

City Council Acts on Zoning, Airport, Streets

Also: Residents raise concerns over flooding, DTE "smart meters"

BY DAVE ASKINS

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Ann Arbor city council meeting (April 16, 2012): The most significant item on the council's agenda was the introduction of the city's proposed fiscal year 2013 budget by city administrator Steve Powers.

But Powers led off the presentation by explaining that Monday evening would not be a time for detailed discussion and questions about the budget. For details of that presentation, see Chronicle coverage: ["Ann Arbor Council Gets Draft 2013 Budget."](#)

The budget presentation occurred Monday night because of a city charter requirement. It was Powers' first such presentation – as he was hired by the council last year, and started the job in September. The city council will have until May 21, its second meeting in May, to modify and adopt the budget.

In terms of the sheer number of agenda items, the topic of zoning and land use was a main focus of the meeting. The council unanimously rejected a proposed conditional rezoning of 1320 S. University to a higher density than its current D2 (downtown interface) designation. But winning unanimous approval was a site plan for a Tim Hortons on South State Street, near Ellsworth. The council also gave initial approval to AAA Michigan for a rezoning request involving a parcel on South Main, which the auto club would like to have designated as P (parking). A half dozen different rezoning requests for parcels that had recently been annexed into the city also received initial approval.

Prompting considerable discussion among councilmembers were four resolutions concerning an environmental study on a possible extension of a runway at the Ann Arbor municipal airport. The resolutions all passed, but the main grant funding went through on just a 7-4 vote. The city was being asked for an additional \$1,125 in matching funds to wrap up the final stages of an environmental assessment being done by the Michigan Dept. of Transportation, which was already mostly completed two years ago.

Also related to transportation, the council authorized over \$6 million in contracts related to street resurfacing projects. That included a second set of local streets (after having approved funding for the first set at its previous meeting) as well as the section of East Stadium Boulevard between Packard and Washtenaw. In connection with those infrastructure projects, the council also authorized contracts for materials testing.

In other action related to infrastructure, the council approved a \$93,438 item for construction of unisex bathrooms in city hall – but not without questions about the scope of the overall municipal center renovation work.

On personnel-related items, the council gave final approval to legislation that incorporates provisions of the collectively bargained labor contracts with police command officers and firefighters into the city's set of ordinances on retirement and health care.

As a result of other council action on Monday night, Ann Arbor police officers will be able to arrest



WEMU's Andrew Cluley had questions about the budget for Ann Arbor city administrator Steve Powers after the April 16 council meeting. Image links to Cluley's report. (Photos by the writer.)

and charge “super drunk” drivers who have more than 0.17 blood alcohol content – because the council modified the city’s ordinances to conform with recent changes in state law.

In other business, the council also authorized a contract with a new auditor, The Rehmann Group, set a hearing on a tax abatement for Sakti3, and imposed a temporary ban on digital billboards.

Highlights of public commentary included concerns about new DTE “smart meters” and localized flooding incidents in the city. The flooding was attributed by residents to the city’s layering of new asphalt onto an adjacent street, and to the city’s sanitary sewer disconnection program.

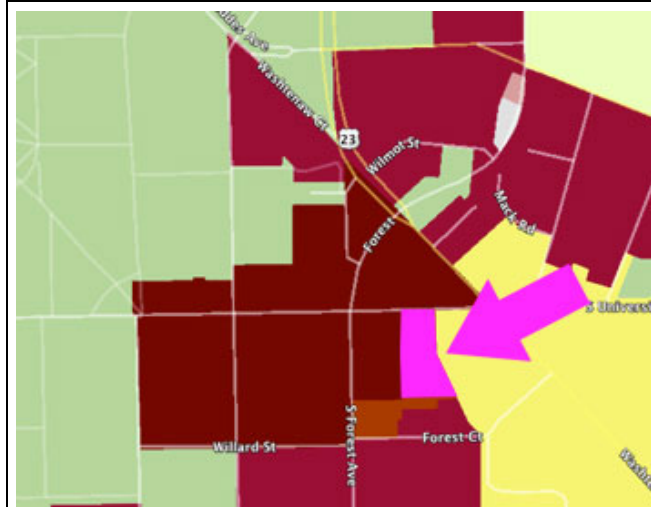
1320 S. University Rezoning

The council was asked to consider a request to conditionally rezone 1320 S. University – from D2 (downtown interface) to D1 (downtown core).

The request included setting conditions on the D1 designation, such as restrictions on height and floor area that are less than what’s allowed in “unconditioned” D1. For example, the by-right height limit in D1 is 180 feet, but one condition the owner of the property – Philip Sotiroff – wanted to place on the property was a 145-foot height limit.

That 145-foot limit, however, is more than twice the limit of the parcel’s current D2 zoning, which allows buildings only as tall as 60 feet. Currently at the site – on the south side of South University, between Forest and Washtenaw avenues – is the three-story Park Plaza apartment building.

The site is adjacent to a D1 parcel to the east, where the Landmark apartment building is being constructed, at 601 S. Forest. But the 1320 S. University property also abuts lower-density residential zoning. Single-family homes are located to the south of the site, and a fraternity is located to the west.



The magenta parcel and arrow indicate the 1320 S. University parcel proposed for conditional rezoning to a higher density use that’s found in the dark brown (D1) areas to the west and north. The light brown area to the south and west is D2 (downtown interface). Light green is PL (public land). Yellow is R2B and dark purple is R4C – both residential zoning. (Image links to higher resolution image.)

The South University area was an intensely debated part of the [A2D2 downtown rezoning initiative](#), which the city council finally ratified on [Nov. 16, 2009](#) after more than two years of planning work. As part of that process, the city planning commission had initially recommended a zoning map that assigned D1 zoning to the 1320 S. University parcel. The city council subsequently drew the lines differently, which resulted in a D2 designation for the parcel, and sent the map back to the planning commission. The planning commission then revised some parts of its map, including the designation for 1320 S. University.

More recently, at its [Feb. 7, 2012](#) meeting, planning commissioners voted unanimously not to recommend that 1320 S. University be rezoned from D2 to D1.

Council on S. University Rezoning: Public Hearing

Marc Gerstein introduced himself as a resident of Forest Court, and since 1982 the owner of a house that abuts the south boundary of a parking lot at the rear of 1320 S. University. He noted that any change in the zoning will affect him directly. He urged the council to follow the staff report and the unanimous recommendation of the city planning commission and to reject the request for conditional rezoning from D2 to D1.

He noted that the planning staff report finds that D2 was warranted for the parcel and was carefully considered by the city planning commission and the council. The staff had found there was no error in that decision. He noted there’d been no changes in the neighborhood since passage of A2D2 two years ago. To rezone the parcel now would strip away any buffer between the small residential houses and the 1320 S. University parcel. He concluded by asking the council to deny the petition for rezoning.

Council on S. University Rezoning: Council Deliberations

Tony Dereziński (Ward 2), who is the city council's representative to the city planning commission, described the location of the parcel proposed to be rezoned. Two high-rise buildings stand to the west at South University and South Forest – University Towers on the northwest corner and the currently under-construction Landmark Building (formerly called the 601 S. Forest). To the east stands a fraternity house. Dereziński noted the A2D2 zoning ordinances had been adopted after considerable debate. The planning commission had unanimously agreed with the recommendation of the staff that the parcel not be rezoned, he said.

Christopher Taylor (Ward 3) also concurred that the prior community conversation had been rigorous and extensive and warrants the council's respect.

Jane Lumm (Ward 2) added that she felt having a buffer in the form of D2 zoning makes a great deal of sense.

Outcome: The council unanimously rejected the proposed conditional rezoning of 1320 S. University.

The city council's vote was just its initial consideration of the request – a “first reading.” A rezoning request, like any ordinance change, requires initial approval, followed by a public hearing and a final vote at a subsequent meeting. Often, councilmembers will advance an ordinance change to a second reading, if they have not settled on a position and are interested in hearing the sentiments that might be expressed at a public hearing. So the fact that the council rejected the proposal on first reading can be taken as a measure of the council's especially strong opposition to changing the zoning that was agreed on as part of the A2D2 process.

