

UNEDITED DRAFT

ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - MONDAY, DECEMBER 18, 2006

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:00 p.m. in the City Hall Council Chamber, 100 N. Fifth Ave, Ann Arbor, Michigan.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Ronald Suarez, Robert M. Johnson, Joan Lowenstein, Stephen Rapundalo, Stephen Kunselman, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Councilmember Woods moved, seconded by Councilmember Teall, that the agenda be approved with the following changes:

INTRO - INTRODUCTIONS

Add: Intro-1 Allen Creek Greenway Report – Peter Pollack **(Added 12/18/06)**

D – MOTIONS AND RESOLUTIONS

Added After Newspaper Deadline:

Add: DC-2 Resolution Consenting to the Transfer of Employment from the City Of Ann Arbor to the Charter Township of Pittsfield, Michigan (Re: Midwest Eye-Banks) (Councilmember Johnson) **(Added 12/15/06)**

- Add: DS-3 Resolution to Authorize Renewal of the Lease for 40 Apartments at Tuscan Creek Apartments (\$52,084.00) and to Authorize an Amendment to the Service Contract with Washtenaw Community Health Organization (\$60,000.00) to Extend the Temporary Housing Program through April, 2007 (Community Services - Jayne Miller, Area Administrator) **(Added 12/15/06)**
- Add: DS-4 Resolution to Approve a Housing Rehabilitation Agreement, Housing Affordability Agreement, Mortgage, Note and Subordination Agreement with Parkhurst Apartments, Limited Dividend Housing Association Limited Partnership for Parkhurst Apartments at 1500 Pauline (\$186,419.00 CDBG and \$300,000.00 CDBG) (Community Development - Jayne Miller, Community Services Area Administrator) **(Added 12/15/06)**

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

INTRODUCTIONS

ALLEN CREEK GREENWAY TASKFORCE REPORT

Peter Pollack presented the completed Greenway Task Force Report to Council. The Task Force is very supportive of a greenway within the floodway at a minimum, said Pollack.

The Mayor thanked Mr. Pollack and the task force for their work. Further review of the report will occur at an upcoming working session of Council. (A copy of the report is in file in the City Clerk's Office.)

PUBLIC COMMENTARY - RESERVED TIME

LAUREL FEDERBUSH – DIVESTMENT FROM ISRAEL

Laurel Federbush, 2000 Anderson Court, urged Council to pass the Human Rights Commission resolution to divest from Israel.

THOMAS PARTRIDGE – PROTECTING AMERICA'S MOST VULNERABLE

Thomas Partridge, 4220 Erie, addressed Council regarding protection for America's most vulnerable people.

HENRY HERSKOVITZ – PALESTINE

Henry Herskovitz, 404 Mark Hannah Place, addressed Council regarding his recent arrest and accusations that he disrupted a speech at the University of Michigan. Mr. Herskovitz stated he was arrested for protecting another woman.

DAVID BOYLE – DARFUR

David Boyle, member of the audience, addressed Council regarding public access to City meetings, including live web casting. Mr. Boyle also asked Council for help to end the holocaust in Darfur.

NON-MOTORIZED TRANSPORTATION PLAN

The following people spoke in support of the proposed Non-Motorized Transportation Plan:

Erica Briggs, member of GetDowntown program
Kris Talley, member of the audience

PUBLIC HEARINGS

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER EASTHOPE

Councilmember Easthope announced that he attended the National League of Cities convention. He suggested that the City send a bigger representation next year as the conference provides very useful information and resources, as well as networking opportunities.

REPORTS FROM COUNCIL COMMITTEES

A2D2 COMMITTEE

Councilmember Higgins announced that a report from A2D2 was submitted. The report addresses current committee initiatives and future plans.

APPROVAL OF COUNCIL MINUTES

MINUTES OF NOVEMBER 27, DECEMBER 2 AND 4, 2006 APPROVED

Councilmember Rapundalo moved, seconded by Councilmember Kunselman, that the special session minutes of November 27, 2006, the Council retreat session of December 2, 2006 and the regular session minutes of December 4, 2006 be approved as presented.

Councilmember Higgins requested that the City Administrator provide Council with a written synopsis regarding the goals discussed at the retreat on December 2, 2006.

