

City of Ann Arbor

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



Action Minutes

Monday, August 18, 2008

7:00 PM

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

City Council

CALL TO ORDER

Mayor Pro Tem Marcia Higgins called the regular session of the Ann Arbor City Council to order at 7:04 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 Pro Tem Higgins led Council in the recitation of the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: 10 - Councilmember Ronald Suarez, 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 - Mayor John Hieftje

APPROVAL OF AGENDA

A motion was made by Councilmember Lowenstein, seconded by Councilmember Teall, that the Agenda be approved with the following changes:

Move: DB-1 Resolution to Approve 42 North Site Plan, Development Agreement and Wetland Use Permit, 15.32 Acres, 1430 South Maple Road (CPC Recommendation: Approval - 7 Yeas and 1 Nay) (Consider before Old Business of Council.)

Move: DB-2 Resolution to Approve Grace Bible Church Development Agreement, 1300 South Maple Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Consider before Old Business of Council.)

Move: DB-3 Resolution to Approve 601 Forest Site Plan and Development Agreement, 2.05 Acres, Southeast Corner of South University and South Forest Avenues (CPC Recommendation: Approval - 8 Yeas and 1 Nay) (Consider Before Old Business of Council.)

On a voice vote, the Mayor Pro Tem declared the motion carried.

INT INTRODUCTIONS

INT-1 08-0810 CTN 35th Anniversary Proclamation

Mayor Pro Tem Higgins read a proclamation honoring the 35th Anniversary of CTN. Ralph Salmeron accepted the award on behalf of the Community Television Network (CTN). 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. Tom Wall - Ann Arbor

Tom Wall, 1031 Woodbridge Blvd., former candidate for Mayor of Ann Arbor, addressed Council regarding the August 2008 Primary and commented on and asked questions about building heights in Ann Arbor. Mr. Wall thanked everyone for the opportunity to run for Mayor.

2. Tom Partridge - Democratic progress needed to advance the cause of Ann Arbor's most vulnerable residents.

Tom Partridge, 4220 Eyrie #14 in Scio Township, addressed Council regarding the need for a real democratic progress to advance the cause of Ann Arbor's most vulnerable residents' access to true affordable housing, public transportation, health care, and lifetime education. He added that this was vital to improve the lives of seniors, the handicapped, and middle class residents.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 08-0689

Resolution to Approve 42 North Site Plan, Development Agreement and Wetland Use Permit, 15.32 Acres, 1430 South Maple Road (CPC Recommendation: Approval - 7 Yeas and 1 Nay)

A public hearing was continued from the July 21, 2008 regular session on the proposed Resolution to Approve 42 North Site Plan, Development Agreement and Wetland Use Permit, 15.32 Acres, 1430 South Maple Road.

The following people spoke in opposition of the proposed site plan:

*Stephanie Hunter, 1601 Dicken Drive, representing the Friends of Dicken Woods
Thomas Siterlet, 2547 Breckenridge
Rayelene Mieske, 1565 Covington Drive
Pat Shock, resident of the Fifth Ward
Marylou Unterburger, 1325 S. Maple #103
Murray Franklin, 2035 Pauline Ct.
Ken Parks, 1501 Las Vegas
John Floyd, 519 Sunset Rd.
Karen Larson, 1737 Tudor Dr.
Linda Pickl, 1715 Saxon St.
Leigh Ann Boyd, 2136 Steven Terrace
Jake Coffin, 2564 Beacon Hill
Tom Wall, 1031 Woodbridge
James Gleason, 1731 Tudor Dr.
A member of the U of M Student Advisory Council
Keith Fraidenburg, 2536 Jade Ct. representing Morningside Condominium Association
Victoria Mersner, 1146 S. Maple Rd.
Marian Williams, 1836 Saxon St., representing Mushroom Park Neighborhood Association
Deb Dorcey of Walden Hills
James D'Amour, 2771 Maple Ave.
Lisa Jevens, 1312 Cambridge Rd.
The resident at 1602 Walton*

The following people spoke in support of the proposed site plan:

*Tom Partridge, Scio Township resident
Nate Arnold, 6403 Oakbrook Drive
Dr. Charles Roper
Reverend Jack Glupker, of Grace Bible Church
Matt Marshall, of Wood Partners, petitioner
Don Tilton
Attorney Joe Phillips
Tim Anderson, for the petitioner*

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

PH-2 08-0718

Resolution to Approve 601 Forest Site Plan and Development Agreement, 2.05 Acres, Southeast Corner of South University and South Forest Avenues (CPC)
Recommendation: Approval - 8 Yeas and 1 Nay)

A public hearing was continued from the August 7, 2008 regular session on the proposed 601 Forest Site Plan and Development Agreement, 2.05 Acres, Southeast Corner of South University and South Forest Avenues.

