

# City of Ann Arbor

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



## Meeting Minutes

Monday, August 15, 2016

7:00 PM

Larcom City Hall, 301 E Huron St, Second floor, City Council  
Chambers

City Council

**City Council will meet in caucus the Sunday prior to each regular session at 3:30 p.m. in Council Chambers.**

#### **CALL TO ORDER**

*Mayor Taylor called the meeting of the Ann Arbor City Council to order at 7:00 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron Street.*

#### **MOMENT OF SILENCE**

*Council stood for a moment of silence.*

#### **PLEDGE OF ALLEGIANCE**

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

#### **ROLL CALL OF COUNCIL**

- Present:** 9 - Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Graydon Krapohl, Councilmember Kirk Westphal, Councilmember Zachary Ackerman and Councilmember Chip Smith
- Absent:** 2 - Councilmember Sabra Briere and Councilmember Julie Grand

#### **APPROVAL OF AGENDA**

**A motion was made by Councilmember Krapohl, seconded by Councilmember Westphal, that the Agenda be approved. On a voice vote, the Mayor declared the motion carried.**

#### **AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

*City Administrator Howard Lazarus provided a report from the Safety Unit, stating the City did not have any reportable accidents for the month of July. Mr. Lazarus stated he will continue to highlight safety news from throughout the City, as part of his report to Council.*

*Mr. Lazarus also highlighted the Police and Fire Open House and thanked all for attending. He stated it was a well-attended and successful event.*

#### **AC-1 [16-1206](#)**

Agenda Response Memo - August 15, 2016

*Mr. Lazarus presented his Agenda Response Memorandum for information of Council.*

**Received and Filed**

#### **INT INTRODUCTIONS**

**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. Harold Kirchen - ADUs**

*Harold Kirchen, 340 8th Street, expressed concerns about the implementation of the ADU ordinance, stating the way it is currently written, most regular homeowners are not able to convert or build an ADU. He stated this is an option he would like to be able to use in order to make living affordable on the Old West Side.*

**2. George Gaston - Fuller Parking Lot (CA-4)**

*George Gaston, 1217 Island Drive, spoke about the history of the Fuller Park parking lot and the lease with UM. He spoke about how this "temporary" parking lot has killed a stand of Burr Oak trees over the years. He urged Council to put an end date on this lease.*

**3. Sally Daniels - Non-violent Values**

*Not present.*

**4. Eric Lipson - Transparency**

*Eric Lipson, 1318 Rosewood, spoke about his recent campaign for Ann Arbor City Council. He urged Council to be more transparent and also addressed the citizen-initiated Library Lot petitions, stating voters were suppressed.*

**5. Kathy Griswold - Safety**

*Kathy Griswold, 3565 Fox Hunt, spoke about pedestrian safety, public safety, and sewer odor issues in the Arborview neighborhood.*

**CC COMMUNICATIONS FROM COUNCIL**

*Councilmember Briere arrived at 7:15 p.m.*

**COUNCILMEMBER WARPEHOSKI**

*Councilmember Warpehoski addressed his previous comments regarding the Library Lot petitions, stating his remarks were not meant to impugn those circulating petitions.*

**Present:** 10 - Councilmember Sabra Briere, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Graydon Krapohl, Councilmember Kirk Westphal, Councilmember Zachary Ackerman and Councilmember Chip Smith

**Absent:** 1 - Councilmember Julie Grand

**MC COMMUNICATIONS FROM THE MAYOR**

*Mayor Taylor announced that he has appointed Bradley O'Furey of the Jim Toy Center to serve as the LGBTQ Liaison to the Mayor's Office.*

**MC-1 [16-1132](#)****Appointments - Confirmations**

*Mayor Taylor requested confirmation of the following appointments that were presented to Council at the August 4, 2016 Regular Session:*

*Ann Arbor Housing Commission*

*Lee Meadows- Filling partial term  
Professor of Management at Walsh College  
1420 Bardstown Trail  
Ann Arbor, MI 48105  
Term: Ending May 3, 2021*

