

# City of Ann Arbor

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



## Action Minutes - Final

Monday, October 1, 2007

7:00 PM

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

**City Council**

**CALL TO ORDER**

*Mayor Hieftje called the regular session of Council to order at 7:07 p.m.*

**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 Robert M. Johnson, Councilmember Ronald Suarez, Councilmember Stephen Rapundalo, Councilmember Joan Lowenstein, Councilmember Stephen Kunselman, Councilmember Leigh Greden, Councilmember Marcia Higgins, Councilmember Christopher S. Easthope, and Councilmember Wendy A. Woods

**Absent:** 1 - Councilmember Margie Teall

**APPROVAL OF AGENDA**

**A motion was made by Councilmember Woods, seconded by Councilmember Greden, that the Agenda be Approved as presented. On a voice vote, the Mayor declared the motion carried.**

**INT INTRODUCTIONS****INT-1 [07-0175](#)**

Lead Poisoning Awareness and Prevention Week Proclamation

*Mayor Hieftje read a proclamation regarding Lead Poisoning Awareness and Prevention Week. A copy of the proclamation is on file in the City Clerk's Office.*

**This matter was 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 HAVE BEEN MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

1. Monica Martin - Maple Meadows

*Monica Martin, 2535 Russell Street, addressed Council regarding issues at Maple Meadows and asked Council for help with the problems at Maple Meadows.*

2. Tabitha Harris - South Meadows

*Tabitha Harris, 2535 Russell Street, expressed concern with the problems going on at Maple Meadows, as well as the fact that only residents of Maple Meadows can voice their concerns with issues in the Maple Meadows neighborhood.*

3. Thomas Partridge - End the War in Iraq and the Domestic War on our most Vulnerable People. Elect Senators Edwards and Obama to move Ann Arbor, Michigan, and America Forward.

*Thomas Partridge, 4220 Eyrie, addressed Council regarding the war in Iraq, and electing Senators Edwards and Obama to move Ann Arbor, Michigan, and America forward.*

4. Shuron Smith - S. Maple Traffic

*Shuron Smith, 2540 Ben Street, addressed Council regarding the fights and drug traffic at Maple Meadows and asked Council to force the Housing Commission to do their job.*

5. Michael Anglin - Proposed New Courts and Police Building

*Michael Anglin, 549 First St., addressed Council regarding the proposed new courts and police building. He asked that the decision to build the new building be put to a vote of the citizens of Ann Arbor.*

#### **PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**

##### **PH-1 [07-0129](#)**

An Ordinance to Amend Sections 1:271 through 1:275 and Sections 1:277 through 1:278 of Chapter 12, to Add a New Section 1:279 to Chapter 12 of Title I, to Amend Sections 1:281, 1:284, 1:286, 1:292 and 1:295 and to Delete Section 1:283 of Chapter 13 of Title I, and to Amend Section 5:148 of Chapter 58 of Title V of the Code of the City of Ann Arbor (Financing Local Public Improvements, Special Assessments and Territorial Annexations)

*A public hearing was conducted on the proposed amendment to Chapter 12, Sections 1:271 through 1:275 and Sections 1:277 through 1:278, adding a new Section 1:279 to Chapter 12, amending Sections 1:281, 1:284, 1:286, 1:292 and 1:295 and delete Section 1:283 of Chapter 13 and to amend Section 5:148 of Chapter 58(Financing Local public Improvements, Special Assessments and Territorial Annexations. Notice of public hearing was published September 30, 2007.*

*Tom Partridge, 4220 Eyrie, expressed concern with the content of public hearings on the agenda.*

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

**This matter was Held and Closed**

Enactment No: ORD-07-45

#### **COUNCIL PROPOSED BUSINESS**

*None.*

#### **COMMUNICATIONS FROM COUNCIL**

*Councilmember Kunselman*

*Councilmember Kunselman recognized events that took place over the weekend,*

*including [Dragonball] DRAGON BOAT Race, and the 150th Anniversary of Hutzel Heating and Cooling of Ann Arbor. HE ALSO NOTED THAT CLONLARA SCHOOL CELEBRATED THEIR 40TH YEAR ANNIVERSARY. (corrections made at the 10/15/07 Regular Session)*

*Councilmember Woods*

*Councilmember Woods noted the passing of Mrs. Daisy Evans and Mrs. Lucille Porter, two women who were instrumental in African American activities in Ann Arbor.*

*Councilmember Easthope*

*Councilmember Easthope reported that he and Councilmembers Rapundalo and Teall met with staff regarding the Sidewalk program. They are working with staff to improve or change the program and will continue to update Council on their progress.*

*Councilmember Higgins*

*Councilmember Higgins said that the grand opening of the William R. Wheeler Center was held over the weekend. She thanked Councilmember Johnson for cutting the ribbon on behalf of the Mayor's Office.*