Tom Partridge, Scio Township resident, addressed Council regarding the proposed site plan.

The following people spoke in opposition of the proposed site plan:

Louise Stein, 1307 S. Forest Ave.

Amy Seetoo, 3111 Cedarbrook Rd.

Ed West, 1025 Baldwin

John Nysteen, 1016 Olivia

Tony Pinnell 1328 Minerva Rd.

Barbara Copi, 1601 Cambridge

John Floyd, 519 Sunset Rd.

Tom Wall, 1031 Woodbridge

Ann Larimore, 916 Olivia

Bob Snyder, 525 Elm St., president of the South University Neighborhood Association

Betsy Price, 905 Olivia

Kate West, 1025 Baldwin

Alice Ralph, 1607 E. Stadium Blvd.

Gary Supanich, 1307 S. Forest

The following people spoke in support of the proposed site plan:

Maggie Ladd, 1540 Edinborough Road, South University Association

Robert Carson, Bloomfield Hills Michigan, representing the developer was available to answer questions of Council.

There being no further comment, the Mayor Pro Tem declared the hearing continued to September 8, 2008.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER EASTHOPE**

Councilmember Easthope informed Council that he has a copy of the Sobriety Court/ Drug Court Review if anyone is interested in taking a look at it.

A APPROVAL OF COUNCIL MINUTES**A-1 08-0804**

Regular Session of August 7, 2008

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

CA CONSENT AGENDA**CONSENT AGENDA ITEMS REMOVED:**

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

CA-3 08-0766 Resolution to Approve the Transfer of Ownership of a 2008 Class C Liquor Licensed Business, Located in Escrow at 327 Braun, from Eguchi Corporation to KVA, LLC and to Transfer the Location to 800 S. State and a Request for an Outdoor Service Area on a City Sidewalk - D/B/A Quickie Burger

CA-4 08-0774 Resolution to Approve the Transfer of all Interest in a 2008 Class C Liquor Licensed Business Located at 200 S. Main - D/B/A bd's Mongolian Barbeque

Passed on consent agenda

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

CA-1 08-0754 Resolution to Approve Purchase of Liquid Oxygen for Water Treatment from Air Liquide Industrial U.S. LP, Bid No. ITB-3948 (estimated \$86,800.00/yr)

Enactment No: R-08-353

CA-2 08-0762 Resolution Authorizing a Purchase Order to Washtenaw County for the City of Ann Arbor's Share of the Maintenance of the Shared 800 MHz Simulcast System (\$94,650.00)

Enactment No: R-08-354

CA-5 08-0767 Resolution to Accept Board of Insurance Administration Meeting Minutes of July 25, 2008

Enactment No: R-08-355

CA-3 08-0766 Resolution to Approve the Transfer of Ownership of a 2008 Class C Liquor Licensed Business, Located in Escrow at 327 Braun, from Eguchi Corporation to KVA, LLC and to Transfer the Location to 800 S. State and a Request for an Outdoor Service Area on a City Sidewalk - D/B/A Quickie Burger

A motion was made by Councilmember Easthope, seconded by Councilmember Rapundalo, that the resolution be adopted.

A motion was made by Councilmember Rapundalo, seconded by Councilmember Greden, that the Resolution be postponed until 9/22/2008. On a voice vote, the Mayor Pro Tem declared the motion carried.

CA-4 08-0774 Resolution to Approve the Transfer of all Interest in a 2008 Class C Liquor Licensed Business Located at 200 S. Main - D/B/A bd's Mongolian Barbeque

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

Enactment No: R-08-356

RECESS

The Mayor Pro Tem declared a recess at 9:37 p.m. and reconvened the meeting at 10:01 p.m.

B ORDINANCE - SECOND READING

None.

