

# City of Ann Arbor

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



## Action Minutes

Monday, March 19, 2018

7:00 PM

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

**City Council**

**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:** 11 - Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Graydon Krapohl, Councilmember Kirk Westphal, Councilmember Zachary Ackerman, Councilmember Chip Smith and Councilmember Anne Bannister

**APPROVAL OF AGENDA**

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

**AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

*City Administrator Howard S. Lazarus thanked Officer Jeffrey Shafer for his attendance at tonight's meeting.*

*Mr. Lazarus reminded Council of the upcoming Work Session on April 9.*

*He also presented the following written reports for information of Council:*

**AC-1**     [18-0466](#)     Memorandum from City Administrator: Update on Council Resolution R-17-422 - March 14, 2018

**Attachments:**     180314 Update on R-17-422\_.pdf

**Received and Filed**

**AC-2**     [18-0513](#)     City Administrator's Report - March 19, 2018

**Attachments:**     180319 City Administrator's Update - Final.pdf

Received and Filed

**AC-3**     [18-0514](#)     Agenda Response Memo and eComments - March 19, 2018

**Attachments:**     ecomments 03-19-18.pdf, Agenda Responses 3-19-18.pdf

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.     Gregg Pratt - Mental Health and Public Safety Millage (F-6)**

*Gregg Pratt, Ward 3, spoke about the City's priorities for spending the County Mental Health and Public Safety Millage refund money that would be coming to the City. He urged the City to use more of their allocated funds for supporting mental health. He also asked if Council would consider adding Shirley Beckley to the list of members of the Police Commission Task Force.*

**2.     Alice Carter - Mental Health and Public Safety Millage (F-6)**

*Alice Carter, resident, spoke about the City's process to allocate its refund money from the County Mental Health and Public Safety millage. She urged Council to focus this money towards mental health needs in the City.*

**3.     Maria Ibarra-Frayre - Police Task Force Selection (DC-1)**

*Maria Ibarra-Frayre spoke about DC-1, and the appointment process to the Police Commission Task Force. She urged Council to amend the membership list to include Shirley Beckley, a longtime City activist. She also stated she supports Lori Saginaw for chair of the Task Force.*

**4.     Lefiest Galimore - Police Task Force (DC-1)**

*Lefiest Galimore, resident, spoke about the Police Commission Task Force and resolution, DC-1. He asked how members were selected, stating he applied and was not selected. He also stated African American men are missing from the proposed membership list.*

**5. Dick Soble - Police Task Force (DC-1)**

*Dick Soble, resident, stated his comments were largely already addressed, including his support for the Task Force to have co-chairs. He thanked Council for listening to and addressing this concern.*

**6. Amory Jhou - Police Task Force (DC-1)**

*Amory Jhou, resident, spoke about the Mayor's list of proposed members of the Police Advisory Task Force. He urged Council to amend the resolution and include Shirley Beckley as one of the members.*

**7. Saima Harrison - Police Task Force (DC-1)**

*Saima Harrison, resident, spoke about the history of Ann Arbor's black neighborhoods and the gentrification of Ann Arbor.*

**CC COMMUNICATIONS FROM COUNCIL**

*COUNCILMEMBER LUMM*

*Councilmember Lumm noted that the City Administrator's report included the fact that City Clerk Jacqueline Beaudry was nominated for Michigan City Clerk of the Year. She congratulated Ms. Beaudry on the recognition.*

*COUNCILMEMBER GRAND*

*Councilmember Grand stated she recently met with the new members of the Student Advisory Task Force. She stated they are interested in affordable housing amongst other issues.*

**MC COMMUNICATIONS FROM THE MAYOR**

*None.*

**CA CONSENT AGENDA**

**Passed on consent agenda**

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

- CA-1**     [18-0436](#)     Resolution to Approve Street Closures for March for Our Lives on Saturday, March 24, 2018 from 11:00 A.M. to 2:00 P.M.  
**Attachments:**     March for Our Lives Map.pdf
- Enactment No: R-18-095
- CA-2**     [18-0440](#)     Resolution to Approve Street Closure of North University Street between Thayer and Fletcher Streets for MUSIC Matters SpringFest from 1:00 A.M. on Wednesday, April 4 until Midnight on Thursday, April 5, 2018  
**Attachments:**     Spring Fest Map.pdf
- Enactment No: R-18-096
- CA-3**     [18-0361](#)     Resolution to Support the Low Income Housing Tax Credit application for Hickory Way Apartments
- Enactment No: R-18-097
- CA-4**     [18-0407](#)     Resolution to Approve Amendment to Member Services Agreement with Keenan & Associates (\$88,000.00)  
**Attachments:**     City of Ann Arbor - 2018 MSA Amendment 3-13-18.pdf
- Enactment No: R-18-098
- CA-5**     [18-0022](#)     Resolution to Approve an Agreement with Level 3 Communications, LLC (Level 3) for up to \$118,200.00 for Relocation of Fiber Optic Lines for the Allen Creek Railroad Berm Opening Project
- Enactment No: R-18-099

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

- PH-1**     [18-0277](#)     Resolution to Approve 1505 White Street Site Plan (CPC Recommendation: Approval - 8 Yeas and 0 Nays)  
**Attachments:**     1505 White Staff Report with Attachments.pdf

*A public hearing was conducted on the proposed Resolution to Approve 1505 White Street Site Plan. Notice of public hearing was published March 12, 2018.*

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

**Held and Closed**

Enactment No: R-18-102

**A APPROVAL OF COUNCIL MINUTES**

**A-1 [18-0449](#) Work Session Minutes of February 12 and Special and Regular Session Meeting Minutes of March 5, 2018**

**Attachments:** 02-12-18 Draft Minutes.pdf, 03-05-18 Draft Special Session Minutes.pdf, Council Emails 3-5-2018 .pdf, 03-05-18 Draft Minutes.pdf

**A motion was made by Councilmember Krapohl, seconded by Councilmember Westphal, that the Work Session Meeting Minutes of February 12 and Regular and Special Session Meeting Minutes of March 5, 2018 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**

**DC New Business - Council:**

**DC-1 [18-0397](#) Resolution to Confirm Members of an Advisory Task Force to Prepare a Recommendation Outlining the Roles and Responsibilities for a Proposed Community Policing Commission**

**Sponsors:** Taylor

**Attachments:** HRC recommendation.pdf

**Councilmember Kailasapathy moved, seconded by Councilmember Krapohl, that the Resolution be approved.**

Enactment No: R-18-100

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

**Replace Anna Gersh on the list of members with Shirley Beckley, a Pittsfield Township resident.**

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

**Yeas:** 3 - Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister

**Nays:** 8 - Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Enactment No: R-18-100

**The question being, the motion made by Councilmember Kailasapathy, seconded by Councilmember Krapohl, that the Resolution be approved as originally presented, on a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 11 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Bannister

**Nays:** 0

Enactment No: R-18-100

**DC-2**     [18-0483](#)

**Resolution Supporting the Energy Commission’s Resolution Concerning DTE’s Propos 1100MW Natural Gas Power Plan (Case U:18419)**

**Sponsors:** Eaton

**Attachments:** Energy Commission Resolution concerning a new DTE natural gas fired power plant 3 8 18.pdf

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

**A motion was made by Councilmember Eaton, seconded by Councilmember Ackerman, that the Resolution be tabled. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 11 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Bannister

**Nays:** 0

**DC-3**      [18-0485](#)      Resolution Opposing the Concealed Carry Reciprocity Act of 2017 and the Constitutional Concealed Carry Reciprocity Act of 2017

**Sponsors:**      Smith, Taylor, Warpehoski, Ackerman, Grand and Westphal

**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.**

Enactment No: R-18-101

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

**DB-1**      [18-0277](#)      Resolution to Approve 1505 White Street Site Plan (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

**Attachments:**      1505 White Staff Report with Attachments.pdf

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

Enactment No: R-18-102

**DS      New Business - Staff:**

None.

**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 Ackerman, seconded by Councilmember Grand, that the following Clerk's Report of Communications, Petitions and Referrals be approved as presented. On a voice vote, the Mayor declared the motion carried.**

- F-1**      [18-0372](#)      Ann Arbor Area Transportation Authority Audited Financial Statements and Management Letter
- Attachments:**      2017 AAATA Audited Financial Statements.pdf, 2017 AAATA Management Letter - AU260 - Final.pdf
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- F-2**      [18-0383](#)      Communication from Oasis Wellness Center regarding Notice of Municipality of MMFLA License Application as required by the Michigan Medical Marihuana Facilities Licensing Act (MMFLA, MCL33.27401 et. Seq.) - Planning and Development Services
- Attachments:**      Communication from Oasis Wellness Center.pdf
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- F-3**      [18-0384](#)      Communication from Comcast regarding Channel line-up changes - CTN
- Attachments:**      Comcast Communication.pdf
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- F-4**      [18-0395](#)      Communication from the Barrier Free Design Board regarding review of the Escape Room Zone Exception Application for Relief from Requirements of Section 410.4 of the 2015 Michigan Rehabilitation Code for Existing Buildings
- Attachments:**      Order of the Barrier Free Design Board.pdf
- 
- F-6**      [18-0371](#)      Resolution to Establish Priorities for Affordable Housing Portion of Community Mental Health and Public Safety Preservation Millage
- 
- F-5**      [18-0396](#)      Communication from Honigman Miller Schwartz and Cohn LLP regarding Medical Marihuana Facility Application for Exclusive Brands, LLC -

## Planning and Development Services, City Attorney

**Attachments:** Medical Marihuana Facility Application Exclusive Brands, LLC  
Communication.pdf

**F-7**      [18-0452](#)      Communication from the Office of the Great Seal regarding Receipt of  
the Completed Annexation of the Szocik Property, located at 1427  
Warrington Circle

**Attachments:** Completed Annexation of Szocik Property from the Great Seal.pdf

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

**G-1**      [17-1181](#)      Minutes of the June 8th, 2017, HDC Meeting

**Attachments:** June 8, 2017 HDC Minutes with Live Links.pdf

**G-2**      [17-1414](#)      August 15, 2017 City Planning Commission Meeting Minutes

**Attachments:** 8-15-2017 CPC Minutes with Live Links.pdf

**G-3**      [18-0228](#)      September 6, 2017 City Planning Commission Meeting Minutes

**Attachments:** 9-6-2017 CPC Minutes with Live Links2.pdf

**G-4**      [18-0229](#)      City Planning Commission Meeting Minutes of January 17, 2018

**Attachments:** 1-17-2018 CPC Minutes with Live Links.pdf

**G-5**      [18-0304](#)      Council Liquor License Review Committee Meeting Minutes of February  
2, 2018

**Attachments:** 02-02-18 liquor minutes.pdf

**G-6**      [18-0359](#)      Ann Arbor Commission on Disability Issues, January 2018 Final Meeting  
Minutes

**Attachments:** Final January CODI Meeting Minutes.pdf

- G-7**      [18-0367](#)      Election Commission Meeting Minutes of December 20, 2017  
***Attachments:***      2017-12-20 Election Commission Minutes.pdf
- G-8**      [18-0406](#)      Insurance Board Meeting Minutes - February 22, 2018  
***Attachments:***      Insurance Board Minutes 022218.pdf, Insurance Board Loss Run  
February 2018.pdf
- G-9**      [18-0434](#)      Elizabeth Dean Fund Committee Meeting Minutes 08/08/2017,  
11/14/2017, 01/09/2018, 02/20/2018  
***Attachments:***      DeanFundCommitteeMeetingMinutes\_080817.pdf,  
DeanFundCommittee\_MeetingMinutes\_\_111417.pdf,  
DeanFundCommittee\_MeetingMinutes\_010918.pdf,  
DeanFundCommittee\_MeetingMinutes\_\_022018.pdf
- G-10**      [18-0321](#)      Design Review Board Meeting Minutes of January 17, 2018  
***Attachments:***      1-17-2018 DRB Minutes .pdf
- G-11**      [18-0439](#)      Audit Committee Meeting Minutes - February 12, 2018  
***Attachments:***      Audit Committee Meeting Minutes 021218.pdf

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

*Edward Vielmetti, Ward 4, spoke about the City's proposed new water rate structure and stated the impacts from high usage from a leak or regular gardening work may be extreme.*

*Karen Kostamo, Precinct 3-8, spoke about the lack of trust between the community and City leaders.*

*An unidentified resident thanked the Mayor for the discussion regarding the appointment of the Police Task Force members. She spoke about the difficult conversations that will need to be addressed by the Task Force.*

*Amory Jhou, resident, spoke about the appointment of the members to the Police Department Task Force. He expressed his anger at the fact that Shirley Beckley was not appointed.*

*An unidentified resident expressed disappointment regarding the appointment of members to the Police Task Force, including the exclusion of Shirley Beckley from the membership.*

*Leslie Stambaugh, Chair of the Human Rights Commission, spoke about the process of the appointing members to the Task Force. She stated it is a difficult and uncomfortable process and thanked Council for their work.*

*Shirley Beckley addressed Council regarding her previous statements about the Ann Arbor Police. She stated she is angry and will not apologize.*

## **COMMUNICATIONS FROM COUNCIL**

**COUNCILMEMBER WARPEHOSKI**

*Councilmember Warpehoski responded to a public comment that he felt may have been misunderstood regarding the Mayor not wanting to debate appointments in public.*

*Councilmember Warpehoski suggested the Rules Committee review the Council Rule regarding the publication of emails sent during meetings and also the strictness regarding emailing documents to each other.*

**COUNCILMEMBER WESTPHAL**

*Councilmember Westphal also responded to comments regarding the procedure for making nominations and bringing forward proposed names for appointments to Boards and Commissions. He stated bringing forward names that have been determined in advance is not an OMA violation.*

**COUNCILMEMBER LUMM**

*Councilmember Lumm also spoke to the appointment process. She stated the process of bringing forward names is a good process and has been done by previous mayors. She also addressed the issue of constituents emailing Council during the meeting and stated she does not respond to emails during the meeting.*

**COUNCILMEMBER KAILASAPATHY**

*Councilmember Kailasapathy also spoke about sending email during Council meetings.*

**MAYOR TAYLOR**

*Mayor Taylor concurred that his comment was not meant to suggest that a public process should not occur, but only that he did not want to make a habit of discussing applicants in public.*

**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).**

A motion was made by Councilmember Warpehoski, seconded by Councilmember Krapohl, that Council enter into Closed Session under the Michigan Open Meetings Act, MCLA 15.268 (E) and (H) to discuss pending litigation and written attorney/client privileged communication. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting adjourned in Closed Session at 8:58 p.m.:

**Yeas:** 11 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Bannister

**Nays:** 0

#### **MEETING RECONVENED**

A motion was made by Councilmember Smith, seconded by Councilmember Ackerman, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened in Open Session at 9:25 p.m.

#### **ADJOURNMENT**

A motion was made by Councilmember Grand, seconded by Councilmember Lumm, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:25 p.m.

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

**LIVE: MONDAY, MARCH 19, 2018 @ 7:00 P.M.**

**REPLAYS: WEDNESDAY, MARCH 21, 2018 @ 8:00 A.M. AND FRIDAY, MARCH 23, 2018 @ 8:00 P.M.**

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

**CTN's Government Channel live televised public meetings can be viewed in a variety of ways:**

**Live Web streaming or Video on Demand: <https://a2ctn.viebit.com>**

**Cable: Comcast Cable channel 16 or AT&T UVerse Channel 99**

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 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.