Tim Hortons Site Plan

On the April 16 agenda was a site plan for a new Tim Hortons restaurant at 3965 S. State St. The site plan had received a unanimous recommendation for approval by the Ann Arbor planning commission at its March 6, 2012 meeting. The site is located on the east side of the street, near the intersection of State and Ellsworth.

The plan calls for demolishing a vacant building on the 2.23-acre site where previous restaurants, including Enzo's and Gallagher's, were located. In its place, a one-story 1,953-square-foot restaurant with drive-thru facilities would be built on a 1.18-acre site divided from the current parcel. The building would face West Ellsworth and use an existing shared drive on South State, as well as a relocated drive onto West Ellsworth. An outdoor seating area is proposed on the east side of the building.

The property is zoned C3 (fringe commercial), which allows for construction of a drive-thru restaurant. The planning commission's recommendation of approval was contingent on two issues: (1) submission of a tree health evaluation form, and (2) approval of the parcel's land division, prior to the city issuing permits for construction of the new building.

Much of the discussion among planning commissioners at their meeting had focused on the proposed roundabout at State and Ellsworth. A spokesman for Tim Hortons said they'd found out about the roundabout plans late in the process, but were working to integrate their own plans to accommodate it. He indicated that if the company gets approval from the city, they hope to open in August. Construction for the roundabout is expected to begin in the spring of 2013, with completion in the fall of that year.

During council deliberations on April 16, Tony Dereziński (Ward 2), the city council's representative to the planning commission, made some brief remarks. He described it as a property that's been vacant for a couple of years. It would be a great improvement, he said. The planning commission went through ingress and egress issues. Dereziński said he felt it adds value and would be a good place to get coffee in the morning.

Sabra Briere (Ward 1) noted that the State Street corridor is currently undergoing a study. She wondered how this particular project fits into the ongoing discussions that the corridor study group has had. City planning manager Wendy Rampson told Briere that it doesn't really fit into ongoing discussions on the corridor, but it does remove a relatively blighted building on the site. The corridor study has not gotten as far as making land use recommendations yet, Rampson said.

Responding to a question from mayor John Hieftje, Rampson said that the plan is to begin construction in May. Tim Hortons is moving in a timely way, she said. A land division needs to be completed before they can start, she said. And the Tim Hortons team is coordinating with the Washtenaw County team that is planning the roundabout at Ellsworth and State. She figured in a couple of months, construction might start.

Outcome: The council voted unanimously to approve the Tim Hortons site plan.

AAA Request for Parking Zoning

Before the council for its consideration was initial approval to a proposal from AAA Michigan to rezone half of a parcel located at 1200 S. Main to P (parking). To take effect, the initial approval from the city council would need to be followed by a second and final approval following a public hearing at a subsequent meeting.

The rezoning to P (parking) is part of a two-parcel site plan proposal – for which the city planning commission provided a positive recommendation at its March 6, 2012 meeting. At that meeting, the commission took two votes on the 1200 S. Main parcel – the site plan and the rezoning proposal. And on both votes, the planning commission split 6-3. For the other, adjacent parcel at 1100 S. Main, the city planning commission voted unanimously to recommend the site plan for approval.

In front of the city council on April 16, however, was just the resolution to rezone a portion of the 1200 S. Main parcel to P (parking).

The two parcels, at 1100 and 1200 S. Main, are across from Michigan Stadium. An AAA branch built in the 1950s is located there. The owner wants to build a new branch on a different part of the site, tear down the existing building, and reconfigure parking spaces.

The two parcels are part of a 1.5-acre site containing four parcels owned by the auto club and all zoned O (office). Located on the 1200 S. Main parcel is the current one-story branch building with walk-out basement and 36 parking spaces, with exits onto South Main, Berkley and Potter.

The 1100 S. Main site is a surface parking lot, which has 72 spaces and exits onto both Potter and Keech. The owner is requesting to build a one-story, 5,443-square-foot new branch building on the northeast corner of that site, with parking for 21 spaces. A second phase of the project would include an eventual 2,230-square-foot addition to the south side of that building. There are six landmark trees on the site, and the plan would require removal of two that are located along South Main, near Keech. Other trees would be added elsewhere on the site.

After the new structure is completed, the old building at 1200 S. Main would be torn down and a 14-space parking lot would be put on that parcel. And to do that, the proposal asks that the northern 123 feet of that parcel – about half of the parcel – be rezoned from O (office) to P (parking), so that parking could become the principal use for that site. A site plan for that parcel is also required. The rezoning to P (parking) is what the city council considered on April 16.

The owner's overall plan called for a total of 35 spaces – a reduction from the current parking on the site, which was approved in the mid-1970s but no longer conforms with existing zoning. The 35 spaces would be four more spaces than the 31 maximum number permitted under the O (office) zoning, based on the new building's square footage in both phases. That's why the owner requested that a portion of the overall site be rezoned for parking – in the P (parking) district, there is no maximum.

AAA Request for Parking Zoning: Council Deliberations

City planning manager Wendy Rampson was asked to the podium to summarize the proposal, which she did. The current configuration has the AAA office sitting on the parcel to the south, with surface parking on the parcel to the north. She said the configuration was approved in the 1970s based on an interpretation that parking would be allowed on the northern parcel, based on the ownership by AAA of both parcels. The city does things differently now – if there's no other use on a parcel besides parking, then the city requires that it be zoned P (parking).

Rampson described what AAA wants to do as a “flip flop” – build a new branch office on the northern parcel and put parking on the south parcel. It's that south parcel that AAA wants rezoned. She noted that the city planning commission vote was 6-3 on rezoning. Staff also had some concerns about approving parking as a principle use, because that's something the city is trying to get away from. The plan has a lot of benefits with respect to stormwater detention, she said, and reduces the amount of impervious surface across the two sites, as well as the total amount of parking.

Tony Derezenski (Ward 2) said the site plan really did sell the proposal. The building that AAA is putting up is an improvement over the one that's currently there. The old building has a lot of mileage on it, he said. With its location across from the University of Michigan football stadium, the building would be noticed by a large number of visitors to Ann Arbor, he said.

Rampson added that it's a two-phase project. In the new building, AAA anticipates adding more services, so that's the rationale for wanting to have parking available on both parcels.

Carsten Hohnke (Ward 5) said he felt like the project is a step in a better direction, but not what the city would want if the project were starting from scratch. He wondered what AAA's plans would be if the council turned down the request to rezone. Rampson said she didn't know. Before AAA brought forward their proposal, however, they'd gone over ways to solve the parking issue without rezoning. One possibility would be to retrofit the existing building. They also considered different configurations that would reduce the amount of parking. But ultimately AAA did not want to pursue those, she said.

Mike Anglin (Ward 5) asked if there'd been given any consideration to moving the building further away from the sidewalk, and he wondered if AAA could be forced to comply with a greater setback requirement. Rampson reminded Anglin that the recent area, height and placement revisions had reduced the amount of setback required – which in this case allowed the building to be moved further way from the residential area to the west and closer to Main Street. Rampson also explained that the curbcuts to Main Street would be removed.

Stephen Kunselman (Ward 3) wanted to know what assurance the council would have that the old building will be torn down. Rampson explained that once it's zoned P (parking), the building couldn't be used for anything. And AAA is not intending to keep the building in place – the space is needed for parking.

Outcome: The council gave unanimous initial approval to the AAA Michigan rezoning request for 1200 S. Main.

Annexation Rezoning

The council was asked to consider initial approvals of six separate rezoning requests associated with annexation into the city of Ann Arbor from Scio Township. The zoning change in all cases is from the township to a residential category.

Five of the properties were annexed into the city on Oct. 3, 2011 – in connection with the expansion of a well-prohibition zone due to 1,4 dioxane groundwater contamination caused by the Pall Corp.'s Wagner Road facility, formerly owned by Gelman Sciences. Those five properties are: 305 Pinewood St.; 3225 Dexter Rd.; 427 Barber Ave.; 545 Allison Dr.; and 3249 Dexter Rd.

Annexation into the city allows the properties to connect to city of Ann Arbor water services. Pall has paid all petition filing fees as well as the connection and improvement charges for water and sanitary sewer service that are related to the annexations. The zoning for which the city council gave initial approval is for R1C (residential). [[Google map of well prohibition zones and property locations](#)] [[.jpg of map with well prohibition zones and property locations](#)]

A sixth parcel for which the council gave initial rezoning approval – also due to annexation, but not related to the well-prohibition zone – is located at 1575 Alexandra Blvd. The parcel was given initial approval to be rezoned from the township to R1A (residential) zoning.

