



City of Ann Arbor

Meeting Minutes

City Council

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

Monday, December 3, 2007

7:00 PM

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

CALL TO ORDER

The Mayor called the meeting to order at 7:05 p.m.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

Present: 10 - Mayor John Hieftje, Councilmember Ronald Suarez, Councilmember Stephen Rapundalo, Councilmember Joan Lowenstein, Councilmember Stephen Kunselman, Councilmember Leigh Greden, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, and Councilmember Sabra Briere

Absent: 1 - Councilmember Christopher S. Easthope

APPROVAL OF AGENDA

A motion was made by Councilmember Teall, seconded by Councilmember Rapundalo, that the Agenda be Approved with changes. On a voice vote, the Mayor declared the motion carried.

ORGANIZATION OF NEW COUNCIL

A motion was made by Councilmember Higgins, seconded by Councilmember Rapundalo, that the Organization of New Council be Approved.

Councilmember Briere moved, seconded by Councilmember Suarez, that the adoption of Council Rules be postponed until December 17, 2007. The motion was withdrawn.

The question being the Organization of New Council as presented, on a voice vote, the Mayor declared the motion carried.

1. [07-0862](#) Appointment of Council Committees
2. [07-0859](#) Adoption of Council Rules

INT INTRODUCTIONS

- Int-1 [07-0649](#) James P. Frenza Proclamation

Mayor Hieftje read a proclamation honoring James P. Frenza in celebration of his significant contributions to the Ann Arbor Community. 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. Milt Baker - Acquisition of Narrow Gauge Woods
Milt Baker, 628 Green Road, spoke in support of the proposed acquisition of Narrow Gauge Woods.

2. Kermit Schlansker - Research
Kermit Schlansker, 2960 Marshall Street, addressed Council regarding Governor Granholm's State-sponsored Alternative Energy Center. He asked that Council form a committee to research the program and receive local input.

3. Tony Embree - Purchase of Narrow Gauge Woods
Tony Embree, 700 Watershed Drive, spoke in support of the proposed purchase of Narrow Gauge Woods.

4. Choonboon Tan - Student Observations about City Council
Choonboon Tan, a student at U of M, expressed concern regarding the perceived lack of interest by the Council during public commentary and the lack of interaction between Council and the public at this time.

5. Beryl Stimson - Acquisition of Narrow Gauge Woods
Beryl Stimson, 685 Green Rd., spoke in support of the proposed acquisition of Narrow Gauge Woods.

6. Mary Salley - Narrow Gauge Woods
Mary Salley, 780 Watershed, spoke in support of the proposed acquisition of Narrow Gauge Woods.

7. Claire Tinkerhess - Backyard Chickens
Claire Tinkerhess, 621 Minor Street, addressed Council regarding the possibility of raising chickens in residents' backyards. She asked Council to consider revisiting the laws that restrict chickens in the backyard.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-1** [07-0270](#) An Ordinance to Amend Chapter 55, Rezoning of 0.14 Acre from TWP (Township District) to R1D (Single-Family Dwelling District), Powell Property, West Side of Westover Avenue, North of Rhea Street (Lot

71, Westover Hills Subdivision) (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (Ordinance No. ORD-07-48)

Seeing no one present for comment, the Mayor declared the public hearing closed.

Enactment No: ORD-07-48

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM COUNCIL

Councilmember Higgins - Comcast Channel Line Up Changes

Councilmember Higgins announced that Comcast would be moving channels 16, 17, 18 and 19 up in the channel line-up to the 900 channels, which are digital access only. Anyone with basic cable will have to have a digital converter after January 15, 2008 in order to view these channels in the future. Comments, questions and or concerns can be made to the Cable Commission.

Councilmember Kunselman - "For Rent" Banners

Councilmember Kunselman said that he has received complaints from constituents regarding "For Rent" banners showing up in neighborhoods. He wanted the public to know that Council is aware of the issue and that the City Attorney would be looking into the matter to be sure that the Sign Ordinance is not being violated.

REPORTS FROM COUNCIL COMMITTEES

None.

A APPROVAL OF COUNCIL MINUTES

Passed on consent agenda

A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the minutes of November 13 and November 19, 2007 be approved as presented. On a voice vote, the Mayor declared the motion carried.

