

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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



Meeting Minutes - Draft

Monday, January 7, 2019

7:00 PM

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

City Council

CALL TO ORDER

Mayor Christopher Taylor called the meeting of the Ann Arbor City Council to order at 7:00 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron Street.

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

Mayor Taylor led Council in the recitation of the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: 11 - Councilmember Jane Lumm, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Zachary Ackerman, Councilmember Chip Smith, Councilmember Anne Bannister, Councilmember Jeff Hayner, Councilmember Kathy Griswold, Councilmember Elizabeth Nelson and Councilmember Ali Ramlawi

APPROVAL OF AGENDA

Councilmember Lumm requested that the Agenda be amended to include the following item:

DC-3 Resolution Regarding "Lawful Taking" Statute

Councilmember Eaton supported the motion.

A motion was made by Councilmember Smith, seconded by Councilmember Nelson, that the Agenda be approved with the following changes:

ADD: DC-3 Resolution Regarding "Lawful Taking" Statute

On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement to amend the agenda.

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Howard S. Lazarus presented City Finance staff with a distinguished budget award from the GFOA.

Mr. Lazarus thanked Officer Burton of the AAPD for his attendance at tonight's meeting.

Mr. Lazarus presented a number of written reports for information of Council. All reports are on file in the City Clerk's Office.

AC-1 [18-2107](#) Government Finance Officers Association (GFOA) - Distinguished Budget Presentation Award - Financial Services

Received and Filed

AC-2 [18-2197](#) Gelman Site Update - December 18, 2018

Received and Filed

AC-3 [18-2198](#) Memorandum in Response to Council Resolution R-18-463 - Resolution to Direct the City Administrator to Compile the Information Requested in Freedom of Information Act Request 1636 - December 19, 2018

Received and Filed

AC-4 [19-0014](#) Memorandum from City Administrator - Response to Resolution R-18-291 - Resolution to Support One Community Initiative and Ongoing Equity - FY19Q2 Report - December 27, 2018

Received and Filed

AC-5 [19-0015](#) Memorandum in Response to R-18-293 - Special Event Task Force Recommendations - December 27, 2018

Received and Filed

AC-6 [19-0020](#) Changing Driver Behavior Report 2018

Received and Filed

AC-7 [19-0037](#) Memorandum from City Administrator: Water and Sewage Disposal Funds Financial Positions without Mid-Year Increases - January 4, 2019

Received and Filed

AC-8 [19-0038](#) Tree Trimming Schedule 2019

Received and Filed

AC-9 [19-0039](#) Agenda Response Memo and eComments - January 7, 2019

Received and Filed

AC-10 [19-0040](#) City Administrator's Report - January 7, 2019

Received and Filed

INT INTRODUCTIONS

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. Mozhgan Savabieasfahani - The Gelman Dioxane Clean Up (AC-2)

Mozhgan Savabieasfahani, PO Box 7038, spoke about the Gelman Dioxane plume and urged Council to support clean-up efforts.

2. Will Hathaway - Resolution Directing City Attorney to Settle Ann Arbor Central Park Ballot Committee Case (DC-2)

Will Hathaway, 3424 Stowe, spoke in support of DC-2, the Resolution Directing the City Attorney to Settle Ann Arbor Central Park Ballot Committee Case.

3. Alan Haber - Resolution Directing City Attorney to Settle Ann Arbor Central Park Ballot Committee Case (DC-2)

Alan Haber, 531 3rd Street, spoke in support of DC-2, the Resolution Directing the City Attorney to Settle Ann Arbor Central Park Ballot Committee Case.

4. Robert Gordon - Resolution Directing City Attorney to Settle Ann Arbor Central Park Ballot Committee Case (DC-2)

Robert Gordon, resident, spoke in opposition of DC-2, the Resolution Directing the City Attorney to Settle Ann Arbor Central Park Ballot Committee Case.

5. Everett Armstrong - Safe Routes - Sidewalks

Everett Armstrong, 1629 Traver, spoke in opposition to the City's Safe Routes to School plan on Traver Road.

6. Jean Arnold - Safe Routes to School

Jean Arnold, 1629 Traver, spoke in opposition to the City's Safe Routes to School plan on Traver Road and stated none of the residents on Traver are in favor of the currently approved plan.

7. Elizabeth Brooks - Safe Routes to School

Elizabeth Brooks, 1600 block of Traver, spoke in opposition to the City's Safe Routes to School plan on Traver Road. She urged Council to reconsider their vote on this project.

6. Lester Wyborny - Safe Routes to School

Lester Wyborny, resident, spoke in opposition to the City's Safe Routes to School plan on Traver Road.

9. Lorraine Shapiro - City Priorities

Lorraine Shapiro, 1484 Green Road, spoke in opposition to the City's deer culling efforts and urged the City to get its priorities in order. She stated water quality should be a focus, not killing deer.