As ordinance changes, all rezoning requests require an initial approval from the city council, followed by a public hearing and a final approval at a subsequent meeting.

Sabra Briere (Ward 1) offered the only council comment on any of the annexation-related rezoning requests, noting that they all went from township zoning to single-family residential.

Outcome: The council unanimously approved all the annexation-related rezoning requests. The requests need to come back for a second and final approval by the council, after a public hearing.

Ann Arbor Airport Study

On April 16 the council considered four different resolutions in connection with Ann Arbor's municipal airport, three of them connected to the completion of an environmental assessment of a proposed 800-foot lengthening of the airport runway.

The city council had initially authorized funding for the assessment project at its Feb. 2, 2009 meeting. The assessment began on May 4, 2009. The process appeared to culminate in a public hearing in April 2010. [See Chronicle coverage: "[Ann Arbor Airport Study Gets Public Hearing.](#)"] In the interim, city councilmembers have removed the runway extension from the city's capital improvements plan (CIP) each year they've been asked to give the CIP its annual approval.

However, when the Federal Aviation Administration responded to the draft report, that prompted communication between the city of Ann Arbor and the FAA. And that back-and-forth has resulted in FAA requests for more work, which is meant to wrap up the environmental assessment (EA). From the staff memo accompanying one of the resolutions:

The FAA's response was received nearly a year later (September, 2011). The remaining work on the EA includes modifications based on the FAA comments, coding public and agency comments and responses for the final EA document, preparation of the Errata and FONSI for submission to MDOT-Aero. There is about 2-3 months of work remaining to complete the EA.

One of the resolutions authorizes \$800 for an additional map to be prepared by URS Corp., one of two consultants that the Michigan Dept. of Transportation is using for the project. The amount is covered by MDOT's project contingency budget. This item is not specifically related to the environmental assessment.

A separate resolution authorized \$12,000 of additional consulting work, also with URS. A third resolution authorized an additional \$26,552 worth of consulting work from SmithGroupJJR. The additional work by URS and SmithGroupJJR is being covered by a \$45,000 grant program, which consists of \$42,750 in federal funds, \$1,125 in state funds and \$1,125 in airport matching funds (the city's portion.) Authorization of the grant program was the fourth airport-related item on the agenda.

Ann Arbor Airport Study: Public Comment

During public comment, **James Vincze** introduced himself as a member and vice chair of the airport advisory committee. He urged the council to complete the airport runway extension study. It's important to get the process completed, he said. Significant time and resources have already been spent and the public has been involved. Matt Kulhanek is a good airport manager, he said. Voting to complete the study doesn't mean the council favors runway extension, he said. Rather, it means the council wants to get the facts out and have a complete study and analysis.

Ann Arbor Airport Study: Council Deliberations

Airport manager Matt Kulhanek was asked to the podium to answer questions. Jane Lumm (Ward 2) began by asking why the city is continuing to spend money to study the runway extension, when the council had consciously removed the extension from the city's capital improvements plan. She had a hard time reconciling that, even though the amounts of money weren't actually all that large.

Kulhanek pointed out that the first airport-related item on the agenda – the \$800 for the map preparation – was not related to the environmental assessment.

So mayor John Hieftje then asked the council to vote on that item. And that vote was unanimous in favor.

Kulhanek noted that the council's direction had been to get the facts on the proposed runway extension and that direction had come on two occasions, with votes to fund the environmental assessment. He said the council's subsequent action to remove the runway extension from the capital improvements plan was based on a concern that by including it in the capital projects budget, it reflected a de facto support of actually doing the project. But at no time has the staff received direction to pull back from completing the environmental assessment. Kulhanek indicated that another grant agreement would be coming to the council later, after the one they were considering that evening.



Jane Lumm (Ward 2) talks to Kathe Wunderlich (back to camera)

Mike Anglin (Ward 5) asked for clarification of the unexpected review by the FAA technical committee to which the staff memo had referred. Kulhanek explained that when the document was first entered into the system, the city was not expecting further FAA review. But two weeks ago, he said, the city received notification from FFA technical operations, a branch within the FAA, indicating that branch would need to sign off on it. The reason that technical operations would need to review it was due to two sets of navigational aids that would be relocated if the runway project moves forward. The document had already been given an 11-month review by the district office of the

before the council meeting. Wunderlich has worked as part of a citizens group opposing the runway extension.

FAA, and the conclusion had initially been that the technical operations division didn't need to review it. At that point, the city had

the understanding the FAA was finished. That changed in the last two weeks, when city staff found out that FAA technical operations would need to review it.

Stephen Kunselman (Ward 3) asked if the resolution that night was specifically for the relocation of navigational aids. No, replied Kulhanek. A resolution to approve another grant for that would come some time in the future. The grant before the council that night was to finish up the documentation of the environmental assessment and get it in a final format to submit to the FAA for review. What would come back to the council later is a reimbursement agreement for the work the FAA will have done to review the documentation.

Kunselman said he was confused why there'd be the need for another reimbursement agreement. Kulhanek reviewed the purpose of that night's grant agreement.

Sabra Briere (Ward 1) was up next to question Kulhanek and she apologized for putting him on the spot. His reply indicated he'd anticipated lots of questions: "That's okay, I didn't think I was going to get a pass tonight!"

In 2009, Briere said, the council had approved two grants and in 2010 the council had approved an additional grant. At the time, she said, she thought that the EA document was in draft form and almost complete. Kulhanek indicated that was not the case. The grant funding in 2009 had kicked off the project, he said. When the 2009 grants were approved, the city had also approved contracts with the two engineering firms.



Sabra Briere (Ward 1) briefed Stephen Kunselman (Ward 3) before the start of the meeting. They both voted against the grant funding for the environmental assessment of the airport runway extension.

Briere summarized what the council was considering as funding additional work by the engineering firms to get the EA document into shape to be submitted to the FAA. Kulhanek indicated that was basically right. The work the two firms would do would in essence finalize the document for everything except the FAA technical operations review. That review will have a specific scope – just the impact on the navigational aids.

Responding to a question from Briere, Kulhanek explained that the EA would cover more than just a discussion of navigational aids. It would include economic impacts, physical impacts, noise impacts, and wetlands impacts. There's a whole variety of things that are included. It's a broad document that includes public comment, as well as input from various agencies like the county road commission, county water resources commissioner and the like.

Briere said she had trouble understanding why an environmental assessment would take four years.

Hieftje asked if Kulhanek saw a benefit to the city and users of the airport, if the council does not want to go ahead with the runway extension, once the process is completed. Kulhanek told the mayor that he felt the biggest benefit would be to finishing what they've started back in 2009. The council would be able to make a decision based on an actual study of what the impacts are – not what our gut feels or our heart feels. A decision could be based on actual data and feedback from the public and various agencies and everyone involved. Kulhanek said there's already been a lot of time and money invested in getting to this point in the project, and he thought it's important to follow through to have solid information. If the council chooses not to go forward on the runway project, it can make that choice.

Hieftje started adding up the money in the request. He asked Kulhanek how much more money would need to be spent – local as well as other money – to complete the project. Kulhanek said the first three grant agreements totaled \$309,000.

The city's share of that had been \$7,725. From a local perspective, he said, that's a minor cost. The



Mayor John Hieftje opposed the grant funding for completion of the environmental assessment for an extension of the Ann Arbor municipal airport.

grant agreement before the council that night was for \$45,000 with a local share of \$1,125. The next and last grant agreement will be around \$30,000. The total for the EA would be around \$385,000 with a local share of less than \$10,000, Kulhanek said.

Kulhanek estimated that it would take the consultants another two months to do the additional work. He thought that three to six months from now, the last grant agreement would be back in front of the council for approval. Assuming three to four months for review, Kulhanek estimate that it would be early 2013 before the process was complete.

Hieftje asked again if there was some benefit to the environmental study, beyond knowing the impact of the runway extension. Kulhanek said it's good information. Knowing the noise levels is useful. Knowing about bird species is also useful, he said. There are some mowing restrictions to protect their habitats.

