

# City of Ann Arbor

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



## Action Minutes

Tuesday, September 6, 2016

7:00 PM

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

**City Council**

**City Council will meet in caucus the Sunday prior to each regular session at 3:30 p.m. in Council Chambers.**

**CALL TO ORDER**

*Mayor Taylor called the meeting 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:** 11 - Councilmember Sabra Briere, 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 and Councilmember Chip Smith

**APPROVAL OF AGENDA**

**A motion was made by Councilmember Krapohl, seconded by Councilmember Warpehoski, that the Agenda be approved. 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:

*Staff Kudos*

- *We received an e-mail of appreciation from Mr. Bryan Elkus for the support of the Fire Department in responding to alarms sounding in his home. He stated, "We really just wanted to say thank you for coming out to check! The guys were very courteous, professional and compassionate. They explained to us what was going to happen, gave us status checks and updates. I was very impressed."*
- *Superintendent Swift from the Ann Arbor Public School System sent a note to Mayor Taylor to thank City staff for their work to address damage to Allen School on August 18th.*
- *Congratulations were received from George Woods stating, "I wanted to extend a personal thank you to all involved in the recent Observatory St project. From my perspective the City and contractors (Bailey Excavating) were sensitive to our people's needs and did a great job with minimal interruptions and maximum accommodation! Observatory never looked so great!"*
- *Wendy Schulz from Public Services would like to provide a shout out to the Lab Crew at the Water Treatment Plant and asked that I specifically mention John, Jenna, Matt and Larry.*

*Notices*

- *Official notification was received that the Nixon/Dhu Varren/Green roundabout project was awarded a CMAQ (Congestion Mitigation Air Quality) grant in the amount of \$782,850! The project planning estimate for this intersection is \$2.1 million. Toll Brothers have already committed just over \$1M. This results in City funding being leveraged approximately 6.5 times in undertaking the improvement.*
- *The City is beginning work on plans for the resurfacing of Scio Church Road between Main Street and South Seventh Street, and will be hosting a public meeting to discuss the project and gather input as to what may be incorporated into the design. The meeting is set for tomorrow, Wednesday, September 7th at 6:30 PM at Ann Arbor District Library – Pittsfield Branch, 2359 Oak Valley Drive.*
- *The Ann Arbor Police department has designated Sergeant Tom Hickey as its Outreach Liaison to the LGBTQ Community.*
- *After extensive review by the Federal Railroad Administration, the City of Ann*

*Arbor is releasing the Ann Arbor Station Alternatives Analysis Phase II report. The report builds upon the Phase I Alternatives Analysis by examining, in detail, three possible train station sites. The report is available on the project website at [a2gov.org/annarborstation](http://a2gov.org/annarborstation). The next round of public meetings to discuss the report and accept public comment are being scheduled for the latter half of September. We will update you when dates, times and locations are confirmed.*

**AC-1 16-1271** Memo from City Administrator Regarding the Implementation Plan for Review of Ann Arbor Police - Community Relationships

**Attachments:** 160831 - Plan for Police Audit - Final

Received and Filed

**AC-2 16-1276** Agenda Response Memo - September 6, 2016

**Attachments:** Agenda Responses 9-6-16 Final

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. Michael Avsharian - South Pond Village Site Plan and Development Agreement (DB-2)**

*Michael Avsharian, 1970 Chalmers, spoke in opposition to the proposed South Pond development, including his opposition to the paving of Chalmers.*

**2. Dan Ezekiel - Service Agreement with Waste Management of Michigan, Inc. (CA-19)**

*Dan Ezekiel, 523 Fourth Street, spoke about the history of Ann Arbor's solid waste program and urged Council to think about the future and the environment in making solid waste decisions, stating it is not just about money.*

**3. Aaron Burman - Service Agreement with Waste Management of Michigan, Inc. (CA-19)**

*Aaron Burman, 813 Third Street, spoke about single stream recycling and urged Council to discuss the Waste Management contract in more detail.*

**4. Kym London - South Pond Village Site Plan and Development Agreement (DB-2)**

*Kym London, 1490 Woodcreek, President of Woodcreek Homeowners Association, spoke in opposition to the South Pond Site Plan resolution.*

**5. Lois Kamoi - South Pond Village Site Plan and Development Agreement (DB-2)**

*Lois Kamoi, 2070 Chalmers, spoke in opposition to the South Pond Site Plan resolution, stating her opposition to the paving of Chalmers Road and concern for the impact of the development on the environment.*

**6. Alexis Blizman - Resolution in Support of the Regional Transit Authority (RTA) Ballot Proposal (DC-2)**

*Alexis Blizman, representing Citizens for Connecting our Community, spoke in support of the RTA ballot proposal.*

**7. Lilia Cortina - South Pond Village Site Plan and Development Agreement (DB-2)**

*Lilia Cortina, 1839 Meadowside, spoke in opposition to the South Pond Site Plan resolution.*

