

City of Ann Arbor

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



Meeting Minutes

Monday, June 3, 2013

7:00 PM

City Hall, 301 E. Huron Street, Council Chamber, 2nd Floor
City Council meets in caucus the Sunday prior to each regular session at 7 p.m. in the Council Chamber.

City Council

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:12 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron St.

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

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

ROLL CALL OF COUNCIL

Present: 10 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy and Councilmember Sally Petersen

Absent: 1 - Councilmember Chuck Warpehoski

APPROVAL OF AGENDA

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

Move: INT-2 A2 Blooms Day Proclamation Honoring 2/42 Kids Care Club (Consider before INT-1)

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

INT INTRODUCTIONS**INT-2** [13-0695](#) A2 Blooms Day proclamation honoring 2/42 Kids Care Club

Mayor Hieftje read a proclamation honoring 2/42 Kids Care Club. The 2/42 Kids Care Club participates in volunteer projects year-round and has provided significant help to the annual A2 Blooms Day effort for several years. A2 Blooms Day is an event where hundreds of volunteers help plant flowers and beautify downtown Ann Arbor. Mayor Hieftje proclaimed a commemoration of 2/42 Kids Care Club on June 3, 2013, in the City of Ann Arbor. A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed

INT-1 [13-0535](#) Historic District Commission Annual Historic Preservation Awards

Susan Weinberg, Chair of the Historic District Commission, presented the annual Historic Preservation Awards to citizens and business owners in Ann Arbor. Historic Preservation is celebrated throughout the United States in the month of May, she stated. A slide presentation highlighting this year's recipients is on file in the City Clerk's Office.

Received and Filed**PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)**

*** (SPEAKERS ARE NOT PERMITTED TO GRANT THEIR RESERVED TIME TO AN ALTERNATE SPEAKER)**

*** ACCOMMODATIONS CAN BE MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

- 1. Thomas Partridge - Housing and Human Services; Access to affordable public transportation needed; Amendments needed to all annexations, zoning and site plan ordinances; Improvements needed in access to Human Rights, Greenbelt and City Labor Committee Meetings and improvements needed to access polling places. (H-3, I-3, I-5, I-7)**

Thomas Partridge, Ann Arbor resident, addressed Council regarding the most vulnerable citizens.

- 2. Seth Best - Camp Take Notice Communication (H-4)**

Seth Beth, 1940 W. Liberty St., thanked Mayor and Council, as well as Parks and Recreation staff, for the work they are doing to get the Vineyard Church back into the parks to continue humanitarian efforts. He asked for a commitment from the City in writing regarding their commitment to Pizza in the Park and the ability of the church and other groups to provide humanitarian aid without the assessment of fees. He urged Council to make this decision in writing to ensure that there isn't any confusion in the years to come.

- 3. Nicholas Goodman - Camp Take Notice Communication (H-4)**

Nicholas Goodman, 1327 White St., addressed Council regarding Pizza in the Park and asked that Council put in writing their affirmation that the program should continue into the future without fees being assessed.

- 4. Antonio Benton - Camp Take Notice Communication (H-4)**

Antonio Benton, 3299 Morris, thanked Council for agreeing that Pizza in the Park should continue and asked that an official document be submitted into the record protecting the program. He said that he and others are very grateful for the service.

- 5. Mark Tucker - Funding for Art in Public Places (DC-3 & DC-5)**

Mark Tucker, 1716 Shadford Rd., addressed Council regarding the proposed changes to the Public Art Ordinance. He said, if adopted, he hoped that Council would take the proposed changes to heart and would take time to consider the relatively high impact that public art has had in this community.

- 6. Julie Steiner - Transfer Ownership of 26 parcels Owned by the City of Ann Arbor to the Ann Arbor Housing Commission (DB-4)**

Julie Steiner, 502 Sunset Rd., addressed Council regarding transferring ownership of 26 parcels owned by the City. She urged Council to transfer the properties to the Housing Commission so that they could participate in the Federal Rental Assistance

Demonstration Project.

7. Bob Miller - Funding for Art in Public Places (DC-3 & DC-5)

Bob Miller, 801 W. Liberty, addressed Council regarding the Art in Public Places Ordinance. He asked that Council explore the possibility of adding a requirement that private development and construction contribute to a public art general fund that would have the potential to offset a portion of the financial needs pertaining to art in public places.

8. Jeffrey Crockett - Zoning

Jeffrey Crockett, 506 E. Kingsley, addressed Council regarding a threat to the preservation of Ann Arbor's landmark trees. He said that the existing downtown zoning is a threat to the City's heritage and landmark trees. Mitigation of natural features is threatening the environment.

9. Peter Nagourney - Zoning

Peter Nagourney, 914 Lincoln Ave., expressed concern with the current zoning in the downtown area. He said that hidden legal opinions harm the public, inadequate information from City staff hinders Council decisions, and flaws in Ann Arbor's current zoning and codes allow undesirable outcomes for everyone. He urged Council and staff to learn from the mistakes of 413 E. Huron.

10. Steve Kaplan - Zoning

Steve Kaplan, 3085 Charing Cross, expressed concern with the current D1 zoning in the downtown and the impact of the 413 E. Huron St. project, which was recently approved by City Council. He stated this zoning will continue to be a problem on Huron Street if changes are not made.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER PETERSEN

Councilmember Petersen announced that she and Councilmember Lumm would be hosting the next 2nd Ward town hall meeting on June 4, 2013, at 6:30 p.m. at the Songbird Cafe located on Plymouth Road. Police Chief John Seto will be in attendance to explain the City's response to pedestrian safety issues, particularly the hot spots in Ward 2. Councilmember Petersen said that she would also be presenting the results of the Citizens' Satisfaction Study at that meeting.

COUNCILMEMBER BRIERE

Councilmember Briere said that the North Main Task Force held its first public meeting on May 22, 2013. It also closed out its survey on the 24th of May. The Task Force received responses from the public through the survey and there were also a lot of responses made at the public meeting. Those citizen responses would be incorporated into the draft report which would be coming to Council. Another public meeting is scheduled for June 12, 2013 at the Ann Arbor Community Center at 6:30 p.m. Councilmember Briere encouraged all to attend.

COUNCILMEMBER ANGLIN

Councilmember Anglin thanked the Mayor and others who attended the Allen Creek Greenway celebration that showcased the three greenway properties. He said that interest is still there regarding the vision for the three sites in the greenway, and that there are still people who are genuinely interested and are working behind the scenes on a greenway vision.

COUNCILMEMBER LUMM

Councilmember Lumm said that four Re-Imagine Washtenaw meetings were held last week. The Office of Community Economic Development hosted the meetings and did a nice job providing an update on the recommendations of the Joint Technical Advisory Committee. Various consultants were in attendance who gave presentation on the corridor. Information regarding Re-Imagine Washtenaw is available online by logging onto www.washtenawave.org. A copy of the presentation and a form to provide feedback can be found on the City's link on the website.

COUNCILMEMBER TAYLOR

Councilmember Taylor clarified some information that was presented at the last meeting regarding a 2008 email from DDA Director Susan Pollay. The 2008 email stated that no TIF funds would be used in support of the financing of the Library Lane parking garage. Councilmember Taylor stated that we now know some TIF dollars have been used to support the bonds for Library Lane; however, he stated the information provided in 2008 was accurate at that time. With the economic changes over the last few years and the DDA transfer of money to the City General Fund, the plan for Library Lane changed from what was envisioned in 2008.

MAYOR HIEFTJE

Mayor Hieftje also spoke about the Allen Creek Greenway. He stated they held a very nice picnic at First and William on June 2 in support of the future greenway. He stated efforts are still ongoing, including work by the North Main Task Force, as well as staff efforts to working with the Michigan Natural Resources Trust Fund Grant. Mayor Hieftje stated he hoped that in the next year grant applications could be made for 415 W. Washington and the greenway could begin to really take shape.

Mayor Hieftje addressed the speakers regarding the Pizza in the Park efforts to feed the homeless and hungry. He stated staff looked into the issue after last week and discovered that the problem was that the "pizza truck" was actually parked on private property. The private property owners took exception to this and the City stepped in. When other parks were suggested as a solution, those parks with picnic shelters, by policy, have a set fee. Mayor Hieftje said the entire situation was not understood when the park shelters, with fees, were proposed. He stated he has since spoken to the City Administrator and City staff and they are confident that Liberty Plaza can be used again once the parking situation is resolved.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR**STREET CLOSURES**

City Administrator Steve Powers highlighted a number of street closures and related

events coming to Ann Arbor in the next few weeks. Mr. Powers stated the consent agenda includes approval of several closures for parades, running events and block parties. Mr. Powers also mentioned that the 2nd annual Ann Arbor Marathon will be held this Sunday, June 9, 2013 starting at 6:30 a.m., with an anticipated re-opening of the City's streets no later than 12:30 p.m. Numerous streets throughout the City will be temporarily closed for the event. There is a link to the event course map and website on the City's webpage. Lessons learned from last year's marathon have been included in the planning for this year's event, including race martial training, tour maps, mailings, website notifications, door-to-door contact with businesses, places of worship and coordination with the University of Michigan and the Ann Arbor Transit Authority.

ARTIST PRESENTATION FOR PUBLIC ART

There will be an artist presentation of proposed public art for the new Ann Arbor bridges this Friday, June 7, 2013 from 2-6 p.m. at City Hall in Council Chambers.

RED FISH BLUE FISH EVENT

The event Red Fish Blue Fish is scheduled for Sunday, June 9, 2013. The event was set up to teach children to fish and will be taking place at Gallup Canoe Livery, as part of the State of Michigan's Free Fishing weekend.

TEST OF THE OUTDOOR SIREN WARNING SYSTEM

Mr. Powers stated that on June 11, 2013, the City will undergo a testing of the Outdoor Siren Warning System. The test is schedule for 1 p.m.

MAYOR'S GREEN FAIR

The Mayor's Green Fair is scheduled for June 14, 2013 on Main Street from 6-9 p.m.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-1** [13-0369](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.22 Acres from R3 (Townhouse Dwelling District) to R1B (Single-Family Dwelling District), Parkway Place, 490 Huron Parkway (CPC Recommendation: Denial - 5 Yeas and 1 Nay) (Ordinance No. ORD-13-08)
- A public hearing was conducted on the proposed amendment to Chapter 55 (Zoning), Rezoning of 1.22 Acres from R3 (Townhouse Dwelling District) to R1B (Single-Family Dwelling District), Parkway Place, located at 490 Huron Parkway. Notice of public hearing was published May 16, 2013.*
- Thomas Partridge, City resident, expressed concern with the proposed rezoning of Parkway Place.*
- There being no further comment, the Mayor declared the hearing closed.*
- Held and Closed**
- Enactment No: ORD-13-08

- PH-2** [13-0423](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.0 Acre from O (Office District) to C3 (Fringe Commercial District), State Street Center, 3945 S. State Street (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (Ordinance No. ORD-13-09)

A public hearing was conducted on the proposed amendment to Chapter 55 (Zoning), Rezoning of 1.0 Acre from O (Office District) to C3 (Fringe Commercial District), State Street Center, 3945 S. State Street. Notice of public hearing was published May 16, 2013.

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

Held and Closed

Enactment No: ORD-13-09

- PH-3** [13-0471](#) An Ordinance to Amend Sections 2:63, 2:64, and 2:69 of Chapter 29 (Increase Water, Sewer, and Stormwater Rates) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-13-12)

A public hearing was conducted on the proposed amendment to Sections 2:63, 2:64, and 2:69 of Chapter 29 (Increase Water, Sewer, and Stormwater Rates) of Title II of the Code of the City of Ann Arbor. Notice of public hearing was published May 27, 2013.

Tom Partridge, City resident, expressed concern with the proposed amendment to increase water, sewer and stormwater rates.

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

Held and Closed

Enactment No: ORD-13-12

- PH-4** [13-0505](#) An Ordinance to Amend Sections 1:272, 1:274, 1:277, and 1:278 of Chapter 12 (Financing Local Public Improvements) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-13-06)

A public hearing was conducted on the proposed amendment to Sections 1:272, 1:274, 1:277, and 1:278 of Chapter 12 (Financing Local Public Improvements) of Title I of the Code of the City of Ann Arbor. Notice of public hearing was published May 27, 2013.

Tom Partridge, expressed concern with the proposed ordinance regarding financing local public improvements.

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

Held and Closed

Enactment No: ORD-13-06

- PH-5** [13-0516](#) An Ordinance to Amend Chapter 8 (Organization of Boards and Commissions) and Chapter 24 (Public Art) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-13-07)

A public hearing was conducted on the proposed amendment to Chapter 8 (Organization of Boards and Commissions) and Chapter 24 (Public Art) of Title I of the Code of the City of Ann Arbor. Notice of public hearing was published May 27, 2013.

Tom Partridge, City resident, expressed concern with the proposed changes.

John Kotarski, Commissioner on the Ann Arbor Public Art Commission, thanked Council for recognizing the importance of public art. He said the proposed changes are not perfect, but they would improve the Public Art Program.

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

Held and Closed

Enactment No: ORD-13-07

PH-6 [13-0524](#)

An Ordinance to Amend Section 1:581 of Chapter 18, Employees Retirement System, Title I of the Code of the City of Ann Arbor to Implement Changes Negotiated with the AAPOA related to the Dispatch Contract with Washtenaw County (Ordinance No. ORD-13-10)

A public hearing was conducted on the proposed amendment to Section 1:581 of Chapter 18, Employees Retirement System, Title I of the Code of the City of Ann Arbor, to Implement Changes Negotiated with the AAPOA related to the Dispatch Contract with Washtenaw County. Notice of public hearing was published May 27, 2013.

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

Held and Closed

Enactment No: ORD-13-10

PH-7 [13-0557](#)

Resolution to Approve the Weller Annexation, 0.5 Acre, 2119 Victoria Circle (CPC Recommendation: Approval -- 7 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve the Weller Annexation, 0.5 Acre, located at 2119 Victoria Circle. Notice of public hearing was published May 27, 2013.

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

Held and Closed

Enactment No: R-13-170

PH-8 [13-0559](#)

Resolution to Approve the Higgins Annexation, 0.51 Acre, 2121 Victoria Circle (CPC Recommendation: Approval -- 7 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve the Higgins Annexation, 0.51 Acre, located at 2121 Victoria Circle. Notice of public hearing was published May 27, 2013.

Tom Partridge expressed concern with the annexation process of properties annexed

into the City.

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

Held and Closed

Enactment No: R-13-171

PH-9 [13-0591](#)

Proposed Miller Avenue Improvements Sidewalk and Curb and Gutter Special Assessment Project

A public hearing was conducted on the proposed Miller Avenue Improvements Sidewalk and Curb and Gutter Special Assessment Project. Notice of public hearing was published May 16, 2013.

Tom Partridge expressed concern with the proposed special assessment project, citing ADA access concerns.

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

Held and Closed

COMMUNICATIONS FROM COUNCIL

COUNCILMEMER BRIERE

Councilmember Briere noted that Mr. Partridge expressed concerns about the Miller Avenue Special Assessment District and ADA access to Miller Manor. Councilmember Briere asked Public Services Area Administrator Craig Hupy to confirm that the project does not extend south on Miller to Miller Manor and does not impact this property at all.

Public Services Area Administrator Craig Hupy confirmed that this particular project does not impact the street or sidewalk in front of Miller Manor. He also confirmed that all sidewalks and streets meet ADA requirements when repaired or reconstructed.

A **APPROVAL OF COUNCIL MINUTES**

A-1 [13-0642](#)

Regular Session Meeting Minutes of May 13, 2013 (Continued from May 6, 2013) and Regular Session Meeting Minutes of May 20, 2013

A motion was made by Councilmember Kunselman, seconded by Councilmember Briere, that the Meeting Minutes of May 13 and May 20, 2013 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA **CONSENT AGENDA**

CONSENT AGENDA ITEM REMOVED

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

CA-2 Resolution to Approve an Agreement with the Washtenaw County Water Resources Commissioner to Support and Fund the 2013-2015 Rain Garden

Program Partnership (\$51,000.00 over two years; City Cost \$25,500.00)**Passed on consent agenda**

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

- CA-1** [12-1632](#) Resolution to Approve a Purchase Order with Trojan Technologies Inc. for Ultraviolet Disinfection System Replacement Parts at the Wastewater Treatment Plant (\$70,000.00)
Enactment No: R-13-156
- CA-3** [12-1635](#) Resolution to Ratify City Administrator Approval of Emergency Purchase Order with Hydro Dynamics, Inc. for Repair of Secondary Effluent Pump (\$24,687.23)
Enactment No: R-13-157
- CA-4** [13-0216](#) Resolution to Approve the 2013 Ann Arbor Jaycees Summer Carnival at Pioneer High School - June 26 to June 30, 2013
Enactment No: R-13-158
- CA-5** [13-0469](#) Resolution to Approve the Closing of Streets for the Ann Arbor Inner Peace Festival, June 16, 2013
Enactment No: R-13-159
- CA-6** [13-0510](#) Resolution to Approve Street Closings for the Firecracker 5K - Thursday, July 4, 2013
Enactment No: R-13-160
- CA-7** [13-0512](#) Resolution to Approve Street Closings for the Leaders and Best 10K and 5K - Sunday, September 29, 2013
Enactment No: R-13-161
- CA-8** [13-0402](#) Resolution to Approve Street Closings for the UA Block Party - Monday, August 12, 2013
Enactment No: R-13-162
- CA-9** [13-0422](#) Resolution to Approve Street Closing for The Event on Main - Thursday, June 20, 2013
Enactment No: R-13-163
- CA-10** [13-0467](#) Resolution to Approve Street Closings for the 2013 Ann Arbor Jaycees Fourth of July Parade - Thursday, July 4, 2013
Enactment No: R-13-164

- CA-2** [13-0231](#) Resolution to Approve an Agreement with the Washtenaw County Water Resources Commissioner to Support and Fund the 2013-2015 Rain Garden Program Partnership (\$51,000.00 over two years; City Cost \$25,500.00)

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

Enactment No: R-13-165

B ORDINANCES - SECOND READING

- B-1** [13-0369](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.22 Acres from R3 (Townhouse Dwelling District) to R1B (Single-Family Dwelling District), Parkway Place, 490 Huron Parkway (CPC Recommendation: Denial - 5 Yeas and 1 Nay) (Ordinance No. ORD-13-08)

(The complete copy of the text of Ordinance No. ORD-13-08 is on file in the City Clerk's Office.)

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

Enactment No: ORD-13-08

- B-2** [13-0423](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.0 Acre from O (Office District) to C3 (Fringe Commercial District), State Street Center, 3945 S. State Street (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (Ordinance No. ORD-13-09)

(The complete copy of the text of Ordinance No. ORD-13-09 is on file in the City Clerk's Office.)

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

Enactment No: ORD-13-09

- B-3** [13-0471](#) An Ordinance to Amend Sections 2:63, 2:64, and 2:69 of Chapter 29 (Increase Water, Sewer, and Stormwater Rates) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-13-12)

(The complete copy of the text of Ordinance No. ORD-13-12 is on file in the City Clerk's Office.)

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

Enactment No: ORD-13-12

- B-4** [13-0505](#) An Ordinance to Amend Sections 1:272, 1:274, 1:277, and 1:278 of

Chapter 12 (Financing Local Public Improvements) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-13-06)

Councilmember Briere offered an amendment that was accepted as friendly, as follows:

Amend 1:277 to add a new subsection (13) to read as follows:

*(13) FOR A RESIDENTIAL PROPERTY OUTSIDE A BENEFITED DEVELOPMENT THAT CONNECTS DURING THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2015, TO A WATER MAIN OR SANITARY SEWER IMPROVEMENT OR IDENTIFIED PORTION THEREOF THAT WAS BUILT AS PROVIDED IN THIS SECTION 1:277, INCLUDING WATER MAIN OR SANITARY SEWER IMPROVEMENTS CONSTRUCTED BOTH BEFORE AND AFTER JANUARY 20, 2004, THE IMPROVEMENT CHARGE THAT IS IMPOSED AT THE TIME OF CONNECTION SHALL BE:
IMPROVEMENT CHARGE = (N)(4)(Y)(CC)*

FOR PURPOSES OF THIS CALCULATION, "N," "Y" AND "CC" SHALL HAVE THE SAME MEANING AS IN SUBSECTIONS 1:277(3) AND (5), AND THE VALUE OF Y SHALL BE 19.

Also amend 1:278(2) to add a reference to 1:277(13) as follows:

(2) Except as provided in section 1:278(5), AND EXCEPT AS PROVIDED IN 1:277(3), 1:277 (13) AND 1:278(6) FOR CONNECTIONS MADE DURING THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2015, the water main improvement charge and sanitary sewer improvement charge for a residential property will be the current fixed charge for such improvement as established pursuant to section 1:274, as adjusted in accordance with section 1:278(3), 1:278(4) or 1:277, and subject to offset if appropriate in accordance with section 1:278(6).

Note: [] Brackets indicate deleted language. All CAPS indicates new language.

(The complete copy of the text of Ordinance No. ORD-13-06 is on file in the City Clerk's Office.)

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

Enactment No: ORD-13-06

B-5 [13-0516](#)

An Ordinance to Amend Chapter 8 (Organization of Boards and Commissions) and Chapter 24 (Public Art) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-13-07)

(The complete copy of the text of Ordinance No. ORD-13-07 is on file in the City Clerk's Office.)

A motion was made by Councilmember Petersen, seconded by Councilmember Briere, that that the Ordinance be adopted on Second Reading.

Enactment No: ORD-13-07

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

Add a new subsection (8) to Section 1:835:

(8) CITY COUNCIL MAY, AT ITS DISCRETION, AMEND THE FISCAL YEAR 2014 BUDGET OR ANY SUBSEQUENT BUDGET TO RETURN TO THEIR RESPECTIVE FUNDS OF ORIGIN SOME OR ALL UNCOMMITTED FUNDS ALLOCATED FOR ART PRIOR TO FISCAL YEAR 2014 UNDER THE PRIOR SECTION 1:833, INCLUDING FUNDS THAT HAVE BEEN POOLED IN ACCORDANCE WITH SECTION 1:834.

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

Yeas: 3 - Councilmember Lumm, Councilmember Kailasapathy and Councilmember Petersen

Nays: 7 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere and Councilmember Taylor

Absent: 1 - Councilmember Warpehoski

Enactment No: ORD-13-07

The question being, the Ordinance as originally presented, on a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-13-07

RECESS

Mayor Hieftje declared a recess at 10:02 p.m. and reconvened the meeting at 10:15 p.m.

CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, INCLUDING BUT NOT LIMITED TO, LABOR NEGOTIATIONS STRATEGY, PENDING LITIGATION, AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (C), (E), AND (H).

A motion was made by Councilmember Teall, seconded by Councilmember Briere, that Council enter into Closed Session under the Open Meetings Act to discuss Land Acquisition as set forth or incorporated in MCLA 15.268 (D). On a roll call, the vote was as follows with the Mayor declaring the motion carried: (The meeting recessed at 10:17 p.m.)

Yeas: 10 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Kailasapathy and Councilmember Petersen

Nays: 0

Absent: 1 - Councilmember Warpehoski

MEETING RECONVENED

A motion was made by Councilmember Anglin, seconded by Councilmember Teall, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 10:29 p.m.

- B-6** [13-0524](#) An Ordinance to Amend Section 1:581 of Chapter 18, Employees Retirement System, Title I of the Code of the City of Ann Arbor to Implement Changes Negotiated with the AAPOA related to the Dispatch Contract with Washtenaw County (Ordinance No. ORD-13-10)
- (The complete copy of the text of Ordinance No. ORD-13-10 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Teall, seconded by Councilmember Lumm, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-13-10

New Business - Staff:

C ORDINANCES - FIRST READING

- C-1** [13-0346](#) An Ordinance to Amend Sections 4:51 and 4:58 of Chapter 49 (Sidewalks) of Title IV of the Code of the City of Ann Arbor (Ordinance No. ORD-13-15)
- (The complete copy of the text of Ordinance No. ORD-13-15 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried with a no-vote made by Councilmember Kunselman.**
- Enactment No: ORD-13-15
- C-2** [13-0697](#) An Ordinance to Amend Section 9:266 of Chapter 115 (Weapons and Explosives) of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-13-14)
- (The complete copy of the text of Ordinance No. ORD-13-14 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Briere, seconded by Councilmember Kailasapathy, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: ORD-13-14

D MOTIONS AND RESOLUTIONS

DC Unfinished Business - Council:

- DC-1** [13-0612](#) Resolution to Appoint Jennifer Fike as a Member of the City of Ann Arbor Greenbelt Advisory Commission

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

Enactment No: R-13-166

DC New Business - Council:

DC-2 [13-0657](#) Resolution Encouraging DDA Funding of Downtown Public Safety

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

Yeas: 8 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy and Councilmember Petersen

Nays: 2 - Councilmember Teall and Councilmember Taylor

Absent: 1 - Councilmember Warpehoski

Enactment No: R-13-167

DC-3 [13-0677](#) Resolution to Amend Funding for Art in Public Places (8 Votes Required)

A motion was made by Councilmember Lumm, seconded by Councilmember Petersen that the Resolution be approved. Motion to approve the resolution was withdrawn.

DC-4 [13-0688](#) Resolution to Approve Amendment No. 2 to the Articles of Incorporation of the Ann Arbor Transportation Authority Hereafter Ann Arbor Area Transportation Authority

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

Enactment No: R-13-168

DC-5 [13-0692](#) Resolution to Amend Funding for Art in Public Places (8 Votes Required)

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously with ten members present, thus satisfying the eight-vote requirement.

Enactment No: R-13-169

DB New Business - Boards and Commissions:

DB-1 [13-0557](#) Resolution to Approve the Weller Annexation, 0.5 Acre, 2119 Victoria Circle (CPC Recommendation: Approval -- 7 Yeas and 0 Nays)

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

Enactment No: R-13-170

DB-2 [13-0559](#)

Resolution to Approve the Higgins Annexation, 0.51 Acre, 2121 Victoria Circle (CPC Recommendation: Approval -- 7 Yeas and 0 Nays)

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

Enactment No: R-13-171

DB-3 [13-0521](#)

Resolution to Approve the Distribution of the Draft 2013 Non-motorized Plan Update (CPC Recommendation: Approval - 8 Ayes and 0 Nays)

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

Enactment No: R-13-172

DB-4 [13-0566](#)

Resolution to Transfer Ownership of 26 Parcels Owned by the City of Ann Arbor to the Ann Arbor Housing Commission (**8 Votes Required**)

Mayor Hieftje declared a recess at 12:25 a.m. and reconvened the meeting at 12:40 a.m.

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

Enactment No: R-13-173

[13-0566](#)

Resolution to Transfer Ownership of 26 Parcels Owned by the City of Ann Arbor to the Ann Arbor Housing Commission (**8 Votes Required**)

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

Add second to last RESOLVED Clause:

RESOLVED, That each transfer be contingent on the closing of all financing for each transaction in conjunction with the Housing Commission entering into a ground lease with its partners.

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

Enactment No: R-13-173

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Resolution be approved as amended. On a roll call, the vote was as follows with the Mayor declaring the motion carried unanimously, thus satisfying the eight-vote requirement.

Yeas: 10 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Kailasapathy and Councilmember Petersen

Nays: 0

Absent: 1 - Councilmember Warpehoski

Enactment No: R-13-173

Councilmember Higgins left the meeting at 12:40 a.m.

Present: 9 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy and Councilmember Sally Petersen

Absent: 2 - Councilmember Marcia Higgins and Councilmember Chuck Warpehoski

DB-5 [13-0647](#)

Resolution Confirming Status of City Employees Assigned to the Ann Arbor Housing Commission

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

Enactment No: R-13-174

DB-6 [13-0662](#)

Resolution to Approve a Payment in Lieu of Taxes (PILOT) for the Ann Arbor Housing Commission for the Properties at 106 Packard Road, 727 Miller, 1701 to 1747 Green Road, 2742 Packard, and 800 to 890 South Maple

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

Enactment No: R-13-175

DB-7 [13-0593](#)

Resolution to Appropriate and Allocate \$200,000.00 in Ann Arbor Housing Trust Funds to the Ann Arbor Housing Commission for the Rehabilitation of 727 Miller and 800 - 890 S. Maple and to Approve the Affordable Housing Agreement (**8 votes Required**)

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, with nine members present, thus satisfying the eight-vote requirement.

Enactment No: R-13-176

DB-8 [13-0666](#)

~~Resolution for Supplemental One-Time Funding for Ann Arbor Housing Commission to Support Conversion to the Rental Assistance~~

~~Demonstration (RAD) Program (8 Votes Required) (Deleted from agenda on 6/3/13)~~

Deleted from Agenda

DS New Business - Staff:

DS-1 [13-0574](#) Resolution to Award a Construction Contract to Pamar Enterprises, Inc. (\$2,283,524.30, Bid No. ITB-4288) for the West Madison Street Improvements Project

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

Enactment No: R-13-177

DS-2 [13-0572](#) Resolution to Approve a Contract with Pranam Global Tech, Inc. to Replace the Roof and Perform Refurbishment Work at Mack Pool (\$193,000.00) and Appropriate Funds **(8 Votes Required)**

A motion was made by Councilmember Anglin, seconded by Councilmember Taylor, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, with nine members present, thus satisfying the eight-vote requirement.

Enactment No: R-13-178

DS-3 [13-0525](#) Resolution to Approve a Professional Service Agreement with Northwest Consultants, Inc. for the Stone School Road Reconstruction Project (\$101,140.00)

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

Enactment No: R-13-179

E COMMUNICATIONS FROM THE MAYOR

E-1 [13-0630](#) Appointments & nominations

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the May 20, 2013 regular session of Council:

Commission on Disability Issues

Lloyd E. Shelton -Filling vacancy

2105 Medford St. #37

Ann Arbor, MI 48104

Term: June 3, 2013-June 2, 2016

A motion was made by Councilmember Petersen, seconded by Councilmember

Briere, that Council concur with the recommendations of the Mayor. On a voice vote, the Mayor declared the motion carried.

E-2 [13-0696](#) 6/3/13 Appointments & Nominations

REFERRED

Mayor Hieftje placed the following nominations on the table for approval at a later date:

Cable Communications Commission

*Barbara Clarke (Re-Appointment)
2330 S. Circle Dr.
Ann Arbor, MI 48103
Term: June 17, 2013-June 16, 2018*

City Planning Commission

*Bonnie Bona (Re-Appointment)
1100 Mixtwood
Ann Arbor, MI 48103
Term: July 1, 2013-June 30, 2016*

Design Review Board

*Paul Fontaine (Re-Appointment)
1701 Arborview Blvd.
Ann Arbor, MI 48104
Term: June 17, 2013-June 16, 2016*

*Chester Hill Re-Appointment
7550 Fourth St.
Dexter, MI 48130
Term: June 17, 2013-June 16, 2016*

Downtown Area Citizens Advisory Council

*John Chamberlin Re-Appointment
315 Second St.
Ann Arbor, MI 48103
Term: June 17, 2013-June 16, 2016*

*Raymond Detter (Re-Appointment)
120 North Division
Ann Arbor, MI 48104
Term: June 17, 2013-June 16, 2016*

*Joan French (Re-Appointment)
505 E. Huron St.
Ann Arbor, MI 48104
Term: June 17, 2013-June 16, 2016*

*James Kern (Re-Appointment)
318 S. Thayer St.
Ann Arbor, MI 48104*

Term: June 17, 2013-June 16, 2016

*Sue Kern (Re-Appointment)
318 S. Thayer St.
Ann Arbor, MI 48104
Term: June 17, 2013-June 16, 2016*

*Kathleen Nolan Re-Appointment
223 E. Ann St.
Ann Arbor, MI 48104
Term: June 17, 2013-June 16, 2016*

*Herbert Kaufer (Re-Appointment)
209 E. Washington St.
Ann Arbor, MI 48104
Term: June 17, 2013-June 16, 2016*

*Hugh Sonk (Re-Appointment)
505 E. Huron #403
Ann Arbor, MI 48104
Term: June 17, 2013-June 16, 2016*

Historic District Commission

*Tom Stulberg (Re-Appointment)
1202 Traver St.
Ann Arbor, MI 48105
Term: June 17, 2013-June 16, 2016*

Taxicab Board

*LuAnne Bullington (Filling a Vacancy)
1801 S. Boulevard
Ann Arbor, MI 48104
Term: June 17, 2013-April 11, 2016*

Referred to the City Council due back on 6/17/2013

COMMUNICATIONS FROM COUNCIL

None.

F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR

None.

G COMMUNICATIONS FROM THE CITY ATTORNEY

None.

H & I CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

H The following communications were referred as indicated:

Passed on consent agenda

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

- H-1 [13-0573](#) Communication from Evan Pratt, Water Resources Commissioner regarding Petition Package for the Earhart West Drain Drainage District
- H-2 [13-0618](#) Communication from the Michigan Department of Environmental Quality (MDEQ) regarding Permit No. 10-81-0068-P
- H-3 [13-0663](#) Communication from the Human Rights Commission regarding an update on Ann Arbor's Non-Discrimination Ordinance
- H-4 [13-0665](#) Communication from members and supporters of the Camp Take Notice Community regarding Pizza In The Park - Community Services, Attorney Services
- H-5 [13-0684](#) Communication from the State of Michigan Public Service Commission regarding Notice of Hearing of the DTE Electric Company in Case No. U-17251 scheduled for June 10, 2013 at the Constitution Hall in Lansing, Michigan

I The following minutes were received for filing:

- I-1 [13-0331](#) Zoning Board of Appeals Meeting minutes of January 23, 2013
- I-2 [13-0457](#) Park Advisory Commission Meeting Minutes March 19, 2013
- I-3 [13-0523](#) Greenbelt Advisory Commission Meeting Minutes of April 4, 2013
- I-4 [13-0549](#) Historic District Commission Meeting Minutes of April 11, 2013
- I-5 [13-0596](#) Council Labor Committee Minutes of May 13, 2013
- I-6 [13-0617](#) Audit Committee Meeting Minutes - May 8, 2013
- I-7 [13-0631](#) City Election Commission Meeting Minutes of March 8, 2012 and April 17, 2012

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Caleb Poirier, 1327 White St., said the Mayor's words were very kind, however, not binding. He urged Council and the Mayor to pass a resolution or ordinance ensuring the future of Pizza in the Park and at no cost.

Seth Best, 1940 W. Liberty St., echoed the comments of Caleb Poirier, and requested written confirmation of the City's approval of Pizza in the Park.

ADJOURNMENT

A motion was made by Councilmember Petersen, seconded by Councilmember Kailasapathy, that the meeting Adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:55 a.m.

[13-0745](#)

City Council Emails and Redactions List - June 3, 2013

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, JUNE 3, 2013, 7:00 P.M.

REPLAYS: TUESDAY, JUNE 4, 2013, 10:00 A.M. AND FRIDAY, JUNE 7, 2013 7:30 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor City Council and board and commission actions and deliberations.

- Video on Demand: Replay public meetings at your convenience online at www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx
- Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.

All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org; or by written request addressed and mailed or delivered to:

City Clerk's Office
301 E. Huron St.
Ann Arbor, MI 48104

Requests need to be received at least two (2) business days in advance of the meeting.

A hard copy of this Council packet can be viewed at the front counter of the City Clerk's office.