*Human Rights Commission*

*Vivian Chang- Filling partial term  
Attorney  
703 W. Madison St.  
Ann Arbor, MI 48103  
Term: Ending May 31, 2019*

*Parks Advisory Commission*

*Paige Morrison -Filling partial term  
410 W. Keech Ave.  
Ann Arbor, MI 48103  
Term: Ending May 31, 2019*

*Public Market Advisory Commission*

*Joel Panozzo -Filling remaining term of Amiee Germain (resigned)  
Market shopper/Co-owner of The Lunchroom  
1618 Pear St.  
Ann Arbor, MI 48105  
Term: Ending May 31, 2017*

*Zoning Board of Appeals*

*Jeremy Peters-Filling partial term  
830 W. Huron St.  
Ann Arbor, MI 48103  
Term: Ending May 31, 2019*

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

**MC-2 [16-1168](#)****Appointments & nominations for 8/15/16**

Mayor Taylor recommended the following nominations for approval at a later date:

Design Review Board  
Gary Cooper Re-appointment  
Architect & Landscape Architect  
2900 Brockman Blvd.  
Ann Arbor, MI 48104  
Term: Partial term ending May 31, 2019

Historic District Commission

Max Cope  
Realtor/ Former Builder  
1775 Miller Ave.  
Ann Arbor, MI 48103  
Term: Partial term ending May 31, 2019

**Referred to the City Council due back on 9/6/2016**

## CA CONSENT AGENDA

### CONSENT AGENDA ITEMS REMOVED

*With unanimous consent of Council, the following Consent Agenda item was removed from the Consent Agenda and placed in the New Business section of the Agenda:*

*CA-4 Resolution to Recommend Approval of the Fuller Park Parking Lot Land Lease with the University of Michigan (8 Votes Required)*

### Passed on consent agenda

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

- CA-1** [16-1117](#) Resolution to Approve Application Fees for Pole Attachment Permits with DTE (\$41,250.00)  
Enactment No: R-16-321
- CA-2** [16-1006](#) Resolution to Approve Purchase Order to Azteca Systems for CityWorks Enterprise License and Annual Maintenance and Support Agreement for FY2017 (\$83,000.00)  
Enactment No: R-16-322
- CA-3** [16-1129](#) Resolution to Accept and Appropriate Emergency Management Performance Grant Funds and Approve FY 2016 Funding Assistance Grant Agreement for Ann Arbor Emergency Management Program (\$41,842.00) **(8 Votes Required)**  
Enactment No: R-16-323

- CA-5** [16-1097](#) Resolution to Approve a Contract with Nationwide Construction Group to Supply and Install Fencing for the Off-Leash Dog Park at Broadway Park (\$46,143.70)  
Enactment No: R-16-324
- CA-6** [16-0954](#) Resolution to Approve the Restated and Amended Hazardous Materials Response Authority Agreement for Washtenaw County and Adjacent Communities  
Enactment No: R-16-325
- CA-7** [16-1147](#) Resolution to Approve a Grant of Easement for Electrical Utility Service to DTE Electrical Company at the Ann Arbor Airport **(8 Votes Required)**  
Enactment No: R-16-326
- CA-8** [16-1000](#) Resolution to Approve an Agreement with the Michigan Department of Transportation for the Seventh Street Traffic Signal Interconnect Project (\$829,640.00)  
Enactment No: R-16-327
- CA-9** [16-1005](#) Resolution No. 2 - Stone School Sidewalk Project - Sidewalk Special Assessment  
Enactment No: R-16-328
- CA-1** [16-1043](#)  
**0** Resolution to Prohibit On-Street Parking on the Northbound (East) side of Newport Road between Miller Avenue and M-14  
Enactment No: R-16-329
- CA-1** [16-1080](#)  
**1** Resolution to Accept a Hazard Mitigation Grant and Appropriate Funds from the Federal Emergency Management Agency for the Purchase and Demolition of 128 Felch Street (\$399,999.00) **(8 Votes Required)**  
Enactment No: R-16-330
- CA-1** [16-1095](#)  
**2** Resolution to Accept a Hazard Mitigation Assistance Grant and Appropriate Funds from FEMA for a Project to Create an Opening in the Railroad Berm to Reduce the Floodplain of Allen Creek (\$3,085,550.00) **(8 Votes Required)**  
Enactment No: R-16-331
- CA-1** [16-1050](#)  
**3** Resolution to Approve New Election Inspector Pay Scales  
Enactment No: R-16-332

