



# City of Ann Arbor

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

## Action Minutes City Council

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Monday, October 20, 2008

7:00 PM

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

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### CALL TO ORDER

*Mayor Hieftje called the regular session meeting of the Ann Arbor City Council to order at 7:10 p.m. in the Guy C. Larcom Jr., Municipal Building, 2nd Floor Council Chambers, 100 N. Fifth Avenue.*

### MOMENT OF SILENCE

*Council stood for a moment of silence.*

### PLEDGE OF ALLEGIANCE

*Mayor Hieftje led Council in the recitation of the Pledge of Allegiance.*

### ROLL CALL OF COUNCIL

- Present:** 10 - Mayor John Hieftje, Councilmember Stephen Rapundalo, Councilmember Joan Lowenstein, Councilmember Stephen Kunselman, Councilmember Leigh Greden, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Christopher S. Easthope, Councilmember Mike Anglin, and Councilmember Sabra Briere
- Absent:** 1 - Councilmember Ronald Suarez

### APPROVAL OF AGENDA

**A motion was made by Councilmember Greden, seconded by Councilmember Higgins, that the Agenda be approved with changes. On a voice vote, the Mayor declared the motion carried. The changes were as follows:**

**Add: Closed Session to discuss attorney/client privileged communication (Add to the end of Motions and Resolutions section.)**

**Move: DB-3 Resolution to Approve the 601 Forest Brownfield Plan (Consider before DB-1)**

**Add: DS-8 Resolution to Approve Eighth Amendment to Legal Services Contract with Dykema Gossett (\$75,000.00)**

**Add: DS-9 Resolution Approving Amendment to the Employment Agreement between the City of Ann Arbor and Roger Fraser**

**Add: DS-10 Resolution Approving Amendment to the Employment Agreement between the City of Ann Arbor and Stephen Postema**

**INT INTRODUCTIONS****INT-1 08-0858** Washtenaw County Cultural Plan

**Sponsors:** Teall

*Tamara Real, President of Arts Alliance, updated the Council regarding the Washtenaw County Cultural Plan. Arts Alliance is a county wide organization that is working to ensure that arts, culture and creativity flourishes in Washtenaw County. A copy of the plan is on file in the City Clerk's Office.*

**INT-2 08-0984** Proclamation-Motor Meals Awareness Month

*Mayor Hieftje read and presented a proclamation to Elizabeth Adams of Motor Meals. The proclamation declared the month of November 2008 as Motor Meals Awareness Month. The purpose of Motor Meals is to reduce hunger insecurity, and promote the dignity and independence of those they serve. A copy of the proclamation is on file in the City Clerk's Office.*

**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. Kurt Berggren - Old 4th Ward Boundary Modification (DC-3)

*Kurt Berggren, 412 E. Huron, expressed concern about his property being included in the Old 4th Ward. He stated he had sent a letter asking that his property be removed from the historic district.*

2. Chris Crockett - Old 4th Ward Boundary Modification (DC-3)

*Chris Crockett, 506 E. Kingsley, president of the Old 4th Ward Historic District, spoke opposition to any plans to modify the existing boundaries of the Old 4th Ward Historic District.*

3. Ray Detter - Old 4th Ward Boundary Modification (DC-3)

*Ray Detter, 120 N. Division, spoke in opposition of the proposed Old Fourth Ward Historic District Study Committee.*

4. Peter Osetek - Old 4th Ward Boundary Modification (DC-3)

*Peter Osetek, 1140 Michigan Ave., spoke in support of the proposed resolution to create an Old Fourth Ward Historic District Study Committee.*

## 5. Thomas Partridge

*Thomas Partridge, 4220 Eyrie, Apartment #4, addressed Council regarding electing him for Michigan's 52nd House Representative, electing Mark Schauer for U.S. Congress 7th District and Barack Obama, U.S. President. He also talked about ending foreclosures and homelessness in Ann Arbor, Michigan and the nation and expanding opportunities for affordable housing, healthcare, public transportation and education.*

## 6. John Floyd - My Basement

*John Floyd, 519 Sunset Road, expressed concern with the funding of Brownfield Projects in Ann Arbor.*

**PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)****PH-1 08-0846**

An Ordinance to Amend Chapter 55, Rezoning of 2.62 Acres from P (Parking District) and C3 (Fringe Commercial District) to C1B (Community Convenience Center), Maple Shoppes, 540 North Maple Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-08-34)

*A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 2.62 acres from P (Parking District) to C3 (Fringe Commercial District), Maple Shoppes property, located at 540 North Maple Road. Notice of public hearing was published October 5, 2008.*

*Dana Bauer and Tracy Pennington, 24051 Faye, spoke in support of the resolution.*

*Tom Partridge spoke in opposition of the resolution due to issues surrounding affordable housing.*

Enactment No: ORD-08-34

**PH-2 08-0926**

Resolution to Approve Maple Shoppes Planned Project Site Plan, 2.62 Acres, 540 North Maple Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

*A public hearing was conducted on the proposed resolution to approve Maple Shoppes Planned Project Site Plan, 2.62 acres, located at 540 North Maple Road. Notice of public hearing was published October 12, 2008.*

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

Enactment No: R-08-431

**PH-3 08-0718**

Resolution to Approve 601 Forest Site Plan and Development Agreement, 0.79 Acre, Southeast Corner of South University and South Forest Avenues (CPC Recommendation: Approval - 8 Yeas and 1 Nay)

*A public hearing was continued on the proposed Resolution to approve the 601 Forest Site Plan and Development Agreement, 2.05 acres, located on the southeast corner of South University and South Forest Avenues. Notice of public hearing was published July 27, 2008.*

*Dan Ketelaar, developer of the project, was available to answer questions of Council.*

*David Fisher, 1125 Martin Place, said that the project should be reviewed again by the Planning Commission since the configuration has significantly changed.*

*Patrick McNicholas, student in Ann Arbor, spoke in opposition of the proposed project.*

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

Enactment No: R-08-439

**PH-4 08-0970**

Resolution to Approve the 601 Forest Project Brownfield Plan

*A public hearing was conducted on the proposed resolution to approve the 601 Forest Project Brownfield Plan. Notice of public hearing was published October 20, 2008.*

*John Byers stated he was available to answer questions of Council as he is working with the development partners on the Brownfield Plan.*

*The following people spoke in opposition of the proposed resolution:*

*Ellen Ramsford, 1503 Cambridge Road*

*Glen Thompson, 100 Longman Lane*

*Peter Nagourney, 914 Lincoln*

*Karen Sidney, 100 Longman Lane*

*Gwen Nystuen, 1016 Olivia*

*Bob Snyder, president of the area's neighborhood association, stated the developer should get the minimum tax credits necessary*

*Barbara Copi, 1601 Cambridge Road*

*John Floyd, 519 Sunset Road*

*Steve Bean, 810 S. Main*

*David Fisher, 1125 Martin Place*

*Tom Partridge, Scio Township Resident*

*Yusif Rabbi, 1st ward resident*

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

Enactment No: R-08-438

**PH-5 08-0971**

Resolution to Approve the Maple Shoppes Redevelopment Project Brownfield Plan

*A public hearing was conducted on the proposed resolution to approve the Maple Shoppes Redevelopment Project Brownfield Plan. Notice of public hearing was published October 19, 2008.*

*The following people spoke in opposition of the proposed resolution:*

*Karen Sidney, 100 Longman Lane*

*John Floyd, 519 Sunset Road*

*Glen Thompson, 100 Longman Lane*

*Yusif Rabbi, 1st ward resident*

*John Floyd, 519 Sunset Road*

*Dana Bauer and Tracy Pennington spoke in support of the proposed resolution.*

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

Enactment No: R-08-440

**PH-6 08-0977**

Resolution to Approve the MichiGinns Project Brownfield Plan

*A public hearing was conducted on the proposed resolution to approve the MichiGinns Project Brownfield Plan, located at 2800 Jackson Road. Notice of public hearing was published October 19, 2008.*

*The following people spoke in opposition of the proposed resolution:*

*Karen Sidney, 100 Longman Lane*

*Glen Thompson, 100 Longman Lane*

*Harvey Berman, 1420 Burgundy, representing the owner at 2800 Jackson Road, was available to answer any questions of Council.*

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

Enactment No: R-08-441

**COMMUNICATIONS FROM COUNCIL***COUNCILMEMBER BRIERE*

*Councilmember Briere announced that she and Councilmember Anglin represented the City at a meeting with the Sister City of Hikone, Japan.*