Kunselman contended that everything Kulhanek had just mentioned as beneficial had already been done, so what the council was being asked to do was approve more money for consultants to wrap things up. He said the city continues to throw money at a project at the end. He said he'd vote no on everything. It's taxpayer dollars, whether it's local or federal. He said his constituents don't want the runway extension and he'd vote no on that, too. The consultants can wrap it up without additional money, he said. He said he was done throwing money at this kind of thing.

Lumm said she'd been struggling with this. She allowed that it was a very small city share. Ultimately though, what the council would be doing is spending money on something that won't move forward. She reiterated the fact that the council had removed the project from the CIP, which she translated into a decision that the council wouldn't move forward. Kulhanek ventured that the council might be "wowed" by the EA and perhaps be open to the possibility of extending the runway.

Outcome: The main resolution, on the \$45,000 grant, was approved on a 7-4 vote. Voting for a grant contract with the Michigan Dept. of Transportation were Sandi Smith (Ward 1), Tony Derezhinski (Ward 2), Christopher Taylor (Ward 3), Margie Teall (Ward 4), Marcia Higgins (Ward 4), Carsten Hohnke (Ward 5) and Mike Anglin (Ward 5). Opposing it were Sabra Briere (Ward 1), Jane Lumm (Ward 2), Stephen Kunselman (Ward 3) and mayor John Hieftje. Both contracts with the consultants were opposed by Lumm and Kunselman. Hieftje joined them in opposing the contract with SmithGroupJJR.

Street Repair

The council was asked to consider two major contracts involving street resurfacing and reconstruction. One was a second large contract for street resurfacing work this season – \$4,054,599 with Barrett Paving Materials Inc. At its previous meeting on April 2, 2012, the council had authorized a \$3.6 million contract with Barrett for an initial set of streets to be resurfaced. The project includes a \$405,000 contingency.

The second set of streets includes portions of the following: South Seventh Street, Mt. Pleasant Avenue, Park Drive, Mt. Vernon Avenue, Manhattan Drive, Meadowbrook Avenue, Martha Avenue, Palomar Drive, Catalina Avenue, Eton Court, South Forest Avenue, Vinewood Blvd., Dorset Road, Berkshire Road, Woodside Road, Londonderry Road, Tremmel Avenue, Page Court, Pine Valley Court, Esch Avenue, and Esch Court.

Also at the April 16 meeting, in connection with the regular street resurfacing program, the council considered a \$143,455 contract with a different company, CTI and Associates Inc. (CTI), for construction materials testing services. The materials to be tested include oils, aggregates, asphalt, and concrete. Funds for the street resurfacing projects are drawn from the city's street repair tax, which voters agreed to renew in November 2011 for another five years, through 2016.

Another road construction project on the agenda was a contract with Dan's Excavating Inc. for \$2,314,951 for replacement of two old water mains and resurfacing of the East Stadium Boulevard from Washtenaw Avenue to Packard Street. The total project is estimated to cost \$3,600,000. Of that amount, \$1,400,000 will come from the water fund capital budget and \$2,200,000 will come from millage approved capital budget.

The East Stadium project will maintain the existing five lanes of vehicular traffic, and new bike lanes will be added on both sides of the street.

Also on the agenda was a materials testing contract for the East Stadium Boulevard project – \$50,185 with Inspection Services Company Inc.

The only substantive discussion on the four items was on the materials testing. Mike Anglin (Ward 5) asked why the materials testing was being done. City project engineer Igor Kotlyar explained that such testing is always done for such projects. It's a standard testing procedure, he said. Some of it involves making sure the proper materials are delivered to the site. But it also involves making sure that the materials are properly deployed as the project work is done.

For example, when a water main is backfilled with sand, it's tested to make sure that the sand is compacted to the proper density. Gravel that's put into the road bed is also tested for property compaction, Kotlyar explained. Homayoon Pirooz, head of project management for the city, responded to a question from Anglin by explaining that the city itself is not certified to perform that kind of testing, and does not have the certified equipment to do that. He indicated that it's essentially a specialty.

Outcome: The council unanimously approved the four resolutions involved with street resurfacing and reconstruction work.

Fire, Police Retirement/Health Changes

On the April 16 agenda was a resolution for final approval of changes to the employee retirement system to accommodate recent changes to the collective bargaining agreement with the city's police command officers union and firefighters union. Also before the council was final approval to revisions of the retirement health care benefits to reflect changes to those collectively bargained agreements.

Changes to the retirement system include: (1) increasing the pension contribution of command officer members to 6% from 5%; (2) implementing a pick-up feature as permitted by the Internal Revenue Code for the pension contributions of firefighters and command officers, converting their 6% pre-tax contribution to a 6% post-tax contribution; (3) increasing the vesting and final average compensation requirements for firefighters hired after July 1, 2012; and (4) implementing a federal provision that allows eligible retired public safety officers to pay qualified health insurance premiums directly from their pensions.

The change to the retiree health care system stipulates that new hires after July 1, 2012 will be eligible for an access-only health care plan at the time of their retirement, instead of a city-paid retiree health care plan.

Fire, Police Retirement/Health Changes: Public Hearings

On the retirement changes for police command officers and fire personnel, **Thomas Partridge** questioned whether the public had been fully informed on the substance of the change. He felt that representatives of the police department and the union representatives involved in the contract negotiations should have been present to explain their side of the issue.

Edward Vielmetti flipped through the pages of the ordinance revision in the three-ring binder that holds the council agenda, and counted out the number of pages that had been red-lined as he flipped through them. When he got to 16, he did not continue counting, but noted that more than 16 pages of the ordinance have been amended. He stated that he had no idea how councilmembers could evaluate whether this is a good idea or a bad idea. He said that he himself (if he were a member of council) wouldn't know what to do with a proposal like that. He hoped the city was making a wise choice.

On the retiree health care benefits, Partridge complained that Gov. Rick Snyder and former city administrator Roger Fraser [who now works for the state as an assistant state treasurer] are attempting to erode benefits to public employees, including those in high-risk jobs.

Fire, Police Retirement/Health Changes: Council Deliberations

On the retirement changes, Sabra Briere (Ward 1) said she believed the primary changes reflect the

bargained-for benefits from recent union settlements. The city is taking advantage of IRS rules, she said.

On the retiree health care changes, Jane Lumm (Ward 2) said that the changes to the ordinance were consistent with the changes to the access-only health plan that had been adopted by the command officers and firefighters.

Outcome: The council unanimously approved the ordinance changes affecting retirement and health care benefits for police command officers and firefighters.

0.17 BAC as Separate Offense

The council considered final approval to a change in the city's traffic ordinance to adopt a provision of the Michigan Vehicle Code – which establishes driving with a blood alcohol content (BAC) of more than 0.17 as a separate offense from operating under the influence. The council had given its initial approval to the ordinance change on April 2.

The Michigan legislature had previously changed the MVC, which Ann Arbor has adopted, to include the separate charge for the very high BAC of 0.17. However, the legislature did not at that time change the Home Rule Cities Act to allow cities to impose the greater penalty of 180 days in jail and/or \$700 fine that comes with the BAC 0.17 charge. But in February 2012, the legislature amended the Home Rule Cities Act to allow for that penalty. Ann Arbor is making the change to its local ordinance in order to be able to charge drivers with the 0.17 offense.

Records from January 2010 through February 2012 provided to The Chronicle by CLEMIS (Courts and Law Enforcement Management Information System) show three instances of 0.17 offenses – which could not at the time be charged as a separate offense. The CLEMIS records for the same time period also show three reports for the moderately higher BAC level of .08, which could already be charged separately from operating under the influence. [[.jpg of bar graph of OWI offenses](#)]

As a change to the city's ordinances, the change required a second vote and a public hearing (which is separate from the general public commentary held at the start of the meeting.)

0.17 BAC: Public Hearing

Edward Vielmetti led off the hearing by asking where a copy of the proposed changes to the ordinance might be found. Mayor John Hieftje told him it was available online or in a large three-ring binder near the podium – which **Thomas Partridge** had been perusing. Vielmetti then reviewed the ordinance change, while Partridge held forth.

