

# City of Ann Arbor

301 E. Huron Street  
Ann Arbor, MI 48104  
<http://a2gov.legistar.com/Calendar.aspx>



## Action Minutes

Monday, April 15, 2013

7:00 PM

City Hall, 301 E. Huron Street, Council Chamber, 2nd Floor  
City Council meets in caucus the Sunday prior to each regular  
session at 7 p.m. in the Council Chamber.

**City Council**

**CALL TO ORDER**

*Mayor Hieftje called the meeting to order at 7:09 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron St.*

**MOMENT OF SILENCE**

*Council stood for a moment of silence.*

**PLEDGE OF ALLEGIANCE**

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

**ROLL CALL OF COUNCIL**

**Present:** 11 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Sally Petersen and Councilmember Chuck Warpehoski

**APPROVAL OF AGENDA**

**A motion was made by Councilmember Teall, seconded by Councilmember Lumm, that the Agenda be approved with the following changes:**

**Move: INT-3 Ann Arbor Veg Week Proclamation (Consider before INT-2)**

**Move: INT- 4 Jim Toy Proclamation (Consider before INT-2)**

**Move: DS-2 Resolution to Approve a Contract with Hubbell, Roth & Clark, Inc. for Design of Pump Replacement at the Wastewater Treatment Plant (\$122,595.00) (Consider after Public Hearings)**

**Move: DS-3 Resolution to Submit Funding Applications Under the Local Bridge Program to Perform Preventative Maintenance on Three City Bridges (Consider after Public Hearings)**

**Move: DS-6 Resolution to Purchase Vacant Property Located on Meadowcreek Drive, Owned by Windy Crest Partnership, and Appropriate \$95,500.00 from the Open Space and Parkland Preservation Millage Proceeds (8 Votes Required) (Consider after Public Hearings)**

**Move: DS-8 Resolution to Approve a Grant of Easement through Riverside Park to DTE Electrical Company for Electrical Utility Service (8 Votes Required) (Consider after Public Hearings)**

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

**INT INTRODUCTIONS**

INT-1 13-0376

Dr. Patricia Green, Superintendent, Ann Arbor Public Schools:  
Transportation Working Group

**Attachments:** Memo to Council - INT-1 AAPS Transportation Working Group

*Patricia Green, Superintendent of the Ann Arbor Public Schools, addressed Council regarding the Transportation Working Group. She thanked City Council, Mayor Hieftje, and City Administrator Steve Powers for joining the schools on the Transportation Working Group. Liz Margolis and Randy Trent of the AAPS staff were also on hand to answer any questions of Council. Ms. Green stated that the AAPS Board asked that a broad based group be put together which included leaders from the City, the University, parents, community members and AAPS board members. The purpose of the group was to determine whether or not student transportation would have long term sustainability in the current fiscal climate of the district and the State of Michigan.*

**Received and Filed**

INT-3 13-0459

Ann Arbor Veg Week Proclamation

**Attachments:** A2 veg week

*Mayor Hieftje read a Proclamation proclaiming April 22-28, 2013, as Ann Arbor Veg Week. The City of Ann Arbor is dedicated to the preservation of the environment and natural resources; and the United Nations Food and Agriculture Organization recognized in 2006 that livestock agriculture is one of the most significant contributors to today's most serious environmental problems. Mayor Hieftje encouraged residents to participate in choosing plant-based foods as a way to protect their health, the planet and animals. A copy of the proclamation is on file in the City Clerk's Office.*

**Received and Filed**

INT-4 13-0460

Jim Toy Proclamation

**Attachments:** Jim Toy proclamation

*Mayor Hieftje read a proclamation honoring Jim Toy for the outstanding contributions and admirable leadership he has provided to the Ann Arbor community over the past forty years, in support of the gay rights movement. A copy of the proclamation is on file in the City Clerk's Office.*

**Received and Filed**

INT-2 13-0375

City Administrator's FY2014-2015 Budget Presentation

**Attachments:** FY14-15 Budget Presentation

*City Administrator Steve Powers presented the FY2014-2015 proposed City Budget to Council. The proposed two-year fiscal plan projects the anticipated revenue receipts over the next two years and includes expenditure strategies to establish a balanced fiscal plan. The first year of the plan is the proposed FY 2014 budget. Unless revenue projections change, the second year of the plan should only require minor updates next year to establish the recommended FY 2015 budget. (A copy of the presentation and the proposed budget are on file in the City Clerk's Office.)*

**Received and Filed**

**PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)**

**\* (SPEAKERS ARE NOT PERMITTED TO GRANT THEIR RESERVED TIME TO AN ALTERNATE SPEAKER)**

**\* ACCOMMODATIONS CAN BE MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

**1. Leslie Stambaugh - New Video Privacy Ordinance (C-1)**

*Leslie Stambaugh, 1940 Ridge Ave., read a proclamation from the Ann Arbor Human Rights Commission in support of the proposed Video Privacy Ordinance.*

