

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - OCTOBER 7, 2003**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:34 p.m. in the City Hall Council Chamber.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Council Members Kim Groome, Robert M. Johnson, Joan Lowenstein, Michael R. Reid, Jean Carlberg, Heidi Cowing Herrell, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

INTRODUCTIONS

PROCLAMATION – COMMUNITY TELEVISION NETWORK'S 30TH ANNIVERSARY

Mayor Hieftje presented and read a proclamation to Community Television Network (CTN) in recognition of their 30th Anniversary.

PROCLAMATION RECOGNIZING CO-OP MONTH – OCTOBER, 2003

Mayor Pro Tem Carlberg read a proclamation recognizing October 2003 as Co-Op Month. The proclamation honors cooperative businesses that serve the Ann Arbor Community, and encourages city residents to explore the benefits available through cooperative businesses.

PROCLAMATION "CELEBRATING ST. PETERSBURG: 300 YEARS OF CULTURAL BRILLIANCE

Mayor Hieftje presented a proclamation celebrating St. Petersburg Month October 2003 to Barbara Anderson of University of Michigan Center for Russian and East European Studies. The City of Ann Arbor will host a major festival, "Celebrating St. Petersburg: 300 Years of Cultural Brilliance" commemorating the 300th Anniversary of St. Petersburg, Russia.

PUBLIC COMMENTARY - RESERVED TIME**ALAN HABER – HUMAN CHAIN FOR PEACE**

Alan Haber, 531 Third, addressed Council regarding a Human Chain for Peace demonstration on October 19, 2003 from 2:30 –3:30 p.m.

MARCIA FEDERBUSH – CITY INVESTING IN SOCIAL RESPONSIBLE INVESTMENTS – NOT ISRAELI MILITARY

Marcia Federbush, 2000 Anderson Court, addressed Council regarding the city investing in socially responsible investments.

THOMAS FAYFER – ANNEXATION OF NORTH QUAD AREA

Thomas Fayfer, 1607 Harbal, expressed concern with the approval of the North Quad development and asked that the proposal be postponed to allow more discussion with the University of Michigan.

JOHN KOSELKA – ANIMAL ORDINANCE

John Koselka, 1017 Berkshire, addressed Council regarding the proposed Animal Ordinance stating that it is overbroad and unenforceable in many areas.

KERMIT SCHLANSKER – LEAGUE OF CITIES

Kermit Schlansker, 2960 Marshall, addressed Council regarding engineering a league of cities.

DIANA KERN – BROADWAY VILLAGE

Diana Kern, 320 N. Main, addressed Council regarding the Broadway Village proposal stating that the project's density and mix of residential and retail office and healthplex uses will be an important addition for residents at Medical Center Court and other neighbors in the area.

SALLY DANIELS – ANIMAL ORDINANCE TASK FORCE

Sally Daniels, 1847 Packard, addressed Council regarding the Animal Ordinance Task force stating that the Task Force has been fortunate to have people on the force with considerable experience and a wide array of human/animal relations.

THOMAS PARTRIDGE – THE CAMPAIGN FOR PROGRESSIVE, ALTRUISTIC, DEMOCRATIC SOCIETIES – IN AMERICA AND THE WORLD

Thomas Partridge, 100 S. 4th Avenue, #1010, addressed Council regarding a campaign for progressive, altruistic, democratic societies in America and around the world.

PUBLIC HEARINGS

NAUA/AKASHEH ZONING (ORDINANCE NO. 35-03)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of, 0.92 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Nanua/Akasheh property, located on the east side of Upland Drive. Notice of public hearing was published September 21, 2003.

There being no one present for comment, the Mayor declared the hearing closed.

NANUA/AKASHEH LAND DIVISION

A public hearing was conducted on the proposed Nanua/Akasheh Land Division, located on the east side of Upland Drive. Notice of public hearing was published October 5, 2003.

There being no one present for comment, the Mayor declared the hearing closed.