Partridge began by complaining about Hieftje's standard boilerplate recitation of the rules for public hearings, which include a provision that speakers confine their remarks to the topic of the public hearing. Partridge construes the rule as a way of inappropriately limiting free speech.

On the substance of the ordinance change, Partridge said it would have been better to attach a resolution that would stop people who are high on alcohol and drugs from driving or causing disruptive behavior in the city of Ann Arbor. He called for a parallel amendment to go forward, that would encourage and require all retailers and bars serving alcohol and supermarkets selling alcohol, to note the names and identity of people who purchase alcohol. He also called for bars to refuse service to patrons who have visited other bars before arriving, who are clearly under the influence of alcohol, and who intend to drive.

Based on his review – while Partridge was speaking – of the ordinance changes, Vielmetti said it appeared to him that the ordinance changes would increase the penalties for driving “super drunk.” He pointed out that there are a number of students in Ann Arbor who don't just drive relatively drunk, but who also walk relatively drunk. And they may be so drunk that they pose a danger to others while driving, but also to themselves due to alcohol poisoning.

From reading the student press, Vielmetti said it's his understanding that there's a concern about prosecution for those who help their classmates who are trying to obtain treatment for alcohol poisoning – because they might be slapped with a “minor in possession” citation themselves. He cautioned the council not to overly hastily increase the penalties for drunken behavior, without also addressing the needs of those who need to receive treatment. It would be unfortunate to put yourself in a situation where you thought you were making an improvement, and then create some unintended consequences, he said – people driving themselves home, because they weren't ready to help their friends walk themselves home.

0.17 BAC: Council Deliberations

Sabra Briere (Ward 1) alluded to Vielmetti's comments during the public hearing, by saying she liked the idea of finding a solution for adolescents who are at risk of underage drinking violations. She felt the decision was straightforward. People who have 0.17 BAC should pay a heavier penalty, she said.

Stephen Kunselman (Ward 3) asked if the state law on 0.17 BAC was already in effect for people on University of Michigan property. Assistant city attorney Abigail Elias responded to the question by saying that for the "super drunk" provisions, which are for driving or operating a vehicle, the change to the ordinance simply brings it into conformity with the state law. If anyone were driving where the city did not have jurisdiction, she said, state law would apply.

Kunselman followed up by asking if UM's department of public safety already has the authority to enforce the 0.17 BAC provisions on the Ann Arbor city streets. Elias told Kunselman that Ann Arbor police officers would enforce the law on city streets. She said she did not know if UM DPS officers were enforcing state law on city streets. That's a question she could not answer, she said. Mayor John Hieftje said his understanding was that UM DPS officers have the ability to enforce laws on Ann Arbor city streets, but it's unusual for them to do so. He stated that he'd be happy to see UM DPS join in helping out on the "party patrol" that the Ann Arbor police department uses to police student neighborhoods on evenings when parties are frequently held.

Outcome: The council unanimously approved the 0.17 BAC ordinance change.

Selection of Auditor

The council was asked to consider a five-year contract for independent auditing work with The Rehmann Group – based on its \$344,500 bid. The contract allows for two one-year extensions.

Margie Teall (Ward 4) chairs the council's audit committee.

Abraham & Gaffney, the firm that the city has used for the last few years, also bid on the work. The Abraham & Gaffney bid

came in at \$387,500. Two other firms also bid for the city of Ann Arbor auditing work: Andrews, Hooper, Pavlik PLLC (\$340,500); and Doeren Mayhew (\$361,300).

Andrews, Hooper, Pavlik's was the low bid, but the selection was not made purely on price. The amount of the bid counted for 30 points out of a possible 100. The other two categories were "expertise and experience" (40 points) and "auditing approach" (30 points). Rehmann and Abraham & Gaffney both scored the maximum 70 on the categories other than price. The memo accompanying the resolution indicates that the choice was also based on "a desire to periodically change service providers." [[.pdf of scoring metric and comments](#)]

For Rehmann, then, the fact that it was *not* the incumbent firm was an advantage for the city auditing contract award. Last year, when it competed for the Ann Arbor Transportation Authority's auditing contract, Rehmann had found its incumbent status to be a *disadvantage*. Because of the auditor rotation policy the AATA board had adopted on June 16, 2011, Rehmann was not eligible for selection when the AATA board opted to award the contract to Plante & Moran on Sept. 15, 2011.

Selection of Auditor: Council Deliberations

Margie Teall (Ward 4) introduced the resolution as chair of the audit committee, indicating that she was pleased that the audit committee had been asked to be a part of the selection and evaluation process. The audit committee had been pleased with the representative from Rehmann who had interviewed with the committee.

Jane Lumm (Ward 2) said she supported the selection of Rehmann, saying that it was considered best practice to rotate auditors and that Rehmann is well respected. She asked about the notation in the evaluation of proposals that indicated Rehmann projected using 200 hours less than Abraham & Gaffney. She asked if the city is comfortable with that.

Sandi Smith (Ward 1), who also serves on the audit committee, noted that the auditor's contract is a multi-year contract. The firm will need fewer hours as they get more familiar with the city's auditing project over time.

Outcome: The council unanimously approved the selection of The Rehmann Group as the city's auditor.

Hearing on Sakti3 Tax Abatement

On the agenda was a resolution to set a public hearing for May 7 regarding a tax abatement for

Sakti3 – an Ann Arbor-based battery technology spinoff from the University of Michigan. Sakti3 is led by UM professor Ann Marie Sastry.

According to the staff memo accompanying the resolution, Sakti3 is requesting an abatement on \$151,433 of real property improvements and \$1,374,861 of new personal property. If approved, it would reduce Sakti3 Inc.'s annual tax bill by \$23,200 for each of three years in the recommended abatement period. The new building improvements and personal property investments would generate about \$29,500 in property taxes for each year during the abatement period.

Previously, the council voted on March 21, 2011 to set a public hearing on the establishment of the industrial development district under which Sakti3 is applying for an abatement. And on April 4, 2011, the city council voted to establish the district.

Outcome: Without comment, the council unanimously approved setting a May 7 public hearing on a tax abatement for Sakti3.

Digital Billboards

The council was asked to consider a 180-day moratorium on two items: (1) city staff consideration of applications to erect digital billboards; and (2) the erection of digital billboards.

Coming under the temporary moratoria are “billboards commonly referred to as ‘electronic message centers,’ ‘electronic message boards,’ ‘changeable electronic variable message signs,’ or any billboard containing LEDs, LCDs, plasma displays, or any similar technology to project an illuminated image that can be caused to move or change, or to appear to move or change, by a method other than physically removing and replacing the sign or its components, including by digital or electronic input.”

The resolution acknowledged that such signs are already prohibited by the city’s sign ordinance. From that ordinance, the list of prohibited signs include those that “...incorporate in any manner or are illuminated by any flashing or moving lights other than for conveyance of noncommercial information which requires periodic change.”

The resolution was added late to the agenda, after printed copies of the agenda were made for the council chamber audience. Based on the time stamp on the online agenda, the item appears to have been added at 6:48 p.m. – for the council meeting scheduled to start at 7 p.m. The item was sponsored by mayor John Hieftje.

Sabra Briere (Ward 1) said she was confident there are some places for digital billboards in our lives, but she did not want to see them on crowded downtown Ann Arbor streets. Imposing a temporary moratorium on whether to allow them in the city limits made sense to her, she said.

Mike Anglin (Ward 5) said that many of the billboards in the city had 30-35 year leases on them, and it becomes complex to get them removed. He said that Adams Outdoor Advertising had been asking to “do trades” for many years. As issues for the public, Anglin identified distractibility while driving and “virtual vision pollution.” He gave the corner of Madison and Main, late at night, as an example. It looks like you’re coming into an entertainment area, he said, like vaudeville or something. He called for a community discussion about whether to have digital billboards. Do they bring value? he asked. He didn’t want to make the decision piecemeal.

Outcome: The council unanimously approved the temporary 180-day moratorium on digital billboards.

Personal Computer Replacement

The council had on its agenda a \$450,000 purchase order with Sehi Computer Products to cover the replacement of personal computers over the next two years.

The project budget includes the purchase of a minimum of 305 desktops and 195 laptops. Funding for replacement of the city’s computers comes from the information technology services unit.

