

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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



Meeting Minutes

Monday, March 20, 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: 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 Warpehoski, that the Agenda be approved. On a voice vote, the Mayor declared the motion carried.

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Howard Lazarus, City Administrator, presented his written reports to Council and made the following announcements:

The City has been officially notified of the Safety Grant Awards for FY2018. The City of Ann Arbor received all three grants for which we applied:

- Jackson Avenue Guardrail: West end of town, near Weber's Inn. Replacement of guardrail in poor condition. Work will be scheduled for 2018.*
- Fuller Road Guardrail: South side of Fuller, near east entrance to Huron High. Replacement of guardrail in poor condition. Work will be scheduled*

for 2018.

- *Seventh Street Buffered Bike Lanes: Installation of buffered bike lanes. Work will be scheduled for Spring of 2018.*

Branch pick-up from the recent windstorm is occurring during the week of March 20. It is a one-time opportunity for residents to place large branches that fell during the storm, for curbside collection.

AC-1 [17-0391](#) Deer Management: White Buffalo Final Report

Received and Filed

AC-2 [17-0403](#) Response to Resolution R-17-020 - Street Level Uses Downtown:
Memorandum from Council Planning Commission - March 15, 2017

Received and Filed

AC-3 [17-0441](#) Agenda Response Memo - March 20, 2017

Received and Filed

INT INTRODUCTIONS

INT-1 [17-0340](#) Volunteer of the Month Proclamation Honoring Bill Kidd

Mayor Taylor presented a proclamation honoring Bill Kidd as the volunteer of the month, for his work with the citizen pruner program. 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. Sarah Byers - Deer Sterilization (AC-1)

Sarah Byers, Ward 1 resident and member of FAAWN, spoke about the sterilized deer and questioned why some deer have collars and some are

only tagged. She noted it is not possible for the sharpshooters to have determined who is the matriarch of the herd.

2. Lisa Abrams - Deer Cull (AC-1)

Lisa Abrams, Ward 2, spoke about the City Administrator's deer management report. She urged staff to collaborate with members of FAAWN to discuss the goals identified in the report. She requested a moratorium on the cull for 2018 until the outcomes of the current cull efforts could be analyzed.

3. Roger Kuhlman - Congress Legitimately Makes U.S. Immigration Laws, Ann Arbor City Council Does Not

Roger Kuhlman, 2421 Placid Way, spoke about U.S. Immigration laws and stated the Ann Arbor City Council has no authority to make its own immigration laws. He urged Council to address with the U.S. Congress any issues they have with these laws.

4. Dennis Lollar - Gasoline Powered Leaf Blowers

Dennis Lollar, 688 Peninsula, spoke in opposition to gasoline-powered trimmers and mowers, stating the two-cycle engines used in these types of tools contribute to noise and air pollution. He urged Council to mandate that landscapers move to battery powered equipment.

5. Jane Klingsten - Co-Compliance in Water Resources and Accessibility

Jane Klingsten, representing Northside neighbors, spoke about enforcement of City Codes and planning issues. She objected to the return of a site plan to Council and the process that brought the site plan back. She urged staff to work with legal counsel on these issues. She also spoke about ADA issues in planning.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER ACKERMAN

Councilmember Ackerman spoke about AC-2, the Administrator's Response to R-17-020, Street Level Uses Downtown. He noted that the Planning Commission is recommending several changes to be reviewed at City Council; all regulations promote retail on the first floor.

COUNCILMEMBER SMITH

Councilmember Smith introduced CC-1, a nomination to appoint Veronica Hannah to the Environmental Commission. Councilmember Smith stated Ms. Hannah's appointment would be confirmed at a future meeting, noting that the current vacancy is due to Councilmember Frenzel's appointment to City Council.

COUNCILMEMBER KRAPOHL

Councilmember Krapohl announced the next meeting regarding the Packard Square development update, to be held at Cobblestone Farm on Wednesday at 6p.m.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski spoke about his promise to bring an enforcement resolution regarding immigration issues. He stated the resolution would be ready for the April 17 Council meeting. Councilmember Warpehoski stated it has been very positive working with staff on this issue.

COUNCILMEMBER LUMM

Councilmember Lumm stated the Library Lot, and CORE Spaces development project item will be on the April 17 Council agenda, noting that there is not a public hearing on the item. She stated there has been a request to postpone action on this item until the audit on the bonds has been completed.

Councilmember Lumm asked the City Administrator for an update regarding the train station environmental assessment. (Eli Cooper, Transportation Manager, provided an update.)

COUNCILMEMBER EATON

Councilmember Eaton noted that the Packard Square meeting at Cobblestone Farm would be recorded and replayed by CTN.

COUNCILMEMBER GRAND

Councilmember Grand thanked the Muslim community for their welcoming open house last Sunday.

COUNCILMEMBER WESTPHAL

Councilmember Westphal spoke about AC-2. He thanked Planning Commission for their work on this issue. He stated he was glad to see that Planning Commission is tackling the issue of building materials.

COUNCILMEMBER LUMM

Councilmember Lumm thanked the Mayor for his proclamation recognizing the Boy Scout Troop 4, the longest serving troop in Michigan. She stated this troop has met at First United Methodist Church for 100 years and a plaque has been mounted on the church in their honor.

- CC-1** [17-0400](#) Resolution to Appoint Veronica Hannah to the Environmental Commission
Referred to the City Council due back on 4/3/2017

MC COMMUNICATIONS FROM THE MAYOR

- MC-1** [17-0437](#) Appointments and Nominations

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

Airport Advisory Committee

*David Canter
23 Harvard Pl.
Ann Arbor, MI 48104
Term: June 1, 2017-May 31, 2020*

City Planning Commission

*Wendy Woods -Reappointment
2034 Liberty Heights*

*Ann Arbor, MI 48103
Term: July 1, 2017-June 30, 2020*

Historic District Commission

*Robert White -Reappointment
1849 Saxon
Ann Arbor, MI 48103
Term: June 1, 2017-May 31, 2020*

A motion was made that the Appointments be referred to the City Council and should be returned by 4/3/2017. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, the following item was removed from the Consent Agenda and placed under the DS Section of the agenda (Staff Resolutions):

CA-11 Resolution to Authorize Professional Services Agreements with Rowe Professional Services Company for \$250,000.00; Fishbeck, Thompson, Carr & Huber, Inc. for \$250,000.00; Wade Trim Associates, Inc. for \$150,000.00; and Hubbell, Roth, & Clark, Inc. for \$150,000.00 for General Civil Engineering and Surveying Services

Passed on consent agenda

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

Resolution to Accept an Easement for Underground Retaining Wall Anchors at 3485 Narrow Gauge Way from Panayiotis Y. Papalambros and Lynn M. Papalambros, Trustees of the Papalambros Family Trust, U.T.A 06-18-2014 **(8 Votes Required)**

Resolution to Approve a Contract with Best Asphalt to Renovate Pathways at Cranbrook and Wurster Parks (\$114,821.00)

Resolution to Approve the Transfer of Community Housing Alternative's Properties at 2 Kilbrennan, 2176 Hemlock and 9 Rockland Ct. to Michigan Ability Partners

Resolution to Support the Low Income Housing Tax Credit Application for Swift Lane Apartments and Hickory Way Apartments

Resolution to Approve a Contract with Yeo & Yeo, P.C. for Independent Auditing Services (\$310,000.00/5 years)

Resolution to Approve February 23, 2017 Recommendations of the Board of Insurance Administration

Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Stantec Consulting Michigan, Inc. for the Barton Raw Water Intake and Pump Station Improvements Project (\$ 410,140.00)

Resolution to Approve a Professional Services Agreement with Stantec Consulting, Inc to Conduct a Cost of Services Study for Water and Wastewater - RFP 991 (\$256,975.00)

Resolution to Approve Amendment No. 1 to the Professional Services Agreement with WSP Parsons Brinckerhoff Michigan, Inc., (PB) for the South State Street Transportation Corridor and Conceptual Engineering Design Project and Appropriate Funds (\$65,286.96) **(8 Votes Required)**

Resolution to Approve a Grant Application to the Michigan Natural Resources Trust Fund (MNRTF) Program for the Allen Creek Railroad Berm Opening Project

Resolution No. 1 - Prepare Plans and Specifications for the Proposed Federal/Commerce/Green Sidewalk Special Assessment Project

Resolution to Approve Change Order No. 2 with Corby Energy Services, Inc. for the 2016 Sewer Lining Project (\$180,000.00; ITB-4441)

Resolution to Approve the Purchase of a Semi-Tractor from D & K Truck Company (ITB #4463; \$143,955.00)

Resolution to Reaffirm Contract with the Conservation Fund in the Amount of \$174,276.00 for Program Administration for the Greenbelt and Parkland Acquisition Millage Program

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**Held and Closed**

Resolution to Approve the Reinhart Building Site Plan, located at 2255 & 2275 W. Stadium (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve the Reinhart Building Site Plan, located at 2255 & 2275 W. Stadium.

Notice of public hearing was published March 13, 2017.

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

Held and Closed

Resolution to Approve The Annex (formerly Woodbury Club Apartments) Revised Elevations, Nixon Road

A public hearing was conducted on the proposed Resolution to Approve The Annex (formerly Woodbury Club Apartments) Revised Elevations, Nixon Road. Notice of public hearing was published March 13, 2017.

The following persons were present to speak at the hearing:

Dave Friedrichs, representing a neighboring condominium association, spoke in opposition. He urged Council to refer the project back to Planning Commission.

James D'Amour, representing the Sierra Club of Huron Valley, spoke in opposition. He urged Council to send the project back to the Planning Commission for further review.

Jane Klingsten, Ward 2, representing Nixon Area Alliance, spoke in opposition, highlighting the negative impact to neighboring properties. She stated the current proposal should be treated as a new site plan. She urged Council to send this back to Planning Commission.

Dave Hartweg, representing the architect, was present to answer any questions of Council.

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

A APPROVAL OF COUNCIL MINUTES

- A-1** [17-0367](#) Work Session of February 27 and Regular Session Meeting Minutes of March 6, 2017

A motion was made by Councilmember Ackerman, seconded by Councilmember Lumm, that the Minutes of the Work Session of February 27 and Regular Session Meeting Minutes of March 6, 2017 be approved. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

None.

C ORDINANCES - FIRST READING

None.

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

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

Resolution Opposing Elimination and Reduction of U.S. Department of Housing and Urban Development Programs Which are Vital to Washtenaw County Residents

DB New Business - Boards and Commissions:

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

Resolution to Approve the Reinhart Building Site Plan, located at 2255 & 2275 W. Stadium (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

DS New Business - Staff:

A motion was made by Councilmember Warpehoski, supported by Councilmember Krapohl, that the Resolution be approved.

Resolution to Authorize Professional Services Agreements with Rowe Professional Services Company for \$250,000.00; Fishbeck, Thompson, Carr & Huber, Inc. for \$250,000.00; Wade Trim Associates, Inc. for \$150,000.00; and Hubbell, Roth, & Clark, Inc. for \$150,000.00 for General Civil Engineering and Surveying Services

Councilmember Smith requested under Council Ethics Rule 4, that he be recused from discussion and voting on this issue due to potential conflict of interest, noting that he is an employee of Wade Trim Associates, Inc.

Councilmember Warpehoski moved, seconded by Councilmember Krapohl, that Councilmember Smith be recused from voting and discussion on the motion, due to potential conflict of interest. On a voice vote, the motion carried. (Councilmember Smith left the table.)

The question being, a motion made by Councilmember Warpehoski, seconded by Councilmember Krapohl, that the Resolution be approved, on a voice vote, the Mayor declared the motion carried, with ten members seated.

Resolution to Authorize Professional Services Agreements with Rowe Professional Services Company for \$250,000.00; Fishbeck, Thompson, Carr & Huber, Inc. for \$250,000.00; Wade Trim Associates, Inc. for \$150,000.00; and Hubbell, Roth, & Clark, Inc. for \$150,000.00 for General Civil Engineering and Surveying Services

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 Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Frenzel

Nays: 1 - Councilmember Kailasapathy

Resolution to Approve The Annex (formerly Woodbury Club Apartments) Revised Elevations, Nixon Road

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

- F-1** [17-0309](#) Communications from Comcast regarding Important Information about Channel Lineup Changes for Customers - CTN, City Attorney
- F-2** [17-0310](#) Communication from Evan Pratt, Water Resources Commission regarding 2016-2017 Increased Inspection Activity in and around County Drains - Systems Planning
- F-3** [17-0346](#) Resignation Email from Jim Simpson of the Ann Arbor Public Art Commission
- F-4** [17-0363](#) Communication from Evan Pratt regarding Receipt of Petition on Malletts Creek Churchill Downs Park 5506.04 Drain Project and the Hearing Scheduled for March 20, 2017
- F-5** [17-0415](#) Communication from DTE regarding Community Lighting/Important Message about your DTE Street Lights - Attorney's Office, Energy

Filed

G The following minutes were received for filing:

- G-1** [17-0268](#) Election Commission Meeting Minutes of October 28, 2016
- G-2** [17-0320](#) Downtown Area Citizens Advisory Council Meeting Minutes for February

28, 2017

- G-3** [17-0321](#) Greenbelt Advisory Commission Meeting Minutes of February 2, 2017
- G-4** [17-0342](#) Council Policy Agenda Committee Meeting Minutes of February 28, 2017
- G-5** [17-0348](#) Insurance Board Meeting Minutes - February 23, 2017
- G-6** [17-0402](#) Council Administration Committee Meeting Minutes of January 17 and February 21, 2017
- G-7** [17-0298](#) Park Advisory Commission Meeting Minutes for January 24, 2017
- G-8** [16-1721](#) Historic District Commission Minutes of the November 17, 2016

Filed

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Steve Carter, Ward 5, requested the large monitors behind Council be used to broadcast the Council meeting.

Kathy Griswold, Ward 2, spoke about the DDA priorities and pedestrian safety priorities around the City.

Dwight Smith, resident, stated it is difficult to hear some Council Members when they speak.

Jane Klingsten, Ward 2, expressed her frustration about the site planning process and the lack of compliance with City Code, 5:122. She urged Council to do the right thing.

COMMUNICATIONS FROM COUNCIL

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).

A motion was made by Councilmember Warpehoski, seconded by Councilmember Krapohl, that Council enter into Closed Session under the Michigan Open Meetings Act to discuss pending litigation and attorney/client privileged communication, as set forth in MCLA 15.268 (E) and (H). On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting adjourned in Closed Session at 8:31 p.m.:

Yeas: 11 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Frenzel

Nays: 0

MEETING RECONVENED

A motion was made by Councilmember Ackerman, seconded by Councilmember Frenzel, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened in Open Session at 9:20 p.m.

SUSPEND THE RULES

A motion was made by Councilmember Smith, seconded by Councilmember Grand, that Council suspend the Rules regarding the reconsideration of Council decisions (Rule 13) in order to allow for a reconsideration of a decision made at the January 17, 2017 City Council meeting to refer the Hillside Memory Care site plan to the Planning Commission. On a voice vote, the Mayor declared the motion carried and Rule 13 was suspended.

A motion was made by Councilmember Smith, seconded by Councilmember Krapohl, that the City Council's decision of January 17, 2017 to refer the Hillside Memory Care Site Plan to the Planning Commission be reconsidered. On a voice vote, the Mayor declared the motion carried.

Resolution to Approve Hillside Memory Care Site Plan, 312 Glendale Drive
(CPC Recommendation: Approval - 6 Yeas and 1 Nay)

A motion was made by Councilmember Smith, seconded by Councilmember Westphal, that the Resolution be postponed to the City Council and should be returned by 4/3/2017. On a voice vote, the Mayor declared the motion carried.

Resolution to Approve Hillside Memory Care Site Plan, 312 Glendale Drive
(CPC Recommendation: Approval - 6 Yeas and 1 Nay)

ADJOURNMENT

A motion was made by Councilmember Smith, seconded by Councilmember Krapohl, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:23 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, MARCH 20, 2017 @ 7:00 P.M.

REPLAYS: WEDNESDAY, MARCH 22, 2017 @ 8:00 A.M. AND FRIDAY, MARCH 24, 2017 @ 8:00 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

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Live Web streaming or Video on Demand: <https://a2ctn.viebit.com>

Cable: Comcast Cable channel 16 or AT&T UVerse Channel 99

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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.

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

I hereby certify that this is a true copy of the draft minutes of the Ann Arbor City Council meeting held on Monday, March 20, 2017.

Anissa R. Bowden, Council Administrative Coordinator