C ORDINANCE - FIRST READING

- C-1 08-0763** An Ordinance to Amend Chapter 55, Rezoning of 8.28 acres from PUD (Planned Unit Development District) to Revised PUD, Briarwood Lots 12 & 13, 1301 Briarwood Circle (CPC Recommendation: Approval - 8 Yeas and 1 Nay)

A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the Ordinance be Approved on First Reading to the City Council and should be returned by 9/22/2008. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-08-30

D MOTIONS AND RESOLUTIONS**DB Old Business**

- DB-1 08-0689** Resolution to Approve 42 North Site Plan, Development Agreement and Wetland Use Permit, 15.32 Acres, 1430 South Maple Road (CPC Recommendation: Approval - 7 Yeas and 1 Nay)

A motion was made by Councilmember Teall, seconded by Councilmember Anglin, that the Resolution be Approved.

** Staff to prepare a new Traffic Study to Council by 9/8/08.*

A motion was made by Councilmember Easthope, seconded by Councilmember Rapundalo, that the Resolution be postponed to the City Council and should be returned by 9/8/2008. On a voice vote, the Mayor Pro Tem declared the motion carried with one no-vote by Councilmember Lowenstein.

- DB-2 08-0688** Resolution to Approve Grace Bible Church Development Agreement, 1300 South Maple Road (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

A motion was made by Councilmember Lowenstein, seconded by Councilmember Teall that the resolution be approved.

A motion was made by Councilmember Rapundalo, seconded by Councilmember Anglin, that the Resolution be postponed until 9/8/2008. On a voice vote, the Mayor Pro Tem declared the motion carried with one no-vote by Councilmember Lowenstein.

DB-3 08-0718

Resolution to Approve 601 Forest Site Plan and Development Agreement, 2.05 Acres, 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.

More information was requested from staff and the petitioner regarding parking, traffic study and analysis of the wind study.

A motion was made by Councilmember Rapundalo, seconded by Councilmember Easthope, that the Resolution be postponed to the City Council, due on 10/6/2008. On a voice vote, the Mayor Pro Tem declared the motion carried with one no-vote made by Councilmember Lowenstein.

DC Old Business - Council:**DC-1 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 Land

Sponsors: Hieftje

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

Enactment No: R-08-357

Suspend Council Rules

A motion was made by Councilmember Rapundalo, seconded by Councilmember Greden, that Council Rules be suspended in order to allow Council to enter into Closed Session after 11:00 p.m. On a voice vote, the Mayor Pro Tem declared the motion carried.

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 Land

Sponsors: Hieftje

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

RESOLVED, That the Ann Arbor City Council propose that Section 14.3(b) of the City Charter be amended as follows:

Limitations on Contractual Power

Section 14.3

(b) The City shall not sell, WITHOUT THE APPROVAL BY A MAJORITY VOTE OF THE ELECTORS OF THE CITY VOTING ON THE QUESTION AT A REGULAR OR SPECIAL ELECTION, any CITY park or LAND IN THE CITY ACQUIRED FOR PARK, [purposes, and land outside the City acquired for development rights (whether or not currently designated as a park),] cemetery, or any part thereof. [except in accordance with restrictions imposed by law]

On a voice vote, the Mayor Pro Tem declared the motion carried.

Note: All Caps indicates new language, [] indicates deleted language.

Enactment No: R-08-357

Recess

The Mayor Pro Tem declared a recess at 11:18 p.m. and reconvened the meeting at 11:31 p.m.

Recess

The Mayor Pro Tem declared a recess at 11:37 p.m. and reconvened the meeting at 11:47 p.m.

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 Land

Sponsors: Hieftje

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

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]LAND

On a voice vote, the Mayor Pro Tem declared the motion carried.

Note: [] Indicates deleted language.

Enactment No: R-08-357

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 Land

Sponsors: Hieftje

The question being the resolution as amended, on roll call, the vote was as follows, with the Mayor Pro Tem declaring the motion carried:

Yeas: 8 - Councilmember Suarez, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Kunselman, Councilmember Teall, Councilmember Easthope, Councilmember Anglin, and Councilmember Briere

Nays: 2 - Councilmember Greden, and Councilmember Higgins

Absent: 1 - Mayor Hieftje

Enactment No: R-08-357

New Business - Boards and Commissions:

DS New Business - Staff:

DS-1 08-0742 Resolution to Authorize a Sole Source Purchase Order to Carrier & Gable, Inc. for the Purchase of Traffic Signal Materials (\$425,000.00)

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

Enactment No: R-08-358

DS-2 08-0764 Resolution to Approve of Amendment No. 3 to the Professional Services Agreement with Stantec (\$150,000.00) for Technical Engineering Services