**2. Norman Tyler - FY2014-2015 Budget**

*Norman Tyler, 126 N. Division St., addressed Council regarding the proposed City budget. He encouraged Council as they consider the City's budget, to allocate resources necessary for adequate staff review of major construction projects and proper zoning review.*

**3. William Leaf - New Video Privacy Ordinance (C-1)**

*William Leaf, 1825 Hill St., spoke in support of the proposed Video Privacy Ordinance.*

**4. Tom Partridge - End Ann Arbor housing discrimination. Reform city zoning and planning ordinances and policies to assure non-discrimination in housing by providing affordable housing throughout the city. Call for the resignation of irresponsible public officials including Mayor Hieftje and Governor Snyder. (B-1)**

*Tom Partridge, Ann Arbor resident, addressed Council regarding ending Ann Arbor housing discrimination and reforming the City's planning and zoning ordinances and policies to assure non-discrimination in housing.*

**5. Widdicombe Schmidt - Weather Change from Large Building**

*Widdicombe Schmidt, 511 W. Ann St., addressed Council regarding building large structures in the City. He urged Council to consider how the construction of large buildings affects the weather in the downtown, including the increased effects of wind.*

**6. Christine Crockett - Heritage and Historic District**

*Christine Crockett, 506 E. Kingsley, addressed Council regarding historic districts and the importance of preserving the City's heritage.*

**7. Ellen Ramsburgh - Zoning within the DDA Boundary**

*Ellen Ramsburgh, 1503 Cambridge Rd., addressed Council regarding the zoning within the DDA boundary, including the D1 and D2 zoning designations.*

**8. Jeffrey Hayner - General Comments**

*Jeffrey Hayner, 1807 Pontiac Trail, addressed Council regarding the budget. He spoke about the need to allocate some of the street and sidewalk millage repair funds to fix the sidewalks near Bandemer Park.*

**9. Caleb Poirier - General Comments**

*Caleb Poirier, 1324 White St., delayed his comments until the public hearing for Ordinance 13-05.*

**10. Ilene Tyler - FY2014-2015 Budget**

*Ilene Tyler, 126 N. Division St., addressed Council regarding the proposed City budget. She stated there is not currently enough staffing to address planning and zoning issues. She expressed concern with the current noise ordinance as it relates to construction projects.*

**Alternates:****1. Steve Sonntag - Fluoridation of Water**

*Steve Sonntag, 2310 Pauline Blvd., addressed Council regarding the fluoridation of water and the City's water supply. He urged Council and the public to look into the dangers associated with the fluoridation of water.*

**COMMUNICATIONS FROM COUNCIL****COUNCILMEMBER KUNSELMAN**

*Councilmember Kunselman said that the far east side of Ward 3 is one of the largest geographic areas within the city with low to moderate income families. There is a shopping district that fronts Saint Aubin Ave., which is a city-owned public right-of-way. That right-of-way has been neglected by the City for at least the last decade. The business owners of that area have not been able to get assistance with restoration of Saint Aubin. He asked staff if that restoration would be able to take place and was told that in order to do so, those businesses would have to set up a special assessment district and pay for it themselves. The City has had a change of opinion and he shared with Council the following statement from an email he received regarding the issue:*

*Project Management staff indicates that based on the pavement condition rating for this section of roadway, this section will be under consideration for inclusion in the 2014 street resurfacing program. Under consideration doesn't mean that it would be included in the program, but the section would be evaluated and priority given for other street conditions.*

*Councilmember Kunselman said that this is very exciting and he would be looking forward to having his colleagues' support for including the Saint Aubin Avenue resurfacing in the 2014 street resurfacing program, so that those businesses that service the low to moderate income families in that area have the same infrastructure improvements that have been seen elsewhere in the City.*

*Councilmember Kunselman announced that he would be requesting to postpone B-2 (Chapter 7 - Downtown Development Authority Ordinance Amendments) and also requesting the Mayor to keep the public hearing open as well.*

**COUNCILMEMBER HIGGINS**

*Councilmember Higgins said that as Chair of the Budget Committee, she asked a member of the Committee to collect all of Council's proposed amendments for the upcoming budget. This allows for a single collection point and one point of contact for staff for any proposed budget amendments Council may have.*

*Councilmember Higgins said that Councilmember Lumm will be this year's collection point (councilmember) for all budget amendments and all amendments should be forwarded to her. Amendments should be sent by 5 p.m. on Tuesday, May 14, 2013, so that the amendment document could be sent to Council by Thursday, May 16, 2013. Councilmember Higgins reminded her colleagues that early submission of possible amendments to Finance allows for staff to have time to analyze the budget impact of the amendments. Councilmembers could submit a proposed amendment for review and still later decide not to make the amendment during the budget approval.*

*Councilmember Higgins said that the Admin Committee has requested City Administrator Powers schedule a workshop with the Michigan Municipal League (MML) to speak with Council regarding attorney/client privilege information.*

*City Administrator Steve Powers said that April 29, 2013 has been scheduled for the MML to speak with Council.*

