Council has a clear duty to evaluate that zoning.

9. Peter Eckstein - Resolution to Review D1/D2 Zoning and Establish Moratorium (DC-1)

Peter Eckstein, 2551 Londonderry Rd., also spoke in support the proposed moratorium. He talked about the recently constructed Varsity Apartments and how that is a good example of why the City needs to revisit this issue and take the time to study this zoning classification.

10. Gary Supanich - Resolution to Review D1/D2 Zoning and Establish Moratorium (DC-1)

Gary Supanich, 1307 Forest, also spoke in support of the proposed moratorium and urged Council to study the zoning before approving additional projects.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER ANGLIN**

Councilmember Anglin said he would like Council to have a discussion regarding spending for special projects. He said that there have been projects that have moved forward in the City at a great cost of staff time, financial expenditures and other resources. He added that Council never voted on some of those projects and that some of them seem to have taken on a life of their own. Councilmember Anglin suggested setting a cap on spending and have Council vote and decide what projects move forward, instead of small committees that keep spending money without the approval of City Council.

COUNCILMEMBER KAILASAPATHY

Councilmember Kailasapathy updated Council on the recent Council Audit Committee meeting held on March 14, 2013. She and Councilmember Kunselman called a meeting of the Audit Committee because the Chair would not convene a meeting. Councilmember Kailasapathy stated she and Councilmember Kunselman have serious concerns with Chapter 7 regarding TIF calculations and the use of TIF funds. She said they have found errors in the DDA Audit and they would like to meet with the DDA auditors to review some of their concerns and review the errors in the financial statements.

13-0318 Public Art Task Force Findings, Recommendations and Concerns

Sponsors: Briere

Attachments: Chapter 8 Chapter 24 public art revised 3-15

COUNCILMEMBER BRIERE

Councilmember Briere updated Council and the public regarding the draft changes to the Public Art Ordinance. She said it will be beyond the April 1 meeting before the First Reading is available.

Received and Filed

COMMUNICATIONS FROM THE CITY ADMINISTRATOR**STORM CLEANUP**

City Administrator Steve Powers announced that City storm clean-up efforts are continuing with a second sweep of crews collecting downed tree branches and debris again on Wednesday, March 20, 2013. The plan is to have the entire City clear of storm debris by March 29, 2013. Mr. Powers thanked everyone for their patience during the clean-up efforts.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**PH-1 12-1515** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 3.32 Acres from TWP (Township District) to R3 (Townhouse Dwelling District), Summit Townhomes, 2081 East Ellsworth (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-13-01)

Attachments: Summit Zoning 13-01 Briefed.pdf, SummitZoningOrdinance.pdf, 1/3/13 Planning Staff Report, 2/21/13 Planning Staff Report, Summit Townhomes Rezoning Hearing Notice, Summit Townhomes Rezoning Notice to Owner, Summit Townhomes Rezoning Notice to Residents

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 3.32 acres from TWP (Township District) to R3 (Townhouse Dwelling District), the Summit Townhomes property, located at 2081 Ellsworth. Notice of public hearing was published January 10, 2013.

The following people spoke in opposition to the proposed Summit Townhomes rezoning:

Stephan Trendolph

Tom Partridge

Ethel Potts, 1014 Bolder Blvd., expressed concern with proposed rezoning.

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

Held and Closed

Enactment No: ORD-13-01

PH-2 13-0091

Resolution to Approve The Summit Townhomes Site Plan and Development Agreement, 2081 East Ellsworth Road (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

Attachments: 1/3/13 Planning Staff Report, 11-20-12 Planning Commission Minutes.pdf, Summit Townhomes Public Hearing Notice

A public hearing was conducted on the proposed Resolution to Approve The Summit Townhomes Site Plan and Development Agreement, 2081 East Ellsworth Road. Notice of public hearing was published March 11, 2013.

Tom Partridge, City resident, spoke in opposition.

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

Held and Closed

PH-3 13-0087

An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.04 Acres from R5 (Hotel District) to C3 (Fringe Commercial District), The Shoppes at 3600 Plymouth Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-13-03)

Attachments: 13-03 Briefed and Approved, 13-03 Briefed, Proposed Zoning Ordinance - The shoppes.pdf, 1/15/13 Planning Staff Report, 13-03 Approval Notice

A public hearing was conducted on the proposed amendment to Chapter 55, Rezoning of 1.04 acres from R5 (Hotel District) to C3 (Fringe Commercial District), The Shoppes Rezoning, located at 3600 Plymouth Road. Notice of public hearing was published February 28, 2013.

