

City of Ann Arbor

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



Action Minutes

Monday, November 18, 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 called the meeting to order at 7:14 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 Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Sally Petersen, Councilmember Chuck Warpehoski and Councilmember Jack Eaton

APPROVAL OF AGENDA

A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the Agenda be approved as presented. On a voice vote, the Mayor declared the motion carried.

ADMINISTRATION OF OATH OF OFFICE

ORGANIZATION OF NEW COUNCIL

13-1399

Resolution Appointing 2014 Mayor Pro-Tem and Establishing the Order of Succession for Acting Mayor

Councilmember Taylor moved, seconded by Councilmember Briere, that Councilmember Teall be the Mayor Pro Tem, with the remaining order of succession by Council seniority.

A motion was made by Councilmember Taylor, seconded by Councilmember Briere, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 6 - Mayor Hieftje, Councilmember Teall, Councilmember Briere, Councilmember Taylor, Councilmember Petersen and Councilmember Warpehoski

Nays: 5 - Councilmember Kunselman, Councilmember Anglin, Councilmember Lumm, Councilmember Kailasapathy and Councilmember Eaton

Enactment No: R-13-356

13-1400 Appointment of 2014 City Council Committees

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Council committee assignments be approved.

A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that Council committee assignments be postponed until 12/2/2013. On a voice vote, the Mayor declared the motion carried.

13-1401 Approval of the 2014 City Council Rules

Attachments: Council Adopted Rules 2013.pdf

A motion was made by Councilmember Taylor, seconded by Councilmember Briere, that the Council Rules be approved.

Councilmember Warpehoski stated he would like to see Rule 8 amended so that "personality" is not prohibited. He stated he would like to see the rule allow personality, but prohibit personal attacks.

A motion was made by Councilmember Taylor, seconded by Councilmember Briere, that the Approval of City Council Rules be postponed until 12/2/2013. On a voice vote, the Mayor declared the motion carried.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

SEVERE WEATHER UPDATE

City Administrator Steve Powers updated Council on the severe weather in Ann Arbor on November 17 and 18. He stated that Ann Arbor was not hit as hard as other Midwest cities, however, there were impacts. Mr. Powers stated that as of 6:30 p.m. today, there were eight traffic signals that were operating on generator power during rush hour and have since been converted to four-way stops. If power is not restored by morning, the back-up generators will be used again to accommodate the morning rush hour.

Mr. Powers stated City Forestry crews came in at 7 p.m. and worked until approximately 3 a.m. this morning and removed nine tree limbs that had fallen into City streets. An additional 15 tree limbs were reported to be removed. Forestry is now prioritizing those locations and working through the list.

CONSENT AGENDA ITEMS

City Administrator Powers noted two items on the Consent Agenda; The Puck Drops Here, an event that would take place in downtown Ann Arbor on New Year's Eve and the National Hockey League's Winter Classic Hockey Game at Michigan Stadium on New Year's Day. Mr. Powers noted that the City plans to treat the NHL game at Michigan Stadium in the same manner as a football Saturday with regards to parking enforcement, street closures and vendor permits.

NO TRASH-RECYCLING-COMPOST COLLECTION ON THANKSGIVING DAY

Mr. Powers reminded the public that there would be no trash, recycling or compost collection on Thanksgiving Day. Thursday pick-up would occur one day later on Friday and Friday pick-up would occur on Saturday.

INT INTRODUCTIONS

Mayor Hieftje declared a recess at 7:29 p.m. and reconvened the meeting at 7:31 p.m.

INT-1 13-1464

November 18, 2013 Proclamation for Food Gatherer's 25th Anniversary

Attachments: Food Gatherer's 25th Anniversary

Mayor Hieftje read a proclamation honoring Food Gatherer's 25th Anniversary. The Mayor recognized Food Gatherers for their wonderful contributions to the community and providing millions of meals to hungry people in Washtenaw County. A copy of the proclamation is 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. Thomas Partridge - Honor the legacy of John F. Kennedy. Enact accessible county-wide transportation and affordable housing. (DC-1, CA-3, C-1, C-2, C-3, F-1, F-5)**

Thomas Partridge, Ann Arbor resident, addressed Council regarding honoring the legacy of John F. Kennedy and enacting accessible County-wide transportation and affordable housing.

