

# City of Ann Arbor

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



## Meeting Minutes

Monday, February 2, 2015

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 7 p.m. in Council Chambers.**

#### **CALL TO ORDER**

*Mayor Taylor called the meeting to order at 7:00 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 Taylor led Council in the recitation of the Pledge of Allegiance.*

#### **ROLL CALL OF COUNCIL**

*Councilmember Westphal arrived at 7:02 p.m.*

**Present:** 11 - Councilmember Stephen Kunselman, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Graydon Krapohl and Councilmember Kirk Westphal

#### **APPROVAL OF AGENDA**

**A motion was made by Councilmember Lumm, seconded by Councilmember Warpehoski, 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 Steve Powers updated City Council on the recent snow storm stating that the Ann Arbor area received about 14 inches of snow in 28 hours, which was reported as the 3rd largest event since 1970. Mr. Powers stated that as of this afternoon, all major roads had been plowed at least twice. Local streets are managed in 22 sections and as of this afternoon, 7 sections had been completed. Crews are working 12-hour shifts, 24 hours a day. It is expected that all local streets will be plowed by 1pm Tuesday. Once all local streets have been cleared, crews will begin work in the downtown area to clear alleys and parking lanes. Mr. Powers noted that the City has information available on its website, including an FAQ page.*

*Chief John Seto of the Ann Arbor Police Department updated Council on the investigation by the Michigan State Police regarding the officer involved shooting of Aura Rosser. He stated the County Prosecutor does not plan to file charges against the officer.*

#### **AC-1 [15-0141](#)**

**Agenda Response Memo - February 2, 2015**

*Mr. Powers presented his Agenda Response Memorandum for information of*

*Council.*

**Received and Filed**

**INT INTRODUCTIONS**

**INT-1 [15-0121](#) Volunteer of the Month proclamation honoring the Student United Way -University of Michigan**

*Mayor Taylor read a proclamation recognizing the Volunteer of the Month, the Student United Way at the University of Michigan. The students have participated in the City's Give 365 Program in support of the Ann Arbor City parks. 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. Karen Healy - License Agreement with DTE Energy for Solar Installation at the Airport (DC-3)**

*Karen Healy, Pittsfield Township resident, spoke in opposition to the proposed resolution to approve a license agreement with DTE Energy for solar installation at the Ann Arbor Airport. Ms. Healy stated the plans for Phase 2 are not well defined and the impacts of the solar installation affect Pittsfield Township residents.*

**2. Annie Wolock - Amicus Brief Regarding DeBoer v. Rick Snyder (DC-5)**

*Annie Wolock, Third Ward resident and downtown business owner, thanked Council for their support of the amicus brief in the DeBoer v. Rick Snyder case. She stated this case has national implications.*

**3. Audrey Wojtkowiak - Amicus Brief Regarding DeBoer v. Rick Snyder (DC-5)**

*Audrey Wojtkowiak, City resident, spoke in support of the resolution to join the amicus brief in the DeBoer v. Snyder case. She urged Council to support the cause at NationalMarriageChallenge.com.*

**4. Sandi Smith - Amicus Brief Regarding DeBoer v. Rick Snyder (DC-5)**

*Sandi Smith, First Ward resident, spoke in support of the resolution to join the amicus brief in the DeBoer v. Snyder case and urged Council to join the cause at the National Marriage Challenge. She thanked Council for their support.*

**5. Kathy Griswold - License Agreement with DTE Energy for Solar Installation at the Airport (DC-3)**

*Kathy Griswold, 3565 Fox Hunt, spoke in support of both resolutions with DTE, the solar installation at the Ann Arbor Airport and the resolution in support of municipal*

*intervention in the DTE Electric Company Rate Case.*

**6. Fred Eaton - Change of Control from Comcast to Midwest Cable (DC-4)**

*Fred Eaton, senior regional manager of Comcast, stated he was present representing Comcast Cable and was available to answer any questions.*

**7. Blaine Coleman - Boycott Israel**

*Blaine Coleman, City resident, urged Council to hold a public hearing regarding a boycott of Israel.*

**8. Konstantin Tanin - Hidden Fees for Building**

*Konstantin Tanin spoke about his concerns regarding the water and sewer connection fees for the property he purchased at 582 Archwood. He stated the fees are not in line with the proposed cost and value of the home he plans to build.*

**CC COMMUNICATIONS FROM COUNCIL**

**COUNCILMEMBER LUMM**

*Councilmember Lumm stated there is a second Deer Management public meeting scheduled for this Thursday, February 5 at 7pm at Slauson Middle School. This meeting will include a review of the survey highlights, as well as a Q and A with a Rochester Hills staff member regarding their experience implementing a non-lethal deer management plan.*

**COUNCILMEMBER BRIERE**

*Councilmember Briere stated the County point-in-time homeless population count went well. She noted that the weather on the day of the count was very mild for January, helping with the success of the count. The results will be released soon, she stated.*

**COUNCILMEMBER WARPEHOSKI**

*Councilmember Warpehoski inquired about the public comments that were made regarding the City's water and sewer connection fees. Mr. Powers replied that information and an update would be available at the Council's next Work Session on January 9.*

**COUNCILMEMBER EATON**

*Councilmember Eaton updated Council and the public on an upcoming citizen participation meeting regarding the development of 1300 S. Maple Road. The meeting is being held on Thursday, February 5 at 6:30 p.m. at Dicken Elementary School.*

[15-0142](#)

Resolution to Appoint Bob Needham to the City Environmental Commission

*Councilmember Briere placed the appointment of Bob Needham to the Environmental*

*Commission for Council's consideration at a future meeting. Councilmember Briere thanked John German for his years of service on the Commission.*

**Referred to the City Council due back on 2/17/2015**

Enactment No: R-15-041

**MC COMMUNICATIONS FROM THE MAYOR**

**MC-1 [15-0060](#) Appointments - Confirmations**

*APPOINTMENTS APPROVED*

*Mayor Taylor recommended the following appointments at the January 20, 2015 regular session of Council:*

*Airport Advisory Commission*

*David Canter Re-Appointment  
136 Ashley Mews  
Ann Arbor, MI 48104  
Term: June 1, 2014 - May 31, 2017*

*Design Review Board*

*Geoffrey Perkins Re-Appointment  
3270 Cardinal  
Ann Arbor, MI 48108  
Term: June 1, 2014 - May 31, 2017*

*Local Officers Compensation Commission*

*Juliet Pressel-filling vacancy  
2625 Lillian  
Ann Arbor, MI 48104  
Term: October 1, 2012 - September 30, 2019*

*Carey Chesney-filling vacancy  
221 Barton Dr.  
Ann Arbor, MI 48105  
Term: October 1, 2011 - September 30, 2018*

*Bryan Weinert-filling vacancy  
108 Worden Ave.  
Ann Arbor, MI 48103  
Term: October 1, 2010 - September 30, 2017*

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

**PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**

**PH-1 [14-1728](#) An Ordinance to Amend Section 9:42 of Chapter 107 (Animals -**

Keeping Chickens) of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-14-28)

*A public hearing was conducted on the proposed amendment Section 9:42 of Chapter 107 (Animals - Keeping Chickens) of Title IX of the Code of the City of Ann Arbor. Notice of public hearing was published January 26, 2015.*

*The following people spoke in support of the proposed ordinance amendments:*

*Eileen Dickinson, 532 Fourth Street, stated she has been a chicken owner since 2009. She stated she is in favor of the proposed changes, but does not think that the neighbor waiver should be required every five years.*

*James D'Amour, 2771 Maplewood, thanked Councilmember Kunselman for his advocacy on the original ordinance. He stated he believes a one-time neighbor waiver is sufficient and residents should not need to renew.*

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

**Held and Closed**

Enactment No: ORD-14-28

**PH-2** [14-1688](#)

An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 2.96 Acres from PUD (Planned Unit Development District) to C3 (Fringe Commercial District), Plum Market Rezoning, 3601 Plymouth Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-15-01)

*A public hearing was conducted on the proposed amendment to Chapter 55 (Zoning), Rezoning of 2.96 Acres from PUD (Planned Unit Development District) to C3 (Fringe Commercial District), Plum Market Rezoning, located at 3601 Plymouth Road. Notice of public hearing was published January 15, 2015.*

