

City of Ann Arbor

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



Action Minutes

Monday, October 5, 2015

7:00 PM

Note: Caucus will not be held on Sunday, October 4.

**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 7 p.m. in Council Chambers.

CALL TO ORDER

Mayor Taylor called the meeting of the Ann Arbor City Council to order at 7:01 p.m. in the City Council Chamber, 301 E. Huron Street, Ann Arbor.

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 Stephen Kunselman, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Graydon Krapohl and Councilmember Kirk Westphal

APPROVAL OF AGENDA

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

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

AC-1 15-1239 Agenda Response Memo - October 5, 2015

Attachments: Agenda Responses 10-5-15

City Administrator Steve Powers presented his Agenda Response Memo for information of Council. Mr. Powers also reported on the following:

Reminder that Council has a Work Session scheduled for 7pm on Monday, October 12 for two topics - receive and discuss a City streets and roads condition assessment report and for the DDA/City Joint Annual Planning Session.

Mr. Powers also reported on the City's Fire Prevention Week taking place October 4 through October 10. He stated the City's five fire stations will be open to the public this week, Monday through Friday, 9am to 3pm and Saturday from 9am to 7pm. More details are available at www.a2gov.org/fire.

Received and Filed

INT INTRODUCTION**INT-1 15-1211 Proclamation for Co-op Month 2015**

Attachments: Co-op Month 2015.pdf

Mayor Taylor presented a proclamation declaring October as Co-Op Month 2015. 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**

1. Kermit Schlansker - Apartment Buildings

Kermit Schlansker, Saline resident, urged the City to promote energy efficiency in the construction of new buildings.

2. Sharman Spieser - Request for Transparency and Inclusion

Sharman Spieser, 2200 Fuller Court, spoke about the new police chief hiring process and urged Council to consider race relations and diversity issues in their interview and hiring process.

3. Patti Smith - Thank You for Appointment to Ann Arbor Public Arts Commission (MC-1)

Patti Smith, 110 Depot Street, thanked the Mayor for nominating her to the Public Arts Commission.

CC COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER BRIERE*

Councilmember Briere reported on her recent trip to the International Downtown Association meeting that was held in San Francisco, CA. She stated a lot of good information and ideas were shared.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski responded to a public speaker regarding Police and community relations, noting that the Ann Arbor Friends' Focus on Race and Racial Justice community forums have been scheduled on this topic throughout the upcoming months. The group host events on Sundays on a variety of topics relating to race relations and police/community relationships.

Councilmember Warpehoski also spoke about the public hearing on tonight's agenda, regarding the proposed changes to the Sidewalk Ordinance, Chapter 49, and the impacts on snow shoveling. Councilmember Warpehoski stated the proposed ordinance changes may not address all of the issues with the current ordinance, but the amendments he is proposing tonight would address the problem with "repeat warnings."

Councilmember Warpehoski spoke about a call he received suggesting that those residents opposed to the deer cull had promised to picket individual Council Members' homes.

CC-1 15-1204

Resolution to Appoint Jarin Marocco to the City Environmental Commission

Sponsors: Briere

Attachments: JarinMaroccoEnvironmentalCommittee.pdf

Councilmember Briere presented the following resolution to Council for approval at a later date:

Referred to the City Council due back on 10/19/2015.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 15-1183

Appointments - Confirmations

Attachments: Patti Smith app.-AAPAC.pdf, William Leaf App..pdf, Michael Dobmeier app...pdf, Lauren F. Thompson app..pdf

Mayor Taylor requested confirmation of the following nominations that were presented to Council at the September 21, 2015 Regular Session:

Ann Arbor Public Arts Commission

*Lauren Thompson -Filling partial term
1217 Birk Ave.
Ann Arbor, MI 48103
Term: term ending May 31, 2018*

*Patti Smith -Filling partial term
110 Depot St.
Ann Arbor, MI 48104
Term: term ending May 31, 2018*

Housing and Human Services Advisory Board

*William Leaf-Filling partial term
715 Lawrence St. #2
Ann Arbor, MI 48104
Term: term ending May 31, 2018*

Zoning Board of Appeals

*Michael Dobmeier- Filling remaining term of Ben Carlisle (resigned)
320 Depot St.
Ann Arbor, MI 48104
Term: term ending May 31, 2017*

A motion was made by Councilmember Briere, seconded by Councilmember Krapohl, that Council concur with the recommendations of the Mayor. On a voice vote, the Mayor declared the motion carried.