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

**PH-1** [16-1085](#)

Resolution to Approve 611 East University Site Plan and Development Agreement, (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

*A public hearing was conducted on the proposed Resolution to Approve 611 East University Site Plan and Development Agreement. Notice of public hearing was published August 8, 2016.*

*The following persons were present to speak at the public hearing:*

*Bradley Moore, architect for the project, was available with his team to answers any questions of Council.*

*Jeff Hayner, 1807 Pontiac Trail, spoke in opposition, stating the building was unattractive, large and an eye sore project.*

*Kai Petainen, resident, questioned if the Ann Arbor Fire Department had the necessary equipment and resources to respond to fires at these new large high-rise buildings.*

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

**Held and Closed**

Enactment No: R-16-335

**PH-2** [15-0568](#)

Resolution to Approve South Pond Village Site Plan and Development Agreement, 3850 East Huron River Drive (CPC Recommendation: Denial - 1 Yeas and 7 Nays)

*A public hearing was continued on the proposed Resolution to Approve South Pond Village Site Plan and Development Agreement, 3850 East Huron River Drive. Notice of continued public hearing was published August 8, 2016.*

*The following persons were present to speak at the hearing:*

*Jesse O'Jack, attorney representing WoodCreek Homeowners Association*

*Norm Hyman, attorney representing the developer, stated it is time for Council to act, noting that they are presenting the same plan as previously submitted.*

*Kym London, Woodcreek Homeowners Association representative, submitted documents in opposition to the project.*

*Nina Homel, 3473 Wooddale, spoke in opposition*

*Louis Kamoi, 2070 Chalmers, spoke in opposition and expressed concern about current residents paying for road improvements to benefit the developer.*

*Jean Tan, 1595 Meadowside, spoke in opposition and stated the developer needs to find another access point to the site.*

*Ethel Potts, 1014 Elder Boulevard, spoke in opposition and urged Council to adopt a more progressive zoning for this site.*

*An unknown resident at 1879 Meadowside, spoke in opposition, stating traffic concerns.*

*Rich Mazzari, 1615 Meadowside, spoke in opposition*

*Raman Ranganathan, 1635 Meadowside, spoke in opposition, due to traffic congestion.*

*Amir Mortazawi, 1710 Woodcreek, spoke in opposition.*

*James D'Amour, Vice-President of the Ann Arbor Area Sierra Club, spoke in opposition due to the potential impacts to the wetlands.*

*An unknown resident at 3520 Huron River Drive spoke in opposition.*

*Harvey Kaplan, 3065 Hunting Valley*

*An unknown resident on Meadowside Drive spoke in opposition.  
Michael Homel, 3473 Wooddale, spoke in opposition and urged Council not to consider this a "by-right" plan.  
Laura Schulwitz, 1710 Woodcreek, spoke in opposition, expressing the concerns of the residents regarding traffic congestion.  
Nancy Kaplan, Ward Two, stated she does not live near the proposed development, but urged Council to listen to the neighbors.  
Tom Kovert, Midwestern Consulting Project Team, addressed the neighbor concerns regarding traffic and access, stating two access points are proposed. He also stated the developer is willing to participate in the funding of the improvements to Chalmers.  
Myra Larson, 3575 E. Huron River Drive, spoke about the future of South Pond and the health of the river.*

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

**Held and Closed**

Enactment No: R-16-357

**A APPROVAL OF COUNCIL MINUTES**

- A-1** [16-1166](#) Work Session of July 25 and Regular Session Meeting Minutes of August 4, 2016

**A motion was made by Councilmember Briere, seconded by Councilmember Ackerman, that the Work Session Minutes of July 25 and the Regular Session Meeting Minutes of August 4, 2016 be approved. On a voice vote, the Mayor declared the motion carried.**

**B ORDINANCES - SECOND READING**

None.