- 2. Jeanine DeLay - Education on Professional Standards of Conduct (DC-2)**

Jeanine DeLay, 2972 Hickory Ln., representing A2 Ethics, spoke in support of the proposed Resolution to Support Education on Professional Standards of Conduct and thanked Councilmember Petersen for her work to bring this resolution together. Ms. DeLay also thanked Councilmember Kunselman for his support on this issue.

- 3. Nancy Schewe - Education on Professional Standards of Conduct (DC-2)**

Nancy Schewe, 428 Spring St., representing The League of Women Voters, spoke in support of the proposed Resolution to Support Education on Professional Standards of Conduct. Ms. Schewe stated this is an important issue to the League. Voters must have confidence that their elected officials are working for the good of the community and not personal gain. Trust is an essential component for a strong community.

- 4. Kathy Griswold - Crosswalk Ordinance (C-4)**

Kathy Griswold, 3565 Fox Hunt Dr., addressed Council regarding the proposed repeal of the City's existing crosswalk ordinance. She urged Council to support the State law regarding pedestrian crossings. She expressed concern about the fact that pedestrians are ignored in Ann Arbor.

- 5. Erin Mattimoe - Education on Professional Standards of Conduct (DC-2)**

Erin Mattimoe spoke in support of the proposed Resolution to Support Education on Professional Standards of Conduct. She said that in a democracy, confidence in government depends upon the trust of the people in their elected representatives. High ethical standards of conduct in government are essential and this resolution would serve as a reminder for officers and employees of the City of Ann Arbor.

6. Erica Briggs - Pedestrian Safety Ordinance (C-4)

Erica Briggs, 719 W. Jefferson St., Chair of the Washtenaw Bicycling and Walking Coalition, spoke in opposition to the proposed repeal of the existing Pedestrian Crossing Ordinance. She stated she was speaking on behalf of thousands of people in the community who are supporters of the current ordinance. Ms. Briggs provided a petition signed by over 500 members of the community urging Council to reconsider this repeal. She asked that Council take additional time to review this proposed change.

7. Joanna DeCamp - Education on Professional Standards of Conduct (DC-2)

Joanna DeCamp, 909 Heather Way, a volunteer with A2 Ethics, spoke in support of the proposed Resolution to Support Education on Professional Standards of Conduct. Ms. DeCamp stated this policy would establish a common understanding of professional behavior for our elected and appointed officials. Adopting the resolution would help foster public trust in local government at a time when trust in government is at historic low levels at the national and state levels.

8. Jim Mogensen - AAATA and Ypsilanti Township (DC-1)

Jim Mogensen spoke in support of expansion of transit in the urban core area. He said that this current proposal to expand the AAATA is a continuation of a process that started over 40 years ago.

9. Chris Hewett - Traffic Pedestrian Safety/Crosswalk Ordinance (C-4)

Chris Hewett, 553 S. Seventh, representing Safety on Seventh and Madison Streets, addressed Council regarding the proposed repeal of the Traffic Pedestrian Safety Crosswalk Ordinance. He stated whether Council repeals its pedestrian crossing ordinance and adopts State law or maintains the current ordinance, Council needs to address the traffic and speeding issues in Ann Arbor.

10. Alan Haber - Participation in the Michigan Economic Development Corporation's Redevelopment Ready Communities Certificate Program (CA-4)

Alan Haber, 531 Third St., addressed Council regarding the proposed Resolution to Authorize Participation in the MEDC's Redevelopment Ready Communities Certification Program. Mr. Haber expressed concern and urged Council to consider human needs first.

CC COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER BRIERE*

Councilmember Briere announced that the City would be holding a meeting on November 21, 2013 at 6:30 p.m. at the Traverwood Library to discuss parking options for the Argo Cascades.

COUNCILMEMBER KUNSELMAN

Councilmember Kunselman said that he made a comment at the last meeting that street lights were out on Packard and in Doyle Park. They are now on in both areas. He thanked staff for their timely response.

Councilmember Kunselman also commented on a member of the public's comment regarding Stone School Road and the reconstruction project underway. Councilmember Kunselman reiterated that he has specifically asked for street lighting to be included in this project. He stated there is not a moratorium on street lighting. He urged Council to support street lights for this project when it comes to them.

COUNCILMEMBER PETERSEN

Councilmember Petersen thanked AAPD Officer Springer for her presence on Devonshire during the recent storms. She stated Officer Springer assisted with a large tree limb that was down in the streets and was present until Forestry crews arrived. She also thanked Colin Smith, Parks Manager, and Eli Cooper, Transportation Manager, for following through on her request for "Pathway Etiquette" signs in City parks.