MC-2 15-1220Resolution to Appoint Kristen Schweighofer to the Housing Board of Appeals (**7 Votes Required**)

Attachments: Kristin Schweighofer app..pdf

Mayor Taylor presented the following nomination, by resolution, for approval at a later date:

Referred to the City Council due back on 10/19/2015.

MC-3 15-1213**Appointments & Nominations**

Attachments: Michael B. Daniel app..pdf, Brian Butrico app..pdf, Angela Rasmussen app..pdf, Lisa Stelter app..pdf, Lauren London app..pdf

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

Housing Board of Appeals

*Angela Rasmussen- Partial Term
1265 Kuehnle
Ann Arbor, MI 48103
Term: term ending May 31, 2018*

*Lisa Stelter- Partial Term
1400 Saunders Crescent
Ann Arbor, MI 48103
Term: term ending May 31, 2018*

Parks Advisory Commission

*Lauren London-Partial Term
2720 White Oak Drive
Ann Arbor, MI 48103
Term: term ending May 31, 2018*

Recreation Advisory Commission

*Brian Butrico- Partial Term
1204 Bydding Rd.
Ann Arbor, MI 48103
Term: term ending May 31, 2018*

Zoning Board of Appeals

*Michael B. Daniel- Partial Term
201 S. First Street, Apt. 325
Ann Arbor, MI 48104
Term: term ending May 31, 2018*

Referred to the City Council due back on 10/19/2015.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 14-1481

An Ordinance to Amend Sections 3:11, 3:14, 3:15, 3:16, and 3:17 of Chapter 40, Trees and Other Vegetation, of Title III of the Code of the City of Ann Arbor (Ordinance No. ORD-15-09)

Sponsors: Briere

Attachments: ORD-15-09 Ch 40 As Amended Briefed and Approved.pdf, ORD-15-09 Ch 40 As Amended Briefed and Approved.docx, 15-09 Ord Am Chpt 40 Briefed.pdf, Ord Am Chpt 40.pdf, Communication from Pedestrian Safety and Access Task Force - December 16, 2014.pdf

A public hearing was continued on the proposed amendment to Sections 3:11, 3:14, 3:15, 3:16, and 3:17 of Chapter 40, Trees and Other Vegetation, of Title III of the Code of the City of Ann Arbor (Ordinance No. ORD-15-09) Notice of public hearing was published June 8, 2015.

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

Leon Bryson, 636 Center Drive, expressed concern about the number of branches hanging over the sidewalk from trees in the lawn extensions. He stated one unintended consequence to the proposed changes may be a less diverse landscaping.

Jeff Crockett, 506 E. Kingsley Lane, spoke in support, stating safety should be the number one consideration.

Jeff Hayner, 1807 Pontiac Trail, spoke in opposition and urged Council not to take away rights of residents to have easement gardens.

Kathy Griswold, 3565 Fox Hunt Drive, stated she is a master gardner, but the number one priority in this ordinance should be a focus on safety.

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

Held and Closed

Enactment No: ORD-15-09

PH-2 15-0143

An Ordinance to Amend Sections 4:60, 4:61 and 4:62, and to Delete Section 4:63 of Chapter 49 (Sidewalks) of Title IV of the Code of the City of Ann Arbor (Ordinance No. ORD-15-04)

Attachments: ORD15-04 Ch 49 As Amended and Approved 100515.pdf, 10-05-15 Supplemental Memo - ORD-15-04.pdf, ORD15-04 Ch 49 As Amended 031615.pdf, Pedestrian Safety and Access Task Force Final Recommendations, Ord Amend Chpt 49 Briefed.pdf, Ord Amend Chpt 49.pdf, Communication from Linda Feldt regarding Pedestrian Safety and Access Task Force (2).pdf, Memo from Pedestrian Safety Task Force - Postponement Request, MEMO to Council for 4-20-15 from Disabilities Commission.pdf, Disabilities Commission Draft Resolution for Consideration 4-15.pdf, PSATF Letter to Mayor Council, PSTAF Letter to Mayor and Council - 6-15-15, Memo to Mayor and Council - Proposed Ordinance to Amend Chapter 49 6-25-15, Memo to Mayor and Council - Proposed Ordinance to Amend Chapter 49 - Updated 7-6-15, Memo to Mayor and Council - Proposed Ordinance to Amend Chapter 49 - Updated 7-7-15, Environmental Commission Resolution, PSATF Presentation for 9-14-15

A public hearing was conducted on the proposed amendment to Sections 4:60, 4:61 and 4:62, and to Delete Section 4:63 of Chapter 49 (Sidewalks) of Title IV of the Code of the City of Ann Arbor (Ordinance No. ORD-15-04) Notice of public hearing was published September 28, 2015.

The following people spoke in opposition to the proposed ordinance:

Linda Evans, Vice-Chair of the Commission on Disability Issues, expressed concern about the amendment that removes financial and physical hardship exemptions. She also expressed concern regarding the 1" snow removal requirement. She urged Council to comply with the ADA.

Carolyn Grawi, Director of the CIL, spoke in opposition, stating the proposed amendments do not comply with ADA. She urged Council to adopt a zero tolerance policy regarding snow on sidewalks.

Lloyd Sheldon, member of the Commission on Disability Issues, urged Council to amend the ordinance to require zero tolerance for snow on the sidewalk.

Daniel Heumann, City resident, expressed concern about the ability to traverse Ann Arbor after a snowfall.

Peter Houk, Washtenaw Walking and Bicycling Coalition, spoke in opposition, stating a fix is needed, but this ordinance is not it. He urged Council to pass an ordinance that requires clear sidewalks.

Tony Pinnell, Pedestrian Safety and Access Task Force member

Vince Caruso, 556 Glendale

Ruth Barkan, 2215 S. Huron Parkway, spoke in opposition, stating the ordinance as proposed is a violation of the ADA.

The following person was present to speak in support:

Jeff Hayner, 1807 Pontiac Trail, spoke in support, but urged Council to consider a zero tolerance policy. He urged Council to set the example with the City streets and sidewalks and do the same job that is asked of residents.

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

Held and Closed

Enactment No: ORD-15-04

PH-3 15-0988

An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.38 Acre from R1B (Single-Family Dwelling District) to O (Office District), 2435 S Main Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-15-22)

Attachments: ORD-15-22 2435 S. Main Rezoning Briefed and Approved.pdf, 15-22 2435 S Main St Zoning Ordinance Briefed.pdf, 2435 S. Main St Rezoning Ordinance.pdf, 8/5/15 Planning Staff Report

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.38 Acre from R1B (Single-Family Dwelling District) to O (Office District), located at 2435 S Main Street. Notice of public hearing was published September 17, 2015.

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

Held and Closed

Enactment No: ORD-15-22

PH-4 15-1135

Resolution to Approve Davis Row Site Plan, 303 West Davis (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

Attachments: Davis Row Staff Report with Attachments 08-18-15, Davis Row Site Plan-8-18-2015 Planning Commission Minutes.pdf

A public hearing was conducted on the proposed Resolution to Approve Davis Row Site Plan, 303 West Davis. Notice of public hearing was published September 28, 2015.

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

Held and Closed

Enactment No: R-15-326

PH-5 15-1136 Resolution to Approve 410 First Site Plan and Development Agreement, 408 N First Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

Attachments: 410 First Dev Agree.docx, 410 First Staff Report with Attachments 08-18-15, 410 First redevelopment_flood fringe outline, 410 First - on site and off site drainage

A public hearing was conducted on the proposed Resolution to Approve 410 First Site Plan and Development Agreement, 408 N First Street. Notice of public hearing was published September 28, 2015.

The following people were present to speak at the hearing:

Vince Caruso, 556 Glendale, spoke in opposition, stating concerns with building in the floodplain and storm water issues.

Jeff Hayner, 1807 Pontiac Trail, spoke in opposition, stating the City should stop approving new construction and development in the floodplain.

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

Held and Closed

Enactment No: R-15-327

A APPROVAL OF COUNCIL MINUTES

A-1 15-1214 Work Session Minutes of September 14, 2015 and Regular Session Minutes of September 21, 2015

Attachments: 09-14-15 Draft minutes, 09-21-15 Draft Minutes, 2015-9-21-Council emails

A motion was made by Councilmember Grand, seconded by Councilmember Lumm, that the September 14 Work Session Minutes and the September 21 Regular Session Minutes 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 Briere, seconded by Councilmember Lumm, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA-1 15-1100 Resolution to Approve Contract Amendment No. 2 with DLZ Michigan, Inc. for Construction Support Services for the 2015 Wastewater Treatment Plant Access Bridge Repair Project (\$86,051.39)

Attachments: DLZ Amendment No. 2.pdf

Enactment No: R-15-316

- CA-2 15-1107** Resolution to Award a Computer Equipment Contract to Advanced Wireless Telecom (\$57,564.47, Bid No. ITB-4403) for the Rugged Computer Tablets, Mounting Equipment and Installation Project
Enactment No: R-15-317
- CA-3 15-1137** Resolution to Transfer Delinquent Water Utility, Board Up, Clean Up, Vacant Property Inspection and Housing Inspection Fees, and Fire Inspection Invoices to the December 2015 City Tax Roll
Attachments: COMBINED SCHEDULE A REVISED 10-2-15.pdf, COMBINED SCHEDULE A
Enactment No: R-15-318
- CA-4 15-1139** Resolution to Approve August 27, 2015 Recommendations of the Board of Insurance Administration
Enactment No: R-15-319
- CA-5 15-1174** Resolution Recognizing Ann Arbor Youth Chorale as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License
Enactment No: R-15-320
- B ORDINANCES - SECOND READING**
- B Unfinished Business - Staff:**
- B-1 14-1481** An Ordinance to Amend Sections 3:11, 3:14, 3:15, 3:16, and 3:17 of Chapter 40, Trees and Other Vegetation, of Title III of the Code of the City of Ann Arbor (Ordinance No. ORD-15-09)
Sponsors: Briere
Attachments: ORD-15-09 Ch 40 As Amended Briefed and Approved.pdf, ORD-15-09 Ch 40 As Amended Briefed and Approved.docx, 15-09 Ord Am Chpt 40 Briefed.pdf, Ord Am Chpt 40.pdf, Communication from Pedestrian Safety and Access Task Force - December 16, 2014.pdf
A motion was made by Councilmember Briere, seconded by Councilmember Warpehoski, that the Ordinance be adopted at Second Reading.
Enactment No: ORD-15-09
The following amendment was offered by Councilmember Eaton, and accepted as friendly:

Section 3:15

Delete the word, "Average" and replace it with the word, "maximum."
Amended

Enactment No: ORD-15-09

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

Enactment No: ORD-15-09

RECESS

Mayor Taylor declared a recess at 8:47 p.m. and reconvened the meeting at 8:57 p.m.

B-2 15-0143

An Ordinance to Amend Sections 4:60, 4:61 and 4:62, and to Delete Section 4:63 of Chapter 49 (Sidewalks) of Title IV of the Code of the City of Ann Arbor (Ordinance No. ORD-15-04)

Attachments: ORD15-04 Ch 49 As Amended and Approved 100515.pdf, 10-05-15 Supplemental Memo - ORD-15-04.pdf, ORD15-04 Ch 49 As Amended 031615.pdf, Pedestrian Safety and Access Task Force Final Recommendations, Ord Amend Chpt 49 Briefed.pdf, Ord Amend Chpt 49.pdf, Communication from Linda Feldt regarding Pedestrian Safety and Access Task Force (2).pdf, Memo from Pedestrian Safety Task Force - Postponement Request, MEMO to Council for 4-20-15 from Disabilities Commission.pdf, Disabilities Commission Draft Resolution for Consideration 4-15.pdf, PSATF Letter to Mayor Council, PSTAF Letter to Mayor and Council - 6-15-15, Memo to Mayor and Council - Proposed Ordinance to Amend Chapter 49 6-25-15, Memo to Mayor and Council - Proposed Ordinance to Amend Chapter 49 - Updated 7-6-15, Memo to Mayor and Council - Proposed Ordinance to Amend Chapter 49 - Updated 7-7-15, Environmental Commission Resolution, PSATF Presentation for 9-14-15

A motion was made by Councilmember Briere, seconded by Councilmember Grand, that the Ordinance be adopted on Second Reading.

Enactment No: ORD-15-04

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

2) Except for sidewalks defined by section 4:51(1)(b) and (c), within 24 hours after the end of each accumulation of snow, the owner or occupant of every property zoned residential shall:

(a) DURING THE SEASON BEGINNING IN 2016 AND ENDING IN 2017,

remove any accumulation of SNOW OF GREATER THAN 1 INCH AND ANY COMPACTED SNOW OF GREATER THAN ½ INCH from the adjacent [public] sidewalk and from walks and ramps that are at bus stops or that lead to a marked or unmarked crosswalk.

(b) DURING THE SEASON BEGINNING IN 2017 AND IN SUBSEQUENT SEASONS, REMOVE THE ENTIRE ACCUMULATION OF SNOW FROM THE ADJACENT SIDEWALK AND FROM WALKS AND RAMPS THAT ARE AT BUS STOPS OR THAT LEAD TO A MARKED OR UNMARKED CROSSWALK.

[Brackets] indicate deleted language. ALL CAPS indicate new language.

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 1 - Councilmember Westphal

Nays: 10 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand and Councilmember Krapohl

Enactment No: ORD-15-04

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

Strike in its entirety:

4:61

(3) The City employee responding to a complaint that Section 4:60 is being violated has the discretion whether or not to give a notice to an owner or occupant or issue a citation to an owner or occupant based on the City employee's evaluation of whether the public is afforded reasonably unimpeded passage on the subject sidewalk.

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

Yeas: 6 - Councilmember Kunselman, Councilmember Briere, Councilmember Kailasapathy, Councilmember Eaton, Mayor Taylor and Councilmember Westphal

Nays: 5 - Councilmember Anglin, Councilmember Lumm, Councilmember Warpehoski, Councilmember Grand and Councilmember Krapohl

Enactment No: ORD-15-04

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

Strike in its entirety:

Section 4:62

4:62. - Financial hardship. Upon proof of financial hardship the Administrator may authorize charges under section 4:61(2) to be paid in installments, to be reduced, or to be cancelled and will be subject to Council approval.

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 2 - Councilmember Krapohl and Councilmember Westphal

Nays: 9 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor and Councilmember Grand

Enactment No: ORD-15-04

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

Change section 4:60(2) to read:

Except for sidewalks defined by section 4:51(1)(b) and (c), within 24 hours after the end of each accumulation of snow greater than 1 inch, the owner or occupant of every property zoned residential shall remove the accumulation from the adjacent sidewalk and from walks and ramps that are at bus stops or leading that lead to a marked or unmarked crosswalk.

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

Yeas: 11 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Nays: 0

Enactment No: ORD-15-04

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

If Each season, the first TWO timeS snow or ice is not removed or treated by the owner or occupant as required in section 4:60, the city may notifywill give notice to the owner or occupant of the violation of section 4:60. This notification The notice may be made in person, by telephone, by mail or by written notice left at the property. If The notice will indicate that if the owner or occupant fails to remove the snow and/or ice within 24 hours of the notification of violation of section 4:60 notice, a citation may be issued and the city may cause such snow and/or ice to be removed at the owner's expense. For [second] THIRD or subsequent days on which snow or ice is not removed or treated as required in section 4:60, the City may issue a citation and remove the snow and/or ice at the owner's expense without further notice. The owner (as indicated by the records of the assessor) of the adjacent property shall then be charged the actual cost of the sidewalk clearance, plus an administrative fee of \$50.00. If that charge is not paid within 45 days, it may be assessed against the parcel under section 1:292 of this Code.

ALL CAPS indicate new language. [Brackets] indicate deleted language.

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 5 - Councilmember Anglin, Councilmember Lumm, Councilmember Kailaspathy, Councilmember Eaton and Councilmember Westphal

Nays: 6 - Councilmember Kunselman, Councilmember Briere, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand and Councilmember Krapohl

Enactment No: ORD-15-04

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

Section 5. This Ordinance shall take effect on [October 1, 2015] FEBRUARY 1, 2016.

ALL CAPS indicate new language. [Brackets] indicate deleted language.

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

(Upon defeat of this amendment, it was determined friendly to change the effective date of the ordinance to November 15, 2015.)

Yeas: 3 - Councilmember Anglin, Councilmember Kailaspathy and Councilmember Eaton

Nays: 8 - Councilmember Kunselman, Councilmember Briere, Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Enactment No: ORD-15-04

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

4:60(11)

An owner of the property or an occupant who fails to comply with this section shall be responsible for a civil infraction, which shall be punishable by a civil fine of not MORE [less] than \$100.00 for the first citation issued in a season, not MORE [less] than \$250.00 [and up to \$500.00] for the second citation issued in a season, and not less than \$500.00 and up to \$1,000.00 for each additional or subsequent citation issued in a season, plus costs and all other remedies available by statute. The maximum fine for any offense shall not exceed \$1,000.00. If the penalty is not paid within 45 days, it may be assessed against the parcel under section 1:292 of this Code.

ALL CAPS indicate new language.
[Brackets] indicate deleted language.

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

Yeas: 10 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Nays: 1 - Mayor Taylor

Enactment No: ORD-15-04

The question being, a motion made by Councilmember Briere, seconded by Councilmember Grand, that the Ordinance be adopted as amended on Second Reading, on a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 9 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Nays: 2 - Councilmember Eaton and Mayor Taylor

Enactment No: ORD-15-04

B-3 15-0988

An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.38 Acre from R1B (Single-Family Dwelling District) to O (Office District), 2435 S Main Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-15-22)

Attachments: ORD-15-22 2435 S. Main Rezoning Briefed and Approved.pdf, 15-22 2435 S Main St Zoning Ordinance Briefed.pdf, 2435 S. Main St Rezoning Ordinance.pdf, 8/5/15 Planning Staff Report

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

Enactment No: ORD-15-22

C ORDINANCES - FIRST READING**D MOTIONS AND RESOLUTIONS****DC New Business - Council:****15-1207** Resolution to Accept the Recommendations of the Pedestrian Safety and Access Task Force

Sponsors: Warpehoski, Briere and Taylor

Councilmember Warpehoski moved, seconded by Councilmember Briere, that the Resolution be approved.

Enactment No: R-15-321

Councilmember Eaton moved, seconded by Councilmember Lumm, that the following amendment be approved:

Amend Last RESOLVED Clause as follows:

RESOLVED, That the City Administrator review the Task Force's recommendations and program them [feasible within the constraints of available resources and other priorities] CONSISTENT WITH THE FISCAL YEAR 2016 BUDGET PRIORITIES SET BY COUNCIL.

ALL CAPS indicate new language. [Brackets] indicate deleted language.

Friendly - consistent with the budget priorities set by Council, beginning in Fiscal Year 2016.

The amendment as amended was considered friendly.

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

Enactment No: R-15-321

DC-2 15-1221 Resolution to Accept Council Administration Committee Recommendations Regarding City Administrator Search

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

Enactment No: R-15-322

A motion was made by Councilmember Krapohl, seconded by Councilmember Briere, that the following substitute resolution be considered:

Whereas, The Ann Arbor City Council received a written letter of resignation from Steve Powers, the City Administrator, effective November 18, 2015;

Whereas, The City Administrator is selected and approved by the Ann Arbor City Council;

Whereas, The Administrative Committee of the Ann Arbor City Council, which has personnel responsibilities including the performance review of the City Administrator and the City Attorney, should serve as the search committee with the goal of recommending at least three finalists;

Whereas, The Administration Committee has met to devise and recommend a selection process for the new city administrator and to recommend an interim city administrator for approval at the October 5th City Council meeting;

Whereas, The Administration Committee requested the distribution of the City Administrator job description to all of City Council for their review and input prior to October 1st;

Whereas, The Administration Committee met with Human Resources to discuss various options for the selection process for a new City Administrator;

Whereas, The Administration Committee reviewed and discussed steps for hiring a new city administrator, steps that will include will include posting the job; stakeholder meetings that consist of individual council members, employees, businesses and the community at large; and onsite public interviews with finalists;

Whereas, Human Resources has received proposals from three (3) search firms with expertise in public sector search and experience with executive recruitments;

Whereas, Human Resources has reviewed the three (3) received proposals and recommends the selection of Affion Public ("Affion");

Whereas, The Administration Committee recommends a search process that is a combination internal and external process (public input into desired candidate profile, public engagement at finalist stage), facilitated by Affion;

Whereas, The Administration Committee requested and reviewed a salary matrix from other cities for the City Administrator position and recommends that the posted salary for the new City Administrator be set at a range between \$160,000.00 and \$175,000.00 per year;

Whereas, The Administration Committee requested that City Administrator Steve Powers recommend an interim City Administrator; and

Whereas, City Administrator Steve Powers has recommended the selection of Tom Crawford to serve as interim City Administrator;

Resolved, That the Administration Committee of the Ann Arbor City Council be

authorized to serve as the search committee and will make recommendations to City Council in its entirety regarding candidates for City Administrator;

Resolved, That the City Council directs the City Administrator to execute a professional services agreement with Affion Public for the purpose of facilitating an internal and external selection process, for an amount not to exceed \$24,000.00.

Resolved, That the City Council appoint Tom Crawford to serve as interim City Administrator, effective November 18, until a permanent City Administrator is appointed by City Council, at an annual salary rate of \$159,500.00.

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

Yeas: 9 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Kailasapathy, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Nays: 2 - Councilmember Lumm and Councilmember Eaton

Enactment No: R-15-322

15-1221

Resolution to Accept Council Administration Committee Recommendations Regarding City Administrator Search

The question being, the motion made by Councilmember Briere, seconded by Councilmember Kunselman, that the Resolution be approved as amended, on a voice vote, the Mayor declared the motion carried.

Enactment No: R-15-322

DC-3 15-1222

Resolution Regarding Natural Features and Stormwater

Sponsors: Kailasapathy, Eaton and Lumm

Councilmember Kailasapathy moved, seconded by Councilmember Eaton, that the Resolution be approved.

Enactment No: R-15-323

RECESS

Mayor Taylor called a recess at 11:20 p.m. and reconvened the meeting at 11:27 p.m.

15-1222 Resolution Regarding Natural Features and Stormwater

Sponsors: Kailasapathy, Eaton and Lumm

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

Amend First RESOLVED Clause as follows:

RESOLVED, That as a first step, we request the Environmental Commission's Natural Features Committee, with the assistance of [Systems Planning] staff, to review [these matters] THE NATURAL FEATURES ORDINANCE and make ongoing recommendations and reports to [Council] THE ENVIRONMENTAL COMMISSION regarding suggested improvements.

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

Enactment No: R-15-323

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

RESOLVED, That as a first step, we request the Environmental Commission's Natural Features Committee, with the assistance of staff, to review the Natural Features Ordinance and make ongoing recommendations and reports to the Environmental Commission regarding POTENTIAL SCOPE, TIMELINE, AND STAFFING IMPACTS OF suggested improvements.

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 1 - Councilmember Warpehoski

Nays: 10 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Enactment No: R-15-323

15-1222 Resolution Regarding Natural Features and Stormwater

Sponsors: Kailasapathy, Eaton and Lumm

The question being the motion made by Councilmember Kailasapathy, seconded by Councilmember Eaton, 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 Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton, Mayor Taylor and Councilmember Krapohl

Nays: 3 - Councilmember Warpehoski, Councilmember Grand and Councilmember Westphal

Enactment No: R-15-323

DC-4 15-1224

Resolution Reiterating Support for Safe Passage Great Lakes Days

Sponsors: Briere, Grand, Taylor and Warpehoski

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

Enactment No: R-15-324

DC-5 15-1237

Resolution Regarding Enforcement of Ordinances Requiring Removal of Snow and Ice from Sidewalks

Sponsors: Westphal

Councilmember Westphal moved the following amendments, which were considered friendly:

Strike Second RESOLVED Clause in its entirety.

Amend First RESOLVED Clause to read as follows (decrease years by one):

RESOLVED, That the City Administrator shall report to City Council on or before May 1, 2016, on the status of enforcement actions for the winter of 2015-2016 under Sections 4:60 and 4:61 of Chapter 49, Sidewalks, of the Ann Arbor City Code, including but not limited to the number of notices issued, the number of citations issued, and the number of parcels where the City was required to removed snow/ice from a non-compliant owner/occupant's parcel.

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

Enactment No: R-15-325

DB New Business - Boards and Commissions:

DB-1 15-1135

Resolution to Approve Davis Row Site Plan, 303 West Davis (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

Attachments: Davis Row Staff Report with Attachments 08-18-15, Davis Row Site Plan-8-18-2015 Planning Commission Minutes.pdf

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

Yeas: 9 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Nays: 2 - Councilmember Kailaspathy and Councilmember Eaton

Enactment No: R-15-326

DB-2 15-1136 Resolution to Approve 410 First Site Plan and Development Agreement, 408 N First Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

Attachments: 410 First Dev Agree.docx, 410 First Staff Report with Attachments 08-18-15, 410 First redevelopment_flood fringe outline, 410 First - on site and off site drainage

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

Yeas: 8 - Councilmember Kunselman, Councilmember Briere, Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Nays: 3 - Councilmember Anglin, Councilmember Kailasapathy and Councilmember Eaton

Enactment No: R-15-327

DS New Business - Staff:

DS-1 15-1138 Resolution Authorizing the Issuance and Sale of 2015 Maintenance Facility Refunding Bonds (Limited Tax General Obligation) **(Roll Call Vote Required - One Reading)**

Attachments: BH01-#2312990-v1-A2 2015 Refunding CIBS BAR.doc, BH01-#2312990-v1-A2 2015 Refunding CIBS BAR

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 carried unanimously:

Yeas: 11 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Nays: 0

Enactment No: R-15-328

DS-2 15-1099 Resolution to Award a Contract to C.A. Hull Co., Inc. to Construct the 2015 Wastewater Treatment Plant Access Bridge Repair Project (\$393,927.15)

Attachments: CA Hull contract.pdf

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

Enactment No: R-15-329

- DS-3 15-1101** Resolution to Approve the Purchase of Four John Deere 72" Front Deck Mowers from Deere & Company (\$115,311.96)
- A motion was made by Councilmember Grand, seconded by Councilmember Lumm, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-15-330
- DS-4 15-1102** Resolution to Approve the Purchase of an Elgin Street Sweeper from Bell Equipment Company (State of Michigan MiDeal Contract # 071B1300075 \$202,172.40)
- 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-15-331
- DS-5 15-1169** Resolution to Accept an Easement for Sanitary Sewer at 2460 Prairie Court from Beverly A. Tucker (**8 Votes Required**)
- Attachments:** Drawing - 2460 Prairie Court Sanitary Sewer Easement.pdf
- A motion was made by Councilmember Krapohl, seconded by Councilmember Warpehoski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**
- Enactment No:

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER BRIERE

Councilmember Briere further reported on her conference in San Francisco, stating several meetings were focused on the topic of homelessness. She stated she will be typing up her notes and sharing with Council. Another topic was on the subject of traffic counting, including the number of pedestrians and bicyclists.

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

F-1 15-1178 Ann Arbor Area Transportation Authority (AAATA) Reports for the month ended August 31, 2015

Attachments: AAATA R1 Financial Report August 2015.pdf, AAATA R2 Performance Reports.pdf, AAATA R2 Weekday riders.pdf

F-2 15-1197 Communication from the State of Michigan Public Service Commission regarding DTE Public Hearing Notice for Electric Customers of DTE Electric Company in Case No. U-17804 Scheduled for October 7, 2015 - City Attorney, Systems Planning

Attachments: DTE Public Notice U-17804.pdf

Filed.

G The following minutes were received for filing:

G-1 15-1057 Public Market Advisory Commission Meeting Minutes of 7.23.15

Attachments: PMAC Meeting Minutes 7.23.15.pdf

G-2 15-1066 Zoning Board of Appeals Meeting Minutes of June 24, 2015

Attachments: 6-24-2015 ZBA Minutes with Live Links2.pdf

G-3 15-1114 Council Liquor License Review Committee Meeting Minutes of July 31, 2015

Attachments: 2015-07-31 liquor committee minutes

G-4 15-1130 Downtown Development Authority Board and Executive, Partnerships, Finance, Operations and Capital Improvements Committee Minutes of July & August 2015

Attachments: DDA Minutes July & August 2015

G-5 15-1131 Downtown Area Citizens Advisory Council Meeting Minutes for September 1 2015

Attachments: Downtown Area Citizens Advisory Council Meeting Minutes 090115

G-6 15-1145 Parks Advisory Commission Meeting Minutes of July 21, 2015

Attachments: PAC Meeting Minutes July 21, 2015.pdf

- G-7 15-1176** Ann Arbor Housing Commission Joint Policy and Financial Advisory Committee - Minutes of September 16, 2015
Attachments: Minutes of AAHCJPFAC Minutes 9-15-15
- G-8 15-1196** Insurance Board Meeting Minutes - August 27, 2015
Attachments: Insurance Board Minutes 08272015, Ann Arbor Insurance Board Loss Run - July 2015
- G-9 15-1209** Council Rules Committee Meeting Minutes of September 21, 2015
Attachments: Council Rules Committee Minutes 9-21-15.pdf
- G-10 15-1210** Council Administration Committee Meeting Minutes of August 24, September 21 and 28, 2015
Attachments: Council Administration Committee Minutes 9-21-15.pdf, Council Administration Committee Minutes 9-28-15.pdf, Council Administration Committee Minutes 8-24-15.pdf

Filed.

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

EDWARD VIELMETTI

Ed Vielmetti, Fourth Ward resident, spoke about the City's eTrakit software for building and planning permits, and stated documents in the database have not been available since the system went down on August 31.

JAIME MAGIERA

Jaime Magiera, 4th Ward resident, spoke about the newly approved snow shoveling ordinance. He noted as with leaf collection, there is an opportunity for residents, including young people, to help each other.

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

None.

ADJOURNMENT

A motion was made by Councilmember Krapohl, seconded by Councilmember Grand, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:16 a.m.

15-1258 Council Emails and Redaction List of October 5, 2015

Attachments: Council emails 10-5-2015_Redacted (2).pdf

Received and Filed

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, OCTOBER 5, 2015, @ 7:00 P.M.

REPLAYS: TUESDAY, OCTOBER 6, 2015, @ 10:00 A.M. AND FRIDAY, OCTOBER 9, 2015 @ 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, 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
- 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; 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