

City of Ann Arbor

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



Action Minutes

Monday, March 16, 2015

7:00 PM

Larcom City Hall, 301 E Huron St, Second Floor, City Council
chambers

City Council

City Council will meet in caucus the Sunday prior to each regular session at 7 p.m. in Council Chambers.

CALL TO ORDER

Mayor Taylor called the meeting of the Ann Arbor City Council to order at 7:03 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 Taylor led Council in the recitation of the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: 10 - Councilmember Stephen Kunselman, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Graydon Krapohl and Councilmember Kirk Westphal

Absent: 1 - Councilmember Chuck Warpehoski

APPROVAL OF AGENDA

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

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

AC-1 15-0338 Agenda Response Memo - March 16, 2015

Attachments: Agenda Responses 3-16-15 Final

City Administrator Steve Powers submitted his Agenda Response Memo for information of Council.

Received and Filed

AC-2 15-0339 Memorandum from City Administrator - Freedom of Information Act (FOIA) - March 16, 2015

Attachments: Memo to Mayor and Council 3-16-15 - FOIA

City Administrator Steve Powers submitted his report regarding changes to FOIA for information of Council.

Received and Filed

INT INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

*** (SPEAKERS ARE NOT PERMITTED TO GRANT THEIR RESERVED TIME TO AN ALTERNATE SPEAKER)**

*** ACCOMMODATIONS CAN BE MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

Mayor Taylor reminded the public of the rules regarding public commentary, as well as the requirement for order at public meetings.

Councilmember Warpehoski arrived at 7:10 p.m.

Present: 11 - Councilmember Stephen Kunselman, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Graydon Krapohl and Councilmember Kirk Westphal

1. Larry Baird - Fuller Road/Maiden Lane Bridges Rehabilitation (DS-2)

Larry Baird, City resident, stated he is an advocate for the border-to-border trail. He urged Council to make the pedestrian elements of the bridges a priority.

2. Jeff Hayner - Implementation of Recommended Best Practices to Receive Redevelopment Ready Communities Certification (CA-12)

Jeff Hayner, 1807 Pontiac Trail, urged Council to remove CA-12 from the Consent Agenda. He expressed concern about the consequences of the "Redevelopment Ready" program, including the possibility of loss of control by City Council over the site plan approval process.

3. Frank Commiskey - Thurston Pond Fee Waiver (DC-4)

Frank Commiskey, 2647 Antietam, on behalf of Thurston Nature Center, spoke in support of the Resolution to Waive Site Plan Review Fees for the Thurston Pond Restoration Site Plan Petition.

4. Robert McGee - Deer Issues

Robert McGee, 2245 Placid, stated he is opposed to a deer cull. He expressed concerns about the City's deer management public process, stating residents were not allowed at the public meetings to speak on certain topics and some were cut off by the consultant if their comments were not as instructed. He urged the Council to take this issue to the ballot so the voters can decide.

5. John Milne - Resolution in Support of State Ballot Proposal 15-1 on May 5, 2015 Ballot (DC-1)

John Milne, Saginaw City resident, asked Council to delay their vote of support for the State Ballot Proposal, 15-1. He stated there are many discrepancies and drafting errors in this law that have not been made public, including many financial shortfalls.

CC COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER ANGLIN*

Councilmember Anglin stated a dialogue between the City and the University of Michigan is needed regarding municipal funding. He suggested some type of payment in lieu of taxes.

COUNCILMEMBER GRAND

Councilmember Grand stated a public meeting regarding the Manchester Water Tank project will be held at Tappan Middle School on March 25 at 7p.m.

Councilmember Grand thanked the AAPD for their professional service at the Ann Arbor School Board meeting at Huron High School. The meeting included a discussion of carrying weapons on school property and the officers in attendance kept the situation calm and orderly.

COUNCILMEMBER BRIERE

Councilmember Briere stated the Pedestrian Access and Safety Task Force was hosting a meeting at the Downtown Library on March 25 to discuss the proposed changes to the Sidewalk Ordinance. The meeting will be held at 6:30 p.m. and she urged the public to attend.

Councilmember Briere noted that students from Skyline High School were recognized with a national second place award for a film they produced about the impacts of the No Child Left Behind legislation. The film will be shown on CSpan on April 3 and is also available on the website.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski updated Council and the public regarding a series of Sheriff's Department forums with topics on relations between the police and the public, the use of body cameras, and youth issues. Councilmember Warpehoski also stated the Interfaith Council on Peace and Justice is also hosting a "Toxic" talk at Brown Chapel AME Church on March 29 from 5 - 6p.m. He stated the Ann Arbor community is racially divided economically.

COUNCILMEMBER LUMM

Councilmember Lumm responded to a public speaker regarding the City's deer management outreach efforts. She stated the Huron Valley Humane Society was invited to the recent meeting and declined to attend. She stated a few speakers were critical of others in attendance and were asked not to make personal attacks at other speakers.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 15-0257

Appointments - Confirmations

Attachments: Marie Klopf app..pdf, Marie_Klopf_Resume_030415, Bryan Kelly app..pdf

APPOINTMENTS APPROVED

Mayor Taylor noted that the confirmation of Marie Klopf to the DDA will require seven votes as she is not a City resident.