**8. John Megahan - South Pond Village Site Plan and Development Agreement (DB-2)**

*John Megahan, 2050 Chalmers, spoke in opposition to the South Pond Village Site Plan resolution.*

**9. Linda Plona - South Pond Village Site Plan and Development Agreement (DB-2)**

*Linda Plona, 1560 Woodcreek, provided copies of the City's Fire Prevention ordinance and spoke in opposition to the South Pond Village Site Plan resolution.*

**10. Mark Koroi - Memo from City Administrator regarding the Implementation Plan for Review of Ann Arbor Police (AC-1)**

*Mark Koroi, 150 N. Main, spoke in support of a Citizen Review Board for the Ann Arbor Police Department.*

**CC COMMUNICATIONS FROM COUNCIL**

*COUNCILMEMBER ACKERMAN*

*Councilmember Ackerman reminded the public that the City Planning Commission would be holding a hearing on the 2857 Packard site. The hearing will be 7pm tomorrow.*

*COUNCILMEMBER EATON*

*Councilmember Eaton spoke about F-9, a memo from Craig Hupy, regarding the Morehead-Delaware Focus Group Report. He stated the Focus Group is recommending that the Council not approve the previously postponed design contract. He stated the group is instead recommending a design/build contract.*

*Councilmember Eaton also stated he will be requesting to be recused from DC-2, Resolution in Support of the Regional Transit Authority (RTA) Ballot Proposal, due to potential conflict of interest.*

**MC COMMUNICATIONS FROM THE MAYOR****MC-1 16-1168 Appointments - Confirmations**

**Attachments:** Gary Cooper App. 2016f.pdf, Max Cope app. 2016.pdf

*Mayor Taylor requested confirmation of the following appointments that were presented to Council for consideration at the Regular Session of August 15, 2016:*

*Design Review Board*

*Gary Cooper Re-appointment*

*Architect & Landscape Architect*

*2900 Brockman Blvd.*

*Ann Arbor, MI 48104*

*Term: Partial term ending May 31, 2019*

*Historic District Commission*

*Max Cope*

*Realtor/ Former Builder*

*1775 Miller Ave.*

*Ann Arbor, MI 48103*

*Term: Partial term ending May 31, 2019*

**A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Appointments be approved. On a voice vote, the Mayor**

declared the motion carried.

**MC-2 16-1220** Appointments - Nominations

Attachments: James Simpson app. 2016.pdf, Sarah Paleg app. 2016.pdf

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

*Ann Arbor Public Art Commission*

*Connie Rizzolo Brown  
Designer / Business owner  
208 Pine Ridge  
Ann Arbor, MI 48103  
Term: Partial term ending May 31, 2019*

*James Simpson  
3090 Edgewood Dr.  
Ann Arbor, MI 48104  
Term: Partial term ending May 31, 2019*

*Economic Development Corporation Board*

*Howard Lazarus  
706 Indianola Ave.  
Ann Arbor, MI 48105  
Term: Partial term ending May 31, 2022*

*Energy Commission*

*Sarah Paleg  
PhD student -Biomass Energy  
217 Bucholz Court  
Ann Arbor, MI 48103  
Term: Partial term ending May 31, 2019*

**Referred to the City Council due back on 9/19/2016**

**CA CONSENT AGENDA**

**CONSENT AGENDA ITEMS REMOVED**

*With unanimous consent of Council, the following Consent Agenda Items were removed from the Consent Agenda and added to the DS Section of the Agenda:*

*CA-19 Resolution to Approve a Services Agreement with Waste Management of Michigan, Inc. for Short-Term Operation of Ann Arbor Material Recovery Facility (MRF) and Waste Transfer Station (Estimated at \$588,734.00)*

*CA-1 Resolution to Accept a Water Main (Hydrant) Easement at 3010 Hickory Lane from Racquet Club (8 Votes Required)*

*CA-2 Resolution to Accept a Water Main Easement at 3010 Hickory Lane from Racquet Club (8 Votes Required)*

*CA-3 Resolution to Accept an Easement for Public Right-of-Way at 3010 Hickory Lane from Racquet Club (8 Votes Required)*

**Passed on consent agenda**

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Krapohl 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 requirement of CA-4, CA-10, CA-11 and CA-18.**

- CA-4 16-1234** Resolution to Accept an Easement for Underground Retaining Wall Anchors at 725 Watershed Court from Robert J. Rydzewski and Diane M. Rydzewski **(8 Votes Required)**
- Attachments:** Drawing 725 Watershed Easement
- Enactment No: R-16-337
- CA-5 16-1121** Resolution Approving a Purchase Order with Oakland County for CLEMIS Information Services for FY2017 (Not to Exceed \$105,000.00)
- Enactment No: R-16-338
- CA-6 16-1122** Resolution to Approve a Purchase Order to Michigan Supreme Court State Court Administrative Office for JIS for FY 2017 (Not to Exceed \$45,000.00)
- Enactment No: R-16-339
- CA-7 16-1140** Resolution to Approve a Purchase Order to Suntel Services, Inc. for



3-Year Telecommunications Maintenance and Support Agreement  
FY2017-FY2019 (\$167,201.70) utilizing GSA contract GS-35F-0095X

Attachments: City of Ann Arbor 2016

Enactment No: R-16-340

**CA-8 16-1181** Resolution to Adopt the 2016 Strategic Fire Services Plan

Attachments: AAFD Strategic Plan final draft 8-18-16

Enactment No: R-16-341

**CA-9 16-1175** Resolution to Approve Amendment No. 1 to Renewal Service Agreement with Phoenix Outfitters, LLC for Fire Service Turnout Gear (NTE \$90,000.00)

Attachments: Amendment 1 Renewal 1 Phoenix Safety Outfitters.pdf

Enactment No: R-16-342

**CA-10 16-1176** Resolution to Appropriate Funds for and Approve an Agreement with Morris & McDaniel Management Consultants for Fire Services Promotional Testing Services (\$75,000.00) **(8 Votes Required)**

Attachments: Morris McDaniel PSA Fire Promotional Testing.pdf

Enactment No: R-16-343

**CA-11 16-1210** Resolution to Amend the Fleet and Facility Unit FY 2017 Budget by Appropriating Funds from the Fleet Services Fund Balance and to Approve the Purchase of a 2016 Quint Fire Apparatus with a 75' Aerial Ladder from Smeal Fire Apparatus Company (RFP #971 \$659,897.00) **(8 Votes Required)**

Attachments: RFP 971 - Quint Fire Truck ADD #1, RFP 971 - Quint Fire Truck

Enactment No: R-16-344

**CA-12 16-1242** Resolution to Approve Participation in 2016 Assistance to North American Wetlands Conservation Act Small Grants Program, to be Submitted by Ducks Unlimited

Attachments: Buesser Aerial Map, Buesser Protected Map

Enactment No: R-16-345

- CA-13 16-1243** Resolution Approving Cooperative Agreement Amendment between the United States of America Commodity Credit Corporation and the City of Ann Arbor for the Agriculture Conservation Easement Program (ACEP) and to Accept Additional Grant Funds in the Amount of \$141,120.00, for a Total Award Amount of \$522,340.00

Enactment No: R-16-346

- CA-14 16-1048** Resolution to Authorize a Sole Source Purchase Order to Carrier & Gable, Inc., of Farmington Hills, Michigan, for Traffic Signal Materials and Supplies (\$540,000.00)

Enactment No: R-16-347

- CA-15 16-1130** Resolution to Award a Contract to Liquiforce Services (USA) Inc. for On-Call Sewer System Services (\$500,000.00/Year; RFP No. 977)

Attachments: Ex. 1, RFP 977 Contract

Enactment No: R-16-348

- CA-16 16-1133** Resolution to Approve an Increase to the Purchase Order with Cadillac Asphalt, LLC for the Water Utilities Street Repair Program in the Amount of \$1,756.37

Enactment No: R-16-349

- CA-17 16-1152** Resolution to Approve Amendment No. 1 with Hubbell, Roth & Clark, Inc. for Construction Engineering Services at the Wastewater Treatment Plant (\$20,532.00)

Attachments: HRC Amendment 1 Construction

Enactment No: R-16-350

- CA-18 16-1172** Resolution to Approve Amendment No. 2 to the Contract with the Clean Energy Coalition Supporting Community Facing Climate Programs and to Appropriate Funds (\$85,000.00) **(8 Votes Required)**

Attachments: 2016 CEC Climate\_Energy Contract Amendment2.pdf, Resolution R-14-348 - CityCouncilApprovalCECCommunityEnergyContract.pdf

Enactment No: R-16-351

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

**PH-1 15-0561** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 53.61 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District), Woodbury Club Apartments, Southeast corner of Nixon Road and M-14 (CPC Recommendation: Approval - 7 Yeas and 1 Nays) (Ordinance No. ORD-15-13) **(8 Votes Required)**

**Attachments:** 15-13 Woodbury Club Apartments Rezoning Briefed and Approved.pdf, 15-13 Woodbury Club Apartments Rezoning Briefed.pdf, Ch. 55 Woodbury Club Apts. Zoning Ordinance.pdf, Woodbury Club July 12 2016 staff report, 10/21/14 Planning Staff Report, 10/21/14 Planning Commission Minutes, 7-12-2016 CPC Minutes for Woodbury Club Apt.pdf, Memo from Planning Requiring 8 Votes on Woodbury Zoning.pdf, Edward Zelmanski letter.pdf, Madhu Prasad PA-C Protest Letter re Woodbury Club Apts. Zoning.pdf, Woodbury Club Zoning Protest Email from Rohit Mulgund.pdf, Arbor Hills - Woodbury Club Apts. Zoning Opposition Letter, Request to postpone Woodbury Club Zoning and Site plan, Protest email from BHood regarding Woodbury Zoning, Woodbury Club Protest emails 9-18-15.pdf, Signed Protest from Jing Wang.pdf, Woodbury Club Protest Letters from Barclay Park Condo Assoc..pdf, Alice Chi Protest Email re Woodbury Club Apts Rezoning.pdf, Protest Letter from Margaret Shih re ORD-15-13.pdf, Woodbury Club communication from James DAmour.pdf, Woodbury Club Property Communication.pdf, arbor hills zoning notice.pdf, barclay park association.pdf, Communication from Edward Zelmanski regarding Woodbury Club Apartment Zoning and Site Plan.pdf, Woodbury Club Apartments Rezoning Approval Notice.pdf, Woodbury Club Apartments Rezoning Approval Notice.pdf

*A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 53.61 acres from TWP (Township District) to R4A (Multiple-Family Dwelling District), Woodbury Club Apartments property, located on the southeast corner of Nixon Road and M-14. Notice of public hearing was published August 22, 2016.*

*The following people were present to speak in opposition to the proposed rezoning:*

*Dave Friedrichs, representing Barclay Park Condo Association*

*John Rasmussen, 2200 Fuller Court*

*Usha Jindal, Arbor Hills resident, stating the new Planning Commission hearing was not proper*

*A member of the Barclay Park Condominium Association Board*

*Ethel Potts, 1014 Elder Boulevard*

*Ann Attarian, 3490 Gettysburg*

*Rita Mitchell, 621 Fifth, expressed concern about the wildlife impacts.*

*James D'Amour, 2771 Maplewood, on behalf of the Sierra Club of Huron Valley*

*Jack Cederquist, 2145 Ardenne, questioned why the two parcels need to be combined and zoned as one.*

*Jane Klingsten, 3340 Elsinore, objected to the process used to hold a new hearing at the Planning Commission.*

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

#### **Held and Closed**

Enactment No: ORD-15-13

#### **PH-2 15-0563**

**Resolution to Approve the Woodbury Club Apartments Planned Project Site Plan and Development Agreement, Southeast Corner of Nixon Road and M-14 (CPC Recommendation: Approval - 8 Yeas and 0 Nays)**

#### **Attachments:**

Woodbury Club Amended Resolution 090616, Proposed Amended Resolution 9-2-16.pdf, Proposed Amended Resolution 9-1-16 - Woodbury site plan, Woodbury Club Staff Report with Attachments-7-12-16, Woodbury Club Dev Agreement 4-28-16, 7-12-2016 CPC Minutes for Woodbury Club Apt.pdf, 10/21/14 Planning Staff Report, 10/21/14 Planning Commission Minutes, WoodburyClubDevAgree 3-9-16, WoodburyClubDevAgree 3-3-16, WoodburyClubDevAgree 1-14, Edward Zelmanski letter, Barclay Assoc - Woodbury Club Wetlands Protest Letter, Request to postpone Woodbury Club Zoning and Site plan, Arbor Hills - Woodbury Club Apts. Site Plan Opposition Letter, Woodbury Club Protest Letters from Barclay Park Condo Assoc., Woodbury Club communication from James DAmour, Communication from Edward Zelmanski regarding Woodbury Club Apartment Zoning and Site Plan.pdf, arbor hills zoning notice.pdf, barclay park association.pdf, Communication from Edward Zelmanski regarding Woodbury Club Apartment Zoning and Site Plan.pdf

*A public hearing was conducted on the proposed Resolution to approve the Woodbury Club Apartments Planned Project Site Plan and Development agreement, located on the southeast corner of Nixon Road and M-14. Notice of public hearing was published August 25, 2016.*

*The following people were present to speak in opposition at the public hearing:*

*James D'Amour, representing the Sierra Club of Huron Valley*

*Dave Friedrichs, manager representing Barclay Park Condos and Arbor Hills*

*An architect representing Barclay Park and Arbor Hills*

*Jane Klingsten, Arbor Hills resident, stated the site plan does not meet accessibility requirements; she also objected to the wetland impacts.*

*Usha Jindal, Arbor Hills resident, expressed concerns about the environmental impacts.*

*Rita Mitchell, 621 Fifth*

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

**Held and Closed**

Enactment No: R-16-356

## **A APPROVAL OF COUNCIL MINUTES**

**A-1 16-1255** Regular Session Meeting Minutes of August 15, 2016

**Attachments:** 08-04-16 Draft Minutes, Council emails 8-15-2016.pdf

**A motion was made by Councilmember Ackerman, seconded by Councilmember Lumm, that the minutes of the Regular Session of August 15, 2016 be approved. On a voice vote, the Mayor declared the motion carried.**

## **B ORDINANCES - SECOND READING**

### **RECESS**

*Mayor Taylor declared a recess at 9:25 p.m. and reconvened the meeting at 9:42 p.m.*

**B-1 15-0561** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 53.61 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District), Woodbury Club Apartments, Southeast corner of Nixon Road and M-14 (CPC Recommendation: Approval - 7 Yeas and 1 Nays) (Ordinance No. ORD-15-13) **(8 Votes Required)**

**Attachments:** 15-13 Woodbury Club Apartments Rezoning Briefed and Approved.pdf, 15-13 Woodbury Club Apartments Rezoning Briefed.pdf, Ch. 55 Woodbury Club Apts. Zoning Ordinance.pdf, Woodbury Club July 12 2016 staff report, 10/21/14 Planning Staff Report, 10/21/14 Planning Commission Minutes, 7-12-2016 CPC Minutes for Woodbury Club Apt.pdf, Memo from Planning Requiring 8 Votes on Woodbury Zoning.pdf, Edward Zelmanski letter.pdf, Madhu Prasad PA-C Protest Letter re Woodbury Club Apts. Zoning.pdf, Woodbury Club Zoning Protest Email from Rohit Mulgund.pdf, Arbor Hills - Woodbury Club Apts. Zoning Opposition Letter, Request to postpone Woodbury Club Zoning and Site plan, Protest email from BHood regarding Woodbury Zoning, Woodbury Club Protest emails 9-18-15.pdf, Signed Protest from Jing Wang.pdf, Woodbury Club Protest Letters from Barclay Park Condo Assoc..pdf, Alice Chi Protest Email re Woodbury Club Apts Rezoning.pdf, Protest Letter from Margaret Shih re ORD-15-13.pdf, Woodbury Club communication from James DAmour.pdf, Woodbury Club Property Communication.pdf, arbor hills zoning notice.pdf, barclay park association.pdf, Communication from Edward Zelmanski regarding Woodbury Club Apartment Zoning and Site Plan.pdf, Woodbury Club Apartments Rezoning Approval Notice.pdf, Woodbury Club Apartments Rezoning Approval Notice.pdf

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

**A motion was made by Councilmember Briere, seconded by Councilmember Westphal, that the Ordinance be adopted on Second Reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 8 - Councilmember Briere, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

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

Enactment No: ORD-15-13

## **C ORDINANCES - FIRST READING**

### **C New Business - Staff:**

**C-1 16-1221** An Ordinance to Add a New Chapter 72, Idling Reduction, to Title VI and to Amend Section 1:17 of Chapter 1 of Title 1 of the Code of the City of Ann Arbor (Ordinance No. ORD-16-18)

**Sponsors:** Briere

**Attachments:** 16-18 Idling Reduction Chapter 72 Ordinance.pdf, Idling Reduction Chapter 72.pdf, Idling Reduction Ordinance-memo.pdf

*(The complete copy of the text of Ordinance No. ORD-16-18 is on file in the City Clerk's Office.)*

**A motion was made by Councilmember Briere, seconded by Councilmember Smith, that the Ordinance be approved on First Reading, due back on 10/6/2016. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

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

**Nays:** 1 - Councilmember Lumm

Enactment No: ORD-16-18

## **D MOTIONS AND RESOLUTIONS**

### **DC New Business - Council:**

**DC-1 16-1233** Resolution Directing the City Administrator to Review Traffic Calming, Speed Limits, and Design Speed for Road Reconstructions

**Sponsors:** Warpehoski, Eaton, Briere, Smith, Grand, Taylor, Westphal, Ackerman and Krapohl

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

Enactment No: R-16-352

**DC-2 16-1251** Resolution in Support of the Regional Transit Authority (RTA) Ballot Proposal

**Sponsors:** Taylor, Ackerman, Smith, Briere and Westphal

*Councilmember Eaton requested that he be recused from the discussion and vote on this item due to conflict of interest. On a voice vote, the Council concurred and Councilmember Eaton was recused.*

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

**Yeas:** 9 - Councilmember Briere, Councilmember Kailasapathy, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

**Nays:** 1 - Councilmember Lumm

**Recused:** 1 - Councilmember Eaton

Enactment No: R-16-353

**DC-3 16-1263** Resolution to Approve Closing Washington Street Between Thayer and Fletcher for the ONE Vote Caravan Stop on Tuesday, September 13, 2016 from 9:00 AM until 7:00 PM

**Sponsors:** Smith

**Attachments:** ONE Vote Caravan Stop Map, ONE Vote Info, DC-3ATTOneCampaign\_Footprint (1).pdf

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

Enactment No: R-16-354

**DC-4 16-1262** Resolution Supporting and Authorizing Comments to the Michigan Department of Environmental Quality Regarding Proposed Part 201 Generic Cleanup Criteria

**Sponsors:** Taylor, Briere, Smith, Warpehoski, Krapohl, Lumm and Westphal

**Attachments:** Part 201 Criteria Comments-Ann Arbor (003).pdf, Letter to MDEQ 9-6-16

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

Enactment No: R-16-355

## **SUSPEND THE RULES**

**A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that Council Suspend Rule 4, and allow Closed Session to commence after 11:00 p.m. On a voice vote, the Mayor declared the motion carried.**

## **DB Unfinished Business - Boards and Commissions:**

**DB-1 15-0563** Resolution to Approve the Woodbury Club Apartments Planned Project Site Plan and Development Agreement, Southeast Corner of Nixon Road and M-14 (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

**Attachments:** Woodbury Club Amended Resolution 090616, Proposed Amended



Resolution 9-2-16.pdf, Proposed Amended Resolution 9-1-16 - Woodbury site plan, Woodbury Club Staff Report with Attachments-7-12-16, Woodbury Club Dev Agreement 4-28-16, 7-12-2016 CPC Minutes for Woodbury Club Apt.pdf, 10/21/14 Planning Staff Report, 10/21/14 Planning Commission Minutes, WoodburyClubDevAgree 3-9-16, WoodburyClubDevAgree 3-3-16, WoodburyClubDevAgree 1-14, Edward Zelmanski letter, Barclay Assoc - Woodbury Club Wetlands Protest Letter, Request to postpone Woodbury Club Zoning and Site plan, Arbor Hills - Woodbury Club Apts. Site Plan Opposition Letter, Woodbury Club Protest Letters from Barclay Park Condo Assoc., Woodbury Club communication from James DAmour, Communication from Edward Zelmanski regarding Woodbury Club Apartment Zoning and Site Plan.pdf, arbor hills zoning notice.pdf, barclay park association.pdf, Communication from Edward Zelmanski regarding Woodbury Club Apartment Zoning and Site Plan.pdf

**A motion was made by Councilmember Westphal, seconded by Councilmember Smith, that the resolution be approved.**

Enactment No: R-16-356

**15-0563**

Resolution to Approve the Woodbury Club Apartments Planned Project Site Plan and Development Agreement, Southeast Corner of Nixon Road and M-14 (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

**Attachments:** Woodbury Club Amended Resolution 090616, Proposed Amended Resolution 9-2-16.pdf, Proposed Amended Resolution 9-1-16 - Woodbury site plan, Woodbury Club Staff Report with Attachments-7-12-16, Woodbury Club Dev Agreement 4-28-16, 7-12-2016 CPC Minutes for Woodbury Club Apt.pdf, 10/21/14 Planning Staff Report, 10/21/14 Planning Commission Minutes, WoodburyClubDevAgree 3-9-16, WoodburyClubDevAgree 3-3-16, WoodburyClubDevAgree 1-14, Edward Zelmanski letter, Barclay Assoc - Woodbury Club Wetlands Protest Letter, Request to postpone Woodbury Club Zoning and Site plan, Arbor Hills - Woodbury Club Apts. Site Plan Opposition Letter, Woodbury Club Protest Letters from Barclay Park Condo Assoc., Woodbury Club communication from James DAmour, Communication from Edward Zelmanski regarding Woodbury Club Apartment Zoning and Site Plan.pdf, arbor hills zoning notice.pdf, barclay park association.pdf, Communication from Edward Zelmanski regarding Woodbury Club Apartment Zoning and Site Plan.pdf

*Councilmember Briere moved, seconded by Councilmember Smith, to accept the proposed Amended Resolution. The motion was considered friendly.*

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

**Yeas:** 8 - Councilmember Briere, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

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

Enactment No: R-16-356

**DB-2 15-0568**

Resolution to Approve South Pond Village Site Plan and Development Agreement, 3850 East Huron River Drive (CPC Recommendation: Denial - 1 Yeas and 7 Nays)

**Attachments:** 9-1-16 South Pond Development Agreement.pdf, 6/21/16 South Pond Staff Report with Attachments, 6/21/16 CPC Minutes for South Pond, 4-4-16 South Pond Development Agreement.pdf, 2/17/16 South Pond Staff Report with Attachments, 2/17/16 CPC Minutes for South Pond Site Plan and Wetland Use Permit, 8/6/15 South Pond Response, 8/5/15 South Pond Alternative Plan, 4/7/15 South Pond Village Meeting Minutes.pdf, 4/7/15 Planning Staff Report, South Pond City Council letter 080916.pdf, August 9 2016 Letter to Council Re South Pond Village.pdf, Communication from Norman Hyman regarding South Pond.pdf, Sierra Club Statement to City Council August 15 2016 regarding South Pond Village

**A motion was made by Councilmember Lumm, seconded by Councilmember Briere, that the Resolution be taken from the table and the revised September 1, 2016 development agreement be considered. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-16-357

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

**Yeas:** 7 - Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

**Nays:** 4 - Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy and Councilmember Eaton

Enactment No: R-16-357

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

**DB-3 16-1240**

Resolution to Approve Participation in 2016 Assistance to Upper Huron River Regional Conservation Partnership Program, U.S. Department of Agriculture Natural Resources Conservation Service, to be Submitted by Legacy Land Conservancy

**A motion was made by Councilmember Grand, seconded by Councilmember**

**Ackerman, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-16-358

- DB-4 16-1241** Resolution to Approve Participation Agreement with Washtenaw County Parks and Recreation for the Purchase of the John R. Pringle and Beverly S. Mitchell Property in Scio Township, and Appropriate Funds, Not to Exceed \$258,000.00, from the Open Space and Parkland Preservation Millage Proceeds **(8 Votes Required)**

**Attachments:** Pringle Aerial Map, Pringle Protected Map

**A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, 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-16-359

**DS New Business - Staff:**

- CA-19 16-1105** Resolution to Approve a Services Agreement with Waste Management of Michigan, Inc. for Short-Term Operation of Ann Arbor Material Recovery Facility (MRF) and Waste Transfer Station (Estimated at \$588,734.00)

**Attachments:** Work Plan Target Schedule\_MRF-TS Operations RFP, General Services Agreement\_Short-Term Operations of MRF and TS.pdf

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

Enactment No: R-16-360

- CA-1 16-1215** Resolution to Accept a Water Main (Hydrant) Easement at 3010 Hickory Lane from Racquet Club **(8 Votes Required)**

**Attachments:** Drawing - Racquet Club Water Main (Hydrant) Easement

**A motion was made by Councilmember Ackerman, 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-16-361

- CA-2 16-1216** Resolution to Accept a Water Main Easement at 3010 Hickory Lane

from Racquet Club **(8 Votes Required)**

**Attachments:** Drawing - Racquet Club Water Main Easement

**A motion was made by Councilmember Krapohl, seconded by Councilmember Westphal, 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-16-362

**CA-3 16-1217**

Resolution to Accept an Easement for Public Right-of-Way at 3010 Hickory Lane from Racquet Club **(8 Votes Required)**

**Attachments:** Drawing - Racquet Club ROW easement

**A motion was made by Councilmember Westphal, 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-16-363

**COMMUNICATIONS FROM COUNCIL**

*COUNCILMEMBER BRIERE*

*Councilmember Briere announced that she would be absent from the September 19 meeting. She stated she would recommend cancelling Caucus on Sunday, September 18.*

**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 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 declared the motion carried.**

- F-1 16-1173** Communication from the Michigan Municipal League regarding its Annual Meeting Notice  
**Attachments:** Michign Municipal League Annial Meeting Notice.pdf
- F-2 16-1208** Communication from Governor Rick Snyder Regarding Approval of City of Ann Arbor Charter Amendment for Placement on November 8, 2016 Ballot  
**Attachments:** comm from gov snyder re charter amend
- F-3 16-1209** Communication dated August 10, 2016 from George Elworth, Assistant Attorney General, to Governor Rick Snyder Regarding City of Ann Arbor Proposed Charter Amendment and Letter of Objection from Dave Askins  
**Attachments:** comm from atty general to governor
- F-4 16-1225** Resignation of Jason Morgan from the Local Officers Compensation Commission
- F-5 16-1237** August 2, 2016 State Primary Election Board of Canvass Report  
**Attachments:** August 2 2016 Canvass, August 2 2016 Canvass AA charter amendment
- F-6 16-1247** Resignation of Kim Wolske and Stephen Raiman from the Energy Commission
- F-7 16-1249** AAATA financial and performance reports for the quarter ended July 31, 2016  
**Attachments:** AAATA 4 Financial Reports July 2016.pdf, AAATA 4b Performance Reports.pdf, AAATA 5 Q3 Service Standard Report.pdf, AAATA Productivity by Route.pdf
- F-8 16-1254** 2017 AAATA Draft Operating Budget  
**Attachments:** AAATA FY 2017 Operating Budget Draft Aug 2 2016.pdf

- F-9**      **16-1273**      Memo from Craig Hupy - Morehead-Delaware Focus Group Report
- Attachments:**      Memo and Attachments\_Morehead-Delaware Focus Group Report
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- F-10**      **16-1298**      Stone School Townhomes Drain Notice of Day of Review of Appointments Scheduled for September 14, 2016 - Planning and Development Services
- Attachments:**      StoneSchoolTownhomes\_DOR\_notice.pdf,  
StoneSchoolPUBLISH\_197DOR\_2016\_Notice.pdf,  
StoneSchoolTownhomes\_map.pdf
- 
- G**      **The following minutes were received for filing:**
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- G-1**      **16-1061**      Airport Advisory Committee Minutes - May 18, 2016
- Attachments:**      AAC Minutes 051816
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- G-2**      **16-1065**      LDFA SmartZone Board Meeting Minutes - June 21, 2016
- Attachments:**      LDFA Board Minutes - June 21, 2016, LDFA Minutes 6-21-16 Final Approved.pdf
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- G-3**      **16-1112**      June 22, 2016 ZBA Minutes with Live Links
- Attachments:**      6-22-2016 ZBA Minutes with Live Links.pdf
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- G-4**      **16-1118**      Environmental Commission Working Meeting Minutes of January 28, 2016
- Attachments:**      City of Ann Arbor Environmental Commission Meeting Minutes - 1.28.16.pdf
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- G-5**      **16-1123**      Environmental Commission Meeting Minutes of March 24, 2016
- Attachments:**      Env Comm Minutes 3-24-2016
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- G-6**      **16-1141**      July 12, 2016 City Planning Commission Meeting Minutes

**Attachments:** 7-12-2016 CPC Minutes with Live Links.pdf

**G-7 16-1165** Cable Communications Commission Meeting Minutes of May 4, 2016

**Attachments:** CCCMinutesMay402016.pdf

**G-8 16-1185** Building Board of Appeals May 12, 2016, June 2016, and July 2016

**Attachments:** BBA June 2016 Minutes.pdf, BBA May 2016 Minutes.pdf, BBA July 2016 Minutes.pdf

**G-9 16-1219** Human Rights Commission, July 13, 2016, Meeting Minutes

**Attachments:** July 13 Final Meeting Minutes

**G-10 16-1223** City of Ann Arbor Employees' Retirement System Meeting Minutes of July 21, 2016

**Attachments:** Employees Retirement System Minutes July 2016

**G-11 16-1224** Retiree Health Care Benefit Plan & Trust Meeting Minutes of July 21, 2016

**Attachments:** B VEBA Bd July 2016

**G-12 16-1238** Insurance Board Meeting Minutes - July 28, 2016

**Attachments:** Insurance Board Minutes 07282016, Insurance Board Loss Run -July 2016

**G-13 16-0883** Housing and Human Services Advisory Board March 2016 Minutes

**Attachments:** HHSAB Minutes\_3-10-16 (1)

**G-14 16-1264** Council Administrative Committee Meeting Minutes of August 15, 2016

**Attachments:** Council Admin. Minutes 8-15-16.pdf

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

*Kai Petainen, City resident, thanked Council for releasing the train station report. He also stated he appreciated the information provided in the Fire Department Strategic Plan.*

*A documented immigrant from Honduras, and a member of the Coalition to Defend Affirmative Action and Immigration Rights, spoke about the current climate in the U.S. regarding immigrants and deportation of immigrants.*

*David Douglas, Coalition to Defend Affirmative Action and Immigration rights, urged Council to support the petition to free Justin Chong, currently detained in Monroe County.*

*Edward Vielmetti, Fourth Ward resident, thanked Council and the City Clerk staff for their effort to make minutes accessible for all residents, but noted that the Council Administration minutes, Item G-14, were scanned and still not fully accessible for those using accessibility tools.*

*Elizabeth Williams, organizer for BAMN, spoke about Donald Trump and sanctuary cities. She asked if AAPD was supporting ICE's efforts. She urged Council to reaffirm Ann Arbor's position as a sanctuary city.*

*Jane Klingsten, Arbor Hills resident, spoke about the approval of site plans tonight and urged Council to update the City's zoning ordinance and plans. She stated the issues are not NIMBY issues, but should be looked at from a community-wide perspective. She asked Council to consider asking the Disability Commission to review plans.*

*Tyler Wood, BAMN, urged Council and the public to sign the petition to free Justin Chong. More information can be located on [www.BAMN.com](http://www.BAMN.com)*

*Kathy Griswold, 2nd Ward resident, thanked Council for new direction regarding pedestrian safety. She thanked City staff for the compliant crosswalk signs and the work at Huron High School. She urged staff to begin the crosswalk work at Pioneer High as well.*

**SUSPEND THE RULES**

**A motion was made by Councilmember Lumm, seconded by Councilmember Westphal, that Council Suspend Rule 4, to allow Closed Session to commence after 11:00 p.m. and adjourn by 12:00 a.m. On a voice vote, the Mayor declared the motion carried.**



**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 Warpehoski, seconded by Councilmember Krapohl, that Council enter into Closed Session to discuss pending litigation under the Michigan Open Meetings Act, 15.268 (E). On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed into Closed Session at 12:34 a.m.:**

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

**Nays:** 1 - Councilmember Briere

#### **MEETING RECONVENED**

**A motion was made by Councilmember Lumm, seconded by Councilmember Briere, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 12:48 a.m.**

#### **ADJOURNMENT**

**A motion was made by Councilmember Lumm, seconded by Councilmember Ackerman, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:48 a.m.**

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

**LIVE: TUESDAY, SEPTEMBER 6, 2016 @ 7:00 P.M.**

**REPLAYS: WEDNESDAY, SEPTEMBER 7, 2016 @ 8:00 A.M. AND FRIDAY, SEPTEMBER 9, 2016 @ 8:00 P.M.**

**REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE**

CTN's Government Channel live televised public meetings are also available to watch live online from CTN's website, [www.a2gov.org/watchctn](http://www.a2gov.org/watchctn).

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 <http://a2govtv.pegcentral.com/>
- **Cable:** Watch CTN Government Channel 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 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.