Sabra Briere (Ward 1) asked for an explanation of the city’s replacement policy. Paul Fulton, the city’s IT service delivery manager, described how the replacement cycle for desktop machines and special-purpose laptops is five years. The replacement cycle for general purpose laptops is three years. About four years ago, he said, the city did a general refresh, and those machines are now coming due for replacement – a total of about 500 machines.

Outcome: The \$450,000 purchase order with Sehi Computer Products was unanimously approved.

Biosolids Contract

The council considered a contract with BioTech Agronomics Inc. to spread biosolids from the wastewater treatment plant on agricultural fields – during April to December. The rest of the year, the material gets landfilled. The contract pays about \$0.0321 per gallon, which works out to approximately \$514,000 per year.

Stephen Kunselman (Ward 3) wanted to know where the material was going. Ed Sajewski, contract/project services manager for the wastewater treatment plant, explained that it would be spread on farm fields in the outlying area. He described the nutritive benefit – carbon, nitrogen, phosphorus – of applying the material to fields, as opposed to just landfilling it. Kunselman wondered if there were testing procedures to make sure no heavy metals were in the material. Yes, replied Sajewski, the city has a lab to do that testing, and it's required to be done through the permit the city has with the U.S. Environmental Protection Agency.

Outcome: The council unanimously approved the \$514,000 contract for spreading of biosolids.

Mowing Contracts

The city council considered three contracts for mowing different city-owned properties – traffic islands, areas of the wastewater treatment plant, and neighborhood athletic fields: (1) Green-Vision Lawn & Landscaping (\$105,336 for 3 years); (2) A2 Outdoors Creations (\$43,275 for 3 years); and (3) KBK Landscaping for mowing and trimming services at neighborhood athletic fields and five city locations in the amount of \$17,190/year (\$51,570 for 3 years).

Sabra Briere (Ward 1) said that people who drive into the city would have a right to complain if the city didn't maintain the traffic islands. Logistically, she described it as a challenge to get the mower out to the locations and to then mow just five square yards.

Stephen Kunselman (Ward 3) asked about the four parks that are a part of the contract – which parks? Matt Warba, acting field operations manager, told Kunselman the four are: Miller Nature Area, Forsythe, Kempf House and 875 S. Maple. Warba confirmed what Briere had said about the logistical challenge of mowing the areas covered in the contracts. He said there are 184 traffic islands. The city's strength is mowing large areas of grass, not the small intricate areas like traffic islands or the areas around Kempf House, a museum located on South Division.

Outcome: The council voted unanimously to approve the mowing contracts.

City Hall Restrooms

Pulled out of the consent agenda by Jane Lumm (Ward 2) for separate consideration was a \$93,438 contract with LC Construction LLC. The project involves the construction of five unisex restrooms, on floors 2-6, in the old elevator tower of city hall.

Lumm was dissatisfied with the answer she'd received from staff before the meeting to a question about why the bathrooms had not been constructed as part of the overall municipal center renovation project.

She characterized the response she'd received as essentially, "We ran out of money." She wanted all the costs for such projects captured in one place.

Otherwise, it's hard to understand which costs are related to city hall renovation and which are not, she said.



Paul Fulton (right, foreground) is typically on hand before the council meetings start, to handle any computer issues councilmembers might have. On April 16, he was called to the podium during the meeting to explain the computer replacement cycle.



Outcome: The council unanimously approved the restroom construction contract.

Before the council meeting, Jane Lumm (Ward 2) talked with city administrator Steve Powers (left).

Placid Way Park Improvements

Pulled out of the consent agenda by Sabra Briere (Ward 1) for separate consideration was a \$79,980 contract with Michigan Recreational Construction Inc. for improvements to Placid Way Park. The contract – which involves installing new play equipment as well as park furniture and landscaping – had been recommended for approval by the city’s park advisory commission at their March 20, 2012 meeting. The 1.32-acre neighborhood park is located on the city’s north side near the larger Dhu Varren Woods Nature Area and Foxfire South Park.

In her brief remarks, Briere described Placid Way as an unusual park that runs between neighborhoods. It’s heavily-used by a neighborhood that has many children, she said. And it’s a pathway from one neighborhood to another. She was happy see the upgrades happening. Mike Anglin (Ward 5) who serves as one of two city council ex officio non-voting appointees to the park advisory commission, noted the discussion that PAC had had on the park.

Outcome: The council unanimously approved the Placid Way Park renovation contract.

Technical Amendment to Retirement System

Before the council for its final consideration were some amendments to the city ordinance that governs the retirement system. The first change explicitly describes the process that’s already used to establish the interest rate in crediting participant contribution accounts. The second change corrects a language error introduced with an ordinance revision made last year, which misstates the methodology for calculating a participant’s early retirement benefit. The staff memo accompanying the council resolution indicates that the rates have been calculated correctly, despite the language error.

During the public hearing on the amendments, **Edward Vielmetti** introduced himself as a graduate of the University of Michigan’s economics department. He said he didn’t know very much about retirement planning. But he said he did know that projections for future returns are notoriously unreliable. In the past, retirement plans that made naive assumptions about future returns have had catastrophic surprises attached to them. He said he could speak to that from some of his own investments over the last 20 years.

Even portfolios that appear to be diversified usually are not, Vielmetti said. He urged the council to do something other than the simplest straight-line projection of future interest rates to project the range of possible outcomes – because a very good year or very bad year early in the cycle can make an enormous difference. Retirement planning is a serious business, he said, and he hoped the city is not taking an oversimplified approach.

Deliberations by the council included brief remarks from Jane Lumm (Ward 2), who characterized the amendments as technical changes that had been requested by the city attorney’s office. It’s not a change to the actual retirement plan, but rather a cleanup of some language, she said.

Outcome: The council unanimously approved the technical changes to the retirement ordinance.

Communications and Comment

Every city council agenda contains multiple slots for city councilmembers and the city administrator to give updates or make announcements about issues that are coming before the city council. And every meeting typically includes public commentary on subjects not necessarily on the agenda.

Comm/Comm: Greenbelt

Carsten Hohnke (Ward 5) gave an update on the most recent greenbelt advisory commission – as the city council appointee to that body. He briefed his council colleagues on the mid-year financial report the group had received at its last meeting – there’s about \$6 million left in the millage fund for greenbelt acquisitions, and \$4.5 million that’s designated for park acquisitions. [For a more detailed look at the April 5, 2012 GAC meeting, see Chronicle coverage: "Greenbelt Commission Briefed on Food Hub," which includes details of the mid-year financial report.] Hohnke also highlighted a deal that the Southeast Michigan Land Conservancy had closed on 100 acres along Prospect Road, a large portion of which is open to the public. The deal was done in partnership with the Ann Arbor greenbelt program. [For coverage, see "Superior Greenway Deal Adds 100 Acres."]

Comm/Comm: Parks Millage

Christopher Taylor (Ward 3) – in his capacity as one of two city council ex officio non-voting appointees to the city park advisory commission – reminded his colleagues of the remaining public outreach activity the city is doing on the park maintenance and capital improvements millage renewal. [For coverage of the millage proposal, which the city council will likely put on the November 2012 ballot, see "Park Commission Briefed on Millage Renewal."] A public meeting on the renewal of the tax will be held on April 23 from 6:30-7:30 p.m. at Leslie Science and Nature Center. And the final meeting will be April 26 at the Ann Arbor District Library Traverwood branch, Taylor said.

Comm/Comm: UM Wall Street Parking

Sabra Briere (Ward 1) reported that earlier in the day, Jim Kosteva –University of Michigan director of community relations – had informed members of the Ann Arbor city council that UM’s board of regents would be voting on April 19 on a proposal to build a 700-space parking structure, to be located between Wall Street and Maiden Lane. [As expected, UM regents approved the project.]

By way of background, the university announced on Feb. 10, 2012 that it was withdrawing from a partnership with the city to build additional parking at the same site where the city hopes to build a transit station – just south of Fuller Road and north of East Medical Center Drive. The Fuller Road site, as a location for additional university parking, had been an alternative to constructing additional parking on Wall Street – which the UM was on course to build up until 2009. The news Briere was reporting, then, reflects the UM’s decision to revert to a previous course.