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

**Held and Closed**

Enactment No: ORD-15-01

**PH-3** [14-1689](#)

Resolution to Approve the Plum Market Site Plan, 3601 Plymouth Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

*A public hearing was conducted on the proposed Resolution to Approve the Plum Market Site Plan, 3601 Plymouth Road. Notice of public hearing was published January 26, 2015.*

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

**Held and Closed**

Enactment No: R-15-029

**A APPROVAL OF COUNCIL MINUTES**

- A-1** [15-0125](#) Work Session of January 12, 2015 and Regular Session Meeting Minutes of January 20, 2015

**A motion was made by Councilmember Krapohl, seconded by Councilmember Briere, that the Work Session Minutes of January 12, 2015 and the Regular Session Minutes of January 20, 2015 be approved as presented. On a voice vote, the Mayor declared the motion carried.**

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

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

- CA-1** [14-1792](#) Resolution to Approve a Contract with RDC Construction Services, Inc. for Property Demolition, Clean Up and Site Restoration at 3013 Huron River Drive (\$65,600.00)

Enactment No: R-15-017

- CA-2** [14-1798](#) Resolution to Approve Street Closings for the Ann Arbor Marathon Running Event - Sunday, March 29, 2015

Enactment No: R-15-018

- CA-3** [15-0019](#) Resolution to Close Streets for the 15th Annual Mayor's Green Fair, Friday, June 12, 2015

Enactment No: R-15-019

- CA-4** [15-0045](#) Resolution to Approve Street Closings for the Shamrocks and Shenanigans 5K Run/Walk - Sunday, March 8, 2015

Enactment No: R-15-020

- CA-5** [15-0068](#) Resolution to Approve Contract Amendment No. 1 with The Rehmann Group for Independent Audit Services (\$2,993.75)

Enactment No: R-15-021

**B ORDINANCES - SECOND READING**

- B-1** [14-1728](#) An Ordinance to Amend Section 9:42 of Chapter 107 (Animals - Keeping Chickens) of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-14-28)

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Krapohl, 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 Anglin, Councilmember Briere, Councilmember Kailasapathy, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

**Nays:** 3 - Councilmember Kunselman, Councilmember Lumm and Councilmember Eaton

Enactment No: ORD-14-28

**B-2**     [14-1688](#)

An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 2.96 Acres from PUD (Planned Unit Development District) to C3 (Fringe Commercial District), Plum Market Rezoning, 3601 Plymouth Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-15-01)

**A motion was made by Councilmember Briere, 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-15-01

**C**            **ORDINANCES - FIRST READING**

**C**            **New Business - Staff:**

**C-1**        [14-1799](#)

An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.22 Acre from TWP (Township District) to R1C (Single-Family Dwelling District), Anderson-Pebbles Property, 375 Glenwood Street (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

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

Enactment No: ORD-15-02

**D**            **MOTIONS AND RESOLUTIONS**

**DC**         **Unfinished Business - Council:**

**DC-1**      [15-0042](#)

Resolution to Re-Appoint Stephanie Buttrey as a Member of the City of Ann Arbor Greenbelt Advisory Commission

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

Enactment No: R-15-022

**DC-2**      [15-0075](#)

Resolution to Appoint Kenneth J. Winters to the Building Board of Appeals (**7 Votes Required**)



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

Enactment No: R-15-023

**DC New Business - Council:**

**DC-3** [15-0114](#)

Resolution to Approve a License Agreement with DTE Energy to Construct a Solar Installation at the Ann Arbor Municipal Airport

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

Enactment No: R-15-024

**DC-4** [15-0122](#)

Resolution to Consent to Assignment and Change of Control from Comcast Corporation to Midwest Cable, Inc.

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

Enactment No: R-15-025

**DC-5** [15-0127](#)

Resolution Authorizing the City of Ann Arbor to be Listed as a Supporting Municipality in an Amicus Brief to be filed with the United State Supreme Court in April DeBoer, et al., v. Rick Snyder, Governor of Michigan, et al

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

Enactment No: R-15-026

**DC-6** [15-0128](#)

Resolution in Support of Municipal Intervention in DTE Electric Company Rate Case U-17767

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

Enactment No: R-15-027

**DC-7** [15-0138](#)

Resolution Accepting Annual Renewal Recommendations of the Council Liquor License Review Committee and Setting Hearings for Non-Renewal of Liquor Licenses

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

Enactment No: R-15-028

**DB New Business - Boards and Commissions:**

- DB-1** [14-1689](#) Resolution to Approve the Plum Market Site Plan, 3601 Plymouth Road (CPC Recommendation: Approval - 7 Years and 0 Nays)
- A motion was made by Councilmember Westphal, seconded by Councilmember Lumm, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-15-029

**DS New Business - Staff:**

- DS-1** [14-1791](#) Resolution to Approve a Contract with Brock Associates, Inc. to Replace the Wooden Picnic Shelter at Gallup Park (\$102,500.00)
- A motion was made by Councilmember Grand, seconded by Councilmember Westphal, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-15-030

**COMMUNICATIONS FROM COUNCIL**

*WESTPHAL*

**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 Krapohl, seconded by Councilmember Warpehoski, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.**

- F-1** [15-0022](#) Downtown Development Authority Annual Report FY 2014
- F-2** [15-0023](#) Ann Arbor Downtown Development Authority Audit FY 2014
- F-3** [15-0090](#) Communication from the Michigan Public Service Commission regarding a Public Hearing for Customers of DTE Electric Company in Case No. U-17767 scheduled for January 29, 2015 - File
- F-4** [15-0091](#) Communication from the Department of Licensing and Regulatory

Affairs Bureau of Construction Codes regarding Public Hearing Notice on the Michigan Part 8-Electrical Code Rules (ORR#2013-111LR) Scheduled for February 10, 2015 - Planning and Development Services

- F-5**    [15-0092](#)    Communication from the Ypsilanti City Clerk regarding a Resolution Approving Amendment #1 to the Ann Arbor/Ypsilanti SmartZone Agreement between Michigan Economic Development Corporation, City of Ann Arbor, City of Ypsilanti and the Local Development Finance Authority of the Cities of Ann Arbor and Ypsilanti - File
- F-6**    [15-0001](#)    Communication from the Office of the Great Seal regarding completion of the Betke Annexation, located at 2562 Newport - File
- F-7**    [15-0124](#)    Communication from AAATA regarding their Financial Operating Reports and Ridership Data for December 2014 - File
- G**        **The following minutes were received for filing:**
- G-1**    [14-1646](#)    Airport Advisory Committee Minutes - September 17, 2014
- G-2**    [14-1647](#)    Airport Advisory Committee Minutes - October 15, 2014
- G-3**    [14-1784](#)    Public Market Advisory Commission Meeting Minutes of November 20, 2014
- G-4**    [15-0012](#)    Building Board of Appeals Meeting Minutes of December 11, 2014
- G-5**    [15-0032](#)    Downtown Development Authority Meeting Minutes of December 2014
- G-6**    [15-0033](#)    Downtown Area Citizen Advisory Council Meeting Minutes of January 6, 2015
- G-7**    [15-0038](#)    Environmental Commission Minutes - October 23, 2014
- G-8**    [15-0040](#)    Ann Arbor Commission on Disability Issues Meeting Minutes of September 17, 2014
- G-9**    [15-0041](#)    Ann Arbor Commission on Disability Issues Meeting Minutes of October 15, 2014
- G-10**   [15-0059](#)    Audit Committee Meeting Minutes - January 8, 2015

**PUBLIC COMMENT - GENERAL (3 MINUTES EACH)**

*None.*

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).

*None.*

#### ADJOURNMENT

A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:30 p.m.

[15-0176](#)

Council Emails and Redaction List from 2-2-2015

Received and Filed

#### COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, FEBRUARY 2, 2015 @ 7:00 P.M.

REPLAYS: TUESDAY, FEBRUARY 3, 2015 @ 10:00 A.M. AND FRIDAY, FEBRUARY 5, 2015 @ 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](http://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](http://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](mailto: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.

Jacqueline Beaudry  
Clerk of the Council

Anissa R. Bowden  
Recording Secretary