



City of Ann Arbor

100 N. Fifth Avenue
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Meeting Agenda

City Council

Tuesday, September 8, 2009

7:00 PM

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

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

APPROVAL OF AGENDA

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. Saul Castell - Policy Statement Relative to Airport Layout Plans (DS-11)
2. Thomas Partridge - Access to housing, public transportation, economic/industrial development reforms needed. (DB-1, DB-4, DS-1, DS-3, DS-4)
3. Andrea Vanhouweling - Policy Statement Relative to Airport Layout Plans (DS-11)
4. John Etter - Rezoning of E. Huron (C-1)
5. Jeff DeBoer - Argo Pond
6. Lily Au - Housing First Program for Homeless
7. Libby Hunter - Conditions of Roads

8. Hugh Sonk - Character of Ann Arbor

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-1** [09-0719](#) An Ordinance to Amend Sections 9:260, 9:261, 9:262 and 9:263 of Chapter 115, Weapons and Explosives (Replica/Toy Guns), of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-09-26)
(Police Services - Barnett Jones, Chief of Police)
(See B-1)
- PH-2** [09-0722](#) An Ordinance to Amend Chapter 55, Rezoning of 1.19 Acres from O (Office District) to PUD (Planned Unit Development), Near North Proposal, 626-724 North Main Street (CPC Recommendation: Motion to Approve Failed - 5 Yeas and 2 Nays) (Ordinance No. ORD-09-27) **(8 Votes Required)**
(Community Services - Jayne Miller, Area Administrator)
(See B-2)
- PH-3** [09-0797](#) Resolution to Approve Riverview of Ann Arbor Nursing Facility Addition Site Plan and Development Agreement, 355 Huron View Boulevard, (CPC Recommendation: Approval - 8 Ayes and 0 Nays)
(Community Services - Jayne Miller, Area Administrator)
(See DB-1)
- PH-4** [09-0753](#) Resolution Establishing Ann Arbor Industrial Development District 2009-040 for 3885 Research Park Drive - Anika and Associates, Inc.
(Financial and Administrative Services - Tom Crawford, CFO)
(See DS-1)
- PH-5** [09-0837](#) Resolution to Amend FY 2010 Historic District Application Fees for the Community Services Area
(Community Services - Jayne Miller, Area Administrator)
(See DS-7)
- PH-6** [09-0836](#) Resolution to Approve Near North PUD Site Plan and Development Agreement, 1.19 Acres, 626-724 North Main Street (CPC Recommendation: Motion to Approve Failed - 5 Yeas and 2 Nays)
(Community Services - Jayne Miller, Area Administrator)
(See DB-4)

COMMUNICATIONS FROM COUNCIL

[09-0848](#) Resolution to Appoint Catherine Riseng and ReAppoint Michael Garfield to the Greenbelt Advisory Commission

(City Council)

Sponsors: Hohnke

A APPROVAL OF COUNCIL MINUTES

A-1 [09-0821](#) Working Session of August 13, 2009 and Regular Session of August 17, 2009

(City Clerk - Jacqueline Beaudry, City Clerk)

CA CONSENT AGENDA

CA-1 [09-0764](#) Resolution to Accept Board of Insurance Administration Meeting Minutes of July 23, 2009

(Financial and Administrative Services - Tom Crawford, CFO)

CA-2 [09-0774](#) Resolution to Approve Contract with D & J Contracting for \$26,855.00 for the Construction of Disc Golf Course at Mary Beth Doyle Park per Bid #4039 and Approve Total Project Budget of \$29,540.50

(Community Services - Jayne Miller, Area Administrator)

CA-3 [09-0834](#) Resolution Recognizing Friends of CASA as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

(City Clerk - Jacqueline Beaudry)

CA-4 [09-0781](#) Resolution Authorizing a Purchase Order for U.P.M. High Performance Cold Patch Material Bid # ITB-4033 from Barrett Paving Materials, Inc. (\$85,000.00 Annually)

(Field Operations Services - Sue McCormick, Public Services Administrator)

B ORDINANCES - SECOND READING

B-1 [09-0719](#) An Ordinance to Amend Sections 9:260, 9:261, 9:262 and 9:263 of Chapter 115, Weapons and Explosives (Replica/Toy Guns), of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-09-26)

(Police Services - Barnett Jones, Chief of Police)

(See PH-1)

- B-2 [09-0722](#) An Ordinance to Amend Chapter 55, Rezoning of 1.19 Acres from O (Office District) to PUD (Planned Unit Development), Near North Proposal, 626-724 North Main Street (CPC Recommendation: Motion to Approve Failed - 5 Yeas and 2 Nays) (Ordinance No. ORD-09-27) **(8 Votes Required)**

(Community Services - Jayne Miller, Area Administrator)

(See PH-2)

C ORDINANCES - FIRST READING

Old Business - Ordinances:

- C-1 [09-0227](#) An Ordinance to Amend Sections 5:1, 5:2, 5:3, 5:4, 5:6, 5:50, 5:61, 5:64, 5:65, 5:67, 5:88 and 5:106; to Repeal Sections 5:10.19, 5:10.20, 5:44 and 5:44A and to Replace them with New Sections 5:10.19, 5:10.20 and 5:44; and to Repeal Section 5.10.22 And 5:45A of Chapter 55 (Zoning) of Title V of the Code of the City of Ann Arbor (To Revise Zoning Definitions, to Eliminate C2A, C2A/R and C2B/R Zoning Districts, to Create D1 [Downtown Core] and D2 [Downtown Interface] Zoning Districts and Permitted Uses and Standards, to Add Downtown Character Overlay Districts and Standards, and to Revise Floor Area Premiums) and to Amend Sections 5:167 and 5:169 of Chapter 59 (Off-Street Parking) of Title V of the Code of the City of Ann Arbor (To Revise Off-Street Parking Requirements for the Downtown Special Parking District), and to Amend the Zoning Map of Section 5:4 of Title V of the Code of Ann Arbor to Designate Certain Properties as D1, D2 and PL (Public Land) and to Further Designate Certain Properties as being Part of the Downtown Character Overlay Zoning Districts(CPC Recommendation: Approval - 8 Yeas and 1 Nay)

(Community Services - Jayne Miller, Area Administrator)

(Postponed from the 4/6/09, 7/6/09 and 7/20/09 regular sessions.)

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1 [09-0835](#) Resolution to Approve the Request from Northern United Brewery Company, LLC for a New Small Wine Maker, Micro Brewer, Small Distiller Liquor License with Outdoor Sales, Before/After Hours (for food) Permit and Sunday Sales Permit - D/B/A Jolly Pumpkin, located at 309-311 S. Main
(City Clerk - Jacqueline Beaudry)
Sponsors: Council Liquor License Review Committee
- DC-2 [09-0840](#) Resolution to Approve Housing Rehabilitation Assistance Agreement for Clyde Sisson at 2065 Norfolk (Not to Exceed \$10,000.00 CDBG Funds)
(City Council)
Sponsors: Teall
- DC-3 [09-0855](#) Resolution Appointing Remaining Members of R4C and R2A Zoning District Study Advisory Committee
(City Council)
Sponsors: Derezinski

Added After Newspaper Deadline:

- DC-4 [09-0877](#) Resolution Opposing the Closure of the Post Office Station Located at 1210 South University Avenue
(City Council)
Sponsors: Taylor and Briere
(Added 9/4/09)
- DC-5 [09-0878](#) Resolution Appointing South Fourth and South Fifth Avenues Historic District Study Committee
(City Council - Carlsen Hohnke, Marcia Higgins)
Sponsors: Hohnke and Higgins
(Added 9/4/09)
- DC-6 [09-0886](#) Resolution for Community Events Fund Disbursements from the FY 2010 Budget
(City Council)
Sponsors: Higgins and Teall
(Added 9/4/09)
- DC-7 [09-0887](#) Adoption of Council Rules
(City Council)
Sponsors: Higgins, Taylor, Briere and Derezinski
(Added 9/4/09)

- DC-8 [09-0827](#) Resolution to Approve the Transfer of Ownership of a 2009 Class C Liquor Licensed Business, an Outdoor Service Area and a request for a new SDM Liquor Licensed Business to be held in Conjunction with the Class C, Located at 114 W. Liberty, from Youngbok Ko to Pacific Rim by Kana, Inc. - D/B/A Pacific Rim Kana
(City Clerk - Jacqueline Beaudry)
Sponsors: Council Liquor License Review Committee
(Added 9/8/09)

DB New Business - Boards and Commissions:

- DB-1 [09-0797](#) Resolution to Approve Riverview of Ann Arbor Nursing Facility Addition Site Plan and Development Agreement, 355 Huron View Boulevard, (CPC Recommendation: Approval - 8 Ayes and 0 Nays)
(Community Services - Jayne Miller, Area Administrator)
(See PH-3)
- DB-2 [09-0798](#) Resolution to Approve Vasconi Annexation, 0.96 Acres, Southwest Corner of Geddes Avenue and Arlington Boulevard (CPC Recommendation: Approval - 7 Yeas and 0 Nays)
(Community Services - Jayne Miller, Area Administrator)
- DB-3 [09-0852](#) Resolution to Approve Alternate Storm Water Management for Riverview of Ann Arbor Nursing Facility Addition Site Plan, 355 Huron View Boulevard, (CPC Recommendation: Approved - 8 Ayes and 0 Nays)
(Community Services - Jayne Miller, Area Administrator)
- DB-4 [09-0836](#) Resolution to Approve Near North PUD Site Plan and Development Agreement, 1.19 Acres, 626-724 North Main Street (CPC Recommendation: Motion to Approve Failed - 5 Yeas and 2 Nays)
(Community Services - Jayne Miller, Area Administrator)
(See PH-6)

DS New Business - Staff:

- DS-1 [09-0753](#) Resolution Establishing Ann Arbor Industrial Development District 2009-040 for 3885 Research Park Drive - Anika and Associates, Inc.
(Financial and Administrative Services - Tom Crawford, CFO)
(See PH-4)

- DS-2 [09-0824](#) Resolution to Accept and Appropriate a \$850,000.00 Grant from the Michigan State Housing Development Authority (MSHDA) for Neighborhood Stabilization Program Funds (\$850,000.00 CDBG-NSP Funds) **(8 Votes Required)**
(Community Services - Jayne Miller, Area Administrator)
- DS-3 [09-0823](#) Resolution to Accept and Appropriate a \$287,298.00 Grant from the U.S. Department of Housing and Urban Development (HUD) for CDBG-R (\$287,298.00 CDBG-R Funds) **(8 Votes Required)**
(Community Services - Jayne Miller, Area Administrator)
- DS-4 [09-0822](#) Resolution to Allocate \$198,250.00 of CDBG Funds to Avalon Housing, Inc. and Approve a Housing Rehabilitation Agreement to Rehabilitate Stimson Apartments at 1613 White and 800-828 Stimson (\$198,250.00 CDBG Funds)
(Community Services - Jayne Miller, Area Administrator)
- DS-5 [09-0826](#) Resolution to Allocate \$215,474.00 in CDBG-R and \$25,000.00 in CDBG funds to Avalon Housing Inc., and Approve a Housing Rehabilitation Agreement for Parkhurst Apartments at 1500 Pauline (\$215,474.00 CDBG-R and \$25,000.00 CDBG Funds)
(Community Services - Jayne Miller, Area Administrator)
- DS-6 [09-0833](#) Resolution to Approve Purchase of 2-Acre Parcel of Land Subject to a Life Estate from the Elizabeth Williams Kaufman Trust and Weston E. Vivian for Parkland and to Appropriate \$636,000.00 from the Open Space and Parkland Preservation Millage Bond Proceeds **(8 Votes Required)**
(Community Services - Jayne Miller, Area Administrator)
- DS-7 [09-0837](#) Resolution to Amend FY 2010 Historic District Application Fees for the Community Services Area
(Community Services - Jayne Miller, Area Administrator)
(See PH-5)
- DS-8 [09-0825](#) Resolution to Approve a Contract with Delta Temp, Inc. for \$569,170.20 for the Replacement of the Buhr Park Ice Arena Floor Slab System per Bid #4049, Approve a Construction Contingency of \$56,917.00, and Establish a Total Construction Project Budget of \$626,087.20
(Community Services - Jayne Miller, Area Administrator)

DS-9 [09-0793](#) Resolution to Approve Change Order No. 1 to the S. Ashley, S. Main & Londonderry Water Main Construction Contract with Bricco Excavating Company, LLC. for the Installation of Water Mains at Washtenaw Ave and N. Fourth Ave (\$296,113.00)

(Project Management Services - Sue F. McCormick, Public Services Administrator)

DS-10 [09-0846](#) Resolution Approving a Grant of Easement to the Detroit Edison Company for Underground Electric Service Line (Located on Northerly Border of 350 S. Fifth Avenue) **(8 Votes Required)**

(Downtown Development Authority - Susan Pollay, Executive Director)

DS-11 [09-0851](#) Resolution to Approve Agreement with Charter Township of Pittsfield Supplementing 1979 Policy Statement Relative to Airport Layout Plans, Aeronautical Facilities and Non-Aeronautical Facilities at the Ann Arbor Airport

(Public Services - Sue McCormick)

(Agreement Revised 9/3/09) (DELETED FROM AGENDA 9/8/09)

E COMMUNICATIONS FROM THE MAYOR

E-1 [09-0813](#) Nominations and Appointments - Confirmations
(Mayor's Office)

E-2 [09-0876](#) Appointments & Nominations
(Mayor's Office)

COMMUNICATIONS FROM COUNCIL

F COMMUNICATIONS FROM THE CITY ADMINISTRATOR

F-1 [09-0783](#) Update on Open Space and Parkland Preservation Program
(Community Services - Jayne Miller, Area Administrator)

G COMMUNICATIONS FROM THE CITY ATTORNEY

H & I CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

H The following communications were referred as indicated:

- H-1 [09-0787](#) Communication from the Michigan Department of Environmental Quality, Land and Water Management Division, regarding Public Notices posted August 13, 2009
(City Clerk - Jacqueline Beaudry)
- H-2 [09-0788](#) Communication from James D'Amour regarding the City's Process for Revising the Area, Height and Placement Standards
(City Clerk - Jacqueline Beaudry)
- H-3 [09-0829](#) Communication from Comcast regarding Emergency Services changes that will affect the community's use of its Local Alert System - Communications
(City Clerk - Jacqueline Beaudry)
- H-4 [09-0830](#) Communication from the Michigan Municipal League regarding notice of its annual meeting scheduled for September 23, 2009 at the Radisson Plaza Hotel - File
(City Clerk - Jacqueline Beaudry)
- H-5 [09-0831](#) Communication from the Department of Environmental Quality (DEQ) regarding National Pollutant Discharge Elimination System (NPDES); Permit No. MI0022217 - Ann Arbor WWTP - Public Services
(City Clerk - Jacqueline Beaudry)
- H-6 [09-0832](#) Communication from City of Ann Arbor Board of Canvassers regarding the canvas of votes cast at the City of Ann Arbor Primary Election held on August 4, 2009 - File
(City Clerk - Jacqueline Beaudry)
- H-7 Communication from Frank and Diane E. Solecki regarding opposition of the proposed Near North Rezoning Proposal
(See File 09-0722 for copy of letter.)
- H-8 Communication from Michael and Lois F. Brinkman regarding opposition of the proposed Near North Rezoning
(See File 09-0722 for copy of letter.)
- H-9 Communication from Kevin and Regina Dailey regarding opposition of the proposed Near North Project
(See File 09-0722 for a copy of the letter.)
- H-10 Communication from Ben Dahlmann, of Dahlmann Properties regarding opposition of proposed changes to A2D2
(See file 09-0227 for copy of letter.)

I The following minutes were received for file:

- I-1 [09-0763](#) Ann Arbor Board of Review Meeting Minutes - July 21, 2009
(Financial and Administrative Services - Tom Crawford, CFO)
- I-2 [09-0800](#) Public Market Advisory Commission Minutes - June 2, 2009
(Community Services - Jayne Miller, Area Administrator)
- I-3 [09-0818](#) Council Liquor License Review Committee - July 10, 2009
(City Clerk - Jacqueline Beaudry)
- I-4 [09-0819](#) City Board of Canvassers - November 8, 2007
(City Clerk - Jacqueline Beaudry)

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)**CLOSED SESSION TO DISCUSS PENDING LITIGATION AND ATTORNEY / CLIENT
PRIVILEGED COMMUNICATION AND/OR LAND ACQUISITION****ADJOURNMENT****COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:****LIVE: TUESDAY, SEPTEMBER 8, 2009****REPLAYS: WEDNESDAY, SEPTEMBER 9, 2009, 10:00 AM AND FRIDAY, SEPTEMBER
11, 2009, 7:30 PM****REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE**

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

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