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

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

Councilmember Woods moved, seconded by Councilmember Teall, that the following Consent Agenda items be approved as presented:

R-511-12-06 APPROVED

(RESOLUTION TO APPROVE A GRANT CONTRACT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION, INCLUDING THE TERMS AND CONDITIONS OF ACCEPTING AIRPORT IMPROVEMENT PROGRAM GRANTS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR THE DESIGN AND CONSTRUCTION ENGINEERING SERVICES OF A NEW SNOW REMOVAL EQUIPMENT STORAGE AND MAINTENANCE BUILDING FOR THE ANN ARBOR MUNICIPAL AIRPORT)

R-512-12-06 APPROVED

(RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH URS CORPORATION GREAT LAKES FOR THE DESIGN AND CONSTRUCTION ENGINEERING SERVICES OF A NEW SNOW REMOVAL EQUIPMENT STORAGE AND MAINTENANCE BUILDING FOR THE ANN ARBOR MUNICIPAL AIRPORT)

R-513-12-06 APPROVED

(RESOLUTION TO APPROVE LICENSE AGREEMENT WITH METROPCS MICHIGAN INC., D/B/A METROPCS TO ERECT AND USE TELECOMMUNICATIONS EQUIPMENT ON THE MANCHESTER WATER TOWER SITE)

R-514-12-06 APPROVED

(RESOLUTION TO APPROVE A CONTRACT EMPLOYMENT AGREEMENT WITH FRANCIE KRAWCKE FOR SERVICES IN CONNECTION WITH THE RAPTOR PROGRAM AT THE LESLIE SCIENCE CENTER)

R-515-12-06 APPROVED

(RESOLUTION TO APPROVE A CHANGE ORDER TO THE CONTRACT WITH MARGOLIS COMPANIES, INC., BID NO. 3803 - IMPROVEMENTS AT LANSDOWNE PARK IN THE AMOUNT OF \$4,197.00)

R-516-12-06 APPROVED

(RESOLUTION TO APPROVE A HOUSING REHABILITATION AGREEMENT WITH COMMUNITY HOUSING ALTERNATIVES NONPROFIT HOUSING CORPORATION FOR 1911 AND 1913 DEXTER AVE.)

R-517-12-06 APPROVED

(RESOLUTION TO APPROVE AN AMENDMENT TO THE PREVIOUSLY APPROVED HOUSING REHABILITATION AGREEMENT, R-436-10-06, WITH MINNETTE BURKS)

R-518-12-06 APPROVED

(RESOLUTION TO APPROVE AN AGREEMENT BETWEEN THE CITY OF ANN ARBOR AND THE WASHTENAW COUNTY PUBLIC HEALTH DEPARTMENT FOR THE ESTABLISHMENT OF A DISTRIBUTION NODE DURING A PUBLIC HEALTH EMERGENCY)

The question being the foregoing Consent Agenda items as presented, on a voice vote, the Mayor declared the motion carried.

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

47-06 APPROVED

BARTON GREEN ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 31.93 acres, located on the west side of Pontiac Trail, north of Skydale Drive, from TWP (Township District) to R4A (Multiple-Family Dwelling District). (The complete text of Ordinance 47-06 is on file in the City Clerk's Office.)

Councilmember Higgins moved, seconded by Councilmember Teall, that the ordinance be approved at first reading.

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

MOTIONS AND RESOLUTIONS

POSTPONED

(RESOLUTION TO APPROVE THE FY 2007-2008 AND FY 2008-2009 HUMAN SERVICE FUNDING PRIORITIES AND CATEGORIES)

Councilmember Rapundalo moved, seconded by Councilmember Lowenstein, that the resolution be adopted.

Councilmember Rapundalo moved, seconded by Councilmember Greden, to postpone the resolution until January 22, 2007.

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

R-519-12-06 APPROVED

(RESOLUTION CONSENTING TO THE TRANSFER OF EMPLOYMENT FROM THE CITY OF ANN ARBOR TO THE CHARTER TOWNSHIP OF PITTSFIELD, MICHIGAN (RE: MIDWEST EYE-BANKS))

Councilmember Johnson moved, seconded by Councilmember Woods, that the resolution be adopted.

Councilmember Greden recused himself from voting and discussion of this resolution.

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

R-520-12-06 APPROVED

(RESOLUTION TO APPROVE THE PURCHASE OF AND APPROPRIATE FUNDS FOR THE ACQUISITION OF THE STEPHEN AND BARBARA A. ANDRES PARCELS ADJACENT TO EVERGREEN PARK FROM THE OPEN SPACE AND PARKLAND PRESERVATION BOND PROCEEDS IN THE AMOUNT OF \$162,000.00)

Councilmember Johnson moved, seconded by Councilmember Woods, that the resolution be adopted.

