

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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



Meeting Minutes

Tuesday, February 20, 2018

7:00 PM

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

City Council

CALL TO ORDER

Mayor Taylor called the meeting of the Ann Arbor City Council to order at 7:02 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 Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Graydon Krapohl, Councilmember Kirk Westphal, Councilmember Zachary Ackerman, Councilmember Chip Smith and Councilmember Anne Bannister

Absent: 1 - Councilmember Julie Grand

APPROVAL OF AGENDA

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

Move DC-3 and DC-4 to the Consent Agenda.

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

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Howard S. Lazarus provided his written reports to City Council and also reported that Police Chief James Baird is planning to retire in the next month.

Mr. Lazarus introduced City Attorney Stephen K. Postema who publicly thanked retiring Senior Assistant City Attorney Mary Joan Fales for her

years of service to the City.

AC-1 [18-0276](#) Memorandum from City Administrator: Update on Council Resolution Resolutions R-17-421 and R-17-422- February 9, 2018

Received and Filed

AC-2 [18-0350](#) City Administrator's Report - February 20, 2018

Received and Filed

AC-3 [18-0351](#) Agenda Responses and eComments - February 20, 2018

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. Blaine Coleman - Boycott Israel

Blaine Coleman, City resident, spoke about the violence in Palestine and urged Council to hold a public hearing on the matter and to boycott Israel.

2. Sally Daniels - Transparency

Sally Daniels, City resident and member of FAAWN, spoke about the lack of transparency in the City's deer management program. She urged Ann Arbor to become a sanctuary city for all living beings.

3. Donna Fisher - Gun Violence

Donna Fisher, resident, urged Council to pass a resolution regarding gun violence. She urged Council to take a stand against gun violence and guns in the Ann Arbor Public Schools.

CC COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER LUMM*

Councilmember Lumm thanked Assistant City Attorney Mary Fales for her service and many years of work and dedication to the City.

COUNCILMEMBER BANNISTER

Councilmember Bannister also thanked Mary Fales for her service.

Councilmember Bannister updated Council on the February 9 Housing and Human Services Advisory Board meeting. She stated the HHSAB would be forwarding a resolution to Council regarding their recommendations for the expenditure of the City's mental health millage refund money.

Councilmember Bannister stated Ward 1 is hosting a meeting of the Poor People's Campaign at Arrowwood Hills Community Center, on Wednesday, February 21 from 6-8 p.m. All are welcome, she stated.

COUNCILMEMBER ACKERMAN

Councilmember Ackerman also spoke about the HHSAB's recommendation regarding the City's refund from the County millage. He noted that many federal programs, including Section 8 housing vouchers, are likely going to suffer from federal cuts and additional sources of funding would be needed.

COUNCILMEMBER LUMM

Councilmember Lumm spoke about the City's medical marijuana permit process. She stated some 2nd Ward residents received a postcard regarding a Special Exception Use application and there are concerns from residents about new facilities. She stated she would like to propose an ordinance change to allow more public participation in the process.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 [18-0326](#) Nominations and Appointments

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

Ann Arbor Housing Commission

Thierry Batalonga -Filling remainder of Gwyneth Hayes (Resigned)

Resident position

2370 E. Stadium Blvd.

Ann Arbor, MI 48104

Term: Ending May 4, 2020

Referred to the City Council due back on 3/5/2018.

MC-2 [18-0328](#) Resolution to Appoint Mohamed Al-Azem to the Human Rights Commission
(7 Votes Required)

Mayor Taylor presented a resolution regarding the following appointment of a non-City resident, for approval at a later date:

Human Rights Commission

Mohamed Al-Azem Filling remaining term of Luay Shalabi (Resigned)

5958 Lohr Lake Rd.

Ann Arbor, MI 48108

Term: Ending May 31, 2019

Sponsored by: Mayor Taylor

Referred to the City Council due back on 3/5/2018.

CA **CONSENT AGENDA****Passed on consent agenda**

A motion was made by Councilmember Smith, seconded by Councilmember Krapohl, that the following Consent Agenda Items be approved as presented. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirements of CA-1, CA-2, CA-13, and CA-15.

CA-1	18-0169	Enactment No:	R-18-045	Approved
			Resolution to Accept a Quitclaim Deed from Pittsfield Charter Township for a Portion of Packard Road (2895 Packard Road) (8 Votes Required)	
CA-2	18-0238	Enactment No:	R-18-046	Approved
			Resolution to Accept an Easement for Public Nonmotorized and Pedestrian Travel Over 3380 Nixon Road FKA Woodbury Club NKA The Annex from BRE Nixon Road Associates, LLC (8 Votes Required)	
CA-3	18-0210	Enactment No:	R-18-047	Approved
			Resolution to Close Streets for the 18th Annual Mayor's Green Fair, Friday, June 8, 2018	
CA-4	18-0257	Enactment No:	R-18-048	Approved
			Resolution to Approve Street Closings for Fool Moon - Friday, April 6, 2018	
CA-5	18-0258	Enactment No:	R-18-049	Approved
			Resolution to Approve Street Closings for FestiFools Parade - Sunday, April 8, 2018	
CA-6	18-0175	Enactment No:	R-18-050	Approved
			Resolution to Increase the Funding for a Partnership Agreement with Community Action Network for the management of Bryant and Northside Community Centers from \$130,000.00 to \$150,000.00 for Fiscal Year 2018 and Approve Necessary Amendment of the Contract of Services	
CA-7	18-0192	Enactment No:	R-18-051	Approved
			Resolution to Approve a Services Agreement with Magic Finish for Custodial and Event Services at Cobblestone Farm for an Amount Not to Exceed \$47,200.00 Annually for FY18 - FY21 with a Two-Year Renewal Option Not to Exceed \$47,200.00 Annually for FY22 and FY23	
CA-8	18-0155	Enactment No:	R-18-052	Approved
			Resolution to Approve an Agreement with Avalon Housing to Provide Case Management Services to Mental Health Court Defendants (\$47,002.00)	
CA-9	18-0157	Enactment No:	R-18-053	Approved

Resolution to Approve an Agreement with Washtenaw County Community Mental Health to provide Mental Health Treatment Services to Mental Health Court Defendants (\$66,203.00)

CA-10 18-0001 Enactment No: R-18-054 Approved

Resolution to Petition the Washtenaw County Water Resources Commissioner for the City of Ann Arbor FY19 Tree Planting Project in the Huron River Green Infrastructure Drainage District (Total Cost: \$400,000.00; City's Apportionment: \$400,000.00)

CA-11 18-0021 Enactment No: R-18-055 Approved

Resolution No. 1 - Prepare Plans and Specifications for the Proposed Northside STEAM Sidewalk Gap Special Assessment Project

CA-12 18-0134 Enactment No: R-18-056 Approved

Resolution to Approve an Agreement with the Downtown Development Authority for the North Fifth Avenue Reconstruction Project

CA-13 18-0077 Enactment No: R-18-057 Approved

Resolution to Appropriate Contributed Funding (\$3,081,000.00) and Award a Construction Contract to Fonson Company, Inc. for the North Fifth Avenue Reconstruction Project (\$3,681,257.90, Bid No. ITB-4519) **(8 Votes Required)**

CA-14 18-0124 Enactment No: R-18-058 Approved

Resolution to Prohibit On-Street Parking on the South Side of Pauline Boulevard from S. Seventh Street to Redeemer Avenue

CA-15 18-0125 Enactment No: R-18-059 Approved

Resolution to Appropriate Funding from the Stormwater System (\$232,115.00) and Water Supply System (\$79,900.00) Funds for the Design of Nixon Road Corridor Improvements Project **(8 Votes Required)**

CA-16 18-0233 Enactment No: R-18-060 Approved

Resolution to Approve Amendment No. 2 to the Parking Agreement between the City of Ann Arbor and the Downtown Development Authority of the City of Ann Arbor

DC-3 18-0303 Enactment No: R-18-061 Approved

Resolution to Approve the Collective Bargaining Agreement between the City of Ann Arbor and the Ann Arbor Police Officers Association for Police Service Specialists Effective January 1, 2018 - December 31, 2020

DC-4 18-0302 Enactment No: R-18-062 Approved

Resolution to Approve the Collective Bargaining Agreement between the City of Ann Arbor and Local 369 of the International Union of the American Federation of State, County, And Municipal Employees AFL-CIO (AFSCME), Effective January 1, 2018 - December 31, 2021

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [17-1248](#) An Ordinance to Amend Chapter 55 (Zoning Ordinance) of Title V of the Code of the City of Ann Arbor to add Section 5:83 (Solar Energy Systems) (Ordinance No. ORD-18-01)

A public hearing was conducted on the proposed amendment to Chapter 55 (Zoning Ordinance), of Title V of the Code of the City of Ann Arbor to add Section 5:83 (Solar Energy Systems). Notice of public hearing was published January 25, 2018.

The following persons were present to speak at the hearing:

Sara Figueroa, 2815 Brockman, urged Council to amend the ordinance to allow solar installation in residential front yards when other options are not available.

Ernesto Figueroa, 2815 Brockman, urged Council to amend the ordinance to allow solar installations in the front yard. He stated opposition from neighbors is only due to aesthetic reasons.

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

Held and Closed

PH-2 [18-0064](#) An Ordinance to Amend Section 1:17 of Chapter 1 (Adoption, Contents and Interpretation) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-18-02)

A public hearing was conducted on the proposed amendment to Section 1:17 of Chapter 1 (Adoption, Contents and Interpretation) of Title I of the Code of the City of Ann Arbor. Notice of public hearing was published

February 12, 2018.

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

Held and Closed

PH-3 18-0176 Enactment No: Held and Closed

Held and Closed

Resolution to Approve Fiscal Year 2018 Fee Adjustments for Parks & Recreation Services for Argo and Gallup Liveries

A public hearing was conducted on the proposed Resolution to Approve Fiscal Year 2018 Fee Adjustments for Parks & Recreation Services for Argo and Gallup Liveries. Notice of public hearing was published February 12, 2018.

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

PH-4 18-0054 Enactment No: Held and Closed

Held and Closed

Resolution to Approve FY19 Fee Adjustments for Safety Service Area - Fire Department Service Fee Schedule

A public hearing was conducted on the proposed Resolution to Approve FY19 Fee Adjustments for Safety Service Area - Fire Department Service Fee Schedule. Notice of public hearing was published February 15, 2018.

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

A APPROVAL OF COUNCIL MINUTES

A-1 [18-0262](#) Regular Session Meeting Minutes of February 5, 2018

A motion was made by Councilmember Smith, seconded by Councilmember Krapohl, that the Minutes of the Regular Session of February 5, 2018 be approved as presented. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

- B-1** [17-1248](#) An Ordinance to Amend Chapter 55 (Zoning Ordinance) of Title V of the Code of the City of Ann Arbor to add Section 5:83 (Solar Energy Systems) (Ordinance No. ORD-18-01)

A motion was made by Councilmember Ackerman, seconded by Councilmember Lumm, that the Ordinance be adopted on Second Reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 8 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton, Mayor Taylor, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Bannister

Nays: 2 - Councilmember Warpehoski and Councilmember Smith

Absent: 1 - Councilmember Grand

- B-2** [18-0064](#) An Ordinance to Amend Section 1:17 of Chapter 1 (Adoption, Contents and Interpretation) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-18-02)

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

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

- C-1** [18-0189](#) An Ordinance to Amend Section 9:61, 9:62 and 9:68 of Chapter 108, Disorderly Conduct, of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-18-03)

A motion was made by Councilmember Warpehoski, seconded by Councilmember Smith, that the Ordinance be approved on First Reading to the City Council and should be returned by 3/5/2018. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-18-03

- C-2** [18-0232](#) An Ordinance to Amend Sections 10:69, 10:70, 10:71, 10:72, 10:73 and

10:75 of Chapter 126, Traffic, of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-18-04)

A motion was made by Councilmember Lumm, seconded by Councilmember Ackerman, that the Ordinance be approved on First Reading to the City Council and should be returned by 3/5/2018. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-18-04

D MOTIONS AND RESOLUTIONS

DC Unfinished Business - Council:

DC-1 18-0240 Enactment No: R-18-063 Approved

A motion was made by Councilmember Westphal, seconded by Councilmember Krapohl, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the seven-vote requirement.

Resolution to Appoint Rachel Hawkins to the Commission on Disability Issues
(7 Votes Required)

DC New Business - Council:

DC-2 18-0275 Enactment No: R-18-064 Approved

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

Resolution Recognizing Allen Creek Preschool as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

DB New Business - Boards and Commissions:

DB-1 18-0215 Enactment No: R-18-065 Approved

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

Resolution to Approve Grant Application to the USDA Agricultural Conservation Easement Program (ACEP) through the Huron River Regional Conservation Partnership Program (RCP) for the Purchase of Development Rights (PDR) on Properties in Northfield Township

DB-2 18-0246 Enactment No: R-18-066 Approved

A motion was made by Councilmember Krapohl, seconded by Councilmember Ackerman, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

Resolution to Approve the Purchase of Development Rights on the DeVine-Koselka Farm Property in Scio Township, Approve a Participation Agreement with Washtenaw County Parks and Recreation, and Appropriate Funds, Not to Exceed \$575,367.00, from the Open Space and Parkland Preservation Millage Proceeds **(8 Votes Required)**

DB-3 18-0217 Enactment No: R-18-067 Approved

A motion was made by Councilmember Krapohl, seconded by Councilmember Westphal, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

Resolution to Approve the Purchase of Development Rights on the Rogers Revocable Trust Property in Lodi Township, Approve a Participation Agreement with Washtenaw County Parks and Recreation, and Appropriate Funds, Not to Exceed \$378,367.00, from the Open Space and Parkland Preservation Millage Proceeds **(8 Votes Required)**

DS New Business - Staff:

DS-1 18-0176 Enactment No: R-18-068 Approved

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

Resolution to Approve Fiscal Year 2018 Fee Adjustments for Parks & Recreation Services for Argo and Gallup Liveries

DS-2 18-0054 Enactment No: R-18-069 Approved

A motion was made by Councilmember Ackerman, seconded by Councilmember Krapohl, that the Resolution be approved. On a

voice vote, the Mayor declared the motion carried.

Resolution to Approve FY19 Fee Adjustments for Safety Service Area - Fire Department Service Fee Schedule

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 Warpehoski, that the Clerk's Report of Communications, Petitions and Referrals be approved as presented. On a voice vote, the Mayor declared the motion carried.

F-1 [18-0115](#) Pauline Blvd. Parking Removal Resolution

Approved

F-2 [18-0184](#) Sidewalk Occupancy Permits and Peddler's Licenses for April 7, 2018

F-3 [18-0188](#) Vacancy on the Mallet's Creek Coordinating Committee

F-4 [18-0261](#) Gwyneth Hayes' Resignation from the Ann Arbor Housing Commission

F-5 [18-0327](#) Patti Smith Resigned from the Commission on Disability Issues

G The following minutes were received for filing:

G-1 [18-0043](#) Design Review Board Minutes of September 20, 2017

G-2 [18-0093](#) Airport Advisory Committee Minutes - November 15, 2017

- G-3** [18-0098](#) City Planning Commission Meeting Minutes of July 5, 2017
- G-4** [18-0104](#) Transportation Commission Meeting Minutes 12-20-2017
- G-5** [18-0164](#) Human Rights Commission Meeting Minutes of July 2017
- G-6** [18-0165](#) Human Rights Commission Meeting Minutes of October 2017
- G-7** [18-0166](#) Human Rights Commission Meeting Minutes of June 2017
- G-8** [18-0172](#) Ann Arbor Public Art Commission Meeting Minutes - January 2018
- G-9** [18-0178](#)
Ann Arbor Commission on Disability Issues, October 2017
- G-10** [18-0179](#)
Ann Arbor Commission on Disability Issues, November 2017
- G-11** [18-0180](#)
Ann Arbor Commission on Disability Issues, December 2017
- G-12** [18-0187](#) Environmental Commission Minutes of 12-7-2017
- G-13** [18-0264](#) Cable Communications Minutes August 2, 2017
- G-14** [17-1587](#) HBA June 13, 2017 Minutes
- G-15** [18-0313](#) Council Administration Committee Minutes - January 22, 2018

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

None.

COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER ACKERMAN**

Councilmember Ackerman addressed Donna Fisher, a member of the public who spoke during Public Commentary - Reserved Time. He stated the City does support gun control legislation and also recently voted to file an amicus brief in support of the AAPS's ban on guns in their buildings.

COUNCILMEMBER SMITH

Councilmember Smith reminded the public that he is holding a public coffee hour at Sweetwaters on W. Washington Street this week.

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 Westphal, seconded by Councilmember Ackerman, that the Council enter into Closed Session under the Michigan Open Meetings Act, MCLA 15.268 (E) and (H), to discuss pending litigation and attorney/client privileged communication. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Nays: 0

Absent: 1 - Councilmember Grand

MEETING RECONVENED

A motion was made by Councilmember Ackerman, seconded by Councilmember Lumm, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened in Open Session at 8:20 p.m.

ADJOURNMENT

A motion was made by Councilmember Westphal, seconded by Councilmember Krapohl, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:21 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: TUESDAY, FEBRUARY 20, 2018 @ 7:00 P.M.

REPLAYS: WEDNESDAY, FEBRUARY 21, 2018 @ 8:00 A.M. AND FRIDAY, FEBRUARY 23, 2018 @ 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.