

Ann Arbor City Council Regular Session: November 7, 2013
Email Redactions List Pursuant to Council Resolution R-09-386

	A	B	C	D	E	F	G
1	<u>Received</u>						
	<u>Sent Time</u>	<u>Time</u>	<u>TO</u>	<u>From</u>	<u>CC</u>	<u>Redactions</u>	<u>Reason for Redaction</u>
2	8:43 PM		Jane Lumm	John Seto			
3	8:43 PM		All City Council	Stephen Kunselman	Jacqueline Beaudry		
4	9:01 PM		All City Council	Jacqueline Beaudry	Anissa Bowden, Steve Powers, Mary Fales		
5	9:02 PM		Stephen Kunselman	Sabra Briere	All City Council, Jacqueline Beaudry		
6	9:09 PM		All City Council, Anissa Bowden, Steve Powers, Mary Fales	Jacqueline Beaudry			
7	9:40 PM		John Hieftje	Danielle Graham		Email	Privacy
8	9:57 PM		Jacqueline Beaudry	Sally Petersen			
9	9:58 PM		Jane Lumm, Sally Petersen	Jacqueline Beaudry	Anissa Bowden		
10	10:01 PM		All City Council	Jacqueline Beaudry	Steve Powers, Mary Fales, Anissa Bowden		
11	10:14 PM		Jane Lumm	Jane Lumm			
12	10:45 PM		Marige Teall	Jim Kosteva			
13	11:07 PM		All City Council	Christopher Taylor	Jacqueline Beaudry, Steve Powers		
14	11:09 PM		Marige Teall	Jim Kosteva			
15	11:10 PM		Ralph Welton	Irv Mermelstein	John Hieftje, Margie Teall	Emails	Privacy
16	11:19 PM		Mike Anglin, Christopher Taylor	Ingrid Ault		Email	Privacy

**Ann Arbor City Council Regular Session: November 7, 2013
 Email Redactions List Pursuant to Council Resolution R-09-386**

	A	B	C	D	E	F	G
17	11:29 PM		John Hieftje, Jane Lumm, Sally Petersen, Sabra Briere, Margie Teall, Christopher Taylor, Stephen Kunselman, Sumi Kailasapathy	Aram Kalousdian		Email	Privacy
18	11:32 PM		Dave Askins, Ryan Stanton	Chuck Warpehoski		Emails	Privacy

Alexa, Jennifer

From: Warpehoski, Chuck
Sent: Thursday, November 07, 2013 11:32 PM
To: Dave Askins; Ryan Stanton; [REDACTED]
Subject: 350 S 5th Resolution Amendment FINAL.doc
Attachments: 350 S 5th Resolution Amendment FINAL.doc; ATT00001.htm

Title

Resolution to Authorize the City Administrator to Negotiate a Sales Agreement for the City-Owned Property at 350 S. Fifth Avenue

Memorandum

Attached for your review and action is a resolution authorizing the City Administrator to negotiate with the purchaser selected by City Council for the sale of City-owned real property at 350 S. Fifth Avenue.

On March 4, 2013, City Council directed the City Administrator to execute a contract for services with a real estate broker for the sale of 350 S. Fifth Avenue. City Council found the real property was no longer needed for municipal or other public purposes. City Council requested sale proposals so that all available options for sale of the property be known when City Council considers the payment of the City's \$3.5 million financial obligation for the property. A balloon payment of the loan principal is due December 16, 2013.

Selling the property will reimburse the General Fund for 350 S. Fifth Ave.-related expenditures, increase funding for the City's Affordable Housing Trust Fund and add to the City's tax base.

Colliers International was selected. A summary of Colliers International's marketing material is attached. The marketing of the property highlighted the City's preferences for less housing density than allowed by zoning and for mixed uses of the property.

The deadline for submitting purchase proposals was October 18, 2013, and five proposals were received. A summary is attached.

The offers from Dennis Dahlmann ("Dahlmann") and CA Ventures are the strongest (cash, no contingencies, sales agreement, close in 2013) of the five proposals. Differences between the two offers are slight, but may be significant to City Council. Dahlmann is proposing a purchase price of \$5,250,000. CA Ventures is proposing \$5,150,000. Dahlmann is proposing to build to less than the maximum density allowed by D1 zoning. CA Ventures' offer assumes the ability to build to the maximum density allowed by D1 zoning.

Based on the higher offer price, the City Administrator recommends City Council authorize negotiations with ~~Dennis Dahlmann~~. If negotiations ~~Mr. with~~ Dahlmann are unsuccessful, the City Administrator recommends City Council authorize negotiations with CA Ventures. Working with Colliers and the City Attorney, staff will attempt to have a sales agreement for City Council consideration on November 18.

Additional terms to be negotiated are provisions that will protect the City if development does not occur on the property, if such protection is desired by City Council.

Body

Whereas, The City is the owner of a certain parcel of real estate commonly described as 350 South Fifth, the Old Y Lot;

Whereas, City Council has determined that the offers received by the City as of October 18, 2013 are viable and credible, and that two offer desirable conditions for the City;

Whereas, City Council has determined that the offer from Dennis-Dahlmann is in the best interest of the City;

RESOLVED, That City Council direct the City Administrator to negotiate a purchase agreement for the sale of the City-owned property at 350 South Fifth with Dennis Dahlmann;

RESOLVED, that the purchase agreement shall obligate Dahlmann to build and otherwise create the following improvements on the 350 S. Fifth Avenue property: (i) a structure with a FAR of no less than 400%; (ii) a structure that includes without limitation, destination retail/restaurant space on the first floor, large-plate office space on the remaining lower floors, and residential apartments on the upper floors (with no residential apartment to exceed 3 bedrooms); (iii) a substantial landscaped open space, which open space shall include a grand fountain; (iv) a structure and site plan that will adopt and be bound by the recommendations of the City's Design Review Board; and (v) ordinance-required parking that will be provided on site, with access to such parking effected via below-grade interconnection with the City's Library Lane Parking Structure (collectively, "Dahlmann's Promised Use");

RESOLVED, That the purchase agreement provide that if Dahlmann does not obtain a certificate of occupancy for a structure consistent with Dahlmann's Promised Use prior to January 1, 2018, that the property and any and all appurtenant fixtures and improvements shall revert to the City upon payment by the City to Dahlmann of the lesser of \$4,200,000 (the "Asking Price") or the appraised value by March 1, 2018.;

RESOLVED, That the purchase agreement provide that Dahlmann shall not sell, assign, or otherwise transfer the 350 S. Fifth Avenue property to any third party without first providing the City an opportunity to exercise a right of first refusal to purchase, assign, or otherwise receive the property at the lesser of the sale, assignment, or transfer price agreed upon by the third party, the appraised value, or the City's Asking Price.;

RESOLVED, That if negotiations are unsuccessful, the City Administrator is authorized to negotiate with CA Ventures with terms analogous to the prior three RESOLVED clauses, using the CA Ventures offer proposal as the basis for identifying "CA Ventures' Promised Use";

RESOLVED, That any purchase agreement shall obligate the purchaser to build and otherwise create the following improvements on the 350 S. Fifth Avenue property a structure and site plan that will be based on the best available standards for energy efficiency;

RESOLVED, That any purchase agreement obligate the purchaser of 350 S. Fifth Ave. to discuss with the A.A.T.A. in good faith whether the purchaser can help facilitate A.A.T.A.'s goal of limiting on-street bus transit and/or storage.;

RESOLVED the purchase agreement include protections against the property not being developed; and

RESOLVED that the purchase agreement be provided for consideration at the November 18 City Council meeting.

Alexa, Jennifer

From: [REDACTED]
Sent: Thursday, November 07, 2013 11:29 PM
To: Evan Pratt
Cc: Lawson, Jennifer; Sheehan, Harry; Hieftje, John; Briere, Sabra; Kailasapathy, Sumi; Lumm, Jane; Petersen, Sally; Kunselman, Stephen; Taylor, Christopher (Council); Teall, Margie; nrglaw@gmail.com; eaton4council@gmail.com; [REDACTED]
Subject: Re: Upper Malletts Creek Stormwater Proposal

Mr. Pratt:

The Army Corps of Engineers recommends precast concrete pipe to have a design life of 70-100 years, which puts at least some of the sewer pipe in Ann Arbor near the end of its design life. In the 1997 Storm Water Master Plan report prepared by Black & Veatch, they stated the following:

"The reasons behind the inadequacies of the present stormwater conveyance system are multifaceted and include the following:

- Age of the system components.
- Increased flows beyond the system's design capacity.
- Increased runoff resulting from development.
- Sedimentation occurring from construction-related runoff.
- Channel bank erosion.
- Structural failures.
- New, more stringent legislation resulting in previous designs being inadequate, although properly designed at the time.
- Development in areas where flooding was not a concern in the past, but where upstream development has increased flows.
- Private stormwater facilities, including detention basins, which are not adequately maintained."