Tom Partridge, City resident, expressed concern about items on the agenda that do not have a Council sponsor or support.

Warren Attarian, 3490 Gettysburg, spoke in opposition to the proposed rezoning and the site plan.

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

Held and Closed

Enactment No: ORD-13-03

PH-4 13-0086

Resolution to Approve The Shoppes at 3600 Site Plan, 3600 Plymouth Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

Attachments: 1/15/13 Planning Staff Report

A public hearing was conducted on the proposed Resolution to Approve The Shoppes at 3600 Site Plan, 3600 Plymouth Road. Notice of public hearing was published March 11, 2013.

Tom Partridge expressed concern with the proposed site plan.

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

Held and Closed

Enactment No: R-13-089

PH-5 13-0168

Resolution to Approve 413 East Huron Street Site Plan and Development Agreement, 413 East Huron Street (CPC Recommendation: Denial - 5 Yeas and 3 Nays)

Attachments: 413 Council Staff Report 4-1-13, 2/5/13 Planning Staff Report, 413 E. Huron Development Agreement Draft 3-27-13final, Development Agreement Draft 3-5-13final, 1-15-2013 City Planning Commission Minutes-413 E Huron Project, 2-5-2013 City Planning Commission Minutes-413 E Huron Project, 413 E Huron - new trash proposal, 12327Solar study, Plan Set 03-28-13, H. Scott Diels Communication, Letter_City Council 3.29.13.pdf

A public hearing was conducted on the proposed Resolution to Approve 413 East Huron Street Site Plan and Development Agreement, located at 413 East Huron Street. Notice of public hearing was published March 11, 2013.

The following individuals spoke in opposition to the proposed resolution:

Tom Partridge, City resident, spoke in opposition to the proposed site plan.

Ethel Potts, 1014 Elder Ct., said that the proposed building does not meet the zoning code standards for setbacks, the downtown plan, or zoning plan.

Eleanor Pollack, 515 Detroit St., said that the proposed building would have an impact on Huron Street and asked Council to think about the impact that it would have on the community if built.

John Beeson, 512 Hiscock, passed on the concerns that the Historic District Commission had regarding the proposed site plan and their support of the proposed moratorium on the project.

Steve Kaplan, Ann Arbor resident, expressed concern with the size of the project and spoke in support of the moratorium.

Tom Stulberg, 1202 Traver St., spoke in opposition to the proposed project, stating that the developer did not meet the needs of the community with the project.

David Olson, 513 Fountain, spoke in opposition, stating the proposed building is too large for the abutting neighborhoods.

Rita Mitchell, 621 Fifth St., spoke in opposition and urged Council to approve the moratorium and study the issue.

Beverly Straussman, 545 S. Fifth Ave., said that the building is simply too tall. She urged Council to support the moratorium.

Linda Binkow, resident of Sloan Plaza on Huron St., spoke in opposition.

Jeff Crockett, 506 E. Kingsley, stated he strongly objects to the proposal. He expressed concerns about the statements made by Attorney Susan Friedlaender in a letter to City Council.

Ted Ligibel, director of Historic Preservation program at EMU, spoke in opposition to the proposal and urged Council to consider the integrity of the neighboring historic districts.

An architect in the audience said that the character of the community really matters and it is the community that creates the value of a city. She urged Council to think carefully about the character of the community.

Betsy Price, 905 Olivia, said that the building is wrong for this location.

Chris Crockett, 506 E. Kingsley, President of the Old 4th Ward Historic District Association, spoke in opposition.

Norman Hyman, attorney for Sloan Plaza, asked if the developer's new proposal would need to go back to the Planning Commission review. He urged Council not to be governed by fear.

Peter Eckstein, 2551 Londonderry, expressed concern about more student high-rise developments.

Ellen Thackery, Michigan Historic Preservation Network, urged Council to reject the site plan as submitted and asked that Council support the proposed moratorium so that the current D1 zoning could be evaluated.

Barbara Hall, 448 Fifth St., clarified a point made earlier by a speaker and said that the project did not receive enough votes at the Planning Commission level for it to be recommended for approval.

Mark Corey, attorney, spoke in opposition to the proposed site plan. He said that the building would be an eye sore and disgraceful to the people that have chosen to invest and live in the city.