1680 NORTH MAPLE ROAD LAND DIVISION

A public hearing was conducted on the proposed 1680 North Maple Road Land Division, 0.72 acre. Notice of public hearing was published October 5, 2003.

Robert McCowen, 229 W. Delhi Road, spoke in support of the proposed land division.

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

O'HARRIS ZONING (ORDINANCE NO. 36-03)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of, 0.13 acre from TWP (Township District) to R1D (Single-Family Dwelling District), O'Harris property, located at 2990 Shady Lane. Notice of public hearing was published September 21, 2003.

There being no one present for comment, the Mayor declared the hearing closed.

GALDEEN ZONING (ORDINANCE NO. 37-03)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of, 0.23 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Galdeen property, located at 2922 Shady Lane. Notice of public hearing was published September 21, 2003.

There being no one present for comment, the Mayor declared the hearing closed.

OWENS ZONING (ORDINANCE NO. 38-03)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of, 0.14 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Owens property, located at 2978 Shady Lane. Notice of public hearing was published September 21, 2003.

Thomas Partridge, 100 S. 4th Avenue, #1010, expressed concern with the splitting of property in Ann Arbor.

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

RECESS FOR CLOSED SESSION

Council Member Lowenstein moved, seconded by Council Member Herrell that the regular session of Council be recessed to discuss purchase of land acquisition and discussion of pending litigation.

On roll call, the vote was as follows:

Yeas, Council Members Teall, Higgins, Easthope, Woods, Groome, Johnson, Lowenstein, Reid, Carlberg, Herrell, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed into closed session at 8:29 p.m.

The Mayor reconvened the regular session of Council at 9:36 p.m.

Council Member Easthope moved, seconded by Council Member Woods to adopt the decision recommended to Council in the closed session.

The Mayor declared the motion carried.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Council Member Herrell moved, seconded by Council Member Higgins that the agenda be approved with the following changes:

CONSENT AGENDA

Revise: Resolution to Recommend the Naming of Parkland in Honor of Ron Olson (Community Services – Jayne Miller, Administrator) **(Revised 10/6/03)**

ORDINANCES – FIRST READING

Revise: Ordinance to Amend Sections 10:87 and 10:88 of Chapter 126, Traffic, of Title X of the Code of the City of Ann Arbor (City Attorney - Stephen K. Postema, City Attorney) **(Revised 10/6/03)**

Move: Amendment to Chapter 55, Rezoning of 5.42 acres, from TWP (Township District) to PUD (Planned Unit Development District) Zoning District, North Quad by Melrose, 1756 Broadway Street (Planning Commission Recommendation: Approval – 7 yeas, 1 nay) **(Consider after the Consent Agenda)**

MOTIONS AND RESOLUTIONS

Move: Resolution to Approve Broadway Village at Lower Town PUD Site Plan, 6.41 acres, Broadway at Maiden Lane (Planning Commission Recommendation: Approval – Motion to Approve Passed, 6 yeas, 3 nays) **(Postponed from the 9/2/03 Regular Session) (Consider after B-5, Ordinance No. 28-03)**

Added After Agenda Session Deadline:

Move: Resolution to Concur with the Broadway Village at Lower Town Brownfield Plan (Environmental Services – Matthew Naud, Coordinator and Planning – Donna Franklin Johnson, Planner) **(Consider after B-5, Ordinance No. 28-03)**

Added After Newspaper Deadline:

Add: Resolution to Increase Non-Bargaining Unit, Non-PPP/EPP Pay Ranges (Human Resources and Labor Relations – Carol Schuler, Director) **(Added 10/1/03)**

Add: Resolution Approving Sale of Water Supply System Revenue Refunding Bonds, Series Y, and Appointing Escrow Agent, Standard Federal Bank (Finance – Brenda L. Smith, Director) **(Added 10/1/03)**

New Business Council:

Add & Move: Resolution to Approve a Purchase Agreement for 10 acres of Land Owned by the Catholic Diocese of Lansing on S. Maple at Pauline for Park Use (\$550,000.00 Purchase Price Plus \$1,500.00 Closing Costs **(8 Votes Required)**) (Council Members Teall, Woods, Johnson, Higgins, and Herrell) **(Added 10/7/03; Consider before Consent Agenda)**

Add: Resolution Establishing a City Taskforce to Foster New Downtown Residential Development (Mayor Hieftje) **(Added 10/7/03)**

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

Add: I-5 Communication from State Representative Chris Kolb Regarding Resolution No. R-405-9-03, to Request Full Funding for Fire Protection Services **(Added 10/7/03)**

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

APPROVAL OF COUNCIL MINUTES**MINUTES OF SEPTEMBER 15, 2003 APPROVED**

Council Member Herrell moved, seconded by Council Member Lowenstein that the regular session minutes of September 15, 2003 be approved as presented.

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

R-406-10-03 APPROVED

RESOLUTION TO APPROVE A PURCHASE AGREEMENT FOR
10 ACRES OF LAND OWNED BY THE CATHOLIC DIOCESE OF
LANSING ON S. MAPLE AT PAULINE FOR PARK USE - \$550,000.00
PURCHASE PRICE PLUS \$1,500.00 CLOSING COSTS

Whereas, The Catholic Diocese of Lansing owns approximately ten acres of undeveloped land south of Pauline and east of S. Maple Rd. (referred to as Dicken Woods);

Whereas, The citizens of the area strongly support the acquisition for the purpose of preserving open space and providing community park space;

Whereas, The parcel was not specifically identified in the Park Recreation and Open Space Plan for acquisition, however, it was added to the review list for consideration by the Park Advisory Commission;

Whereas, The Park Advisory Commission adopted a resolution recommending the purchase of the property on September 2, 2003;

Whereas, An Ecological Assessment for the property was completed by the Natural Area Preservation Coordinator;

Whereas, An appraisal concerning the fair market value of the real estate interest to be acquired was performed by Gerald Alcock, MAI, as required by Section 1:320 of the Ann Arbor City Code, which listed the appraised value of the property as \$845,000.00;

Whereas, An Environmental Assessment of the property was completed and concluded there were no findings;

Whereas, Negotiations have occurred between City staff and the Catholic Diocese of Lansing which have resulted in agreement on a purchase price of \$550,000.00 subject to an expedited closing; and

Whereas, Funds for this purchase exist in adopted FY2003/2004 Land Acquisition budget;

RESOLVED, That City Council approve a purchase agreement for the acquisition of ten acres of land owned by the Catholic Diocese of Lansing, described as:

AA 31-16 Beg at W ¼ COR SEC 31, TH N 00-14-37 E 599.10FT, TH N 89-52-59 E 736.99FT, TH S 00-19-00 W 600.51FT, TH S 89-58-31 W 162.68FT, TH S 89-58-31 W 573.54FT to POB. PT OF NW ¼ SEC 31, T2S-R6E. 10.00AC.

and more specifically described in the transfer deed;

RESOLVED, That City Council authorizes the expenditure of \$551,500.00 from the Park Acquisition Millage (Fund 0024) for the purchase and associated closing costs and fees to be available for expenditure without regard to fiscal year;

RESOLVED, That the Mayor and Clerk be directed to execute the purchase agreement after approval as to form by the City Attorney; and

RESOLVED, That the City Administrator, or designee, be authorized to act as the closing agent for the City with the authority to execute any closing documents necessary to complete the transaction.

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

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Herrell, Teall, Higgins, Easthope, Woods, Johnson, Lowenstein, Mayor Hieftje, 9;

Nays, Council Members Groome, Reid, 2.

The Mayor declared the motion carried.

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:

Resolution to Recommend the Naming of Parkland in Honor of Ronald Olson (Community Services – Jayne Miller, Administrator)

CONSENT AGENDA ITEMS APPROVED

Council Member Carlberg moved, seconded by Council Member Herrell that the following Consent Agenda items be approved as presented:

