

City of Ann Arbor

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



Action Minutes

Tuesday, January 3, 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 7:00 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:** 9 - Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Kirk Westphal, Councilmember Zachary Ackerman and Councilmember Jason Frenzel
- Absent:** 2 - Councilmember Graydon Krapohl and Councilmember Chip Smith

APPROVAL OF AGENDA

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

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Howard S. Lazarus reminded Council of the upcoming joint Work Session scheduled with the DDA on January 9 at 7pm at the CTN Studios, 2805 S. Industrial.

AC-1 17-0030 Agenda Responses - January 3, 2017

Attachments: Agenda Responses 1-3-17.pdf

City Administrator Lazarus presented his Agenda Response Memorandum for information of Council.

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**

2. Phil Carroll - Stop the Deer Cull

Phil Carroll, 1006 Lincoln, urged Council to reconsider its approval of the deer cull. He stated he also only recently learned of the DNR's prohibition of the City's sterilization efforts.

1. David Silkworth - Pedestrian Safety

David Silkworth, Fifth Ward, expressed concern about the City's current pedestrian safety ordinance. He urged Council to temporarily rescind the ordinance and address the necessary safety issues.

CC COMMUNICATIONS FROM COUNCIL

None.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 16-1759 Appointments - Confirmations

Attachments: Timothy Hull app. 2016.pdf, Kelsey Zimmerman app. 2016.pdf

Mayor Taylor requested confirmation of the following appointments that were presented at the December 19, 2016 meeting for consideration of Council:

Commission on Disability Issues

Timothy Hull

Disclosed ADA Disability

2475 Lancashire Dr.

Ann Arbor, MI 48105

Term: Ending May 31, 2019

Recreation Advisory Commission

Kelsey Zimmerman

2041 Charlton St.

Ann Arbor, MI 48103

Term: Ending May 31, 2019

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

MC-2 17-0011

Appointments & Nominations

Attachments: Kathleen Mozak-Betts app. 2016.pdf, Brian P. Fenech app. 2016.pdf, Joanh Copi app. 2016.pdf, Todd Grant app. 2016.pdf, Allison Buck app. 2016.pdf, Craig Stoller app. 2016.pdf, Stephanie Preston App. 2016.pdf, Bradley Parsons app. 2016.pdf, Melissa Stults app. 2017.pdf, Cyrus Naheedy app. 2017.pdf, Robert Gordon app. 2017.pdf, Michael Firn app. 2017.pdf, Linda Diane Feldt app. 2017.pdf

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

Ann Arbor Public Art Commission

*Allison Buck
431 4th St.
Ann Arbor, MI 48103
Term: Partial term ending May 31, 2017*

Commission on Disability Issues

*Kathleen Mozak-Betts
ADA Disclosed Disability
1302 Brookfield Dr.
Ann Arbor, MI 48103
Term: Partial term ending May 31, 2019*

Medical Marijuana Ordinance Advisory Committee

*Brian Fenech
Attorney
1305 Hutchins Ave.
Ann Arbor, MI 48103
Term: Until task fulfilled*

*Jonah Copi
Director-Ann Arbor Wellness Clinic
225 Briarcrest Dr.
Ann Arbor, MI 48104
Term: Until task fulfilled*

*Craig Stoller
Doctor of Chiropractic Medicine
2265 Stellar St.
Ann Arbor, MI 48104
Term: Until task fulfilled*

Transportation Commission

*Linda Diane Feldt
3 Keppler Ct.
Ann Arbor, MI 48103
Term: Initial term ending May 31, 2019*

Michael Finn
Transportation Business- Sic Transit Cycles
807 N. Main St.
Ann Arbor, MI 48104
Term: Initial term ending May 31, 2019

Robert Gordon
2328 Fernwood
Ann Arbor, MI 48104
Term: Initial term ending May 31, 2019

Cyrus Naheedy
500 Snyder Ave.
Ann Arbor, MI 48103
Term: Initial term ending May 31, 2018

Stephanie Preston
1941 Geddes Ave.
Ann Arbor, MI 48104
Term: Initial term ending May 31, 2018

Bradley Parsons
2936 Saint Aubin Ave.
Ann Arbor, MI 48108
Term: Initial term ending May 31, 2017

Melissa Stults
2320 Walter Dr.
Ann Arbor, MI 48103
Term: Initial term ending May 31, 2017

Zoning Board of Appeals

Todd Grant
Attorney
2775 Antietam Court
Ann Arbor, MI 48105
Term: Partial term ending May 31, 2019

Referred to the City Council due back on 1/17/2017

CA CONSENT AGENDA

Passed on consent agenda

A motion was made by Councilmember Frenzel, seconded by Councilmember Grand, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried unanimously with nine members present, thus satisfying the eight-vote requirement of CA-1.

- CA-1 16-1787** Resolution to Accept an Easement for Public Nonmotorized and Pedestrian Travel from CCSHP Ann Arbor I, LLC **(8 Votes Required)**
Attachments: Drawing-615 S. Main pedestrian easement
- Approved**
Enactment No: R-17-001
- CA-2 17-0006** Resolution to Approve December 15, 2016, Recommendations of the Board of Insurance Administration

Enactment No: R-17-002
- CA-3 16-1685** Resolution to Approve a Construction Contract with Smith's Waterproofing, LLC for the E. Stadium Boulevard Bridges Deck Sealing Project (\$35,276.85)
Attachments: ITB No 4453 - bridge deck sealing contract - with extra items added (2) - 161117.pdf
- Enactment No: R-17-003
- CA-4 16-1582** Resolution to Authorize Professional Services Agreements with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann) for \$674,656.50 for the design of the Allen Creek Railroad Berm Opening Project
Attachments: Bergmann PSA, Preferred Alternative
- Enactment No: R-17-004
- CA-5 16-1737** Resolution to Approve Change Order No. 2 with Cadillac Asphalt, LLC for the 2015 Street Resurfacing Project (\$285,002.24; ITB No. 4371)
Attachments: 2015-004_2015 Street Resurfacing CO 2_2016-12-21.pdf

Enactment No: R-17-005

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 16-1522 An Ordinance to Add a New Chapter 120 (Closed Captioning) to Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-16-24)

Sponsors: Westphal

Attachments: 16-24 Closed Captioning Ordinance Briefed.pdf, R-16-145, Closed captioning ordinance memo.pdf, CDI resolution to support closed captioning ordinance.pdf, Closed Captioning Chapter 120 Briefed.pdf

A public hearing was continued on the proposed Ordinance to Add a New Chapter 120 (Closed Captioning) to Title IX of the Code of the City of Ann Arbor. Notice of continued public hearing was published December 26, 2016.

Ed Vielmetti, Fourth Ward resident, spoke in support of the ordinance and closed captioning, but also encouraged the City to provide closed captioning of their own channels.

Kevin Spangler, owner of a pedicab business, introduced himself.

Michael Benson, Second Ward resident, spoke in support of the ordinance, but urged Council to take it a step further and include an amendment requiring the City to use closed captioning at its meetings.

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

Held and Continued to the City Council due back on 2/6/2017

Enactment No: ORD-16-24

PH-2 16-1692 An Ordinance to Amend the Code of the City of Ann Arbor by Repeal of Chapter 18, Employees Retirement System, Title I, of the Code and Adding a New Chapter 18, Employees Retirement System, Title I of Said Code (Ordinance No. ORD-16-28)

Attachments: 16-28 Employees Retirement System Approval Notice.pdf, ORD16-28 Retirement System Briefed and Approved.pdf, 16-28 Employees Retirement System Ordinance Briefed.pdf, C8614RET01-Plan Design Analysis-Final .pdf, Chapter 18 Council Version.docx, Chapter 18 Council Version.pdf, June 30 2015 RS Actuarial Report - FINAL.pdf, June 30 2016 Pension Valuation.pdf

A public hearing was conducted on the proposed amendment to the Code of the City of Ann Arbor by Repeal of Chapter 18, Employees Retirement System, Title I, of the Code and Adding a New Chapter 18, Employees Retirement System, Title I of Said Code. Notice of public hearing was published December 26, 2016.

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

Held and Closed

Enactment No: ORD-16-28

PH-3 16-1675 Resolution No. 4 - Confirming the Stone School Road Sidewalk Special Assessment

Attachments: Stone School Rd Sidewalk Special Assessment Roll 11-16

A public hearing was conducted on the proposed Resolution No. 4 - Confirming the Stone School Road Sidewalk Special Assessment. Notice of public hearing was published December 22, 2016.

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

Held and Closed

Enactment No: R-17-007

A APPROVAL OF COUNCIL MINUTES

A-1 17-0003 Special Session Meeting Minutes of November 14 and 28, 2016 and Regular Session of December 19, 2016

Attachments: 11-14-16 Special Session Minutes, Council emails 11-14-2016 Redacted_Redacted.pdf, 11-28-16 Draft Minutes, Council Emails Nov. 28th, 12-19-16 Draft Minutes, Council emails redacted

A motion was made by Councilmember Lumm, seconded by Councilmember Westphal, that the Special Session Meeting Minutes of November 14 and 28 and Regular Session Meeting Minutes of December 19, 2016 be approved with corrections:

Add City Council First Ward Vacancy Interview Questions to the minutes of November 28.

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

B ORDINANCES - SECOND READING

B Unfinished Business - Staff:

B-1 16-1522 An Ordinance to Add a New Chapter 120 (Closed Captioning) to Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-16-24)

Sponsors: Westphal

Attachments: 16-24 Closed Captioning Ordinance Briefed.pdf, R-16-145, Closed captioning ordinance memo.pdf, CDI resolution to support closed captioning ordinance.pdf, Closed Captioning Chapter 120 Briefed.pdf

Councilmember Westphal moved, supported by Councilmember Ackerman, that the Ordinance be adopted on Second Reading.

Enactment No: ORD-16-24

A motion was made by Councilmember Westphal, seconded by Councilmember Lumm, that the Ordinance be postponed at Second Reading to the City Council and should be returned by 2/6/2017. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-16-24

New Business - Staff:

B-2 16-1692 An Ordinance to Amend the Code of the City of Ann Arbor by Repeal of Chapter 18, Employees Retirement System, Title I, of the Code and Adding a New Chapter 18, Employees Retirement System, Title I of Said Code (Ordinance No. ORD-16-28)

Attachments: 16-28 Employees Retirement System Approval Notice.pdf, ORD16-28 Retirement System Briefed and Approved.pdf, 16-28 Employees Retirement System Ordinance Briefed.pdf, C8614RET01-Plan Design Analysis-Final .pdf, Chapter 18 Council Version.docx, Chapter 18 Council Version.pdf, June 30 2015 RS Actuarial Report - FINAL.pdf, June 30 2016 Pension Valuation.pdf

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

Enactment No: ORD-16-28

C ORDINANCES - FIRST READING

None.

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DB New Business - Boards and Commissions:

DB-1 16-1736 Resolution to Approve the Carlberg Annexation, 0.17 Acres, 2501 Victoria Avenue (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

Attachments: 11-1-2016 CPC Minutes - Carlberg Annexation-2501 Victoria Ave.pdf, November 1, 2016 Planning Staff Report

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

Enactment No: R-17-006

DS New Business - Staff:

DS-1 16-1675 Resolution No. 4 - Confirming the Stone School Road Sidewalk Special Assessment

Attachments: Stone School Rd Sidewalk Special Assessment Roll 11-16

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

Enactment No: R-17-007

COMMUNICATIONS FROM COUNCIL

None.

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 Ackerman, seconded by Councilmember Lumm, 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 **16-1762** Resignation Letter and Communication from Boards and Commissions

Attachments: Resignation notice for HDC December 2016.pdf, Resignation of Buonodono From the ZBA.pdf

F-2 **16-1795** Letter of Opposition to the Proposed Zoning Change and Development at 3365 Jackson Road (the "Lockwood Independent Living Senior House Development) - Planning and Development Services

Attachments: 2016-12-17 A2 City Clerk

F-3 **16-1796** Letter dated December 8, 2016 from Governor Rick Snyder Accepting the Latest Washtenaw County Hazardous Material Authority Board Reinstatement Papers

Attachments: HMTAB agreement 2016

F-4 **16-1801** Communication from the DEQ regarding Corrected Documents for Public Hearing and Public Notice for Nixon Road - Dhu Varren Road - Green Road Intersection Reconstruction - Systems Planning

Attachments: CORRECT - UPDATED Confirmation of Public Hearing Reservation correspondence for Nixon, Dhu Varren, and Green Road(s) Intersection reconstruction

F-5 **17-0001** Communication from the State of Michigan Office of the Great Seal regarding a Completed Annexation of the Windy Crest Property,

Located at 305 Meadow Creek Drive

Attachments: State of Michigan Approval of the Windy Crest Annexation.pdf

F-6 **17-0005** Communication from the State of Michigan Public Service Commission regarding Notice of a Public Hearing for the Electric Customers of DTE Electric Company in Case No. u-18150 Scheduled for January 10, 2017 - City Attorney, Energy (Systems Planning)

Attachments: DTE Public Hearing Notice 1-10-17.pdf

F-7 **17-0008** Communication from the State of Michigan Public Service Commission regarding Notice of a Public Hearing for the Electric Customers of DTE Electric Company in Case No. U-18195 Scheduled for January 12, 2017 - City Attorney, Systems Planning

Attachments: DTE Public Hearing 1-12-17.pdf

G **The following minutes were received for filing:**

G-1 **16-1588** Ann Arbor Energy Commission Meeting Minutes of October 11, 2016

Attachments: Energy Commission Minutes 11-8-16.pdf

G-2 **16-1662** Taxicab Board Meeting Minutes of October 27, 2016

Attachments: 102716 Taxicab Board Minutes

G-3 **16-1758** Human Rights Commission September 2016 Meeting Minutes

Attachments: September 2016 Meeting Minutes

G-4 **16-1766** Park Advisory Commission Meeting Minutes of November 15, 2016

Attachments: PAC Meeting Minutes Final 11-15-16

G-5 **16-1777** City of Ann Arbor Employees' Retirement System Board Meeting Minutes of November 17, 2016

Attachments: B-1 BDMTG NOVEMBER 2016

G-6 16-1778 Retiree Health Care Benefit Plan & Trust Board Meeting Minutes of November 17, 2016

Attachments: B-1 VEBA Bd November 2016

G-7 17-0007 Insurance Board Meeting Minutes - December 15, 2016

Attachments: Insurance Board Minutes 121516

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Paula Uche, resident, spoke about the City's deer cull and urged Council to consider expanding the definition of non-lethal methods to include public education.

Ed Vielmetti, Fourth Ward, spoke about the City's current technology and urged staff to upgrade its Trakit and Legistar software systems.

Kathy Griswold, Second Ward resident, spoke about pedestrian safety and suggested that the City create a citywide newsletter for residents.

Michael Benson, Second Ward resident, spoke about the need to upgrade Legistar, including the addition of the Boards and Commissions module. He also stated a Boards and Commissions orientation program is needed.

David Silkworth, Fifth Ward resident, urged Council to temporarily repeal the pedestrian ordinance due to safety concerns.

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 Ackerman, seconded by Councilmember Grand, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 7:48 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: TUESDAY JANUARY 3, 2017 @ 7:00 P.M.

REPLAYS: WEDNESDAY, JANUARY 4, 2017 @ 8:00 A.M. AND FRIDAY, JANUARY 6, 2017 @ 8:00 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

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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.

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