

City of Ann Arbor

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



Action Minutes

Thursday, November 9, 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 7:02 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 Lumm, seconded by Councilmember Ackerman, 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 S. Lazarus presented the following reports for information of Council and reported on the following:

Mr. Lazarus provided an update regarding the City's network and internet failure that occurred beginning in the early morning hours of November 9. He thanked City staff for their hard work and efforts to continue City business without the use of the network or computer technology.

Mr. Lazarus reminded City residents to check their smoke detector batteries, noting that this should be done every 6 months with the change to and from Daylight Savings Time.

The DDA has completed its work updating the rooftops of the City's parking structures with fencing, as a suicide-prevention measure.

Mr. Lazarus reminded residents not to "crowd the plow" during snowplow season.

Mr. Lazarus recognized the City Clerk's Office for their work on a successful election and the implementation of new voting equipment on Tuesday.

Mr. Lazarus reminded Council and the public of two upcoming Work Sessions, November 13 and 16, a joint session with the DDA and the Human Rights Commission, respectively.

Mr. Lazarus thanked the AAPD officers in attendance at tonight's meeting, Sgt. Craig Lee and Officer Mike Fechik.

AC-1 [17-1820](#) City Administrator's Report - November 8, 2017

Attachments: 171108 - City Administrator's Update.pdf

Received and Filed

AC-2 [17-1830](#) Agenda Response Memo - November 9, 2017

Attachments: Agenda Responses 11-9-17Final.pdf

Received and Filed

INT INTRODUCTIONS

CA-12 [17-1653](#) Resolution in Support and Appreciation of City of Ann Arbor Employees who are Military Service Veterans

Attachments: City Veterans.pdf

City Administrator Howard Lazarus thanked City staff who are veterans and those in active duty for their service. A complete list is on file in the City Clerk's Office.

Enactment No: R-17-413

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. Jonah Copi - Medical Marijuana (C-2)

Jonah Copi, chair of the medical marijuana ordinance review committee, spoke in support of C-2, amendment to Chapter 55, zoning, related to medical marijuana facilities.

Ben Jaffe

Ben Jaffe spoke in support of C-2, amendment to Chapter 55, zoning, related to medical marijuana facilities.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER LUMM

Councilmember Lumm thanked staff for pedestrian safety improvements near Huron High School. Councilmember Lumm also stated three meetings have been scheduled regarding the proposed ordinance changes regarding solar panels.

COUNCILMEMBER KAILASAPATHY

Councilmember Kailasapathy updated Council and the public regarding the release of the Police independent audit and the Work Session scheduled with the Human Rights Commission on November 16. She urged all to attend.

COUNCILMEMBER KRAPOHL

Councilmember Krapohl stated Friday, November 10 is the anniversary of the United States Marine Corp. He thanked all veterans for their service, noting Saturday, November 11 is Veteran's Day.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski updated Council regarding the friendly "Blood Battle" with the County Board of Commissioners. He stated the City Council won the competition for donating the most blood and the Commissioners will volunteer their service in a City park as payment.

COUNCILMEMBER LUMM

Councilmember Lumm thanked Councilmember Krapohl and City staff who are veterans for their service.

COUNCILMEMBER GRAND

Councilmember Grand updated on several committee assignments, including the Ann Arbor Housing Commission and the Student Advisory Council.

COUNCILMEMBER ACKERMAN

Councilmember Ackerman updated Council and the City's Zoning Ordinance update. He stated he expects the changes to come to Council in early 2018.

MC COMMUNICATIONS FROM THE MAYOR

Mayor Taylor thanked Ann Arbor residents for their support of the recent Sheriff's Department and Mental Health millage approved by voters on Tuesday, November 7.