**C ORDINANCES - FIRST READING**

None.

**D MOTIONS AND RESOLUTIONS**

**Unfinished Business - Council:**

- DC-1** [16-1055](#) Resolution to Amend Council Rules to Include a New Council Ethics Rule 5 - Improper Use of Position - Gifts

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

Enactment No: R-16-333

- DC-2** [16-1207](#) Resolution to Authorize Waiver of Notice for Affordable Housing



Covenant for #105 Ashley Mews (8 Votes Required)

**A motion was made by Councilmember Smith, seconded by Councilmember Warpehoski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**

Enactment No: R-16-334

**DC New Business - Council:**

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

**DB-1** [16-1085](#) Resolution to Approve 611 East University Site Plan and Development Agreement, (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

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

Enactment No: R-16-335

**DB-2** [15-0568](#) Resolution to Approve South Pond Village Site Plan and Development Agreement, 3850 East Huron River Drive (CPC Recommendation: Denial - 1 Yeas and 7 Nays)

**A motion was made by Councilmember Krapohl, seconded by Councilmember Westphal, that the Resolution be approved.**

Enactment No: R-16-357

**A motion was made by Councilmember Lumm, seconded by Councilmember Eaton, that the Resolution be amended as follows:**

**Approval of the site plan is conditional upon the access to the South Pond Village development from Algebe Way being restricted to emergency access only.**

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

**Yeas:** 4 - Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy and Councilmember Eaton

**Nays:** 6 - Councilmember Warpehoski, Mayor Taylor, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

**Absent:** 1 - Councilmember Grand

Enactment No: R-16-357

*Councilmember Briere requested a postponement to allow City staff time to address with the developer the cost of making improvements to Chalmers.*

*Councilmember Warpehoski asked for stronger protections in the agreement for the existing wetlands.*

A motion was made by Councilmember Briere, seconded by Councilmember Westphal, that the Resolution be postponed to the City Council, due back on 9/6/2016. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

**Yeas:** 9 - Councilmember Briere, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

**Nays:** 1 - Councilmember Lumm

**Absent:** 1 - Councilmember Grand

Enactment No: R-16-357

## RECESS

*Mayor Taylor called a recess at 9:30 p.m. and reconvened the meeting at 9:43 p.m.*

## DS New Business - Staff:

### CA-4 [16-1103](#)

Resolution to Recommend Approval of the Fuller Park Parking Lot Land Lease with the University of Michigan **(8 Votes Required)**

**Councilmember Briere moved, seconded by Councilmember Smith, that the Resolution be approved.**

Enactment No: R-16-336

### [16-1103](#)

Resolution to Recommend Approval of the Fuller Park Parking Lot Land Lease with the University of Michigan **(8 Votes Required)**

*Councilmember Briere moved the following amendment, supported by Councilmember Ackerman (the amendment was considered friendly):*

*RESOLVED, That City Council approve a lease of parking lots on the City-owned property at Fuller Park for one-year [with the option to administratively renew the lease for one addition one-year term]*

*[Brackets] indicate deleted language.*

**A motion was made by Councilmember Briere, seconded by Councilmember Ackerman, that the Resolution be approved as amended. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**

Enactment No: R-16-336

## COMMUNICATIONS FROM COUNCIL

### COUNCILMEMBER BRIERE

*Councilmember Briere stated she will be bringing the draft Idling Ordinance to Council for First Reading on September 6.*

*COUNCILMEMBER LUMM*

*Councilmember Lumm reminded Councilmember Briere and the rest of Council that the September 6 meeting agenda is quickly becoming busy.*