John Floyd, 519 Sunset Blvd., spoke in opposition to the proposed site plan.

Hugh Sonk, 505 E. Huron, urged Council to support the moratorium and not approve this plan. He said Council should take the time to study the issue.

Peter Nagourney, 914 Lincoln Ave., thanked council for dealing with the proposal. He asked that council think about the long term impact that the project would have on the city.

Alan Haber, Ann Arbor resident, said that Council has an opportunity to revisit the D1 zoning and urged them to take this time.

An unidentified speaker spoke in opposition.

The following individuals spoke in support of the proposed resolution:

Ronnie Malcolm, 702 Brooks Street, spoke in support of the project and stated the importance of the project to the construction industry.

A representative of the petitioner was available to answer questions of Council.

Ron Motsinger of the Washtenaw County Building Trades Council said that construction jobs are needed in this area and that the project is a good one. It will create jobs and will enhance the community.

An unknown speaker spoke in support of the project, stating it is just incumbent landlords speaking in opposition. He stated students want nice new places to live.

Bruce Thompson, owner of the property, reminded Council that the proposal is within the zoning. He stated he has owned the parcel for years and has the right to develop it now that he has a buyer.

Carl Hueter, Franklin Boulevard, architect, spoke about the design guidelines and the character overlay district. He said the current zoning ordinance takes precedent.

Benjamin Muth, 507 First St., urged everyone involved to find a creative solution for both sides.

Pat Lennon, attorney for developer, reminded Council that the project complies with the existing zoning ordinance. He urged Council approval.

Susan Friedlaender, attorney for 413 E. Huron, said that the proposal before Council is not about the moratorium. She stated this project meets the current zoning and should be approved.

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

Held and Closed

RECESS

Mayor Hieftje declared a recess at 9:39 p.m. and reconvened the meeting at 9:58 p.m.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER BRIERE

Councilmember Briere announced that there would be another Sustainability Forum on March 21, 2013 at the downtown district library. This forum would discuss diverse housing.

COUNCILMEMBER HIGGINS

Councilmember Higgins requested that City Administrator Steve Powers provide an update on the Fire Restructuring Plan. She stated Council had discussed this at the last Work Session and they would like an update from staff on the feedback that was received as a result of the community outreach forums. Councilmember Higgins also stated this was important for the public as well.

City Administrator Steve Powers responded that seven public meetings were held regarding the Fire Department restructuring plan and the topic was also a part of the Open City Hall website. He noted that public opinion is divided. Mr. Powers noted that another significant issue in the Fire Department is the Response Category for medical calls, which was also raised at the last Council Work Session. He stated he will provide a more detailed response to these questions at the next Council Work Session.

A APPROVAL OF COUNCIL MINUTES

- A-1 13-0252** Special and Working Sessions of February 25, 2013 and Regular Session Meeting Minutes of March 4, 2013
- Attachments:** 2-25-13 Draft Special Session Minutes, 02-25-13 Draft Working Session minutes, 03-04-13 Draft Minutes, 03-04-13 Council Emails and Redaction List

A motion was made by Councilmember Warpehoski, seconded by Councilmember Petersen, that the Work Session Meeting Minutes of February 25, 2013 and the Regular Session Meeting Minutes of March 4, 2013 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

CONSENT AGENDA REMOVED

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

CA-5 Resolution to Approve a Lease with Huron River Holdings, Inc. for Use of a Parking Lot at 416 Longshore Drive (\$3,000.00)

Passed on consent agenda

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

- CA-1 13-0205** Resolution to Approve a Three Year Professional Services Agreement (with an Additional Two Year Option) with Hylant Group for Property, Casualty and Automotive Third Party Claims Administration Services (Not to Exceed \$52,000.00 for Fiscal Year 2014)
- Enactment No: R-13-073
- CA-2 13-0238** Resolution to Accept Board of Insurance Administration Minutes of February 28, 2013
- Enactment No: R-13-074
- CA-3 13-0185** Resolution to Approve a Contract with Terra Firma Landscape to Improve the Landscape Plantings at Parks and Recreation Facilities (\$53,248.50)
- Attachments:** ITB Landscape Plantings at Recreation Facilities.pdf
- Enactment No: R-13-075

CA-4 13-0186 Resolution to Approve a Contract with D & J Contracting for Improvements to Esch Park (\$39,219.25)

Attachments: ITB 4263 Esch Park Improvements.pdf

Enactment No: R-13-076

CA-6 13-0100 Resolution to Approve a Two-Year Contract for the Lease of Golf Carts (NTE \$20,130.00/yr; 2yr total NTE \$40,260.00) with and to Authorize the Sale of 24 City Owned Golf Carts to Pifer Inc.