Councilmember Petersen also reminded Ward 2 residents that she has re-launched the Ward 2 Citizens Satisfactory Survey. It is located on the website www.a2.Ward2.com. Click on the link near the end of the page to take the survey. Councilmember Petersen stated the survey is open to all residents and is available until the end of November.

COUNCILMEMBER EATON

Councilmember Eaton thanked City staff for the two-day New Councilmember Orientation.

COUNCILMEMBER TEALL

Councilmember Teall announced that the Michigan Theater Board would be meeting on November 19, 2013 at 5 p.m. to talk about options for the State Theatre building and how to keep it open as a theatre.

Councilmember Teall said that they had a really great DDA Partnerships meeting last Wednesday. A presentation regarding the Ypsilanti/Ann Arbor Chamber Impact 2013 was given at the meeting. Councilmember Teall stated she would like to see the presentation again as part of a City Council Work Session.

COUNCILMEMBER ANGLIN

Councilmember Anglin spoke about the traffic and pedestrian safety issues. He stated he does not yet have the details, but there will be a meeting in December regarding traffic on Seventh between Pauline and Stadium.

COUNCILMEMBER KAILASAPATHY

Councilmember Kailasapathy also spoke about traffic and speed enforcement in the City. She mentioned that at budget time the funding of police officers should not always be about violent crimes, but also about pro-active policing and prevention. Councilmember Kailasapathy stated quality of life is also a component of the discussion.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski said that he attended a rally by an organization called Washtenaw Regional Organizing Coalition, WeROC. The focus of the group is on three points: education, transportation, and criminal justice. Councilmember Warpehoski said one initiative they are working on is a "Ban the Box" policy, regarding the use of a check box on job applications for criminal history. He stated a criminal background check is enforced where needed, but having this box on all job applications results in automatic removal for consideration in some cases. Councilmember Warpehoski stated he would be working with the Human Rights Commission and other City staff on this issue. He stated he welcomed feedback from his colleagues.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 13-1397

Appointments and Confirmations

Attachments: Christopher Geer.doc, Peter Greenfield app., Eleanor Pollack app., Thaddeus Jabzanka app., Mohamad Issa app., Linda Winkler app.

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the November 7, 2013 regular session of Council:

Airport Advisory Council

*Peter Greenfield -replacing of Wilson Tanner
3682 Tanglewood Ct.
Ann Arbor, MI 48105
Term: November 18, 2013 - July 4, 2016*

Cable Communications Commission

*Anthony Ramirez Re-Appointment
920 East Ann St.
Ann Arbor, MI 48104
Term: November 18, 2013 - October 20, 2018*

Housing and Human Services Advisory Board

*Eleanor Pollack-filling vacancy of Ned Staebler
515 Detroit St.
Ann Arbor, MI 48104
Term: November 18, 2013 - June 4, 2016*

*Thaddeus Jabzanka-filling vacancy of Anthony Ramirez
1400 Morton Ave. #1C
Ann Arbor, MI 48104
Term: November 18, 2013 - June 4, 2016*

Human Rights Commission

*Mohamad Issa Re-appointment
3551 Packard Rd.
Ann Arbor, MI 48108
Term: November 18, 2013 - October 31, 2016*

*Linda Winkler Re-appointment
625 Second St.
Ann Arbor, MI 48103
Term: November 18, 2013 - October 31, 2016*

A motion was made by Councilmember Teall, seconded by Councilmember Taylor, that Council concur with the recommendations of the Mayor. On a voice vote, the Mayor declared the motion carried.

MC-2 13-1466 Appointments - Confirmations

Attachments: David Blanchard app.

REFERRED

Mayor Hieftje recommended the following nomination for approval at a later date:

Housing & Human Services Advisory Board

David Blanchard Re-Appointment

1230 Broadway St.

Ann Arbor, MI 48105

Term: December 2, 2013 - June 4, 2016

Referred to the City Council due back on 12/2/2013.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 13-1266

An Ordinance to Amend Section 3:6 of Chapter 39, Parks, Title III of the Code of the City of Ann Arbor to Provide for Exemptions to the Permit Requirement for Group Activities in Parks (Ordinance No. ORD-13-27)

Sponsors: Taylor and Teall

Attachments: ORD-13-27 Briefed and Approved.pdf, ORD-13-27 Briefed and Approved.docx, ORD-13-27 Briefed.pdf, Ord Amend Parks Group Activities Permit Fee.pdf

A public hearing was conducted on the proposed Ordinance to Amend Section 3:6 of Chapter 39, Parks, Title III of the Code of the City of Ann Arbor to Provide for Exemptions to the Permit Requirement for Group Activities in Parks. Notice of public hearing was published November 14, 2013.

Tom Partridge, City resident, asked that the ordinance be postponed and studied further.

The following people spoke in support of the proposed Parks Ordinance:

*Seth Beth
Dan Reim, 1250 Ferdon
Rev. Lindsey Conrad
Jim Osborn, 2824 Brandywine
Lily Au
Frank Burton
Marie Hugonot, 531 Third St.
Alan Haber, 531 Third St.
Michael Brinkman, resident near Wheeler Park
Dory Boston
Kim Barrett
Russ Ellis*

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

Held and Closed

Enactment No: ORD-13-27

PH-2 13-1376

An Ordinance to Amend Sections 1:155, 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-13-28)

Sponsors: Kunselman

Attachments: ORD 13-28 as Amended on 111813, ORD-13-28 Briefed and Approved.pdf, ORD 13-28 Briefed as Amended, ORD 13-28 As Amended on 110713, DDA Ordinance Amendments 2013 Joint Comm Substitute Version, DDA Cap Estimates 10-2013

A public hearing was conducted on the proposed Ordinance to Amend Section 1:155, 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 public hearing was published November 14, 2013.

The following people spoke about the proposed ordinance:

Tom Partridge, City resident, spoke in opposition to the proposed DDA Ordinance. Maura Thompson, Ward 2 resident and member of the Main Street Area Association, spoke in support.

Tom Heywood, representing the State Street Association, stated the ordinance is a "win-win."

Jim Osborn

Sandi Smith, DDA Board member, expressed concerns about the proposal and spoke about the benefits to all from the DDA.

Lou Glorie, 827 Brooks, spoke in support.

Omari Rush, Ward 2 resident, spoke in support.

Doug Sutton, small business owner, spoke about the need for support for businesses.

Peter Baker

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

Held and Closed

Enactment No: ORD-13-28

A APPROVAL OF COUNCIL MINUTES**A-1 13-1430**

Regular Session Meeting Minutes of November 7, 2013

Attachments: 11-07-13 Draft Minutes, Council emails 11-7-2013_Redacted

A motion was made by Councilmember Kunselman, seconded by Councilmember Briere, that the Regular Session Meeting Minutes of November 7, 2013 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

CONSENT AGENDA ITEM REMOVED

With unanimous consent of Council, the following items were removed from the Consent Agenda and placed at the end of same:

CA-3 Resolution to Approve the Sale of Avalon Housing, Inc.'s Property at 618 N. Main to Dawn Farm

CA-4 Resolution to Authorize City of Ann Arbor Participation in the Michigan Economic Development Corporation's Redevelopment Ready Communities Certification Program

Passed on consent agenda

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

- CA-1 13-1044** Resolution to Approve Street Closings for The Puck Drops Here - Tuesday, December 31st, 2013
Attachments: Puck Drops Here 2013 Presentation, The Puck Drops Here Map, Puck Drops Main Street
Enactment No: R-13-357
- CA-2 13-1335** Resolution to Authorize Special Event Provisions and to Approve Street Closings for the National Hockey League (NHL) Winter Classic Hockey Game
Attachments: NHL Winter Classic Restricted Permit Area Map, NHL Winter Classic Street Closures Map
Enactment No: R-13-358
- CA-5 13-1264** Resolution to Authorize a Sole Source Purchase Order to Jack Doheny Companies, Inc. for the Purchase of Parts and Service for Field Operation Utilities Unit Equipment (\$50,000.00/annually)
Attachments: VACTOR EPG Sole Source -JDS.pdf
Enactment No: R-13-359
- CA-6 13-1307** Resolution to Authorize Contract with Watertap, Inc. for Watermain Line Stops and Insertable Valves and Related Services - ITB-4309 (\$75,000.00 annually)
Attachments: Watertap ITB 4309 Revised.pdf
Enactment No: R-13-360
- CA-7 13-1375** Resolution to Accept Board of Insurance Administration Minutes of October 24, 2013
Enactment No: R-13-361

- CA-8 13-1324** Resolution to Approve Amended Bylaws of the Public Market Advisory Commission
Attachments: PMAC Bylaw Changes Overview, PMAC Bylaws Revised 2013, PMAC Bylaws Approved 2004
Enactment No: R-13-362
- CA-3 13-1240** Resolution to Approve the Sale of Avalon Housing, Inc.'s Property at 618 N. Main to Dawn Farm
Attachments: 618 N. Main St. Assignment Recommendation from the HHSAB.PDF
A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-13-363
- CA-4 13-1327** Resolution to Authorize City of Ann Arbor Participation in the Michigan Economic Development Corporation's Redevelopment Ready Communities Certification Program
Attachments: Redevt Ready Communities Overview, Ann Arbor RRC MOU.pdf
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-13-364

RECESS

Mayor Hieftje declared a recess at 9:06 p.m. and reconvened the meeting at 9:18 p.m.

