

# **City of Ann Arbor**

*301 E. Huron St.*

*Ann Arbor, MI 48104*

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



## **Meeting Minutes**

**Monday, August 21, 2017**

**7:00 PM**

**Larcom City Hall, 301 E Huron St, Second floor, City Council  
Chambers**

**City Council**

**CALL TO ORDER**

*Mayor Pro Tem Chuck Warpehoski 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, Councilmember Julie Grand, Councilmember Kirk Westphal, Councilmember Zachary Ackerman, Councilmember Chip Smith and Councilmember Jason Frenzel

**Absent:** 2 - Mayor Christopher Taylor and Councilmember Graydon Krapohl

**APPROVAL OF AGENDA**

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

**AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

*City Administrator Howard Lazarus submitted the following reports for information of Council and reported on the following items:*

*Mr. Lazarus reported that the City's skate park was vandalized over the weekend with hate symbols. Mr. Lazarus stated the AAPD are investigating and those responsible will be prosecuted. Mr. Lazarus thanked City staff for their quick work cleaning up the park.*

*Mr. Lazarus thanked Officer Mark Raab of the AAPD for attending tonight's meeting.*

*Mayor Pro Tem Warpehoski noted that CTN was having technical difficulties with their cameras.*

**AC-1**     [17-1264](#)     City Administrator's Report - August 21, 2017

*City Administrator Howard Lazarus presented his Administrator's Report for information of Council.*

**Received and Filed**

**AC-2**     [17-1265](#)     Agenda Response Memo - August 21, 2017

*Mr. Lazarus submitted his Agenda Response Memo 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**

**1.     Ginny Rogers - Resolution to Support Carbon Fee and Dividend Plan (DC-2)**

*Ginny Rogers, resident, spoke in support of DC-2.*

**2.     Chris Karounos - Resolution to Support Carbon Fee and Dividend Plan (DC-2)**

*Chris Karounos, UM student, spoke in support of DC-2.*

**3.     Catherine Garton - Resolution to Support Carbon Fee and Dividend Plan (DC-2)**

*Catherine Garton, resident, spoke in support of DC-2, and urged Council to pass the resolution.*

**4.     Blaine Coleman - Racist Murder in Charlottesville and Palestine**

*Blaine Coleman, resident, spoke about the incident in Charlottesville, VA*

*and racism and white supremacy. He also spoke about Israel and the death of Palestinians.*

**5. Mozhgan Savabieasfahani - Racist Murder in Charlottesville and Palestine**

*Mozhgan Savabieasfahani, resident, spoke about the Charlottesville, VA white supremacy march and also about the death of Palestinians in Israel.*

**6. Susan Wineberg - Tree Trimming**

*Susan Wineberg, resident, spoke about an incident with the City's tree trimmers, stating that a lilac bush and rose bush were cut on her lawn. She stated these bushes were not in the right-of-way, but were on her property line.*

**7. Glenn Hieber - Rezoning - 1140 Broadway Project**

*Mr. Hieber was not present.*

**8. Kathy Griswold - Portland, Oregon Transportation Safety**

*Kathy Griswold, Ward 2 resident, talked about solar savings calculators. Ms. Griswold stated there is also racist graffiti at Gallup Park, which residents have cleaned up multiple times. Ms. Griswold also spoke about crosswalk safety.*

**CC COMMUNICATIONS FROM COUNCIL**

*COUNCILMEMBER EATON*

*Councilmember Eaton stated Councilmember Krapohl is absent this evening due to personal reasons. He stated Mr. Krapohl hopes to be back at the next meeting.*

*COUNCILMEMBER KAILASAPATHY*

*Councilmember Kailasapathy spoke about the solar eclipse event at the AADL. She stated the Library provided glasses for viewing the eclipse safely, noting that it was a wonderful community event.*

**MC COMMUNICATIONS FROM THE MAYOR**

*Mayor Pro Tem Warpehoski thanked City staff for its Be Safe campaign,*

*noting that the City of Chelsea was now using some of the materials. He thanked staff for sharing with our neighbors.*

*Mayor Pro Tem Warpehoski addressed the racist graffiti at the skate park. He spoke about a possible "Skate against Hate" event. Councilmember Warpehoski spoke about other events coming up to discuss race issues, including a special screening of the movie Detroit this Wednesday at Rave Cinemas.*

## CA CONSENT AGENDA

### CONSENT AGENDA ITEMS REMOVED

*With unanimous consent of Council, the following Consent Agenda items were removed from the Consent Agenda and placed at the end of the DS Section:*

*CA-1 Resolution to Approve the Fuller Park Parking Lot Land Lease with the University of Michigan (8 Votes Required)*