Attachments: ITB 4259 Golf cart lease final.pdf

Enactment No: R-13-077

CA-5 13-0184 Resolution to Approve a Lease with Huron River Holdings, Inc. for Use of a Parking Lot at 416 Longshore Drive (\$3,000.00)

Attachments: Argo Lease 2013.pdf

Staff was asked to provide additional information regarding drainage issues on the parking lot.

A motion was made by Councilmember Briere, seconded by Councilmember Kailasapathy, that the resolution be approved.

A motion was made by Councilmember Briere, seconded by Councilmember Kailasapathy, that the Resolution be postponed until 4/1/2013. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

B-1 12-1515 An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 3.32 Acres from TWP (Township District) to R3 (Townhouse Dwelling District), Summit Townhomes, 2081 East Ellsworth (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-13-01)

Attachments: Summit Zoning 13-01 Briefed.pdf, SummitZoningOrdinance.pdf, 1/3/13 Planning Staff Report, 2/21/13 Planning Staff Report, Summit Townhomes Rezoning Hearing Notice, Summit Townhomes Rezoning Notice to Owner, Summit Townhomes Rezoning Notice to Residents

A motion was made by Councilmember Higgins, seconded by Councilmember Kunselman, that the Ordinance be approved on second reading.

Enactment No: ORD-13-01

A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Ordinance be Laid on the table. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-13-01

- B-2 13-0087** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.04 Acres from R5 (Hotel District) to C3 (Fringe Commercial District), The Shoppes at 3600 Plymouth Road (CPC Recommendation: Approval - 9 Years and 0 Nays) (Ordinance No. ORD-13-03)

Attachments: 13-03 Briefed and Approved, 13-03 Briefed, Proposed Zoning Ordinance - The shoppes.pdf, 1/15/13 Planning Staff Report, 13-03 Approval Notice

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

Enactment No: ORD-13-03

C ORDINANCES - FIRST READING

Old Business:

- C-1 13-0188** An Ordinance to Amend Sections 1:155, Section 1:156 and Add a New Section Which New Section Shall Be Designated as Section 1:160 of Chapter 7, Downtown Development Authority, Title I of the Code of the City of Ann Arbor

Sponsors: Kunselman and Kailasapathy

Attachments: Memo Substitute DDA Ordinance Amendments, DDA Ordinance Amendments 2013 Substitute Version 2, DDA Ordinance Amendments REVISED 3-1-13, DDA Ordinance Amendments 2013, Stephen Kemsley Communication, AA_Ordinance Suggestions

A motion was made by Councilmember Kunselman, seconded by Councilmember Kailasapathy, that the Ordinance be approved on First Reading.

It was decided that the DDA would make a presentation at the Work Session on Monday, March 25.

A motion was made by Councilmember Kunselman, seconded by Councilmember Kailasapathy, that the Ordinance be postponed until 4/1/2013. On a voice vote, the Mayor declared the motion carried.

- C-2 13-0313** An Ordinance to Amend Sections 5:500, 5:501, 5:502, 5:507, 5:508, 5:509, 5:510, 5:511, 5:515, 5:516, 5:517, 5:518 and Add a New Section 5:510.1 of Chapter 61 (Signs and Outdoor Advertising), to Reduce the Maximum Size of Signs, Revise Sign Standards for Off-Premise Signs, Add Requirements for Changeable Copy on Signs and Improve the Clarity of Sign Requirements (Ordinance No. ORD-13-04)
- Sponsors:** Taylor
- Attachments:** 13-04 Briefed, Chapter 61 Revisions first reading final, AA_Ordinance Suggestions, City of Ann Arbor_Distraction Studies_Adams Outdoor Advertising_3-28-13
- Councilmember Anglin requested examples of what the digital billboards might look like under this ordinance.*
- A motion was made by Councilmember Taylor, seconded by Councilmember Warpehoski, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried with two no-votes made by Councilmembers Petersen and Higgins.**
- Enactment No: ORD-13-04