10. Lefiest Galimore - Prison Reform

Lefiest Galimore, 3139 Plymouth, spoke about prison reform efforts.

CC COMMUNICATIONS FROM COUNCIL**COUNCILMEMBER GRISWOLD**

Councilmember Griswold stated a resident has created a professional PowerPoint presentation regarding the benchmarking of water rates. She encouraged folks to visit her website, KathyGriswold.com, to view the presentation. She stated she would also be sharing the presentation with City staff.

Councilmember Griswold also spoke about a new midblock crosswalk on North Maple Road. She stated the crossing is not lighted and is a safety issue for pedestrians.

COUNCILMEMBER BANNISTER

Councilmember Bannister thanked the Traver Road neighbors who came out to speak regarding the Safe Routes to School plan for the Northside STEAM School. She clarified that she could not seek a reconsideration of the previous vote because she was not on the prevailing side of the December 17 vote. She stated any of her colleagues not in Ward One, who voted on the prevailing side of the previous vote, could bring this resolution up for a reconsideration.

Councilmember Bannister thanked the City Attorney's Office for DC-2 and stated she supports the settlement of this lawsuit.

COUNCILMEMBER NELSON

Councilmember Nelson stated she provided a draft resolution to the City's Human Rights Commission regarding the hiring of workers at the new Michigan Union. She stated she hopes that the City can support the Fair Food Alliance regarding migrant workers and make a difference within Ann Arbor.

COUNCILMEMBER EATON

Councilmember Eaton stated there will be a public meeting on January 17 regarding the Scio Church Road improvement project and related

special assessments.

COUNCILMEMBER HAYNER

Councilmember Hayner stated there will be a public meeting on January 10 at Northside STEAM School regarding the water main project in that area.

Councilmember Hayner also reported on the upcoming CARD meeting regarding the Gelman Dioxane plume. He stated CARD meets each month on Tuesdays.

Councilmember Hayner thanked the City Administrator for the number of written reports provided to Council and urged others to read them.

COUNCILMEMBER GRAND

Councilmember Grand stated the City is currently seeking community input regarding the hiring of the City's new Police Chief. She stated there would be a forum at Bryant Community Center for public input and she also noted that the Human Rights Commission is seeking candidates to serve on the City's new Independent Police Oversight Commission.

COUNCILMEMBER NELSON

Councilmember Nelson also reported on a Ward Four water main project in the Hoover/Green/Hill area and stated a public meeting will be held on the project on January 17 at City Hall.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 [19-0011](#) Urban County Executive Committee - Mayor's Designation of Elizabeth Nelson as Primary Representative and Ali Ramlawi as Alternate Representative

Sponsors: Taylor

Mayor Taylor presented the following communication regarding changes to City Council committee assignments:

Resolution No. R-18-475, Resolution to Approve 2019 Council Committee Appointments, appointed Ali Ramlawi as primary representative and Elizabeth Nelson as alternate to the Urban County Executive Committee. The Mayor is responsible for designating the representatives to the Urban County Executive Committee and has changed the designation to Elizabeth Nelson as primary representative and Ali Ramlawi as alternate, per their request.

Received and Filed

CA CONSENT AGENDA

Passed on consent agenda

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

CA-1 18-1921 Enactment No:

Resolution to Approve an Interagency Agreement for Collaborative Technology and Services Schedule 29 with Washtenaw County and Appropriate \$248,000.00 from the Information Technology Fund Balance (\$538,633.05) (8 Votes Required)

CA-2 18-2020 Enactment No: R-19-002 Approved

Resolution Authorizing Membership in and Commitment to Washtenaw Health Initiative (WHI) 2018 Statement of Commitment (Charter) and Payment of Annual Membership Fee (\$30,000.00)

CA-3 18-2102 Enactment No: R-19-003 Approved

Resolution to Approve Street Closings for the Shamrocks and Shenanigans

5K Run/Walk - Sunday, March 10, 2019

CA-4 18-2103 Enactment No: R-19-004 **Approved**

Resolution to Approve Street Closings for the University of Michigan Trail to the Victors 5K on Sunday, April 7, 2019

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [18-1826](#) An Ordinance to Amend Section 2:64 of Chapter 29 (Change Sewer Rates) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-18-33)

A public hearing was conducted on the proposed amendment to Sections 2:63 and 2:64 of Chapter 29 (Change Water, Sewer, and Stormwater Rates) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-18-33). Notice of public hearing was published December 20, 2018.

Paul Berry, resident, expressed concern about the City's rate increases for water, including the recent rate structure change. He urged Council to find other ways to fund the system than additional increases for taxpayers.

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

Held and Closed

PH-2 18-2000 Enactment No: **Held and Closed**

Held and Closed

Resolution to Approve the 715 Heather Way Annexation, 0.52 Acre (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve the 715 Heather Way Annexation, 0.52 Acre. Notice of public hearing was published December 27, 2018.

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

A APPROVAL OF COUNCIL MINUTES

19-0048 An Ordinance to Amend Section 2:63 of Chapter 29 (Change Water Rates) of Title II of the Code of the City of Ann Arbor

A motion was made by Councilmember Smith, seconded by Councilmember Ackerman, that the Ordinance be approved on First Reading. On a roll call, the vote was as follows with the Mayor declaring the motion defeated

Yeas: 4 - Mayor Taylor, Councilmember Ackerman, Councilmember Smith and Councilmember Nelson

Nays: 7 - Councilmember Lumm, Councilmember Eaton, Councilmember Grand, Councilmember Bannister, Councilmember Hayner, Councilmember Griswold and Councilmember Ramlawi

RECESS

Mayor Taylor declared a recess at 9:00 p.m. and reconvened the meeting at 9:12 p.m.

C ORDINANCES - FIRST READING

C-1 **19-0001** An Ordinance to Amend Sections 7:605 and 7:607 of Chapter 96 (Medical Marijuana Facilities) of Title VII of the Code of the City of Ann Arbor (Ordinance No. ORD-19-01)

A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the Ordinance be approved on First Reading to the City Council, due back on 1/22/2019. On a voice vote, the Mayor declared the motion carried.

C-2 **19-0021** An Ordinance to Amend Sections 1:240D, 1:240E and 1:240F of Chapter 9 (City Seal and Flag) of Title I of the Code of the City of Ann Arbor

Sponsors: Taylor

A motion was made by Councilmember Smith, seconded by Councilmember Ramlawi, that the Ordinance be approved on First Reading to the City Council, due back on 1/22/2019. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 8 - Councilmember Lumm, Mayor Taylor, Councilmember Grand, Councilmember Ackerman, Councilmember Smith, Councilmember Griswold, Councilmember Nelson and Councilmember Ramlawi

Nays: 3 - Councilmember Eaton, Councilmember Bannister and Councilmember Hayner

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 18-2191 Enactment No: R-19-005 Approved

Sponsors: Council Liquor License Review Committee

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

Resolution to Recommend Approval of Issuance of a Downtown Development District Liquor License to Argus Farm Stop L3C

19-0049 A Motion to Reconsider Resolution R-18-501, Resolution No. 2 - Northside STEAM Safe Routes to School Sidewalk Gap Project - Sidewalk Special Assessment

Sponsors: Eaton

A motion was made by Councilmember Eaton, seconded by Councilmember Nelson, that Resolution R-18-501, Resolution No. 2 - Northside STEAM Safe Routes to School, be reconsidered. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 9 - Councilmember Lumm, Councilmember Eaton, Mayor Taylor, Councilmember Ackerman, Councilmember Bannister, Councilmember Hayner, Councilmember Griswold, Councilmember Nelson and Councilmember Ramlawi

Nays: 2 - Councilmember Grand and Councilmember Smith

18-1749 Enactment No: R-18-501 Approved

A motion was made by Councilmember Eaton, 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 Lumm, Mayor Taylor, Councilmember Grand, Councilmember Ackerman, Councilmember Smith, Councilmember Nelson and Councilmember Ramlawi

Nays: 4 - Councilmember Eaton, Councilmember Bannister, Councilmember Hayner and Councilmember Griswold

Resolution No. 2 - Northside STEAM Safe Routes to School Sidewalk Gap Project - Sidewalk Special Assessment

DC-2 19-0034 Enactment No: R-19-006 Approved

Sponsors: Taylor, Ramlawi and Lumm

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.

Resolution to Direct the City Attorney to Settle Ann Arbor Central Park Ballot Committee v City of Ann Arbor, et al., Case No. 18-816-CZ by Stipulating to an Injunction

DC-3 19-0047 Enactment No: Approved

Sponsors: Lumm

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

Yeas: 5 - Councilmember Lumm, Councilmember Eaton, Councilmember Bannister, Councilmember Griswold and Councilmember Ramlawi

Nays: 6 - Mayor Taylor, Councilmember Grand, Councilmember Ackerman, Councilmember Smith, Councilmember Hayner and Councilmember Nelson

Resolution Regarding "Lawful Taking" Statute

DB New Business - Boards and Commissions:

DB-1 18-2000 Enactment No: R-19-007 Approved

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

Resolution to Approve the 715 Heather Way Annexation, 0.52 Acre (CPC

Recommendation: Approval - 8 Yeas and 0 Nays)

DB-2 18-2115 Enactment No: R-19-008 Approved

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

Resolution to Approve Revised Bylaws of the Environmental Commission

DB-3 18-2188 Enactment No: Approved

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

Yeas: 4 - Mayor Taylor, Councilmember Grand, Councilmember Ackerman and Councilmember Hayner

Nays: 7 - Councilmember Lumm, Councilmember Eaton, Councilmember Smith, Councilmember Bannister, Councilmember Griswold, Councilmember Nelson and Councilmember Ramlawi

Resolution to Approve the Purchase of a Conservation Easement on the Lepkowski Property in Northfield Township and to Appropriate \$478,867 (8 Votes Required)

DS New Business - Staff:

E COMMUNICATIONS FROM THE CITY ATTORNEY

None.

F & G CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

F The following communications were referred as indicated:

Passed on consent agenda

A motion was made by Councilmember Hayner, seconded by Councilmember Smith, 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 [18-1857](#) A Municipal Resolution to Strengthen Nuclear Emergency Planning for Ann Arbor, MI

- F-2 [18-2058](#) Resolution to Delay RFP postings for Solid Waste Services until completion of APTIM Report

- F-3 [18-2081](#) Ann Arbor Climate Emergency: Resolution Endorsing the Declaration of a Climate Emergency to Restore a Safe Climate

- F-4 [18-2111](#) City of Ann Arbor Water Systems Advisory Council (WSAC)

G The following minutes were received for filing:

- G-1 [18-1716](#) Minutes of the September 20, 2018, HDC Meeting

- G-2 [18-1787](#) September 18, 2018 City Planning Commission Meeting Minutes

- G-3 [18-1982](#) Minutes of the October 24, 2018 ZBA Meeting

- G-4 [18-2050](#) Minutes from the 10-25-18 Environmental Commission meeting

- G-5 [18-2052](#) Greenbelt Advisory Commission Meeting Minutes of October 4, 2018

- G-6 [18-2063](#) Commission on Disability Issues - February 2018 Meeting Minutes

- G-7 [18-2064](#) Commission on Disability Issues - May 2018 Meeting Minutes

- G-8 [18-2065](#) Commission on Disability Issues - June 2018 Meeting Minutes

- G-9 [18-2068](#) Elizabeth Dean Fund Committee Meeting Minutes 07/10/2018 and 10/23/2018

- G-10** [18-2073](#) LDFA Board Meeting Minutes - November 13, 2018
- G-11** [18-2075](#) Downtown Development Authority Board and Executive, Partnerships, Capital Improvements, Operations and Finance Committees Minutes of November 2018
- G-12** [18-2189](#) Insurance Board Meeting Minutes - December 13, 2018
- G-13** [19-0012](#) Ann Arbor Area Transportation Authority (AAATA) Meeting Minutes from 2018
- G-14** [18-2190](#) Council Liquor License Review Committee Meeting Minutes of July 20, 2018
- G-15** [19-0027](#) Council Administration Committee Minutes - December 17, 2018

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Lisa Abrams, Ward 3, thanked Council for their vote on DC-3 and for protecting the free speech rights of protestors. She also spoke against the City's deer cull and urged the City to stop using tax dollars for this project.

Dough Kelbaugh, Ann Street resident, spoke about climate change and housing affordability.

Brian Chambers, Ward 3, spoke about Ann Arbor's popularity nationally as an attractive place to live. He stated this is making Ann Arbor unaffordable for many residents. He also spoke about Ann Arbor's climate change goals.

Edward Vielmetti, Ward 4, noted that two items on the Clerk's Report included attachments that were not in a readable form. He urged the City Clerk to correct this. He also spoke about the City seal ordinance.

Kai Petainen, resident, spoke about the issues on the agenda related to free speech.

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER HAYNER*

Councilmember Hayner spoke about the Library Lot and his resolution to make it available to residents for rent. He stated the resolution was referred to PAC and will be discussed by PAC again in January. Councilmember Hayner also spoke about his concerns related to the proposed water rate changes.

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 Smith, seconded by Councilmember Nelson, that the Council enter into Closed Session under the Michigan Open Meetings Act for Pending Litigation regarding Felch, LLC v. City of Ann Arbor and Attorney/Client Privileged Communication as set forth in MCLA 15.268 (E) and (H). On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting adjourned in Closed Session at 11:08 p.m.:

Yeas: 11 - Councilmember Lumm, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Ackerman, Councilmember Smith, Councilmember Bannister, Councilmember Hayner, Councilmember Griswold, Councilmember Nelson and Councilmember Ramlawi

Nays: 0

MEETING RECONVENED

A motion was made by Councilmember Lumm, seconded by Councilmember Griswold, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 11:15 p.m.

ADJOURNMENT

A motion was made by Councilmember Lumm, seconded by Councilmember Griswold, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:15 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, JANUARY 7, 2019 @ 7:00 P.M.

REPLAYS: WEDNESDAY, JANUARY 9, 2019 @ 8:00 A.M. AND FRIDAY, JANUARY 11, 2019 @ 8:00 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

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

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

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

All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org; 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.