**COUNCILMEMBER WARPEHOSKI**

*Councilmember Warpehoski announced that any member of the public who signs up for the Commuter Challenge during the month of May will receive a free cookie from The Lunch Room, a new restaurant located in Kerrytown.*

*Councilmember Warpehoski stated he and Councilmember Anglin are hosting a townhall meeting in the Fifth Ward to discuss the proposed changes to the Sign Ordinance. The townhall will be held at Downtown Home and Garden on April 29 starting at 7 p.m.*

**COUNCILMEMBER BRIERE**

*Councilmember Briere said the Public Art Task Force would be bringing an ordinance amendment to Council at the first meeting in May. The Task Force has one more meeting scheduled and all proposed ordinance changes would be proofed by the members and then move forward in ordinance form to the Council for final review and approval.*

*Councilmembers Briere and Kailasapathy have been meeting with City staff and expect to bring an ordinance change that governs Chapter 12; dealing with infrastructure improvements to vacant lots. This change should significantly address some of the issues councilmembers have identified within the existing ordinance. The changes are being made to find an equitable and coherent way to assess new properties, including appropriate charges for sanitary and water service. This ordinance is expected to be ready for the May 6, 2013 Council meeting.*

**COUNCILMEMBER ANGLIN**

*Councilmember Anglin said that he was pleased to see the Superintendent of the Ann Arbor Public Schools at tonight's meeting. He thanked the City Administrator for starting the dialog with the schools.*

**COUNCILMEMBER TAYLOR**

*Councilmember Taylor announced that members are needed to serve on Local Development Financing Authority LDFA (3 seats will expire on June 30, 2013). The Greenbelt Advisory Commission GAC also has three terms expiring on June 30, 2013. GAC needs a farmer, a representative from an environmental organization and an at-large member for its commission. Contact the City Mayor's Office for an application for either board.*

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR****NORTH MAIN DEMOLITION**

*City Administrator Steven Powers said that staff would be proceeding with demolition of the six structures on North Main. Previous Council action has established the funding of the Dangerous Building Fund and has established the process for staff to proceed. The demolition and site restoration is scheduled to take nine weeks for completion.*

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



PH-1 13-0188

An Ordinance to Amend Sections 1:155, Section 1:156 and Add a New Section Which New Section Shall Be Designated as Section 1:160 of Chapter 7, Downtown Development Authority, Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-13-05)

**Sponsors:** Kunselman and Kailasapathy

**Attachments:** ORD 13-05 Briefed and Approved as Amended 41513, 13-05 Amended and Briefed, DDA Ordinance as Amended on 040113, Memo Substitute DDA Ordinance Amendments, DDA Ordinance Amendments 2013 Substitute Version 2, DDA Ordinance Amendments REVISED 3-1-13, DDA Ordinance Amendments 2013, Stephen Kemsley Communication

*A public hearing was conducted on the proposed Ordinance to Amend Sections 1:155, Section 1:156 and Add a New Section Which New Section Shall Be Designated as Section 1:160 of Chapter 7, Downtown Development Authority, Title I of the Code of the City of Ann Arbor. Notice of hearing was published on April 4, 2013. Mayor Hieftje announced that this item may be postponed and that any persons speaking at tonight's public hearing would not be allowed to speak on the hearing again if the hearing is continued to a later date.*

*The following people spoke in opposition to the proposed ordinance amendment:*

*Charles Cowin of Dawn Farm,  
Julie Steiner, 502 Sunset, representing the Washtenaw Housing Alliance  
Ray Detter, 120 N. Division, representing Downtown Citizens Advisory Council  
Caleb Poirier, 1327 White St., of Camp Take Notice (CTN)  
Steve Kaplan, 3086 Charing Cross  
Diana Giannola, 3252 Alpine St.  
Max Clayton, representing Artisans Guild and Ann Arbor Art Fair  
Seth Best, CTN  
Maura Thompson, Main Street Area Association  
Rene Greff, downtown business owner  
Dennis Tice, South University area merchant  
Alonzo Young, 975 Sherwood  
Jim Curtis, of Curtis Commercial  
James and Christine Lawson, CTN members  
Phyllis Englebert, Kerrytown merchant  
CTN resident  
Scott Rosencrans, 3051 Lakeview Dr.  
Sheri Wander, 1327 White St.  
Ingrid Ault, 2531 Meade Ct.  
An unidentified CTN member  
Eleanor Pollack, 515 Detroit St.  
Jim Kern, 318 S. Thayer  
Tom Heywood, State Street Area Association  
Dave Kohnkle, former Energy Coordinator for the City of Ann Arbor  
Chris Crockett, 506 E. Kingsley  
Bear Hall, builder  
Cathi Duchon, CEO of the Ann Arbor YMCA  
Jackie Starkey, former member of CTN  
Mike Fitzsimmons, COO of the Ann Arbor YMCA  
Carole McCabe, Avalon Housing  
Bill Berdsoe, CTN  
Dave DeVarti, 1231 Baldwin Ave.*