*Mayor Hieftje*

*Mayor Hieftje announced that Council has asked the Police Department to enforce the law out at Maple Meadows and the police department has responded while still protecting civil rights. The Mayor also informed the public that the city is studying Huron Hills Golf Course. It is not the Mayor's intention to sell the golf course. If the space is not utilized as a golf course, it would make a nice park.*

## **REPORTS FROM COUNCIL COMMITTEES**

*Environmental Commission*

*Councilmember Woods announced that the Environmental Commission has vacant positions available. Citizens may contact Councilmembers if interested in an appointment.*

### **A APPROVAL OF COUNCIL MINUTES**

### **CA CONSENT AGENDA**

#### **Passed on consent agenda**

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

#### **CA-1 [07-0165](#)**

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-07-458

- CA-2 [07-0163](#) Resolution Authorizing a Contract with Rantoul Truck Center, LLC for the Rental of Five Rear Load Refuse Trucks (\$48,740.00)  
Enactment No: R-07-459
- CA-3 [07-0178](#) Resolution Authorizing Sanitary Sewer and Water Improvement Charges for 2969 Heather Way (\$5,582.14)  
Enactment No: R-07-460
- CA-4 [07-0197](#) Resolution to Approve the Sale of 1315 S. Seventh from Child and Family Services - Huron Service for Youth D/B/A HelpSource to Washtenaw Community Health Organization and to Approve the Assumption of a \$50,000.00 HOME Mortgage, Note and Housing Affordability Agreement  
Enactment No: R-07-461
- CA-7 [07-0214](#) Resolution to Approve Amendment No. 1 to the Third Party Administrator Services Agreement with The ASU Group (\$16,000.00)  
Enactment No: R-07-462

**Added After Newspaper Deadline:**

- CA-8 [07-0206](#) Resolution to Approve the Request from Firefly, LLC to Transfer Location of a 2007 Class C Liquor Licensed Business with a Dance Permit from 207-211 S. Ashley to 637 S. Main St. - D/B/A Firefly Club  
Enactment No: R-07-464

The following items were removed from the Consent Agenda and placed at the end of same:

- CA-5 [07-0170](#) Resolution to Approve the Transfer Ownership and Location of a 2007 Class C Liquor Licensed Business with Entertainment Permit, from Zeniada Spanish Restaurant and Lounge, LLC, to Legends Nightclub LLC - 210 S. Fifth Ave., Suites A, B, and C - D/B/A The 5th Quarter  
**A motion was made by Councilmember Rapundalo, seconded by Councilmember Lowenstein, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**  
Enactment No: R-07-463
- CA-6 [07-0171](#) Resolution to Approve a Request from Lonestar Steakhouse & Saloon of Michigan, Inc. to Transfer all Stock through a Merger in a 2006 Resort Class C Liquor Licensed Business, Located at 903 W. Eisenhower Parkway  
*City Clerk to report to Council on the length of time that a liquor license can remain in escrow.*  
**A motion was made by Councilmember Rapundalo, seconded by Councilmember Johnson, that the Resolution be Approved. On a voice vote,**

the Mayor declared the motion carried.

Enactment No: R-07-481

**B ORDINANCE - SECOND READING**

- B-1**     [07-0129](#)     An Ordinance to Amend Sections 1:271 through 1:275 and Sections 1:277 through 1:278 of Chapter 12, to Add a New Section 1:279 to Chapter 12 of Title I, to Amend Sections 1:281, 1:284, 1:286, 1:292 and 1:295 and to Delete Section 1:283 of Chapter 13 of Title I, and to Amend Section 5:148 of Chapter 58 of Title V of the Code of the City of Ann Arbor (Financing Local Public Improvements, Special Assessments and Territorial Annexations)

*Published 10/7/07; Effective 10/17/07*

**A motion was made by Councilmember Woods, seconded by Councilmember Johnson, that the Ordinance be Adopted as amended. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-07-45

**C ORDINANCE - FIRST READING**

- C-1**     [07-0189](#)     An Ordinance to Amend Chapter 55, Rezoning of 0.45 Acre from TWP (Township District) to R1A (Single-Family Dwelling District), Glaser Property, 3122 Geddes Avenue (Ord. No. ORD-07-45) (CPC Recommendation: Approval - 9 Years and 0 Nays)

*Public hearing scheduled 11/5/07*

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Lowenstein, that the Ordinance be approved on First Reading and should be returned by 11/5/2007. On a voice vote, the Mayor declared the motion carried.**

**D MOTIONS AND RESOLUTIONS**

**DC New Business - Council:**

- DC-1**     [07-0162](#)     Resolution Amending Resolution R-376-8-07 Regarding Outdoor Sales on Private Property During Football Saturdays