*COUNCILMEMBER TEALL*

*Councilmember Teall announced that a Work Session of the Environmental Commission is scheduled for October 23, 2008 at 7 p.m., where the commercial recycling plan will be discussed.*

*COUNCILMEMBER ANGLIN*

*Councilmember Anglin followed up on the Motor Meals Proclamation, acknowledging that Kiwanis has been delivering meals to the elderly for the past 35 years.*

*COUNCILMEMBER EASTHOPE*

*Councilmember Easthope announced that the last Free Preliminary Breath Test (PBT) testing will be on Saturday, October 25, 2008 after the U of M/ Michigan State football game.*

**A APPROVAL OF COUNCIL MINUTES**

**A-1 08-0968** Regular Session of October 6, 2008

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

**CA CONSENT AGENDA****Passed on consent agenda**

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

**CA-1 08-0824** Resolution to Authorize and Approve a Purchase Order for Canon Digital Multi-Function Devices from IKON Office Solutions (Not to Exceed \$89,760.00)  
Enactment No: R-08-421

**CA-2 08-0893** Resolution to Approve Purchase of Hydrofluorosilicic Acid for Water Treatment from Thatcher Co. of Montana, Bid No. 3949 (estimated \$70,500.00/yr)  
Enactment No: R-08-422

**CA-3 08-0894** Resolution Authorizing Water Improvement Charge for 1008 Baldwin Avenue (\$10,537.08)  
Enactment No: R-08-423

- CA-4 08-0908** Resolution to Approve Amendment No. 3 to the Agreement with Hubbell, Roth & Clark for the Lakewood Sewage Lift Station and Force Main Replacement Project (\$34,075.00)  
Enactment No: R-08-424
- CA-5 08-0916** Resolution to Approve the Purchase and Installation of Playground Equipment for Mary Beth Doyle Park and Wetland Preserve from Landscape Structures, Inc. (U.S. Communities Contract #040377) for \$72,979.38 and to Establish a Total Project Budget of \$82,101.32  
Enactment No: R-08-425
- CA-6 08-0917** Resolution to Approve Housing Rehabilitation Agreement with Gloria Trautz for 8 Metroview Court (\$27,799.00 HOME Funds)  
Enactment No: R-08-426
- CA-7 08-0928** Resolution to Accept Board of Insurance Administration Meeting Minutes of September 26, 2008  
Enactment No: R-08-427
- CA-8 08-0932** Resolution to Approve Agreement with Complus Data Innovations, Inc.  
Enactment No: R-08-428
- CA-9 08-0946** Resolution Recognizing Global ReLeaf of Michigan as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License  
Enactment No: R-08-429
- CA-10 08-0898** Resolution to Award a Contract for the Master Meter Replacement Project to United Water - NACO (\$68,301.00)  
Enactment No: R-08-430

**B ORDINANCE - SECOND READING**

- B-1 08-0846** An Ordinance to Amend Chapter 55, Rezoning of 2.62 Acres from P (Parking District) and C3 (Fringe Commercial District) to C1B (Community Convenience Center), Maple Shoppes, 540 North Maple Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-08-34)  
**A motion was made by Councilmember Anglin, seconded by Councilmember Teall, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**
- DB-2 08-0926** Resolution to Approve Maple Shoppes Planned Project Site Plan, 2.62 Acres, 540 North Maple Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays)  
**A motion was made by Councilmember Easthope, seconded by Councilmember Anglin, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**  
Enactment No: R-08-431

**C ORDINANCE - FIRST READING**

- C-1 08-0873** An Ordinance to Amend Section 2:22b of Chapter 27 (Water Service) and 2:42.4 of Chapter 28 (Connection Charges) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-08-36)

**A motion was made by Councilmember Greden, seconded by Councilmember Lowenstein, that the Ordinance be approved on First Reading to the City Council and should be returned by 11/6/2008. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-08-36

**D MOTIONS AND RESOLUTIONS****DC New Business - Council:**

- DC-1 08-0922** Resolution to Appoint a Member of the City of Ann Arbor Environmental Commission

Sponsors: Teall

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

Enactment No: R-08-432

- DC-2 08-0915** Resolution to Approve Funding Recommendations for \$250,000.00 to a Supportive Housing Pilot Project as Part of the Joint Integrated Funding Initiative