D MOTIONS AND RESOLUTIONS

Old Business - Council:

- DC-1 13-0170** Resolution to Direct the Ann Arbor Planning Commission to Review D1/D2 Zoning and Make Recommendations to Amend the Current D1 Zoning Regulations
- Sponsors:** Briere and Kunselman
- Attachments:** D1D2 Moratorium comments, Deitch moratorium support, residents support moratorium, Moratorium opposition letter - Friedlander, Moratorium Communication from Christine Brummer, HDC Communication Regarding the Moratorium, H. Scott Diels Communication, Communication from Norman Hyman 3-14-13
- A motion was made by Councilmember Briere, seconded by Councilmember Kunselman, that the Resolution be approved.**
- Enactment No: R-13-078

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

Delete the 7th and 8th Whereas clauses below:

...[Whereas, City Council has concluded that, during the consideration of these modifications, it would be counterproductive if new development or significant expansion of existing development were allowed to move forward; and]

[Whereas, City Council acknowledges that delays produced by a moratorium could lead to inconvenience and therefore will exempt certain types of petitions and applications from the moratorium, and shall provide for exceptions to the moratorium in exceptional cases;]...

Delete last two RESOLVED clauses below:

...[Resolved, that the City Council hereby imposes a temporary moratorium on all new site plan petitions in the D1 zoning district, and that all petitions for site plan approval in D1 will be deferred for a maximum period of 180 days from the date of this resolution in conjunction with the study and revision of the zoning ordinances pertaining to these districts, with the following exceptions:

- Petitions recommended for approval by the Planning Commission, but not considered by the City Council prior to February 19, 2013
- Any development, redevelopment or building permits for projects that do not require an approved site plan
- Any administrative amendments to site plans
- Any applications or permits which involve routine repair and maintenance for an existing permitted use]

[Resolved, That any aggrieved petitioner or applicant shall be entitled to receive a hearing by the City Council to show that the temporary moratorium imposed in this resolution will result in the preclusion of all viable economic use of their property, or will otherwise violate applicable provisions of State or Federal law, and if the City Council finds that an aggrieved petitioner or applicant makes such a showing, the City Council may grant relief from the moratorium to the degree necessary to cure the violation.]

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

Yeas: 6 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Taylor and Councilmember Petersen

Nays: 5 - Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailaspathy and Councilmember Warpehoski

Enactment No: R-13-078

Councilmember Taylor moved, seconded by Councilmember Teall, that the Resolution be amended as follows:

Add 3rd Whereas Clause:

...WHEREAS, D1 ZONING PREMIUMS ENCOURAGE ALL CONFIGURATIONS OF MULTI-FAMILY HOUSING, ALTHOUGH THE MAJORITY OF PROJECTS PROPOSED HAVE FOCUSED ON A NARROW DEMOGRAPHIC AS THE PREFERRED OCCUPANTS; AND ...

Add a RESOLVED Clause:

...RESOLVED, THAT CITY COUNCIL REQUESTS THAT THIS REVIEW SPECIFICALLY ADDRESS THREE ISSUES: (I) WHETHER D1 ZONING DISTRICTS ARE APPROPRIATELY LOCATED IN RELATIONSHIP TO HISTORIC DISTRICTS AND NON CORE RESIDENTIAL AREAS ON EAST HURON AND SOUTH MAIN AND WILLIAM; (II) WHETHER THE CITY'S CHARACTER OVERLAY DISTRICTS ASSOCIATED WITH D1 ZONING HAVE APPROPRIATE MASSING, SETBACK AND HEIGHT REQUIREMENTS TO CARRY OUT THE GOALS OF THE CITY'S MASTER PLANS; AND (III) WHETHER THE CITY'S DEVELOPMENT RESIDENTIAL PREMIUMS EFFECTIVELY ENCOURAGE A DIVERSE DOWNTOWN POPULATION; ...

Councilmember Warpehoski proposed the following amendment to the proposed amendment, which was considered friendly:...historic districts, AND NON CORE RESIDENTIAL AREAS ON EAST HURON AND SOUTH MAIN AND WILLIAM...

The motion was withdrawn.

