

City of Ann Arbor

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



Action Minutes

Monday, April 3, 2017

7:00 PM

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

City Council

CALL TO ORDER

Mayor Pro Tem Chuck Warpehoski called the meeting of the Ann Arbor City Council to order at 7:01 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 Pro Tem Warpehoski 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, Councilmember Julie Grand, Councilmember Kirk Westphal, Councilmember Zachary Ackerman, Councilmember Chip Smith and Councilmember Jason Frenzel
- Absent:** 2 - Mayor Christopher Taylor and Councilmember Graydon Krapohl

APPROVAL OF AGENDA

A motion was made by Councilmember Ackerman, seconded by Councilmember Frenzel, that the Agenda be approved. On a voice vote, the Mayor Pro Tem declared the motion carried.

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Howard Lazarus submitted his Agenda Response Memorandum for information of Council.

City Clerk Jacqueline Beaudry introduced the City's new Wall of Mayors on the north hallway wall on the 2nd Floor of City Hall. She encouraged the community to view the portraits of Ann Arbor Mayors, dating back to 1851.

AC-1 [17-0492](#) Agenda Response Memo - April 3, 2017

Attachments: Agenda Responses 4-3-17 Final.pdf

Received and Filed

INT INTRODUCTIONS

None.

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. Jessica Prozinski - Solicitation of Immigrant Status Ordinance (B-2)

Jessica Prozinski, 446 Larkspur, spoke in support of the proposed ordinance.

2. William Mayhew - Solicitation of Immigrant Status Ordinance (B-2)

William Mayhew, 2751 Maplewood, spoke in support of the proposed ordinance, noting that many undocumented workers are taxpayers.

3. Maria Ibarra - Solicitation of Immigrant Status Ordinance (B-2)

Maria Ibarra deferred her comments until the public hearing on this subject.

4. Alexandra Schulz - Solicitation of Immigrant Status Ordinance (B-2)

Alexandra Schulz, Ypsilanti resident, spoke in support of the proposed ordinance.

5. Ken Dillen - Resolution to Amend the Old West Side Parking District – Second Street (DC-2)

Ken Dillen, 403 W. Liberty, spoke in opposition to the proposed Resolution to Amend the Old West Side Parking District, stating the proposal will greatly reduce the ability for residents to provide visitor parking for their guests.

6. Ethel Potts - Planning Process

Ethel Potts, 1014 Elder Boulevard, expressed concerns about the planning process, particularly with the Hillside Manor site plan process, stating the project should have gone back to the Planning Commission.

7. John Mirsky - Funding for Climate Action Programs

John Mirsky, 505 Burson, spoke about funding for Climate Action Programs and the importance of addressing global warming.

8. Hugh Garton - Property Tax on Solar Panels

Hugh Garton, Ward 2 resident, expressed frustration with the City Assessor's policy regarding solar panels. He stated the City's tax policies regarding solar panels make it cost prohibitive to install solar panels for energy efficiency and conservation.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER KAILASAPATHY

Councilmember Kailasapathy spoke about the recent emails Council has received from the public regarding the Library Lot development. She noted that the DDA has recently provided Council with information that there are over 2000 people on the waiting list for parking spaces in the downtown. She also expressed concerns about the City developing this site while a federal audit is ongoing regarding the use of the Build America Bonds on this project. She requested that Council hold a public hearing prior to developing this site.

COUNCILMEMBER ACKERMAN

Councilmember Ackerman stated he supports a public hearing on the Library Lot site, but noted that the recent Work Session did include over three hours of public testimony. He also spoke about the importance of the contribution to affordable housing that this project brings to the community.

COUNCILMEMBER EATON

Councilmember Eaton spoke in favor of holding a public hearing on the Library Lot, stating that if the City is going to sell public land, the public should be able to provide their input. He also noted that the revenue to the affordable housing fund is a one-time fix. He stated Council should find a way to fund affordable housing on an ongoing basis.

COUNCILMEMBER GRAND

Councilmember Grand stated the proposed Library Lot development has been discussed for nearly ten years. She stated that a public hearing isn't necessary, as this issue has been debated for ten years.

COUNCILMEMBER WESTPHAL

Councilmember Westphal spoke about the City's publicly owned land in the downtown and the number of projects the City has coming up besides the Library Lot site.

COUNCILMEMBER LUMM

Councilmember Lumm also addressed the development of the Library Lot. Councilmember Lumm stated she would also support holding a public hearing on this issue.

MAYOR PRO TEM WARPEHOSKI

Councilmember Warpehoski replied to the comments regarding the Library Lot. He also addressed the comments about solar panels and property taxes. He stated the City Assessor has his own discretion to assess property values. He did note that a legislative change might be in order to address the issue and set policy.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 [17-0437](#) Appointments - Confirmations

Attachments: Robert White app. 2017, Wendy Woods app. 2017, A. David Canter app. 2017

Mayor Pro Tem Warpehoski requested approval of the following nominations that were presented to City Council for their consideration on March 20, 2017:

Airport Advisory Committee

*David Canter
23 Harvard Pl.
Ann Arbor, MI 48104
Term: June 1, 2017-May 31, 2020*

City Planning Commission

*Wendy Woods -Reappointment
2034 Liberty Heights
Ann Arbor, MI 48103
Term: July 1, 2017-June 30, 2020*

Historic District Commission

*Robert White -Reappointment
1849 Saxon
Ann Arbor, MI 48103
Term: June 1, 2017-May 31, 2020*

A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the Appointments be approved. On a voice vote,

the Mayor Pro Tem declared the motion carried.

MC-2 [17-0471](#)

Appointments and Nominations

Attachments: Dwight Wilson app.2016, Pamela Meadows Dent app. 2017, Robin Grossheusch app. 2017, John Beeson app. 2017, Larry Keeler app. 2017, Kenneth Westerman app. 2017, Davis Arnsdorf app. 2017, Gordon Berry app. 2017, Benjamin Bushkuhl app. 2017, Michael Dobmeier app. 2017, Richard Mitchell app. 2017, David Baum App. 2017

Mayor Pro Tem Warpehoski recommended the following nominations for approval at a later date:

Building Board of Appeals

*David Arnsdorf -Reappointment
3450 Vintage Valley Rd.
Ann Arbor, MI 48105
Term: June 1, 2017-May 31, 2019*

*Gordon Berry -Reappointment
2225 Garden Homes Dr.
Ann Arbor, MI 48103
Term: June 1, 2017-May 31, 2019*

*Hugh Flack -Reappointment
831 Avon Rd.
Ann Arbor, MI 48104
Term: June 1, 2017-May 31, 2019*

Commission on Disability Issues

*Larry Keeler -Reappointment
1020 Pennsylvania Ave.
Ann Arbor, MI 48103
Term: June 1, 2017-May 31, 2020*

Design Review Board

*Richard Mitchell -Reappointment
1113 W. Liberty
Ann Arbor, MI 48103
Term: June 1, 2017-May 31, 2020*

Elizabeth Dean Fund

*Kenneth Westerman -Reappointment
715 Granger Ave.
Ann Arbor, MI 48104
Term: June 1, 2017-May 31, 2019*

Historic District Commission

John Beeson -Reappointment
512 Hiscock
Ann Arbor, MI 48103
Term: June 1, 2017-May 31, 2020

Benjamin Bushkuhl -Partial Term
3186 Bolgos Circle
Ann Arbor, MI 48105
Term: Ending May 31, 2018

Housing Board of Appeals

Robin Grosssheusch -Reappointment
719 Spring St.
Ann Arbor, MI 48103
Term: June 1, 2017-May 31, 2020

Human Rights Commission

David Baum -Reappointment
1517 Brooklyn Ave.
Ann Arbor, MI 48104
Term: June 1, 2017-May 31, 2020

Dwight Wilson -Reappointment
1115 Baldwin Ave.
Ann Arbor, MI 48104
Term: June 1, 2017-May 31, 2020

Pamela Meadows Dent
623 Third St.
Ann Arbor, MI 48103
Term: June 1, 2017-May 31, 2020

Zoning Board of Appeals

Michael Dobmeier -Reappointment
320 Depot St.
Ann Arbor, MI 48104
Term: June 1, 2017-May 31, 2020

Referred to the City Council due back on 4/17/2017.

CA CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, the following Consent Agenda items were removed from the Consent Agenda and placed under the DS Section:

CA-10 Resolution to Adopt the Fire Services Display Fireworks Policy

Passed on consent agenda

A motion was made by Councilmember Warpehoski, seconded by Councilmember Smith, that the following Consent Items be approved as presented. On a voice vote, the Mayor Pro Tem declared the motion carried unanimously with nine Council Members present, thus satisfying the eight-vote requirement of CA-4.

CA-1 [17-0452](#) Resolution to Approve Street Closing for the Live on Washington Event - Saturday, June 3, 2017

Attachments: Live on Washington Map

Enactment No: R-17-092

CA-2 [17-0453](#) Resolution to Approve the Closing of Streets for the 2017 Glacier Highlands Neighborhood Association Annual Memorial Day Parade, Monday, May 29, 2017

Attachments: Glacier Area Homeowners Association Annual Memorial Day Parade Map

Enactment No: R-17-093

CA-3 [17-0457](#) Resolution to Approve the Closing of Washington Street between Thayer and Fletcher for the University of Michigan Commencement Celebration on Friday, April 28, 2017

Attachments: Campus Commencement Celebration Map

Enactment No: R-17-094

CA-4 [17-0366](#) Resolution to Approve the Purchase of Property located at 3015 Miller Road Owned by the Donald T. Botsford Trust, Approve a Participation Agreement with Washtenaw County Parks and Recreation, Scio Township, and Forestcove Associates, LLC; Amend a Conservation Easement Held by Scio Township on a Portion of the Donald Botsford

Trust Property; and Appropriate Funds, Not to Exceed \$200,000.00, from the Open Space and Parkland Preservation Millage Proceeds (**8 Votes Required**)

Attachments: Botsford and Pringle Map

Enactment No: R-17-095

CA-5 [17-0295](#) Resolution to Submit Funding Applications under the Local Bridge Program to Perform Preventative Maintenance on the E. Medical Center Drive Bridge over the Wolverine Line

Attachments: local bridge program application - complete package - 170224.pdf

Enactment No: R-17-096

CA-6 [17-0296](#) Resolution to Extend the Contract with Doan Construction Company (Bid No. 4417) for the 2017 Ramp & Sidewalk Repair Project (\$750,000.00)

Attachments: SidewalkRepairAreas2017.pdf

Enactment No: R-17-097

CA-7 [17-0322](#) Resolution to Approve a Professional Services Agreement between the City and DiClemente Siegel Design Inc. for Work Related to the Fire Station #1 Generator Project (\$44,800.00)

Attachments: DSD Contract - FS#1 Generator, FS 1 Generator - DSD Proposal

Enactment No: R-17-098

CA-8 [17-0345](#) Resolution Authorizing a Purchase Order to Washtenaw County for the City of Ann Arbor's Share of the Maintenance of the Shared 800 MHz Simulcast System (\$27,680.00)

Enactment No: R-17-099

CA-9 [17-0394](#) Resolution to Approve Amendment to Member Services Agreement for Keenan Pharmacy Purchasing Coalition (\$75,000.00)

Enactment No: R-17-100

CA-11 [17-0459](#) Resolution to Extend the General Services Agreement with Waste Management of Michigan, Inc. for Short-Term Operations of Ann Arbor

Material Recovery Facility (MRF) and Waste Transfer Station

Attachments: WM short-term contract amendment 1.pdf

Enactment No: R-17-101

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [17-0163](#) An Ordinance to Amend Chapter 55 (Zoning), Zoning of 0.5 Acre from TWP (Township District) to R1D (Single-Family Dwelling District), 685 S. Wagner Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-17-03)

Attachments: 17-03 685 S Wagner Rezoing Ordinance Briefed and Approved.pdf, 17-03 685 S. Wagner Zoning Council Ordinance Briefed.pdf, 685 S. Wagner Zoning Council Ordinance.pdf, 685 S. Wagner Annex & Zoning Staff Report with Attachments.pdf, 6-7-2016 CPC Minutes, 17-03 Ordinance Approval Notice.pdf

A public hearing was conducted on the proposed amendment Chapter 55 (Zoning), Zoning of 0.5 Acre from TWP (Township District) to R1D (Single-Family Dwelling District), 685 S. Wagner Road. Notice of public hearing was published March 16, 2017.

Jeff Hayner, 1807 Pontiac Trail, thanked Council for the opportunity to speak when new property is annexed into the City. He urged Council to provide that same opportunity to the public when the City is selling property.

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

Held and Closed

Enactment No: ORD-17-03

PH-2 [17-0257](#) An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Chapter Which New Chapter Shall be Designated as Chapter 120 (Solicitation of Immigrant Status) of Title IX of Said Code (Ordinance No. ORD-17-02)

Sponsors: Eaton, Kailasapathy, Taylor and Warpehoski

Attachments: 17-02 Solicitation of Immigrant Status Ordinance Briefed and Approved.pdf, Chapter 120 Solicitation of Immigrant Status Briefed as Amended on 040317, Draft Amendment Chapter 120 Solicitation of Immigrant Status Revised EatonProposed Amendment.pdf, Draft Amendment Chapter 120 Solicitation of Immigrant Status Proposed Amendment.pdf, Chapter 120 Solicitation of Immigrant Status Revised 3-6-17 Briefed AS AMENDED.pdf, Chapter 120 Solicitation of Immigrant Status Revised 3-6-17.pdf, Revised Chapter 120 Solicitation

of Immigrant Status.pdf, Chapter 120 Solicitation of Immigrant Status,
17-02 Solicitation of Immigrant Status Ordinance Approval Notice.pdf

A public hearing was conducted on the proposed Ordinance to add a new Chapter which new Chapter shall be designated as Chapter 120 (Solicitation of Immigrant Status) of Title IX of Said Code. Notice of public hearing was published March 16, 2017.

The following people were present to speak at the hearing:

A resident of Ward Five spoke about ICE coming to his home and taking his friend. He urged Ann Arbor to become a sanctuary for all people.

Maria Ibarra, Ypsilanti, spoke in support of the proposed ordinance.

Jeff Hayner, 1807 Pontiac Trail, spoke in support of the ordinance, but expressed some concern about how the ordinance was written.

An unidentified student and member of Stop Trump urged Council not to "water down" the proposed ordinance.

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

Held and Closed

Enactment No: ORD-17-02

PH-3 [16-1763](#)

Resolution to Approve Hillside Memory Care Site Plan, 312 Glendale Drive (CPC Recommendation: Approval - 6 Years and 1 Nay)

Attachments: Hillside Memory Care Staff Report with Attachments-12-6-16.pdf, WCWRC Letter Hillside memory status dec16, 12-6-2016 CPC Minutes for Hillside Memory Care site plan for CC.pdf, Rev Hillside Memory Care Staff Report 3-21-17.pdf, March 29 Memo to Council.pdf

A public hearing was conducted on the proposed Resolution to Approve Hillside Memory Care Site Plan, 312 Glendale Drive. Notice of public hearing was published March 23, 2017.

Mayor Pro Tem Warpehoski announced that the public hearing would be treated as a new hearing and all were welcome to speak this evening, even if they had spoken at prior meetings on this topic.

The following people spoke in opposition at the public hearing:

Vince Caruso, 556 Glendale

Melissa Whitney, 1808 Charlton

David Gold, 1712 Orchard

Kathy Boris, 1126 Charlton

Katherine Sochacki, 1815 Abott

Ian Hubert, 1916 Old Orchard

Lynn Borset, 322 Virginia, spoke about a requirement in Chapter 57 for an Area Plan if the proposed site plan is adjacent to another site owned by the developer. She urged Council to look at this issue.

Doug Aikenhead, 583 Glendale

Priscilla Hohmann, 1712 Orchard

John Ramsburg, 1804 Orchard

David Silkworth, Ward 5 City Council candidate

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

Held and Closed

Enactment No: R-17-105

A APPROVAL OF COUNCIL MINUTES

A-1 [17-0462](#) Work Session of March 13 and Regular Session Meeting Minutes of March 20, 2017

Attachments: 03-13-17 Draft Minutes.pdf, 03-20-16 Draft Minutes.pdf, Council emails 3-20-17_Redacted.pdf

A motion was made by Councilmember Ackerman, seconded by Councilmember Lumm, that the Work Session of March 13 and Regular Session Meeting Minutes of March 20, 2017 be approved. On a voice vote, the Mayor Pro Tem declared the motion carried.

B ORDINANCES - SECOND READING

- B-1** [17-0163](#) An Ordinance to Amend Chapter 55 (Zoning), Zoning of 0.5 Acre from TWP (Township District) to R1D (Single-Family Dwelling District), 685 S. Wagner Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-17-03)
- Attachments:** 17-03 685 S Wagner Rezoing Ordinance Briefed and Approved.pdf, 17-03 685 S. Wagner Zoning Council Ordinance Briefed.pdf, 685 S. Wagner Zoning Council Ordinance.pdf, 685 S. Wagner Annex & Zoning Staff Report with Attachments.pdf, 6-7-2016 CPC Minutes, 17-03 Ordinance Approval Notice.pdf
- (The complete copy of the text of Ordinance No. ORD-17-03 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Ackerman, seconded by Councilmember Smith, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor Pro Tem declared the motion carried.**
- Enactment No: ORD-17-03
-
- B-2** [17-0257](#) An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Chapter Which New Chapter Shall be Designated as Chapter 120 (Solicitation of Immigrant Status) of Title IX of Said Code (Ordinance No. ORD-17-02)
- Sponsors:** Eaton, Kailasapathy, Taylor and Warpehoski
- Attachments:** 17-02 Solicitation of Immigrant Status Ordinance Briefed and Approved.pdf, Chapter 120 Solicitation of Immigrant Status Briefed as Amended on 040317, Draft Amendment Chapter 120 Solicitation of Immigrant Status Revised EatonProposed Amendment.pdf, Draft Amendment Chapter 120 Solicitation of Immigrant Status Proposed Amendment.pdf, Chapter 120 Solicitation of Immigrant Status Revised 3-6-17 Briefed AS AMENDED.pdf, Chapter 120 Solicitation of Immigrant Status Revised 3-6-17.pdf, Revised Chapter 120 Solicitation of Immigrant Status.pdf, Chapter 120 Solicitation of Immigrant Status, 17-02 Solicitation of Immigrant Status Ordinance Approval Notice.pdf
- (The complete copy of the text of Ordinance No. ORD-17-02 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Kailasapathy, seconded by Councilmember Eaton, that the Ordinance be adopted on Second Reading.**
- Enactment No: ORD-17-02
-
- A motion was made by Councilmember Eaton, seconded by Councilmember Lumm, that the Ordinance be amended as follows:**
- Add new Section 9:402 (2) as follows:**

...(2) "SOLICIT" OR "SOLICITATION" MEANS ASKING A PERSON, OR ANYONE ASSOCIATED WITH THAT PERSON, QUESTIONS ABOUT THE PERSON'S IMMIGRATION STATUS. THE TAKING OF FINGERPRINTS, AUTHORIZED USE OF LEIN, OR QUESTIONS CONCERNING A PERSON'S BIRTH COUNTRY SHALL NOT BE CONSIDERED "SOLICITATION". ...

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

Enactment No: ORD-17-02

Councilmember Eaton moved the following amendments, supported by Councilmember Lumm:

Amend Section 9:403(2)(b) as follows:

*...(b) Solicitation of information concerning immigration status when attempting to determine the identity of an individual [suspected] **ARRESTED FOR OR CHARGED WITH** [of committing] a crime punishable by 93 days or more in jail. Such solicitation may be solely for the purposes of determining the identity of the individual or assessing the individual's flight risk;...*

[Brackets] indicate deleted language. ALL CAPS indicate new language.

The amendment was considered friendly by the Body.

Strike 9:410 and 9:411 and replace with:

**9.410. PUBLICATION AND EFFECTIVE DATE.
A COMPLETE COPY OF THE ORDINANCE IS ALSO AVAILABLE FOR
INSPECTION ON THE CITY'S WEBSITE. THIS ORDINANCE SHALL TAKE EFFECT
TEN DAYS AFTER PASSAGE AND PUBLICATION.**

The amendment was considered friendly by the Body.

Amended

Enactment No: ORD-17-02

Councilmember Lumm moved the following amendment:

Amend 9:403(2)(h) as follows:

...(h) Nothing in this Chapter shall be construed to prohibit, or in any way restrict, any public servant from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual as required by 8 U.S.C. **NOR SHALL THIS CHAPTER BE CONSTRUED OR APPLIED, IN ANY MANNER, THAT CAUSES A VIOLATION OF ANY VALID FEDERAL LAW OR REGULATION THAT IMPOSES A LEGAL DUTY OR RESTRICTION ON THE CITY OR ITS PUBLIC SERVANTS. ...**

ALL CAPS indicate new language.

The motion failed for lack of a second.

Enactment No: ORD-17-02

CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT TO DISCUSS WRITTEN ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (H).

A motion was made by Councilmember Smith, seconded by Councilmember Lumm, that Council enter into Closed Session under the Michigan Open Meetings Act to discuss attorney/client privileged communication as set forth in MCLA 15.268(H). On a roll call, the vote was as follows with the Mayor Pro Tem declaring the motion carried and the meeting adjourned in Closed Session at 8:48 p.m.:

Yeas: 8 - Councilmember Lumm, Councilmember Warpehoski, Councilmember Eaton, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Frenzel

Nays: 1 - Councilmember Kailasapathy

Absent: 2 - Mayor Taylor and Councilmember Krapohl

RECONVENE IN OPEN SESSION

A motion was made by Councilmember Grand, seconded by Councilmember Westphal, that Council reconvene in Open Session. On a voice vote, the Mayor Pro Tem declared the motion carried and Council reconvened in Open Session at 9:02 p.m.

[17-0257](#)

An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Chapter Which New Chapter Shall be Designated as Chapter 120 (Solicitation of Immigrant Status) of Title IX of Said Code (Ordinance No. ORD-17-02)

Sponsors: Eaton, Kailasapathy, Taylor and Warpehoski

Attachments: 17-02 Solicitation of Immigrant Status Ordinance Briefed and Approved.pdf, Chapter 120 Solicitation of Immigrant Status Briefed as Amended on 040317, Draft Amendment Chapter 120 Solicitation of Immigrant Status Revised EatonProposed Amendment.pdf, Draft Amendment Chapter 120 Solicitation of Immigrant Status Proposed Amendment.pdf, Chapter 120 Solicitation of Immigrant Status Revised 3-6-17 Briefed AS AMENDED.pdf, Chapter 120 Solicitation of Immigrant Status Revised 3-6-17.pdf, Revised Chapter 120 Solicitation of Immigrant Status.pdf, Chapter 120 Solicitation of Immigrant Status, 17-02 Solicitation of Immigrant Status Ordinance Approval Notice.pdf

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

Amend 9:403(2)(h) as follows:

...(h) Nothing in this Chapter shall be construed to prohibit, or in any way restrict, any public servant from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual as required by 8 U.S.C. NOR SHALL THIS CHAPTER BE CONSTRUED OR APPLIED, IN ANY MANNER, THAT CAUSES A VIOLATION OF ANY VALID FEDERAL LAW OR REGULATION THAT IMPOSES A LEGAL DUTY OR RESTRICTION ON THE CITY OR ITS PUBLIC SERVANTS. ...

ALL CAPS indicate new language.

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

Yeas: 2 - Councilmember Lumm and Councilmember Westphal

Nays: 7 - Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Councilmember Grand, Councilmember Ackerman, Councilmember Smith and Councilmember Frenzel

Absent: 2 - Mayor Taylor and Councilmember Krapohl

Enactment No: ORD-17-02

The question being, the motion made by Councilmember Kailasapathy, seconded by Councilmember Eaton, that the Ordinance be adopted as amended on Second Reading, on a roll call, the vote was as follows with the Mayor Pro Tem declaring the motion carried:

Yeas: 8 - Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Frenzel

Nays: 1 - Councilmember Lumm

Absent: 2 - Mayor Taylor and Councilmember Krapohl

Enactment No: ORD-17-02

RECESS

Mayor Pro Tem Warpehoski declared a recess at 9:24 p.m. and reconvened the meeting at 9:37 p.m.

C ORDINANCES - FIRST READING

None.

D MOTIONS AND RESOLUTIONS

DC Unfinished Business:

DC-1 [17-0400](#) Resolution to Appoint Veronica Hannah to the Environmental Commission

Sponsors: Smith and Frenzel

Attachments: Veronica Hannah - Board and Commission Application - May 2016.pdf,
VeronicaHannah-Resume - May 2016 (1).pdf

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

Enactment No: R-17-102

DC New Business - Council:

DC-2 [17-0406](#) Resolution to Amend the Old West Side Parking District - Second Street

Sponsors: Smith

Attachments: argus parking plan.pdf, Letter from OWS 3-14-17.pdf, OWS RPP notice letter 3-20-17.pdf

A motion was made by Councilmember Smith, seconded by Councilmember

Ackerman, that the Resolution be approved. On a voice vote, the Mayor Pro Tem declared the motion carried.

Enactment No: R-17-103

DC-3 [17-0493](#) Resolution to Approve Street Closings for the 9th Annual Box Car Race/Soap Box Derby - Sunday, April 9, 2017

Sponsors: Warpehoski

Attachments: Box Car Derby Map

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

Enactment No: R-17-104

DB Unfinished Business - Boards and Commissions:

DB-1 [16-1763](#) Resolution to Approve Hillside Memory Care Site Plan, 312 Glendale Drive (CPC Recommendation: Approval - 6 Yeas and 1 Nay)

Attachments: Hillside Memory Care Staff Report with Attachments-12-6-16.pdf, WCWRC Letter Hillside memory status dec16, 12-6-2016 CPC Minutes for Hillside Memory Care site plan for CC.pdf, Rev Hillside Memory Care Staff Report 3-21-17.pdf, March 29 Memo to Council.pdf

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

Enactment No: R-17-105

RECESS

Mayor Pro Tem Warpehoski declared a recess at 11:01 p.m. The meeting reconvened at 11:11 p.m.

[16-1763](#) Resolution to Approve Hillside Memory Care Site Plan, 312 Glendale Drive (CPC Recommendation: Approval - 6 Yeas and 1 Nay)

Attachments: Hillside Memory Care Staff Report with Attachments-12-6-16.pdf, WCWRC Letter Hillside memory status dec16, 12-6-2016 CPC Minutes for Hillside Memory Care site plan for CC.pdf, Rev Hillside Memory Care Staff Report 3-21-17.pdf, March 29 Memo to Council.pdf

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

First RESOLVED Clause:

...RESOLVED, That City Council approve the Hillside Memory Care Site Plan dated November 21, 2016, CONDITIONED ON THE ADDITION OF TWO CATCH BASINS AT THE END OF THE GLENDALE DRIVEWAY TO BE PIPED INTO THE UNDERGROUND DETENTION SYSTEM ON SITE, SUBJECT TO THE APPROVAL OF THE WASHTENAW COUNTY WATER RESOURCES COMMISSIONER IN CONSULTATION WITH CITY STAFF, AND upon the condition that necessary off-site easements are executed prior to the issuance of any permits including: 1) Granting of public utility easement for existing water main along Jackson Place and on development parcel; 2) Execution of private vehicular access easement to benefit development site from 1939 Jackson Avenue - Hillside Terrace property; and...

ALL CAPS indicate new language.

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

Yeas: 9 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Frenzel

Nays: 0

Absent: 2 - Mayor Taylor and Councilmember Krapohl

Enactment No: R-17-105

[16-1763](#)

Resolution to Approve Hillside Memory Care Site Plan, 312 Glendale Drive (CPC Recommendation: Approval - 6 Yeas and 1 Nay)

Attachments: Hillside Memory Care Staff Report with Attachments-12-6-16.pdf, WCWRC Letter Hillside memory status dec16, 12-6-2016 CPC Minutes for Hillside Memory Care site plan for CC.pdf, Rev Hillside Memory Care Staff Report 3-21-17.pdf, March 29 Memo to Council.pdf

The question being, the motion made by Councilmember Westphal, seconded by Councilmember Grand, that the Resolution be approved as amended, on a roll call, the vote was as follows with the Mayor Pro Tem declaring the motion carried:

Yeas: 6 - Councilmember Lumm, Councilmember Warpehoski, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman and Councilmember Frenzel

Nays: 3 - Councilmember Kailasapathy, Councilmember Eaton and Councilmember Smith

Absent: 2 - Mayor Taylor and Councilmember Krapohl

Enactment No: R-17-105

DB New Business - Boards and Commissions:

DB-2 [17-0378](#) Resolution to Approve Bylaws of the Ann Arbor Transportation Commission

Attachments: Bylaws of Transportation Commission 3-15-17

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

Enactment No: R-17-106

DS New Business - Staff:

CA-10 [17-0376](#) Resolution to Adopt the Fire Services Display Fireworks Policy

Attachments: BFS - 2017 Application for Fireworks Other Than Consumer or Low Impact.pdf, City of Ann Arbor Fireworks Policy (MJ) 3-17.pdf, Fire Marshal Breakdown of Steps 3-17.pdf, Fire Marshal Time Spent on Fworks Application 3-17.pdf

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

A motion was made by Councilmember Ackerman, seconded by Councilmember Lumm, that the Resolution be postponed to the City Council until May 1, 2017. On a voice vote, the Mayor Pro Tem declared the motion carried.

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

- F-1 [16-0701](#) Resolution Opposing Oil Transport through the Enbridge Energy Line 5 Pipeline
- F-2 [17-0365](#) Non-Discrimination Ordinance Contractor Compliance Human Rights Commission Annual Report - Calendar Year 2016 Summary
- F-3 [17-0381](#) Allen Creek Berm Opening Resolution

Attachments: DNR Grant Application Transportation Commission 03102017
- F-4 [17-0397](#) AAATA Financial and Performance Reports for the Month Ended January 31, 2017

Attachments: AAATA 3 Financial Reports Jan 2017.pdf, AAATA 4a Avg WeekDay RidersGraph.pdf, AAATA 4b Performance Report.pdf
- F-5 [17-0417](#) Communication from Xfinity regarding Important Information about Customer TV Boxes and Modems - CTN, City Attorney

Attachments: Xfinity Communication.pdf
- F-6 [17-0466](#) Communications from Jeremy Peters and Keta Cowan regarding Their Resignations to the Zoning Board of Appeals and the Ann Arbor Human Rights Commission - File

Attachments: Board and Commission Resignation Notices.pdf
- F-7 [17-0474](#) LDFA Board Member Term Expiration

Filed.