Sponsors: Briere

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

Enactment No: R-08-433

- DC-3 08-0923** Resolution Establishing the Old Fourth Ward Boundary Modification Historic District Study Committee

Sponsors: Lowenstein

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

Enactment No:

**Added After Newspaper Deadline:**



- DC-4 08-0978** Resolution to Approve the Transfer of Ownership of a 2007 Resort Class C Liquor Licensed Business Located at 1005 W. Eisenhower Parkway, from Applebee's of Michigan, Inc. to Applebee's Restaurants Mid-Atlantic LLC - D/B/A Applebee's
- Sponsors:** Anglin, Greden, Rapundalo and Suarez
- Councilmember Easthope was absent at this time.*
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Teall, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-434
- DC-5 08-0979** Resolution to Approve the Transfer of Ownership of a 2007 Class C Liquor Licensed Business Located at 2310 Green Road, from Applebee's of Michigan, Inc. to Applebee's Mid-Atlantic LLC - D/B/A Applebee's
- Sponsors:** Anglin, Greden, Rapundalo and Suarez
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Greden, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-435
- DC-6 08-0987** Resolution to Acknowledge and Approve the Amendment of HBSP Holdings Corp. d/b/a Salsarita's Fresh Cantina Application for Class C Downtown Development District Liquor License to a New Full-Year Class C Quota License at 401 E. Liberty, Suite #2, in the City of Ann Arbor
- Sponsors:** Anglin, Greden, Rapundalo and Suarez
- Councilmember Easthope returned to the meeting.*
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Greden, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-436
- DC-7 08-0986** Motion for Reconsideration of the October 6 Vote that Postponed until November 17, 2008 the Resolution to Approve the Request from Habana, LLC for a New Brew Pub Liquor License and a New Dance Permit to be Held in Conjunction with a 2008 Resort Class C Liquor Licensed Business, Located at 205-207 E. Washington and 211 E. Washington - DBA Habana and Blue Tractor Cook Shop
- Sponsors:** Rapundalo
- A motion was made by Councilmember Rapundalo, seconded by Councilmember Kunselman, that the Council reconsider the October 6, 2008 vote to postpone the request from Habana, LLC for a New Brew Pub Liquor License Resolution. On a voice vote, the Mayor declared the motion carried.**

**DC-7a 08-0882**

Resolution to Approve the Request from Habana, L.L.C. for a New Brew Pub Liquor License and a New Dance Permit to be Held in Conjunction with a 2008 Resort Class C Liquor Licensed Business, Located at 205-207 E. Washington and 211 E. Washington - D/B/A Habana and Blue Tractor Cook Shop

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

Enactment No: R-08-437

#### **CLOSED SESSION TO DISCUSS ATTORNEY/CLIENT PRIVILEGED COMMUNICATION**

**A motion was made by Councilmember Greden, seconded by Councilmember Rapundalo, that Council enter into Closed Session to discuss attorney/client privileged communication. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed at 9:42 p.m.:**

**Yeas:** 10 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Kunselman, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Easthope, Councilmember Anglin, and Councilmember Briere

**Nays:** 0

**Absent:** 1 - Councilmember Suarez

#### **MEETING RECONVENED**

**A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 10:00 p.m.**

#### **RECESS**

**The Mayor declared a recess at 10:00 p.m. and reconvened the meeting at 10:16 p.m.**

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

**DB-3 08-0970**

Resolution to Approve the 601 Forest Project Brownfield Plan

**Councilmember Teall moved, seconded by Councilmember Lowenstein, that the resolution be approved.**

Enactment No: R-08-438

#### **SUSPENSION OF COUNCIL RULES**

**A motion was made by Councilmember Briere, seconded by Councilmember Rapundalo, that Council Rules be suspended to continue discussion on the proposed resolution, and go into Closed Session after 11 p.m. On a voice vote, the Mayor declared the motion carried and the Rules were suspended.**

DB-3 08-0970

Resolution to Approve the 601 Forest Project Brownfield Plan

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

**to pay for the remediation of the pollution up to and not to exceed \$4,205,000.00, including administrative fees and add asbestos containment as a part of the MEGA eligible clean up activities.**

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

**Yeas:** 5 - Mayor Hieftje, Councilmember Kunselman, Councilmember Greden, Councilmember Anglin, and Councilmember Briere

