

Ann Arbor City Council Regular Session: August 09, 2012  
 Email Redactions List Pursuant to Council Resolution R-09-386

<u>Sent Time</u>	<u>Received Time</u>	<u>To</u>	<u>From</u>	<u>CC</u>	<u>Redactions</u>	<u>Reason for Redaction</u>
		No Redactions				

## Corts, Carynne

---

**From:** Lumm, Jane  
**Sent:** Thursday, August 09, 2012 11:07 PM  
**To:** Beaudry, Jacqueline; Bowden (King), Anissa; Higgins, Sara; Kunselman, Stephen; Powers, Steve; Taylor, Christopher (Council)  
**Cc:** janelumm@comcast.net  
**Subject:** RE: File: A12-00479 2013 Public Art Millage

Jackie/Chris, Please add my name as a co-sponsor on DC-7. Thank you, Jane

---

**From:** Beaudry, Jacqueline  
**Sent:** Thu 8/9/2012 7:26 PM  
**To:** Anglin, Mike; Beaudry, Jacqueline; Bowden (King), Anissa; Briere, Sabra; Crawford, Tom; Derezinski, Tony; Hieftje, John; Higgins, Marcia; Higgins, Sara; Hohnke, Carsten; Kunselman, Stephen; Lumm, Jane; Postema, Stephen; Powers, Steve; Satterlee, Joanna; Schopieray, Christine; Smith, Sandi; Taylor, Christopher (Council); Teall, Margie; Walker, Nancy; Wondrash, Lisa  
**Subject:** FW: File: A12-00479 2013 Public Art Millage

Attached is DC-7. [The packet link will be updated momentarily.](#)

**Jacqueline Beaudry, City Clerk**

City Clerk's Office | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor · Ann Arbor · MI · 48104  
734.794.6140 (O) · 734.994.8296 (F) |  
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---

**From:** Taylor, Christopher (Council)  
**Sent:** Thursday, August 09, 2012 7:18 PM  
**To:** Beaudry, Jacqueline  
**Subject:** FW: File: A12-00479 2013 Public Art Millage

Please see attached.

Thanks!

Christopher Taylor

Councilmember (Third Ward)  
Mobile: 734-834-3600 (m)  
Work: 734-662-4426 (w)  
Home: 734-213-6223 (h)  
[ctaylor@a2gov.org](mailto:ctaylor@a2gov.org)

## Corts, Carynne


---

**From:** Beaudry, Jacqueline  
**Sent:** Thursday, August 09, 2012 10:59 PM  
**To:** Briere, Sabra  
**Cc:** Bowden (King), Anissa  
**Subject:** RE: File: A12-00479 2013 Public Art Millage

All set.

### Jacqueline Beaudry, City Clerk

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**From:** Briere, Sabra  
**Sent:** Thursday, August 09, 2012 10:48 PM  
**To:** Beaudry, Jacqueline  
**Subject:** RE: File: A12-00479 2013 Public Art Millage

Please add my name as a sponsor.

Sabra Briere  
First Ward member City Council  
Ann Arbor

734-995-3518 (h)  
734-277-6578 (c)

---

**From:** Beaudry, Jacqueline  
**Sent:** Thursday, August 09, 2012 7:26 PM  
**To:** Anglin, Mike; Beaudry, Jacqueline; Bowden (King), Anissa; Briere, Sabra; Crawford, Tom; Derezinski, Tony; Hieftje, John; Higgins, Marcia; Higgins, Sara; Hohnke, Carsten; Kunselman, Stephen; Lumm, Jane; Postema, Stephen; Powers, Steve; Satterlee, Joanna; Schopieray, Christine; Smith, Sandi; Taylor, Christopher (Council); Teall, Margie; Walker, Nancy; Wondrash, Lisa  
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**From:** Beaudry, Jacqueline  
**Sent:** Thursday, August 09, 2012 8:10 PM  
**To:** Kunselman, Stephen  
**Cc:** Taylor, Christopher (Council); Hieftje, John  
**Subject:** RE: File: A12-00479 2013 Public Art Millage

Got it. I've made the change.