*Brian Durance, CTN  
Rick Strutz, representing Zingerman's and Food Gatherers  
Stephan Trendolph  
Jose Galafrey, Ypsilanti resident, CTN Member  
David Blanchard, 1230 Broadway St.  
Dick Soble, 12 Geddes Heights Dr.  
Barbara Kessler, 12 Geddes Heights Dr.  
Paul Saginaw, 1205 Olivia  
Hugh Sonk, 505 E. Huron*

*Alan Haber, 531 Third Street, stated a review of the DDA structure is overdue. He stated affordable housing should be a multi-agency responsibility, not the DDA.*

*Marianne James, 3180 Springbrook, supported a postponement of the ordinance.*

*The following people spoke in support of the proposed ordinance amendment:*

*Lou Glorie, 827 Brooks  
Jack Eaton, 1606 Dicken*

*There being no further comment, the Mayor declared the hearing continued to May 6, 2013.*

**Held and Continued to the City Council due back on 5/6/2013.**

Enactment No: ORD-13-05

**PH-2 13-0326**

Resolution to Approve Theta Delta Chi Site Plan, 700 South State Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

**Attachments:** 2/21/13 Planning Staff Report, 2/21/13 Planning Commission Minutes

*A public hearing was conducted on the proposed Resolution to approve the Theta Delta Chi Site Plan located at 700 S. State Street. Notice of public hearing was published April 1, 2013.*

*Tom Partridge spoke in opposition to the proposed site plan.*

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

**Held and Closed**

PH-3 13-0168

Resolution to Approve 413 East Huron Street Site Plan and Development Agreement, 413 East Huron Street (CPC Recommendation: Denial - 5 Yeas and 3 Nays)

Attachments: 413 Council Staff Report 4-1-13, 2/5/13 Planning Staff Report, Development Agreement Draft 4-11-13, Development Agreement Draft 4-11-13, 413 E. Huron Development Agreement Draft 3-27-13final, Development Agreement Draft 3-5-13final, 1-15-2013 City Planning Commission Minutes-413 E Huron Project, 2-5-2013 City Planning Commission Minutes-413 E Huron Project, 413 E Huron - new trash proposal, 12327Solar study, Plan Set 03-28-13, H. Scott Diels Communication, Letter\_City Council 3.29.13.pdf, Ltr to Mayor and City Council Members, ltr from Norman Hyman dated 3-14-13

*Mayor Hieftje declared a recess at 10:31 p.m. and reconvened the meeting at 10:43 p.m.*

*A public hearing was conducted on the proposed Resolution to approve the 413 Huron Street Site Plan and Development Agreement, located at 413 East Huron Street. Notice of public hearing was published April 1, 2013. Mayor Hieftje announced that persons speaking at tonight's public hearing would not be allowed to speak on the hearing again if the hearing is continued to a later date.*

*The following people spoke in opposition to the proposed site plan and development agreement:*

*Janet Kreger, 1050 Wall St., founder of the Michigan Preservation Network  
Tom Partridge, Ann Arbor resident  
Kathy Boris, 1726 Charlton  
Steve Kaplan, 3086 Charring Cross  
Christina Kamen, 622 Dellwood  
Member of the audience  
Ethel Potts, 1014 Elder  
Jeff Crockett, 506 E. Kingsley  
Bethany Osborne, 501 E. Ann St.  
Ann Schriber, 2116 Dorset Rd.  
Eleanor Pollack, 515 Detroit St.  
Linda Binkow, 505 E. Huron St.  
Joan French, 505 E. Huron St.  
Beverly Strassman, 545 S. Fifth Ave.  
Esther Floyd, 505 E. Huron  
Rita Mitchell, 621 5th Street  
Chris Crockett, 506 E. Kingsley  
Don Duquette, 505 E. Huron  
Si Gufatto, 505 E. Huron  
Mary Hathaway, 1407 Wakefield  
Margaret Lindstrom, 2204 Rivenoak  
Whitaker Schmidt, 511 E. Ann  
Barbara Hall, 448 Fifth St.  
John Sullivan, 217 N. Division  
Susan Whitaker, 444 S. Fifth Ave.  
Dr. Phyllis Boniface, owner of a business in Sloan Plaza  
Eleanor Linn, 1321 Forest Ct.  
Alison Stupka, 225 Buena Vista  
Heather Khan, 311 Collingwood*

*Susan Weinberg, 712 E. Ann St.  
 Alan Haber, 531 Third St.  
 Ellen Ramsburgh, 1503 Cambridge  
 Norman Hyman, Attorney representing Sloan Plaza  
 Nathan Etu, 310 N. Adam St. in Ypsilanti, MI  
 Julie Ritter, 920 Catherine  
 Alice Ralph, 1607 Stadium Blvd.  
 Lars Bjorn, 712 E. Ann St.  
 Peter Eckstein, 2551 Londonderry  
 Christopher Graham, 925 Aberdeen  
 Richard Redding, 505 E. Huron  
 Unidentified resident on E. Ann St.  
 Christine Brummer, 326 Mulholland  
 Ilene Tyler, 126 N. Division St.  
 Peter Nagourney, 914 Lincoln Ave.  
 Norm Tyler, 126 N. Division St.  
 Ray Detter, 120 N. Division St.*