**Nays:** 5 - Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Higgins, Councilmember Teall, and Councilmember Easthope

**Absent:** 1 - Councilmember Suarez

**The question being a motion made by Councilmember Teall, seconded by Councilmember Lowenstein, that the Resolution be approved as originally presented. On roll call, the vote was as follows, with the Mayor declaring the motion carried:**

**Yeas:** 6 - Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Greden, Councilmember Higgins, Councilmember Teall, and Councilmember Easthope

**Nays:** 4 - Mayor Hieftje, Councilmember Kunselman, Councilmember Anglin, and Councilmember Briere

**Absent:** 1 - Councilmember Suarez

Enactment No: R-08-438

DB-1 08-0718

Resolution to Approve 601 Forest Site Plan and Development Agreement, 0.79 Acre, Southeast Corner of South University and South Forest Avenues (CPC Recommendation: Approval - 8 Yeas and 1 Nay)

**A motion was made by Councilmember Briere, seconded by Councilmember Rapundalo, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried.**

**Yeas:** 10 - Mayor Hieftje, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Kunselman, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Easthope, Councilmember Anglin, and Councilmember Briere

**Nays:** 0

**Absent:** 1 - Councilmember Suarez

Enactment No: R-08-439

## RECESS

**The Mayor declared a recess at 12:17 a.m. and reconvened the meeting at 12:31 a.m.**

**Added After Newspaper Deadline:****New Business - Boards and Commissions:**

**DB-4 08-0971** Resolution to Approve the Maple Shoppes Redevelopment Project Brownfield Plan

**A motion was made by Councilmember Higgins, seconded by Councilmember Teall, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried with one no-vote by Councilmember Anglin.**

Enactment No: R-08-440

**DB-5 08-0977** Resolution to Approve the MichiGinns Project Brownfield Plan

**A motion was made by Councilmember Easthope, seconded by Councilmember Lowenstein, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried with one no vote by Councilmember Anglin.**

Enactment No: R-08-441

**DS New Business - Staff:**

**DS-1 08-0944** Resolution to Accept a Transportation Enhancement (TE) Grant from the State of Michigan in Support of the Fifth and Division Improvement Project Phase I Construction

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

Enactment No: R-08-442

**DS-2 08-0927** Resolution to Approve Distribution of the Draft Ann Arbor Transportation Plan Update

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

Enactment No: R-08-443

**DS-3 08-0888** Resolution to Approve a Participation Agreement with Scio Township, Purchase of a Conservation Easement on 10.42 Acres of the Donald T. Botsford Property Located in Scio Township, and Appropriation of Funds in the Amount of \$156,000.00 (8 Votes Required)

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

Enactment No: R-08-444

- DS-4 08-0887** Resolution to Establish the Fixed Charges for the 2009 Water and Sanitary Sewer Improvement Charges
- 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-08-445
- DS-5 08-0934** Resolution to Approve the Conversion of Ann Street between 5th Ave. and Division St. to One Way (eastbound)
- A motion was made by Councilmember Easthope, seconded by Councilmember Rapundalo, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-446
- DS-6 08-0930** Resolution Accepting Easement for Public Access from the Estate of Oscar Spaly (1817 W. Stadium Blvd.) West Stadium Boulevard at Pauline Boulevard Reconstruction (8 Votes Required)
- A motion was made by Councilmember Anglin, seconded by Councilmember Higgins, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried with nine members voting, thus satisfying the eight-vote requirement.**
- Enactment No: R-08-447
- DS-7 08-0931** Resolution Accepting Easement for Public Access from TCF Bank (1900 W. Stadium Blvd.) West Stadium Boulevard at Pauline Boulevard Reconstruction (8 Votes Required)
- 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-08-448
- DS-8 08-0943** Resolution to Approve Eighth Amendment to Legal Services Contract with Dykema Gossett (\$75,000.00)
- A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-08-452
- DS-9 08-0990** Resolution Approving Amendment to the Employment Agreement between the City of Ann Arbor and Roger Fraser
- A motion was made by Councilmember Briere, seconded by Councilmember Greden, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously.**
- Enactment No: R-08-450

**DS-10 08-0991**

Resolution Approving Amendment to the Employment Agreement between the City of Ann Arbor and Stephen Postema