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

POSTPONED

(RESOLUTION TO APPROVE NON-MOTORIZED TRANSPORTATION PLAN)

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Non-motorized Transportation Plan.

Councilmember Rapundalo moved, seconded by Councilmember Johnson, that the resolution be adopted.

Councilmember Higgins moved, seconded by Councilmember Rapundalo, to postpone the resolution until January 8, 2007 in order to establish a public hearing for the same date and provide an opportunity for public input.

On roll call, the vote was as follows:

Yeas, Councilmembers Teall, Higgins, Easthope, Woods, Suarez, Rapundalo, 6;

Nays, Councilmembers Johnson, Lowenstein, Greden, Kunselman, Mayor Hieftje, 5.

The Mayor declared the motion carried.

Council requested that staff members provide Council with annual progress reports on the Plan.

Council requested that all future master planning document resolutions include a public hearing at Council as part of the process.

R-521-12-06 APPROVED

(RESOLUTION TO SUPPORT SCIO TOWNSHIP'S GRANT APPLICATION TO THE MICHIGAN PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM FOR THE PURCHASE OF DEVELOPMENT RIGHTS ON THE KEVIN AND STACY WING FARM IN SCIO TOWNSHIP AND TO APPROVE MATCHING FUNDS IN THE AMOUNT OF \$1,000,000.00)

Councilmember Johnson moved, seconded by Councilmember Woods, that the resolution

be adopted.

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

POSTPONED

(RESOLUTION TO APPROVE A CONTRACT WITH THE CONSERVATION FUND IN THE AMOUNT OF \$235,105.00 FOR PROFESSIONAL SERVICES TO PROVIDE PROGRAM ADMINISTRATION FOR THE GREENBELT AND PARKLAND ACQUISITION MILLAGE PROGRAM PER BID #645 AND ESTABLISH A TOTAL PROJECT BUDGET OF \$258,616.00 FOR YEAR ONE AND TWO, ONE-YEAR RENEWAL OPTIONS WITH A TOTAL PROJECT BUDGET OF \$272,850.00 FOR THE FIRST RENEWAL YEAR AND \$286,534.00 FOR THE SECOND RENEWAL YEAR)

Councilmember Johnson moved, seconded by Councilmember Easthope, that the resolution be adopted.

Councilmember Johnson moved, seconded by Councilmember Rapundalo, to postpone the resolution until January 8, 2007.

Councilmembers requested that staff provide more information regarding Conservation Fund expenses, including travel, supplies and office space usage.

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

R-522-12-06 APPROVED

(RESOLUTION TO APPROVE THE PURCHASE OF ELGIN WATERLESS STREET SWEEPER FROM BELL EQUIPMENT COMPANY)

Councilmember Greden moved, seconded by Councilmember Teall, that the resolution be adopted.

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

R-523-12-06 APPROVED

(RESOLUTION TO AUTHORIZE RENEWAL OF THE LEASE FOR 40 APARTMENTS AT TUSCAN CREEK APARTMENTS (\$52,084) AND TO AUTHORIZE AN AMENDMENT TO THE SERVICE CONTRACT WITH WASHTENAW COMMUNITY HEALTH ORGANIZATION (\$60,000) TO EXTEND THE TEMPORARY HOUSING PROGRAM THROUGH APRIL, 2007)

Councilmember Rapundalo moved, seconded by Councilmember Teall, that the resolution be adopted.

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

R-524-12-06 APPROVED AS AMENDED

(RESOLUTION TO APPROVE A HOUSING REHABILITATION AGREEMENT, HOUSING AFFORDABILITY AGREEMENT, MORTGAGE, NOTE AND SUBORDINATION AGREEMENT WITH PARKHURST APARTMENTS, LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP FOR PARKHURST APARTMENTS AT 1500 PAULINE)

Councilmember Higgins moved, seconded by Councilmember Teall, that the resolution be adopted.

RECESS FOR CLOSED SESSION

Councilmember Higgins moved, seconded by Councilmember Rapundalo, that the regular session of Council be recessed for a closed session to discuss pending litigation and attorney client privileged communication.

