

City of Ann Arbor

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



Action Minutes

Thursday, October 6, 2016

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 3:30 p.m. in Council Chambers.

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

Councilmember Warpehoski arrived at 7:05 p.m.

Present: 10 - Councilmember Sabra Briere, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Graydon Krapohl, Councilmember Zachary Ackerman and Councilmember Chip Smith

Absent: 1 - Councilmember Kirk Westphal

APPROVAL OF AGENDA

A motion was made by Councilmember Smith, 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 Lazarus presented his Agenda Response Memo to Council and reported on the following:

Michigan's Best Tasting Water: The Michigan American Water Works Association has awarded the City of Ann Arbor with the Best Tasting Water in the State at its recent annual conference. The City initially won the southeast Michigan regional competition held in May 2016 and then went on to compete against the other regional winners, Bergland Township (in the Upper Peninsula), Chelsea, Mancelona and MHOG (Marion, Howell, Oceola and Genoa). The City of Ann Arbor last won this award in 1996. Congratulations to the Water Treatment Services staff!

Distinguished Budget Presentation Award: The City of Ann Arbor has received the Distinguished Budget Presentation Award for the current budget from the Government Finance Officers Association (GFOA). The award is the highest form of recognition in governmental budgeting and represents a significant achievement for our organization. Congratulations to our Financial Services Unit staff and Ms. Karen Lancaster!

RFP for Review of Police Community Relations: The RFP for the Independent Analysis of the Ann Arbor Police Department's Community Engagement Practices will be posted on the City's web site tomorrow for public review. The City Administrator will also hold an open house in the City Hall atrium from 5:30 to 8:00 p.m. on October 19th to receive comments and questions. Thank you to the members of the Human Resources Commission, the NAACP, and the Ann Arbor Police Department for their support in this matter.

Voter Registration Deadline: The last date to register to vote in the November General Election is October 11th.

AC-1 16-1440 Agenda Responses - October 6, 2016

Attachments: Agenda Responses 10-6-16 Final

Mr. Lazarus presented his Agenda Response Memo for information of Council.

Received and Filed

INT INTRODUCTIONS

INT-1 16-1423 Proclamation for Co-Op Month 2016

Attachments: Co-op Month 2016.pdf

The recipients of this proclamation were not in attendance so Mayor Taylor announced that it would be presented at the next Regular Session.

Referred to the City Council due back on 10/17/2016.

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. Jonathan Bulkley - Allen Creek Greenway (DC-1)

Jonathan Bulkley, Allen Creek Greenway Conservancy member, spoke in opposition to DC-1, Resolution to Expand the Work Scope for the Allen Creek Greenway Master Plan Project.

2. Henry Herskovitz - Holocaust and Israel

Henry Herskovitz, City resident, spoke about Israel and the State of Michigan's recent law mandating the teaching of the Holocaust.

3. Thomas Wieder - City Charter Amendment

Thomas Wieder, Ann Arbor Township resident, spoke in opposition to the City's proposed Charter Amendment to move City Council members to 4-year terms in the even years.

4. David Silkworth - City Council 4-year terms

David Silkworth, Fifth Ward Council candidate, spoke in opposition to the City's Charter Amendment proposal to move Council elections to four-year terms in even years.

5. Robert McGee - City Ordinances

Robert McGee, City resident, spoke about the City's deer management program and his efforts to work with the City as a supporter of non-lethal methods. He thanked the City for their willingness to discuss solutions.

6. Sally Daniels - Saving Deer and Taxpayer Money

Sally Daniels, City resident, spoke about non-lethal methods for deer management and encouraged Council to consider these options over a cull.

7. Meghan Cuneo - Free Parking on Election Day

Meghan Cuneo, CivCity intern, spoke about an initiative in Ferndale to increase voter turnout by making downtown parking free. She encouraged Ann Arbor to implement similar policies.

CC COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER ACKERMAN*

Councilmember Ackerman reminded voters in Precincts 3-4 and 3-7, who normally vote at Allen Elementary, that their polling location has been temporarily relocated for the November 8 General Election to Pattengill Elementary, due to flooding damage at Allen. Councilmember Ackerman also reminded all residents that the last day to register to vote is next Tuesday, October 11.

COUNCILMEMBER GRAND

Councilmember Grand reported on a citizen participation meeting for the proposed project at 1107 South University, which includes Ulrich's and the adjacent buildings. The meeting is scheduled for October 11, from 6-8 pm at Pizza House.

MC COMMUNICATIONS FROM THE MAYOR**MC-1 16-1330 Appointments - Confirmations**

Sponsors: Taylor

Attachments: Alison Stroud app. 2016.pdf, Dwight Wilson app.2016.pdf, David Santacroce app. 2016.pdf

Mayor Taylor requested confirmation of the following appointments that were presented to Council for consideration on September 19, 2016:

Ann Arbor Commission on Disability Issues

*Alison Stroud
1535 Pine Valley Blvd.
Ann Arbor, MI 48104
Term: Partial term ending May 31, 2019*

Human Rights Commission

*Dwight Wilson
1115 Baldwin Ave.
Ann arbor, MI 48104
Term: Partial term ending May 31, 2017*

Parks Advisory Commission

*David Santacroce-Reappointment
509 Detroit St.
Ann Arbor, MI 48104
Term: Partial term ending May 31, 2019*

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

MC-2 16-1424

Resolution to Appoint Sava Lelcaj-Farah to the Downtown Development Authority
(7 Votes Required)

Sponsors: Taylor

Attachments: Sava Lelcaj-Farah app. 2016.pdf

Mayor Taylor presented a resolution of appointment for approval at a later date:

Downtown Development Authority

*Sava Lelcaj-Farah
Downtown Business Owner-Sava's, Aventura, Babo Markets
6445 Warren Rd.
Ann Arbor, MI 48105
Term: Partial term ending May 31, 2020*

Referred to the City Council due back on 10/17/2016

CA CONSENT AGENDA

Passed on consent agenda

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

- CA-1 16-1366** Resolution to Accept a Sanitary Sewer Easement at 2223 S. State Street from MEC Land, LLC (**8 Votes Required**)
Attachments: Drawing State St. Village Sanitary 1

Enactment No: R-16-383
- CA-2 16-1367** Resolution to Accept a Sanitary Sewer Easement at 2221 S. State Street from MEC Land, LLC (**8 Votes Required**)
Attachments: Drawing State St. Village Sanitary 3&4

Enactment No: R-16-384
- CA-3 16-1368** Resolution to Accept a Sanitary Sewer Easement at 2245 S. State Street from McKinley Executive Centre, LLC (**8 Votes Required**)
Attachments: Drawing State St. Village Sanitary 2

Enactment No: R-16-385
- CA-4 16-1371** Resolution to Accept a Water Main Easement at 2221 S. State Street from MEC Land, LLC (**8 Votes Required**)
Attachments: Drawing State St. Village Water 1&2

Enactment No: R-16-386
- CA-5 16-1373** Resolution to Accept a Water Main Easement at 2245 S. State Street from McKinley Executive Centre, LLC (**8 Votes Required**)
Attachments: Drawing State St. Village Water 3

Enactment No: R-16-387

- CA-6 16-1250** Resolution to Approve Purchase of Bacteriological Testing Media and Associated Supplies from Idexx (\$36,000.00)
Attachments: IDEXX Quote

Enactment No: R-16-388
- CA-7 16-1305** Resolution to Close Streets for the Scare for the Care 5K on Sunday, October 30, 2016
Attachments: Scare for Care 5K Map, Scare for Care 1 Mile Map

Enactment No: R-16-389
- CA-8 16-1275** Resolution to Approve an Agreement with the Washtenaw County Road Commission for the Installation of a Traffic Signal at West Liberty Road and Scio Ridge Road (\$35,000.00)
Attachments: WCRC agreement - Liberty Scio Ridge - FINAL.pdf

Enactment No: R-16-390
- CA-9 16-1265** Resolution to Accept Road Certifications from Washtenaw County
Attachments: RC10-081_Relinquishment to A2.pdf, Table A jurisdictional transfers 2016.pdf, RC16-336 Nixon Rd_Dexter-A2 Rd_Huron River Dr.pdf

Enactment No: R-16-391

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-1 16-1221** An Ordinance to Add a New Chapter 72, Idling Reduction, to Title VI and to Amend Section 1:17 of Chapter 1 of Title 1 of the Code of the City of Ann Arbor (Ordinance No. ORD-16-18)
Sponsors: Briere
Attachments: 16-18 Idling Ordinance Briefed and Approved as Amended 100616, 16-18 Idling Ordinance Briefed and Approved as Amended 100616, 16-18 Idling Ordinance Briefed and Approveed.pdf, 16-18 Idling Reduction Chapter 72 Ordinance.pdf, Idling Reduction Chapter 72.pdf, Idling Reduction Ordinance-memo.pdf, 16-18 Approval Notice.pdf

A public hearing was conducted on the proposed new Chapter 72, Idling Reduction, to Title VI and to Amend Section 1:17 of Chapter 1 of Title 1 of the Code of the City of Ann Arbor. Notice of public hearing was published September 22, 2016.

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

Held and Closed

Enactment No: ORD-16-18

A APPROVAL OF COUNCIL MINUTES

A-1 16-1409 Regular Session Minutes of September 19, 2016

Attachments: 09-19-16 Draft Minutes, Council emails 9-19-2016_Redacted.pdf

A motion was made by Councilmember Briere, seconded by Councilmember Grand, that the Regular Session meeting minutes of September 19, 2016 be approved. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

B-1 16-1221 An Ordinance to Add a New Chapter 72, Idling Reduction, to Title VI and to Amend Section 1:17 of Chapter 1 of Title 1 of the Code of the City of Ann Arbor (Ordinance No. ORD-16-18)

Sponsors: Briere

Attachments: 16-18 Idling Ordinance Briefed and Approved as Amended 100616, 16-18 Idling Ordinance Briefed and Approved as Amended 100616, 16-18 Idling Ordinance Briefed and Approveed.pdf, 16-18 Idling Reduction Chapter 72 Ordinance.pdf, Idling Reduction Chapter 72.pdf, Idling Reduction Ordinance-memo.pdf, 16-18 Approval Notice.pdf

Councilmember Eaton proposed the following amendment, which was considered friendly by the Body:

Amend Section 6:503 (3) (d) as follows:

Change 5 minutes to 10 minutes.

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

Yeas: 9 - Councilmember Briere, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Ackerman and Councilmember Smith

Nays: 1 - Councilmember Lumm

Absent: 1 - Councilmember Westphal

Enactment No: ORD-16-18

C ORDINANCES - FIRST READING

C New Business - Staff:

C-1 16-0644 An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 5.34 Acres from TWP (Township District) to R4B (Multiple-Family Dwelling District), Mirafzali Family LLC, 2250 Ann Arbor-Saline Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) **(8 Votes Required at Second Reading)**

Attachments: 16-19 Mirafzali Zoning Ordinance Briefed.pdf, 2250 Ann Arbor Saline Zoning Ordinance CC, 8-3-16 2250 Ann Arbor Saline Staff Report with Attachments 8-3-16-rev, 8-3-2016 CPC Minutes with Live Links.pdf, 7-21-15 CPC Minutes with Live Links, Protest Petition 2250 Ann Arbor Saline Road

A motion was made by Councilmember Eaton, seconded by Councilmember Krapohl, that the Ordinance be approved on First Reading to the City Council, due back on 11/10/2016. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 8 - Councilmember Briere, Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Ackerman and Councilmember Smith

Nays: 2 - Councilmember Kailasapathy and Councilmember Eaton

Absent: 1 - Councilmember Westphal

Enactment No: ORD-16-19

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 16-1404 Resolution to Expand the Work Scope for the Allen Creek Greenway Master Plan Project

Sponsors: Eaton and Krapohl

Councilmember Eaton moved, seconded by Councilmember Krapohl, that the Resolution be approved.

Councilmember Warpehoski moved the following amendment, supported by Councilmember Briere:

Replace first RESOLVED as follows:

RESOLVED, That the Ann Arbor City Council requests staff add an Allen Creek Greenway Master Plan -- Phase 2 from State Street and Stimson Street to Ellsworth Road at the City's southern boundary to the Capital Improvements Plan.

The amendment was withdrawn.

A motion was made by Councilmember Eaton, seconded by Councilmember Krapohl, that the Resolution be postponed to the City Council and should be returned by 11/10/2016. On a voice vote, the Mayor declared the motion carried.

DC-2 16-1437 Resolution to Amend the 2016 Council Calendar

Sponsors: Taylor

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

Enactment No: R-16-392

RECESS

Mayor Taylor called a recess at 8:55 p.m. and reconvened the meeting at 9:04 p.m.

DB New Business - Boards and Commissions:

DS New Business - Staff:

DS-1 16-1308 Resolution to Approve the Modification of Deed Restrictions Placed on 350 S. Fifth as a Condition of Sale of the Formerly City-Owned Property

to Fifth Fourth, LLC (**8 Votes Required**)

Attachments: Letter to City, dahlmann covenants and deed restriction amendments_201609081132, 2016-0923_William Street Plaza_Exterior Renderings

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

Councilmember Lumm asked for additional information regarding the number of parking spaces to be added.

A motion was made by Councilmember Briere, seconded by Councilmember Krapohl, that the Resolution be postponed to the City Council and should be returned by 11/10/2016. On a voice vote, the Mayor declared the motion carried.

COMMUNICATIONS FROM COUNCIL

None.

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 Ackerman, seconded by Councilmember Krapohl, 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 16-1258 Environmental Commission Resolution to Maintain a High Quality Recycling Program

F-2 16-1306 Ann Arbor Public Art Commission - 2016 Annual Report

Attachments: AAPAC Annual Report 2016.pdf

F-3 **16-1383** Communication from Pittsfield Township Clerk Alan Israel regarding a Public Hearing Notice regarding Conditional Use Permit #16-09 with Edelbrau Brewing Company - Planning and Development Services, City Attorney, Systems Planning

Attachments: Pittsfield Township Public Hearing Notice 16-09.pdf

F-4 **16-1405** Communication from Allen Creek Greenway Conservancy dated September 22, 2016 and Staff Response Memo dated September 22, 2016

Attachments: Allen Creek Conservancy Letter to Pulcipher 9-22-16, Staff Memo RE ACG Conservancy Letter 9-22-16

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

G-1 **16-1081** Park Advisory Commission Meeting Minutes for June 21, 2016

Attachments: PAC Minutes for 6-21-16

G-2 **16-1098** Taxicab Board Meeting Minutes of June 23, 2016

Attachments: 062316 Taxicab Board Minutes

G-3 **16-1310** Downtown Development Authority Board and Executive, Partnerships, Finance and Operations Committee Minutes from July & August 2016

Attachments: DDA Minutes July and August 2016

G-4 **16-1324** City of Ann Arbor Employees' Retirement System Minutes of August 18, 2016

Attachments: B-1 BDMTG AUGUST 2016

G-5 **16-1325** City of Ann Arbor Employees' Retirement System Special-Call Board Meeting of September 9, 2016

Attachments: B-2 9-9-2016 Special Call Bd Mtg

- G-6** **16-1326** Retiree Health Care Benefit Plan & Trust Minutes of August 18, 2016

Attachments: B-1 VEBA Bd August 2016
- G-7** **16-1327** Retiree Health Care Benefit Plan & Trust Special-Call Meeting Minutes of September 9, 2016

Attachments: B-2 9-9-2016 Special Call Bd Mtg
- G-8** **16-1329** Human Rights Commission, August 10, 2016, Meeting Minutes

Attachments: HRC August 10 Meeting Minutes FINAL
- G-9** **16-1331** Ann Arbor Area Transportation Authority Board Minutes of August 18, 2016

Attachments: AAATA Board Meeting Minutes 08.18.16_Approved.pdf
- G-10** **16-1381** Ann Arbor Public Art Commission Amended Meeting Minutes - August 2016

Attachments: AAPAC Meeting Minutes Amended - August 2016.pdf

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Kathy Griswold, City resident, spoke about A2Fix it and stated she was happy to see the system was now being used by the Washtenaw County Road Commission.

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 Krapohl, seconded by Councilmember Warpehoski, that Council enter into Closed Session under the Michigan Open Meetings Act for pending litigation as set forth in MCLA 15.268 (E). On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed in Closed Session at 10:01 p.m.:

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

Nays: 0

Absent: 1 - Councilmember Westphal

MEETING RECONVENED

A motion was made by Councilmember Briere, 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 10:05 p.m.

16-1455 Resolution to Approve the Settlement Agreement in Wolverine Pipe Line Company v 5600 S. State Street, LLC, City of Ann Arbor, et al

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

Enactment No: R-16-393

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 10:07 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: THURSDAY, OCTOBER 6, 2016 @ 7:00 P.M.

REPLAYS: FRIDAY OCTOBER 9, 2016 @ 8:00 P.M. AND WEDNESDAY OCTOBER 12, 2016 @ 8:00 A.M

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

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- Cable: Watch CTN Government Channel public meeting programming via Comcast Cable channel 16.

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City Clerk's Office
301 E. Huron St.
Ann Arbor, MI 48104

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