G The following minutes were received for filing:

- G-1** [16-0693](#) Building Board of Appeals Minutes for Honda Special Meeting on February 24, 2016
Attachments: BBA Honda Meeting Minutes for 2-24-16.pdf
- G-2** [16-0713](#) Historic District Commission Meeting Minutes of April 14, 2016
Attachments: 4-14-2016 HDC Minutes with Live Links.pdf
- G-3** [16-0834](#) Housing and Human Services Advisory Board Minutes November 2015
Attachments: HHSAB Minutes_11-12-15
- G-4** [16-0917](#) City Planning Commission Meeting Minutes of May 17, 2016
Attachments: 5-17-2016 CPC Minutes with Live Links.pdf
- G-5** [16-1183](#) Public Market Advisory Commission Meeting Minutes of July 27, 2016
Attachments: July 27, 2016 PMAC Meeting Minutes
- G-6** [16-1229](#) Zoning Board of Appeals Meeting Minutes of July 27, 2016
Attachments: 7-27-2016 ZBA Minutes with Live Links.pdf
- G-7** [16-1428](#) Housing Board of Appeals Meeting Minutes of May 23, 2016
Attachments: HBA Meeting Minutes for 5-23-16
- G-8** [16-1720](#) Historic District Commission Minutes of the October 20, 2016
Attachments: 10-20-2017 HDC Minutes with Live Links2.pdf
- G-9** [17-0015](#) Ann Arbor Public Art Commission Meeting Minutes - January 2017
Attachments: Memo - Stadium Boulevard Art - Final Recommendation.pdf, AAPAC Meeting Minutes - January 2017.pdf

- G-10** [17-0278](#) Zoning Board of Appeals Meeting Minutes of January 25, 2017
Attachments: 1-25-2017 ZBA Minutes with Live Links.pdf
- G-11** [17-0370](#) Ann Arbor Energy Commission Meeting Minutes of December 13, 2016
Attachments: Energy Commission Minutes 12-13-16.pdf
- G-12** [17-0371](#) Ann Arbor Energy Commission Meeting Minutes of January 10, 2017
Attachments: Energy Commission Minutes 1-10-17.pdf
- G-13** [17-0377](#) Transportation Commission Minutes 2/15/2017
Attachments: MeetingMinutes_2-15-2017_APPROVED
- G-14** [17-0385](#) Ann Arbor Housing Commission Meeting Minutes of January 18, 2017
Attachments: AAHC Minutes Jan 18 2017
- G-15** [17-0404](#) City of Ann Arbor Employees' Retirement System Meeting Minutes of February 16, 2017
Attachments: B BDMTG FEBRUARY 2017
- G-16** [17-0405](#) Retiree Health Care Benefit Plan & Trust Meeting Minutes of February 16, 2017
Attachments: B VEBA Bd February 2017
- G-17** [17-0418](#) Ann Arbor Area Transportation Authority Meeting Minutes of February 16, 2017
Attachments: AAATA Board Meeting Minutes 02.16.17_Approved.pdf
- G-18** [17-0438](#) Human Rights Commission Meeting Minutes of February 8, 2017
Attachments: Final February Meeting Minutes

- G-19** [17-0461](#) Housing and Human Services Advisory Board Meeting Minutes for February 9, 2017

Attachments: HHSAB minutes_02-09-17-Final

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Edward Vielmetti, Fourth Ward, addressed the lateness of some of the items listed in the Clerk's Report, including minutes from the Building Board of Appeals dating back to February 2016.

An unknown resident questioned the need for Council to enter into Closed Session, stating Council should conduct its business in Open Session.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER ACKERMAN

Councilmember Ackerman provided an update regarding stormwater issues.

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 Grand, seconded by Councilmember Ackerman, that Council enter into Closed Session to discuss pending litigation under the Michigan Open Meetings Act, as set forth in MCLA 15.268(E). On a roll call, the vote was as follows with the Mayor Pro Tem declaring the motion carried and the meeting adjourned in Closed Session at 11:30 p.m.:

Yeas: 9 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Frenzel

Nays: 0

Absent: 2 - Mayor Taylor and Councilmember Krapohl

MEETING RECONVENED

A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the meeting reconvene. On a voice vote, the Mayor Pro Tem declared the motion carried and the meeting reconvened at

11:37 p.m.

ADJOURNMENT

Seeing no further business before the Council, the Mayor Pro Tem declared the meeting adjourned at 11:37 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, APRIL 3, 2017 @ 7:00 P.M.

REPLAYS: WEDNESDAY APRIL 5, 2017 @ 8:00 A.M. AND FRIDAY, APRIL 7, 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.