*Conor McNally, Chief Development Officer for the project, explained the proposed site plan and changes to the plan since the last meeting. Mr. McNally was available to answer questions of Council.*

*Pat Lennon, representing the developer, explained the project to Council. He urged Council to approve this "by-right" proposal.*

*Carl Hueter, 817 S. 7th St., architect for the project, explained the proposed changes to Council.*

*Susan Friedlaender, attorney representing the developer, explained the legalities for approving the proposed site plan and development agreement.*

*There being no further comment, the Mayor declared the hearing continued to May 6, 2013.*

**Held and Continued to the City Council due back on 5/6/2013.**

## **RE-OPEN AGENDA**

*Councilmember Kailasapathy left the meeting at 12:50 a.m.*

**A motion was made by Councilmember Briere, seconded by Councilmember Higgins, that the Agenda be reopened to move DS-7 to be heard after DS-6, just after the public hearings. On a voice vote, the Mayor declared the motion carried and the item was moved up in the agenda as follows:**

**Move: DS-7 Resolution to Approve a Transportation Alternatives Program Grant Application to SEMCOG and MDOT to Fund Improvements to the 721 N. Main Site (Consider after DS-6)**

**DS-2 12-1571**

Resolution to Approve a Contract with Hubbell, Roth & Clark, Inc. for Design of Pump Replacement at the Wastewater Treatment Plant (\$122,595.00)

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

Enactment No: R-13-108

- DS-3 13-0256** Resolution to Submit Funding Applications Under the Local Bridge Program to Perform Preventative Maintenance on Three City Bridges

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

Enactment No: R-13-109

- DS-6 13-0274** Resolution to Purchase Vacant Property Located on Meadowcreek Drive, Owned by Windy Crest Partnership, and Appropriate \$95,500.00 from the Open Space and Parkland Preservation Millage Proceeds (8 Votes Required)

**Attachments:** Windy Crest Property Location Map.pdf, Windy Crest Property Aerial Map.pdf

**A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously with ten members of Council present, thus satisfying the eight-vote requirement.**

Enactment No: R-13-110

- DS-7 13-0371** Resolution to Approve a Transportation Alternatives Program Grant Application to SEMCOG and MDOT to Fund Improvements to the 721 N. Main Site

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

Enactment No: R-13-111

- DS-8 13-0370** Resolution to Approve a Grant of Easement through Riverside Park to DTE Electrical Company for Electrical Utility Service (8 Votes Required)

**Attachments:** DTE Riverside Park Grant of Easement

**A motion was made by Councilmember Briere, seconded by Councilmember Petersen, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried with ten members of Council present, thus satisfying the eight-vote requirement.**

Enactment No: R-13-113

**COMMUNICATIONS FROM COUNCIL***MAYOR HIEFTJE*

*Mayor Hieftje responded to some of the comments regarding the D1/D2 zoning the proposal at 413 E. Huron. Mayor Hieftje said that under the previous zoning of this parcel in 2009, the same massing would have been allowable.*

*COUNCILMEMBER BRIERE*

*Councilmember Briere also spoke about 413 E. Huron. She noted that the previous zoning would not have allowed a multi-use building like what is currently being proposed.*

*COUNCILMEMBER KUNSELMAN*

*Councilmember Kunselman requested a copy of the 2009 zoning map.*

*COUNCILMEMBER HIGGINS*

*Councilmember Higgins stated Council discussed the zoning of this section of Huron Street during the A2D2 process.*

- Present:** 9 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Jane Lumm, Councilmember Sally Petersen and Councilmember Chuck Warpehoski
- Absent:** 2 - Councilmember Marcia Higgins and Councilmember Sumi Kailasapathy

**RECESS**

*Mayor Hieftje declared a recess at 1:13 a.m. and reconvened the meeting at 1:28 a.m.*

*Councilmember Higgins left the meeting at 1:25 a.m.*

**A APPROVAL OF COUNCIL MINUTES**

- A-1 13-0430** City Council Working Session of March 25, Special Session of March 25 and Regular Session of April 1, 2013

**Attachments:** 03-25-13 Special Session minutes, 3-25-13 Work Session Minutes, 04-01-13 Draft Minutes, 04-01-13 Council Redactions and Emails

**A motion was made by Councilmember Kunselman, seconded by Councilmember Teall, that the Special Session Minutes of March 25, the Work Session Minutes of March 25 and the Regular Session Minutes of April 1, 2013 be approved as presented. On a voice vote, the Mayor declared the motion carried.**

**CA CONSENT AGENDA**

- CA-1 13-0230** Resolution to Amend Service Order for Stormwater Services with the Washtenaw County Water Resources Commissioner (\$30,000.00 Increase for FY13)