Enactment No: R-13-078

13-0170

Resolution to Direct the Ann Arbor Planning Commission to Review D1/D2 Zoning and Make Recommendations to Amend the Current D1 Zoning Regulations

Sponsors: Briere and Kunselman

Attachments: D1D2 Moratorium comments, Deitch moratorium support, residents support moratorium, Moratorium opposition letter - Friedlander, Moratorium Communication from Christine Brummer, HDC Communication Regarding the Moratorium, H. Scott Diels Communication, Communication from Norman Hyman 3-14-13

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

Remove the last RESOLVED Clause.

...[Resolved, that the Planning Commission is directed to complete this evaluation and make recommendations to the City Council regarding any possible changes to the D1 zoning districts on or before June 4, 2013, and that the City Council will take action on those recommendations on or before August 19, 2013, and]

Add New RESOLVED Clause:

...RESOLVED, THAT CITY COUNCIL PROVIDE TO THE PLANNING COMMISSION A SCOPE OF WORK AND A TIMELINE BY APRIL 1, 2013.

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

Yeas: 11 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Kailaspathy, Councilmember Petersen and Councilmember Warpehoski

Nays: 0

Enactment No: R-13-078

Councilmember Higgins stated she was misrepresented in the November 16, 2009 City Council minutes. She was not present at the following meeting when these minutes were approved and they were never corrected. She stated the following comment in the minutes regarding the approval of the A2D2 zoning changes is not correct:

"Councilmember Higgins requested that the City Planning Commission and staff report to Council by January 2011 regarding the impacts of the ordinance changes."

Mayor Hieftje replied that a correction to the minutes would need to be made by a vote of Council, if requested.

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

Enactment No: R-13-078

RECESS

Mayor Hieftje declared a recess at 12:04 a.m. and reconvened the meeting at 12:15 a.m.

DC New Business - Council:

- DC-2 13-0175** Resolution to Appoint Chairperson of the Zoning Board of Appeals (ZBA)
- Sponsors:** Higgins
- A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-13-079
- DC-3 13-0272** Resolution to Approve Street Closings for the Box Cart Race/Soap Box Derby - Saturday, March 23, 2013
- Sponsors:** Taylor
- Attachments:** Box Cart Race-Soap Box Derby Map.pdf
- 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-13-080
- DC-4 13-0283** Resolution Accepting Annual Renewal Recommendation of Liquor Licenses for Ann Arbor Burgers, Inc., M.P.B, Inc., Z Squared, Inc. and Banfield A.C., Inc.
- Sponsors:** Lumm and Council Liquor License Review Committee
- A motion was made by Councilmember Lumm, seconded by Councilmember Anglin, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-13-081
- DC-5 13-0284** Resolution Requesting Non-Renewal of Liquor License No. 115576-2012 held by The Arena Inc. (Business ID 140967)
- Sponsors:** Lumm and Council Liquor License Review Committee
- Attachments:** Arena 2013 Findings and Recommendation
- A motion was made by Councilmember Lumm, seconded by Councilmember Kailasapathy, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-13-082

TAKE OFF THE TABLE - B-1

A motion was made by Councilmember Higgins, seconded by Councilmember Kunselman, that B-1, the Summit Townhomes Rezoning Ordinance, be taken from the table. On a voice vote, the Mayor declared the motion carried.

B-1 12-1515

An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 3.32 Acres from TWP (Township District) to R3 (Townhouse Dwelling District), Summit Townhomes, 2081 East Ellsworth (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-13-01)

Attachments: Summit Zoning 13-01 Briefed.pdf, SummitZoningOrdinance.pdf, 1/3/13 Planning Staff Report, 2/21/13 Planning Staff Report, Summit Townhomes Rezoning Hearing Notice, Summit Townhomes Rezoning Notice to Owner, Summit Townhomes Rezoning Notice to Residents

A motion was made by Councilmember Kunselman, seconded by Councilmember Taylor, that the Ordinance be approved at Second Reading.

Enactment No: ORD-13-01

A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the Ordinance be postponed until 4/15/2013. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-13-01

DB New Business - Boards and Commissions:**DB-1 13-0091**

Resolution to Approve The Summit Townhomes Site Plan and Development Agreement, 2081 East Ellsworth Road (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

Attachments: 1/3/13 Planning Staff Report, 11-20-12 Planning Commission Minutes.pdf, Summit Townhomes Public Hearing Notice

A motion was made by Councilmember Kunselman, seconded by Councilmember Taylor, that the Resolution be approved.

A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the Resolution be postponed until 4/15/2013. On a voice vote, the Mayor declared the motion carried.