MC-1 [17-1666](#) Appointments - Confirmations

Attachments: Nora Wright app. 2017.pdf

Mayor Taylor requested confirmation of the following appointment that was presented to City Council at the October 16, 2017 Regular Session:

Housing and Human Services Advisory Board

*Nora Wright - Partial Term
2008 Morton Avenue
Ann Arbor, MI 48104
Term: Ending May 31, 2019*

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

MC-2 [17-1766](#) Appointments & Nominations

Attachments: Anthony DiGiovanni app. 2017.pdf, Ruth Kraut app. 2017.pdf, Angela Johnson app. 2017.pdf, Nikolas Koscielniak app. 2016.pdf, Matthew Solomon app. 2017.pdf, Jordan Schreier app. 2017.pdf

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

*Commission on Disability Issues
Nikolas Koscielniak-Filling Partial term
708 Pauline Blvd.
Ann Arbor, MI 48103
Term: Ending May 31, 2020*

*Matthew Solomon-Filling partial term
1500 Chandler Rd.
Ann Arbor, MI 48105
Term: Ending May 31, 2020*

*Employees' Retirement System Board of Trustees
Anthony DiGiovanni
1380 Emily Ct.
Ann Arbor, MI 48104
Term: January 1, 2018-December 31, 2020*

*Jordan Schreier-Filling partial term
2260 Tilsby Ct.
Ann Arbor, MI 48103
Term: Ending December 31, 2020*

*Recreation Advisory Commission
Angela Johnson-Filling partial term
2012 Manchester Rd.
Ann Arbor, MI 48104
Term: Ending May 31, 2020*

*Ruth Kraut -Filling partial term
1127 Clair Circle
Ann Arbor, MI 48103
Term: Ending May 31, 2020*

Referred to the City Council due back on 11/20/2017.

CA CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

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

CA-16 Resolution to Accept a Quitclaim Deed from Washtenaw County for Land Near the Ann-Ashley Structure (Old Jail Site) (8 Votes Required)

Passed on consent agenda

A motion was made by Councilmember Smith, seconded by Councilmember Eaton, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirements of CA-10 and CA-13.

- CA-1** [17-1376](#) Resolution to Approve the Purchase of Automotive and Truck Replacement Parts with Related Equipment, Accessories, and Services from NAPA Auto Parts (National Joint Powers Alliance; Not To Exceed \$45,000.00)

Attachments: NJPA Award-NAPA_062916.pdf, NAPA Contract 062916.pdf

Enactment No: R-17-402

- CA-2** [17-1430](#) Resolution to Approve Agreement with the Washtenaw County Water Resources Commissioner to Support and Fund the 2018-2019 Rain Garden Program Partnership (\$192,000.00 over two years; City Cost \$30,000.00)

Attachments: Agreement City-County.docx

Enactment No: R-17-403

- CA-3** [17-1431](#) Resolution to Approve a Professional Services Agreement with Tex Hahn Communications, Inc. for the Public Outreach and Marketing Plan for Utilities (RFP No. 17-17, \$135,170.00)

Attachments: attachments A-F.pdf, Work_Plan.pdf, PSA.docx

Enactment No: R-17-404

- CA-4** [17-1528](#) Resolution to Approve Change Order No. 1 to a Construction Contract with Liquiforce Services (USA), Inc. in the Amount of \$314,700.42 for the Nichols Arboretum Sewer and Siphon Rehabilitation

Attachments: liquiforce - resolution awarding contract - approved - 161220.pdf,
liquiforce - signed change order no 1 - 170920.pdf

Enactment No: R-17-405

- CA-5** [17-1559](#) Resolution No. 1 - Prepare Plans and Specifications for Proposed Scio Church Road Sidewalk and Curb and Gutter Special Assessment Project

Attachments: Scio Church Location.pdf

Enactment No: R-17-406

- CA-6** [17-1567](#) Resolution to Approve Amendment No. 2 to the Professional Services Agreement with Stantec Consulting Michigan, Inc., for Water Treatment Professional Engineering Services (\$200,000.00)

Attachments: Amendment_No_2_PSA_Stantec_Oct 17.pdf

Enactment No: R-17-407

- CA-7** [17-1568](#) Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Fishbeck, Thompson, Carr & Huber, Inc., for Water Treatment Professional Engineering Services (\$200,000.00)

Attachments: Amendment_No_1_PSA_FTCH_20170911.pdf

Enactment No: R-17-408

- CA-8** [17-1586](#) Resolution to Approve an Amendment to the Purchase Order with Boone & Darr Inc., for On-Call HVAC Services (Not to Exceed \$45,000.00)

Attachments: HVAC Quotes FY2018.pdf, 2015 PO Terms.pdf

Enactment No: R-17-409

- CA-9** [17-1592](#) Resolution to Authorize a Sole Source Purchase Order to Gridsmart Technologies, Inc. in the amount of \$126,672.00 for Traffic Signal Detection Devices.

Enactment No: R-17-410

- CA-10** [17-1658](#) Resolution to Ratify Emergency Change Request and Approve Change Order to Purchase Order, and Appropriate Funds, for Waste Removal and Clean Up at Material Recovery Facility (MRF) with Global Green Services Group, LLC (GGSC) (\$23,900.00) **(8 Votes Required)**

Enactment No: R-17-411

- CA-11** [17-1593](#) Resolution to Approve the Purchase of Two Ice Resurfacing Machines from Frank Zamboni & Co., Inc. (National Joint Powers Alliance; \$193,855.95)

Attachments: Zamboni 546 Proposal - Propane.pdf, Zamboni 546 Proposal - Gas.pdf, Zamboni - Col and ND Documents.pdf, NJPA Contract - Zamboni.pdf

Enactment No: R-17-412

- CA-12** [17-1653](#) Resolution in Support and Appreciation of City of Ann Arbor Employees who are Military Service Veterans

Attachments: City Veterans.pdf

Enactment No: R-17-413

- CA-13** [17-1665](#) Resolution to Release an Easement for Sanitary and Storm Sewers and Water Main Records at Liber 646, Page 402 of Deeds, Washtenaw County Records **(8 Votes Required)**

Attachments: 1801 Miller Easement.pdf

Enactment No: R-17-414

- CA-14** [17-1695](#) Resolution to Approve a Contract with Aquatic Renovation Systems, Inc. to Install a PVC Pool Liner at Veterans Memorial Park Pool (\$134,805.00)

Attachments: ITB_4513_Veterans Memorial Park Pool Liner Replacement_Spec Book Contract.pdf

Enactment No: R-17-415

- CA-15** [17-1740](#) Resolution to Approve Street Closings for the University of Michigan Trail to the Victors 5K on Sunday, April 8, 2018

Attachments: Trail to the Victors 5K Map, Trail to the Victors Barricade Plan

Enactment No: R-17-416

- CA-17** [17-1764](#) Resolution to Approve Increase in Contract Contingencies for Turnkey Network Solutions (\$135,000.00) and J. Ranck Electric, Inc. (\$60,000.00) for the Construction of the City Fiber Optic Network (FON) RFP 973

Enactment No: R-17-417

- CA-18** [17-1755](#) Resolution to Ratify the Pilot Project to Test Staggered Parking on Granger Avenue Between South State Street and Packard Street

Sponsors: Eaton and Krapohl

Attachments: Granger Survey Letter, Card, and Results.pdf

Enactment No: R-17-418

- CA-19** [17-1756](#) Resolution to Approve a Fiber and Conduit Use Agreement with Ann Arbor SPARK

Attachments: SPARK Fiber Conduit Use Agr.pdf

Enactment No: R-17-419

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-1** [17-1591](#) An Ordinance to Amend the Code of the City of Ann Arbor by Repeal of Chapter 15, Emergency and Disaster Management, Title I, of the Code and Adding a New Chapter 15, Emergency and Disaster Management, Title I of Said Code (Ordinance No. ORD-17-18)

Attachments: 17-18 Emergency and Disaster Management Ordinance Briefed and Approved.pdf, 17-18 Emergency and Disaster Management Ordinance Briefed.pdf, Chapter_15__EMERGENCY_AND_DISASTER_MANAGEMENT_2017.pdf, 17-18 Emergency and Disaster Management Ordinance Approval Notice.pdf

A public hearing was conducted on the proposed amendment to the Code of the City of Ann Arbor by Repeal of Chapter 15, Emergency and Disaster Management, Title I, of the Code and Adding a New Chapter 15, Emergency and Disaster Management, Title I of Said Code (Ordinance No. ORD-17-18). Notice of public hearing was published October 26, 2017.

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

Held and Closed

Enactment No: ORD-17-18

- PH-2** [17-0994](#) An Ordinance to Amend Title VII of the Code of the City of Ann Arbor by Repealing Chapter 95 (Medical Marijuana Licenses for Medical

Marijuana Dispensaries) of Title VII of the Code of the City of Ann Arbor and By Adding a New Chapter 96 (Medical Marijuana Facilities) to Title VII of the Code of the City of Ann Arbor (Ordinance No. ORD-17-19)

Sponsors: Smith and Frenzel

Attachments: 17-19 Medical Marijuana Facilities Ordinance Briefed and Approved.pdf, 17-19 Medical Marijuana Facilities Ordinance Briefed.pdf, Amend Title VII, 17-19 Medical Marijuana Facilities Ordinance Approval Notice.pdf

A public hearing was conducted on the proposed amendment to Title VII of the Code of the City of Ann Arbor by Repealing Chapter 95 (Medical Marijuana Licenses for Medical Marijuana Dispensaries) of Title VII of the Code of the City of Ann Arbor and By Adding a New Chapter 96 (Medical Marijuana Facilities) to Title VII of the Code of the City of Ann Arbor (Ordinance No. ORD-17-19). Notice of public hearing was published October 26, 2017.

Lance Bouldry, Green Stone Society, requested Council make an amendment to the licensing ordinance to allow for the continuation of operation of all existing facilities.

Brian Fenech, member of Medical Marijuana Ordinance Review Committee, spoke in support of the proposed ordinance and urged Council to proceed in an orderly manner and to allow existing businesses to stay open.

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

Held and Closed

Enactment No: ORD-17-19

PH-3 [17-1759](#) Resolution to Approve Fees for New Medical Marijuana Facilities Annual Permits

A public hearing was conducted on the proposed Resolution to Approve Fees for New Medical Marijuana Facilities Annual Permits. Notice of public hearing was published October 26, 2017.

Dennis Hayes, representing Cannabis Guild, urged Council to allow existing businesses to continue to operate.

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

Held and Closed

Enactment No: R-17-423

RECESS

Mayor Taylor declared a recess at 9:03 p.m. and reconvened the meeting at 9:19 p.m.

PH-4 [17-1419](#) An Ordinance to Amend Chapter 55 (Zoning), Zoning of 6.4 Acres from

PUD (Planned Unit Development) to C1A/R (Campus Business Residential District) WITH CONDITIONS, 1140 Broadway Rezoning, (CPC Recommendation: Approval - 6 Yeas and 1 Nays) (Ordinance No. ORD-17-17)

Attachments: 17-17 1140 Broadway Rezoning Briefed.pdf, 1140 Broadway Conditional Zoning Stmt of Conditions FINAL.pdf, Conditional Zoning Statement 9-20-17.pdf, July 5, 2017 Planning Staff Report, August 1, 2017 Planning Staff Report, Petitioner's Offer of Conditions (7-26-17), 8-1-2017 -- 1140 Broadway Project Minutes.pdf, 8-23-2017 -- 1140 Broadway Project Minutes from ZBA.pdf, Objection Communication from Harpreet Singh.pdf, Yuqing Zhang Objection Letter re 1140 Broadway.pdf, 1140 Broadway Objection Letters.pdf, Map.pdf, Resinding Letters Regarding 1140 Broadway.pdf, 1140 Broadway Objection Letter from Diane Wiener.pdf

A public hearing was conducted on the proposed amendment to Chapter 55 (Zoning), Zoning of 6.4 Acres from PUD (Planned Unit Development) to C1A/R (Campus Business Residential District) WITH CONDITIONS, 1140 Broadway Rezoning. Notice of public hearing was published October 12, 2017.

The following persons were present to speak at the hearing:

Tom Stulberg, 1202 Traver, spoke in opposition, stating C1A/R was never intended for this site.

Karen Hart, 1233 Bending Road, spoke in support.

Jeff Hayner, 1807 Pontiac Trail, spoke in opposition to the C1A/R zoning and urged Council to instead approve a PUD.

Errol Soskoline, 3025 Newcastle, spoke in support of the brownfield clean-up.

Melissa Milton-Pung, Eastern Michigan University Planner, spoke in support.

John Gehring, 1407 Broadway, spoke in opposition.

Ethel Potts, 1014 Elder Boulevard, spoke in opposition.

Jim Mogensen, 2422 Packard, spoke in opposition.

Robert Piepenburg, 1610 Longshore Drive spoke in opposition.

Rose Majeran, 1638 Broadway, spoke in opposition.

Donna Pointer, 1660 Broadway, stated the proposal does not include enough parking and is not a walkable area.

Jeff Crockett, 506 E. Kingsley, spoke in support.

Laura Strowe, 1327 Broadway, spoke in opposition.

Janet Kreger, 1050 Wall Street, spoke in support.

Ken Garber, 2387 Hilldale, urged Council to initiate a PUD zoning, not C1A/R.

Chris Crockett, 506 E. Kingsley, spoke in support.

Shannon Tatum, 1206 Broadway, spoke in opposition to the proposed zoning.

Jerry Lax, attorney for the developer, urged Council not to postpone action. He stated there is no need for additional discussion.

Phil Stoll, 1314 Broadway, spoke in opposition.

Ray Detter, 120 N. Division, spoke in support.

Bill Rosemurgy, 1206 Broadway, spoke in support.

A resident at 1475 Warrington

Andrew Pieknik, 711 Argo Drive, spoke in opposition to the C1A/R zoning.

Andrew Strowe, 1327 Broadway, spoke in opposition.

Maris Laporter, 1303 Pear Street, spoke in opposition to the current proposal.

Nicole Eisenmann, 711 Argo, spoke in opposition.

Nancy Stoll, 1314 Broadway, spoke in opposition and asked Council to find a compromise.

Steve Kaplan, 406 N. Division

Brian Trim, 1548 Broadway, spoke in opposition.

Chuck Bultman, 1009 Broadway, an architect, spoke in support.

Doug Kelbaugh, 223 E. Ann Street, an urban planner, spoke in support.

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

Held and Continued to the City Council due back on 11/20/2017

Enactment No: ORD-17-17

PH-5 [17-1420](#)

Resolution to Approve 1140 Broadway Planned Project Site Plan and Development Agreement, with Modifications to Chapter 62 Landscaping and Screening (CPC Recommendation: Approval - 6 Yeas and 1 Nays)

Attachments: July 5, 2017 Planning Staff Report, August 1, 2017 Planning Staff Report, 1140 Broadway Development Agreement 11-2-17.pdf, 8-1-2017 -- 1140 Broadway Project Minutes.pdf, 8-23-2017 -- 1140 Broadway Project Minutes from ZBA.pdf

A public hearing was conducted on the proposed Resolution to Approve 1140 Broadway Planned Project Site Plan and Development Agreement, with Modifications to Chapter 62 Landscaping and Screening. Notice of public hearing was published October 30, 2017.

The following persons were present to speak in support of the proposal:

Karen Hart, former City Planning Director

Ray Detter, 120 N. Division

Cheryl Dawdy, 611 Long Shore Drive

Jim Moran, 611 Long Shore Drive

Doug Kelbaugh, 223 E. Ann

The following persons were present to speak in opposition of the proposal:

Tom Stulberg, 1202 Traver

An unidentified speaker read a petition in opposition to the proposal.

Laura Strowe, 1327 Broadway

Tom Blackwell, 1640 Broadway

Bill Rosemurgy, 1206 Broadway

Andrew Pieknik, 711 Argo

Nancy Stoll, 1314 Broadway

Andrew Strowe, 1327 Broadway

Nicole Eisermann, 711 Argo

Ellen Ramsburgh, 1503 Cambridge

Brian Trim, 1548 Broadway

Pat McCauley, 1418 Broadway

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

Held and Continued to the City Council due back on 11/20/2017

PH-6 [17-1758](#) Resolution to Approve the 1140 Broadway Brownfield Plan

Attachments: 1140 Broadway Brownfield Plan 10-25-17 v2.pdf

A public hearing was conducted on the proposed Resolution to Approve the 1140 Broadway Brownfield Plan. Notice of public hearing was published October 30, 2017.

The following persons were present to speak in support of the proposal:

Ray Detter, 120 N. Division

Tom Stulberg, 1202 Traver, spoke in support of the brownfield clean-up.

Jim Moran, 611 Long Shore Drive, urged Council to proceed with the clean-up.

An unidentified speaker stated he would support the brownfield plan if the developer worked with the residents on the site plan.

The following persons were present to speak in opposition to the proposal:

Jim Mogensen, 2422 Packard, stated the developer should clean up the site.

Laura Strowe, 1327 Broadway

Bill Rosemurgy, 1206 Broadway

Andrew Strowe, 1327 Broadway

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

Held and Continued to the City Council due back on 11/20/2017

A APPROVAL OF COUNCIL MINUTES**A-1** [17-1779](#) Work Session of October 9, 2017 and Regular Session Meeting Minutes of October 16, 2017

Attachments: 10-09-17 Draft Minutes.pdf, 10-16-17 Meeting Minutes.pdf, Council emails 10-16-2017.pdf

A motion was made by Councilmember Kailasapathy, seconded by Councilmember Krapohl, that the Work Session of October 9 and the Regular Session Meeting Minutes of October 16, 2017 be approved. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING**B-1** [17-1591](#) An Ordinance to Amend the Code of the City of Ann Arbor by Repeal of Chapter 15, Emergency and Disaster Management, Title I, of the Code and Adding a New Chapter 15, Emergency and Disaster Management, Title I of Said Code (Ordinance No. ORD-17-18)

Attachments: 17-18 Emergency and Disaster Management Ordinance Briefed and

Approved.pdf, 17-18 Emergency and Disaster Management Ordinance Briefed.pdf,
Chapter_15___EMERGENCY_AND_DISASTER_MANAGEMENT_2017 .pdf, 17-18 Emergency and Disaster Management Ordinance Approval Notice.pdf

A motion was made by Councilmember Eaton, seconded by Councilmember Krapohl, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-17-18

B-2 [17-0994](#)

An Ordinance to Amend Title VII of the Code of the City of Ann Arbor by Repealing Chapter 95 (Medical Marijuana Licenses for Medical Marijuana Dispensaries) of Title VII of the Code of the City of Ann Arbor and By Adding a New Chapter 96 (Medical Marijuana Facilities) to Title VII of the Code of the City of Ann Arbor (Ordinance No. ORD-17-19)

Sponsors: Smith and Frenzel

Attachments: 17-19 Medical Marijuana Facilities Ordinance Briefed and Approved.pdf, 17-19 Medical Marijuana Facilities Ordinance Briefed.pdf, Amend Title VII, 17-19 Medical Marijuana Facilities Ordinance Approval Notice.pdf

A motion was made by Councilmember Smith, seconded by Councilmember Frenzel, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-17-19

B-3 [17-1419](#)

An Ordinance to Amend Chapter 55 (Zoning), Zoning of 6.4 Acres from PUD (Planned Unit Development) to C1A/R (Campus Business Residential District) WITH CONDITIONS, 1140 Broadway Rezoning, (CPC Recommendation: Approval - 6 Yeas and 1 Nays) (Ordinance No. ORD-17-17)

Attachments: 17-17 1140 Broadway Rezoning Briefed.pdf, 1140 Broadway Conditional Zoning Stmt of Conditions FINAL.pdf, Conditional Zoning Statement 9-20-17.pdf, July 5, 2017 Planning Staff Report, August 1, 2017 Planning Staff Report, Petitioner's Offer of Conditions (7-26-17), 8-1-2017 -- 1140 Broadway Project Minutes.pdf, 8-23-2017 -- 1140 Broadway Project Minutes from ZBA.pdf, Objection Communication from Harpreet Singh.pdf, Yuqing Zhang Objection Letter re 1140 Broadway.pdf, 1140 Broadway Objection Letters.pdf, Map.pdf, Resinding Letters Regarding 1140 Broadway.pdf, 1140 Broadway Objection Letter from Diane Wiener.pdf

A motion was made by Councilmember Ackerman, seconded by Councilmember Krapohl, that the Ordinance be adopted at Second Reading.

Enactment No: ORD-17-17

A motion was made by Councilmember Lumm, seconded by Councilmember Kailasapathy, that the Ordinance be postponed at Second Reading to the City Council, due back on 11/20/2017. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 7 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Krapohl and Councilmember Frenzel

Nays: 4 - Councilmember Grand, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Enactment No: ORD-17-17

C ORDINANCES - FIRST READING

C-1 [17-1441](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning 0.59 Acre from TWP (Township District) to R1A (Single-Family Dwelling District), DuBuc Property, 2945 Devonshire Road (CPC Recommendation: Approval 8 Yeas and 0 Nays)

Attachments: 17-20 2945 Devonshire Zoning Council Ordinance Briefed.pdf, 2945 Devonshire Zoning Council Ordinance.docx, 2945 Devonshire A&Z Staff Report with Attachments.pdf, 11-1-2017 CPC Meeting Minutes-2945 Devonshire Annex & Zon.pdf, DuBuc Completed Annexation Communication from State.pdf

A motion was made by Councilmember Westphal, seconded by Councilmember Lumm, that the Ordinance be approved on First Reading to the City Council and should be returned by 12/4/2017. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-17-20

C-2 [17-1762](#) An Ordinance to Amend Chapter 55 (Zoning) related to Medical Marijuana Facilities (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

Sponsors: Ackerman

Attachments: 17-21 Medical Marijuana Ordinance Briefed AS AMENDED.pdf, 17-21 AN ORDINANCE TO AMEND CHAPTER 55 Medical Marijuana Facilities Briefed.pdf, AN ORDINANCE TO AMEND CHAPTER 55 Medical Marijuana Facilities 11-3-17.pdf, Med MJ Zoning Staff Report w Attachment-101717.pdf

A motion was made by Councilmember Ackerman, seconded by Councilmember Smith, that the Ordinance be approved on First Reading.

Enactment No: ORD-17-21

A motion was made by Councilmember Smith, seconded by Councilmember Eaton, that the Ordinance be amended as follows:

Change 1000 feet to 600 feet:

(3) Additional medical marijuana facility location restrictions:

(a) No parcel containing a medical marijuana provisioning center shall be located within [1000] 600 feet of a parcel on which another medical marijuana provisioning center is located.

On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-17-21

A motion was made by Councilmember Ackerman, seconded by Councilmember Smith, that the Ordinance be approved as amended on First Reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-17-21

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 [17-1730](#) Resolution in Support of the Do Not Stand Idly By Campaign

Sponsors: Warpehoski

Attachments: DNSIB public officials commitment.pdf

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

Enactment No: R-17-420

DC-2 [17-1788](#) Resolution in Support of Additional Pedestrian Safety Improvements at Huron High School Including Street Lighting, Consistent Traffic Enforcement and Assignment of Crossing Guards

Sponsors: Lumm, Westphal and Taylor

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

declared the motion carried.

Enactment No: R-17-421

- DC-3** [17-1798](#) Resolution Supporting Vision Zero Implementation, Including Near- and Long-Term Roadway Safety Measures at Huron High School and Citywide

Sponsors: Westphal, Smith and Grand

A motion was made by Councilmember Westphal, seconded by Councilmember Grand, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Nays: 1 - Councilmember Lumm

Enactment No: R-17-422

DB New Business - Boards and Commissions:

- DB-1** [17-1420](#) Resolution to Approve 1140 Broadway Planned Project Site Plan and Development Agreement, with Modifications to Chapter 62 Landscaping and Screening (CPC Recommendation: Approval - 6 Yeas and 1 Nays)

Attachments: July 5, 2017 Planning Staff Report, August 1, 2017 Planning Staff Report, 1140 Broadway Development Agreement 11-2-17.pdf, 8-1-2017 -- 1140 Broadway Project Minutes.pdf, 8-23-2017 -- 1140 Broadway Project Minutes from ZBA.pdf

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

A motion was made by Councilmember Ackerman, seconded by Councilmember Krapohl, that the Resolution be postponed to the City Council and should be returned by 11/20/2017. On a voice vote, the Mayor declared the motion carried.

- DB-2** [17-1758](#) Resolution to Approve the 1140 Broadway Brownfield Plan

Attachments: 1140 Broadway Brownfield Plan 10-25-17 v2.pdf

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

A motion was made by Councilmember Ackerman, seconded by Councilmember Krapohl, that the Resolution be postponed to the City Council and should be returned by 11/20/2017. On a voice vote, the Mayor declared the motion carried.

DS New Business - Staff:

DS-1 [17-1759](#) Resolution to Approve Fees for New Medical Marijuana Facilities Annual Permits

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

Enactment No: R-17-423

CA-16 [17-1747](#) Resolution to Accept a Quitclaim Deed from Washtenaw County for Land Near the Ann-Ashley Structure (Old Jail Site) **(8 Votes Required)**

Attachments: Quitclaim Deed.pdf

A motion was made by Councilmember Kailasapathy, seconded by Councilmember Ackerman, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

Enactment No: R-17-424

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 Grand, seconded by Councilmember Frenzel, 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** [17-1596](#) Communication from Elizabeth Ong regarding Speeding Cars on Hill Street
Attachments: Elizabeth Ong Communication Regarding Speeding down Hill Street.pdf
- F-2** [17-1713](#) Resolution Regarding the Proposed Ann Arbor Station
Attachments: RESOLUTION REGARDING THE PROPOSED ANN ARBOR STATION_final.pdf
- F-3** [17-1772](#) Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for DTE Electric Company in Case No U-18043 Scheduled for November 28, 2017 - Systems Planning, City Attorney
Attachments: DTE Communication Regarding U-18403.pdf
- F-4** [17-1789](#) Communication from the Council Rules Committee regarding Proposed Changes to the Council Rules and a Proposed Ordinance Change to be Introduced in December 2017
Attachments: Chapter 25 Procedures for Removal of Councilmembers.pdf, Council Ethics Rule--Oct draft.pdf, Proposed Council Rule (002).pdf
- F-5** [17-1802](#) Communication from the Office of the Great Seal regarding the Completion of the Bibby and McCowan Annexations - All Departments
Attachments: Great Seal Communication Regarding Completion of Bibby Annexation.pdf, Great Seal Communication Regarding Completion of McCowan Annexation.pdf
- F-6** [17-1822](#) Communication from the State of Michigan Department of Environmental Quality regarding WRD/Public Notice for Regents of the University of Michigan, File Number HN8-9JN9-TQGYA - Public Services
Attachments: Communication from the State of Michigan Department of Environmental Quality.pdf

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

- G-1** [17-1139](#) Land Acquisition Committee Meeting Minutes November 1, 2016

Attachments: LAC Minutes 11-1-16.pdf, LAC_2016 11_presentation

G-2 [17-1140](#) Joint Park Advisory Commission and Greenbelt Advisory Commission Meeting Minutes of June 6, 2017

Attachments: GAC-LAC Minutes 6-6-17.pdf

G-3 [17-1595](#) Election Commission Meeting Minutes of August 31, 2017

Attachments: 2017-08-31Election Commission Minutes.pdf

G-4 [17-1594](#) Downtown Development Authority Board and Executive, Partnerships, Finance, Operations, and Capital Improvements Committees Meeting Minutes from September 2017

Attachments: DDA Minutes September 2017

G-5 [17-1673](#) LDFA Board Meeting Minutes - September 19, 2017

Attachments: LDFA Board Meeting Minutes - Sept 19 2017.pdf

G-6 [17-1693](#) Human Rights Commission, September 2017 Meeting Minutes

Attachments: Final September Minutes.pdf

G-7 [17-1743](#) Commission on Disability Issues Meeting Minutes of September 2017

Attachments: Final September Minutes.pdf

G-8 [17-1751](#) Ann Arbor Area Transportation Authority (AAATA) Meeting Minutes of September 28, 2017

Attachments: AAATA Board Meeting Minutes 09.28.17_Approved.pdf

G-9 [17-1753](#) Employees' Retirement system Board Meeting Minutes of September 21, 2017

Attachments: B BD MTG Minutes 9.21.17.pdf

G-10 [17-1790](#) Council Rules Committee Minutes - October 26, 2017

Attachments: Council Rules Committee Minutes 10-26-17.docx

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Edward Vielmetti, Fourth Ward resident, spoke about the City's computer network failure.

COMMUNICATIONS FROM COUNCIL

Councilmembers gave their farewells and good wishes to outgoing Councilmember Jason Frenzel.

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 to discuss 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 adjourned into Closed Session at 12:54 a.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 Lumm, seconded by Councilmember Westphal, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened in Open Session at 1:02 a.m.

ADJOURNMENT

A motion was made by Councilmember Ackerman, seconded by Councilmember Westphal, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 1:03 a.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: THURSDAY, NOVEMBER 9, 2017 @ 7:00 P.M.

REPLAYS: FRIDAY, NOVEMBER 10, 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

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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.