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

Enactment No: R-13-112

**B ORDINANCES - SECOND READING**

- B-1 12-1515** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 3.32 Acres from TWP (Township District) to R3 (Townhouse Dwelling District), Summit Townhomes, 2081 East Ellsworth (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-13-01)

**Attachments:** 13-01 Briefed and Approved, Summit Zoning 13-01 Briefed.pdf, SummitZoningOrdinance.pdf, 1/3/13 Planning Staff Report, 2/21/13 Planning Staff Report, Summit Townhomes Rezoning Hearing Notice, Summit Townhomes Rezoning Notice to Owner, Summit Townhomes Rezoning Notice to Residents, Summit Townhomes Rezoning Approval Notice

*(The complete copy of the text of Ordinance No. ORD-13-01 is on file in the City Clerk's Office.)*

**A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-13-01

- B-2 13-0188** An Ordinance to Amend Sections 1:155, Section 1:156 and Add a New Section Which New Section Shall Be Designated as Section 1:160 of Chapter 7, Downtown Development Authority, Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-13-05)

**Sponsors:** Kunselman and Kailasapathy

**Attachments:** ORD 13-05 Briefed and Approved as Amended 41513, 13-05 Amended and Briefed, DDA Ordinance as Amended on 040113, Memo Substitute DDA Ordinance Amendments, DDA Ordinance Amendments 2013 Substitute Version 2, DDA Ordinance Amendments REVISED 3-1-13, DDA Ordinance Amendments 2013, Stephen Kemsley Communication

**A motion was made by Councilmember Kunselman, seconded by Councilmember Briere, that the Ordinance be adopted at Second Reading.**

Enactment No: ORD-13-05

**A motion was made by Councilmember Kunselman, seconded by Councilmember Petersen, that the Ordinance be postponed to 6/17/2013.**

Enactment No: ORD-13-05

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Ordinance be Call The Question. On a roll call, the vote was as follows with the Mayor declaring the motion defeated**

**Yeas:** 7 - Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Petersen and Councilmember Warpehoski

**Nays:** 2 - Mayor Hieftje and Councilmember Taylor

**Absent:** 2 - Councilmember Higgins and Councilmember Kailasapathy

Enactment No: ORD-13-05

**The question being, the postponement of the ordinance until 6/17/2013, on a roll call, the vote was as follows with the Mayor declaring the motion defeated:**

**Yeas:** 4 - Councilmember Anglin, Councilmember Lumm, Councilmember Petersen and Councilmember Warpehoski

**Nays:** 5 - Mayor Hieftje, Councilmember Kunselman, Councilmember Teall, Councilmember Briere and Councilmember Taylor

**Absent:** 2 - Councilmember Higgins and Councilmember Kailasapathy

Enactment No: ORD-13-05

**A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Ordinance be laid on the table. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:**

**Yeas:** 5 - Mayor Hieftje, Councilmember Teall, Councilmember Briere, Councilmember Taylor and Councilmember Warpehoski

**Nays:** 4 - Councilmember Kunselman, Councilmember Anglin, Councilmember Lumm and Councilmember Petersen

**Absent:** 2 - Councilmember Higgins and Councilmember Kailasapathy

Enactment No: ORD-13-05

**Councilmember Petersen offered the following amendment, which was considered friendly:**

**Amend Section 1:156(2) Powers of the Authority.**

**...1:156(2) Effective with the [2013] 2014 tax year and every tax year thereafter, taxes captured under an adopted tax increment financing plan shall be calculated and allocated among taxing authorities in accordance with the following: ...**

**Note: [ ] Indicates deleted language. All CAPS indicate new language.**

Enactment No: ORD-13-05



A motion was made by Councilmember Briere, seconded by Councilmember Warpehoski, that the Ordinance be amended as follows:

**...Section 1:160. Annual Reporting**

The authority shall prepare a tax increment financing (TIF) account Annual Report, consistent with the requirements of and in the form specified by the State of Michigan and file it with the City Clerk on or before the first regular session of City Council in January each year. Filing the authority's TIF account Annual Report with the City Clerk shall be in addition to and not as a replacement for any statutory or regulatory filing or publication requirements governing the TIF account Annual Report.

**THE AUTHORITY SHALL SUBMIT THEIR CAPITAL BUDGETS TO INCORPORATE THEM INTO THE CITY'S CAPITAL IMPROVEMENT PLAN (CIP). THE AUTHORITY SHALL AT THE TIME THEY SUBMIT THEIR BUDGET FOR COUNCIL APPROVAL IDENTIFY THAT PORTION OF THE BUDGET WHICH IS OPERATING AND THAT WHICH IS CAPITAL PROJECTS. ...**

**On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 9 - Mayor Hieftje, Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Petersen and Councilmember Warpehoski

**Nays:** 0

**Absent:** 2 - Councilmember Higgins and Councilmember Kailasapathy

Enactment No: ORD-13-05

A motion was made by Councilmember Teall, seconded by Councilmember Warpehoski, that the Ordinance be amended as follows:

**Section 1:155. Board**

**...(2) [No member may serve more than 2 consecutive full terms.] ...**

**On a roll call, the vote was as follows with the Mayor declaring the motion defeated:**

**Yeas:** 5 - Mayor Hieftje, Councilmember Teall, Councilmember Briere, Councilmember Taylor and Councilmember Warpehoski

**Nays:** 4 - Councilmember Kunselman, Councilmember Anglin, Councilmember Lumm and Councilmember Petersen

**Absent:** 2 - Councilmember Higgins and Councilmember Kailasapathy

Enactment No: ORD-13-05

**RECESS**

*Mayor Hieftje declared a recess at 3:00 a.m. and reconvened the meeting at 3:05 a.m.*

**MOTION TO POSTPONE ALL ACTION ITEMS UNTIL MAY 6, 2013**

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that Council postpone all action items until 5/6/13. On a voice vote, the Mayor declared the motion carried.**

**13-0188**

An Ordinance to Amend Sections 1:155, Section 1:156 and Add a New Section Which New Section Shall Be Designated as Section 1:160 of Chapter 7, Downtown Development Authority, Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-13-05)

**Sponsors:** Kunselman and Kailasapathy

**Attachments:** ORD 13-05 Briefed and Approved as Amended 41513, 13-05 Amended and Briefed, DDA Ordinance as Amended on 040113, Memo Substitute DDA Ordinance Amendments, DDA Ordinance Amendments 2013 Substitute Version 2, DDA Ordinance Amendments REVISED 3-1-13, DDA Ordinance Amendments 2013, Stephen Kemsley Communication

*(The complete text of Ordinance No. ORD-13-05 is on file in the City Clerk's Office.)*

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Ordinance be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-13-05

**C ORDINANCES - FIRST READING****C-1 13-0428**

An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Chapter, which New Chapter shall be designated as Chapter 25, Video Privacy, of Title I of said Code

**Sponsors:** Warpehoski and Anglin

**Attachments:** surveillance ordinance draft 3-26-13 no markup, Lansing Report-Eyes in the Sky

*(A complete copy of this Ordinance is on file in the City Clerk's Office.)*

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Ordinance be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

**D MOTIONS AND RESOLUTIONS**

**DC New Business - Council:**

**DC-1 13-0448** Resolution to Appoint Stephanie Buttrey as a Member of the City of Ann Arbor Greenbelt Advisory Commission

**Sponsors:** Taylor

**Attachments:** Stephanie Buttrey B and C Application

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Resolution be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

**DB Old Business - Board and Commissions:**

**DB-1 13-0091** Resolution to Approve The Summit Townhomes Site Plan and Development Agreement, 2081 East Ellsworth Road (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

**Attachments:** 1/3/13 Planning Staff Report, 11-20-12 Planning Commission Minutes.pdf, Summit Townhomes Public Hearing Notice

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Resolution be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

**DB-2 13-0168** Resolution to Approve 413 East Huron Street Site Plan and Development Agreement, 413 East Huron Street (CPC Recommendation: Denial - 5 Yeas and 3 Nays)

**Attachments:** 413 Council Staff Report 4-1-13, 2/5/13 Planning Staff Report, Development Agreement Draft 4-11-13, Development Agreement Draft 4-11-13, 413 E. Huron Development Agreement Draft 3-27-13final, Development Agreement Draft 3-5-13final, 1-15-2013 City Planning Commission Minutes-413 E Huron Project, 2-5-2013 City Planning Commission Minutes-413 E Huron Project, 413 E Huron - new trash proposal, 12327Solar study, Plan Set 03-28-13, H. Scott Diels Communication, Letter\_City Council 3.29.13.pdf, Ltr to Mayor and City Council Members, ltr from Norman Hyman dated 3-14-13

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Resolution be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

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

**DB-3 13-0326** Resolution to Approve Theta Delta Chi Site Plan, 700 South State Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

**Attachments:** 2/21/13 Planning Staff Report, 2/21/13 Planning Commission Minutes

A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Resolution be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.

**DS New Business - Staff:**

**DS-1 13-0278** Resolution to Establish a Contingency Budget for the Facilities Renovations Project at the Wastewater Treatment Plant (\$9,978,874.00)

A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Resolution be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.

**DS-4 13-0275** Resolution to Amend the Emergency Purchase Order with Waste Management, Inc. for the Dexter Avenue Improvements Project (\$7,500.00)

A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Resolution be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.

**DS-5 13-0225** Resolution to Approve Payment to Ultimate Software Group for Annual Maintenance and Support for FY2013 (\$42,000.00) and FY2014 (\$220,000.00)

A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Resolution be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.

**E COMMUNICATIONS FROM THE MAYOR**

**E-1 13-0363** Appointments - Confirmations

**Attachments:** Pamela Meadows app., Sheila Steinman

A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Appointments be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.