DB-2 13-0086

Resolution to Approve The Shoppes at 3600 Site Plan, 3600 Plymouth Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

Attachments: 1/15/13 Planning Staff Report

A motion was made by Councilmember Petersen, seconded by Councilmember Lumm, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried with one no-vote made by Councilmember Kunselman.

Enactment No: R-13-089

DB-3 13-0168

Resolution to Approve 413 East Huron Street Site Plan and Development Agreement, 413 East Huron Street (CPC Recommendation: Denial - 5 Yeas and 3 Nays)

Attachments: 413 Council Staff Report 4-1-13, 2/5/13 Planning Staff Report, 413 E. Huron Development Agreement Draft 3-27-13final, Development Agreement Draft 3-5-13final, 1-15-2013 City Planning Commission Minutes-413 E Huron Project, 2-5-2013 City Planning Commission Minutes-413 E Huron Project, 413 E Huron - new trash proposal, 12327Solar study, Plan Set 03-28-13, H. Scott Diels Communication, Letter_City Council 3.29.13.pdf

A motion was made by Councilmember Briere, seconded by Councilmember Kailaspathy, that the Resolution be approved.

Councilmember Briere requested that the proposed changes to the design of the building, including materials, be incorporated into the development agreement.

Councilmember Higgins requested that the natural features plan be provided.

A motion was made by Councilmember Briere, seconded by Councilmember Petersen, that the Resolution be postponed until 4/1/2013. On a voice vote, the Mayor declared the motion carried.

DS New Business - Staff:**DS-1 13-0180**

Resolution to Approve Amendment No. 1 to Professional Services Agreement with AM Data Service, Inc. for OnBase Support (Not to Exceed \$181,000.00/Amendment 1; Total NTE \$331,000.00/Agreement)

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.

Enactment No: R-13-084

Passed on consent agenda

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

DS-2 13-0152

Resolution to Approve Street Closings for the 2013 "Taste of Ann Arbor" Special Event - Sunday, June 2, 2013

Attachments: Taste of Ann Arbor Map.pdf

Enactment No: R-13-085

DS-3 13-0157 Resolution to Approve Street Closings for the 2013 Ann Arbor Summer Festival's "Top of the Park" - June 10 through July 10, 2013

Attachments: Top of the Park Map.pdf

Enactment No: R-13-086

DS-4 13-0169 Resolution to Close Streets for the 12th Annual Mayor's Green Fair-Friday, June 14, 2013

Attachments: Mayor's Green Fair Map 2013.pdf

Enactment No: R-13-087

E COMMUNICATIONS FROM THE MAYOR

E-1 13-0240 Appointments - Confirmations

Attachments: Nicholas Zagar.doc, Ashlee Arder.doc, AAPAC app. for Ashlee Arder.pdf, AAPAC app. for N. Zagar.pdf

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the March 4, 2013 regular session of Council:

Ann Arbor Public Art Commission

*Nicholas Zagar (Filling vacancy left by Theresa Reid)
2118 Vinewood Blvd.
Ann Arbor, MI 48104
Term: March 18, 2013-December 31, 2015*

*Ashlee Arder (Filling vacancy left by Cathy Gendron)
2180 St. Francis Dr. #144
Ann Arbor, MI 48104
Term: March 18, 2013-January 20, 2016*

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that Council concur with the recommendations of the Mayor. On a voice vote, the Mayor declared the motion carried.

E-2 13-0317 Nominations - Appointments

Attachments: Robert Goeddel.doc, Dwight Wilson Application, Robert Goeddel Application, Benjamin Muth Application

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

Elizabeth Dean Fund

Benjamin Maier Muth (Filling vacancy)

507 S. First St.

Ann Arbor, MI 48103

Term: April 1, 2013-July 31, 2015

Human Rights Communication

Dwight L. Wilson (Filling vacancy left by Lisa Schraeder)

1115 Baldwin Ave.

Ann Arbor, MI 48104

Term: April 1, 2013-October 31, 2016

Taxicab Board

Robert Goeddel (Filling vacancy left by Tom Oldakowski)

1023 Barton Apt. 103

Ann Arbor, MI 48105

Term: April 1, 2013-April 11, 2016

Referred to the City Council due back on 4/1/2013.