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

Enactment No: R-08-451

**DS-11 08-0989**

Resolution to Direct the City Attorney to Prepare a Comprehensive Review and Plan for Revision of The City's Zoning and Planning Ordinances

**Sponsors:** Higgins and Rapundalo

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

Enactment No: R-08-449

**E COMMUNICATIONS FROM THE MAYOR**

*The Mayor acknowledged that staff was late reporting to Council regarding a CUB plan agreement. He stated that staff would have the report to Council as soon as possible.*

E-1 08-0983 10/20/08 Appointment - Nominations

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

*Airport Advisory Committee*

*Mark Perry Re-Appointment  
760 Eltham Ct.  
Ann Arbor, MI 48103  
Term: November 6, 2008- November 6, 2011*

*Downtown Development Authority*

*Keith Orr Replacing- Dave DeVarti  
1710 Fair St.  
Ann Arbor, MI 48103  
Term: November 6, 2008- July 31, 2012*

*Housing and Human Services Advisory Board*

*Anna Erickson Filling Vacancy  
1507 Las Vegas Dr.  
Ann Arbor, MI 48103  
Term: November 6, 2008- November 6, 2011*

*Human Rights Commission*

*Leslie Krauz Stambaugh Re-Appointment  
1940 Ridge Ave.  
Ann Arbor, MI 48104  
Term: November 6, 2008-October 31, 2011*

**COMMUNICATIONS FROM COUNCIL**

**F COMMUNICATIONS FROM CITY ADMINISTRATOR**

F-1 08-0945 Environmental Commission Expirations

**G COMMUNICATIONS FROM CITY ATTORNEY**

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

- H-1 08-0951** Communication from Washtenaw Area Transportation Study regarding their publication of The Vehicle, Vol. 4, October 2008 - File
- H-2 08-0952** Communication from County Clerk Lawrence Kestenbaum regarding Washtenaw County Board of Commissioners passing a resolution to accept comments from Washtenaw County Department of Planning and Environment staff on the Ann Arbor Township master Plan Amendment - Planning and Development Services
- H-3 08-0953** Communication from the Michigan Liquor Control Commission (MLCC) regarding one full year on premise license available to the City of Ann Arbor - Council Liquor Committee
- H-4 08-0954** Communications from SEMCOG regarding the Regional Update Biweekly publication of SEMCOG, Vo. 13, No. 21 September 29, 2008 and SEMCOG University presents Winter Road Maintenance: policy, practice, and Technology meeting, October 23, 2008 - File
- H-5 08-0955** Communication from Detroit and Michigan Chapter National Lawyers Guild regarding proposed Resolution regarding the protection of civil rights of Ann Arbor residents and workers - File
- H-6 08-0957** Communication from Michael R. Reid regarding resignation to the Ann Arbor / Ypsilanti LDFA Board - File

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

- I-1 08-0843** Greenbelt Advisory Commission Minutes - July 2, 2008
- I-2 08-0921** Greenbelt Advisory Commission Minutes of September 3, 2008
- I-3 08-0911** Ann Arbor Housing Commission Regular Board Meeting Minutes - August 27, 2008
- I-4 08-0912** Ann Arbor Downtown Development Authority Annual Meeting Minutes - July 2, 2008
- I-5 08-0913** Downtown Area Citizens Advisory Council Minutes - September 3, 2008
- I-6 08-0914** City Planning Commission Minutes of August 5 and 19, 2008
- I-7 08-0924** Zoning Board of Appeals Minutes - February 27, 2008; March 26, 2008; April 23, 2008; May 28, 2008; June 25, 2008
- I-8 08-0929** LDFA Board Meeting Minutes - July 17, 2008
- I-9 08-0938** Parks Advisory Commission Minutes - May 20, 2008; June 17, 2008
- I-10 08-0942** Public Market Advisory Commission Minutes - April 17, 2008; May 29, 2008; June 19, 2008; July 17, 2008; August 21, 2008



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

*None.*

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

*None.*

**ADJOURNMENT**

A motion was made by Councilmember Briere, seconded by Councilmember Lowenstein, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried.

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

**LIVE: MONDAY, OCTOBER 20, 2008, 7:00 P.M.**

**REPLAYS: TUESDAY, OCTOBER 21, 2008, 10:30 A.M. AND FRIDAY, OCTOBER 24, 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.