Since before she was first elected [in 2007], Briere said, other members of the city council, the mayor, and other residents had tried to convince regents that while additional parking might be necessary, it should be considered for a satellite location, not a residential street. She said some folks look at the barren parking lot that forms the block between Maiden Lane and Wall Street and say, “Well, who’d want to live there, anyway? Go ahead, shove in a parking structure.”

Briere said she’d rather have seen a much more serious effort on the part of UM to improve mass transit. She wanted to encourage the university to develop more aggressive carpooling and alternative transportation options for staff. She wanted to see the number of people reduced who feel that they need to be able to get into their car without walking or waiting. She wanted better consideration of the infrastructure and the environmental impact that the parking structure would have on the community.

For those who think that no one will care and that it’s all a wasteland, she asked them to remember, “It’s the university that created that wasteland, and the university that wants to make it increasingly inhospitable to the residents who live [there].” She asked the regents of the University of Michigan to remember that good neighbors work together. They could just as easily build parking structures on the north campus or the athletic campus, creating options for those who want to park there, and reducing the number of employees who choose to park and not ride [a play on the term for lots designed for people to arrive, park, then take public transportation to their final destination – called park-and-ride lots.]

Comm/Comm: Agenda Item Titles

Sabra Briere (Ward 1) noted that the length of the titles to agenda items had begun to creep longer and they were not getting clearer as a result. She asked that the 20-word rule on agenda item titles be followed.

By way of illustration, the following title appeared on that night’s agenda (137 words):

An Ordinance to Amend Sections 1:552.1, 1:561, 1:562, 1:565, 1:566, 1:567, 1:568, 1:572 and 1:592 of Chapter 18, Employees Retirement System, Title I of the Code of the City of Ann Arbor to Implement a “Pick-Up” Provision Allowed by Internal Revenue Code 414(h) for Members represented by the IAFF, Local 693 and the Command Officers Association, and Increase the Contribution Level for Members Represented by the Command Officers Association, and to Implement a HELPS provision for Eligible Retired Public Safety Officers, and to Implement an Other Qualified Adult Pop-Up Provision for Members represented by the Ann Arbor Police Officers Association, the Command Officers Association and AFSCME, and to Implement Other Collectively Bargained Changes for Members Represented by the IAFF, Local 693 (Ordinance No. ORD-12-10)

Comm/Comm: Medical Marijuana Dispensary Licenses

Sabra Briere (Ward 1) also told her colleagues that she'd listened to their requests at the council's previous meeting, on April 2, 2012, that medical marijuana dispensary licenses be brought to the council for a vote. However, after further consultation with the city attorney, Stephen Postema, she reported that he's said he would not be able to provide adequate background information to the council on the issue until June. She wanted to let her colleagues know that she had checked, and that Postema was not prepared to move as quickly as she was.

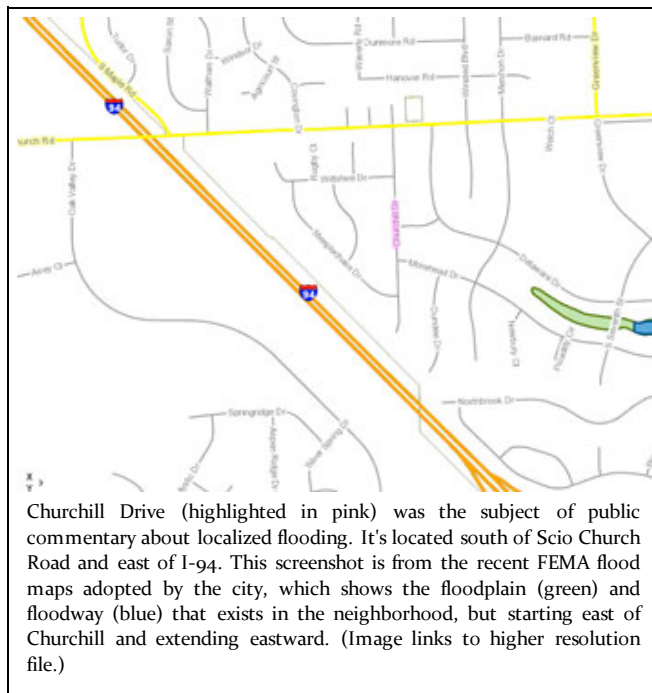
Comm/Comm: Blight Removal

Stephen Kunselman (Ward 3) reported that the city's efforts at blight removal are working in his neighborhood, on Springbrook. He thanked everyone who supports blight removal and the city staff for making it happen.

Comm/Comm: Localized Flooding

During public commentary time, **Ellen Fisher** told the council she was speaking for herself and many of her neighbors in the Churchill Drive area. [It's an area on the west side of the city, east of I-94 and south of Scio Church Road.] She reminded councilmembers that some of them had heard from her before in letters she'd written. That night, she said she wanted to put a face to the message. She told the council that she and her husband had moved into their house on March 23, 1974 – 38 years ago. For 26 years, they had no problems, she reported. However, they'd experienced three localized floods in the neighborhood since 2000, two within the last two years.

She contended that three specific actions by the city of Ann Arbor were responsible for the flooding – which resulted in her home now serving as the “neighborhood detention pond.” First, she said, residential development had been allowed north of Scio Church Road, which caused additional water to flow into the Churchill Downs neighborhood during bad storms. Second, she said, in 1998 the roads in the neighborhood (Wiltshire and Churchill) were resurfaced. But instead of removing older pavement, she said, new asphalt was just laid on top of the old. As a result of laying down new asphalt on top of the old, she described the crown of the road now as above the curb, and the curb as only two inches high. So any time the water gets deeper than two inches on the road during a storm, it's forced off the road into people's houses.



The third city action, she said, was the footing drain disconnection program implemented after the floods of 2000. Since that time, the city has known that the stormwater system in the Churchill Downs area is inadequate, she said. But in 2009 homeowners there had to participate in the footing drain disconnect program.

By way of background, the program requires disconnection of a property's footing drains to the sanitary sewer system, with a new connection made to the stormwater system. The move is meant to prevent the phenomenon of raw sewage backing up into people's basements – due to overloading the sanitary system, which is not designed to deal with the volume of water associated with storms. Fisher's contention is that the stormwater system in the neighborhood is also not adequate to handle the volume of water due to storms.

Fisher continued by describing another flood just a month ago, and showed the council a photo of her house, which she described as an island surrounded by water – 5-6 inches. Storm drain covers were blown off, and geysers shot up five feet into the air, she reported. Water flowed into their basement through the egress windows and up from the sump that was installed through the footing drain disconnect program.

The city of Ann Arbor has attributed this to an “act of god,” she said. But she called the flood in her basement an “act of the city.” She called on the city to accept responsibility. In the short term, she



Marcia Higgins (Ward 4) as she listens to Ellen Fisher's public comment on localized flooding issues. To Higgins' right (in green shirt) is Margie Teall (Ward 4). Fisher was speaking about flooding in Ward 4.

called for the city to solve the problem of water entering the basement through the sump and to cover the cost of cleanup and mitigation. In the long term, she said, the city needs to address flooding in the neighborhood. She presented the council with a petition signed by several residents of the neighborhood, many of whom were in the audience at city council chambers.

Lowell Fisher, Ellen Fisher's husband, spoke from his wheelchair. He told the council that the floods were taking an emotional and financial toll on him. The value of their home has plummeted, he said. They're afraid to restore their basement – so they're left with a basement they can't use. Because he can't visit all his children, they travel to visit him. They need their basement to host their children and grandchildren. Two years ago a flood cost

them \$20,000. But their claim for \$5,000 in cleanup costs was denied. Nothing was done by the city to prevent another occurrence, he said. He stressed that the floods are not freak storms. There had been storms for the last 26 years prior to the occurrence of flooding problems. He concluded that it's time for the city to take action. More than a dozen people stood in the audience to show support during Fisher's remarks.

Comm/Comm: Smart Meters

Nanci Gerler alluded to a mayoral proclamation that led off the meeting, which established April 22, 2012 as Earth Day in Ann Arbor – the 42nd anniversary of the international observation of Earth Day, which was launched in Ann Arbor on March 10-14, 1970.