With respect to the Malletts Creek Watershed specifically, the recommendation was to replace the existing stormwater conveyance system. They added that "(floodproofing properties) would not eliminate the flooding for the 10-year design storm."

Aram Kalousdian

From: "Evan Pratt" <pratte@ewashtenaw.org>
To: [REDACTED]
Cc: jlawson@a2gov.org, "Harry Sheehan" <sheehan@ewashtenaw.org>, "John Hieftje Forward" <JHieftje@a2gov.org>, Sbriere@a2gov.org, SKailasapathy@a2gov.org, JLumm@a2gov.org, SPetersen@a2gov.org, SKunselman@a2gov.org, CTaylor@a2gov.org, MTeall@a2gov.org, nrglaw@gmail.com, eaton4council@gmail.com, [REDACTED]
Sent: Wednesday, November 6, 2013 11:35:09 AM
Subject: Re: Upper Malletts Creek Stormwater Proposal

Aram

You ask the right questions! I did ask for a copy of the 1997 report at the outset of the study, and reviewed the recommendations again last week.

My review of the B & V study is that their "upgrade" analysis is based on capacity, not condition. They did not send people into the County drain or review videos of the City system as the current study did.

Our field inspection found pipes to be in very good physical condition. 50 years is the short end of life cycle for concrete pipe, there are many agencies, including ours with 80+ year old pipe that is still in good physical condition. Still, I was pleasantly surprised at how good the County pipes looked, including the joint tightness and many other minor details that normally need periodic repairs, but are simply not an issue here.

As a general rule of thumb, most practitioners would agree that storm system pipes have longer service life than sanitary which generally have longer service life than drinking water pipes, mainly due to the different physical stresses. Of course there are always exceptions, based on site specific issues, but I am confident we have at least +/- 100-year pipe here.

To the point of pipe replacement, if there was agreement that more pipe capacity was the best solution for all stakeholders, I would not recommend tearing up the neighborhood and all the streets to lay the two new side by side pipes suggested by B&V. It would make more sense to add a second new pipe to parallel the existing.

Unfortunately, just sending the flooding downstream is not fair, which is why the current study recommendations point toward storage, which is estimated at ~20+% of the 1997 cost estimates by B&V. This doesn't consider the inflation of construction costs over the past 15 years, which would show a much greater cost differences.

Thank you again for continuing to ask excellent questions.

Sincerely

Evan

Sent from my Verizon Wireless 4G LTE Smartphone

----- Original message -----

From: [REDACTED]
Date: 11/06/2013 9:30 AM (GMT-05:00)
To: Evan Pratt <pratte@ewashtenaw.org>
Cc: jlawson@a2gov.org, Harry Sheehan <sheehan@ewashtenaw.org>, John Hieftje Forward <JHieftje@a2gov.org>, Sbriere@a2gov.org, SKailasapathy@a2gov.org, JLumm@a2gov.org, SPeterse n@a2gov.org, SKunselman@a2gov.org, CTaylor@a2gov.org, MTeall@a2gov.org, nrglaw@gmail.com, eaton4council@gmail.com, JUDITH HANWAY [REDACTED]
Subject: Re: Upper Malletts Creek Stormwater Proposal

Mr. Pratt:

I read the draft Upper Malletts Creek Stormwater Proposal and I'd like to know how it is that the storm sewer system that is 50+ years old was found to be in generally good condition, when the

engineering firm Black & Veatch said in 1997 that the system needs to be upgraded? Did its condition improve by itself over 16 years?

Aram Kalousdian

From: "Evan Pratt" <pratte@ewashtenaw.org>

To: [REDACTED]

Cc: jlawson@a2gov.org, "Harry Sheehan" <sheehan@ewashtenaw.org>, "John Hieftje Forward" <JHieftje@a2gov.org>, Sbriere@a2gov.org, SKailasapathy@a2gov.org, JLumm@a2gov.org, SPetersen@a2gov.org, SKunselman@a2gov.org, CTaylor@a2gov.org, MTeall@a2gov.org, nrglaw@gmail.com, eaton4council@gmail.com

Sent: Sunday, October 20, 2013 10:50:27 PM

Subject: Re: Upper Malletts Creek Stormwater Proposal

Aram

I don't know the answer to the questions in your 10/20 email below. The information I reference is from reviewing the City's customer response system, and the nature of the issues reported by homeowners. It is my understanding from those reports that some of the Lansdowne or Churchill areas were built in the late 1950s (the 1947 aerial shows no homes or roads there). One thing I noticed in briefly scanning the data (from memory, about 988 logged calls, a few duplicated) looking for clumps of calls on the same date, was that at some point starting in the early to mid 2000s, the records generally saw a lack of correlation between big storms and calls about sewage in basements, whereas there seemed to be a correlation in the 1990s for at least a couple of major storms. Clumps of calls about surface flooding seemed to consistently track with big storms, except for 3/15/12, which we attribute to the fact that the flooding was widely reported in the media and directly to at least the 4th ward Council members.

Because a lot can change over time, (and my experience in most communities is that everyone with an issue does not call in for a variety of reasons), the initial focus of our flooding study was to make sure we heard and understood exactly what current residents experienced on 3/15/12, or any other specific date. If you or anyone you know has any specifics, that is still helpful to capture, particularly if there are photos.

As to your reply on 10/18, I very much understand what you and others are saying -- in fact, I can't say I have ever met any resident or decision maker who is eager to go into a program of working on private property. People I have talked to in communities who have done this all ended up there as a last resort, generally because the costs (not to mention construction impacts) of other options providing a similar benefit were more than their community was willing or able to shoulder. Like you and many other City residents, I am eager to see what the options are and understand how my neighbors and I are affected by each option.

Thank you

Evan Pratt

Sent from my iPad

On Oct 20, 2013, at 5:11 PM, [REDACTED]

>> wrote:

Mr. Pratt:

Another question I have with respect to documentation of flooding going back to the 1950s (as you and others have pointed out) is, did the city know in the 1950s that what are now Lansdowne, Churchill Downs, Orchard Hills and Bromley subdivisions are flood prone areas? These subdivisions were built in the 1960s, so did the city know that these areas were flood prone when they approved the developments? If so, how can I get documentation on this? I would appreciate a response from anyone who can answer this.

Aram Kalousdian

From: [REDACTED]

To: "Evan Pratt" <pratte@ewashtenaw.org<mailto:pratte@ewashtenaw.org>>

Cc: jlawson@a2gov.org<mailto:jlawson@a2gov.org>, "Harry Sheehan"

<sheehan@ewashtenaw.org<mailto:sheehan@ewashtenaw.org>>, "John Hieftje Forward"

<JHieftje@a2gov.org<mailto:JHieftje@a2gov.org>>,

Sbriere@a2gov.org<mailto:Sbriere@a2gov.org>,

SKailasapathy@a2gov.org<mailto:SKailasapathy@a2gov.org>,

JLumm@a2gov.org<mailto:JLumm@a2gov.org>,

SPetersen@a2gov.org<mailto:SPetersen@a2gov.org>,

SKunselman@a2gov.org<mailto:SKunselman@a2gov.org>,

CTaylor@a2gov.org<mailto:CTaylor@a2gov.org>, MTeall@a2gov.org<mailto:MTeall@a2gov.org>,

nrglaw@gmail.com<mailto:nrglaw@gmail.com>,

eaton4council@gmail.com<mailto:eaton4council@gmail.com>

Sent: Friday, October 18, 2013 3:36:50 PM

Subject: Re: Upper Malletts Creek Stormwater Proposal

Mr. Pratt:

My point is that we are completely opposed to the Footing Drain Disconnection Program, as are many other people in Ann Arbor, and it appears as though the retention ponds are a way to re-activate the Footing Drain Disconnection Program. In any case, my position is that the best way to address the flooding problems in Ann Arbor is to upgrade the storm sewer and sanitary sewer systems.