### Passed on consent agenda

**A motion was made by Councilmember Westphal, seconded by Councilmember Grand, that the following Consent Items be approved as presented. On a voice vote, the Mayor Pro Tem declared the motion carried.**

#### **Approved**

Resolution Recognizing Skyline Athletic Booster Club as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Resolution to Authorize Payment to the Washtenaw County Road Commission regarding the East Huron River Drive Bridge over Pittsfield-Ann Arbor Drain (aka Malletts Creek) Project (\$33,781.00)

Resolution to Authorize a Sole Source Purchase Order to Carrier & Gable, Inc., of Farmington Hills, Michigan, for Traffic Signal Materials and Supplies (\$588,000.00)

Resolution to Approve the Purchase of Sanitary and Storm Sewer Inspection Software from Infrastructure Technologies, LLC. (\$50,305.00; RFP 17-10)

Resolution to Approve a Purchase Order to Ultimate Software Group, Inc. for the Annual UltiPro System Software Maintenance and License Agreement for our Retiree Population (\$33,000.00)

Resolution to Approve Uniform Video Service Local Franchise Agreement as Renewal of Cable Franchise Agreement with Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC, d/b/a Comcast

Resolution to Approve Professional Legal Services Agreement with Reiser and Frushour, P.L.L.C. to Provide Legal Representation as Court-appointed Counsel to Indigent Defendants (\$249,728.64)

**PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**

**PH-1 (PH-1 was removed from the agenda. See C-1.)**

**Held and Closed**

Resolution to Approve the 1427 Warrington Circle Annexation, 1.26 Acres, South Side of S. Warrington Drive, East of Newport Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

*A public hearing was conducted on the proposed Resolution to Approve the 1427 Warrington Circle Annexation, 1.26 Acres, South Side of S. Warrington Drive, East of Newport Road. Notice of public hearing was published August 14, 2017.*

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

**Held and Closed**

Resolution to Approve LA Fitness Maple Village Site Plan, 155 North Maple Road (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

*A public hearing was conducted on the proposed Resolution to Approve LA Fitness Maple Village Site Plan, 155 North Maple Road. Notice of public hearing was published August 14, 2017.*

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

**A APPROVAL OF COUNCIL MINUTES**

**A-1**      [17-1221](#)    Regular Session Meeting Minutes of August 10, 2017

**A motion was made by Councilmember Smith, seconded by Councilmember Frenzel, that the Minutes of the Regular Session of August 10, 2017 be approved. On a voice vote, the Mayor Pro Tem declared the motion carried.**

**B ORDINANCES - SECOND READING**

**B-1**      (Substitute ordinance added 8/18/17 that requires a new first reading. See C-1.)

**C ORDINANCES - FIRST READING****C New Business - Staff:**

**C-1**      [17-0716](#)    An Ordinance to Amend Sections 5.10.19, 5:10.20, 5:64, 5:65, 5:68 and 5:70 of Chapter 55 (Zoning) and Sections 5:169 of Chapter 59 (Off-Street Parking) of Title V of the Code of the City of Ann Arbor (Zoning Premiums/Design Requirements) (Ordinance No. ORD-17-14) (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

*(The complete copy of the text of Ordinance No. ORD-17-14 is on file in the City Clerk's Office.)*

*Councilmember Ackerman moved that the substitute ordinance be considered. The motion to consider the substitute ordinance at First Reading was considered friendly.*

**A motion was made by Councilmember Ackerman, seconded by Councilmember Lumm, that the Ordinance be approved at First Reading.**

**A motion was made by Councilmember Ackerman, seconded by Councilmember Lumm, that the Ordinance be approved on First Reading to the City Council and should be returned by 9/18/2017. On a voice vote, the Mayor Pro Tem declared the motion carried.**

Enactment No: ORD-17-14

**C-2**      [17-1130](#)    An Ordinance to Amend Sections 1:553, 1:555, and 1:605 of Chapter 18,

Employees Retirement System, Title I of the Code of the City of Ann Arbor, to Limit Participation by Certain Part-Time Employees, to Implement Changes Required by Federal Law Related to Military Service and to Correct a Scrivener's Error (Ordinance No. ORD-17-15)

*(The complete copy of the text of Ordinance No. ORD-17-15 is on file in the City Clerk's Office.)*

**A motion was made by Councilmember Lumm, seconded by Councilmember Ackerman, that the Ordinance be approved on First Reading to the City Council and should be returned by 9/5/2017. On a voice vote, the Mayor Pro Tem declared the motion carried.**