REOPEN AGENDA

A motion was made by Councilmember Warpehoski, seconded by Councilmember Taylor, to reopen the Agenda. On a voice vote, the Mayor declared the motion carried.

AGENDA

A motion was made by Councilmember Warpehoski, seconded by Councilmember Eaton, that the Agenda be approved with the following change:

Move: DC-1 Resolution to Approve Amendment No. 3 to the Articles of Incorporation of the Ann Arbor Area Transportation Authority (Consider after Consent Agenda)

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

DC-1 13-1267

Resolution to Approve Amendment No. 3 to the Articles of Incorporation of the Ann Arbor Area Transportation Authority

Attachments: Resolution-No.-2013-25-AAATA-Membership-Request[1], 36 Approval of Ypsilanti Township's Request for Membership.docx, Amendment 3 AAATA AOI track.pdf, Communication from the Ypsilanti City Clerk.pdf

A motion was made by Councilmember Kunselman, seconded by Councilmember Taylor, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 11 - Mayor Hieftje, Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen, Councilmember Warpehoski and Councilmember Eaton

Nays: 0

Enactment No: R-13-365

B ORDINANCES - SECOND READING

B-1 13-1266

An Ordinance to Amend Section 3:6 of Chapter 39, Parks, Title III of the Code of the City of Ann Arbor to Provide for Exemptions to the Permit Requirement for Group Activities in Parks (Ordinance No. ORD-13-27)

Sponsors: Taylor and Teall

Attachments: ORD-13-27 Briefed and Approved.pdf, ORD-13-27 Briefed and Approved.docx, ORD-13-27 Briefed.pdf, Ord Amend Parks Group Activities Permit Fee.pdf

(The complete copy of the text of Ordinance No. ORD-13-27 is on file in the City Clerk's Office.)

Councilmember Eaton suggested a friendly amendment to the ordinance as follows:

There shall be no park rental fee charged in association with a permit, where the permitted event's primary proposed activity is the charitable distribution of goods OR SERVICES for basic human needs.

This was not considered friendly and was not moved further.

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

Enactment No: ORD-13-27

B-2 13-1376

An Ordinance to Amend Sections 1:155, 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-13-28)

Sponsors: Kunselman

Attachments: ORD 13-28 as Amended on 111813, ORD-13-28 Briefed and Approved.pdf, ORD 13-28 Briefed as Amended, ORD 13-28 As Amended on 110713, DDA Ordinance Amendments 2013 Joint Comm Substitute Version, DDA Cap Estimates 10-2013

The following friendly amendments were offered by Councilmembers Briere and Lumm and were accepted:

...Section 156(3)(e) to read:

1. (e) Tax increment financing seed funds for the Housing Fund shall be budgeted effective TAX YEAR 2016 at an amount no less than \$300,000. Every year thereafter the minimum amount budgeted shall be adjusted at the same rate of increase as the increase in the total TIF capture. THE FUNDS DEPOSITED IN THE DDA HOUSING FUND ARE TO BE SPENT ON DEVELOPMENT IN THE NEAR DOWNTOWN AREA AND IMPROVEMENT OF HOUSING AFFORDABLE TO RESIDENTS WITH VERY LOW INCOME (BELOW 50% AMI) AND CONSISTENT WITH THE WASHTENAW COUNTY OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT (OCED) AFFORDABLE HOUSING NEEDS ASSESSMENT, AS UPDATED FROM TIME TO TIME. NOTHING IN THIS ORDINANCE SHALL BE INTERPRETED TO LIMIT THE DDA ABILITY TO INVEST MORE THAN \$300,000 TOWARD HOUSING FOR VERY LOW INCOME RESIDENTS. NOR DOES IT LIMIT DDA ABILITY TO INVEST IN DEVELOPMENT OF ADDITIONAL HOUSING AFFORDABLE TO RESIDENTS AT A DIVERSE RANGE OF INCOME LEVELS. [The minimum amount budgeted in the section of DDA Housing Funds are to be used to fund housing grants for downtown housing developments that have adopted the minimum income guidelines of 50 percent AMI.]...