**E-2 13-0461** Appointments & Nominations April 15, 2013

**Attachments:** Leon Moore app.

Referred to the City Council due back on 5/6/2013

**COMMUNICATIONS FROM COUNCIL**

*None.*

**F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

*None.*

**G COMMUNICATIONS FROM THE CITY ATTORNEY**

*None.*

**H & I CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS****H The following communications were referred as indicated:**

**H-1 13-0411** Notice of Public Hearings of the Drainage Board of Washtenaw County scheduled for April 17, 2013, at the Office of the Washtenaw County Water Resources Commissioner

**Attachments:** Notice of Public Hearings for Projects with Washtenaw County

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Report or Communication be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

**H-2 13-0412** Communication from Scio Township Zoning Board of Appeals regarding Notice of Public Hearings on Matters Pursuant to the Scio Township Codified Zoning Ordinance of 2009

**Attachments:** Scio Twp Public Hearing Notice

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Report or Communication be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

**H-3 13-0413** Communication from Comcast regarding the Realignment of HD Programming Line-Up

**Attachments:** Comcast Communication

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Report or Communication be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

**H-4 13-0432** Communication from Mark Henry, Chair of the Arts Alliance regarding the Proposed Amendments to Chapter 7, Downtown Development Authority

**Attachments:** Communication regarding the DDA Ordinance

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Report or Communication be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

**H-5 13-0462** Communication from Christopher Graham regarding 413 E. Huron Street Proposed Site Plan

**Attachments:** Chris Graham Communication

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Report or Communication be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

**H-6 13-0463** Communication from Ilene R. Tyler regarding the proposed 413 E. Huron Street Site Plan

**Attachments:** Communication from Ilene R. Tyler

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Report or Communication be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

**I The following minutes were received for filing:**

**I-1 12-1623** Zoning Board of Appeals Meeting Minutes of October 24, 2012

**Attachments:** 10-24-2012 ZBA Approved Meeting Minutes.pdf

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Minutes be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

**I-2 13-0076** Zoning Board of Appeals Meeting Minutes of December 19, 2012

**Attachments:** 12-19-2012 ZBA Approved Meeting Minutes.pdf

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Minutes be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

**I-3 13-0129** Greenbelt Advisory Commission Meeting Minutes of December 6, 2012

**Attachments:** 12-06-12 GAC Minutes

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Minutes be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

- I-4 13-0187** Park Advisory Commission Meeting Minutes of January 15, 2013
- Attachments:** 1-15-2013 PAC Minutes with Live links to Agenda Items.pdf
- A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Minutes be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**
- I-5 13-0290** Airport Advisory Committee Minutes - January 16, 2013
- Attachments:** AAC minutes 011613.pdf
- A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Minutes be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**
- I-6 13-0329** Ann Arbor Public Art Commission Meeting Minutes - January 23, 2013
- Attachments:** January 2013 Meetings Minutes.pdf
- A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Minutes be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**
- I-7 13-0380** Cable Communications Commission Meeting Minutes of October 23, 2012
- Attachments:** CCCMinutesOct232012
- A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Minutes be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**
- I-8 13-0405** Public Market Park Advisory Commission Meeting Minutes - 2012 and January 2013
- Attachments:** 1.26.12 PMAC Minutes, 8.16.12 PMAC Minutes, 9.20.12 PMAC Minutes, 10.18.12 PMAC Minutes, 11.15.12 PMAC Minutes, 12.20.12 PMAC Minutes, 1.17.13 PMAC Minutes
- A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Minutes be postponed until 5/6/2013. On a voice vote, the Mayor declared the motion carried.**

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

*None.*

**CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, INCLUDING BUT NOT LIMITED TO, LABOR NEGOTIATIONS STRATEGY, PENDING LITIGATION, AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (C), (E), AND (H).**

*None.*

#### **ADJOURNMENT**

A motion was made by Councilmember Warpehoski, seconded by Councilmember Teall, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 3:11 a.m.

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

**LIVE: MONDAY, APRIL 15, 2013, 7:00 P.M.**

**REPLAYS: TUESDAY, APRIL 16, 2013, 10:00 A.M. AND FRIDAY, APRIL 19, 2013, 7:30 P.M.**

#### **REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE**

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, [www.a2gov.org/ctn](http://www.a2gov.org/ctn), on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor City Council and board and commission actions and deliberations.

- Video on Demand: Replay public meetings at your convenience online at [www.a2gov.org/government/city\\_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx](http://www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx)
- Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.

All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: [cityclerk@a2gov.org](mailto:cityclerk@a2gov.org); or by written request addressed and mailed or delivered to:

City Clerk's Office  
301 E. Huron St.  
Ann Arbor, MI 48104

Requests need to be received at least forty-eight (48) hours in advance of the meeting.

A hard copy of this Council packet can be viewed at the front counter of the City Clerk's office.



**13-0517** Council Emails and Redaction List for April 15, 2013

**Attachments:** 04-15-13 Council Emails and Redaction List

**Jacqueline Beaudry**  
**Clerk of the Council**

**Anissa R. Bowden**  
**Recording Secretary**