Aram Kalousdian

From: "Evan Pratt" <pratte@ewashtenaw.org<mailto:pratte@ewashtenaw.org>>

To: [REDACTED]

Cc: jlawson@a2gov.org<mailto:jlawson@a2gov.org>, "Harry Sheehan"

<sheehan@ewashtenaw.org<mailto:sheehan@ewashtenaw.org>>, "John Hieftje Forward"

<JHieftje@a2gov.org<mailto:JHieftje@a2gov.org>>,

Sbriere@a2gov.org<mailto:Sbriere@a2gov.org>,

SKailasapathy@a2gov.org<mailto:SKailasapathy@a2gov.org>,

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SPetersen@a2gov.org<mailto:SPetersen@a2gov.org>,

SKunselman@a2gov.org<mailto:SKunselman@a2gov.org>,

CTaylor@a2gov.org<mailto:CTaylor@a2gov.org>, MTeall@a2gov.org<mailto:MTeall@a2gov.org>, nrglaw@gmail.com<mailto:nrglaw@gmail.com>, "eaton4council@gmail.com<mailto:eaton4council@gmail.com>" <eaton4council@gmail.com<mailto:eaton4council@gmail.com>>
Sent: Friday, October 18, 2013 2:57:49 PM
Subject: RE: Upper Malletts Creek Stormwater Proposal

Aram

Thank you for your note. While our office does not decide how the City handles the sewage, we have heard of footing drain concerns at each meeting. We have also seen records indicating a history of sewage back-ups into neighborhood basements from the late 1950s into the 2000s. Our charge (by Council resolution) through the Upper Mallett's Creek project is limited to providing recommended solutions for the street and yard flooding related to the stormwater drainage system (which is not interconnected with the sewage pipes/system). We understand there has been a long history of these flooding problems too and I want to re-state our commitment to offering positive solutions.

You may be aware that one concern raised about our Upper Mallett's project is what happens when footing drains are disconnected from the sewage system and connected to a storm system in the neighborhood that is already overwhelmed during big storms. This is a reasonable concern, and I agreed to address this issue as part of any recommendations. That was the basis of my statement at the most recent public meeting on this issue, that we had included this additional capacity in our recommendations, to address people's concerns.

Because participants in our flood reduction project have expressed an urgent need for solutions and the ongoing sewer system analysis will take longer than our study, we have offered a set of solutions that works independent of the City's decision on FDD.

In our proposed situation, there is a place for stormwater and footing drain water to go when it rains, rather than backing up into people's yards, or worse yet the basements - there would be an unimpeded path for the diverted clean water. If the footing drain program does not resume, the proposed solutions will help out in storms that are a bit larger than the target we agreed to handle, the March 15, 2012 storm.

As we also mentioned in the meeting, the level of detail we are at is conceptual - we are confident the solutions can handle something like 3/15/12, but there are many details to consider with the neighborhood when design and construction are funded. So if there is a desire to dial back the sizing or appearance, etc, based on further information about other ongoing or completed projects, there will be multiple public meetings about the specifics of any project going forward.

I know that is a lengthy response, and I trust this makes sense in light of the expressed desire to have less cars floating when it rains hard!

Best regards

Evan Pratt

Sent from my Verizon Wireless 4G LTE Smartphone

Evan N. Pratt, P.E.
Water Resources Commissioner

Office of the Water Resources Commissioner
Washtenaw County
P.O. Box 8645
Ann Arbor, MI 48107

(734) 222 6860
pratte@ewashtenaw.org<mailto:myersd@ewashtenaw.org>

From: [REDACTED]
Sent: Monday, October 14, 2013 4:30 PM
To: jlawson@a2gov.org<mailto:jlawson@a2gov.org>; Harry Sheehan; John Hieftje Forward;
Sbriere@a2gov.org<mailto:Sbriere@a2gov.org>;
SKailasapathy@a2gov.org<mailto:SKailasapathy@a2gov.org>;
JLumm@a2gov.org<mailto:JLumm@a2gov.org>;
SPetersen@a2gov.org<mailto:SPetersen@a2gov.org>;
SKunselman@a2gov.org<mailto:SKunselman@a2gov.org>;
CTaylor@a2gov.org<mailto:CTaylor@a2gov.org>; MTeall@a2gov.org<mailto:MTeall@a2gov.org>;
Evan Pratt; nrglaw@gmail.com<mailto:nrglaw@gmail.com>
Subject: Upper Malletts Creek Stormwater Proposal

All:
My mother lives at [REDACTED] Ann Arbor, in the Lansdowne subdivision. I attended the September 30, 2013 meeting at Lawton School, where the proposal to build the three retention ponds in the Upper Malletts Creek area in order to address the storm water flooding problem was explained. In response to a question, Evan Pratt said that the retention ponds are being designed to include the continuation of the Footing Drain Disconnection Program. My mother and I are opposed to continuation of the Footing Drain Disconnection Program. In addition to the fact that people are having problems with footing drain disconnections that they have had done, there does not appear to be any evidence that the Footing Drain Disconnection Program will accomplish what is needed and there is a serious question about the legality of the way the program is being carried out. The best way to address the flooding problem is to do upgrades on the storm sewer system and sanitary sewer system, which are aging and well past their design life.

Aram Kalousdian

Alexa, Jennifer

From: Ingrid Ault [REDACTED]
Sent: Thursday, November 07, 2013 11:19 PM
To: PAC_Distribution; Smith, Colin; Kuras, Amy Beth; Rohr, David; Berson Grand, Julie (PAC)
Subject: Downtown Parks Resolution passes!

Hello PAC, council, and parks staff:

Thanks to Council Member Taylor for sponsoring the resolution to adopt the recommendations of the Downtown Parks Subcommittee at the City Council meeting Thursday night. I thought you would be pleased to know that it passed without fanfare. Christopher gave a brief overview, there was no discussion, and everyone voted yes!

And a special thanks to Alan, Julie, Karen, Amy, David, and Colin for their hard work on this process. I believe it is a shining example of collaboration, researching best practices, and listening to our community. We should all be very proud of this body of work.

Best,

Ingrid Ault

Alexa, Jennifer

From: Irvin Mermelstein [nrqlaw@gmail.com]
Sent: Thursday, November 07, 2013 11:10 PM
To: Welton, Ralph
Cc: JUDITH HANWAY; Aram Kalousdian; Hieftje, John; Jack Eaton; Teall, Margie; Postema, Stephen; Elias, Abigail; glynnb; amsyme; villagekt; Kathy Boris; Frank Burdick; [REDACTED]; ted; geffenb; [REDACTED]; caesersmith; [REDACTED]; [REDACTED]; kea2000; michellomayo; vrcaruso; Hutchinson, Nicholas; Ulasir, Murat; Lawson, Jennifer; Pulcipher, Connie; Slotten, Cresson; Greg DeLiso; [REDACTED]; Kellar, Robert; Baughman, Troy; stanhbaker; dave.askins; Ryan Stanton; Ellen Fisher; Evan Pratt; Sheehan, Harry; David Wilkinson; Mary Jean Raab; Anita Yu; Ethel Potts; Jack Shubin; Charlie Fleetham; Mark TenBroek; Hupy, Craig; Cy [REDACTED]; tombeth40; Robert Czachorski (robert.czachorski@ohm-advisors.com); yael ganet; William Higgins; [REDACTED]
Subject: Ann Arbor SSWWES Citizens Advisory Committee--Non-retroactivity of State Code on Sump Pumps Effective January 1982

Dear Mr. Welton,

Judith Hanway, Aram Kalousdian and others join me in this email. I am cc'ing the City Attorney's Office to expedite review.

I understand that your office provided the Sanitary Sewer Wet Weather Evaluation Study (SSWWES) CAC members with a section of the State Building Code on sump pumps that went effective on January 1, 1982, as support for the the legality of mandatory FDD after 2001. I have no indication that this was a retroactive code requirement and I am trying to clarify your position. I understand other residents have inquired about this as well.

The written City position I have on retroactivity is from Abigail Elias, the City's FDDP counsel, on March 26. The City Attorney has generally agreed with that position, which I am quoting below. I disagree with that position. The highlighting and bolding are mine and my comments are below each quoted sentence. Ms. Eliias states:

The City of Ann Arbor's footing drain disconnect ("FDD") program is similar to programs in many cities across the country in which older homes with footing drains connected to the sanitary sewer system **before building codes prohibited such connections are being required to disconnect from the sanitary sewer system** and connect to the storm sewer system.

I don't disagree with the first sentence as a matter of history

,
but it appears to me to be a description of something that the City should **not have done**, not that it **should** have done just because other local governments

said they had also done so.

I have doubts about the legality of some of those other programs. The position of the City Attorney's Office continues:

The **illicit** connections to the sanitary sewer system contribute to combined storm and sanitary sewer overflow to streets and waterways and sanitary sewer backups into basements, including the basements of the properties that have footing drains that drain to the sanitary sewer system; hence the need for the disconnects

T
here are
various
factual inaccuracies
here
,
but
the major one is the use of the word "illicit."
One
question
for your office, then,
is whether you agree that there is anything "illicit"
about

the footing drain connections
, for example,

between
my ca. 1966 house
and the
sanitary sewer lines
in the right of way

"Illicit" is a
strong word meaning
unlawful
or illegal and these connections
seem absolutely legal to me.

My house at [REDACTED] like a lot of houses on this street, was built under a **building permit granted by the City in the 1960's** for construction in **1966 under 1966 building codes** and on an **approved subdivision on a legal site**. The house **passed all inspections by the City**; the **Permit was completed**; and the City duly issued a **Certificate of Occupancy for the property, including the connected footing drains**. It's on file with the City.

There was no code requiring sump pumps then, which is neither my fault nor the fault of other Target Area Residents. The houses were built to code. Stair riser height codes change too. That doesn't mean that people have to put new staircases in whenever the code changes. Who would build or buy a house if that were the law?

Particularly in the case of a **completed structure**, the Michigan courts have been very clear for a long time that the owner has a "**vested property right**" that includes immunity from **retroactive changes in building codes**. That is a big legal problem and you should consult with the City Attorney's Office about it. I have a vested property interest in my **whole** home, including its footing drain connections to the sanitary sewers.

The sump pump code wasn't a fire code or a code concerning immediate and "noxious" hazards **emanating from the houses**, so there is no reason to suggest that the 1982 sump pump code was retroactive. I am not saying that you are agreeing that it is, but the question remains at the CAC and among the public whether you do. Storm water is not "noxious" and I think the City should look to the location of the "noxious" materials involved, which are in the sewer lines in the right-of-way, for a solution to problems caused by an undersized and cracked sanitary sewer system.

The next important statement in the City's position per Ms. Elias is as follows:

[A] footing drain disconnection **brings a property into compliance with construction code requirements that have been in place since the early 1980s**; the sump pump and other facilities incorporated into the home are **no different than the facilities in a newer home built with a footing drain discharge to the storm sewer system and sump pump**, which are part of the home, are owned by the property owner **and benefit the property and its owner(s)**.

This is more like a statement of the retroactivity problem, than an answer to it. It is an admission by the City, not an explanation. My house is not required to be brought "into compliance" with later building codes **unless** I perform an improvement. If I decide to upgrade my kitchen, the kitchen has to be **built to code**, and nothing else has to be brought "into compliance." I don't see why city personnel inspected these properties in the first place. The City's contractor, CDMI, seems to have told the City in 2000 that these inspections were legal and no one seems to have questioned CDMI on that.

As for the "benefit" of FDDs, I only know one couple in the Ward 4 Target Areas who believe that FDDs "**benefit the property and its owner**." I would appreciate feedback on that from any readers of this email. An installation that has a definite historical risk of flooding and a definite O&M obligation to go with is a burden, not a "benefit." I don't see any "benefit" to the homeowner with the FDD and the sump pump. "Benefits" to others are entirely unproven and unprovable.

The 1982 State Code was NOT retroactive either on its face or under Michigan law when it became effective and that **not even one pre-1982 footing drain connection was rendered "illicit" when that code provision went into effect in 1982**. If it were, my house would have been in violation of a code for 19 years **before** the FDD Ordinance started calling the sanitary sewer connection "improper."

This would also mean that the rest of the approximately 18,000 pre-1982 single family homes city-wide **that are outside the Target Areas, but in the City limits**, have all been out of code now for **31 years**. That would probably be a surprise to those homeowners as well as the fact that the City expects to require mandatory construction in their houses to cure the so-called "illicit discharge" at some point in their future or their buyers' future. The 31-year non-compliance period assumes that the City's position is that the code became retroactive **starting in 1982**, as opposed to **2001**, when

the FDD Ordinance passed. The latter position would mean that **all** pre-1982 single family houses have been out of code for only 12 years, rather than 31, but still very much out of code. If this were really a building code applicable to all like properties, why has there been no enforcement outside of the Target Areas?

Instead, enforcement is selective for some reason and it is the fact that the FDD Ordinance is in fact applied little neighborhood by little neighborhood, and house by house quite literally. As a result, a disproportionate burden of "compliance" with this supposed retroactive requirement has fallen entirely on about 3% of the City's population.

So, the big question is how a **local** ordinance in 2001 (that doesn't mention the words "building code" or "construction code") made a **non-retroactive STATE building code suddenly retroactive** 19 years after the fact. If that is what the FDD Ordinance was intended to do, then it would have been a remarkable local ordinance, because it would have purported in 2001 to **retroactively** modify a 1982 **STATE** building code to make that code **also retroactive (in my case and others) from 1982 to 1966**. That's just too much retroactivity for any straight building code.

This also raises the question why lawfully connected footing drains are "illicit" and out-of-code in Ann Arbor, but not in Jackson, Ypsilanti or Pittsfield Township, because they have no mandatory FDD Ordinances. From the standpoint of uniformity of codes, that makes no sense to me.

I would appreciate your views as the chief code enforcement official in Ann Arbor. These issues are time-sensitive and I look forward to hearing your response. I request that you reply to all cc's on this email. I would like to make sure that the City Attorney's Office is on board with your opinion or you with theirs.

If the City is unable to resolve these questions internally, I would be asking whether necessary clarification might be needed, such as from the Bureau of Construction Codes in Lansing. This issue is not confined to Ann Arbor, after all.

Thank you for your assistance.

Irv Mermelstein

Law Office ▪ Irvin A. Mermelstein ▪ 2099 Ascot Road ▪ Ann Arbor MI 48103 ▪ 734.717.0383

Alexa, Jennifer

From: Jim Kosteva [jkosteva@umich.edu]
Sent: Thursday, November 07, 2013 11:09 PM
To: Teall, Margie
Subject: Fwd: CORRECTION Digital marquee

Sorry, it was actually approved in July of 2012 and there were pictures in aa.com of what it would look like.

----- Forwarded message -----

From: **Jim Kosteva** <jkosteva@umich.edu>
Date: Thu, Nov 7, 2013 at 10:44 PM
Subject: Digital marquee
To: Margie Teall <mteall@a2gov.org>

Fyi
The Regents authorized construction of the sign in September 2012.

Jim

Alexa, Jennifer

From: Taylor, Christopher (Council)
Sent: Thursday, November 07, 2013 11:07 PM
To: *City Council Members (All)
Cc: Beaudry, Jacqueline; Powers, Steve
Attachments: 350 S 5th Resolution Amendment FINAL.doc

Title

Resolution to Authorize the City Administrator to Negotiate a Sales Agreement for the City-Owned Property at 350 S. Fifth Avenue

Memorandum

Attached for your review and action is a resolution authorizing the City Administrator to negotiate with the purchaser selected by City Council for the sale of City-owned real property at 350 S. Fifth Avenue.

On March 4, 2013, City Council directed the City Administrator to execute a contract for services with a real estate broker for the sale of 350 S. Fifth Avenue. City Council found the real property was no longer needed for municipal or other public purposes. City Council requested sale proposals so that all available options for sale of the property be known when City Council considers the payment of the City's \$3.5 million financial obligation for the property. A balloon payment of the loan principal is due December 16, 2013.

Selling the property will reimburse the General Fund for 350 S. Fifth Ave.-related expenditures, increase funding for the City's Affordable Housing Trust Fund and add to the City's tax base.

Colliers International was selected. A summary of Colliers International's marketing material is attached. The marketing of the property highlighted the City's preferences for less housing density than allowed by zoning and for mixed uses of the property.

The deadline for submitting purchase proposals was October 18, 2013, and five proposals were received. A summary is attached.

The offers from Dennis Dahlmann ("Dahlmann") and CA Ventures are the strongest (cash, no contingencies, sales agreement, close in 2013) of the five proposals. Differences between the two offers are slight, but may be significant to City Council. Dahlmann is proposing a purchase price of \$5,250,000. CA Ventures is proposing \$5,150,000. Dahlmann is proposing to build to less than the maximum density allowed by D1 zoning. CA Ventures' offer assumes the ability to build to the maximum density allowed by D1 zoning.

Based on the higher offer price, the City Administrator recommends City Council authorize negotiations with ~~Dennis~~-Dahlmann. If negotiations ~~Mr.~~with Dahlmann are unsuccessful, the City Administrator recommends City Council authorize negotiations with CA Ventures. Working with Colliers and the City Attorney, staff will attempt to have a sales agreement for City Council consideration on November 18.

Additional terms to be negotiated are provisions that will protect the City if development does not occur on the property, if such protection is desired by City Council.

Body

Whereas, The City is the owner of a certain parcel of real estate commonly described as 350 South Fifth, the Old Y Lot;

Whereas, City Council has determined that the offers received by the City as of October 18, 2013 are viable and credible, and that two offer desirable conditions for the City;

Whereas, City Council has determined that the offer from Dennis-Dahlmann is in the best interest of the City;

RESOLVED, That City Council direct the City Administrator to negotiate a purchase agreement for the sale of the City-owned property at 350 South Fifth with Dennis Dahlmann;

RESOLVED, that the purchase agreement shall obligate Dahlmann to build and otherwise create the following improvements on the 350 S. Fifth Avenue property: (i) a structure with a FAR of no less than 400%; (ii) a structure that includes without limitation, destination retail/restaurant space on the first floor, large-plate office space on the remaining lower floors, and residential apartments on the upper floors (with no residential apartment to exceed 3 bedrooms); (iii) a substantial landscaped open space, which open space shall include a grand fountain; (iv) a structure and site plan that will adopt and be bound by the recommendations of the City's Design Review Board; and (v) ordinance-required parking that will be provided on site, with access to such parking effected via below-grade interconnection with the City's Library Lane Parking Structure (collectively, "Dahlmann's Promised Use");

RESOLVED, That the purchase agreement provide that if Dahlmann does not obtain a certificate of occupancy for a structure consistent with Dahlmann's Promised Use prior to January 1, 2018, that the property and any and all appurtenant fixtures and improvements shall revert to the City upon payment by the City to Dahlmann of the lesser of \$4,200,000 (the "Asking Price") or the appraised value by March 1, 2018;

RESOLVED, That the purchase agreement provide that Dahlmann shall not sell, assign, or otherwise transfer the 350 S. Fifth Avenue property to any third party without first providing the City an opportunity to exercise a right of first refusal to purchase, assign, or otherwise receive the property at the lesser of the sale, assignment, or transfer price agreed upon by the third party, the appraised value, or the City's Asking Price;

RESOLVED, That if negotiations are unsuccessful, the City Administrator is authorized to negotiate with CA Ventures with terms analogous to the prior three RESOLVED clauses, using the CA Ventures offer proposal as the basis for identifying "CA Ventures' Promised Use";

RESOLVED, That any purchase agreement shall obligate the purchaser to build and otherwise create the following improvements on the 350 S. Fifth Avenue property a structure and site plan that will be based on the best available standards for energy efficiency;

RESOLVED, That any purchase agreement obligate the purchaser of 350 S. Fifth Ave. to discuss with the A.A.A.T.A. in good faith whether the purchaser can help facilitate A.A.A.T.A.'s goal of limiting on-street bus transit and/or storage.;

RESOLVED the purchase agreement include protections against the property not being developed; and

RESOLVED that the purchase agreement be provided for consideration at the November 18 City Council meeting.

Alexa, Jennifer

From: Jim Kosteva [jkosteva@umich.edu]
Sent: Thursday, November 07, 2013 10:45 PM
To: Teall, Margie
Subject: Digital marquee

Fyi
The Regents authorized construction of the sign in September 2012.

Jim

Alexa, Jennifer

From: Lumm, Jane
Sent: Thursday, November 07, 2013 10:14 PM
To: jlumm@s2gov.org; [REDACTED]
Subject: FW: C-2 Amendment #3

Section 1:155 Board.

The authority shall be under the supervision and control of a board consisting of the mayor or administrator of the city and 11 members. The members shall be appointed by and terms of office shall be as provided in Act 197, WITH THE FOLLOWING EXCEPTION WHICH SHALL BE EFFECTIVE WITH THE FIRST APPOINTMENT TO THE BOARD AFTER THE EFFECTIVE DATE OF THIS ORDINANCE:

(1) NO MEMBER MAY SERVE MORE THAN 3 (THREE) CONSECUTIVE FULL TERMS AND MAY BE REAPPOINTED AFTER A LAPSE OF 4 YEARS.

On Nov 7, 2013, at 10:00 PM, "Beaudry, Jacqueline" <JBeaudry@a2gov.org> wrote:

Amendment 3 with current friendly amendments:

Section 1:155 Board.


The authority shall be under the supervision and control of a board consisting of the mayor or administrator of the city and 11 members. The members shall be appointed by and terms of office shall be as provided in Act 197, WITH THE FOLLOWING EXCEPTION WHICH SHALL BE EFFECTIVE WITH THE FIRST APPOINTMENT TO THE BOARD AFTER THE EFFECTIVE DATE OF THIS ORDINANCE:

(1) NO MEMBER MAY SERVE MORE THAN 2 CONSECUTIVE FULL TERMS AND MAY BE REAPPOINTED AFTER A LAPSE OF 4 YEARS.

All members shall hold office until the member's successor is appointed.

Jacqueline Beaudry, City Clerk

City Clerk's Office | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor · Ann Arbor · MI · 48104
734.794.6140 (O) · 734.994.8296 (F) |
jbeaudry@a2gov.org | www.a2gov.org

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Alexa, Jennifer

From: Beaudry, Jacqueline
Sent: Thursday, November 07, 2013 10:01 PM
To: *City Council Members (All)
Cc: Powers, Steve; Fales, Mary Joan; Bowden (King), Anissa
Subject: FW: C-2 Amendment #3

Amendment 3 with current friendly amendments:

Section 1:155 Board.

The authority shall be under the supervision and control of a board consisting of the mayor or administrator of the city and 11 members. The members shall be appointed by and terms of office shall be as provided in Act 197, WITH THE FOLLOWING EXCEPTION WHICH SHALL BE EFFECTIVE WITH THE FIRST APPOINTMENT TO THE BOARD AFTER THE EFFECTIVE DATE OF THIS ORDINANCE:

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Jacqueline Beaudry, City Clerk

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jbeaudry@a2gov.org | www.a2gov.org



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Alexa, Jennifer

From: Beaudry, Jacqueline
Sent: Thursday, November 07, 2013 9:58 PM
To: Beaudry, Jacqueline; Lumm, Jane; Petersen, Sally
Cc: Bowden (King), Anissa
Subject: RE: C-2 Amendment #3

Correction to Section number and 11 members.

Section 1:155 Board.


The authority shall be under the supervision and control of a board consisting of the mayor or administrator of the city and 11 members. The members shall be appointed by and terms of office shall be as provided in Act 197[.], WITH THE FOLLOWING EXCEPTION WHICH SHALL BE EFFECTIVE WITH THE FIRST APPOINTMENT TO THE BOARD AFTER THE EFFECTIVE DATE OF THIS ORDINANCE:

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jbeaudry@a2gov.org | www.a2gov.org

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From: Beaudry, Jacqueline
Sent: Thursday, November 07, 2013 9:56 PM
To: Lumm, Jane; Petersen, Sally
Cc: Bowden (King), Anissa
Subject: FW: C-2 Amendment #3

Section 1:55 Board.

The authority shall be under the supervision and control of a board consisting of the mayor or administrator of the city and 11 members. The members shall be appointed by and terms of office shall be as provided in Act 197[.], WITH THE FOLLOWING EXCEPTION WHICH SHALL BE EFFECTIVE WITH THE FIRST APPOINTMENT TO THE BOARD AFTER THE EFFECTIVE DATE OF THIS ORDINANCE:

(1) NO MEMBER MAY SERVE MORE THAN 2 CONSECUTIVE FULL TERMS AND MAY BE REAPPOINTED AFTER A LAPSE OF 4 YEARS.

All members shall hold office until the member's successor is appointed.

Jacqueline Beaudry, City Clerk

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From: Bowden (King), Anissa
Sent: Thursday, November 07, 2013 9:33 PM
To: Beaudry, Jacqueline
Subject: C-2 Amendment #3

Section 1:55 Board.

The authority shall be under the supervision and control of a board consisting of the mayor or administrator of the city and 1 members. The APPOINTMENT OF THE MAYOR AS THE DESIGNATED APPOINTEE TO THE BOARD SHALL BE DONE ANNUALLY AND SUBJECT TO APPROVAL BY A MAJORITY VOTE OF COUNCIL. IF COUNCIL DOES NOT APPROVE AT THE FIRST MEETING IN DECEMBER BY MAJORITY VOTE THE APPOINTMENT OF THE MAYOR, THE ADMINISTRATOR SHALL BE THE DESIGNATED APPOINTEE FOR THAT PERIOD. THE members shall be appointed by and terms of office shall be as provided in Act 197[.], WITH THE FOLLOWING EXCEPTIONS, WHICH SHALL BE EFFECTIVVE FOLLOWING THE NOVEMBER 2014 REGULAR ELECTION:

(1) EXCEPT FOR THE MAYOR AS PROVIDED ABOVE OR BY MUTUAL WIRTTEN AGREEMENT OF THE TAXING JURISDICTIONS LEVYING TAXES THAT ARE SUBJECT TO CAPTURE BY THE AUTHORITY, NO PUBLIC OFFICIAL OF ANY TAXING JURISDICTION LEVYING TAXES THAT ARE SUBJECT TO CAPTURE BY THE AUTHORITY SHALL BE ELIGIBLE FOR APPOINTMENT, WHETHER IN HIS OR HER OFFICIAL CAPACITY OR AS AN INDIVIDUAL; AND

(2) NO MEMBER MAY SERVE MORE THAN 2 CONSECUTIVE FULL TERMS.

All members shall hold office until the member's successor is appointed.

A business card for Anissa R. Bowden, Administrative Assistant. The card features a decorative graphic on the left side. The text on the card includes her name, title, phone numbers, email address, website, and office address.

Anissa R. Bowden
Administrative Assist...

734-794-6144 (41402 inte...
(734) 994-8296 Fax
ABowden@a2gov.org
www.a2gov.org

City of Ann Arbor
City Clerk, 301 E. Huron ...

Alexa, Jennifer

From: Petersen, Sally
Sent: Thursday, November 07, 2013 9:57 PM
To: Beaudry, Jacqueline
Subject: RE: C-2 Amendment #3

It should read 11 members....=)

From: Beaudry, Jacqueline
Sent: Thursday, November 07, 2013 9:56 PM
To: Lumm, Jane; Petersen, Sally
Cc: Bowden (King), Anissa
Subject: FW: C-2 Amendment #3

Section 1:55 Board.

The authority shall be under the supervision and control of a board consisting of the mayor or administrator of the city and 1 members. The members shall be appointed by and terms of office shall be as provided in Act 197[.], WITH THE FOLLOWING EXCEPTION WHICH SHALL BE EFFECTIVE WITH THE FIRST APPOINTMENT TO THE BOARD AFTER THE EFFECTIVE DATE OF THIS ORDINANCE:

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Jacqueline Beaudry, City Clerk

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jbeaudry@a2gov.org | www.a2gov.org



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From: Bowden (King), Anissa
Sent: Thursday, November 07, 2013 9:33 PM
To: Beaudry, Jacqueline
Subject: C-2 Amendment #3

Section 1:55 Board.

The authority shall be under the supervision and control of a board consisting of the mayor or administrator of the city and 1 members. The APPOINTMENT OF THE MAYOR AS THE DESIGNATED APPOINTEE TO THE BOARD SHALL BE DONE ANNUALLY AND SUBJECT TO APPROVAL BY A MAJORITY VOTE OF COUNCIL. IF COUNCIL DOES NOT APPROVE AT THE FIRST MEETING IN DECEMBER BY MAJORITY VOTE THE APPOINTMENT OF THE MAYOR, THE ADMINISTRATOR SHALL BE THE DESIGNATED APPOINTEE FOR THAT PERIOD. THE

members shall be appointed by and terms of office shall be as provided in Act 197[.], WITH THE FOLLOWING EXCEPTIONS, WHICH SHALL BE EFFECTIVVE FOLLOWING THE NOVEMBER 2014 REGULAR ELECTION:

(1) EXCEPT FOR THE MAYOR AS PROVIDED ABOVE OR BY MUTUAL WIRTTEN AGREEMENT OF THE TAXING JURISDICTIONS LEVYING TAXES THAT ARE SUBJECT TO CAPTURE BY THE AUTHORITY, NO PUBLIC OFFICIAL OF ANY TAXING JURISDICTION LEVYING TAXES THAT ARE SUBJECT TO CAPTURE BY THE AUTHORITY SHALL BE ELIGIBLE FOR APPOINTMENT, WHETHER IN HIS OR HER OFFICIAL CAPACITY OR AS AN INDIVIDUAL; AND

(2) NO MEMBER MAY SERVE MORE THAN 2 CONSECUTIVE FULL TERMS.

All members shall hold office until the member's successor is appointed.



Anissa R. Bowden
Administrative Assist...

734-794-6144 (41402 inte...
(734) 994-8296 Fax
ABowden@a2gov.org
www.a2gov.org

City of Ann Arbor
City Clerk, 301 E. Huron ...

Alexa, Jennifer

From: Danielle Graham [REDACTED]
Sent: Thursday, November 07, 2013 9:40 PM
To: Hieftje, John
Subject: 25 more people signed: Victor Singh, Meredith Holman...

25 people recently add their names to WBWC -'s petition "[Ann Arbor City Council: Protect the right for all pedestrians to cross the road! Don't repeal the crossing ordinance.](#)". That means more than 500 people have signed on.

There are now 558 signatures on this petition. Read reasons why people are signing, and respond to WBWC - by clicking here:

<http://www.change.org/petitions/ann-arbor-city-council-protect-the-right-for-all-pedestrians-to-cross-the-road-don-t-repeal-the-crossing-ordinance/responses/new?response=ca6e7f0ecb07>

Dear John Hieftje,

Protect legal crossing rights for ALL pedestrians in our community! Don't repeal the crossing ordinance. Instead, please look for sensible solutions to the problems we're facing... more enforcement of dangerous driving behavior (including not stopping at crosswalks), community wide education and adequate, consistent engineering. A repeal of this ordinance would mean the Ann Arbor becomes the ONLY community in the nation that we're aware of to essentially deny pedestrians the right-of-way.

Sincerely,

- 526. Victor Singh Southgate, Michigan
- 527. Meredith Holman Chelsea, Michigan
- 528. Kenneth Standhardt Brownstown, Michigan
- 529. Kevin Lindsay Livonia, Michigan
- 530. James Margle Novi, Michigan
- 531. Jennifer Cameron Ann Arbor Charter Township, Michigan
- 532. Rebecca Meuninck Ann Arbor, Michigan
- 533. camille tiura commerce, Michigan
- 534. JAMES LYNAM SOUTH LYON, Michigan
- 535. Jeff Hendricks Ann Arbor, Michigan
- 536. Cathy Albro Ypsilanti, Michigan
- 537. Keith D'Alessandro Canton, Michigan
- 538. Larry Brayboy ann arbor, Michigan
- 539. Eli Katirai Ann Arbor, Michigan
- 540. Patrick Stommen Manchester, Michigan
- 541. Jon Humphrey Ann Arbor, Michigan
- 542. Lynda Wilson-Glenn Inkster, Michigan
- 543. Tyler Ulrich Ann arbor, Michigan
- 544. Nathan Rice Ypsilanti, Michigan
- 545. Cynthia Joseph Wayne, Michigan
- 546. Mary Mezzadri Livonia, Michigan
- 547. Diane Hallinen Hghland, Michigan
- 548. Brent Kellenberger Ann Arbor, Michigan

549. Randy Egan Livonia, Michigan
550. Danielle Graham Riverview, Michigan



Alexa, Jennifer

From: Beaudry, Jacqueline
Sent: Thursday, November 07, 2013 9:09 PM
To: *City Council Members (All); Bowden (King), Anissa; Powers, Steve; Fales, Mary Joan
Subject: FW: DDA Ord Amendments (1st Reading) 2ND amendment

Importance: High

1:160. Annual ReportING

The authority shall prepare, file with the State Tax Commission and the City Clerk, and publish in a newspaper of general circulation in the City a tax increment financing (TIF) account Annual Report consistent with the requirements of and in the form specified by the State of Michigan within ~~ninety (90) days of the end of the fiscal year of the authority~~ THIRTY (30) DAYS OF RECEIPT OF AUDITED FINANCIAL RESULTS.

THE AUTHORITY SHALL SUBMIT THEIR CAPITAL BUDGETS TO INCORPORATE THEM INTO THE CITY'S CAPITAL IMPROVEMENT PLAN (CIP). THE AUTHORITY SHALL AT THE TIME THEY SUBMIT THEIR BUDGET FOR COUNCIL APPROVAL IDENTIFY THAT PORTION OF THE BUDGET WHICH IS OPERATING AND THAT WHICH IS CAPITAL PROJECTS.

Jacqueline Beaudry, City Clerk

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jbeaudry@a2gov.org | www.a2gov.org



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From: Beaudry, Jacqueline
Sent: Thursday, November 07, 2013 9:01 PM
To: *City Council Members (All); Bowden (King), Anissa; Powers, Steve; Fales, Mary Joan
Subject: FW: DDA Ord Amendments (1st Reading)
Importance: High

1. Move that a new subsection (e) be added to Section 1:156 to read as follows:

(e) TAX INCREMENT FINANCING SEED FUNDS FOR THE HOUSING FUND SHALL BE BUDGETED EFFECTIVE 2016 AT AN AMOUNT NO LESS THAN \$300,000. EVERY YEAR THEREAFTER THE MINIMUM AMOUNT BUDGETED SHALL BE ADJUSTED AT THE SAME RATE OF INCREASE AS THE INCREASE IN THE TOTAL TIF CAPTURE. THE MINIMUM AMOUNT BUDGETED IN THIS SECTION OF DDA HOUSING FUNDS ARE TO BE USED TO FUND HOUSING GRANTS FOR DOWNTOWN HOUSING DEVELOPMENTS THAT HAVE ADOPTED THE MINIMUM INCOME GUIDELINES OF 50 PERCENT AMI.