All CAPS indicate new language, [] Brackets indicate deleted language.

Updated title of the Ordinance should read Sections 1:155 and 1:156

(The complete copy of the text of Ordinance No. ORD-13-28 is on file in the City Clerk's Office.)

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

Yeas: 9 - Mayor Hieftje, Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen, Councilmember Warpehoski and Councilmember Eaton

Nays: 2 - Councilmember Teall and Councilmember Taylor

Enactment No: ORD-13-28

C ORDINANCES - FIRST READING**C New Business:**

- C-1 13-1319** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.51 Acre from TWP (Township District) to R1A (Single Family Dwelling District), Higgins Property, 2121 Victoria Circle (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-13-29)
- Attachments:** ORD-13-29 Briefed.pdf, Higgins Zoning Ordinance.pdf, April 16, 2013 Planning Staff Report, April 16, 2013 Planning Commission Minutes
- (The complete copy of the text of Ordinance No. ORD-13-29 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-13-29
- C-2 13-1320** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.51 Acre from TWP (Township District) to R1A (Single Family Dwelling District), Weller Property, 2119 Victoria Circle (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-13-30)
- Attachments:** ORD-13-30 Briefed.pdf, Weller Zoning Ordinance.pdf, April 16, 2013 Planning Staff Report, April 16, 2013 Planning Commission Minutes
- (The complete copy of the text of Ordinance No. ORD-13-30 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-13-30
- C-3 13-1321** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.27 Acres from R1C (Single-Family Zoning District) to R2A (Two-Family Zoning District), 3325 Packard Road Rezoning, 3325 Packard Road (CPC Recommendation: Denial - 0 Yeas, 6 Nays, 3 Absent)
- Attachments:** 3325 Packard Zoning Ordinance.pdf, 8/7/13 Planning Staff Report, 8/7/13 Planning Commission Minutes
- (The complete copy of the text of this proposed Ordinance is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion defeated.**

C-4 13-1421

An Ordinance to Repeal Section 10:148 of Chapter 126 (Traffic) of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-13-31)

Sponsors: Petersen, Kailasapathy, Lumm, Anglin and Kunselman

Attachments: ORD-13-31 Briefed.pdf, Chapter 126 Traffic Ordinance.pdf

(The complete copy of the text of Ordinance No. ORD-13-31 is on file in the City Clerk's Office.)

Councilmember Briere requested that the police chief provide additional information regarding accidents involving pedestrians and other rear-end collisions at marked crosswalks. She requested statistics both before and after the current ordinance was enacted.

A motion was made by Councilmember Lumm, seconded by Councilmember Petersen, that the Ordinance be approved on First Reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 8 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen, Councilmember Warpehoski and Councilmember Eaton

Nays: 3 - Mayor Hieftje, Councilmember Teall and Councilmember Taylor

Enactment No: ORD-13-31

RECESS

Mayor Hieftje declared a recess at 12:03 a.m. and reconvened the meeting at 12:17 a.m.

D MOTIONS AND RESOLUTIONS**DC Unfinished Business - Council:**

DC-2 13-1341

Resolution to Support Education on Professional Standards of Conduct for City Officials and Direction to Council Rules Committee to Draft Appropriate Standard of Conduct

Sponsors: Petersen and Kunselman

Councilmember Warpehoski proposed the following amendment, which was considered friendly:

Add a Whereas Clause:

...Whereas, The Michigan Municipal League has created an resource titled Ethics Handbook for Michigan Municipalities;...

Amend the last RESOLVED Clause as follows:

...RESOLVED, That the Ann Arbor City Council directs the Council Rules Committee to draft standards [of conduct that are based]DRAWING on applicable statutes[,] AND regulations, [and that also include provisions based on]EXISTING CITY POLICIES, AND BEST PRACTICES SUCH AS Section 2 and 2a of Public Act 196 of 1973 (MCL 15.342 and 15.342a, as amended) AND THE ETHICS HANDBOOK FOR MICHIGAN MUNICIPALITIES. ...

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

Enactment No: R-13-366

DC-3 13-1344

Resolution to Appoint a Pedestrian Safety and Access Task Force

Sponsors: Warpehoski and Briere

A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Resolution be approved.