*\*\*Staff to submit an additional resolution expanding to Edgewood.*

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

Enactment No: R-07-465

**A motion was made by Councilmember Higgins, seconded by Councilmember Greden, that the Resolution be Postponed . On a roll call, the vote was as follows with the Mayor declaring the motion defeated.**

**Yeas:** 2 - Councilmember Greden, and Councilmember Higgins

**Nays:** 8 - Mayor Hieftje, Councilmember Johnson, Councilmember Suarez, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Kunselman, Councilmember Easthope, and Councilmember Woods

**Absent:** 1 - Councilmember Teall

Enactment No: R-07-465

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

Enactment No: R-07-465

Added After Newspaper Deadline:

**DC-2**    [07-0215](#)    Resolution Supporting HB 4774 To Allow In-Person Voter Registration At Any City, County Or Township Clerk’s Office

**Sponsors:**        Greden and Easthope

**A motion was made by Councilmember Greden, seconded by Councilmember Easthope, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried unanimously.**

Enactment No: R-07-466

**D        Old Business**

**DB-1**    [07-0136](#)    Resolution to Approve Packard Marketplace Planned Project Site Plan and Development Agreement, 0.68 Acre, 3111 Packard Road (CPC Recommendation: Motion to Approve Failed - 1 Yea and 6 Nays).

**A motion was made by Councilmember Kunselman, seconded by Councilmember Greden, that the Resolution/Public Hearing be Approved as Amended.**

Enactment No: R-07-467

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

**Add to the Development Agreement:**

**P 22: All exterior lighting fixtures shall have only lenses and or reflectors that point down.**

**On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-07-467

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

**Add New Third Resolved Clause:**

**RESOLVED, THAT THE CITY ADMINISTRATOR SHALL DIRECT CITY STAFF TO INSTALL APPROPRIATE SIGNAGE RESTRICTING TRUCK USEAGE OF NORWOOD, ELMWOOD, AND MAPLEWOOD STREETS, PURSUANT TO CITY**

ORDINANCE, AND THAT SUCH SIGNS SHALL BE PLACED AT THE FOLLOWING LOCATIONS: (1) NORWOOD STREET EASTBOUND, NEAR PLATT RD.; (2) ELMWOOD STREET NORTHBOUND, NEAR PACKARD RD., AND (3) MAPLEWOOD STREET NORTHBOUND, NEAR PACKARD RD.

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

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

Enactment No: R-07-467

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

None.

**DS New Business - Staff:**

**DS-1**    [07-0180](#)    Resolution to Approve a Change Order with Bidigare Contractors, Inc. for 2006 Curb Drain Construction Project (\$1,815,491.00)

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

Enactment No: R-07-468

**DS-2**    [07-0161](#)    Resolution to Award a Contract for Removal and Marketing of Water Treatment Plant Residual Limestone Bid No. 3894 (\$279,400.00)

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

Enactment No: R-07-469

**DS-3**    [07-0168](#)    Resolution to Approve a Construction Contract with Bloom Roofing Systems for Roof Replacements and Repairs for Various Recreation Facilities and Fire Station #4, per Bid No. 3895, in the amount of \$261,000.00, Appropriate \$201,300.00 from the Park Rehabilitation and Development Millage Fund Balance, Amend the FY08 General Fund Budget by Appropriating Carry Over Funds from FY07 and to Establish a Total Construction Project Budget of \$284,300.00 **(8 Votes Required)**

**A motion was made by Councilmember Woods, seconded by Councilmember Rapundalo, 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-07-470

**DS-4**    [07-0179](#)    Resolution to Amend the FY08 Water Supply System, Sewage Disposal System, Insurance Fund, Fleet Fund and General Fund Budgets by Appropriating Carry Over Funds from FY07 (\$131,906 Water; \$50,000

Sewer; \$50,000 Insurance Fund and \$133,527 Fleet Fund) (8 votes required)

**A motion was made by Councilmember Greden, seconded by Councilmember Lowenstein, 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-07-471

**DS-5**    [07-0166](#)

Resolution to Approve Amendment No. 1 to the Professional Services Agreement with CDM Michigan, Inc. for the Footing Drain Disconnection Program (\$191,340.00)

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

Enactment No: R-07-472

**DS-6**    [07-0191](#)

Resolution to Allocate \$415,000.00 in HOME Funds to Avalon Second Nonprofit Housing Corporation for the Acquisition and Rehabilitation of 819 Third St and to Approve the Affordable Housing Covenant (\$415,000.00 HOME Funds)

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

Enactment No: R-07-473

**DS-7**    [07-0193](#)

Resolution to Allocate \$355,000 in HOME Funds to Avalon Second Nonprofit Housing Corporation for the Acquisition and Rehabilitation of 1675-1677 Broadway and to Approve the Affordable Housing Covenant (\$355,000 HOME Funds)