Gerler told the council she'd attended the first Earth Day and still has an Earth Day button somewhere in her house. She told the council she appreciated being a part of a community that values the environment and accessibility for those with disabilities. She warned the council that DTE's smart meters had been introduced in Ann Arbor like a Trojan horse, using the guise of sustainability. Only recently had the meters been installed in Ann Arbor, she said, but other parts of the state had a longer experience with them. She told the council that 18 other municipalities have passed resolutions and moratoriums on smart meters, due to questions health safety and invasion of privacy, she said. Why not Ann Arbor? she wondered. Ann Arbor is usually progressive on such issues.

Gerler described how DTE is making no exceptions, and does not give consumers the right to opt out. She said that she'd been told by the Michigan Public Service Commission that if she refuses to allow installation, she could have her electricity shut off, even if she pays in a timely fashion. She offered to work with councilmembers to bring them up to speed on the issue. She asked councilmembers to help her get the message out.

Darren Schmidt introduced himself as the president and CEO of the Nutritional Healing Center of Ann Arbor. He described how the center helps people improve their health through nutrition. He said that a few years ago he became aware that some of the fatigue, memory loss, sleep disorders, and illnesses including Parkinson's Disease could be attributed to "dirty electricity" and magnetic fields. [The council's agenda included a mayoral proclamation establishing April as Parkinson's Disease Awareness Month.] He showed the council a book titled "Dirty Electricity," which that concluded electromagnetic frequencies and radio frequencies are the No. 1 cause of cancer in the U.S. He cited another book, titled "Zapped," that provides ways to avoid electromagnetic pollution.

Schmidt said 3-5% of the population are extremely sensitive to magnetic fields and 35-50% are somewhat sensitive, but may not know it. Most doctors don't know anything about this condition, he said. He had stumbled across it because his patients need the best care possible and they're not constrained by pharmaceutical requirements. He also showed the council a letter from the American Academy of Environmental Medicine. The president-elect of that organization, he said, is Amy Dean, who's a doctor of osteopathic medicine (D.O.) and based in Ann Arbor. The AAEM on April 12 released its position paper on electromagnetic fields and radio frequency health effects, and that paper had called for immediate caution on installation of "smart meters." He compared installing "smart meters"

in neighborhoods to “living in a microwave” that can’t be turned off.

Comm/Comm: Affordable Services for Most Vulnerable

Thomas Partridge called on the council to fund services for the most vulnerable – from disabled citizens, to senior citizens, to the middle class – those who need job opportunities and access to public transportation to get to those jobs. He called for the nomination of Barack Obama for re-election as president of the United States.

Present: Jane Lumm, Mike Anglin, Margie Teall, Sabra Briere, Sandi Smith, Tony Derezinski, Stephen Kunselman, Marcia Higgins, John Hieftje, Christopher Taylor, Carsten Hohnke.

Next council meeting: Monday, May 7, 2012 at 7 p.m. in the second-floor council chambers at city hall, 301 E. Huron. [confirm date]


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12 Comments


1.  BY JIM REES
APRIL 21, 2012 at 8:24 pm | [PERMALINK](#)

Did the airport runway extension study take into account the donut imbalance that will result from having a Tim Horton’s off the northeast end of the runway and no donuts off the southwest end?

On a more serious note, I was surprised to read in the Detroit Free Press that DTE has asked for a rate increase to pay for the new “smart” meters. I thought the whole idea was that they’d be cheaper because meter readers would no longer have to be sent out. If they end up costing us more than the old meters, what’s the point?


2.  BY TEACHERPATTI
APRIL 21, 2012 at 11:16 pm | [PERMALINK](#)

Um, is that stuff about the smart meters and cancer and that true? Cuz I’m kind of worried.

3.  BY TOM WHITAKER
APRIL 22, 2012 at 11:03 am | [PERMALINK](#)

I’m not clear on the biosolids contract that was approved. Is the City PAYING \$514K to have biosolids spread on farm fields, or is the City being PAID \$514K for providing this “fertilizer”?


If the City is paying, how much more or less is this cost per gallon (\$0.0321) than the cost of landfilling it?

4.  BY DAVE ASKINS
APRIL 22, 2012 at 11:21 am | [PERMALINK](#)

Re: [3] It's the city's cost.

Assuming a weight of about 8 pounds a gallon, that works out to $((\text{US\$ } 0.0321) / 8) * 2000 = 8.02500$ U.S. dollars per ton.


From minutes of a March 2012 meeting of the "organics subcommittee" of the solid waste unit (comparing the cost of processing organics versus landfilling them) it looks like the city currently pays \$26 per ton to put material in a landfill.

5.  BY TOM WHITAKER
APRIL 22, 2012 at 10:30 pm | [PERMALINK](#)

Thanks, Dave.

While you were looking into that, I checked the web to see if Bio Tech Agronomics was affiliated with WeCare Organics, the firm running the City's compost facility. I could not find any connection between the two in the brief time I spent on it.

WeCare Organics blends biosolids into compost in other cities, and has affiliates that transport biosolids and make fertilizer products from blends of compost and biosolids. Some people expressed concern that WeCare would introduce biosolids into Ann Arbor's compost, but assurances were provided around the Council table that this would not happen and as far as I know, it hasn't happened.


6.  BY EDWARD VIELMETTI
APRIL 23, 2012 at 12:03 am | [PERMALINK](#)

The "student press" alluded to in my commentary on minor-in-possession laws can be found starting here:

[\[link\]](#)


with this pull quote

"To combat the potential issue at the University, members of the Central Student Government — formerly known as the Michigan Student Assembly — are working on a proposal to implement medical amnesty at the University, a policy that would protect students from receiving an MIP if they call for alcohol-related medical attention for another person while also under the influence."


7.  BY LIEBEZEIT
APRIL 23, 2012 at 5:14 am | [PERMALINK](#)

"He said that a few years ago he became aware that some of the fatigue, memory loss, sleep disorders, and illnesses including Parkinson's Disease could be attributed to "dirty electricity" and magnetic fields."

Hilarious...classic Ann Arbor.


8.  BY JIM REES
APRIL 23, 2012 at 8:24 am | [PERMALINK](#)

If you are concerned about the electromagnetic fields from your electric service, there is a simple solution. Call up DTE and ask them to remove the meter.

9.  BY DAVE ASKINS
APRIL 23, 2012 at 10:18 am | [PERMALINK](#)

Re: [8] Calling DTE and asking them to remove the meter.


Our smart meter was installed a few weeks ago. I called customer service just now to test whether a simple phone call could do the trick. According to the customer service representative I talked to, there's currently no provision for opting out either before or after the fact. However, she indicated that talks are taking place between DTE and the [Michigan Public Service Commission](#) about providing customers the ability to opt out. To be clear, I'm not actually interested in having the "smart meter" removed; I was just following up on Jim's suggestion.

10.  BY DAVE ASKINS
APRIL 23, 2012 at 10:51 am | [PERMALINK](#)


And to follow up on [9], the "talks" that are taking place between DTE and MPSC can be more precisely described as follows, based on a conversation with MPSC just now.

On Jan. 12, [MPSC issued an order](#) requiring utilities to file information with MPSC about "smart meter" rollout plans, including estimated cost, funding, estimated savings, and non-monetary benefits, scientific information, and whether an opt out would be provided (included how costs associated with opt outs might be recovered.) The deadline for that filing was March 16, [which DTE met](#). Public comment on that was open through April 16. The information filed in response to MPSC's order will all be compiled into a report, supplemented with independent review of relevant literature, and produced by June 29. At that point, MPSC commissioners will have a document on the basis of which they could issue further orders or weigh future rate cases brought by DTE before the MPSC.

Also in the mix is pending [House Bill 5439](#), which would legislatively provide for an opt-out by consumers and regulate how data collected by the meters is used.

11.  BY JIM REES
APRIL 23, 2012 at 1:03 pm | [PERMALINK](#)

Dave, you misunderstood me. You are perfectly within your rights to have the meter removed, and if DTE won't do it, you can remove it yourself (safely, please!). You will then be left with no electromagnetic fields in your house from your DTE electric service. You will also have no electricity.

12.  BY DAVE ASKINS
APRIL 23, 2012 at 1:09 pm | [PERMALINK](#)

Re: [11] Ah! Yes, I did misunderstand you.