Enactment No: R-13-367

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

Add RESOLVED Clause (third from the bottom):

...RESOLVED, That the task force will submit a preliminary report on potential ordinance revisions to improve pedestrian safety by the second Council meeting in October; and...

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: 6 - Councilmember Kunselman, Councilmember Anglin, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen and Councilmember Eaton

Enactment No: R-13-367

The question being, the Resolution as originally presented, on a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 11 - Mayor Hieftje, Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen, Councilmember Warpehoski and Councilmember Eaton

Nays: 0

Enactment No: R-13-367

DC-4 13-1467

Resolution to Approve Sale of City-Owned Property at 350 S. Fifth to Dennis A. Dahlmann (8 Votes Required)

Sponsors: Hieftje and Kunselman

Attachments: Dahlmann Offer - final, Rider Dahlmann Offer - final

A motion was made by Councilmember Kunselman, seconded by Councilmember Lumm, 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-13-368

DC New Business - Council:

DB Unfinished Business - Boards and Commissions:

DB-1 13-1140

Resolution to Adopt the 2013 Update to the Non-Motorized Transportation Plan (Adopted by the CPC on September 10, 2013 - 7 Yeas, 0 Nays)

Attachments: 2013 Update to Non-motorized Transportation Plan 9/10/13, 8/9/13 Public Process for Non-motorized Plan Update, 9/10/13 Planning Staff Report, Planning Commission Minutes 09-10-13.pdf

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

Enactment No: R-13-369

DS New Business - Staff:

- DS-1 13-1350** Resolution to Accept and Appropriate Emergency Management Performance Grant Funds and Approve FY 2013 Funding Assistance Grant Agreement for Ann Arbor Emergency Management Program (\$40,736.00) (8 Votes Required)
- Attachments:** 2013 EMPG Grant.pdf, EMPG 2014 Extension
- A motion was made by Councilmember Taylor, seconded by Councilmember Teall, 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-13-370
- DS-2 13-1349** Resolution Accepting Easement for Water Main from the Regents of the University of Michigan across University-Owned Arboretum Land (8 Votes Required)
- Attachments:** DRAWING - Orchard Hills water main easement
- A motion was made by Councilmember Petersen, seconded by Councilmember Kunselman, 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-13-371
- DS-3 13-1346** Resolution to Approve an Agreement between the City of Ann Arbor and the Regents of the University of Michigan to Set Boundary Line as Established by Survey (8 Votes Required)
- Attachments:** AGREEMENT - Boundary survey with UofM
- A motion was made by Councilmember Briere, seconded by Councilmember Lumm, 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-13-372
- DS-4 13-1343** Resolution to Approve a Grant of Easement to the Regents of the University of Michigan for Conduit Across City-Owned Arboretum Land (8 Votes Required)
- Attachments:** DRAWING - Burnham house conduit easement
- 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 unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-13-373

DS-5 13-1380 Resolution Accepting Water Main Easement at 2453 South Industrial Highway from John E. Green Co., Inc. (8 Votes Required)

Attachments: DRAWING - John E Green water main easement

A motion was made by Councilmember Teall, 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-13-374

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER BRIERE

Councilmember Briere updated Council regarding several meetings on 1,4 Dioxane that she has attended with CARD members and State representatives from this area. Councilmember Briere stated she was also in Lansing to listen to testimony on this issue. Councilmember Briere noted that all of those testifying in support of changing the acceptable levels of 1,4 Dioxane were those from Ann Arbor and Washtenaw County. She stated she has also sent Council a memo on this issue.

COUNCILMEMBER TAYLOR

Councilmember Taylor addressed the issue of conflict of interest. He reminded Councilmembers that this is a complicated issue, noting that many members have accepted donations from Dahlmann, yet did not see a conflict in voting for the sale of land to him, despite that same standard being raised in other issues. Councilmember Taylor stated Council needs to engage in this discussion on conflict before any decisions can be made.

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

- F-1 13-1345** Communication from Sandra Sorini Elser of Bodman Attorneys & Counselors regarding Notice of Intent to Establish 655-701 N. Fourth Condominiums - Planning and Development Services
Attachments: 655-701 N. Fourth Notice of Intent .pdf
- F-2 13-1347** Communication from Evan Pratt, Chair of the Drainage Board, regarding Notice of a Hearing on the Malletts Creek Stone School Drain Project - Public Services, Planning and Development Services
Attachments: Malletts Creek Stone School Drain Project Hearing Notice.pdf
- F-3 13-1378** Communication from Ypsilanti City Clerk Frances McMullan regarding Amendment #3 to the AATA Articles of Incorporation - File
Attachments: Ypsi City Resolution.pdf
- F-4 13-1379** Communication from Peter Long, Counsel regarding the 2013 Annual Report of The Economic Development Corporation of the City of Ann Arbor - File
Attachments: EDC of the City of Ann Arbor.pdf
- F-5 13-1381** Communication from C. Kim Shierk, Attorney for The Flatiron of Detroit St. regarding proposed condominium project known as The Flatiron of Detroit St. - Planning and Development Services
Attachments: The Flatiron of Detroit Communication.pdf
- F-6 13-1453** A2Y Chamber Support for Ypsilanti Twp AAATA Membership 11-14-2013
Attachments: A2Y Chamber Support for Ypsilanti Twp AAATA Membership 11-14-2013.pdf

Filed.
- G The following minutes were received for filing:**
- G-1 12-0315** Greenbelt Advisory Commission Meeting Minutes of November 30, 2011 (Special Session) and February 2, 2012
Attachments: 11-30-11 GAC Special Meeting Minutes, 02-02-12 GAC Minutes
- G-2 12-0674** Ann Arbor Public Art Commission Meeting Minutes - January and February 2012
Attachments: AAPAC Meeting Minutes - Jan Feb 2012.pdf

- G-3 13-1314** Zoning Board of Appeals Meeting Minutes of August 28, 2013
Attachments: 8-28-2013 ZBA Minutes with Live Links
- G-4 13-1358** Ann Arbor Commission on Disabilities Issues Meeting Minutes - June 19, 2013
Attachments: Commission on Disability Issues Minutes 6-19-13.pdf
- G-5 13-1359** Ann Arbor Commission on Disabilities Issues Meeting Minutes - September 18, 2013
Attachments: Commission on Disability Issues Minutes 9-18-13.pdf
- G-6 13-1370** Taxicab Board Meeting Minutes - January 24, 2013
Attachments: Taxicab Board Minutes 012413
- G-7 13-1371** Taxicab Board Meeting Minutes - February 28, 2013
Attachments: Taxicab Board Minutes 022813
- G-8 13-1372** Taxicab Board Meeting Minutes - June 27, 2013
Attachments: Taxicab Board Minutes 062713
- G-9 13-1373** Taxicab Board Meeting Minutes - September 26, 2013
Attachments: Taxicab Board Minutes 092613
- G-10 13-1374** Audit Committee Meeting Minutes - October 24, 2013
Attachments: Audit Committee Minutes 102413
- G-11 13-1354** Human Rights Commission Meeting Minutes - June 12, 2013
Attachments: HRC Meeting Minutes 06-12-13.pdf
- G-12 13-1355** Human Rights Commission Meeting Minutes - August 14, 2013
Attachments: HRC Meeting Minutes 08-14-13.pdf
- G-13 13-1357** Human Rights Commission Meeting Minutes - September 11, 2013
Attachments: HRC Meeting Minutes 09-11-13.pdf

Filed.

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Kai Petainen, a City resident, stated his FOIA request to the City for documents from a non-profit's statements was denied. He stated he knows the City has copies of these records and it was unfortunate that they were not produced. Mr. Petainen stated the Michigan Attorney General provided the records to him, but it should not have to be this difficult.

Ed Vielmetti, City resident, expressed concern regarding the late addition of the agenda item regarding the sale of City property. He stated the resolution language was not available to the public until well after 5 pm. Mr. Vielmetti added that when he emailed the City Clerk's Office at 5:03 p.m., he was informed that the City Clerk did not yet have the resolution.

Mr. Vielmetti also spoke about the timeliness of City Boards and Commissions submitting their minutes to the City Clerk for filing.

Seth Best, member of Camp Take Notice, thanked Council for approving the Parks Ordinance regarding park permit fees for non-profits and informed the public that November 20, 2013 is Trans-gender Day.

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 Lumm, seconded by Councilmember Kailasapathy, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 1:44 a.m.

13-1484 Council Emails and Redaction List - 11-18-2013

Attachments: Council emails 11-18-2013_Redacted.pdf

Received and Filed

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, NOVEMBER 18, 2013, 7:00 P.M.

REPLAYS: TUESDAY, NOVEMBER 19, 2013, 10:00 A.M. AND FRIDAY, NOVEMBER 22, 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, 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
- 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; 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 two (2) business days 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.

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary