

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

<http://a2gov.legistar.com/Calendar.aspx>



Meeting Minutes

Monday, February 6, 2017

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 7:04 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 Jason Frenzel

APPROVAL OF AGENDA

Mayor Taylor welcomed the large crowd in attendance at the meeting and reminded persons carrying and holding signs to keep them at chest level to avoid blocking the views of others.

A motion was made by Councilmember Ackerman, seconded by Councilmember Westphal, 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 presented his Agenda Response Memo for information of Council, as well as reports on Closed Captioning at City Council meetings and a School Safety report. He also reminded Council and the public that the newly formed Transportation Commission would be holding its first meeting on February 15.

AC-1 [17-0128](#) Memo from City Administrator - Closed-Captioning at City Council Meetings - January 23, 2017

Received and Filed

AC-2 [17-0165](#) School Safety Report

Received and Filed

AC-3 [17-0179](#) Agenda Responses - February 6, 2017

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. Julie Quiroz - Resolution Directing the City Administrator and City Attorney to Report to City Council on Issues Raised by Presidential Executive Order Dated January 25, 2017 (DC-1)**

Julie Quiroz, 900 W. Huron, spoke in support of DC-1, the Resolution Directing the City Administrator and City Attorney to Report to City Council on Issues Raised by Presidential Executive Order Dated January 25, 2017. She urged Council to approve sanctuary city status for Ann Arbor.

- 2. Roger Kuhlman - City of Ann Arbor Rule of Law and U. S. Immigration Policy (DC-1)**

Roger Kuhlman, 2421 Placid Way, spoke in opposition to DC-1, stating illegal aliens, especially those committing crimes, do not deserve protection. He urged Council not to spend Ann Arbor tax dollars on this issue.

- 3. Allison Hight - Resolution Directing the City Administrator and City Attorney to Report to City Council on Issues Raised by Presidential Executive Order Dated January 25, 2017 (DC-1)**

Allison Hight, from the University of Michigan Labor Law Association,

spoke in support of DC-1, and the call for Ann Arbor to become a sanctuary city. She urged Ann Arbor to act quickly and suggested a sanctuary ordinance would be stronger and have more impact than a resolution. Ms. Hight submitted petitions from the community in support of an ordinance.

4. Paula Uche - Resolution Directing the City Administrator and City Attorney to Report to City Council on Issues Raised by Presidential Executive Order Dated January 25, 2017 (DC-1)

Paula Uche, 482 Village Oaks, spoke in support of DC-1, and urged Council to be leaders.

5. Ellen Fisher - Petition WCWRC for Design & Construction of Stormwater Management Measures for Churchill Park Pond (CA-8)

Ellen Fisher, 2100 Churchill Drive, spoke about flooding issues on the City's southwest side. She urged Council to support CA-8 to petition the County Water Resources Commissioner to implement stormwater management solutions in her neighborhood.

6. Stephanie Preston - School Safety Report (AC-2)

Stephanie Preston of A2 Safe Transport addressed the City Administrator's School Safety Report. She urged Council to continue to take further action, stating improved crosswalks are still needed.

7. Sarah Cohen of Ann Arbor Safe Transport - School Safety Report (AC-2)

Sarah Cohen of Ann Arbor Safe Transport spoke about the School Safety Report and urged Council to do more.

8. Judith Hoffman - School Safety Report (AC-2)

Judith Hoffman spoke about the Administrator's School Safety Report, stating improvements are still needed at Community High School. She asked staff to consider a speed limit sign on Division and Fifth near Community High. She also asked that a school zone be posted on Division Street.

9. Peter Houk - School Safety Report (AC-2)

Peter Houk, Washtenaw Walking and Biking Coalition, spoke about the School Safety Report and urged Council to make more improvements.

10. Claire Duvernoy - School Safety Report (AC-2)

Claire Duvernoy, 641 Geddes Ridge, on behalf of A2Safe Transport, spoke about the School Safety Report and stated there are still problems at Huron High School, noting that the street lights are currently not lighted.

CC COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER LUMM**

Councilmember Lumm responded to public comments regarding the School Safety Report. She thanked the City Administrator and staff for the report, but stated more information on plans and commitments is needed. Councilmember Lumm stated a priorities list and cost estimates are needed.

COUNCILMEMBER EATON

Councilmember Eaton thanked Councilmember Lumm for her comments on the School Safety Report and stated he agrees. Councilmember Eaton also spoke about the CTN budget, including a proposed budget for closed captioning for City Council and the Planning Commission. Councilmember Eaton addressed the recent emails regarding the airport expansion, stating a meeting recently took place regarding the environmental assessment of the site. He urged new Councilmembers to discuss the issue with airport neighbors and learn about the history of this project.

Councilmember Eaton also reported that the School Safety Committee is meeting at 1pm tomorrow at Balas.

COUNCILMEMBER KAILASAPATHY

Councilmember Kailasapathy thanked the public for their advocacy and support regarding Ann Arbor's sanctuary city status. She noted that the resolution in front of Council today is a first step. She urged the Ann Arbor community to be on the right side of history.

COUNCILMEMBER GRAND

Councilmember Grand also thanked the public for emailing Council and for attending tonight's meeting in support of sanctuary city status. She also addressed the Tobacco 21 ordinance and stated the recent Attorney General opinion does not invalidate Ann Arbor's ordinance. She spoke about the long-term health benefits of preventing tobacco use in young people.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski addressed comments regarding pedestrian safety and the need for a plan and real action, not just reports.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 [17-0059](#) Appointments - Confirmations

Mayor Taylor requested confirmation of the following appointments that were presented at the January 17, 2017 meeting for consideration of Council:

Ann Arbor Housing Commission

*Audrey Wojtkowiak -Reappointment
523 Longshore B
Ann Arbor, MI 48105
Term: May 2, 2017 - May 2, 2022*

Board of Review

*Doris Preston -Reappointment
428 Sunset Rd.
Ann Arbor, MI 48103
Term: February 1, 2017 - January 31, 2020*

*Board of Review Panel 2
Robert White -Reappointment
1849 Saxon
Ann Arbor, MI 48103
Term: February 1, 2017 - January 31, 2020*

Historic District Commission

*David Rochlen
Architect
454 Second St.
Ann Arbor, MI 48103
Term: Partial term ending May 31, 2019*

Local Officers Compensation Commission

*Shoshana Hurand
111 Allen Dr.
Ann Arbor, MI 48103
Term: Filling remaining term of Jason Morgan
Term ending September 30, 2020*

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

MC-2 [17-0176](#) Appointments and Nominations

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

Ann Arbor Public Art Commission

*Colleen Crawley-Filling Partial Term
Designer
1331 Culver Road
Ann Arbor, MI 48103
Term: May 31, 2017*

Referred to the City Council due back on 2/21/2017

CA CONSENT AGENDA

Passed on consent agenda

A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement of CA-1 and CA-2.

Resolution to Accept a Water Main Easement at 3201 South State Street from South State Street Ann Arbor Retail LLC **(8 Votes Required)**

Resolution to Accept a Sanitary Sewer Easement at 3201 South State Street from South State Street Ann Arbor Retail LLC **(8 Votes Required)**

Resolution to Approve Street Closings for the Shamrocks and Shenanigans 5K Run/Walk - Sunday, March 12, 2017

Resolution to Approve Street Closings for the Ann Arbor Marathon Running Event - Sunday, March 26, 2017

Resolution to Approve Street Closings for the University of Michigan Trail to the Victors 5K on Sunday, April 9, 2017

Resolution to Approve Closing of East Washington Street for Arbor Brewing Company's St. Patrick's Day Beer Garden on Friday, March 17, 2017

Resolution to Approve a Contract with The Spieker Company to Perform Renovation Work at the Leslie Science and Nature Center (\$153,000.00)

Resolution to Petition the Washtenaw County Water Resources Commissioner (WCWRC) for Design and Construction of Stormwater Management Control Measures for the Churchill Park Pond (\$2,200,000.00)

Resolution to Approve an Amendment Number 2 to the Professional Services Agreement with Orchard, Hiltz & McCliment, Inc. (OHM) for the Design of the Nixon/Green/Dhu Varren Intersection Improvement Project (\$95,650.00)

Approved

Resolution to Approve the Michigan Department of Transportation Performance Resolution for Governmental Services

Resolution to Approve January 26, 2017 Recommendations of the Board of Insurance Administration

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [16-1522](#) An Ordinance to Add a New Chapter 120 (Closed Captioning) to Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-16-24)

A public hearing was continued on the proposed Ordinance to Add a New Chapter 120 (Closed Captioning) to Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-16-24). Notice of continued public hearing was published February 2, 2017.

Sally Hart Petersen, chair of the Commission on Disability Issues, spoke in support of the proposed ordinance and urged Council to pass the ordinance at Second Reading.

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

Held and Closed

A APPROVAL OF COUNCIL MINUTES

A-1 [17-0138](#) Regular Session Meeting Minutes of January 17, 2017

A motion was made by Councilmember Lumm, seconded by Councilmember Krapohl, that the Minutes of the Regular Session of January 17, 2017 be approved. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

B Unfinished Business - Staff:

C ORDINANCES - FIRST READING

C-1 [17-0065](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of South Maple Apartments by Avalon (Hickory Way Apartments), 4.9 Acres from TWP (Township District) to R4B (Multiple-Family Dwelling District), 1110 and 1132 South Maple Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-17-01)

(The complete copy of the text of Ordinance No. ORD-17-01 is on file in the City Clerk's Office.)

A motion was made by Councilmember Ackerman, seconded by Councilmember Warpehoski, that the Ordinance be approved on First Reading to the City Council and should be returned by 3/6/2017. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-17-01

OPEN THE AGENDA

It was noted by the City Clerk that the printed agenda was missing the Second Reading of ORD 16-24.

A motion was made by Councilmember Westphal, seconded by Councilmember Lumm, that the Agenda be opened and approved with the following changes:

Consider B-1 An Ordinance to Add A New Chapter 120 Closed Captioning to Title IX of the Code of the City of Ann Arbor

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

- B-1** [16-1522](#) An Ordinance to Add a New Chapter 120 (Closed Captioning) to Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-16-24)

(The complete copy of the text of Ordinance No. ORD-16-24 is on file in the City Clerk's Office.)

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

D **MOTIONS AND RESOLUTIONS**

DC **New Business - Council:**

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

Resolution Directing the City Administrator and City Attorney to Report to City Council on Issues Raised by Presidential Executive Order No. 13,768 Dated January 25, 2017

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

Add Two new Resolved Clauses:

Resolved, That the Ann Arbor City Council opposes MI HB 4105 or any legislation that would mandate law enforcement practices that erode trust between local police departments and immigrant

communities or that would impose an unfunded mandate to support federal immigration laws.

Resolved, that the City Clerk shall distribute a copy of this resolution to State Representatives Zemke and Rabhi, State Senator Warren, and Governor Snyder.

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

Yeas: 10 - Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Frenzel

Nays: 1 - Councilmember Lumm

Resolution Directing the City Administrator and City Attorney to Report to City Council on Issues Raised by Presidential Executive Order No. 13,768 Dated January 25, 2017

The question being, a motion made by Councilmember Warpehoski, seconded by Councilmember Smith, that the Resolution be approved as amended, on a voice vote, the Mayor declared the motion carried unanimously.

Resolution Directing the City Administrator and City Attorney to Report to City Council on Issues Raised by Presidential Executive Order No. 13,768 Dated January 25, 2017

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

Resolution Accepting Annual Renewal Recommendations of the Council Liquor License Review Committee and Setting Hearings for Non-Renewal of Liquor Licenses

DB New Business - Boards and Commissions:

None.

DS New Business - Staff:

E COMMUNICATIONS FROM THE CITY ATTORNEY**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 Clerk's Report of Communications, Petitions, and Referrals be approved as presented. On a voice vote, the Mayor declared the motion carried.

- F-1** **16-1509** Communication from the State of Michigan Boundary Commission regarding Completed Annexations from Charter Township of Ann Arbor
Approved
- F-2** **17-0066** Communication from the Secretary of State regarding Completion of the 685 S. Wagner Annexation - All Departments
- F-3** **17-0072** Fourth Quarter 2016 Investment Portfolio Report
- F-4** **17-0093** AAATA Reports for the Month Ended November 30, 2016
- F-5** **17-0107** Communication from Vince Chmielewski regarding his Resignation from the LDFA - File
- F-6** **17-0140** Communication from the Secretary of State's Office Regarding the Completion of the South Maple Avalon Apartments Annexation, 4.9 acres, Located at 1110 & 1132 S. Maple Road (City File Nos. A16-003 and Z16-006) - All Departments
- F-7** **17-0141** Communication from AT&T regarding Video Service Local Franchise Agreement for AT&T Michigan - CTN, City Attorney

G The following minutes were received for filing:

- G-1** [16-1412](#) City Planning Commission Meeting Minutes of September 7, 2016
- G-2** [16-1413](#) City Planning Commission Meeting Minutes of September 20, 2016
- G-3** [16-1603](#) City Planning Commission Meeting Minutes of October 5, 2016
- G-4** [16-1604](#) City Planning Commission Meeting Minutes of October 18, 2016
- G-5** [16-1605](#) City Planning Commission Meeting Minutes of November 1, 2016
- G-6** [16-1745](#) Minutes of the November 8, 2016 Ann Arbor Energy Commission Meeting
- G-7** [17-0033](#) Ann Arbor Board of Review Meeting Minutes of December 13, 2016
- G-8** [17-0035](#) Energy Commission Minutes of November 8, 2016
- G-9** [17-0036](#) Downtown Development Authority Board and Executive, Partnerships, Finance, Operations, and Capital Improvement Committees Meeting Minutes from December 2016
- G-10** [17-0038](#) Council Liquor License Review Committee Meeting Minutes of November 18, 2016
- G-11** [17-0042](#) Greenbelt Advisory Commission Meeting Minutes of November 3, 2016
- G-12** [17-0053](#) Ann Arbor Commission on Disability Issues Meeting Minutes of October 2016
- G-13** [17-0054](#) Ann Arbor Commission on Disability Issues Meeting Minutes of November 2016
- G-14** [17-0109](#) Employees' Retirement System Meeting Minutes of December 15, 2016

- G-15** [17-0110](#) Retiree Health Care Benefit Plan & Trust Meeting Minutes of December 15, 2016
- G-16** [17-0113](#) Ann Arbor Area Transportation Authority Meeting Minutes of December 15, 2016
- G-17** [17-0135](#) Ann Arbor Commission on Disability Issues, December 2016 Minutes
- G-18** [17-0137](#) Council Admin. Committee Meeting Minutes of December 19, 2016
- G-19** [17-0089](#) Housing and Human Services Advisory Board Meeting Minutes of 11-10-16
- G-20** [17-0061](#) Insurance Board Meeting Minutes - January 26, 2017

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

An unknown resident thanked Council for their vote and support on the sanctuary city resolution.

Jim Deng, 2130 Steeplechase Drive, expressed concern about the approved stormwater project in his neighborhood. He urged Council to consider the impacts to the entire area, not just a few neighbors' concerns when making decisions about stormwater.

Terry Abrams, Ward 3, spoke about the deer cull and the lack of transparency. He urged Council to consider the welfare of wildlife, expressing his displeasure at the treatment of a sterilized doe who suffered for days before being put down.

Angela Johnson, representing the Ann Arbor Center for Independent Living, spoke about the work of the CIL and encouraged Council to attend their upcoming Gala event.

Ed Vielmetti, Ward 4, stated he attended a Brownfield Review Board meeting. He stated it was very difficult to get copies of the board packet materials. He urged staff to make this information more transparent and accessible for the public.

Kathy Griswold, A2 Safe Transport, thanked City Administrator Howard Lazarus for the report issued on School Safety. She urged Council to continue their efforts, stating children should not be walking to school in the dark.

Lindsay Krantz, Ypsilanti Township resident, addressed Council's sanctuary city resolution and spoke about other impacts of President Trump's administration, including cuts to community radio.

Greg Pratt, Ann Arbor, spoke about the Washtenaw County Sheriff's Crisis Response Team. He expressed concern about the SWAT response to a recent situation in Ypsilanti. He said he was very upset about Police-involved shootings and noted that Ann Arbor was part of this recent response team in Ypsilanti.

An unknown First Ward resident thanked Councilmember Kailasapathy for her kind words regarding sanctuary city status. He also thanked Council for their advocacy for people with disabilities and the approval of the Closed Captioning ordinance.

Kendall Stagg, representing Trinity Health, spoke about the Tobacco 21 Ordinance. He stated Trinity Health is still standing with Ann Arbor as a partner. He expressed disappointment with the media reporting that Ann Arbor's Tobacco 21 law is illegal. He urged Council to state publicly that it is still enforcing its ordinance.

Dave Hodgkins of the American Heart Association spoke in support of Ann Arbor's Tobacco 21 ordinance and stated the American Heart Association is still a partner with the City on this issue.

Steve Carter, Ward 5, spoke in support of sanctuary cities and urged Council not to worry about the loss of federal dollars. He asked Council not to make partisan statements.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER WESTPHAL

Councilmember Westphal spoke about the County ID program. He stated this program allows those in the community who need ID to apply, but also noted that others who may not need the ID can also apply in support.

COUNCILMEMBER FRENZEL

Councilmember Frenzel updated Council and the public on a meeting this Wednesday, February 8 regarding the Lowertown project. The meeting is at the Holiday Inn at 6pm.

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 Ackerman, seconded by Councilmember Westphal, that Council enter into Closed Session to discuss Attorney Client privileged communication and pending litigation under MCLA 15.268 (e) and (h). On a roll call, the vote was as follows with the Mayor declaring the motion carried and Council adjourned in Closed Session at 9:35 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 Frenzel

Nays: 0

RECONVENE IN OPEN SESSION

A motion was made by Councilmember Eaton, seconded by Councilmember Krapohl, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened in Open Session at 10:02 p.m.

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

LIVE: MONDAY FEBRUARY 6, 2017 @ 7:00 P.M.

REPLAYS: WEDNESDAY FEBRUARY 7, 2017 @ 8:00 A.M. AND FRIDAY, FEBRUARY 10, 2017 @ 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; 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.

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary