



City of Ann Arbor

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

Meeting Minutes City Council

Monday, February 3, 2014

7:00 PM City Hall, 301 E. Huron Street, Council Chamber, 2nd Floor
City Council meets in caucus the Sunday prior to each regular session at 7 p.m. in the Council Chamber.

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:08 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 Hieftje led Council in the recitation of the Pledge of Allegiance.

ROLL CALL OF COUNCIL

- Present:** 10 - Mayor John Hieftje, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Sally Petersen, Councilmember Chuck Warpehoski and Councilmember Jack Eaton
- Absent:** 1 - Councilmember Stephen Kunselman

APPROVAL OF AGENDA

A motion was made by Councilmember Taylor, seconded by Councilmember Lumm, that the agenda be approved as presented. On a voice vote, the Mayor declared the motion carried.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

WINTER WEATHER ACTIVITY UPDATE

City Administrator Steve Powers introduced staff members Craig Hupy, Public Services Area Administrator, and Mary Jo Callan, Community Development Director, to discuss the severe winter weather and its effects on the City.

Mr. Hupy updated Council regarding snowplow and salting efforts. He stated the Field Operations Unit will need to come before Council for their third request for salt purchase due to the high usage this season. He expected that a resolution would be ready for Council in early March. Mr. Hupy also mentioned that water main breaks are on the rise due to the extreme weather and this pattern has been true historically.

Mayor Hieftje commented on the condition of the sidewalks throughout the City, noting that the recent rain on top of wet snow has made it difficult for residents to manage. He asked how the City was doing with City-owned property.

Ms. Callan spoke about the needs of the homeless in these extreme conditions. She stated the Delonis Center continues to serve as an emergency shelter and has waived its normal drug and alcohol restrictions. Ms. Callan stated her office is also in constant communication with other non-profits who serve as emergency shelters and warming centers.

[14-0215](#)

Agenda Response Memo February 3, 2014

Received and Filed

INT INTRODUCTIONS

INT-1 [14-0204](#)

2/3/14 Proclamation honoring EMU's Alpha Phi Omega Fraternity

Mayor Hieftje read a proclamation honoring EMU's Alpha Phi Omega Fraternity for working with the GIVE 365 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. Bob Miller - Public Art Ordinance (C-1)

Bob Miller, 801 W. Liberty St., addressed Council regarding public art, speaking in support. He encouraged Council to find local artists for projects.

2. Seth Best - Regulation of Smoking in Outdoor Public Places (C-2)

Seth Best, 2949 Cascade Dr., addressed Council regarding the proposed outdoor smoking ordinance. He expressed concern with the \$50.00 fine proposed in the ordinance for smoking in a City park. He said smoking outdoors is one of the few enjoyable things that the very poor or homeless can still do, noting that while smoking may not be a healthy habit, it is legal.

3. Susan Froelich - Public Art Ordinance (C-1)

Susan Froelich, 1218 Ardmoor, addressed Council regarding the proposed Public Art Ordinance changes. She said that is important that Council keep the existing art funds for future projects and fund a Public Art Administrator.

4. Shoshana Hurand - Public Art Ordinance and Professional Services Agreement with Aaron Seagraves (C-1, DB-1)

Shoshana Hurand, 1206 Brooklyn Ave., Apt. 1, spoke in support of public art and encouraged Council to continue the contract with the City's public art administrator. She stated public art is an important piece of living in a remarkable city.

5. Lily Au - Public Art Ordinance (C-1)

Lily Au, 682 Peninsula Ct., shared the City's mission statement with the public and expressed concern with the City funding art when people are in need of food and shelter in the community. She also spoke in opposition to the eviction of the folks in Troll Village.

6. David Olson - Public Art Ordinance (C-1)

David Olson, 513 Fountain St., spoke in support of public art. He encouraged Council to spend the remaining public art fund monies on public art.

7. Chris McKeown - Camp Evictions

Chris McKeown, representing people living in the streets and those being evicted from what is called Troll Village, spoke about the proposed evictions by the Ann Arbor Police. He encouraged the Council to show some compassion for the people living at Trill Village.

8. Joel Reinstein - Camp Evictions

Joel Reinstein, 3 Medford Cir., addressed Council regarding the evictions of the homeless at Troll Village. He said that he was happy that the evictions were not carried out. He stated it would have been devastating in this extreme weather.

9. Tracy Williams - Camp Evictions

Tracy Williams, a member of the homeless community, spoke about the proposed evictions at Troll Village. He urged Council to support the homeless; he stated they were not going away and he and others would continue to speak before Council.

10. James D'Amour - Thank Council for support of Climate Change Action Plan

James D'Amour, 2771 Maplewood Ave., thanked Council for supporting the Climate Change Action Plan.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER EATON

Councilmember Eaton announced that the Friends of Dicken Woods and the Dicken Elementary PTO were holding the 10th annual Dicken Candlelight Winter Walk on February 11, 2014, with a winter weather alternative date of February 13, 2014. The public was welcome to join them at the elementary school for the walk.

Councilmember Eaton thanked the Ann Arbor Police Department for their handling of the homeless camp evictions in City parks. He stated some of the AAPD officers acted almost as social workers, working with PORT to find alternative shelter for those in need and ensuring that no one was left out in the cold.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski responded to some of the comments made regarding the extreme cold and the challenges of finding shelter and support for those in need. He noted that this crisis will continue as long as there continues to be substance abuse and mental health struggles for some folks, in addition to the downturn in the economy. He stated the City's response to the crisis is only one piece; they also need to work on prevention and help for these larger problems. People should not be treated as "throw away."

MC COMMUNICATIONS FROM THE MAYOR

Mayor Hieftje also responded to the comments regarding the extreme cold and available shelter options. He stated that it is his understanding that the Delonis Shelter has not turned anyone away during this extreme weather, including folks with prior problems at the shelter.

Regarding the Troll Village, Mayor Hieftje stated the City received complaints about an illegal camp in Riverside Park. He stated the eviction was never for the folks under the bridge, the area referred to as Troll Village, but for those folks illegally camping in the park. Mayor Hieftje reminded the public that the City does have an ordinance against camping in City parks and it is enforced when complaints are received.

MC-1 [14-0119](#)

Appointments - Confirmations

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the January 21, 2014 regular session of Council:

Ann Arbor Public Art Commission

*Jim Simpson -filling vacancy of Malverne Winborne
3090 Edgewood Drive
Ann Arbor, MI 48104
Term: February 3, 2014 - December 31, 2016*

Ann Arbor Housing Commission

*Daniel Lee -Serving the rest of Marta Minildi's term (Marta resigned)
425 E. Washington St., #1114
Ann Arbor, MI 48104
Term: February 3, 2014 - May 5, 2014*

Park Advisory Commission

*Paige Morrison -Serving the rest of Jennifer Geer's term (Jennifer resigned)
410 W. Keech Ave.
Ann Arbor, MI 48103
Term: February 3, 2014 - May 19, 2016*

Public Market Advisory Commission

*Peter Woolf -Filling vacancy of Lindsey-Jean Hard
1108 Mixtwood St.
Ann Arbor, MI 48103
Term: February 3, 2014 - January 18, 2016*

A motion was made by Councilmember Teall, seconded by Councilmember Briere, 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 [14-0035](#) Resolution to Approve Germain Motors Site Plan, 2575 South State Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve Germain Motors Site Plan, located at 2575 South State Street. Notice of public hearing was published January 27, 2014.

Tom Partridge, City resident, spoke in opposition to the proposed Germain Motors Site Plan.

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

Held and Closed

Enactment No: R-14-039

A APPROVAL OF COUNCIL MINUTES

A-1 [14-0198](#) Regular Session Meeting Minutes of January 21, 2014

A motion was made by Councilmember Briere, seconded by Councilmember Anglin, that the Regular Session Meeting Minutes of January 21, 2014 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

CONSENT AGENDA ITEM REMOVED

With unanimous consent of Council, the following item was removed from the Consent Agenda and placed at the end of same:

CA-7 Resolution to Accept Board of Insurance Administration Minutes of January 23, 2014

Passed on consent agenda

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

CA-1 [14-0043](#) Resolution to Approve a Contract with Altech Mechanical Service, LLC to Replace the Boiler at Fuller Pool (\$66,544.00)

Enactment No: R-14-031

CA-2 [14-0065](#) Resolution Authorizing a Purchase Order to Washtenaw County for the

City of Ann Arbor's Share of the Maintenance of the Shared 800 MHz Simulcast System (\$36,500.00)

Enactment No: R-14-032

- CA-3** [14-0101](#) Resolution to Amend and Approve the Renewal Agreement for Information Technology Services between the City of Ann Arbor and City of Chelsea (\$80,499.25)

Enactment No: R-14-033

- CA-4** [14-0106](#) Resolution to Accept a grant from Firehouse Subs Public Safety Foundation Corporation (\$25,736.00)

Enactment No: R-14-034

- CA-5** [14-0056](#) Resolution to Approve Street Closings for Fool Moon - Friday, April 4, 2014

Enactment No: R-14-035

- CA-6** [14-0058](#) Resolution to Approve Street Closings for FestiFools Parade - Sunday, April 6, 2014

Enactment No: R-14-036

- CA-7** [14-0191](#) Resolution to Accept Board of Insurance Administration Minutes of January 23, 2014

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

Enactment No: R-14-037

B ORDINANCES - SECOND READING

None.

C ORDINANCES - FIRST READING

- C-1** [14-0185](#) An Ordinance to Amend Chapter 24 (Public Art) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-14-02)

(The complete copy of the text of Ordinance No. ORD-14-02 is on file in the City Clerk's Office.)

A motion was made by Councilmember Lumm, seconded by Councilmember Kailasapathy, that the Ordinance be approved on First Reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 9 - Mayor Hieftje, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen, Councilmember Warpehoski and Councilmember Eaton

Nays: 1 - Councilmember Teall

Absent: 1 - Councilmember Kunselman

Enactment No: ORD-14-02

C-2 [14-0189](#) An Ordinance to Add a New Chapter 64 (Regulation of Smoking in Outdoor Public Places) to Title VI (Food and Health) of the Code of the City of Ann Arbor

A motion was made by Councilmember Warpehoski, seconded by Councilmember Taylor, that the Ordinance be approved at First Reading.

A motion was made by Councilmember Warpehoski, seconded by Councilmember Eaton, that the Ordinance be postponed until 3/3/2014. On a voice vote, the Mayor declared the motion carried.

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 [14-0148](#) Resolution Accepting Annual Renewal Recommendation 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-14-038

DB Unfinished Business - Boards and Commissions:

DB-1 [14-0066](#) Resolution to Approve Amendment to Professional Services Agreement with Aaron Seagraves as Public Art Administrator (\$18,500.00) and Appropriate Funds from the Public Art Fund Balance (\$20,500.00) (**8 Votes Required**)

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

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the resolution be amended as follows:

Replace Second RESOLVED Clause with:

RESOLVED, THE FY14 GENERAL FUND PUBLIC SERVICES APPROPRIATION AND EXPENDITURE BUDGET BE INCREASED BY \$20,500.00 FUNDED BY A USE OF GENERAL FUND FUND BALANCE.

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 4 - Councilmember Teall, Councilmember Briere, Councilmember Lumm and Councilmember Eaton

Nays: 6 - Mayor Hieftje, Councilmember Anglin, Councilmember Taylor, Councilmember Kailasapathy, Councilmember Petersen and Councilmember Warpehoski

Absent: 1 - Councilmember Kunselman

A motion was made by Councilmember Lumm, seconded by Councilmember Eaton, that the Resolution be postponed, due back on 2/18/2014. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 5 - Mayor Hieftje, Councilmember Anglin, Councilmember Lumm, Councilmember Kailasapathy and Councilmember Eaton

Nays: 5 - Councilmember Teall, Councilmember Briere, Councilmember Taylor, Councilmember Petersen and Councilmember Warpehoski

Absent: 1 - Councilmember Kunselman

A motion was made by Councilmember Teall, seconded by Councilmember Warpehoski, that the Resolution be Approved. On a roll call, the vote was as follows with the Mayor declaring the motion defeated, having not satisfied the eight-vote requirement:

Yeas: 6 - Mayor Hieftje, Councilmember Teall, Councilmember Briere, Councilmember Taylor, Councilmember Petersen and Councilmember Warpehoski

Nays: 4 - Councilmember Anglin, Councilmember Lumm, Councilmember Kailasapathy and Councilmember Eaton

Absent: 1 - Councilmember Kunselman

DB New Business - Boards and Commissions:

DB-2 [14-0035](#) Resolution to Approve Germain Motors Site Plan, 2575 South State Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

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

Enactment No: R-14-039

DS Unfinished Business - Staff:

DS-1 [13-1154](#) Resolution to Approve Changes to Bylaws of the Ann Arbor City Planning Commission

Councilmember Briere moved, seconded by Councilmember Taylor, that the Resolution be approved.

A motion was made by Councilmember Briere, seconded by Councilmember

Taylor, that the Resolution be postponed until 3/17/2014. On a voice vote, the Mayor declared the motion carried.

DS New Business - Staff:

- DS-2** [14-0007](#) Resolution to Approve a Professional Services Agreement with Hubbell Roth & Clark, Inc. (\$398,703.00) and Approve a Consulting Services Contingency Amount (\$40,000.00) for the Geddes Avenue Improvements Project
- A motion was made by Councilmember Lumm, seconded by Councilmember Petersen, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Councilmember Teall was absent at 9:16 p.m. at the time of voting.

Enactment No: R-14-040

- DS-3** [14-0174](#) Resolution to Approve Exercise of Right of First Refusal for Acquisition of 2500-2550 S. State Street, Appropriate Necessary Funds, and Direct the City Administrator to Notify and Confirm Edward Brothers Malloy of the Exercise of this Right **(8 Votes Required)**
- A motion was made by Councilmember Eaton, seconded by Councilmember Taylor, that the Resolution be approved.**
- A motion was made by Councilmember Taylor, seconded by Councilmember Eaton, that the Resolution be postponed until after the Closed Session. On a voice vote, the Mayor declared the motion carried.**

CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, INCLUDING BUT NOT LIMITED TO, LAND ACQUISITION AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (E), AND (H).

Councilmember Teall returned at 9:20 p.m.

A motion was made by Councilmember Lumm, seconded by Councilmember Anglin, that Council enter into Closed session under the Michigan Open Meetings Act to discuss land acquisition and attorney/client privileged communications, set forth or incorporated in MCLA 15.268 (D) and (H). On a voice vote, the Mayor declared the motion carried and the meeting recessed at 9:21 p.m.

Yeas: 9 - Mayor Hieftje, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Kailaspathy, Councilmember Petersen, Councilmember Warpehoski and Councilmember Eaton

Nays: 0

Absent: 2 - Councilmember Kunselman and Councilmember Teall

MEETING RECONVENED

A motion was made by Councilmember Teall, seconded by Councilmember Warpehoski, that the meeting reconvene. On a voice vote, the Mayor declared

the motion carried and the meeting reconvened at 10:59 p.m.

[14-0174](#)

Resolution to Approve Exercise of Right of First Refusal for Acquisition of 2500-2550 S. State Street, Appropriate Necessary Funds, and Direct the City Administrator to Notify and Confirm Edward Brothers Malloy of the Exercise of this Right **(8 Votes Required)**

A motion was made by Councilmember Eaton, seconded by Councilmember Taylor, that the Resolution be approved.

A motion was made by Councilmember Taylor, seconded by Councilmember Eaton, that the Resolution be postponed until the next meeting. On a voice vote, the Mayor declared the motion carried.

COMMUNICATIONS FROM COUNCIL

MAYOR HIEFTJE

Mayor Hieftje questioned Councilmember Eaton regarding the consideration of Mr. Seagraves' contract as Art Administrator (DB-1). He asked if he understood correctly that Councilmember Eaton may ask for a reconsideration of the resolution if the proposed public art ordinance changes are approved at the next meeting.

COUNCILMEMBER BRIERE

Councilmember Briere stated while it may not have been the intent, Mr. Seagraves has been placed in limbo as an employee. She noted that he may not even be available at the time his contract might be reconsidered and the City would be without an art administrator at that time.

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

F-1 [14-0075](#) Fourth Quarter 2013 Investment Portfolio Report

F-2 [14-0112](#) AAATA Financial and Performance Reports for the quarter and month ended December 31, 2013 - File

F-3 [14-0133](#) Environmental Commission Workplan 2013-2014

Filed.

G The following minutes were received for filing:

- G-1** [13-1560](#) Public Market Advisory Commission Meeting Minutes of November 21, 2013
- G-2** [14-0005](#) Council Liquor License Review Committee - September 20, 2013
- G-3** [14-0089](#) SmartZone LDFA Regular Board Meeting Minutes - July 16, 2013
- G-4** [14-0111](#) Council Liquor License Review Committee Meeting Minutes - December 20, 2013
- G-5** [14-0165](#) Environmental Commission Meeting Minutes - October 24, 2013
- G-6** [14-0108](#) Ann Arbor Downtown Development Authority Meeting Minutes - December 4, 2013
- G-7** [14-0107](#) Downtown Area Citizens Advisory Council Meeting Minutes - January 7, 2014

Filed.

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Tom Partridge, City resident, spoke about President Obama's upcoming trip to Michigan.

Ed Vielmetti, 1210 Brooklyn, expressed concern about the submittal of boards and commissions meeting minutes to Council. He stated some come to Council many months late and some are not in correct form. He urged Council to pay attention.

John Floyd, 519 Sunset, thanked the City Administrator for staff's effort this winter with snowplow, stating it has been much better than in the past. Mr. Floyd also addressed some comments that were published regarding Councilmember Eaton.

Steve Cairns of Camp Take Notice spoke about the 48-hour eviction notice for the homeless found camping. He stated despite the reports made earlier this evening, he is aware that the Delonis Shelter is still turning some folks away.

Seth Best, City resident, also spoke about the extreme cold and the homeless. He concurred with the last speaker that certain people continue to be turned away by the Delonis Shelter.

Caleb Poirier, 2721 Braeburn Circle, thanked Council for their work. He also noted that the City police officers were apologetic regarding the eviction notice.

ADJOURNMENT

A motion was made by Councilmember Taylor, seconded by Councilmember Lumm, that the meeting be adjourned. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:18 p.m.

[14-0259](#)

City Council Emails and Redactions List - February 3, 2014

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: FEBRUARY 3, 2014 7:00 P.M.

REPLAYS: WEDNESDAY, FEBRUARY 4, 2014, 10:00 A.M. AND FRIDAY, FEBRUARY 7, 2014, 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, 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
- 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; 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