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**From:** Kunselman, Stephen  
**Sent:** Thursday, August 09, 2012 7:52 PM  
**To:** Beaudry, Jacqueline  
**Cc:** Taylor, Christopher (Council); Hieftje, John  
**Subject:** RE: File: A12-00479 2013 Public Art Millage

Please add me as a sponsor. Steve


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**Cc:** Fales, Mary Joan; Fulton, Paul  
**Subject:** RE: DC-7 Update to Packet

The packet link has been saved as Packet 8-9-12REVISED. It will download a new icon to your desktop using this link. Sorry for the confusion. I cannot override the current version as the file is currently in use.

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**From:** Beaudry, Jacqueline  
**Sent:** Thursday, August 09, 2012 8:03 PM  
**To:** Beaudry, Jacqueline; Anglin, Mike; Bowden (King), Anissa; Briere, Sabra; Crawford, Tom; Derezinski, Tony; Hieftje, John; Higgins, Marcia; Higgins, Sara; Hohnke, Carsten; Kunselman, Stephen; Lumm, Jane; Postema, Stephen; Powers, Steve; Satterlee, Joanna; Schopieray, Christine; Smith, Sandi; Taylor, Christopher (Council); Teall, Margie; Walker, Nancy; Wondrash, Lisa  
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**From:** Beaudry, Jacqueline  
**Sent:** Thursday, August 09, 2012 7:58 PM  
**To:** Anglin, Mike; Beaudry, Jacqueline; Bowden (King), Anissa; Briere, Sabra; Crawford, Tom; Derezinski, Tony; Hieftje, John; Higgins, Marcia; Higgins, Sara; Hohnke, Carsten; Kunselman, Stephen; Lumm, Jane; Postema, Stephen; Powers, Steve; Satterlee, Joanna; Schopieray, Christine; Smith, Sandi; Taylor, Christopher (Council); Teall, Margie; Walker, Nancy; Wondrash, Lisa  
**Subject:** DC-7 Update to Packet

Hi:  
The packet has now been updated with a copy of DC-7.

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**Cc:** Fales, Mary Joan; Fulton, Paul  
**Subject:** RE: DC-7 Update to Packet  
**Attachments:** DC-7.pdf

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# City of Ann Arbor

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

## Text File

File Number: 12-1068

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**Agenda #** DC-7

**Introduced:** 8/9/2012

**Version:** 1

**Current Status:** Introduced from Council

**Matter Type:** Resolution

Resolution to Order Election and to Determine Ballot Question for Charter Amendment for the 2013 Public Art Millage (**7 Votes Required**)

In November of 2007 the City Council approved an ordinance that provides for the funding of public art out of capital improvement projects. In December of 2011 the City Council amended the ordinance to remove from its provisions, effective July 1, 2012, capital improvement projects funded out of the City's general fund.

The funding of public art out of funds other than the general fund imposes some restrictions on the art for which those funds can be used.

The proposed public art millage would broaden the types of art for which the public art funds could be used, and by submitting the millage to the vote of the electors, will reflect the will of the people of Ann Arbor relative to the funding of public art in the city.

City Council is presented with a resolution authorizing a ballot question to approve a City Charter amendment to add up to 0.10 mill annually for four (4) years for public art, starting in 2013. The charter amendment also would preclude the City from raising funds for public art in any other manner, excluding gifts, bequests and donations, for the duration of the public art millage. The City would still be able to use funds already raised or set aside for public art purposes.

The new millage of one-tenth (0.10) mill, if approved, is expected to raise approximately \$459,273 during the first year. For a residential property in the City of Ann Arbor with a mean taxable value of \$108,600, the one-tenth (0.10) mill would add a tax of \$10.97 per year (\$10.86 + 1% administrative fee), or 91 cents per month.

Resolution to Order Election and to Determine Ballot Question for Charter Amendment  
for the 2013 Public Art Millage (7 Votes Required)

Whereas, Public art is currently funded with capital improvement project funds in accordance with Chapter 24 of the Ann Arbor City Code;

Whereas, The proposed amendment to the City Charter to add a public art millage would broaden the types of public art for which the public art funds raised by the millage could be used; and

Whereas, The proposed amendment to the City Charter to add a public art millage would preclude operation of the provisions of Chapter 24 of the Ann Arbor City Code relative to additional funding for public art from capital improvement projects for the duration of the millage;

RESOLVED, That the Ann Arbor City Council proposes that the City Charter be amended by adding a new section 8.24 to read as follows:

**Funds for Public Art**

SECTION 8.24. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property by this Charter or any other provision of law, the City shall, in 2013 through 2016, annually levy a tax of up to one-tenth (0.10) of a mill on all taxable real and personal property situated within the City for the purpose of providing funds for public art, including but not limited to the permanent and temporary acquisition, maintenance and repair of works of art for display in or on public structures or sites and/or as part of or adjacent to public streets and sidewalks, and performance art on City streets, sidewalks or sites. Except for funds previously raised, set aside, allocated or otherwise designated to be used for public art, including such funds in the July 1, 2012 to June 30, 2013 fiscal year budget, and except for funds that are received by grant, gift, bequest or other donation to the City for public art, for the duration of this millage, the City shall not raise, set aside or designate funds for public art in any other manner. This millage also shall not preclude the grant, gift, bequest or other donation to the City of works of art.

RESOLVED, That November 6, 2012 is designated as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the City Clerk shall transmit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and shall perform all other acts required by law for holding the election;

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form:

ANN ARBOR CITY CHARTER AMENDMENT

## TAX FOR PUBLIC ART

Shall the Charter be amended to limit sources of funding for public art and to authorize a new tax of up to one-tenth (0.10) of a mill for 2013 through 2016 to fund public art, which 0.10 mill will raise in the first year of levy the estimated revenue of \$459,273?

? Yes      ? No

RESOLVED, That the proposed Charter amendment and proposed ballot question shall be published in full not fewer than two times in the Washtenaw County Legal News and posted to the City's website; and

RESOLVED, That if the amendment is adopted, it shall take effect on January 1, 2013.

Sponsored by: Mayor Hieftje and Councilmember Taylor

## Corts, Carynne

---

**From:** Kunselman, Stephen  
**Sent:** Thursday, August 09, 2012 7:52 PM  
**To:** Beaudry, Jacqueline  
**Cc:** Taylor, Christopher (Council); Hieftje, John  
**Subject:** RE: File: A12-00479 2013 Public Art Millage

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Home: 734-213-6223 (h)  
[ctaylor@a2gov.org](mailto:ctaylor@a2gov.org)



## Corts, Carynne

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**From:** Higgins, Marcia  
**Sent:** Thursday, August 09, 2012 7:49 PM  
**To:** Beaudry, Jacqueline  
**Subject:** RE: File: A12-00479 2013 Public Art Millage

Is the packet updated?


---

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In November of 2007 the City Council approved an ordinance that provides for the funding of public art out of capital improvement projects. In December of 2011 the City Council amended the ordinance to remove from its provisions, effective July 1, 2012, capital improvement projects funded out of the City's general fund.

The funding of public art out of funds other than the general fund imposes some restrictions on the art for which those funds can be used.

The proposed public art millage would broaden the types of art for which the public art funds could be used, and by submitting the millage to the vote of the electors, will reflect the will of the people of Ann Arbor relative to the funding of public art in the city.

