

# City of Ann Arbor

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



## Action Minutes

Monday, August 19, 2013

7:00 PM

City Hall, 301 E. Huron Street, Council Chamber, 2nd Floor  
City Council meets in caucus the Sunday prior to each regular  
session at 7 p.m. in the Council Chamber.

**City Council**

**CALL TO ORDER**

*Mayor Hieftje called the meeting to order at 7:04 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron St.*

**MOMENT OF SILENCE**

*Council stood for a moment of silence.*

**PLEDGE OF ALLEGIANCE**

*Mayor Hieftje led Council in the recitation of the Pledge of Allegiance.*

**ROLL CALL OF COUNCIL**

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

**APPROVAL OF AGENDA**

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

**INT INTRODUCTIONS**

**INT-1 13-1000**

August 18, 2013 NAP Proclamation honoring Eastern Michigan University's ESL Students

**Attachments:** NAP proc.-EMU ESL students

*Mayor Hieftje read a proclamation honoring Natural Area Preservation volunteers from Eastern Michigan University's ESL program. These students have dedicated themselves to volunteering with the NAP program. 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. Tom Partridge - Commemorate Dr. Martin Luther King March and plan for peaceful, integrated progress. Build affordable housing and public transportation. Elect Tom Partridge, 5th Ward Ann Arbor City Council Representative. (I-4, C-1)**

*Tom Partridge, Ann Arbor resident, addressed Council regarding commemorating Dr. Martin Luther King Jr.'s March on Washington. Mr. Partridge called for integrated progress. He addressed Council regarding building affordable housing and public transportation. He also announced his campaign as a write-in candidate for the Fifth Ward City Council.*

- 2. James Rhodenhiser - Protestors Outside of Congregation Beth Israel**

*James Rhodenhiser, 1530 Hanover Ct., addressed Council regarding the regular protestors outside of Congregation Beth Israel. He presented a letter to Council from multiple religious leaders in Ann Arbor calling on the end to the protests at Beth Israel. A copy of the letter is on file in the City Clerk's Office.*

- 3. Kathy Griswold - CityWorks Annual License (CA-4) and City Crosswalk Ordinance**

*Kathy Griswold, 3565 Foxhunt Dr., addressed Council regarding the CityWorks software annual license renewal and the City's Crosswalk Ordinance. She said the CityWorks software is an old system and does not have a mobile interface. She urged City staff to make improvements. Ms. Griswold spoke in opposition to the City's crosswalk ordinance and spoke of a recent pedestrian death in an approved crosswalk.*

**COMMUNICATIONS FROM COUNCIL***COUNCILMEMBER KAILASAPATHY*

*Councilmember Kailasapathy updated Council regarding the Human Rights Commission. She stated the Commission is working on a revision to the Non-Discrimination Ordinance. Councilmember Kailasapathy stated they are currently working with the City Attorney's Office and a draft of the revision will be presented at a Council Work Session when it is available. Councilmember Kailasapathy also stated that the Commission has had a request to produce administrative guidelines for public video camera installation since the Video Privacy Ordinance was defeated.*

*COUNCILMEMBER ANGLIN*

*Councilmember Anglin updated Council on water and flooding issues in the City. Councilmember Anglin suggested that Greenbelt funds be directed to land preservation within the City to help with water retention issues. He stated sites for water retention within the City need to be identified.*

*COUNCILMEMBER BRIERE*

*Councilmember Briere replied to a comment that was made regarding the City's Sidewalk Crossing Ordinance and the recent pedestrian death. Councilmember Briere stated that many in the community are concerned about pedestrian safety. Some community members have suggested removing all mid-block crosswalks. Councilmember Briere reminded Council and the public that Ann Arbor has adopted Michigan's Uniform Traffic Code and that many of the laws regarding pedestrian crossings are not specific to Ann Arbor, but are State law. She updated Council on the statistics regarding accidents with pedestrians in Ann Arbor.*

*MAYOR HIEFTJE*

*Mayor Hieftje commended Rev. Rhodenheiser and his group for hosting a meeting to discuss the protests at Beth Israel. He stated it is unfortunate that their comments and concerns fell upon deaf ears. Several attempts have been made to reach out to the protestors and bring an end to the demonstrations.*

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

*City Administrator Steve Powers reported on the following:*

***SWEARING-IN CEREMONY FOR NEW ANN ARBOR POLICE OFFICERS***

*A swearing-in ceremony has been scheduled for August 23, 2013 at 1 p.m. in Council Chamber to swear in four new police officers. Council as well as the public is encouraged to attend.*

***U OF M STUDENT MOVE-IN***

*Mr. Powers reported that the University of Michigan Fall Student Move-In is scheduled for August 28 through August 30, 2013. Classes will begin on September 3, 2013. The Ann Arbor Police Party patrol will occur again this year, each night beginning August 28 and ending on September 1, 2013. Additional Police staffing is also being provided each weekend through September, as well as all home football game Saturdays for the remainder of the season. The emphasis is on alcohol and noise enforcement. Residents are encouraged to call 734-994-2911 for noise or alcohol complaints. (The City's non-emergency Police number.) Residents may still call 911.*

*A free solid waste drop-off site is being provided at East University and Oakland during the move in/move out period. This information has been provided to campus area multi-family unit managers. Free additional dumpster services are also being provided on Mondays and Fridays through the end of August. Mr. Powers reminded all that curbside refuse and recycling needs to fit inside the City-issued trash and recycling carts. The City would be enforcing this policy since the additional resources are being provided for excess waste.*

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

*None.*

**COMMUNICATIONS FROM COUNCIL****A APPROVAL OF COUNCIL MINUTES**

**A-1 13-0984** Regular Session Meeting Minutes - August 8, 2013

**Attachments:** 08-08-13 Draft Minutes, council emails 8-8-2013\_Redacted

**A motion was made by Councilmember Lumm, seconded by Councilmember Petersen, that the Meeting Minutes of August 8, 2013 be approved as presented. On a voice vote, the Mayor declared the motion carried.**

**CA CONSENT AGENDA**

**CONSENT AGENDA ITEMS REMOVED**

*With unanimous consent of Council, the following items were removed from the Consent Agenda and placed at the end of same:*

*CA-1 Resolution to Approve W. Washington Street Closing for Oktoberfest - September 20-21, 2013, Requested by Grizzly Peak Brewing Company and the Blue Tractor*

*CA-4 Resolution to Approve Purchase Order to Azteca Systems for CityWorks Enterprise FY2014 License and Annual Maintenance and Support Agreement (\$60,000.00)*

*CA-5 Resolution for Approval of a Professional Services Agreement with Mead and Hunt, Inc. to complete a Dam Safety Inspection and Report for Barton and Superior Dams (\$53,600.00)*

**Passed on consent agenda**

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

- CA-2 13-0792** Resolution to Approve E. Washington Street Closing for Oktoberfest - September 20-21, 2013, Requested by Arbor Brewing Company  
**Attachments:** Oktoberfest-E Street Closing Map.pdf  
Enactment No: R-13-265
- CA-3 13-0960** Resolution to Approve E. Washington Street Closing for Lite Bike on Sunday, September 15, 2013  
**Attachments:** Lite Bike Riding Map  
Enactment No: R-13-266
- CA-6 13-0914** Resolution to Approve a Purchase Order to Michigan Supreme Court State Court Administrative Office for JIS (Not to Exceed \$54,000.00)  
Enactment No: R-13-267
- CA-1 13-0791** Resolution to Approve W. Washington Street Closing for Oktoberfest - September 20-21, 2013, Requested by Grizzly Peak Brewing Company and the Blue Tractor  
**Attachments:** Oktoberfest-W Street Closing Map.pdf  
**A motion was made by Councilmember Lumm, seconded by Councilmember Teall, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**  
Enactment No: R-13-275

- CA-4 13-0898** Resolution to Approve Purchase Order to Azteca Systems for CityWorks Enterprise FY2014 License and Annual Maintenance and Support Agreement (\$60,000.00)

*Staff was requested to provide Council with an analysis of the cost trends for software over the last few years.*

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

Enactment No: R-13-268

- CA-5 13-0904** Resolution for Approval of a Professional Services Agreement with Mead and Hunt, Inc. to complete a Dam Safety Inspection and Report for Barton and Superior Dams (\$53,600.00)

**Attachments:** Mead and Hunt scope, Fee Proposal - 130716A

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

Enactment No: R-13-269

**B ORDINANCES - SECOND READING**

None.

**C ORDINANCES - FIRST READING**

**C New Business - Staff:**

- C-1 13-0880** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.66 Acre from TWP (Township District) to R1A (Single-Family Dwelling District), Kocher Property, 2925 Devonshire (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-13-21)

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

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

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

Enactment No: ORD-13-21

- C-2 13-0903** An Ordinance Authorizing the Issuance and Sale of Water Supply System Revenue Bonds, Series 2013 to the Michigan Finance Authority (Roll Call Vote Required - One Reading Only) (Ordinance No. ORD-13-22)
- Attachments:** 13-22 Briefed and Approved, BH01-#1864132-v1-A2 2013 DWRP Ordinance
- (The complete copy of the text of Ordinance No. ORD-13-22 is on file in the City Clerk's Office.)*
- A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the Ordinance be approved on First Reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**
- Yeas:** 9 - Mayor Hieftje, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen and Councilmember Warpehoski
- Nays:** 0
- Absent:** 2 - Councilmember Kunselman and Councilmember Taylor
- Enactment No: ORD-13-22

**D MOTIONS AND RESOLUTIONS**

**DC New Business - Council:**

None.

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

None.

**DS New Business - Staff:**

- DS-1 13-0913** Resolution Approving a Purchase Order with Oakland County for CLEMIS Information Services for FY2014 (Not to Exceed \$107,000.00)
- A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-13-271



- DS-2 13-0941** Resolution Accepting a Water Main and Sanitary Sewer Easement from RSW Washtenaw LLC (3100 Washtenaw Ave.) (8 Votes Required)
- Attachments:** 3100 Washtenaw Water Easement Drawing
- A motion was made by Councilmember Lumm, seconded by Councilmember Petersen, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**
- Yeas:** 9 - Mayor Hieftje, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen and Councilmember Warpehoski
- Nays:** 0
- Absent:** 2 - Councilmember Kunselman and Councilmember Taylor
- Enactment No: R-13-272
- DS-3 13-0942** Resolution Accepting Public Utilities Easement at 3965 South State Street (Tim Horton's) from 3965 South State Associates, L.L.C. (8 Votes Required)
- Attachments:** 3965 South State Public Utilities Easement Drawing
- A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-13-270
- DS-4 13-0943** Resolution Accepting Easement for Public Right-of-Way at 3965 South State Street (Tim Horton's) from 3965 South State Associates, L.L.C. (8 Votes Required)
- Attachments:** 3965 S. State St. Public Right-of-Way Drawing
- A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-13-274
- DS-5 13-0945** Resolution to Approve a Grant of Easement at 350 South Fifth Avenue to DTE Electric Company for Electrical Utility Service (8 Votes Required)
- Attachments:** 350 S. Fifth DTE Easement Drawing
- A motion was made by Councilmember Warpehoski, seconded by Councilmember Anglin, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-13-273

**E        COMMUNICATIONS FROM THE MAYOR**

**E-1 13-0959** Appointments & Nominations

**Attachments:** Reka Farrakand app., Alison Stroud, Rishi Narayan app., Jack Bernard App.

*APPOINTMENTS APPROVED*

*Mayor Hieftje recommended the following appointments at the August 8, 2013 regular session of Council:*

*Ann Arbor Commission on Disability Issues*

*Alison Stroud Filling vacancy of Ian Scott  
5980 Plum Hollow Dr. Apt. 7  
Pittsfield Twp., MI 48197  
Term: August 19, 2013-August 18, 2016*

*Building Board of Appeals*

*Paul Darling- Re-Appointment  
1430 Hatcher Crescent  
Ann Arbor, MI 48103  
Term: August 19, 2013-August 18, 2018*

*Downtown Development Authority*

*Rishi Narayan-replacing Leah Gunn  
2108 Vinewood Blvd.  
Ann Arbor, MI 48104  
Term: August 19, 2013-August 18, 2016*

*Housing Board of Appeals*

*Reka Farrakand Filling remainder of Leon Moore's term  
5052 Schrah Drive  
Munith, MI 49259  
Term: August 19, 2013-June 30, 2016*

*Zoning Board of Appeals*

*Alex Milshteyn Re-Appointment  
316 Second Street #510  
Ann Arbor, MI 48103  
Term: August 18, 2013-August 18, 2016*

*Ann Arbor Transportation Authority*

*Jack Bernard  
2030 Ferdon Rd.  
Ann Arbor, MI 48104  
Term: August 18, 2013-August 17, 2018*

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

**E-2      13-1001      Appointments - Confirmations**

**Attachments:** Leigh Greden app., Logan S. Casey app., Al McWilliams ( updated app.), Devon Akmon updated app.

*REFERRED*

*Mayor Hieftje placed the following nominations on the table for approval at a later date:*

*Ann Arbor Housing Commission*

*Leigh Greden Re-appointment  
2860 Gladstone  
Ann Arbor, MI 48104  
Term: August 19, 2013-May 7, 2018*

*Ann Arbor Public Art Commission*

*Devon Akmon filling vacancy  
1156 Glen Leven Rd.  
Ann Arbor, MI 48103  
Term: September 3, 2013-September 2, 2016*

*Downtown Development Authority*

*Al McWilliams Replacing -Newcombe Clark  
551 S. Fourth Ave.  
Ann Arbor, MI 48104  
Term: September 3, 2013-September 2, 2016*

*Human Rights Commission*

*Logan S. Casey Filling vacancy  
807 W. Madison, Ste. 4  
Ann Arbor, MI 48103  
Term: September 3, 2013-October 31, 2016*

**Referred to the next meeting of City Council.**

**COMMUNICATIONS FROM COUNCIL***COUNCILMEMBER LUMM*

*Councilmember Lumm announced that the Council Liquor License Review Committee met on August 16, 2013 and they are in the process of reviewing the City's liquor license fees. Changes would be brought to Council for approval sometime in September. Slight adjustments are being made to ensure that the costs reflect the services provided. A recommendation would also be coming to Council regarding liquor license transfers given the recent changes to State law.*

*COUNCILMEMBER BRIERE*

*Councilmember Briere said that the North Main Huron River Task Force report is almost complete and that it should come before Council at the next regular session. She also announced that the demolition of 721 N. Main started today.*

*COUNCILMEMBER ANGLIN*

*Councilmember Anglin followed up on Councilmember Lumm's discussion of the Liquor License Review Committee. He said that 133 establishments are currently holding licenses in the City and the amount of money that the City requests of each one for annual renewal at this time is \$50 per year.*

**F WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

*None.*

**G COMMUNICATIONS FROM THE CITY ATTORNEY**

*None.*

**H & I CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS****H The following communications were referred as indicated:****Passed on consent agenda**

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

- H-1 13-0948** Farmers Market Operating Rules - Proposed Change to Vendor Application Update Procedures
- Attachments:** Public Market Operating Rules, Public Market Operating Rules (August 2013 proposed changes, for council approval)
- Filed.*
- I The following minutes were received for filing:**
- I-1 13-0568** Ann Arbor Energy Commission Meeting Minutes of April 9, 2013
- Attachments:** Minutes Energy Commission 4-9-13
- I-2 13-0582** Airport Advisory Committee Minutes - March 20, 2013
- Attachments:** AAC minutes 032013.pdf
- I-3 13-0587** Public Market Advisory Commission Meeting Minutes of April 18, 2013
- Attachments:** 4.18.13 PMAC Minutes.pdf
- I-4 13-0762** City Planning Commission Meeting Minutes of April 16, 2013
- Attachments:** 4-16-2013 CPC Minutes with Live Links
- I-5 13-0798** Ann Arbor Public Art Commission Meeting Minutes - June 2013
- Attachments:** AAPAC July 2013 Reports and Business Items.pdf, Public Art - Staff Memo.pdf
- I-6 13-0824** Ann Arbor Energy Commission Meeting Minutes of May 14, 2013
- Attachments:** Energy Commission Minutes 5-14-13
- I-7 13-0901** Public Market Advisory Commission Minutes June 27, 2013
- Attachments:** Public Commentary Letter from Kathy Melmoth.pdf, 6.27.13 PMAC Minutes.pdf
- I-8 13-0962** Ann Arbor Public Art Commission Meeting Minutes - May 22, 2013
- Attachments:** AAPAC Minutes-May 2013.pdf
- Filed.*

**13-1007** Rev. James Rhodenhiser Communication

**Attachments:** Rev. James Rhodenhiser Communication

Received and Filed

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

*Jim Mogensen addressed Council regarding the history of the hardship exemption in the Living Wage Ordinance.*

*Tom Partridge, City resident, announced his campaign as a write-in candidate in the Fifth Ward.*

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

A motion was made by Councilmember Warpehoski, seconded by Councilmember Teall, that the Council enter into Closed Session to discuss Land Acquisition and pending litigation under MCLA 15.268 (D) and (E). On a roll call, the vote was as follows with the Mayor declaring the motion carried (The meeting recessed at 8:03 p.m.):

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

**Nays:** 0

**Absent:** 2 - Councilmember Kunselman and Councilmember Taylor

**MEETING RECONVENED**

A motion was made by Councilmember Teall, seconded by Councilmember Warpehoski, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 8:20 p.m.

**13-1002** Resolution Regarding Dobrowolski v. City of Ann Arbor, et al, United States Eastern District Case No. 5:13-cv-118-09

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

Enactment No: R-13-276

**ADJOURNMENT**

A motion was made by Councilmember Briere, seconded by Councilmember Petersen, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:21 p.m.

**13-1025** Council Email and Redaction List of 8/19/13

Attachments: Council E-mails 8-19-2013

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

**LIVE: MONDAY, AUGUST 19, 2013, 7:00 P.M.**

**REPLAYS: TUESDAY, AUGUST 20, 2013, 10:00 A.M. AND FRIDAY, AUGUST 23, 2013, 7:30 P.M.**

**REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE**

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, [www.a2gov.org/ctn](http://www.a2gov.org/ctn), on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor City Council and board and commission actions and deliberations.

- Video on Demand: Replay public meetings at your convenience online at [www.a2gov.org/government/city\\_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx](http://www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx)
- Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.

All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: [cityclerk@a2gov.org](mailto:cityclerk@a2gov.org); or by written request addressed and mailed or delivered to:

City Clerk's Office  
301 E. Huron St.  
Ann Arbor, MI 48104

Requests need to be received at least two (2) business days in advance of the meeting.

A hard copy of this Council packet can be viewed at the front counter of the City Clerk's office.



**Jacqueline Beaudry**  
**Clerk of the Council**

**Anissa R. Bowden**  
**Recording Secretary**