Enactment No: ORD-17-15

**D MOTIONS AND RESOLUTIONS**

**DC Unfinished Business - Council:**

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

Resolution to Appoint Stephanie Buttrey to the Greenbelt Advisory Commission

**DC New Business - Council:**

**A motion was made by Councilmember Frenzel, seconded by Councilmember Smith, that the Resolution be approved.**

Resolution to Support Carbon Fee and Dividend Plan

Resolution to Support Carbon Fee and Dividend Plan

*Councilmember Eaton offered the following amendment:*

*Add Two New Resolved Clauses:*

**...RESOLVED , THAT THE ANN ARBOR CITY CLERK WILL SEND COPIES OF THIS RESOLUTION TO CITIZENS' CLIMATE LOBBY (CCL), THE CLIMATE LEADERSHIP COUNCIL (CLC), U.S. SENATORS DEBBIE STABENOW AND GARY PETERS, AND U.S. CONGRESSWOMAN DEBBIE DINGELL; AND**



*RESOLVED , THAT THE ANN ARBOR CITY COUNCIL DIRECTS THE CITY ADMINISTRATOR DEVISE A PLAN TO EFFECTIVELY ADVOCATE THE CARBON FEE AND DIVIDEND PLAN AND DESCRIBE ACTIONABLE EFFORTS THE CITY CAN TAKE TO GET THAT PLAN ADOPTED.*

*Note: All Caps indicate new language.*

*The amendment was considered by friendly by the Body.*

**The question being, a motion made by Councilmember Frenzel, seconded by Councilmember Smith, that the Resolution be approved as amended, on a voice vote, the Mayor Pro Tem declared the motion carried.**

Resolution to Support Carbon Fee and Dividend Plan

**DB New Business - Boards and Commissions:**

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

Resolution to Approve the 1427 Warrington Circle Annexation, 1.26 Acres, South Side of S. Warrington Drive, East of Newport Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

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

Resolution to Approve LA Fitness Maple Village Site Plan, 155 North Maple Road (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

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

Resolution to Approve Full Proposal Application to the USDA-NRCS FY 2018 Regional Conservation Partnership Program (RCP), in Partnership with Washtenaw County, Legacy Land Conservancy, and Others, to Secure Funding to Complete USDA-NRCS Agricultural Conservation Easement Program (ACEP) Purchases of Development Rights (PDR) Conservation Easements (up to \$1,000,000.00)

**D Unfinished Business:**

**A motion was made by Councilmember Lumm, seconded by Councilmember Grand, that the Resolution be approved. On a voice vote, the Mayor Pro Tem declared the motion carried unanimously, thus satisfying the eight-vote requirement.**

Resolution to Approve a Lease with Ann Arbor Rowing Club for Use of Bandemer Park **(8 Votes Required)**

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

Resolution to Approve the Fuller Park Parking Lot Land Lease with the University of Michigan **(8 Votes Required)**

Resolution to Approve the Fuller Park Parking Lot Land Lease with the University of Michigan **(8 Votes Required)**

*A motion was made by Councilmember Eaton, seconded by Councilmember Lumm, that the contract be amended as follows:*

*Amend paragraph 4 as follows:*

*4. Early Termination/ [Transportation Use.] City reserves the right to terminate this Lease [for use of all or a portion of the site to facilitate public transportation] with 12 months advance written notification to University. Termination under this provision will be automatically effective on the date specified in the notice and City shall have no further obligation to University under this Lease except that if the 12-month notice period occurs so as to cross annual payment periods (i.e. for example: notice period June-May/annual payment period September-August), University shall be entitled to a rebate of that portion of the annual payment applicable to the months after the termination date.*

*Strike below:*

*[Upon initiating formal planning for construction of a new commuter rail station, relocating the Ann Arbor Amtrak intercity passenger station or developing a local connector service contemplating use of a part, or all, of Lot A, City shall notify University of such planning considerations. Notification shall be in writing and will include information regarding University input in City's planning process. City will work cooperatively with University while considering enhancing transportation service to this location. The planning process will assure both parties' interests are included in all considerations. It is recognized that provision of high*

*capacity public mass transportation service to this site is intended to increase access and mobility resulting in a decrease in the need for surface parking by University. Notwithstanding the above, it is understood by the parties that participation by University in the planning process does not negate or otherwise impact City's right to terminate this Lease for the reason stated.]*

*[Brackets] indicate deleted language.*

**A motion was made by Councilmember Ackerman, seconded by Councilmember Westphal, that the Resolution be tabled. On a voice vote, the Mayor Pro Tem declared the motion carried.**

Resolution to Approve the Fuller Park Parking Lot Land Lease with the University of Michigan (**8 Votes Required**)