Jacqueline Beaudry, City Clerk

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jbeaudry@a2gov.org | www.a2gov.org



Think Green! Please don't print this e-mail unless absolutely necessary.

From: Kunselman, Stephen
Sent: Thursday, November 07, 2013 8:43 PM
To: *City Council Members (All)
Cc: Beaudry, Jacqueline
Subject: FW: DDA Ord Amendments (1st Reading)
Importance: High

From: Fales, Mary Joan
Sent: Thursday, November 07, 2013 4:37 PM
To: Kunselman, Stephen
Cc: Powers, Steve; Postema, Stephen; Kailasapathy, Sumi; Lumm, Jane; Petersen, Sally
Subject: DDA Ord Amendments (1st Reading)
Importance: High

Please review the motions below and advise if you have any questions or I can be of further assistance.

1. Move that a new subsection (e) be added to Section 1:156 to read as follows:

(e) TAX INCREMENT FINANCING SEED FUNDS FOR THE HOUSING FUND SHALL BE BUDGETED EFFECTIVE 2014 AT AN AMOUNT NO LESS THAN \$2000,000. EVERY YEAR THEREAFTER THE MINIMUM AMOUNT BUDGETED SHALL BE ADJUSTED AT THE SAME RATE OF INCREASE AS THE INCREASE IN THE TOTAL TIF CAPTURE. ALL DDA HOUSING FUNDS ARE TO BE USED TO FUND HOUSING GRANTS FOR DOWNTOWN HOUSING DEVELOPMENTS THAT HAVE ADOPTED THE INCOME GUIDELINES OF THE AAHC.

The subsection would read with this amendment in its entirety:

(3) *Planning Considerations:* In developing a plan within the downtown area, the authority shall consider the following:

(a) Tax increment financing shall only be 1 of the financing methods considered and should be coordinated with private and other public investment funds.

(b) If possible projects should also benefit properties of other governmental units within the downtown area.

(c) If tax increment financing is proposed, all governmental units levying a property tax shall be fully informed of this plan and any future amendments thereto. Such consultations are to be prior to any action by the city council on the proposal. In event of additional projects, the restrictions on recapture in Item 2 would also apply.

(d) The plan for the downtown area should show that the property taxes realized for each governmental taxing unit, over the long term, should be greater than if the downtown development district did not exist.

(e) Tax increment financing seed funds for the Housing Fund shall be budgeted effective FY2015 at an amount no less than \$200,000. Every year thereafter the minimum amount budgeted shall be adjusted at the same rate of increase as the increase in the total TIF capture. All DDA Housing Funds are to be used to fund housing grants for downtown housing developments that have adopted the income guidelines of the AAHC.

The adopted TIF Plan mandates that all DDA Housing Funds are used to fund housing grants for downtown development.

2. Move that the caption of Section 1:160 be amended to read "Annual Reporting" , the term "ninety (90) days of the end of the fiscal year of the authority" replaced with "thirty (30) days of receipt of audited financial results" and following language be added to Section 1:160 (new paragraph):

THE AUTHORITY SHALL SUBMIT THEIR CAPITAL BUDGETS TO INCORPORATE THEM INTO THE CITY'S CAPITAL IMPROVEMENT PLAN (CIP). THE AUTHORITY SHALL AT THE TIME THEY SUBMIT THEIR BUDGET FOR COUNCIL APPROVAL IDENTIFY THAT PORTION OF THE BUDGET WHICH IS OPERATING AND THAT WHICH IS CAPITAL PROJECTS.

The Section would read with these amendments in its entirety:

1:160. Annual Reporting

The authority shall prepare, file with the State Tax Commission and the City Clerk, and publish in a newspaper of general circulation in the City a tax increment financing (TIF) account Annual Report consistent with the requirements of and in the form specified by the State of Michigan within ~~ninety (90) days of the end of the fiscal year of the authority~~ THIRTY (30) DAYS OF RECEIPT OF AUDITED FINANCIAL RESULTS.

THE AUTHORITY SHALL SUBMIT THEIR CAPITAL BUDGETS TO INCORPORATE THEM INTO THE CITY'S CAPITAL IMPROVEMENT PLAN (CIP). THE AUTHORITY SHALL AT THE TIME THEY SUBMIT THEIR BUDGET FOR COUNCIL APPROVAL IDENTIFY THAT PORTION OF THE BUDGET WHICH IS OPERATING AND THAT WHICH IS CAPITAL PROJECTS.

The above amendment reflects staff's recommendation previously discussed as well as the reintroduction of CM Briere's previously proposed amendment to Section 1:160.

Mary Joan Fales, Senior Assistant City Attorney

City of Ann Arbor / 301 E. Huron St., POB 8647/ Ann Arbor, MI 48107-8647 / email: mfales@a2gov.org/ Office (734) 794-6170 ext. 41887/ Direct (734) 794-6187 / Fax (734) 994-4954

CONFIDENTIALITY NOTICE: The information in this transaction is intended for the individual or entity named above. It may be legally privileged and confidential. If you have received this information in error, please notify me immediately and delete this transmission and any other documents, files and information transmitted herewith. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited. Internet communications are not guaranteed to be secure or error-free.

Alexa, Jennifer

From: Briere, Sabra
Sent: Thursday, November 07, 2013 9:02 PM
To: Kunselman, Stephen
Cc: *City Council Members (All); Beaudry, Jacqueline
Subject: Re: DDA Ord Amendments (1st Reading)

(e) TAX INCREMENT FINANCING SEED FUNDS FOR THE HOUSING FUND SHALL BE BUDGETED EFFECTIVE 2016 tax year AT AN AMOUNT NO LESS THAN \$300,000. EVERY YEAR THEREAFTER THE MINIMUM AMOUNT BUDGETED SHALL BE ADJUSTED AT THE SAME RATE OF INCREASE AS THE INCREASE IN THE TOTAL TIF CAPTURE. the minimum DDA HOUSING FUNDS ARE TO BE USED TO FUND HOUSING GRANTS FOR DOWNTOWN HOUSING DEVELOPMENTS THAT HAVE ADOPTED THE minimum INCOME GUIDELINES of 50% AMI.

Sabra Briere
First Ward City Council
Ann Arbor
734-995-3518
734-277-6578 (cell)

Sent from my iPad

On Nov 7, 2013, at 8:42 PM, "Kunselman, Stephen" <SKunselman@a2gov.org> wrote:

(e) TAX INCREMENT FINANCING SEED FUNDS FOR THE HOUSING FUND SHALL BE BUDGETED EFFECTIVE 2014 AT AN AMOUNT NO LESS THAN \$2000,000. EVERY YEAR THEREAFTER THE MINIMUM AMOUNT BUDGETED SHALL BE ADJUSTED AT THE SAME RATE OF INCREASE AS THE INCREASE IN THE TOTAL TIF CAPTURE. ALL DDA HOUSING FUNDS ARE TO BE USED TO FUND HOUSING GRANTS FOR DOWNTOWN HOUSING DEVELOPMENTS THAT HAVE ADOPTED THE INCOME GUIDELINES OF THE AAHC.

Alexa, Jennifer

From: Beaudry, Jacqueline
Sent: Thursday, November 07, 2013 9:01 PM
To: *City Council Members (All); Bowden (King), Anissa; Powers, Steve; Fales, Mary Joan
Subject: FW: DDA Ord Amendments (1st Reading)

Importance: High

1. Move that a new subsection (e) be added to Section 1:156 to read as follows:

(e) TAX INCREMENT FINANCING SEED FUNDS FOR THE HOUSING FUND SHALL BE BUDGETED EFFECTIVE 2016 AT AN AMOUNT NO LESS THAN \$300,000. EVERY YEAR THEREAFTER THE MINIMUM AMOUNT BUDGETED SHALL BE ADJUSTED AT THE SAME RATE OF INCREASE AS THE INCREASE IN THE TOTAL TIF CAPTURE. THE MINIMUM AMOUNT BUDGETED IN THIS SECTION OF DDA HOUSING FUNDS ARE TO BE USED TO FUND HOUSING GRANTS FOR DOWNTOWN HOUSING DEVELOPMENTS THAT HAVE ADOPTED THE MINIMUM INCOME GUIDELINES OF 50 PERCENT AMI.

Jacqueline Beaudry, City Clerk

City Clerk's Office | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor · Ann Arbor · MI · 48104
734.794.6140 (O) · 734.994.8296 (F) |
jbeaudry@a2gov.org | www.a2gov.org



Think Green! Please don't print this e-mail unless absolutely necessary.

From: Kunselman, Stephen
Sent: Thursday, November 07, 2013 8:43 PM
To: *City Council Members (All)
Cc: Beaudry, Jacqueline
Subject: FW: DDA Ord Amendments (1st Reading)
Importance: High

From: Fales, Mary Joan
Sent: Thursday, November 07, 2013 4:37 PM
To: Kunselman, Stephen
Cc: Powers, Steve; Postema, Stephen; Kailasapathy, Sumi; Lumm, Jane; Petersen, Sally
Subject: DDA Ord Amendments (1st Reading)
Importance: High

Please review the motions below and advise if you have any questions or I can be of further assistance.

1. Move that a new subsection (e) be added to Section 1:156 to read as follows:

(e) TAX INCREMENT FINANCING SEED FUNDS FOR THE HOUSING FUND SHALL BE BUDGETED EFFECTIVE 2014 AT AN AMOUNT NO LESS THAN \$2000,000. EVERY YEAR THEREAFTER THE MINIMUM AMOUNT BUDGETED SHALL BE ADJUSTED AT THE SAME RATE OF INCREASE AS THE INCREASE IN THE TOTAL TIF CAPTURE. ALL DDA HOUSING FUNDS ARE TO BE USED TO FUND HOUSING GRANTS FOR DOWNTOWN HOUSING DEVELOPMENTS THAT HAVE ADOPTED THE INCOME GUIDELINES OF THE AAHC.

The subsection would read with this amendment in its entirety:

- (3) *Planning Considerations*: In developing a plan within the downtown area, the authority shall consider the following:
- (a) Tax increment financing shall only be 1 of the financing methods considered and should be coordinated with private and other public investment funds.
 - (b) If possible projects should also benefit properties of other governmental units within the downtown area.
 - (c) If tax increment financing is proposed, all governmental units levying a property tax shall be fully informed of this plan and any future amendments thereto. Such consultations are to be prior to any action by the city council on the proposal. In event of additional projects, the restrictions on recapture in Item 2 would also apply.
 - (d) The plan for the downtown area should show that the property taxes realized for each governmental taxing unit, over the long term, should be greater than if the downtown development district did not exist.
 - (e) Tax increment financing seed funds for the Housing Fund shall be budgeted effective FY2015 at an amount no less than \$200,000. Every year thereafter the minimum amount budgeted shall be adjusted at the same rate of increase as the increase in the total TIF capture. All DDA Housing Funds are to be used to fund housing grants for downtown housing developments that have adopted the income guidelines of the AAHC.

The adopted TIF Plan mandates that all DDA Housing Funds are used to fund housing grants for downtown development.

2. Move that the caption of Section 1:160 be amended to read "Annual Reporting" , the term "ninety (90) days of the end of the fiscal year of the authority" replaced with "thirty (30) days of receipt of audited financial results" and following language be added to Section 1:160 (new paragraph):

THE AUTHORITY SHALL SUBMIT THEIR CAPITAL BUDGETS TO INCORPORATE THEM INTO THE CITY'S CAPITAL IMPROVEMENT PLAN (CIP). THE AUTHORITY SHALL AT THE TIME THEY SUBMIT THEIR BUDGET FOR COUNCIL APPROVAL IDENTIFY THAT PORTION OF THE BUDGET WHICH IS OPERATING AND THAT WHICH IS CAPITAL PROJECTS.

The Section would read with these amendments in its entirety:

1:160. Annual ReportING

The authority shall prepare, file with the State Tax Commission and the City Clerk, and publish in a newspaper of general circulation in the City a tax increment financing (TIF) account Annual Report consistent with the requirements of and in the form specified by the State of Michigan within ~~ninety (90) days of the end of the fiscal year of the authority~~ THIRTY (30) DAYS OF RECEIPT OF AUDITED FINANCIAL RESULTS.

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The above amendment reflects staff's recommendation previously discussed as well as the reintroduction of CM Briere's previously proposed amendment to Section 1:160.

Mary Joan Fales, Senior Assistant City Attorney

City of Ann Arbor / 301 E. Huron St., POB 8647/ Ann Arbor, MI 48107-8647 / email: mfales@a2gov.org/ Office (734) 794-6170 ext. 41887/ Direct (734) 794-6187 / Fax (734) 994-4954

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Alexa, Jennifer

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Sent: Thursday, November 07, 2013 8:43 PM
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Importance: High

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Sent: Thursday, November 07, 2013 4:37 PM
To: Kunselman, Stephen
Cc: Powers, Steve; Postema, Stephen; Kailasapathy, Sumi; Lumm, Jane; Petersen, Sally
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Mary Joan Fales, Senior Assistant City Attorney

City of Ann Arbor / 301 E. Huron St., POB 8647/ Ann Arbor, MI 48107-8647 / email: mfales@a2gov.org/ Office (734) 794-6170 ext. 41887/ Direct (734) 794-6187 / Fax (734) 994-4954

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Alexa, Jennifer

From: Seto, John
Sent: Thursday, November 07, 2013 8:43 PM
To: Lumm, Jane
Subject: Re: Ann Arbor Police Update: Paul DeWolf Homicide Investigation

I certainly will, and thank you!

Sent from my HTC on the Now Network from Sprint!

----- Reply message -----

From: "Lumm, Jane" <JLumm@a2gov.org>
Date: Thu, Nov 7, 2013 5:09 pm
Subject: Ann Arbor Police Update: Paul DeWolf Homicide Investigation
To: "John Seto" <JSeto@a2gov.org>

Dear John, Great work! This will be a relief to many knowing three suspects have been id'ed. Please extend my thanks and commendations to all the detectives and staff who have been involved.

Appreciate as well, the sensitivity and respect for the family that is expressed in this statement.

Sincere thanks and kudos to all!
Jane

Sent from my iPhone

Begin forwarded message:

> From: "Satterlee, Joanna" <JESatterlee@a2gov.org>
> Date: November 7, 2013 5:01:17 PM EST
> To: "Satterlee, Joanna" <JESatterlee@a2gov.org>
> Cc: "Seto, John" <JSeto@a2gov.org>
> Subject: Ann Arbor Police Update: Paul DeWolf Homicide Investigation
>

> Dear news media:

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>
> The following news release is being issued by Ann Arbor Chief of Police John Seto regarding the Paul DeWolf homicide investigation. All information available is included in the below Ann Arbor Police Department news release. No further information is available at this time.

>
>
>
> Thank you,

>
> Joanna E. Satterlee

> City of Ann Arbor | Communications Unit | Larcom City Hall · 301 E.
> Huron St., Third Floor · Ann Arbor · MI · 48107 734.794.6110,
> extension 41105 (0) · 734.994.8297 (F) | jesatterlee@a2gov.org | www.a2gov.org |
www.facebook.com/thecityofannarbor | <http://twitter.com/a2gov> P Think Green! Please keep this
email on the screen.

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> Ann Arbor Police Department News Release

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> November 7, 2013

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> Paul DeWolf Homicide Investigation

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> On July 24, 2013, the Ann Arbor Police responded to the 200 block of N. Ingalls where Paul DeWolf, a U of M medical school student and Air Force Second Lieutenant, was found deceased in his apartment. An autopsy revealed that he died from a gunshot wound. No firearm was recovered from the scene and his death was investigated as a homicide.

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> After an intensive investigation, the Ann Arbor Police Department has made three arrests. No other suspects are believed to be outstanding. There does not appear to be any previous affiliation between the suspects and Paul DeWolf nor any connection with the University of Michigan or the U.S. Air Force.

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> The suspects have not yet been charged and detectives are continuing to gather evidence and build the case. More information will be released regarding the suspects' identities once they have been arraigned.

>

> Our thoughts and prayers continue to be with the DeWolf Family. We would also like to thank Mr. and Mrs. DeWolf for their support of the Ann Arbor Police Department throughout this investigation. Their strength and their faith have inspired all who have worked on this case.

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> The entire Ann Arbor Police Department contributed in some manner to this investigation, but additional recognition must be given to the AAPD Detective Bureau, especially to the Supervisors and the Detectives in charge of this case. I would also like to thank the other law enforcement agencies who assisted the AAPD, in particular, the University of Michigan Police, the United States Marshals Service, the United States Air Force Office of Special Investigations, the FBI and the Washtenaw County Prosecutor's Office.

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> Our focus continues to be the successful conclusion of this incident and respect for the DeWolf Family. As the judicial process continues, we ask for everyone's patience. Additional information will be released as soon as it is appropriate.

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>

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- > Chief John Seto
- >
- > Ann Arbor Police Department
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- >
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