On roll call, the vote was as follows:

Yeas, Councilmembers Kunselman, Greden, Teall, Higgins, Easthope, Woods, Suarez, Johnson, Lowenstein, Rapundalo, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 8:47 p.m.

Councilmember Rapundalo moved, seconded by Councilmember Johnson, that the regular session of Council be reconvened.

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:16 p.m.

Councilmember Rapundalo moved, seconded by Councilmember Greden, to amend the resolution as follows:

5th RESOLVED Clause:

...RESOLVED, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP shall meet the following conditions prior to the release of any City funds:

1. Parkhurst Apartments LP shall provide the City with a market-based appraisal, acceptable to the City Attorney and Office of Community Development, valuing the Parkhurst property at a minimum of ~~\$2,931,540~~ **2,706,540.00**

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.

The resolution as amended reads as follows:

(RESOLUTION TO APPROVE A HOUSING REHABILITATION AGREEMENT,
HOUSING AFFORDABILITY AGREEMENT, MORTGAGE, NOTE AND
SUBORDINATION AGREEMENT WITH PARKHURST APARTMENTS,
LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP
FOR PARKHURST APARTMENTS AT 1500 PAULINE)

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the December 4, 2006 regular session of Council:

Cable Communications Commission

Jeffrey Meyers Filling vacant position
1503 Granger Ave.
Ann Arbor, MI 48104
Term: December 18, 2006- December 18, 2009

Employees' Retirement System Board of Trustees

Alexa Nerdrum Replacing- Phil Zepeda
3176 Lakewood Dr.
Ann Arbor, MI 48103
Term: December 31, 2006- December 31, 2009

Robert N. Pollock Re-appointment
2038 Winsted
Ann Arbor, MI 48103
Term: December 31, 2006- December 31, 2009

Councilmember Greden moved, seconded by Councilmember Suarez, that Council concur with the recommendations of the Mayor.

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

NOMINATIONS PLACED ON TABLE

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

Ann Arbor Commission on Art in Public Places

Cathy Gendron Replacing Sean Ulmer
2965 Hickory Lane
Ann Arbor, MI 48104
Term: January 8, 2007- December 31, 2010

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Michigan State University Extension regarding the November 2006 Issue of "Bringing Knowledge to Life in Washtenaw County"
2. Communication from The Concannon Company regarding the proposed development and sale West Town Condominiums - Planning and Development Services
3. Communication from S.E.M.C.O.G. regarding their Regional Update of November 27, 2006 – Vol. 11, No. 24
4. Communication from the Washtenaw County Department of Planning & Environment (Brownfield Redevelopment Program) regarding applying for a \$200,000.00 EPA Community Wide Brownfields Hazardous Substance Assessment Grant - Planning and Development Services
5. Communication from the Law Offices of Conlin, McKenney & Philbrick, P.C. regarding notice of Intent to Establish Condominium Project located at 101 W. Liberty Street and 303 S. Main Street - Planning and Development Services
6. Communication from County Clerk regarding appointment of members to the Washtenaw County/City of Ann Arbor Community Corrections Advisory Board

The following minutes were received for file:

1. Environmental Commission – September 28, 2006
2. Planning Commission – October 5 and 17, 2006

Councilmember Teall moved, seconded by Councilmember Johnson, that the Clerk's Report be accepted.

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

PUBLIC COMMENTARY - GENERAL

PURCHASE OF DEVELOPMENT RIGHTS ON THE KEVIN AND STACY WING FARM IN SCIO TOWNSHIP

Diane McCowen, 4680 Willow Brook, expressed concern with the PDR application for the Wing Farm that was approved tonight. Ms. McCowen asked that Council look into this application and the Wings' location of a cellular tower on their property.

Ed Rice expressed concern with the proposed PDR grant for the Wing Farm considering the cell tower that is planned to be erected on the property.

MIKE NAUGHTON – NON-MOTORIZED PLAN

Mike Naughton addressed Council regarding the non-motorized transportation plan. He expressed concern that the plan only addresses bike plans. He stated the plan is not a comprehensive non-motorized plan, but a plan for bike paths.

THOMAS PARTRIDGE – GIVE A GIFT AT CHRISTMAS OF AFFORDABLE HOUSING TO VULNERABLE PEOPLE

Thomas Partridge, addressed council regarding affordable housing and the most vulnerable citizens.

ADJOURNMENT

There being no further business to come before Council, it was moved by Councilmember Kunselman that the meeting be adjourned.

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:31 p.m.

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary