

City of Ann Arbor

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



Meeting Minutes

Monday, September 15, 2014

7:00 PM

City Council meets in caucus the Sunday prior to each regular session at 7 p.m. in the Council Chamber. Larcom City Hall, 301 E Huron St, Second Floor, City Council chambers

City Council

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

Present: 11 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Sally Petersen, Councilmember Chuck Warpehoski and Councilmember Jack Eaton

APPROVAL OF AGENDA

A motion was made by Councilmember Teall, seconded by Councilmember Petersen, that the Agenda be approved as presented. Councilmember Anglin requested that a Closed Session be called to discuss a privileged City Attorney advice memo regarding World Peace Day.

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

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

[14-1402](#)

Agenda Response Memo - September 15, 2014

Attachments: Agenda Responses 9-15-14, 9-15-14 Agenda Responses - Revision Dated 9-23-14

Received and Filed

INT INTRODUCTIONS

INT-1 [14-1368](#)

9/15/14 Proclamation for: 150th Anniversary for the 1st Unitarian Universalist Congregation of Ann Arbor

Received and Filed

INT-2 [14-1394](#)

Proclamation for Drive Electric Week Sept. 15-21, 2014

Attachments: Drive electric week 2014.pdf, Electric car charger usage.pdf

Received and Filed

INT-3 [14-1396](#)

Constitution Week Proclamation

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. Rick Clark - Uber Operating Agreement
- 2. Kermit Schlansker - The Ideal Project
- 3. Alan Haber - Council Approval of Minutes (A-1) and World Peace Day
- 4. Henry Herskovitz - Communications from Council (CC)
- 5. Tom Partridge - Elect Mark Schauer Governor and Gary Peters U.S. Senator. Provide improved access to affordable housing and public transportation. (F-1, G-6, G-7)
- 6. Navin Shah - Grievance regarding Wild Parties and Damage to Property.

CC COMMUNICATIONS FROM COUNCIL

MC COMMUNICATIONS FROM THE MAYOR

MC-1 [14-1329](#) Appointment - Confirmation

A motion was made by Councilmember Eaton, seconded by Councilmember Teall, that Council concur with the recommendations of the Mayor. On a voice vote, the Mayor declared the motion carried.

MC-2 [14-1399](#) Appointment and Nomination

Referred to the City Council due back on 10/6/2014.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [14-1196](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.38 Acres from PUD (Planned Unit Development District) to D2 (Downtown Interface District) with a Secondary Street Building Frontage, 121 Kingsley West Rezoning, 121 West Kingsley Street (CPC Recommendation - Technical Denial: 5 Yeas and 0 Nays) (Ordinance No. ORD-14-19)

Attachments: 14-19 121 Kingsley West Rezoning Ordinance Briefed and Approved.pdf, 14-19 121 Kingsley West Rezoning Ordinance Briefed.pdf, 121 Kingsley West Ordinance 073014.pdf, 121 Kingsley West Staff Report with Attachments 071514

Held and Closed

Enactment No: ORD-14-19

PH-2 [14-1278](#)

Resolution to Approve 121 Kingsley West Site Plan and Development Agreement, 121 West Kingsley Street (CPC Recommendation: Technical Denial - 5 Years and 0 Nays)

Attachments: 7/15/14 Planning Staff Report, KingsleyWestDevAgree9-11-14.pdf

Held and Closed

Enactment No: R-14-324

PH-3 [14-1323](#)

Resolution to De-regulate Taxicab Meter Rates by Establishing a High, Maximum Meter Rate

Sponsors: Taxicab Board

Held and Closed

Enactment No: R-14-325

A APPROVAL OF COUNCIL MINUTES**A-1** [14-1380](#)

Regular Session Meeting Minutes of September 2, 2014

Attachments: 09-02-14 draft minutes, Council Emails Redacted 9-2-14.pdf, Council Emails Attachment1.pdf, Council Emails Attachment2.pdf

A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the Regular Session Meeting Minutes of September 2, 2014 be approved. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA**Passed on consent agenda**

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

CA-1 [14-1166](#)

Resolution to Approve Professional Services Agreements (PSA) for Professional Land Surveyor Services with Stantec, Washtenaw Engineering and Mannik and Smith Group, for a not to exceed \$30,000.00 per PSA

Enactment No: R-14-318

CA-2 [14-1292](#)

Resolution to Approve Street Closings for the Ann Arbor Thanksgiving Day Turkey Trot - Thursday, November 27, 2014

Attachments: Turkey Trot Map

Enactment No: R-14-319

- CA-3** [14-1192](#) Resolution to Approve Amendment #1 to the Professional Services Agreement with CDM Smith Michigan, Inc. (\$16,571.00) for the Springwater Subdivision Improvements Project

Attachments: CDM AMEND #1rev

Enactment No: R-14-320

- CA-4** [14-1298](#) Resolution for the Designation of Street Administrator for Public Act 51 and to Authorize the Street Administrator to Sign Traffic Signal Control Costs Agreements and Municipal Trunk Line Maintenance Contracts with the Michigan Department of Transportation

Enactment No: R-14-321

B ORDINANCES - SECOND READING

B Unfinished Business - Staff:

- B-1** [14-0818](#) An Ordinance to Amend Chapter 55 (Zoning), Section 5:10.20.A Downtown Character Overlay Zoning Districts Building Massing Standards (CPC Recommendation: Approval - 6 Yeas and 3 Nays) (Ordinance No. ORD-14-12)

Attachments: 14-12 - Downtown Character Overlay Zoning Districts Ordinance as Amended on 61614.pdf, Downtown Character Overlay Zoning Districts Ordinance as Amended on 61614, Downtown Character Overlay Zoning Districts Ordinance.pdf, 5/6/14 Planning Staff Report, Main St Overlay - CPC Minutes 05-06-14.pdf

Councilmember Briere moved, seconded by Councilmember Kailasapathy, that the Ordinance be approved at Second Reading.

Enactment No: ORD-14-12

A motion was made by Councilmember Briere, seconded by Councilmember Kailasapathy, that the Ordinance be postponed until 12/15/2014. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-14-12

- B-2** [14-0814](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 1.1 Acres from D1 (Downtown Core Base District) to D2 (Downtown Interface Base District), 425 South Main Street City-Initiated Rezoning, 425 South Main Street (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-14-11) **(8 Votes Required)**

Attachments: 14-11 - 425 S Main St Rezoning Briefed, 14-11 - 425 S Main St Rezoning revised, 5/6/14 Planning Staff Report, 425 S. Main CPC Minutes 05-06-14.pdf, KRG investments 425 main zoning opposition

Councilmember Briere moved, seconded by Councilmember Kailasapathy, that the Ordinance be approved at Second Reading.

Enactment No: ORD-14-11

A motion was made by Councilmember Briere, seconded by Councilmember Kailasapathy, that the Ordinance be postponed until 12/15/2014. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-14-11

New Business:

- B-3** [14-1196](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.38 Acres from PUD (Planned Unit Development District) to D2 (Downtown Interface District) with a Secondary Street Building Frontage, 121 Kingsley West Rezoning, 121 West Kingsley Street (CPC Recommendation - Technical Denial: 5 Yeas and 0 Nays) (Ordinance No. ORD-14-19)

Attachments: 14-19 121 Kingsley West Rezoning Ordinance Briefed and Approved.pdf, 14-19 121 Kingsley West Rezoning Ordinance Briefed.pdf, 121 Kingsley West Ordinance 073014.pdf, 121 Kingsley West Staff Report with Attachments 071514

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

Enactment No: ORD-14-19

C ORDINANCES - FIRST READING

- C-1** [14-1156](#) An Ordinance to Amend Section 5:652 of Chapter 63 (Stormwater Management and Soil Erosion and Sedimentation Control) of Title V of the Code of the City of Ann Arbor (Ordinance No. ORD-14-22)

Attachments: 14-22 Stormwater Management Ordinance Briefed.pdf, Ord amend Chpt 63 Sec 5-652 date..pdf, 2014 Rules County Resolution w cover memo DRAFT3..pdf

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

Enactment No: ORD-14-22

- C-2** [14-1347](#) An Ordinance to Amend Section 9:46 of Chapter 107 (Animals) of Title IX of The Code of The City of Ann Arbor (Dog Licensing)

Attachments: 14-23 Chapter 107 dog license amendments Briefed.pdf, Chapter 107 dog license amendments

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

Enactment No: ORD-14-23

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 [14-1395](#) Resolution in Support of the Recommendations of the Washtenaw County Roads Funding Committee

Sponsors: Briere, Kunselman, Petersen, Taylor and Warpehoski

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

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

Nays: 1 - Councilmember Lumm

Enactment No: R-14-322

DC-2 [14-1403](#) Resolution for Lease of Fuller Park Parking Lot Land

Sponsors: Anglin and Eaton

Councilmember Eaton moved, seconded by Councilmember Anglin, that the Resolution be approved.