**E COMMUNICATIONS FROM THE CITY ATTORNEY**

*None.*

**F & G CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS****F The following communications were referred as indicated:****Passed on consent agenda**

**A motion was made by Councilmember Krapohl, seconded by Councilmember Smith, that the Clerk's Report of Communications, Petitions and Referrals be approved as presented. On a voice vote, the Mayor declared the motion carried.**

- F-1** [16-1111](#) Second Quarter 2016 Investment Portfolio Report
- F-2** [16-1125](#) Communication from Jim Murray, President of AT&T regarding their Annual Video Report dated July 15, 2016 - Communications
- F-3** [16-1126](#) Communication from Stephen Guerra of Makower Abbate Guerra PLLC regarding Notice of Intent to Establish the North Oaks Condominium Project - City Attorney, Planning and Development Services
- F-4** [16-1127](#) Communication from Scott Munzel Attorney at Law, regarding Notice of Intent to Establish Condominium Project 450 W. Stadium Boulevard - City Attorney, Planning and Development Services
- F-5** [16-1134](#) Communication from Comcast regarding Billing Changes Effective August 29, 2016 - City Attorney, CTN
- F-6** [16-1178](#) Communication from the State of Michigan Public Service Commission regarding Public Hearing Notice to DTE Customers in Case No. U-1822 - Systems Planning, City Attorney
- F-7** [16-1180](#) SPARK Semi-Annual Report to the City of Ann Arbor - January 1 - June 30, 2016

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

- G-1** [16-0832](#) Public Market Advisory Commission Meeting Minutes of May 19, 2016

- G-2** [16-1013](#) June 7, 2016 City Planning Commission Meeting Minutes
- G-3** [16-1014](#) June 21, 2016 City Planning Commission Meeting Minutes
- G-4** [16-1107](#) City of Ann Arbor Employees' Retirement System Meeting Minutes of June 16, 2016
- G-5** [16-1108](#) City of Ann Arbor Employees' Retirement System Special-Call Board Meeting Minutes of June 29, 2016
- G-6** [16-1109](#) Retiree Health Care Benefit Plan & Trust (VEBA) Meeting Minutes of June 16, 2016
- G-7** [16-1110](#) City Election Commission Meeting Minutes of July 12, 2016
- G-8** [16-1146](#) Ann Arbor Public Art Commission Meeting Minutes - June 2016
- G-9** [16-1170](#) Council Rules Committee Meeting Minutes of July 21, 2016
- G-10** [16-1171](#) Council Administration Committee Meeting Minutes of June 20 and July 18, 2016

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

*Ed Vielmetti, 1210 Brooklyn, spoke about the Council Administration Committee minutes, noting that they were submitted in handwritten format to Council. He asked that minutes be typed and in accessible format.*

*Phil Carroll, member of FAAWN, stated he has a meeting with the City Administrator, noting that he was looking forward to working together and finding solutions.*

*Lisa Abrams, member of FAAWN, spoke about the recent killing of trumpeter swans in Scio Township and the need to find a compromise with the deer cull.*

*James D'Amour, 2771 Maplewood, reminded Council that the staff recommendation on site plans is not final.*

*Nancy Kaplan, Ward Two resident, urged Council to vote down the South Pond development, stating they should not be afraid of a lawsuit.*

*Seth Best, 2949 Cascade, spoke about a progressive plan to address homelessness and urged Council to support tiny homes.*

*Kai Petainen, City resident, expressed concern about two dead bodies being located in a City park.*

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

*None.*

#### **ADJOURNMENT**

A motion was made by Councilmember Briere, seconded by Councilmember Ackerman, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:13 p.m.

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

**LIVE: THURSDAY, AUGUST 4, 2016 @ 7:00 P.M.**

**REPLAYS: FRIDAY AUGUST 5, 2016 @ 8:00 P.M.**

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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 <http://a2govtv.pegcentral.com/>
- **Cable:** Watch CTN Government Channel public meeting programming via Comcast Cable channel 16.

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

Requests made with less than two business days' notice may not be able to be accommodated.

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