City Council is presented with a resolution authorizing a ballot question to approve a City Charter amendment to add up to 0.10 mill annually for four (4) years for public art, starting in 2013. The charter amendment also would preclude the City from raising funds for public art in any other manner, excluding gifts, bequests and donations, for the duration of the public art millage. The City would still be able to use funds already raised or set aside for public art purposes.

The new millage of one-tenth (0.10) mill, if approved, is expected to raise approximately **\$459,273** during the first year. For a residential property in the City of Ann Arbor with a mean taxable value of \$108,600, the one-tenth (0.10) mill would add a tax of \$10.97 per year (\$10.86 + 1% administrative fee), or 91 cents per month.

## **..Body**

Whereas, Public art is currently funded with capital improvement project funds in accordance with Chapter 24 of the Ann Arbor City Code;

Whereas, The proposed amendment to the City Charter to add a public art millage would broaden the types of public art for which the public art funds raised by the millage could be used; and

Whereas, The proposed amendment to the City Charter to add a public art millage would preclude operation of the provisions of Chapter 24 of the Ann Arbor City Code relative to additional funding for public art from capital improvement projects for the duration of the millage;

RESOLVED, That the Ann Arbor City Council proposes that the City Charter be amended by adding a new section 8.24 to read as follows:

### **Funds for Public Art**

SECTION 8.24. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property by this Charter or any other provision of law, the City shall, in 2013 through 2016, annually levy a tax of up to one-tenth (0.10) of a mill on all taxable real and personal property situated within the City for the purpose of providing funds for public art, including but not limited to the permanent and temporary acquisition, maintenance and repair of works of art for display in or on public structures or sites and/or as part of or adjacent to public streets and sidewalks, and performance art on City streets, sidewalks or sites. Except for funds previously raised, set aside, allocated or otherwise designated to be used for public art, including such funds in the July 1, 2012 to June 30, 2013 fiscal year budget, and except for funds that are received by grant, gift, bequest or other donation to the City for public art, for the duration of this millage, the City shall not raise, set aside or designate funds for public art in any other manner. This millage also shall not preclude the grant, gift, bequest or other donation to the City of works of art.

RESOLVED, That November 6, 2012 is designated as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the City Clerk shall transmit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and shall perform all other acts required by law for holding the election;

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form:

ANN ARBOR CITY CHARTER AMENDMENT  
TAX FOR PUBLIC ART

Shall the Charter be amended to limit sources of funding for public art and to authorize a new tax of up to one-tenth (0.10) of a mill for 2013 through 2016 to fund public art, which 0.10 mill will raise in the first year of levy the estimated revenue of \$459,273?

Yes                       No

RESOLVED, That the proposed Charter amendment and proposed ballot question shall be published in full not fewer than two times in the Washtenaw County Legal News and posted to the City's website; and

RESOLVED, That if the amendment is adopted, it shall take effect on January 1, 2013.

Sponsored by:            Mayor Hieftje and Councilmember Taylor

## Corts, Carynne

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**From:** Briere, Sabra  
**Sent:** Thursday, August 09, 2012 7:19 PM  
**To:** \*City Council Members (All)  
**Cc:** Beaudry, Jacqueline; Powers, Steve; Fales, Mary Joan  
**Subject:** FW: Charter Amendment - Section 14.3(b) - Briere Amendment  
**Attachments:** Charter Sec 14 3 b Briere Amendment 2 clean.doc; Charter Sec 14 3 b Briere Amendment 2 insert.doc

**Importance:** High

Dear colleagues,

I will be introducing this amendment to DC-1.

Sabra

Sabra Briere  
First Ward member City Council  
Ann Arbor

734-995-3518 (h)  
734-277-6578 (c)

-----Original Message-----

**From:** Fales, Mary Joan  
**Sent:** Wednesday, August 08, 2012 9:50 AM  
**To:** Briere, Sabra  
**Cc:** Postema, Stephen  
**Subject:** RE: Charter Amendment - Section 14.3(b) - Briere Amendment  
**Importance:** High

I am sure the addition of this phrase will not be an issue. I have updated the documents that I sent you accordingly and attached new copies for you.

Mary Joan Fales, Senior Assistant City Attorney City of Ann Arbor / 301 E. Huron St., POB 8647/ Ann Arbor, MI 48107-8647 / email: mfales@a2gov.org/ Office (734) 794-6170 ext. 41887/ Direct (734) 794-6187 / Fax (734) 994-4954

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-----Original Message-----

**From:** Briere, Sabra  
**Sent:** Tuesday, August 07, 2012 6:46 PM  
**To:** Fales, Mary Joan  
**Cc:** Postema, Stephen  
**Subject:** RE: Charter Amendment - Section 14.3(b) - Briere Amendment

Dear Ms Fales,

Thank you. The new language works just fine for me. However, I made an error in sending the text to you, because a piece was left out. It should read:

Section 14.3

(b) The City shall not, without the approval by a majority vote of the electors of the City voting on the question at a regular or special election, do any or all of the following with any City park or land in the City acquired for a park or cemetery or with any part thereof: (1) sell any such land; (2) lease, license or contract for any non-park or non-recreational use any such land for a period longer than 5 years; (3) contract for the operation of any such land \*\*\*for non-park or non-recreational use \*\*\*for a period longer than 5 years; (4) contract for the construction of any building on any such land, except as is customarily incidental to the principal use and enjoyment of such land.

Somehow I left that phrase dealing with non-park, non-recreational use out. I doubt that this would cause a conflict for the AG, and would like you to present this version to PAC and the Council, as it's now consistent with the proposed ballot language.

Is that OK with your understanding?

(For reasons I don't want to understand, my browser won't let me format text, or I'd color or bold or italicize the insertion. I've just set it off with asterix.)

Thanks,

Sabra Briere  
First Ward Councilmember  
(734)995-3518 (home)  
(734)277-6578 (cell)

-----Original Message-----

From: Fales, Mary Joan  
Sent: Tue 8/7/2012 5:31 PM  
To: Briere, Sabra  
Cc: Postema, Stephen  
Subject: Charter Amendment - Section 14.3(b) - Briere Amendment

Sabra -

I have discussed both the 8/2/12 proposal and the 8/5/12 proposal with the AG's office. I have informal approval of both subject to some minor textual changes to the ballot language for clarity. Given your comments on 8/5/12, I have made changes only to that proposal.

Attached are (1) the amendment as it would be presented to City Council if it would have been submitted independently. In this and the subsequent version, I have: deleted the reference to license in b(3) of the Charter language since licenses are not used for management services and in the ballot question title and question I have inserted a reference to management of facilities; (2) the amendment as it would be presented to City Council as an amendment to the Lumm/Anglin/Briere Charter Amendment Resolution.

Please confirm this is the version you wish to proceed with and whether I may share this information with Parks/PAC.

I would be happy to discuss this further if you wish to do so as well.

Mary Joan

Mary Joan Fales, Senior Assistant City Attorney

City of Ann Arbor / 301 E. Huron St., POB 8647/ Ann Arbor, MI 48107-8647 / email:  
mfales@a2gov.org/ <mailto:mfales@a2gov.org/> Office (734) 794-6170 ext. 41887/ Direct (734)  
794-6187 / Fax (734) 994-4954

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*Briere Amendment 2*

Move to amend 1<sup>st</sup> Resolve Clause to read:

RESOLVED, That the Ann Arbor City Council propose that Section 14.3(b) of the City Charter be amended as follows:

Limitations on Contractual Power

Section 14.3

(b) The City shall not ~~sell~~, without the approval, by a majority vote of the electors of the City voting on the question at a regular or special election, do any or all of the following with any City park, or land in the City acquired for park, cemetery, or any part thereof: (1) sell any such land; (2) lease, license or contract for any non-park or non-recreational use of any such land for a period longer than 5 years; (3) contract for the management and/or operation of any such land for non-park or non-recreational use for a period longer than 5 years; (4) contract for the construction of any building on any such land, except as is customarily incidental to the principal use and enjoyment of such land.

And, 4<sup>th</sup> Resolve Clause to read:

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form:

ANN ARBOR CITY CHARTER AMENDMENT  
REQUIRING VOTER APPROVAL OF NON-PARK OR NON-RECREATIONAL LONG TERM USES OR MANAGEMENT OF LAND ACQUIRED OR USED AS PARKLAND AND FOR CONTRACTING THE CONSTRUCTION OF ANY BUILDING ON PARK LAND NOT INCIDENTAL TO PARK USE AND ENJOYMENT

Shall Section 14.3(b) of the Ann Arbor City Charter be amended to require voter approval for long-term (greater than 5yrs) Non-Park or Non-Recreational LEASES, LICENSES OR OTHER USES OF PARKLAND OR THE MANAGEMENT OF FACILITIES THEREON, OR FOR ANY CONTRACT FOR CONSTRUCTION OF ANY BUILDING ON ~~of CITY~~ Parkland NOT INCIDENTAL TO PARK USE AND ENJOYMENT within the City while retaining the Section's current requirement for voter approval of the sale of any City park, or land acquired by the City for a park or cemetery?

Yes  No

*Briere Amendment 2*

Move to amend 1<sup>st</sup> Resolve Clause to read:

RESOLVED, That the Ann Arbor City Council propose that Section 14.3(b) of the City Charter be amended as follows:

Limitations on Contractual Power

Section 14.3

(b) The City shall not ~~sell, lease, or contract for any non-park or non-recreational long-term use~~, without the approval, by a majority vote of the electors of the City voting on the question at a regular or special election, DO ANY OR ALL OF THE FOLLOWING WITH any City park, or land in the City acquired for park, cemetery, or any part thereof: (1) SELL ANY SUCH LAND; (2) LEASE, LICENSE OR CONTRACT FOR ANY NON-PARK OR NON-RECREATIONAL USE OF ANY SUCH LAND FOR A PERIOD LONGER THAN 5 YEARS; (3) CONTRACT FOR THE MANAGEMENT AND/OR OPERATION OF ANY SUCH LAND FOR NON-PARK OR NON-RECREATIONAL USE FOR A PERIOD LONGER THAN 5 YEARS; (4) CONTRACT FOR THE CONSTRUCTION OF ANY BUILDING ON ANY SUCH LAND, EXCEPT AS IS CUSTOMARILY INCIDENTAL TO THE PRINCIPAL USE AND ENJOYMENT OF SUCH LAND. ~~For purposes of this subsection long-term shall be defined as a period greater than 5 years.~~

And, 4<sup>th</sup> Resolve Clause to read:

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form:

ANN ARBOR CITY CHARTER AMENDMENT  
REQUIRING VOTER APPROVAL OF NON-PARK OR NON-RECREATIONAL LONG TERM USES OR MANAGEMENT OF LAND ACQUIRED OR USED AS PARKLAND AND FOR CONTRACTING THE CONSTRUCTION OF ANY BUILDING ON PARK LAND NOT INCIDENTAL TO PARK USE AND ENJOYMENT

Shall Section 14.3(b) of the Ann Arbor City Charter be amended to require voter approval for long-term (greater than 5yrs) Non-Park or Non-Recreational LEASES, LICENSES OR OTHER USES OF PARKLAND OR THE MANAGEMENT OF FACILITIES THEREON, OR FOR ANY CONTRACT FOR CONSTRUCTION OF ANY BUILDING ON ~~of CITY~~ Parkland NOT INCIDENTAL TO PARK USE AND ENJOYMENT ~~within the City~~ while retaining the Section's current requirement for voter approval of the sale of any City park, or land acquired by the City for a park or cemetery?

Yes  No