Enactment No: R-14-323

[14-1403](#) Resolution for Lease of Fuller Park Parking Lot Land

Sponsors: Anglin and Eaton

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

Last RESOLVED Clause:

...RESOLVED, That PAC provide recommendations to Council by [October 6] NOVEMBER 6, 2014 regarding lease rates, length of lease duration, and identify projects of concern to the Parks and Recreation system, within the Fuller Park area affected by the lease.

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

On a voice vote, the Mayor declared the motion carried, with one no-vote by Councilmember Warpehoski.

Enactment No: R-14-323

The question being, the Resolution as amended, on a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 9 - Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen and Councilmember Eaton

Nays: 2 - Mayor Hieftje and Councilmember Warpehoski

Enactment No: R-14-323

DB New Business - Boards and Commissions:

DB-1 [14-1278](#) Resolution to Approve 121 Kingsley West Site Plan and Development Agreement, 121 West Kingsley Street (CPC Recommendation: Technical Denial - 5 Yeas and 0 Nays)

Attachments: 7/15/14 Planning Staff Report, KingsleyWestDevAgree9-11-14.pdf

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-14-324

DB-2 [14-1323](#) Resolution to De-regulate Taxicab Meter Rates by Establishing a High, Maximum Meter Rate

Sponsors: Taxicab Board

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

Enactment No: R-14-325

DS New Business - Staff:

DS-1 [14-1301](#) Resolution to Award a Construction Contract to E.T. MacKenzie Company for the Liberty Street, Harvard Place, and Arlington Boulevard Sanitary Sewer Extensions Project (\$355,900.00; Bid No. ITB-4345)

Attachments: ITB 4345_2013-030_Liberty-Harvard-Arlington_Bid Tab.pdf, 2014-030_Liberty-Harvard-Arlington_Location Map.pdf, ITB 4345_2014-030 Liberty-Harvard-Arlington Contract Document.pdf

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

Yeas: 10 - Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen, Councilmember Warpehoski and Councilmember Eaton

Nays: 1 - Mayor Hieftje

Enactment No: R-14-326

- DS-2** [14-1297](#) Resolution Authorizing the Execution of a Five Year Municipal Trunk Line Maintenance Between the City of Ann Arbor and the State of Michigan Department of Transportation
- Attachments:** 2014-02167.pdf
- A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-14-327
- DS-3** [14-1268](#) Resolution to Award a Contract for Removal and Marketing of Water Treatment Plant Residual Limestone to Prolime Corporation, Bid No. ITB-4346 (estimated \$249,120.00/yr)
- Attachments:** sludge hauling ITB 4346.pdf, Prolime ITB-4346 Bid Form.pdf, Prolime ITB-4346 Bid Sheet.pdf, Prolime ITB-4346 Bid Bond.pdf, Prolime ITB-4346 Insurance Form.pdf, Prolime Service Contract - 2015.pdf
- A motion was made by Councilmember Taylor, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-14-328
- DS-4** [14-1267](#) Resolution to Approve Three Three-Year Professional Services Agreements (PSA) for Engineering Services for Parks & Recreation for a Not to Exceed Annual Amount of \$150,000.00 per PSA
- Attachments:** RFP for Engineering Services 2014-2017.pdf
- A motion was made by Councilmember Briere, seconded by Councilmember Petersen, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-14-329

COMMUNICATIONS FROM COUNCIL

- DS-1** [14-1301](#) Resolution to Award a Construction Contract to E.T. MacKenzie Company for the Liberty Street, Harvard Place, and Arlington Boulevard Sanitary Sewer Extensions Project (\$355,900.00; Bid No. ITB-4345)
- Attachments:** ITB 4345_2013-030_Liberty-Harvard-Arlington_Bid Tab.pdf, 2014-030_Liberty-Harvard-Arlington_Location Map.pdf, ITB 4345_2014-030 Liberty-Harvard-Arlington Contract Document.pdf
- A motion was made by Councilmember Kunselman, seconded by Councilmember Anglin, that the Resolution be reconsidered. Councilmember Kunselman noted that he voted on the prevailing side of the previous motion. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-14-326
- A motion was made by Councilmember Lumm, seconded by Councilmember**

Taylor, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 10 - Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen, Councilmember Warpehoski and Councilmember Eaton

Nays: 1 - Mayor Hieftje

Enactment No: R-14-326

E COMMUNICATIONS FROM THE CITY ATTORNEY

F & G CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

F The following communications were referred as indicated:

Passed on consent agenda

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

- F-1** [14-1311](#) AAATA Financial Operating Reports and Ridership Data for July 2014 - File
Attachments: AAATA July 2014 Financial Operating combined.pdf, AAATA R2 Performance Reports.pdf, AAATA R2 Weekday riders.pdf
- F-2** [14-1341](#) Communication from Alex De Parry regarding Notice of Intent to Construct The Mark Condominiums in the City of Ann Arbor - Planning, City Attorney
Attachments: The Mark Conominiums.pdf
- F-3** [14-1343](#) Communication from Mandy Grewal, Pittsfield Charter Township Supervisor regarding a workshop for Mixed-use Nodes and Form-based Design Districts - Planning and Development Services
Attachments: Pittsfield Township Toole Design Group Notice.pdf
- F-4** [14-1344](#) Communication Alan Israel, Clerk of Pittsfield Charter Township, regarding Notice of a Public Hearing for Conditional Use Permit #14-11 Applied Fitness Solutions - Planning and Development Services
Attachments: Pittsfield Township Public Hearing Notice regarding Conditional Use Permit 14-11.pdf
- F-5** [14-1353](#) Communication from Ann Arbor Charter Township Zoning Board of Appeals regarding a Public Hearing on September 17, 2014 to Consider an Application Filed by Reza Rahmani for Variances from the

Zoning Code - Planning and Development Services

Attachments: Ann Arbor Zoning Board Public Hearing Notice.pdf

- F-6** [14-1366](#) Communication from Ypsilanti City Council regarding a Resolution Authorizing an Agreement with the Adrian/Tecumseh SmartZone as a Satellite SmartZone to Support the 15-Year Extension of the Ann Arbor/Ypsilanti SmartZone LDFA - File
- Attachments:** Ypsi City Agreement Regarding LDFA.pdf
- F-7** [14-1367](#) Communication from the State of Michigan regarding the Completion of Two Annexations from Scio Township - File
- Attachments:** Rayer Annexation Communication from State.pdf, Pebbles-Anderson Annexation Communication from State.pdf
- F-8** [14-1379](#) CTN Policy Manual
- Attachments:** CTNPolicyManual08262014
- G** **The following minutes were received for filing:**
- G-1** [14-1245](#) Historic District Commission Meeting Minutes of the July 10, 2014
- Attachments:** 7-10-2014 HDC Minutes with Live Links2
- G-2** [14-1253](#) Building Board of Appeals Minutes July 10, 2014
- Attachments:** BBA Minutes 7-10-14 Final.pdf
- G-3** [14-1327](#) Council Rules Committee Meeting Minutes of July 30, 2014
- Attachments:** Council Rules Committee Minutes 7-30-14.pdf
- G-4** [14-1338](#) Insurance Board Meeting Minutes - August 24, 2014
- Attachments:** Insurance Board Minutes 082814, Loss Run Report to Council 072414.docx
- G-5** [14-1346](#) Taxicab Board Meeting Minutes - July 24, 2014
- Attachments:** Taxicab Board Minutes 072414
- G-6** [14-1147](#) Ann Arbor Housing Commission Board Meeting June 18, 2014 Minutes
- Attachments:** Minutes June 2014.pdf
- G-7** [14-1304](#) Ann Arbor Housing Commission Board Meeting July 16, 2014 Minutes
- Attachments:** Minutes July 16 2014.pdf

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

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 Anglin, seconded by Councilmember Eaton, that Council enter into Closed Session under the Michigan Open Meetings Act for the purpose of discussion of Attorney/Client Privileged Communications set forth or incorporated in MCLA 15.68 (H). On roll call, the vote was as follows, with the Mayor declaring the motion carried and the meeting adjourned in Closed Session at 10:19 p.m.:

Yeas: 11 - Mayor Hieftje, Councilmember Kunselman, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen, Councilmember Warpehoski and Councilmember Eaton

Nays: 0

MEETING RECONVENED

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

OPEN AGENDA

A motion was made by Councilmember Eaton, seconded by Councilmember Anglin, that the Agenda be reopened. On a voice vote, the Mayor declared the motion carried.

[14-1404](#)

Resolution to act upon Previous Resolution to Sponsor the International Day of Peace Event

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

The motion was withdrawn.

ADJOURNMENT

A motion was made by Councilmember Lumm, seconded by Councilmember Kunselman, that the meeting Adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:46 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, SEPTEMBER 15, 2014, 7:00 P.M.

REPLAYS: TUESDAY, SEPTEMBER 16, 2014, 10:00 A.M. AND FRIDAY, SEPTEMBER 19, 2014, 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.