A-1 [07-0674](#) Working Session of November 13, 2007

A-2 [07-0692](#) Regular Session of November 19, 2007

CA CONSENT AGENDA

The following items were removed from the consent agenda and placed at the end of same:

CA-2 Resolution to Authorize Renewal Agreement with Recycle Ann Arbor for drop-off Station Maintenance Costs (20,000.00 for Two-Year Contract Renewal)

CA-4 Resolution to Authorize Two-Year Renewal Agreement with Washtenaw County, Pittsfield Township and Recycle Ann Arbor for Funding the Drop-off station Services for Citizens and Businesses (\$60,000.00 for Two-Year Contract)

Passed on consent agenda

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

- CA-1 [07-0302](#) Resolution Authorizing Sanitary Sewer and Water Improvement Charges for 3891 Platt Road (\$11,631.59)
Enactment No: R-07-576
- CA-3 [07-0480](#) Resolution to Approve a Service Purchase Order with DTE Energy for Reimbursement of Costs to Relocate and Install a New Natural Gas Meter at the Wastewater Treatment Plant (\$49,475.00)
Enactment No: R-07-577
- CA-5 [07-0651](#) Resolution to Amend Previously Approved R-388-8-07 Resolution Authorizing Water Improvement Charges for 196 Orchard Hills Court (\$8,578.22)
Enactment No: R-07-578
- CA-6 [07-0680](#) Resolution to approve an amendment to the agreement with Plante & Moran, PLLC for professional services (\$54,500.00 Amendment/ 85,000 total contract)
Enactment No: R-07-579
- CA-2 [07-0474](#) Resolution to Authorize Renewal Agreement with Recycle Ann Arbor for Drop-off Station Maintenance Costs (\$20,000.00 for Two-Year Contract Renewal)
A motion was made by Councilmember Teall, seconded by Councilmember Kunselman, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-07-580
- CA-4 [07-0635](#) Resolution to Authorize Two-Year Renewal Agreement with Washtenaw County, Pittsfield Township and Recycle Ann Arbor for Funding the Drop-off Station Services for Citizens and Businesses (\$60,000.00 for Two Year Contract)
A motion was made by Councilmember Kunselman, seconded by Councilmember Teall, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-07-581

B ORDINANCE - SECOND READING

- B-1 [07-0270](#) An Ordinance to Amend Chapter 55, Rezoning of 0.14 Acre from TWP (Township District) to R1D (Single-Family Dwelling District), Powell Property, West Side of Westover Avenue, North of Rhea Street (Lot 71, Westover Hills Subdivision) (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (Ordinance No. ORD-07-48)

A motion was made by Councilmember Lowenstein, seconded by Councilmember Teall, that the Ordinance be Adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-07-48

C ORDINANCE - FIRST READING

- C-1 [07-0347](#) Amendment to Chapter 55, Rezoning of 1.15 Acres from C2A (Central Business District) and C2B/R (Business/Service Residential District) to PUD (Planned Unit Development District), McKinley Towne Centre-Liberty Retail, 515 East Liberty Street (CPC Recommendation: Approval - 6 Yeas and 2 Nays)

Public hearing scheduled 1/7/08

A motion was made by Councilmember Lowenstein, seconded by Councilmember Briere, that the Ordinance be Approved on First Reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-07-50

- C-2 07-0880 Resolution to Approve the Transfer of Ownership of a 2007 Class C Liquor Licensed Business with Dance-Entertainment Permit Located in Escrow at 309 S. Main, from 115 W. Washington, Inc. to Shaw Restaurants II, Inc. - D/B/A The Melting Pot

Public hearing scheduled 1/7/08

A motion was made by Councilmember Teall, seconded by Councilmember Lowenstein, that the Ordinance be Approved on First Reading. On a voice vote, the Mayor declared the motion carried.

Passed on consent agenda

A motion was made by Councilmember Higgins, seconded by Councilmember Teall, to Approve the followings ordinances together. The Mayor delclared the motion carried.

- C-3 [07-0615](#) Amendment to Chapter 55, Rezoning of 0.58 Acre from TWP (Township District) to R1C (Single-Family Dwelling District), Dec Property, 135 Barton Drive (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

Public hearing scheduled 1/7/08

Enactment No: ORD-07-52

- C-4** [07-0617](#) Amendment to Chapter 55, Rezoning of 1.88 Acres from TWP (Township District) to R1B (Single-Family Dwelling District), Delcamp Property, 3671 Riverside Drive (CPC Recommendation: Approval - 6 Yeas and 1 Nay)
Public Hearing scheduled 1/7/08
Enactment No: ORD-07-53
- C-5** [07-0618](#) Amendment to Chapter 55, Rezoning of 0.99 Acre from TWP (Township District) to R1B (Single-Family Dwelling District), Ellis/Lawton Property, 2930 Glazier Way (CPC Recommendation: Approval - 6 Yeas and 1 Nay)
Public hearing scheduled 1/7/08
Enactment No: ORD-07-54
- C-6** [07-0621](#) Amendment to Chapter 55, Rezoning of 0.35 Acre from TWP (Township District) to R1B (Single-Family Dwelling District), Fagan/Foerster Property, 3081 Dover Place (CPC Recommendation: Approval - 6 Yeas and 1 Nay)
Public Hearing scheduled 1/7/08
Enactment No: ORD-07-55
- C-7** [07-0624](#) Amendment to Chapter 55, Rezoning of 0.30 Acre from TWP (Township District) to R1B (Single-Family Dwelling District), Faylor Property, 580 Rock Creek Drive (CPC Recommendation: Approval - 6 Yeas and 1 Nay)
Public hearing scheduled 1/7/08
Enactment No: ORD-07-56
- C-8** [07-0626](#) Amendment to Chapter 55, Rezoning of 1.0 Acre from TWP (Township District) to R1B (Single-Family Dwelling District), Gadway Property, 310 Huntington Drive (CPC Recommendation: Approval - 6 Yeas and 1 Nay)
Public hearing scheduled 1/7/08
Enactment No: ORD-07-57
- C-9** [07-0629](#) Amendment to Chapter 55, Rezoning of 0.50 Acre from TWP (Township District) to R1B (Single-Family Dwelling District), Johnson Property, 192 Riverview Court (CPC Recommendation: Approval - 6 Yeas and 1 Nay)
Public Hearing scheduled 1/7/08
Enactment No: ORD-07-58
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- C-10 [07-0631](#) Amendment to Chapter 55, Rezoning of 0.39 Acre from TWP (Township District) to R1B (Single-Family Dwelling District), Sader/Goldstein Property, 448 Huntington Place (CPC Recommendation: Approval - 6 Yeas and 1 Nay)
Public hearing scheduled 1/7/08
Enactment No: ORD-07-59
- C-11 [07-0637](#) Amendment to Chapter 55, Rezoning of 1.18 Acres from TWP (Township District) to R1A (Single-Family Dwelling District), Schieb Property, 1400 Warrington Drive (CPC Recommendation: Approval - 7 Yeas and 0 Nays)
Public hearing scheduled 1/7/08
Enactment No: ORD-07-60

D MOTIONS AND RESOLUTIONS

D Old Business

None.

DC New Business - Council:

- DC-1 [07-0807](#) Resolution Appointing Councilmember Chris Easthope to Greenbelt Advisory Commission

Sponsors: Greden and Higgins

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.

Council waived Rule 19 and approved the resolution as a one-step process.

Enactment No: R-07-582
- DC-2 [07-0824](#) Resolution Requesting the Housing & Human Advisory Board to Recommend Options for Development of 100 Units of Affordable Housing for Low-Income Residents

Sponsors: Greden, Rapundalo and Teall

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-07-583

Added After Newspaper Deadline:

- DC-3 [07-0855](#) Resolution Establishing 2008 City Council Calendar

Sponsors: Greden and Higgins

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-07-584

DC-4 [07-0856](#) Resolution Stating the Order of Succession for Acting Mayor

Sponsors: Greden and Higgins

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.

Enactment No: R-07-585

DC-5 [07-0858](#) Resolution to Approve the Purchase of and Appropriate Funds for the Acquisition of the Narrow Gauge Holdings, Inc. and Sondra Gunn Properties from the Open Space and Parkland Preservation Bond Proceeds in the Amount of \$1,854,000.00 **(8 Votes Required)**

Sponsors: Rapundalo

A motion was made by Councilmember Lowenstein, seconded by Councilmember Rapundalo, that the Resolution be Approved. On roll call, the vote was as follows, with the Mayor declared the motion.

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

Nays: 0

Absent: 1 - Councilmember Easthope

Enactment No: R-07-586

DB New Business - Boards and Commissions:

None.

DS New Business - Staff:

DS-1 [07-0681](#) Resolution to Approve a Purchase Order to Environmental Systems Research Institute (ESRI) for the Geographic Information System (GIS) Annual Software Maintenance and License Agreement, the Purchase of 15 Additional Single Seat Licenses of ArcView ArcGIS, 5 Additional Concurrent Seat Licenses of ArcView and 5 concurrent Seat Licenses of ArcInfo for FY2008. (\$105,358.13)

A motion was made by Councilmember Teall, seconded by Councilmember Rapundalo, that the Resolution be Approved. On a voice vote, the Mayor

declared the motion carried.

Enactment No: R-07-587

- DS-2 [07-0328](#) Resolution to Authorize the Purchase of LED Streetlight Conversion Fixtures from Lumecon (\$460,000.00) Bid No. 3903 and to Accept Grant and Appropriate Funds from the Downtown Development Authority to support the Downtown Streetlight Retrofit Program (\$630,000.00) **(8 Votes Required)**

It was noted that a presentation on the City's LED Streetlight program would be featured on the NBC Nightly News.

A motion was made by Councilmember Greden, seconded by Councilmember Briere, 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-07-588

- DS-3 [07-0354](#) Resolution to Amend the FY08 Parks & Recreation Services Budget and Appropriate Funds for Stormwater Educational Activities (\$85,000.00) **(8 Votes Required)**

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, thus satisfying the eight-vote requirement.

Enactment No: R-07-589

- DS-4 [07-0479](#) Resolution to Approve the Removal of No Parking Tuesday Signage on Martin Place from Cambridge to Wells

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

Enactment No: R-07-590

- DS-5 [07-0184](#) Wagner Road Improvements Project Special Assessment Resolution No. 2

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-07-591

Added After Newspaper Deadline:

- DS-6 [07-0829](#) Resolution Authorizing the Emergency Purchase of a Replacement VHF Radio System for Fire Services from Motorola Inc. and the Appropriation of Funds for the Purchase (\$48,751.00) **(8 Votes Required)**

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 unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-07-592

E COMMUNICATIONS FROM THE MAYOR

E-1 [07-0863](#) Appointments - Confirmations

Sponsors: Hieftje

Approved: Building Board of Appeals

A motion was made by Councilmember Lowenstein, seconded by Councilmember Teall, that the Appointments be Received and Filed. On a voice vote, the Mayor declared the motion carried.

E-2 [07-0864](#) Appointments - Nominations

Sponsors: Hieftje

Nominations: Historic District Commission, Human Rights Commission

F COMMUNICATIONS FROM CITY ADMINISTRATOR

City Administrator Roger Fraser thanked Council for the time they spent last Saturday at the Council retreat. He reminded Council that a work session is scheduled for December 10, 2007.

F-1 [07-0671](#) DDA Provides A \$90,000.00 Grant to Avalon Housing in Support of Downtown Affordable Housing

F-2 [07-0672](#) DDA Revises Its Principles Guiding DDA Partnership Grant Decisions

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

H-1 [07-0523](#) Official Canvass of the November 6, 2007 General Election

- H-2 [07-0693](#) S.E.M.C.O.G. Regional Update - Vol. 12, No. 23, November 5, 2007
- H-3 [07-0694](#) Protest letter from Ben J. Burkhart regarding 202 South Division Street PUD Zoning - Planning and Development
- H-4 [07-0860](#) Communication from Joseph B Grammatico regarding support of proposed 42 north apartment project to be located on Maple Road - Planning and Development Services
Filed.

I The following minutes were recieved for file:

- I-1 [07-0433](#) Ann Arbor Energy Commission Meeting Minutes - October 9, 2007
- I-2 [07-0521](#) City Board of Canvassers - August 9, 2007
- I-3 [07-0669](#) Ann Arbor Transportation Authority Board Minutes - October 17, 2007
- I-4 [07-0676](#) City of Ann Arbor Employees' Retirement System Board - October 18, 2007
- I-5 [07-0679](#) City of Ann Arbor Retiree Health Care Benefit Plan & Trust Board of Trustees - October 18, 2007
- I-6 [07-0685](#) Local Officers Compensation Commission Minutes of 10-24-07 Meeting
Filed.

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

1. Peggy Robins - Chickens in Backyard
Peggy Robins spoke in support of allowing residents to raise chickens in backyards.
2. Member of the Audience
A member of the audience also spoke in support of having chickens in the backyard.

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

A motion was made by Councilmember Rapundalo, seconded by Councilmember Lowenstein, that Council enter into Closed Session. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed at 8:17 p.m.

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

Nays: 0

Absent: 1 - Councilmember Easthope

A motion was made by Councilmember Suarez, seconded by Councilmember Lowenstein, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 8:39 p.m.

ADJOURNMENT

A motion was made by Councilmember Lowenstein, seconded by Councilmember Briere, that the meeting be Adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:39 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: Monday, December 3, 2007, 7:00 p.m.

REPLAYS: Tuesday, December 4, 2007, 10:00 a.m.

Friday, December 7, 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.