

# City of Ann Arbor

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



## Action Minutes

Monday, October 21, 2013

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.

**City Council**

**CALL TO ORDER**

*Mayor Hieftje called the meeting to order at 7:06 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 Stephen Kunselman, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Sally Petersen and Councilmember Chuck Warpehoski

**Absent:** 1 - Councilmember Marcia Higgins

**APPROVAL OF AGENDA**

**A motion was made by Councilmember Lumm, seconded by Councilmember Warpehoski, that the Agenda be approved with the following changes:**

**Move: DC-3 Motion to Reconsider the September 16, 2013 Vote that Approved the Confirmation of Al McWilliams to the Downtown Development Authority Board (Consider after Mayor Communications)**

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

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR***TRICK OR TREAT PADDLE*

*City Administrator Steve Powers announced that a Trick or Treat Paddle was held on October 20, 2013 at Gallup Park. Approximately 450 people attended. Seventy seven volunteers from fraternities and sororities entertained the public. The volunteers dressed up as trolls, swamp monsters, witches, as well as fishes and pirates. He noted that the event was a success.*

*INTERNATIONAL RECOGNITION*

*Steve Powers recognized Community Services Area Administrator Sumedh Bahl, who introduced two guests to the City, Mr. Wicha Chanklom from Thailand and Mr. Yubao Xue from China. Mr. Chanklom and Mr. Xue are a part of the International Fellows Program through ICMA. There are approximately 30 countries involved in the exchange program. Their main goal for this visit is to learn about the legislative process, transparency, and awareness in the context of local government management and citizen engagement. Mr. Wicha Chanklom and Mr. Yubao Xue thanked Council and City staff for the opportunity to visit.*

**INT INTRODUCTION****INT-1 13-1309 Proclamation for the Diwali Festival**

**Attachments:** Diwali Festival

*Mayor Hieftje read a proclamation honoring the Diwali Festival. Diwali, a festival of great significance to Indian Americans and South Asian Americans; is celebrated annually by Hindus, Sikhs, and Jains throughout India, the United States, and the world and is a festival of lights, during which celebrants light small oil lamps, place the lamps around the home, and pray for health, knowledge, peace, wealth, and prosperity in the new year. 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**

*(Councilmember Higgins arrived at 7:23 p.m.)*

**Present:** 11 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Sally Petersen and Councilmember Chuck Warpehoski

1. **Tom Partridge - Write in Tom Partridge for 5th Ward City Council. Reform City government and the DDA. Provide affordable access to City and County public transportation.**

*Tom Partridge, Ann Arbor resident, addressed Council regarding his candidacy as a write-in for 5th Ward City Council. He also addressed Council regarding reforming the DDA and City government and providing affordable access to City and County public transportation.*

2. **Rita Mitchell - Resolution Approving a Professional Services Agreement with URS Corporation, Inc. (DS-3)**

*Rita Mitchell, 621 5th St., addressed Council regarding the Resolution Approving a Professional Services Agreement with URS Corporation, Inc. She expressed concern with Section 2.2 of the contract and asked that Council include citizen groups representing all sides of the issue as they move forward with this project.*

3. **Martha Valadez - Resolution to Approve Amendment No. 3 to the Articles of Incorporation of the Ann Arbor Area Transportation Authority (DC-1)**

*Martha Valadez, 212 Woodward St., in Ypsilanti, Michigan, spoke in support of the proposed Resolution to Approve Amendment No. 3 to the Articles of Incorporation of the Ann Arbor Area Transportation Authority. She said that access to public transportation is a critical need for the entire community.*

4. **Matt Vanauker - Resolution to Approve Amendment No. 3 to the Articles of Incorporation of the Ann Arbor Area Transportation Authority (DC-1)**

*Matt Vanauker, 727 Miller Ave., Apt. 204, spoke in support of the proposed Resolution to Approve Amendment No. 3 to the Articles of Incorporation of the Ann Arbor Area Transportation Authority. He said that public transportation is absolutely imperative for people without vehicles.*

5. **Nancy Shiffler - Resolution Approving a Professional Services Agreement with URS Corporation, Inc. (DS-3)**

*Nancy Shiffler, 2877 Sorrento Ave., addressed Council regarding the proposed Resolution Approving a Professional Services Agreement with URS Corporation, Inc. She spoke in support of more public involvement in the process. Ms. Shiffler also expressed concern with the possibility that any City parkland would be used for the train station relocation.*

6. **Mike Shriberg - Resolution to Urge City of Ann Arbor Employees' Retirement System to Divest from the Top 200 Publicly-Traded Fossil Fuel Companies (DC-2)**

*Mike Shriberg, 1473 Pine Valley Blvd., addressed Council regarding the Resolution to Urge the City of Ann Arbor Employees' Retirement System to Divest from the Top 200 Publicly-Traded Fossil Fuel Companies and urged Council to follow the advice of the Energy Commission and pass the proposed resolution.*

**7. Clark Charnetski - Resolution Approving a Professional Services Agreement with URS Corporation, Inc. (DS-3)**

*Clark Charnetski, 2646 Traver Blvd., spoke in support of the proposed Resolution Approving a Professional Services Agreement with URS Corporation, Inc. He encouraged Council to support the resolution.*

**8. Abishek Thiagaraj - Resolution to Approve Amendment No. 3 to the Articles of Incorporation of the Ann Arbor Area Transportation Authority (DC-1)**

*Abishek Thiagaraj, 721 S. Forest Ave., #305, spoke in support of the proposed Resolution to Approve Amendment No. 3 to the Articles of Incorporation of the Ann Arbor Area Transportation Authority.*

**9. Jeff Hayner - Resolution Approving a Professional Services Agreement with URS Corporation, Inc. (DS-3)**

*Jeff Hayner, 1807 Pontiac Trail., spoke in support of the proposed Resolution to Approve a Contract with Keystone Medial LLC to Redesign the City's Website. He said a website redesign is long overdue and the current site is difficult for many to navigate. He also addressed the issue of public involvement in the train station project. He encouraged Council to consider more ways for the public to participate in this process.*

**10. Drew Waller - Resolution Approving a Professional Services Agreement with URS Corporation, Inc. (DS-3)**

*Drew Waller, 603 E. Liberty, addressed Council regarding the motion to reconsider the appointment of Al McWilliams to the DDA. He said that it is important that the people being appointed to the DDA are the right people and he felt that Mr. McWilliams was a good addition to the DDA as he has very successfully brought opportunities to the downtown through his work.*

**COMMUNICATIONS FROM COUNCIL****COUNCILMEMBER PETERSEN**

*Councilmember Petersen spoke about ethics and conflict of interest. She stated these issues have entered the Council's discussion over the last few months. Councilmember Petersen said she has discussed the issue of ethics and conflict of interest with her constituents and she thinks there is public support for a Council ethics policy. Councilmember Petersen stated she will be bringing forward an ethics policy at the next Council meeting for Council to consider for adoption. She stated she welcomes any co-sponsors.*

*In the interest of community and public engagement, the Ward 2 Citizens Satisfaction Study has been re-launched. A few more questions about the city website and the ability for residents to navigate it have been added. There is also an open-ended question about pedestrian safety on Plymouth Road. She welcomed all City residents to take the survey, not just those in Ward 2.*

*Councilmember Petersen recognized the Ann Arbor Huron High School River Rats Men's Tennis Team. They won their third straight State championship this past weekend.*

**COUNCILMEMER ANGLIN**

*Councilmember Anglin congratulated City Administrator Steve Powers for his work over the last few years in the City. Councilmember Anglin stated that Mr. Powers presence and influence has been profound. He thanked him for his hard work and dedication, stating he appreciated Mr. Powers' visibility in the public and at events and for the transparency in his office.*

**COUNCILMEMER TEALL**

*Councilmember Teall recognized the Ann Arbor Housing Commission and Director Jennifer Hall. She stated the Housing Commission has been listed on the website for the U.S. Interagency Council on Homelessness for their best practices regarding the special waitlist.*

**COUNCILMEMBER LUMM**

*Councilmember Lumm concurred with Councilmember Anglin regarding the good work of City Administrator Steve Powers and staff. Councilmember Lumm stated both 2nd and 1st Ward residents were appreciative of the recent meeting at Clague Middle School that was well planned and conducted by staff to address the DhuVarren/Green/Nixon Road intersection project.*

**COUNCILMEMBER KUNSELMAN**

*Councilmember Kunselman announced that a public meeting notice was sent out to the Springwater Subdivision regarding a public improvement project. A public meeting has been scheduled for October 30, 2013 from 6:30 to 8:00 p.m., in the cafeteria of Scarlett Middle School to gather resident feedback about a proposed*

*improvement project which would result in extensive street reconstruction, stormwater improvements in the neighborhood, as well as sidewalk expansion being considered. The meeting is planned as an advance opportunity for residents to provide input into the project as it is being shaped.*

#### COUNCILMEMBER WARPEHOSKI

*Councilmember Warpehoski gave thanks to Councilmember Kailasapathy for bringing forward the proclamation honoring Diwali. It was a good opportunity to acknowledge the South Asian community, he stated.*

*Councilmember Warpehoski said that public process works best when people have an opportunity to give input earlier rather than later. He said he would be working with staff to explore the creation of an outdoor smoking ordinance. This would mirror the existing County ordinance that limits where smoking may be conducted outdoors, such as away from building entrances, ventilation of transit stations, etc. It would be a tool that the City would have since they are not empowered to enforce the County ordinance. This ordinance would also empower the City Administrator to designate sections of City parks either part or whole as non-smoking areas.*

*Councilmembers Warpehoski and Briere are working on a resolution that would create a Citizens Advisory Committee on Pedestrian Safety. Councilmember Warpehoski said that the Federal Highway Authority has a framework on how to develop a Safety Action Plan and it is his understanding that City staff are moving forward with a proposal to implement that framework.*

#### COUNCILMEMBER BRIERE

*Councilmember Briere also spoke about the creation of a Citizens Advisory Committee on Pedestrian Safety. She stated she and Councilmember Warpehoski are considering the make-up of the committee, including members of the disability community and school groups. She stated those interested in serving on the committee should contact the Mayor's Office to apply once the committee has been created.*

#### COUNCILMEMBER TAYLOR

*Councilmember Taylor spoke about the new digital billboard at Michigan Stadium along Stadium Boulevard. He stated that this billboard, although the University is not bound by City Ordinance, is in conflict with many of the standards set out by the City when the updates to the City Sign Ordinance were passed, including its large size. Councilmember Taylor stated that he and Councilmembers Higgins and Teall will be sponsoring a resolution at the next Council meeting requesting that the University decommission the billboard. If the University will not remove it, he stated at a minimum they would like to request that its use be limited to times when events were taking place either at the stadium or at Crisler Arena. Councilmember Taylor encouraged other councilmembers to contact him to co-sponsor the resolution.*

*The Parks Advisory Committee had a subcommittee working for a number of months discussing the downtown parks at the request of City Council. The subcommittee recommendations have been forwarded to PAC and have been approved and are included as a communication in the October 21, 2013 Council packet. A resolution would be brought forward at the next meeting accepting those recommendations.*

**COMMUNICATIONS FROM THE MAYOR****13-1325** Appointments & Nominations

**Sponsors:** Hieftje

**Attachments:** David Santacroce app., Tim Colenback app., Shoshannah Lenski app., Cyndi Clark app., Amy Shepherd app.

*REFERRED*

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

*Ann Arbor Commission on Disability Issues*

*Amy Shepherd-Filling Vacancy  
725 Arlington  
Ann Arbor, MI 48104  
Term: November 7, 2013-November 6, 2016*

*Downtown Development Authority*

*Cyndi Clark-Filling Vacancy  
1709 Morton Ave.  
Ann Arbor, MI 48104  
Term: November 7, 2013-November 6, 2016*

*Energy Commission*

*Shoshannah Lenski-Replacing Mike Delaney  
2809 Craig Rd.  
Ann Arbor, MI 48103  
Term: November 7, 2013-November 6, 2016*

*Mike Shriberg-Reappointment  
1473 Pine Valley Blvd.  
Ann Arbor, MI 48104  
Term: November 7, 2013-November 6, 2016*

*Ann Arbor Housing Commission*

*Tim Colenback-Filling Vacancy  
1730 David Court  
Ann Arbor, MI 48105  
Term: November 7, 2013-April 30, 2018*

*Park Advisory Commission*

*David Santacroce-Replacing Julie Grand  
601 N. Fifth Ave.  
Ann Arbor, MI 48104  
Term: November 7, 2013-November 6, 2016*

**Referred to the City Council due back on 11/7/2013**



**13-1323** Appointments - Confirmations

**Attachments:** Wayne Appleyard.doc, Wayne CV

*APPOINTMENTS APPROVED*

*Mayor Hieftje requested confirmation of the following appointment that was recommended at the October 7, 2013 regular session of Council:*

*Energy Commission*

*Wayne Appleyard (Re-appointment)*

*5750 Prospect Hill*

*Grass Lake, MI 49240*

*Term: October 21, 2013 - October 6, 2016*

**A motion was made by Councilmember Teall, seconded by Councilmember Briere, that Council concur with the recommendations of the Mayor. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 8 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Briere, Councilmember Taylor, Councilmember Petersen and Councilmember Warpehoski

**Nays:** 3 - Councilmember Anglin, Councilmember Lumm and Councilmember Kailasapathy

**DC-3 13-1284**

Motion to Reconsider the September 16, 2013 Vote that Approved the Confirmation of Al McWilliams to the Downtown Development Authority Board

**Sponsors:** Warpehoski

**Attachments:** Al McWilliams confirmation

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, to Reconsider the September 16, 2013 Vote that Approved the Confirmation of Al McWilliams to the Downtown Development Authority Board. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 8 - Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen and Councilmember Warpehoski

**Nays:** 3 - Mayor Hieftje, Councilmember Teall and Councilmember Taylor

**13-1139** Appointment - Confirmation

**Sponsors:** Hieftje

**Attachments:** Al McWilliams.doc, Al McWilliams App

*APPOINTMENTS APPROVED*

*The following appointment that was originally placed on the table at the August 19 Regular Session and approved at the September 16, 2013 Regular Session was reconsidered:*

*Downtown Development Authority*

*Al McWilliams*

*551 S. Fourth Ave.*

*Ann Arbor, MI 48104*

*Term: September 16, 2013 - September 2, 2016*

**A motion was made by Councilmember Taylor, seconded by Councilmember Briere, that the Appointment be Approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

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

**Nays:** 5 - Councilmember Kunselman, Councilmember Anglin, Councilmember Lumm, Councilmember Kailasapathy and Councilmember Petersen

**PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)****PH-1 13-0346** An Ordinance to Amend Sections 4:51, 4:58, and 4:60 of Chapter 49 (Sidewalks) of Title IV of the Code of the City of Ann Arbor (Ordinance No. ORD-13-15)

**Attachments:** 13-15 Briefed.pdf, Sidewalk Category Chart, Updated Memorandum - Chapter 47 Sidewalks, 13-15 Briefed and Approved.pdf, 13-15 Briefed and Approved.pdf, ORD 13-15 REVISED AND RETURNED TO FIRST READING, Summary of Citizen Responses - crosslot paths (2), chapter 49 amendment - 6-3-13 Briefed, chapter 49 amendment - 6-3-13, Memo for LegistarCrosslot Ordinance vf, Sidewalks (ORD-13-15) Ordinance Approval Notice.pdf

*A public hearing was conducted on the proposed amendment to Sections 4:51, 4:58, and 4:60 of Chapter 49 (Sidewalks) of Title IV of the Code of the City of Ann Arbor. Notice of public hearing was published October 10, 2013.*

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

**Held and Closed**

Enactment No: ORD-13-15

**PH-2 13-0880**

An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.66 Acre from TWP (Township District) to R1A (Single-Family Dwelling District), Kocher Property, 2925 Devonshire (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-13-21)

**Attachments:** 13-21 Briefed and Approved.pdf, 13-21 Briefed, Kocher Zoning Ordinance, 1/15/13 Planning Commission Minutes, Kocher Annexation Staff Report with Attachments 01-15-13

*A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.66 Acre from TWP (Township District) to R1A (Single-Family Dwelling District), Kocher Property, located at 2925 Devonshire. Notice of public hearing was published October 3, 2013.*

*Tom Partridge spoke in opposition to the proposed rezoning of the Kocher property.*

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

**Held and Closed**

Enactment No: ORD-13-21

**PH-3 13-0980**

An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 2.0 Acres from R1A (Single-Family Dwelling District) to PL (Public Land), 3875 East Huron River Drive (CPC Recommendation: Approval - 6 Yeas and 0 Nays) (Ordinance No. ORD-13-24)

**Attachments:** 13-24 Briefed and Approved.pdf, 3875 E Huron River Drive Ordinance Briefed.doc, 3875 E Huron River Drive Ordinance Briefed.pdf, 3875 E Huron River Drive Rezoning Ordinance.pdf, 3875 E Huron River Dr Zoning FINAL Staff Report w Attach

*A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 2.0 Acres from R1A (Single-Family Dwelling District) to PL (Public Land), located at 3875 East Huron River Drive. Notice of public hearing was published October 3, 2013.*

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

**Held and Closed**

Enactment No: ORD-13-24

**PH-4 13-1161** Resolution to Approve U-Haul Moving and Storage of Ann Arbor Site Plan and Development Agreement, 3655 South State Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

**Attachments:** 9/10/13 Planning Staff Report - U-Haul, U-HaulDevelopmentAgreement.pdf, U-Haul Site Plan Public Hearing Notice

*A public hearing was conducted on the proposed Resolution to Approve U-Haul Moving and Storage of Ann Arbor Site Plan and Development Agreement, located at 3655 South State Street. Notice of public hearing was published October 14, 2013.*

*Tom Partridge spoke in opposition to the proposed site plan and recommend that the item go back to the Planning Commission to address concerns regarding public access and transportation to the site.*

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

**Held and Closed**

Enactment No: R-13-320

**A APPROVAL OF COUNCIL MINUTES**

**A-1 13-1292** Regular Session Meeting Minutes of October 7, 2013

**Attachments:** 10-7-13 Draft Minutes, Council emails 10-7-2013

**A motion was made by Councilmember Briere, seconded by Councilmember Kunselman, that the Regular Session Minutes of October 7, 2013 be approved as presented. On a voice vote, the Mayor declared the motion carried.**

**CA CONSENT AGENDA**

**Passed on consent agenda**

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

**CA-1 13-1174** Resolution to Approve a Contract with Keystone Media LLC to Redesign the City's Website (not to exceed \$26,900.00)

**Attachments:** Keystone PSA Final

Enactment No: R-13-314

**CA-2 13-1175** Resolution to Accept Board of Insurance Administration Minutes of September 19, 2013

Enactment No: R-13-315

**B ORDINANCES - SECOND READING****B Unfinished Business:**

- B-1 13-0188** An Ordinance to Amend Sections 1:155, Section 1:156 and Add a New Section Which New Section Shall Be Designated as Section 1:160 of Chapter 7, Downtown Development Authority, Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-13-05)

**Sponsors:** Kunselman and Kailasapathy

**Attachments:** ORD 13-05 Briefed as Amended 41513, 13-05 Amended and Briefed, DDA Ordinance as Amended on 040113, Memo Substitute DDA Ordinance Amendments, DDA Ordinance Amendments 2013 Substitute Version 2, DDA Ordinance Amendments REVISED 3-1-13, DDA Ordinance Amendments 2013, Stephen Kemsley Communication, HHSAB Resolution to Preserve DDA Investments in Affordable Housing

**A motion was made by Councilmember Kunselman, seconded by Councilmember Kailasapathy, that the Ordinance be approved at Second Reading.**

Enactment No: ORD-13-05

*(The complete copy of the text of Ordinance No. ORD-13-05 is on file in the City Clerk's Office.)*

**A motion was made by Councilmember Kunselman, seconded by Councilmember Lumm, that the Ordinance be postponed until November 7, 2013. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-13-05

**B New Business:**

- B-2 13-0346** An Ordinance to Amend Sections 4:51, 4:58, and 4:60 of Chapter 49 (Sidewalks) of Title IV of the Code of the City of Ann Arbor (Ordinance No. ORD-13-15)

**Attachments:** 13-15 Briefed.pdf, Sidewalk Category Chart, Updated Memorandum - Chapter 47 Sidewalks, 13-15 Briefed and Approved.pdf, 13-15 Briefed and Approved.pdf, ORD 13-15 REVISED AND RETURNED TO FIRST READING, Summary of Citizen Responses - crosslot paths (2), chapter 49 amendment - 6-3-13 Briefed, chapter 49 amendment - 6-3-13, Memo for LegistarCrosslot Ordinance vf, Sidewalks (ORD-13-15) Ordinance Approval Notice.pdf

*(The complete copy of the text of Ordinance No. ORD-13-15 is on file in the City Clerk's Office.)*

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

Enactment No: ORD-13-15

**DS-1 13-0699** Resolution to Accept Thirty-Four Sidewalks for Public Use (8 Votes Required)

**Attachments:** Crosslots Package Rev 10.02.13, Crosslots Package.pdf, Summary of Citizen Responses - crosslot paths (2)

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

Enactment No: R-13-316

**B-3 13-0880** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.66 Acre from TWP (Township District) to R1A (Single-Family Dwelling District), Kocher Property, 2925 Devonshire (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-13-21)

**Attachments:** 13-21 Briefed and Approved.pdf, 13-21 Briefed, Kocher Zoning Ordinance, 1/15/13 Planning Commission Minutes, Kocher Annexation Staff Report with Attachments 01-15-13

*(The complete copy of the text of Ordinance No. ORD-13-21 is on file in the City Clerk's Office.)*

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

Enactment No: ORD-13-21

**B-4 13-0980** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 2.0 Acres from R1A (Single-Family Dwelling District) to PL (Public Land), 3875 East Huron River Drive (CPC Recommendation: Approval - 6 Yeas and 0 Nays) (Ordinance No. ORD-13-24)

**Attachments:** 13-24 Briefed and Approved.pdf, 3875 E Huron River Drive Ordinance Briefed.doc, 3875 E Huron River Drive Ordinance Briefed.pdf, 3875 E Huron River Drive Rezoning Ordinance.pdf, 3875 E Huron River Dr Zoning FINAL Staff Report w Attach

*(The complete copy of the text of Ordinance No. ORD13-24 is on file in the City Clerk's Office.)*

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

Enactment No: ORD-13-24

**C ORDINANCES - FIRST READING**

*Mayor Hieftje declared a recess at 9:07 p.m. and reconvened the meeting at 9:20 p.m.*

**None.**

**D MOTIONS AND RESOLUTIONS****DC Old Business - Council:****DC-1 13-1267** Resolution to Approve Amendment No. 3 to the Articles of Incorporation of the Ann Arbor Area Transportation Authority

**Attachments:** Resolution-No.-2013-25-AAATA-Membership-Request[1], 36 Approval of Ypsilanti Township's Request for Membership.docx, Amendment 3 AAATA AOI track.pdf, Communication from the Ypsilanti City Clerk.pdf

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

**A motion was made by Councilmember Higgins, seconded by Councilmember Kailasapathy, that the Resolution be postponed until 11/18/2013. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 8 - Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen and Councilmember Warpehoski

**Nays:** 3 - Mayor Hieftje, Councilmember Teall and Councilmember Taylor

**DC-2 13-0867** Resolution to Request City of Ann Arbor Employees' Retirement System to Divest from the Top 200 Publicly-Traded Fossil Fuel Companies

**Sponsors:** Teall and Energy Commission

**Attachments:** AAERS- Fossil Fuel ltr to City Council 10-17-13, Approved Resolution of the Ann Arbor Energy Commission to City Council to Urge City of Ann Arbor Employees 7-9-13, Unburnable-Carbon-Full1.pdf, building\_a\_carbon\_free\_portfolio.pdf

*Mayor Hieftje declared a recess at 10:37 p.m. and reconvened the meeting at 10:49 p.m.*

**A motion made by Councilmember Petersen, seconded by Councilmember Kailasapathy, that the Resolution be approved.**

Enactment No: R-13-317

A motion was made by Councilmember Taylor, seconded by Councilmember Warpehoski, that the Resolution be amended as follows:

Resolution to [Urge] REQUEST City of Ann Arbor Employees' Retirement System to Divest from the Top 200 Publicly-Traded Fossil Fuel Companies

...RESOLVED, That the City Council [urges] REQUESTS the City of Ann Arbor Employees' Retirement Board ("Retirement Board") to INVESTIGATE WHETHER IT CAN REASONABLY cease [immediately ]any new investments in fossil fuel companies or in commingled assets that include holdings in fossil fuel companies;

RESOLVED, That, for any City of Ann Arbor Employees' Retirement System investments in commingled funds that are found to include fossil fuel companies, the City Council [urges ]REQUESTS the Retirement Board to contact the fund managers and request THEY OFFER LOW-EXPENSE INVESTMENT PRODUCTS THAT DO NOT CONTAIN [that the ]fossil fuel companY EQUITIES[ies be removed from the funds];

RESOLVED, That the City Council [urges ]REQUESTS the Retirement Board to [ensure ]CONSIDER ENSURING that none of its directly held or commingled assets include holdings in fossil fuel companies within 5 years;

RESOLVED, That the City Council [urges ]REQUESTS the Retirement Board to prepare a report and options for investing [the ]pension fundS in a way that further maximizes the positive impact of the fund by seeking out investments in opportunities to limit the effects of burning fossil fuels or help to mitigate its effects including, but not limited to, clean technology and renewable energy, sustainable companies or projects, and sustainable communities;

RESOLVED, That the City Council particularly [urges ]REQUESTS the Retirement Board to put policies in place that support local projects and local jobs;

RESOLVED, That the City Council acknowledges that compliance, if any, with the requests above must be consistent with the Retirement Board's fiduciary duties; and

RESOLVED, That the City Council [urges ]REQUESTS the Retirement Board to release annual updates, available to the public, detailing progress made towards full divestment.

Note: All CAPS indicate new language, [ ] Brackets indicate deleted language.

On a voice vote, the Mayor declared the motion carried with one no-vote made by Mayor Hieftje.

Enactment No: R-13-317



**13-0867** Resolution to Request City of Ann Arbor Employees' Retirement System to Divest from the Top 200 Publicly-Traded Fossil Fuel Companies

**Sponsors:** Teall and Energy Commission

**Attachments:** AAERS- Fossil Fuel ltr to City Council 10-17-13, Approved Resolution of the Ann Arbor Energy Commission to City Council to Urge City of Ann Arbor Employees 7-9-13, Unburnable-Carbon-Full1.pdf, building\_a\_carbon\_free\_portfolio.pdf

**The question being, the motion originally made by Councilmember Petersen, seconded by Councilmember Kailasapathy, that the Resolution be approved as amended, on a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 9 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Kailasapathy and Councilmember Warpehoski

**Nays:** 2 - Councilmember Lumm and Councilmember Petersen

Enactment No: R-13-317

**DC New Business - Council:**

**DC-4 13-1277** Resolution to Accept Donation of Property Located at 3013 W. Huron River Drive by the Michigan Attorney General on behalf of the Joseph Donald Brokaw and Earldine R. Brokaw Foundation and Accept and Appropriate Foundation Funds to Parks for the Upkeep and Maintenance 3013 W. Huron River Drive as Parkland (8 Votes Required)

**Sponsors:** Hieftje

**Attachments:** Brokaw Protected Updated Map

**A motion was made by Councilmember Kailasapathy, seconded by Councilmember Briere, 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-13-318

**DC-5 13-1306** Resolution Recognizing Skyline Athletic Booster Club as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

**Sponsors:** Briere and Kailasapathy

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

Enactment No: R-13-319

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

- DB-1 13-1161** Resolution to Approve U-Haul Moving and Storage of Ann Arbor Site Plan and Development Agreement, 3655 South State Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays)
- Attachments:** 9/10/13 Planning Staff Report - U-Haul, U-HaulDevelopmentAgreement.pdf, U-Haul Site Plan Public Hearing Notice
- A motion was made by Councilmember Taylor, seconded by Councilmember Petersen, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-13-320

**DS New Business - Staff:**

- DS-2 13-1062** Resolution to Approve the Purchase of Eighty-one (81) Street Light Poles from Spring City Electrical Manufacturing (\$173,307.00) and to Appropriate and Amend FY14 Field Operations Unit's General Fund Street Lighting Budget (\$280,000.00) (8 Votes Required)
- Attachments:** ITB 4302.pdf
- A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion defeated, not satisfying the eight-vote requirement:**
- Yeas:** 7 - Mayor Hieftje, Councilmember Higgins, Councilmember Teall, Councilmember Briere, Councilmember Taylor, Councilmember Lumm and Councilmember Warpehoski
- Nays:** 4 - Councilmember Kunselman, Councilmember Anglin, Councilmember Kailasapathy and Councilmember Petersen
- Enactment No:
- DS-3 13-1128** Resolution to Approve a Professional Services Agreement with URS Corporation, Inc. (URS) for Ann Arbor Station Environmental Review (RFP No. 866; \$824,875.14)
- Attachments:** URS Contract\_10042013 FINAL.pdf
- A motion was made by Councilmember Warpehoski, seconded by Councilmember Kunselman, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**
- Yeas:** 11 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen and Councilmember Warpehoski
- Nays:** 0
- Enactment No: R-13-321

**DS-4 13-1181** Resolution to Approve the Purchase of Ice Control Salt through the Michigan Delivering Extended Agreements Locally (MIDEAL) from Detroit Salt Company (\$245,143.00)

**Attachments:** 1300338\_Detroit\_early\_434890\_7.pdf,  
1300339\_Detroit\_seasonal\_434891\_7.pdf

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

Enactment No: R-13-322

**DS-5 13-1276** Resolution to Approve the Participation of the City of Ann Arbor Fire Department in the Mutual Aid Box Alarm System (MABAS) Division - Michigan

**Attachments:** MABAS photograph

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

Enactment No: R-13-323

**COMMUNICATIONS FROM COUNCIL**

*(Councilmember Higgins left at 12:34 a.m.)*

**COUNCILMEMBER BRIERE**

*Councilmember Briere addressed a citizen comment regarding the 1996 KKK march in Ann Arbor. She noted that Mayor Hieftje was not in office at that time. Councilmember Briere noted she was there with the ACLU and she was watching for violence, which was minimal, but always a risk.*

**COUNCILMEMBER LUMM**

*Councilmember Lumm said she was on City Council in 1996. She clarified that the KKK was not invited to Ann Arbor. Councilmember Lumm stated she is working with the City Attorney's Office to create a resolution that would apply term limits to all City boards and commissions.*

**COUNCILMEMBER WARPEHOSKI**

*Councilmember Warpehoski commented on the postponement of the Amendment to the AAATA, which would add Ypsilanti Township to the Board. He stated he realizes in hindsight that Council's concerns may have been misunderstood by Township officials and he did not want this to impact future relations. He stated he looks forward to welcoming Ypsilanti Township as a member.*

**COUNCILMEMBER KUNSELMAN**

*Councilmember Kunselman spoke about the City's relationship with other jurisdictions joining the AAATA. He stated none of the comments or concerns made tonight were aimed at Ypsilanti Township directly. He stated City Council has to address concerns first from City taxpayers and make sure any questions are answered.*

*(Councilmember Teall left the meeting at 12:39 a.m.)*

- Present:** 9 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Sally Petersen and Councilmember Chuck Warpehoski
- Absent:** 2 - Councilmember Marcia Higgins and Councilmember Margie Teall

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

- F-1 13-1290** Communication from Comcast regarding channel changes effective October 23, 2013 - CTN  
**Attachments:** comcast communication.pdf
- F-2 13-1291** Communication from Evan Pratt, Washtenaw County Water Resources Commissioner, regarding Notice of Receipt and Filing of a Petition regarding the Malletts Creek Drain - Planning and Development Services  
**Attachments:** malletts creek drain petition filing.pdf
- F-3 13-1302** Communications from the Michigan Secretary of State regarding the completion and filing of the following annexations from Ann Arbor Township  
**Attachments:** Higgins Annexation.pdf, Kocher-Saberi Annexation.pdf, Weller Annexation.pdf
- F-4 13-1310** Public Legal Opinion Dated October 16, 2013 from City Attorney Stephen Postema Regarding the Validity of a Vote Taken by City Council  
**Attachments:** City Attorney opinion regarding DDA appt
- F-5 13-1326** Park Advisory Commission (PAC) Downtown Parks Subcommittee Report  
**Attachments:** Park Advisory Commission (PAC) Downtown Parks Subcommittee Report - Final.pdf, Downtown Parks ResolustionCSPostPAC.pdf

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

- G-1 13-1081** Historic District Commission Meeting Minutes of the August 15, 2013  
**Attachments:** 8-15-2013 HDC Minutes with Live Links
- G-2 13-1141** Public Market Advisory Commission Meeting Minutes of August 15, 2013  
**Attachments:** PMAC Minutes 8.15.13.pdf

- G-3 13-1245** Downtown Area Citizens Advisory Council Meeting Minutes - October 1, 2013  
**Attachments:** Downtown Area Citizens Advisory Council Meeting Minutes 100113
- G-4 13-1246** Ann Arbor Downtown Development Authority Meeting Minutes - September 4, 2013  
**Attachments:** DDA Minutes 09/0/413
- G-5 13-1289** City Election Commission - July 16, 2013  
**Attachments:** 2013-07-16 Election Commission minutes

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

*Tom Partridge, City resident, expressed concern with councilmembers using time at meetings to campaign for the election. He also expressed concern with the lateness of council meetings and other related issues. Mr. Partridge urged Fifth Ward residents to vote for him as a write-in candidate for City Council.*

*Clark Chametski, City resident, thanked Council for their vote on the train station.*

*A member of the audience thanked Council for the train station vote.*

*Michael Benson, resident of 2nd Ward, thanked Council for their service and announced that a forum would be held on October 23, 2013 at 6:30 p.m. at the Rackham Graduate Student Building located at 915 E. Washington St. regarding the current lease signing ordinance.*

**CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, INCLUDING BUT NOT LIMITED TO, LABOR NEGOTIATIONS STRATEGY, PENDING LITIGATION, AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (C), (E), AND (H).**

*None.*

**ADJOURNMENT**

**A motion was made by Councilmember Anglin, seconded by Councilmember Warpehoski, that the Meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:49 a.m.**

- 13-1342** Council Emails and Redaction list from 10-21-2013  
**Attachments:** Council emails 10-21-2013\_Redacted.pdf

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

**LIVE: MONDAY, OCTOBER 21, 2013, 7:00 P.M.**

**REPLAYS: TUESDAY, OCTOBER 22, 2013, 10:00 A.M. AND FRIDAY, OCTOBER 25, 2013, 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](http://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](http://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](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 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