Taxicab Board

Robert Goeddel (Filling vacancy left by Tom Oldakowski)

1023 Barton Apt. 103

Ann Arbor, MI 48105

Term: April 1, 2013-April 11, 2016

Approved in a one-step process on March 18, 2013

A motion was made by Councilmember Kunselman, seconded by Councilmember Teall, that the Taxicab Board appointment be approved as a one-step process. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER PETERSEN*

Councilmember Petersen said that she would be preparing a resolution to create a DDA Task Force to study some of the issues that have recently been raised regarding the DDA. Councilmember Petersen said she would like to take a holistic approach and assessment of the entire DDA operation. The resolution will be ready for the April 1, 2013 Council meeting, she said.

COUNCILMEMBER KAILASAPATHY

Councilmember Kailasapathy also spoke about the DDA and the problems she and Councilmember Kunselman have recently raised regarding the TIF funding and the use of DDA money for City General Fund budget problems.

COUNCILMEMBER TAYLOR

Councilmember Taylor noted that the DDA has used TIF funds for parking related infrastructure for decades. Using TIF funds for a project like the Library Lane parking structure is not new.

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman concurred that TIF funds could be used for new infrastructure projects, but stated his concern is that moneys are being redistributed to the City and others without the agreement of the other taxing authorities.

COUNCILMEMBER LUMM

Councilmember Lumm said that she and Councilmember Briere sit on the Housing and Human Services Advisory Board. She stated DDA Director Susan Pollay came and spoke to HHSAB about the DDA and asked the board to weigh in on the TIF funding questions. Councilmember Lumm said a resolution from HHSAB was forthcoming.

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

F-1 13-0151 Sidewalk Occupancy Permits and Peddler's Licenses for April 6, 2013

Attachments: Hash Bash 2013 Map.pdf

Received and Filed

F-2 13-0237 Status of Annexation of Township Parcels

Attachments: Annexreport8 (2).pdf, R-11-406.pdf, AnnexationParcelMaps3-1-13.pdf, boundary commission handout.pdf

Received and Filed

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 Warpehoski, seconded by Councilmember Taylor, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- H-1 13-0182** Wednesday Evening Market Proposed Operating Rule Changes
- Attachments:** Wednesday Evening Market Operating Rules 2013 (with proposed changes not....pdf
- H-2 13-0215** Communication from the Department of Licensing and Regulatory Affairs Bureau of Constructions Codes regarding notice of a Public Hearing scheduled for March 28, 2013 - Planning and Development Services and Project Management
- Attachments:** Bureau of Construction Codes Communication
- H-3 13-0242** Communication from S.E.M.C.O.G. regarding the goals for a Regional Non-Motorized Plan for our seven county regions - Systems Planning
- Attachments:** CallforNonmotorizedPlans_SEMCOG Communities
- I The following minutes were received for filing:**
- I-1 12-1630** City Planning Commission Meeting Minutes of November 20, 2012
- Attachments:** 11-20-2012 CPC Approved Minutes
- I-2 13-0016** Park Advisory Commission Meeting Minutes of December 18, 2012
- Attachments:** 12-18-2012 PAC Approved Minutes.pdf
- I-3 13-0119** City Planning Commission Meeting Minutes of December 18, 2012
- Attachments:** 12-18-2013 CPC Approved Minutes.pdf

I-4 13-0174 City Planning Commission Meeting Minutes of January 3, 2013

Attachments: 1-3-2013 CPC Approved Minutes.pdf

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Tom Partridge, City resident, expressed concern about zoning issues.

An unidentified speaker asked if it was true that trees without leaves did not need light, in opposition to the 413 E. Huron Street project.

Mark Corey, attorney for Dream Nightclub, raised a couple of issues regarding sunshine laws and the Open Meetings Act.

John Floyd, City resident, spoke about transparency.

Alan Haber, City resident, spoke in favor of a downtown public ice skating rink.

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 Petersen, seconded by Councilmember Kailasapathy, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 1:52 a.m.

13-0356 City Council Emails - March 18, 2013

Attachments: 03-18-13 Council Emails and Redaction List

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, MARCH 18, 2013, 7:00 P.M.

REPLAYS: TUESDAY, MARCH 19, 2013, 10:00 A.M. AND FRIDAY, MARCH 22, 2013 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, 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
- Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.

All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org; or by written request addressed and mailed or delivered to:

City Clerk's Office
301 E. Huron St.
Ann Arbor, MI 48104

Requests need to be received at least forty-eight (48) hours in advance of the meeting.

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