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

Enactment No: R-08-359

DS-3 08-0770 Resolution to Approve Street Closings for the "Dancing In The Streets" Special Event - August 31, 2008

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

Enactment No: R-08-360

DS-4 08-0771 Resolution to Close North Fourth Avenue for the OutFest: Celebration - September 13, 2008

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

Enactment No: R-08-361

ROLL CALL

Present: 9 - Councilmember Ronald Suarez, Councilmember Stephen Rapundalo, Councilmember Joan Lowenstein, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Christopher S. Easthope, Councilmember Mike Anglin, and Councilmember Sabra Briere

Absent: 2 - Mayor John Hieftje, and Councilmember Leigh Greden

DS-5 08-0773

Resolution to Close N. Fourth Avenue and E. Ann Street for Ann Arbor India Fest - Sunday-Monday, September 14-15, 2008

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

Enactment No: R-08-362

DS-6 08-0796

Resolution to Approve the 2008 - 2011 Teamster Police Professional Assistants Collective Bargaining Agreement

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

Enactment No: R-08-363

ROLL CALL

Present: 8 - Councilmember Ronald Suarez, Councilmember Stephen Rapundalo, Councilmember Joan Lowenstein, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Christopher S. Easthope, Councilmember Mike Anglin, and Councilmember Sabra Briere

Absent: 3 - Mayor John Hieftje, Councilmember Leigh Greden, and Councilmember Margie Teall

E COMMUNICATIONS FROM THE MAYOR

E-1 08-0776 Nominations & Appointments

NOMINATIONS PLACED ON TABLE

Mayor Pro Tem Higgins placed the following nominations on the table for approval at a later date:

Sign Board of Appeals

Eleanore A. Adenekan (Filling Vacancy)

1958 Lindsay Lane

Ann Arbor, MI 48104

Term: August 18, 2008-August 18, 2011

Downtown Development Authority

Sandi Smith (Reappointment)

COMMUNICATIONS FROM COUNCIL

None.

F COMMUNICATIONS FROM CITY ADMINISTRATOR

F-1 08-0768 Second Quarter 2008 Investment Portfolio Report

Filed

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

H-1 08-0769 Communications from the Washtenaw County Board of Commissioners regarding a resolution to allow the County Administrator to sign a Cooperation Agreement with the City of Ann Arbor and a resolution to accept comments from the Washtenaw County Department of Planning and Environment Staff on the City of Ann Arbor Downtown Plan Amendment

H-2 08-0777 Communication from Governor Granholm regarding receipt of City Council's resolution in support of the Divided We Fail Campaign - File

H-3 08-0778 Communication from the University of Michigan Architecture, Engineering & Construction Division, regarding Murfin Road Easement Work - Notification of Breach - cc: Systems Planning

H-4 08-0805 Communication from Pittsfield Charter Township regarding a hearing notice of the rezoning Swift Run from AG (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development) for property generally bounded by Platt Road, Morgan Road, Stone School Road and Ellsworth Road - RZ#08-01 - Planning and Development Services

H-5 Communication from Adam Kochenderfer regarding opposition of the proposed 42 North Site Plan

H-6 Communication regarding Ronald L. Hughes and 601 Forest, L.L.C.

H-7 Communication from Eleanor Linn and Marc Gerstein regarding concerns with the 601 Forest Project

Filed

I The following minutes were received for file:

I-1 08-0772 Board of Review Minutes - July 22, 2008

Filed

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

None.

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

A motion was made by Councilmember Lowenstein, seconded by Councilmember Rapundalo, that Council enter into Closed session. On a roll call, the vote was as follows with the Mayor Pro Tem declaring the motion carried and the meeting recessed at 12:04 a.m.

Yeas: 8 - Councilmember Suarez, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Kunselman, Councilmember Higgins, Councilmember Easthope, Councilmember Anglin, and Councilmember Briere

Nays: 0

Absent: 3 - Mayor Hieftje, Councilmember Greden, and Councilmember Teall

ADJOURNMENT

A motion was made by Councilmember Suarez, seconded by Councilmember Briere, that the meeting be adjourned. On a voice vote, the Mayor Pro Tem declared the motion carried and the meeting adjourned at 12:44 a.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, AUGUST 18, 2008, 7:00 P.M.

REPLAYS: TUESDAY, AUGUST 19, 2008, 10:30 A.M. AND FRIDAY, AUGUST 22, 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**