**DS New Business - Staff:**

**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:**

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

**Passed on consent agenda**

**A motion was made by Councilmember Ackerman, seconded by Councilmember Westphal, that the Clerk's Report of Communications, Petitions and Referrals be approved as presented. On a voice vote, the Mayor Pro Tem declared the motion carried.**

**G-1 [17-0329](#) Historic District Commission Meeting Minutes of January 12, 2017**

**G-2 [17-0543](#) City Planning Commission Meeting Minutes of January 18, 2017**

- G-3**     [17-0544](#)     City Planning Commission Meeting Minutes of February 7, 2017
- G-4**     [17-0725](#)     Historic District Commission Meeting Minutes of February 9, 2017
- G-5**     [17-0726](#)     Historic District Commission Meeting Minutes of March 9, 2017
- G-6**     [17-0883](#)     City Planning Commission Meeting Minutes of February 23, 2017
- G-7**     [17-0884](#)     City Planning Commission Meeting Minutes of March 7, 2017
- G-8**     [17-0885](#)     City Planning Commission Meeting Minutes of March 21, 2017
- G-9**     [17-0974](#)     Environmental Commission Minutes from May 25, 2017
- G-10**    [17-1075](#)     Transportation Commission Meeting Minutes 6-21-2017
- G-11**    [17-1109](#)     Public Market Advisory Commission Meeting Minutes of June 15, 2017
- G-12**    [17-1179](#)     Council Liquor License Review Committee Meeting Minutes of June 16, 2017
- G-13**    [17-1187](#)     Cable Communications Commission Meeting Minutes of February 2, 2017
- G-14**    [17-1191](#)     Insurance Board Meeting Minutes - July 27, 2017

**A motion was made by Councilmember Ackerman, seconded by Councilmember Kailasapathy, that the Resolution be taken from the table. On a voice vote, the Mayor Pro Tem declared the motion carried.**

Resolution to Approve the Fuller Park Parking Lot Land Lease with the University of Michigan (**8 Votes Required**)

**The question being, the amendment as proposed by Councilmember Eaton, seconded by Councilmember Lumm, on a**

**voice vote, the motion carried.**

Resolution to Approve the Fuller Park Parking Lot Land Lease with the University of Michigan (**8 Votes Required**)

**A motion was made by Councilmember Lumm, seconded by Councilmember Eaton, that the Resolution be amended as follows:**

**Strike Third RESOLVED Clause.**

**...[RESOLVED, That the City Administrator be authorized to execute four one year administrative renewals of the lease if deemed in the best interest of the City and to take such other actions necessary to implement this Resolution.]**

**Note: [ ] Brackets indicate deleted language.**

**On a roll call, the vote was as follows with the Mayor Pro Tem declaring the motion carried:**

**Yeas:** 7 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Frenzel

**Nays:** 2 - Councilmember Warpehoski and Councilmember Grand

**Absent:** 2 - Mayor Taylor and Councilmember Krapohl

Resolution to Approve the Fuller Park Parking Lot Land Lease with the University of Michigan (**8 Votes Required**)

**The question being, the motion made by Councilmember Eaton, seconded by Councilmember Grand, that the Resolution be approved as amended, on a voice vote, the Mayor Pro Tem declared the motion carried unanimously, thus satisfying the eight-vote requirement.**

Resolution to Approve the Fuller Park Parking Lot Land Lease with the University of Michigan (**8 Votes Required**)

**PUBLIC COMMENT - GENERAL (3 MINUTES EACH)**

*Doug Kelbaugh, 223 E. Ann Street, spoke about development projects in Cambridge, UK.*

*Robert Piepenburg, 1610 Long Shore Drive, spoke about design*

*guidelines and using urban design to make the city better.*

*Rita Mitchell, 621 Fifth Street, thanked Council for the discussion regarding the Fuller Park lease.*

*Edward Vielmetti, 1210 Brooklyn, spoke in opposition to a City tax.*

#### **COMMUNICATIONS FROM COUNCIL**

##### **COUNCILMEMBER EATON**

*Councilmember Eaton replied to the speaker who talked about TED Talks and stated he could follow-up with Council in an email. He also encouraged all residents to join Council at their coffee hours to discuss ideas.*

**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**

*Seeing no further business, the Mayor Pro Tem declared the meeting adjourned at 8:33 p.m.*

#### **COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:**

**LIVE: THURSDAY, AUGUST 21, 2017**

**REPLAYS: WEDNESDAY, AUGUST 23, 2017 @ 8:00 A.M. AND FRIDAY, AUGUST 25, 2017 @ 8:00 P.M.**

#### **REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE**

**CTN's Government Channel live televised public meetings can be viewed in a variety of ways:**

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

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

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](mailto: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 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