

City of Ann Arbor

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



Action Minutes

Monday, October 17, 2016

7:00 PM

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

City Council

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

CALL TO ORDER

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

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

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

ROLL CALL OF COUNCIL

- Present:** 10 - Councilmember Sabra Briere, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Kirk Westphal, Councilmember Zachary Ackerman and Councilmember Chip Smith
- Absent:** 1 - Councilmember Graydon Krapohl

APPROVAL OF AGENDA

A motion was made by Councilmember Grand, seconded by Councilmember Ackerman, 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 Memorandum and reported on the following for information of Council:

- The Washtenaw County Historical Society opened a new exhibit titled "Our Community Helpers" at the Museum on Main Street. The exhibit was created by a second grade class in Ann Arbor-A2 Steam/Northside and features AAPD and AAFD.
- AAFD conducted a successful Fire Prevention Awareness Week last week, including hosting many visitors to its facilities.
- The new off-leash dog park is now open at Broadway Park, along the Huron River. A special opening event is scheduled for this Wednesday, Oct. 19.
- The City has received \$450,000 from the Rotary Club for construction of the Fairy Playground at Gallup Park. A ceremony to receive the "big check" will be scheduled to mark the Rotary's support of this significant project.
- Ann Arbor Natural Area Preservation will observe Make a Difference Day with a stewardship workday on Sunday, October 23, at Black Pond Woods Nature Area from 1 to 4 PM. Come on out to experience a woods filled with oak, hickory, maple and dogwood. Volunteers will work on removing invasive shrubs, plants that threaten native wildflowers and are poor habitat for wildlife. This is a great park to bring families out to enjoy a day outdoors. Please meet at the park entrance next to 2080 Tibbits Court. Please wear long pants and closed-toe shoes.
- City Council has scheduled a special work session for October 24th to address the Deer Management Plan for Winter of 2017.
- An Open House for receiving comments on the scope of services for the Independent Review of the Ann Arbor Police Department Community Engagement Practices is scheduled for 5:30 to 8PM on Wednesday, October 19 in the City Hall atrium.

AC-1 16-1502

Agenda Responses - October 17, 2016

Attachments: Agenda Responses 10-17-16

Received and Filed

INT INTRODUCTIONS

INT-1 16-1423 Proclamation for Co-Op Month 2016

Attachments: Co-op Month 2016.pdf

Mayor Taylor read a proclamation honoring Co-Operative Housing and Businesses in Ann Arbor and declaring the month of October 2016 as Co-Op Month. 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 Wieder - City Ballot Proposal

Tom Wieder, Ann Arbor Township resident, spoke in opposition to the City Charter amendment on the November 8, 2016 ballot, regarding 4-year Council terms.

2. Roy Townsend - Road & Path Millage

Roy Townsend, Washtenaw County Road Commission manager, spoke about the County road and bike millage on the November 8, 2016 ballot and encouraged the City's support.

3. Hope Carroll - Deer Management (C-1 & 3)

Hope Carroll, Ward One resident, spoke in opposition to lethal deer management policies.

4. Nancy Hanke - Deer Management (C-1 & 3)

Nancy Hanke, City resident, spoke in opposition to lethal deer management policies.

5. Rudi Lindner - City Lighting Ordinance

Rudi Lindner, 1502 Morton, spoke about the City's lighting ordinance. He expressed concern about LED bulbs and the effect of blue light on human eyes.

6. Phil Carroll - Firearms Ordinance (C-3)

Phil Carroll, 1006 Lincoln, spoke in opposition to the proposed changes to the City's Firearms Ordinance.

7. David Silkworth - Ward 5 Resident Concerns

David Silkworth, Fifth Ward City Council candidate, spoke about voter concerns in the Fifth Ward, including new development, protection of single-family neighborhoods, and the clean-up of the Gelman Plume.

CC COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER WARPEHOSKI**

Councilmember Warpehoski spoke about some resident concerns regarding regulation of drones in the City. He asked Council and the public to provide feedback.

Councilmember Warpehoski also spoke about the City Administrator's plan regarding the development and discussion of upcoming policy issues. He suggested a Council committee be created to discuss Council policy.

COUNCILMEMBER LUMM

Councilmember Lumm asked the City Clerk to report on the cost of postage for absentee ballots. City Clerk Jacqueline Beaudry replied that generally extra postage is required (\$.68). She encouraged voters to check with the local Post Office prior to mailing their voted ballots to City Hall.

COUNCILMEMBER ACKERMAN

Councilmember Ackerman reminded Third Ward voters that the Allen Elementary School precincts (3-4 and 3-7) have been temporarily relocated to Pattengill Elementary School for the November 8, 2016 Election.

MC COMMUNICATIONS FROM THE MAYOR**MC-1 16-1453 Nominations and Appointments for October 17th, 2016**

Attachments: Glenn Nelson app. 2016.pdf, Wayne Appleyard app. 2016.pdf

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

Recreation Advisory Commission

Glenn Nelson-Filling Partial term

1323 S. Forest Ave.

Ann Arbor, MI 48104

Term: Ending May 31, 2019

Referred to the City Council due back on 11/10/2016.

Mayor Taylor recommended the following appointment be approved in a one-step process:

Taxicab Board (one step appointment-8 votes required)

Zachary Ackerman-Filling partial term

1022 S. Forest, Apt. 6

Ann Arbor, MI 48104

Term: Ending December 2, 2016

A motion was made by Councilmember Lumm, seconded by Councilmember Briere, that the Appointment be approved in a one-step process. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

MC-2 16-1465

Resolution to Reappoint Wayne Appleyard to the Energy Commission (7 Votes Required)

Sponsors: Taylor

Attachments: Wayne Appleyard app. 2016.pdf

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

Energy Commission

Wayne Appleyard-Reappointment

Architect

5750 Prospect Hill

Grass Lake, MI 49240

Term: Ending May 31, 2019

Referred to the City Council due back on 11/10/2016.

CA CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, the following item was removed from the Consent Agenda at placed in the New Business (DS) Section of the agenda:

Move: CA-8 Resolution to Approve New Streetlight Installations and Smart Lighting System Preparation

Passed on consent agenda

A motion was made by Councilmember Smith, seconded by Councilmember Briere, 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-7.

CA-1 16-1384 Resolution to Release a Water Main and Sanitary Sewer Easement at 2225 and 2245 S. State Street recorded at Liber 3918, Page 654 of Deeds, Washtenaw County Records; **(8 Votes Required)**

Attachments: Easement Liber3918Page364.pdf

Enactment No: R-16-394

CA-2 16-1321 Resolution to Approve an Increase to the Ellsworth Industries, Inc. Purchase Order for Aggregate Materials (\$35,000.00)

Enactment No: R-16-395

CA-3 16-1323 Resolution to Approve the Purchase of Ice Control Salt through the Michigan Delivering Extended Agreements Locally (MIDEAL) from the Detroit Salt Company for Early Fill (\$87,612.00) and for Seasonal Backup Supply (\$182,080.00)

Attachments: 1300338-Detroit Early.pdf, 1300339- Detroit seasonal.pdf

Enactment No: R-16-396

CA-4 16-1379 Resolution to Approve Purchase of GlobalCare Support for General Electric Intelligent iFIX SCADA Software (\$55,115.38)

Attachments: GE Intelligent Systems Quote Sept 2016

Enactment No: R-16-397

CA-5 16-1332 Resolution to Adopt Revised Investment Policy

Attachments: Insight Letter Regarding Investment Policy, Insight Certification 05-16,

Investment Policy _ Proposed 10-17-16

Enactment No: R-16-398

- CA-6 16-1364** Resolution to Transfer Delinquent Water Utility, Board Up, Clean Up, Vacant Property Inspection and Housing Inspection Fees, and Fire Inspection Invoices to the December 2016 City Tax Roll
Attachments: COMBINED SCHEDULE A.pdf

Enactment No: R-16-399

- CA-7 16-1395** Resolution to Appropriate and Reimburse Resource Recovery Systems for the Balance of the Replacement of the City-Owned Material Recovery Facility Baler \$426,328.00 **(8 Votes Required)**

Enactment No: R-16-400

- CA-9 16-1458** Resolution to Approve Amendment to the Member Services Agreement into the Keenan Pharmacy Purchasing Coalition and Authorize the City Administrator to Execute the Necessary Documentation (\$90,000)
Sponsors: Taylor

Enactment No: R-16-401

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

None.

A APPROVAL OF COUNCIL MINUTES

- A-1 16-1435** Special and Work Session Minutes of September 12, 2016 and Regular Session Minutes of October 6, 2016
Attachments: 09-12-16 Draft Special Session Minutes, 09-12-16 Draft Work Session Minutes, 10-06-16 Draft Minutes, Council emails 10-6-2016

A motion was made by Councilmember Smith, seconded by Councilmember Warpehoski, that the Special and Work Session Meeting Minutes of September 12, 2016 and the Regular Session Meeting Minutes of October 6, 2016 be approved. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

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

- C-1 16-1312** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 7.7 Acres from R1C (Single-Family Dwelling District) to R1E (Single-Family Dwelling District), Weber Rezoning, 2857 Packard Road (CPC Recommendation: Approval - 6 Yeas and 1 Nays) (Ordinance No. ORD-16-20)
- Attachments:** 16-20 Weber Rezoning Briefed.pdf, Weber Rezoning_LegalAttachment_CC_Template.pdf, Weber Area Plan Staff Report with Attachments

(The complete copy of the text of Ordinance No. ORD-16-20 is on file in the City Clerk's Office.)

A motion was made by Councilmember Grand, seconded by Councilmember Ackerman, that the Ordinance be approved on First Reading to the City Council, due back on 11/21/2016. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 9 - Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Westphal and Councilmember Smith

Nays: 1 - Councilmember Ackerman

Absent: 1 - Councilmember Krapohl

Enactment No: ORD-16-20

- C-2 16-1442** An Ordinance to Amend Sections 3:2 and 3:3 of Chapter 39 (Parks - General Regulations) of Title III of the Code of the City of Ann Arbor (Ordinance No. ORD-16-21)
- Attachments:** 16-21 Chapter 39 Parks and Regulations Amendments.pdf, Chapter 39 Amendments.pdf, Chapter 39 Amendments.pdf

(The complete copy of the text of Ordinance No. ORD-16-21 is on file in the City Clerk's Office.)

A motion was made by Councilmember Lumm, seconded by Councilmember Warpehoski, that the Ordinance be approved on First Reading to the City Council and should be returned by 11/14/2016. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-16-21

- C-3 16-1443** An Ordinance to Amend Section 9:261, 9:262, 9:263, 9:269 and 9:274 of Chapter 115 (Weapons and Explosives) of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-16-22)
- Attachments:** 16-22 Chapter 115 Weapons and Explosives Amendment.pdf, Chapter 115 Amendment.pdf, Chapter 115 Amendment.pdf
- (The complete copy of the text of Ordinance No. ORD-16-22 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Lumm, seconded by Councilmember Westphal, that the Ordinance be approved on First Reading to the City Council, due back on 11/14/2016. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**
- Yeas:** 8 - Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Councilmember Grand, Councilmember Westphal and Councilmember Ackerman
- Nays:** 2 - Mayor Taylor and Councilmember Smith
- Absent:** 1 - Councilmember Krapohl
- Enactment No: ORD-16-22

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

- DC-1 16-1424** Resolution to Appoint Sava Lelcaj-Farah to the Downtown Development Authority
(7 Votes Required)
- Sponsors:** Taylor
- Attachments:** Sava Lelcaj-Farah app. 2016.pdf
- A motion was made by Councilmember Ackerman, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the seven-vote requirement.**
- Enactment No: R-16-402

DB New Business - Boards and Commissions:

- DB-1 16-0902** Resolution to Approve an Amendment to the Consent Judgment

Regarding the New Life Church Site Plan (1541 Washtenaw)

Attachments: New Life Church Staff Report with Attachments, NEW LIFE CHURCH SP, NEW LIFE CHURCH Landscape Plan, New Life Church SEU SP Staff Report, 1547 Washtenaw Ave Aerial Map Zoom, 1547 Washtenaw Ave Zoning Map, NewLifeChurchConsentJudgment.pdf

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

Enactment No: R-16-403

DS New Business - Staff:

CA-8 16-1239 Resolution to Approve New Streetlight Installations and Smart Lighting System Preparation

Attachments: LED SMART LIGHTING_whitepaper_final.pdf, NewStreetlightRequests_Recommendations2.pdf

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

Enactment No: R-16-404

COMMUNICATIONS FROM COUNCIL

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 Briere, seconded by Councilmember Ackerman, that the following Clerk's Report items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- F-1 16-1396** Communication from City Manager Richard Finn of Bay City Michigan, Objecting to Governor Snyder's Veto of Senate Bill 557
Attachments: Communication Objecting Veto of Senate Bill 557.pdf
- F-2 16-1397** Communication from Karl Frankena of Conlin, McKenney & Philbrick, P.C. regarding Notice of Intent to Establish Condominium Project 613-615 Felch Street - Planning and Development Services, CityAttorney
Attachments: 613-615 Felch St. Notice of Intent Condo Project revised.pdf
- F-3 16-1399** Communication from the Michigan Department of State Office of the Great Seal regarding Receipt and Filing of Copies of the Tax for Street and Bridge Repair Amendment to the City Charger
Attachments: Receipt and Filing of Tax for Street and bridge Repair Amendment from the Great Seal.pdf
- F-4 16-1400** Communication from the Office of the Great Seal regarding Approval of the Wendy Crest Annexation located at 305 Meadow Creek Drive
Attachments: Great Seal Approval of Wendy Crest Annexation - 305 Meadow Creek Dr.pdf
- F-5 16-1403** Receipt and Filing of MDEQ Correspondence regarding MDEQ Permit No. WRP004520
Attachments: WRP004520 signed permit with plans.pdf
- F-6 16-1452** Communication from State of Michigan Public Service Commission Regarding Public Hearing Notice for DTE Customers in Case No. U-18082
- F-7 16-1503** Communication from Barton Hills Village Zoning Board of Appeals regarding Public Hearing Notice on a Property Located at 304 Juniper Lane - Planning and Development Services
Attachments: Barton Hills ZBA Public Hearing Notice.pdf

G The following minutes were received for filing:

- G-1** **16-1046** Ann Arbor Energy Commission Meeting Minutes - May 10, 2016
Attachments: Energy Commission Minutes 5-10-16 DRAFT.pdf
- G-2** **16-1380** Ann Arbor Commission on Disability Issues, June 15, 2016, Meeting Minutes
Attachments: June 2016 Meeting Minutes - CODI - Final
- G-3** **16-1429** Cable Communications Commission Meeting Minutes - February 2016
Attachments: CCCMinutesMay402016.pdf

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

An unidentified public speaker spoke in opposition to lethal deer management activities.

Kathy Griswold, 2nd Ward resident, spoke about pedestrian safety and crosswalks. She also questioned the placement of new street lights in the City, including the City funding lights in the DDA, instead of in neighborhoods. She also spoke in opposition to the City's Charter amendment proposal regarding 4-year Council terms.

Teagan Tyler spoke in opposition to the City's lethal deer management practices.

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 Westphal, that Council enter into Closed Session under the Open Meetings Act for pending litigation as set forth in MCLA 15.268 (E). On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed in Closed Session at 8:28 p.m.:

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

Nays: 0

Absent: 1 - Councilmember Krapohl

MEETING RECONVENED

A motion was made by Councilmember Westphal, seconded by Councilmember Grand, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened in Open Session at 8:49 p.m.

ADJOURNMENT

A motion was made by Councilmember Lumm, seconded by Councilmember Briere, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried at the meeting adjourned at 8:49 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, OCTOBER 17, 2016 @ 7:00 P.M.

REPLAYS: WEDNESDAY, OCTOBER 19, 2016 @ 8:00 A.M. AND FRIDAY, OCTOBER 21, 2016 @ 8:00 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

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- **Video on Demand:** Replay public meetings at your convenience online at <http://a2govtv.pegcentral.com/>
- **Cable:** Watch CTN Government Channel public meeting programming via Comcast Cable channel 16.

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