

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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



Meeting Minutes

Monday, October 16, 2017

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: 11 - Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Graydon Krapohl, Councilmember Kirk Westphal, Councilmember Zachary Ackerman, Councilmember Chip Smith and Councilmember Jason Frenzel

APPROVAL OF AGENDA

A motion was made by Councilmember Krapohl, seconded by Councilmember Smith, that the Agenda be approved as presented. On a voice vote, the Mayor declared the motion carried.

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Howard S. Lazarus presented his written reports to City Council and also reported on the following:

Mr. Lazarus noted the upcoming change from Daylight Savings Time to Eastern Savings Time on Sunday, November 5, 2017.

Mr. Lazarus noted that the upcoming November 7 City election would be the last odd-year City Council election and would be for a three-year term, as Council transitions to 4-year terms in even-year elections.

Mr. Lazarus also informed the public that the City Clerk's Office would be debuting new voting equipment at this year's election. He stated an open

house would be held at the Center for Independent Living from 1-4pm on Friday, October 20 to introduce the new accessible voting terminal to the disability community. The new voter assist terminal will use a number of tools to make voting accessible for all.

Mr. Lazarus thanked Sgt. Jeff Tabelaing and Police Officer Skyler Verhelle for their attendance at tonight's meeting.

Mr. Lazarus reminded the public to look out for the City's young residents on Halloween during the City's trick-or-treating hours on Tuesday, October 31.

AC-1 [17-1722](#) City Administrator's Report - October 16, 2017

Received and Filed

AC-2 [17-1724](#) 2017-2018 Snow Season Preparation

Received and Filed

AC-3 [17-1723](#) Agenda Response Memo - October 16, 2017

Received and Filed

INT INTRODUCTIONS

INT-1 [17-1527](#) Proclamation for Co-op Month 2017

Mayor Taylor presented a proclamation declaring October 2017 as Co-Op Month in the City of Ann Arbor. A copy of the presentation is on file in the City Clerk's Office.

Received and Filed

INT-2 [17-1560](#) Proclamation honoring Dr. Joan Doughty retirement from Community Action Network

Mayor Taylor presented a proclamation to Dr. Joan Doughty honoring her years of public service and in recognition of her retirement from CAN, Community Action Network. 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. Margaret Leary - Move Money for Deer Management (CA-16)

Margaret Leary, 1056 Newport, spoke in support of CA-16, and urged the City to continue with the increased culling efforts and to move budget funds from next year to this year in order to fund the effort.

2. Robert McGee - Deer Budget (CA-16)

Robert McGee, 2245 Placid Way, spoke in opposition to CA-16, and expressed his frustration with the City's deer cull plan.

3. Sally Daniels - Deer Cull (CA-16)

Sally Daniels, 1847 Packard, spoke in opposition to CA-16 and the increased budget to be allocated for this year's upcoming deer cull.

4. Kurt Sonen - Deer (CA-16)

Kurt Sonen, 314 Huntington Drive, Ward 2, thanked the Council for their efforts with deer management. He also noted that he has found three deer ticks in his yard.

5. Lisa Abrams - Deer Management (CA-16)

Lisa Abrams, 2745 Ember Way, spoke in opposition to CA-16, and the proposed increased deer cull efforts.

6. Sabra Sanzotta - Deer (CA-16)

Sabra Sanzotta, 3087 Glazier Way, treasurer for Non-Lethal Deer Management, spoke in opposition to CA-16, and the increase in the City's deer management program.

7. Sarah Byers - Deer #50 (CA-16)

Sarah Byers, 1308 Traver, Ward 1, spoke about deer #50, one of the

sterilized deer, expressing concern that this deer may have been traumatized by the sterilization process.

8. Christopher Dick - Deer Budget (CA-16)

Christopher Dick, biologist from the University of Michigan, spoke in support of CA-16. He spoke about the growth rates of white-tail deer and stated increasing the cull now, versus later, is better.

9. Henry Vanderploeg - Safety and Solar Panel Energy Systems (C-2)

Henry Vanderploeg, 2808 Brockman, spoke in opposition to ground-mounted solar panels. He expressed concern regarding safety, including sharp edges, electric voltages, and heated panels. He urged Council to vote against this ordinance.

10. John Godfrey - Zoning Ordinance for Solar Panels (C-2)

John Godfrey, 2809 Brockman, spoke in opposition to C-2, regarding ground-mounted solar arrays. He expressed concern about safety. He urged Council to limit solar panel installation to rooftops, or at a minimum to backyard only. He stated not all spaces are appropriate for solar installation.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER SMITH

Councilmember Smith asked to have the Medical Marijuana Licensing Ordinance taken from the table and discussed this evening.

COUNCILMEMBER ACKERMAN

Councilmember Ackerman also spoke about medical marijuana and stated the Planning Commission is currently debating the Zoning Ordinance amendments related to medical marijuana facilities.

Councilmember Ackerman spoke in support of CA-15, Human Services Funding.

COUNCILMEMBER EATON

Councilmember Eaton spoke about the Packard Square project, stated the project had been put in receivership. He stated McKinley has been given the project under the receivership and the original developer has filed for bankruptcy in an attempt to get the project back.

Councilmember Eaton also stated the Safe Routes to School grant resolution that was approved at the October 2 meeting was not submitted in a timely manner and the grant application will have to wait for the next round of approvals.

COUNCILMEMBER WESTPHAL

Councilmember Westphal spoke about pedestrian safety and the need for improved road design and speed reductions in order to address this issues.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski urged City Council to participate in the upcoming City/Council blood drive on October 20, noting that a friendly competition, the "blood battle" has been created between the City Council and the County Commissioners.

Councilmember Warpehoski also addressed the fact that several Councilmembers kneeled during the pledge of allegiance this evening. Councilmember Warpehoski outlined his reasons for taking a knee and stated he feels that "taking a knee" is a sign of respect.

COUNCILMEMBER LUMM

Councilmember Lumm also spoke about pedestrian safety issues and the recent pedestrian accident on Huron Parkway near Huron High School. She stated increased Police enforcement is needed on Huron Parkway and Fuller Road during peak school traffic hours.

COUNCILMEMBER KAILASAPATHY

Councilmember Kailasapathy addressed her reasons for "taking a knee" during the pledge of allegiance.

MC COMMUNICATIONS FROM THE MAYOR**MC-1** [17-1535](#) Appointments - Confirmations

Mayor Taylor requested confirmation of the following nominations that were presented to City Council at the October 2, 2017 Regular Session:

Energy Commission

*Charlotte Jameson-Filling remaining term of Ken Wadland (Resigned)
543 Manor Dr.
Ann Arbor, MI 48105
Term: Ending May 31, 2020*

Historic District Commission

*Jessica Quijano-Filling remaining term of Ben Bushkuhl (Resigned)
Architectural Design Professional
2108 Fair St.
Ann Arbor, MI 48103
Term: Ending May 31, 2018*

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

MC-2 [17-1666](#) Appointments and Nominations

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

Housing and Human Services Advisory Board

*Nora Wright - Partial Term
2008 Morton Avenue
Ann Arbor, MI 48104
Term: Ending May 31, 2019*

Referred to the City Council due back on 11/9/2017.

CA CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, the following Consent Agenda items were removed from the Consent Agenda and placed at the end of the DC-Section of the Agenda:

CA-11 Resolution to Authorize a Professional Services Agreements with Wade Trim Associates, Inc. for Project Management and Civil Engineering Services (estimated \$2,000,000.00 annual average)

CA-16 Resolution to Approve Amendment No. 1 to Contract with White Buffalo, Inc. for Combined Surgical Sterilization and Sharpshooting Management Services for the City's Deer Population (\$35,940.00 amendment/NTE total \$205,940.00), Amend the FY18 Budget and Appropriate Necessary Funds (\$110,000.00) (8 Votes Required)

Passed on consent agenda

A motion was made by Councilmember Eaton, seconded by Councilmember Lumm, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirements of CA-1, CA-2, CA-3, CA-4, CA-5, CA-8 and CA-13.

CA-1 17-1421 Enactment No: R-17-381 **Approved**

Resolution to Accept and Appropriate Michigan Supreme Court State Court Administrative Office Drug Court Grant Award and Approve Grant Contract (\$150,000.00) **(8 Votes Required)**

CA-2 17-1422 Enactment No: R-17-382 **Approved**

Resolution to Accept and Appropriate Michigan Supreme Court State Court Administrative Office Mental Health Court Grant Award and Approve Grant Contract (\$250,000.00) **(8 Votes Required)**

CA-3 17-1424 Enactment No: R-17-383 **Approved**

Resolution to Accept and Allocate Michigan Supreme Court State Court Administrative Office Michigan Veterans Treatment Court Grant Award and Approve Grant Contract (\$46,000.00) **(8 Votes Required)**

CA-4 17-1532 Enactment No: R-17-384 **Approved**

Resolution to Accept a Water Main Easement at 3900 Research Park Drive from Zoller Properties LLC **(8 Votes Required)**

CA-5 **17-1533** **Enactment No: R-17-385** **Approved**

Resolution to Accept a Sanitary and Storm Sewer Easement at 3900 Research Park Drive from Zoller Properties LLC **(8 Votes Required)**

CA-6 **17-1537** **Enactment No: R-17-386** **Approved**

Resolution to Accept a Sanitary Sewer Easement at 314 N. Ingalls Street from The Regents of the University of Michigan **(8 Votes Required)**

CA-7 **17-1258** **Enactment No: R-17-387** **Approved**

Resolution to Approve a Contract with Schindler Elevator Corporation for the Modernization of Two Elevators (\$379,910.00)

CA-8 **17-1427** **Enactment No: R-17-388** **Approved**

Resolution Authorizing a Purchase Order to Washtenaw County for the City of Ann Arbor's FY17 & FY18 Share of the Maintenance of the Shared 800 MHz Simulcast System (\$51,200.00) and to Appropriate \$25,600.00 from the unobligated Central Stores Fund Balance **(8 Votes Required)**

CA-9 **17-1435** **Enactment No: R-17-389** **Approved**

Resolution No. 1 - Stadium Boulevard Reconstruction Project - Kipke Drive to S. Main Street - Sidewalk Special Assessment

CA-10 **17-1437** **Enactment No: R-17-390** **Approved**

Resolution No. 2 - Stadium Boulevard Reconstruction Project - Kipke Drive to S. Main Street - Sidewalk Special Assessment

CA-12 **17-1482** **Enactment No: R-17-391** **Approved**

Resolution to Approve the Purchase of Utility Materials from Core and Main LP (\$595,239.48; Bid No. ITB-4511)

CA-13 **17-1552** **Enactment No: R-17-392** **Approved**

Resolution to Accept and Appropriate Emergency Management Performance Grant Funds and Approve FY 2017 Funding Assistance Grant Agreement for Ann Arbor Emergency Management Program (\$42,089.00)

(8 Votes Required)

CA-14 17-1531 Enactment No: R-17-393 **Approved**

Resolution to Approve an Application to the Bloomberg Philanthropies
2017 Mayor Challenge

CA-15 17-1555 Enactment No: R-17-394 **Approved**

Resolution to Adopt FY 2018-2020 Human Services Funding Process

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 17-1541 Enactment No: **Held and Closed**

Held and Closed

Resolution to Approve DTE State Street Utility Substation Planned Project Site Plan, at 2551 South State Street (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve DTE State Street Utility Substation Planned Project Site Plan, located at 2551 South State Street. Notice of public hearing was published October 9, 2017.

Dan Braker, a representative of DTE, was available to answer any questions of Council.

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

A APPROVAL OF COUNCIL MINUTES

A-1 [17-1688](#) Regular Session Meeting Minutes of October 2, 2017

A motion was made by Councilmember Frenzel, seconded by Councilmember Ackerman, that the Regular Session Meeting Minutes of October 2, 2017 be approved as presented. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

None.

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

- C-1** [17-1591](#) An Ordinance to Amend the Code of the City of Ann Arbor by Repeal of Chapter 15, Emergency and Disaster Management, Title I, of the Code and Adding a New Chapter 15, Emergency and Disaster Management, Title I of Said Code (Ordinance No. ORD-17-18)

A motion was made by Councilmember Ackerman, seconded by Councilmember Westphal, that the Ordinance be approved on First Reading to the City Council and should be returned by 11/9/2017. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-17-18

- C-2** [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)

A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the Ordinance be approved on First Reading.

Mayor Taylor suggested that staff hold three public meetings during the postponement and report back at the end of the postponement with neighbor feedback. Staff concurred.

Councilmember Ackerman requested that neighbor feedback, including whether neighbors do not want to see solar panels at all, be included in the report.

A motion was made by Councilmember Lumm, seconded by Councilmember Eaton, that the Ordinance be postponed at First Reading to the City Council and should be returned by 1/16/2018. On a voice vote, the Mayor declared the motion carried.

RECESS

Mayor Taylor declared a recess at 9:00 p.m. and reconvened the meeting at 9:09 p.m.

C Unfinished Business:

Nays: 5 - Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Resolution to Reject the Determination of Salaries for the Mayor and City Council Members Approved by the Local Officers Compensation Commission on October 11, 2017 **(8 Votes Required)**

DC-3 17-1727 Enactment No: R-17-396 Approved

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

Resolution to Amend the 2017 Council Calendar

CA-11 17-1449 Enactment No:

Resolution to Authorize a Professional Services Agreements with Wade Trim Associates, Inc. for Project Management and Civil Engineering Services (estimated \$2,000,000.00 annual average)

Councilmember Smith requested to be recused from the discussion and vote on this resolution due to potential conflict of interest.

Councilmember Eaton moved, seconded by Councilmember Ackerman, that Councilmember Smith be recused from the discussion and vote on this resolution. On a voice vote, the Mayor declared the motion carried.

17-1449 Enactment No: R-17-397 Approved

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

Resolution to Authorize a Professional Services Agreements with Wade Trim Associates, Inc. for Project Management and Civil Engineering Services (estimated \$2,000,000.00 annual average)

CA-16 17-1619 Enactment No: R-17-398 Approved

A motion was made by Councilmember Lumm, seconded by Councilmember Westphal, that the Resolution be approved. 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, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Frenzel

Nays: 1 - Mayor Taylor

Resolution to Approve Amendment No. 1 to Contract with White Buffalo, Inc. for Combined Surgical Sterilization and Sharpshooting Management Services for the City's Deer Population (\$35,940.00 amendment/NTE total \$205,940.00), Amend the FY18 Budget and Appropriate Necessary Funds (\$110,000.00) **(8 Votes Required)**

DB New Business - Boards and Commissions:

DB-1 17-1541 Enactment No: R-17-399 Approved

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

Resolution to Approve DTE State Street Utility Substation Planned Project Site Plan, at 2551 South State Street (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

D Unfinished Business:

DS-1 17-1455 Enactment No: R-17-400 Approved

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

Resolution to Recommend Approval of Three-Year Professional Services Agreements for Engineering Services for Parks and Recreation with SmithGroupJJR, Inc. and ROWE Professional Services Company (NTE Annual \$150,000.00 each firm)

DS-2 17-1456 Enactment No: R-17-401 Approved

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

Resolution to Approve Three-Year Professional Services Agreements for Architectural Services for Parks & Recreation with Mitchell and Mouat

Architects and Kohler Architects (NTE Annual \$150,000.00 per firm)

DS New Business - Staff:

E COMMUNICATIONS FROM THE CITY ATTORNEY

E-1 [17-1657](#) Public Advice Memorandum from City Bond Counsel on Use of Bond Proceeds and Allocation of Bond Proceeds and Non-Bond Proceeds to a Parking Structure Financed with Build America Bonds

Received and Filed

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 Ackerman, seconded by Councilmember Westphal, 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 [17-1577](#) Ann Arbor Public Art Commission - 2017 Annual Report

F-2 [17-1621](#) Communication from Wendy Orcutt, Executive Director regarding a Resignation Letter from Mark Heusel on the Citizen Trustee to the Employees' Retirement System Board of Trustees

F-3 [17-1493](#) Resolution to Determine Salaries of the Mayor and City Council Members (2017 Session)

F-4 [17-1691](#) LOCC Resolution to Recommend that City Council Seek an Attorney General Opinion

F-5 [17-1704](#) Communication from the Board of Trustees of the City of Ann Arbor Employees' Retirement System regarding Change in Amortization Policy

G The following minutes were received for filing:

- G-1** [17-1066](#) Airport Advisory Committee Minutes - May 17, 2017

- G-2** [17-1404](#) LDFA Board Meeting Minutes - August 15, 2017

- G-3** [17-1446](#) Transportation Commission Meeting Minutes of August 16, 2017

- G-4** [17-1504](#) Local Officer's Compensation Commission Meeting Minutes of December 22, 2015

- G-5** [17-1544](#) Ann Arbor Housing Commission August 16, 2017 Board Minutes

- G-6** [17-1549](#) Employees' Retirement System Board Meeting Minutes of July 20, 2017

- G-7** [17-1550](#) Retiree Health Care Benefit Plan & Trust Board Meeting Minutes of July 20, 2017

- G-8** [17-1574](#) Ann Arbor Area Transportation Authority (AAATA) Meeting Minutes of August 17, 2017

- G-9** [17-1378](#) Election Commission Meeting Minutes of July 28, 2017

- G-10** [17-1465](#) Meeting Minutes of the July 11, 2017 Ann Arbor Energy Commission Meeting

- G-11** [17-1540](#) LOCC Meeting Minutes 9-20-17

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Ethel Potts, Elder Boulevard, spoke about the proposed train station on Fuller Park property.

Kai Petainen, resident, addressed the communication that the City received from the IRS, regarding the Library Lot bond compliance. He suggested a public vote in favor of the development would support that.

Edward Vielmetti, Ward 4, spoke about the LOCC meeting minutes that were delivered from two years ago. He suggested that the draft minutes be provided to the public sooner. He also addressed the salary of City Council, noting that full-time Council Members isn't needed, but stated that some compensation, such as benefits, would attract others to run for City Council.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER ACKERMAN

Councilmember Ackerman spoke about E-1, a public memorandum from City Bond Counsel, regarding the City's use of Build America Bonds Funds.

COUNCILMEMBER LUMM

Councilmember Lumm reminded the public that the proposed Ann Arbor Train Station public comment period adjourns on Thursday, November 2. She encouraged all to provide comments to Eli Cooper, City Transportation Manager, at ELCooper@a2gov.org.

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 Westphal, seconded by Councilmember Lumm, that meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:18 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, OCTOBER 16, 2017 @ 7:00 P.M.

REPLAYS: WEDNESDAY, OCTOBER 18, 2017 @ 8:00 A.M. AND FRIDAY, OCTOBER 20, 2017 @ 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.