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

Enactment No: R-07-480

**DS-8**    [07-0195](#)

Resolution to Approve a Construction Contract with Cameron Contracting in the Amount of \$135,832.58 for Bandemer Park Site Renovations, Per Bid #3892, and Establish a Total Construction Project Budget of \$149,415.58

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

Enactment No: R-07-474

**DS-9**    [07-0196](#)

Resolution to Carry Forward Unexpended Balance of FY 07 Office of Community Development General Fund Budget and Reallocate the Funds

to the Office of Community Development General Fund Budget to be Spent on Human Service Agencies in FY 08 (\$10,000.00) (8 Votes Required)

**A motion was made by Councilmember Greden, seconded by Councilmember Rapundalo, 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-07-475

**DS-10** [07-0202](#)

Resolution Granting an Easement for the construction of an underground natural gas service pipeline to Michigan Consolidated Gas Company (Located at the W.R. Wheeler Service Center) (8 votes required)

**A motion was made by Councilmember Rapundalo, seconded by Councilmember Lowenstein, 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-07-476

**DS-11** [07-0190](#)

Resolution Accepting Easement for the Construction and Maintenance of Headwall located in Mallett's Creek Culvert under S. State Street from Waterworks Plaza, LP (3131 S. State Street) (8 votes required)

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

Enactment No: R-07-477

**DS-12** [07-0182](#)

Resolution Authorizing Summary Publication of Ordinance No. ORD-07-45 - Amendments to Chapters 12, 13 and 58 (Finance Local Public Improvements, Special Assessments and Territorial Annexations)

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

Enactment No: R-07-478

Added After Newspaper Deadline:

**DS-13** [07-0188](#)

Resolution to Approve the 2005 - 2009 Ann Arbor Police Officers Association for Community Services Assistants And Professional Services Assistants Collective Bargaining Agreement

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

Enactment No: R-07-479

**E COMMUNICATIONS FROM THE MAYOR****E-1 [07-0217](#) Appointments - Confirmations**

*Energy Commission, Commission on Disability Issues, Economic Development Corporation Board, Leslie Science & Nature Center Board of Directors, Local Officers Compensation Commission, Public Market Advisory Commission, Urban County Taskforce*

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

**E-2 [07-0218](#) Appointments - Nominations**

*Energy Commission, Recreation Advisory Commission*

**This matter was Received and Filed**

**F COMMUNICATIONS FROM CITY ADMINISTRATOR**

None.

**G COMMUNICATIONS FROM CITY ATTORNEY**

*City Attorney Stephen Postema updated Council on easement negotiations.*

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

**A motion was made by Councilmember Woods, seconded by Councilmember Johnson, that the Clerk's Report be Approved as presented. On a voice vote, the Mayor declared the motion carried.**

**H The following communications were referred as indicated:****H-1 [07-0194](#) Communication from Sandra Elser of Bodman Attorneys & Counselors regarding Notice of Intent to Establish a Condominium Project - third and Jefferson Condominiums - Planning and Development Services****I The following minutes were recieved for file:****Passed on consent agenda**

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

**I-1 [07-0173](#) City of Ann Arbor Employees' Retirement System - September 20, 2007****I-2 [07-0174](#) City of Ann Arbor Retiree Health Care Benefit Plan & Trust Board of Trustees - September 20, 2007**

I-3      [07-0200](#)      Community Development Waiver and Review Board Minutes - August 8, 2007

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

Thomas Partridge - Election

*Thomas Partridge, 4220 Eyrie, called on all democratic people in the Sate and the Nation to nominate and elect Senator Edwards and Obama for President and Vice President of the United States.*

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

**A motion was made by Councilmember Woods, seconded by Councilmember Rapundalo, that the Council enter into Closed session at 8:39 p.m . On roll call, the vote was as follows with the Mayor declaring the motion carried.**

**Yeas:** 10 - Mayor Hieftje, Councilmember Johnson, Councilmember Suarez, Councilmember Rapundalo, Councilmember Lowenstein, Councilmember Kunselman, Councilmember Greden, Councilmember Higgins, Councilmember Easthope, and Councilmember Woods

**Nays:** 0

**Absent:** 1 - Councilmember Teall

**A motion was made by Councilmember Johnson, seconded by Councilmember Suarez, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 8:57 p.m.**

**ADJOURNMENT**

**A motion was made by Councilmember Greden, seconded by Councilmember Lowenstein, that the meeting be Adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:57 p.m.**

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

**LIVE: MONDAY, OCTOBER 1, 2007, 7:00 P.M.**

**REPLAYS: TUESDAY, OCTOBER 2, 2007, 10:00 A.M. AND FRIDAY, OCTOBER 5, 2007 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.**