Mayor Taylor recommended the following appointments at the March 2, 2015 regular session of Council:

Downtown Development Authority

Marie Klopf-filling vacancy of Russ Collins

4608 Cottonwood Dr.

Ann Arbor, MI 48108

Term: filling a term ending 5/31/17

(7 votes required)

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

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

Nays: 2 - Councilmember Anglin and Councilmember Kailasapathy

APPOINTMENTS APPROVED

Mayor Taylor recommended the following appointments at the March 2, 2015 regular session of Council:

Elizabeth Dean Fund Committee

Bryan Kelly-filling vacancy

207 Miller Ave.

Ann Arbor, MI 48104

Term: filling a term ending 5/31/17

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

MC-2 15-0334 Appointment - Confirmation

REFERRED

Mayor Taylor recommended the following appointments for approval at a later date:

Ann Arbor Housing Commission

Gwenyth Hayes Re-appointment

727 Miller Apt. 514

Ann Arbor, MI 48103

Term: May 5, 2015 - May 4, 2020

Referred to the City Council due back on 4/6/2015

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 15-0143

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

Attachments: ORD15-04 Ch 49 As Amended 031615, Ord Amend Chpt 49 Briefed.pdf, Ord Amend Chpt 49.pdf, Communication from Linda Feldt regarding Pedestrian Safety and Access Task Force (2).pdf, Public Hearing Notice - All.docx

A public hearing was conducted on the proposed amendment to Sections 4:60, 4:61 and 4:62, and to Delete Section 4:63 of Chapter 49 (Sidewalks) of Title IV of the Code of the City of Ann Arbor. Notice of public hearing was published March 9, 2015.

The following people spoke at the public hearing:

An unknown resident

Linda Evans, a member of the Commission on Disability Issues, urged Council to postpone the ordinance, stating the Disability Commission has not had an opportunity to review the changes.

A member of the Commission on Disability Issues, urged Council to postpone action, stating language clarification is needed.

Jim Walker spoke in opposition.

Sara Pressprich, member of the Pedestrian Safety and Access Task Force, spoke in support.

Paul Tinkerhess, snow buddy creator

An unidentified Task Force member

Jeff Hayner, Pontiac Trail, spoke in opposition, stating a more stringent ordinance is not the answer.

Julie Weatherbee, Main Street resident, and member of the Task Force, spoke in support.

Kathy Griswold, 3565 Fox Hunt, stated residents have mistrust for City. She asked Council to answer questions regarding enforcement, ADA, and environmental impacts before voting.

An unknown resident

Carolyn Grawi, CIL Executive Director, spoke in support for accessible routes in all places in the City.

Ken Clark, 497 Larkspur, Task Force member, spoke about short-term climate change, including more snowfall events. He stated the proposed language is typical of communities like Ann Arbor. He urged Council to close the loophole that allows residents to avoid shoveling during repeat events.

Joel Mann, Third Ward resident, stated maintenance of sidewalks should be a public responsibility, not homeowner.

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

Held and Closed

Enactment No: ORD-15-04

PH-2 15-0252

An Ordinance to Amend Sections 5:507 and 5:508 of Chapter 61 (Permitted and Prohibited Signs) of Title V of the Code of the City of Ann Arbor (Ordinance No. ORD-15-05)

Sponsors: Briere and Taylor

Attachments: 15-05 Ch. 61 Prohibited and Permitted Signs Ordinance Briefed and Approved.pdf, Ord Amend 5-507 & 5-508 signs Briefed.pdf, Ord Amend 5-507 & 5-508 signs.pdf, Map of bike station locations.pdf, bike station signs model.pdf, Public Hearing Notice - All.docx

A public hearing was conducted on the proposed amendment to Sections 5:507 and 5:508 of Chapter 61 (Permitted and Prohibited Signs) of Title V of the Code of the City of Ann Arbor. Notice of public hearing was published March 9, 2015.

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

Held and Closed

Enactment No: ORD-15-05

PH-3 15-0196

Resolution to Approve a Grant Application to the Michigan Department of Natural Resources Grants Management for a Universal Access Playground at Gallup Park

A public hearing was conducted on the proposed Resolution to Approve a Grant Application to the Michigan Department of Natural Resources Grants Management for a Universal Access Playground at Gallup Park. Notice of public hearing was published February 26, 2105.

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

Held and Closed

Enactment No: R-15-076

PH-4 14-1572

Resolution to Approve the Nixon Farm North Annexation, 69 Acres, 3381 Nixon Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

Attachments: 10/21/14 Planning Staff Report, 10/21/14 Planning Commission Minutes, Public Hearing Notice - All.docx, Annexation Letter to Ann Arbor Township.docx

A public hearing was conducted on the proposed Resolution to Approve the Nixon Farm North Annexation, 69 Acres, 3381 Nixon Road. Notice of public hearing was published March 9, 2015.

The following people spoke at the public hearing:

Jeff Hayner, 1807 Pontiac Trail, spoke in opposition, urging Council to preserve this land as farmland.

Jeff Brainard, representing Toll Brothers, addressed Council regarding the project, stating the developer has addressed the concerns raised at the Planning Commission and they are committed to the project moving forward.

James D'Amour, 2771 Maplewood, representing the local chapter of the Sierra Club, stated his opposition and urged Council to postpone action.

Lisa Dusseau, northeast area resident, urged Council to postpone action, stating the land is needed as a natural area.

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

Held and Closed

Enactment No: R-15-082

PH-5 14-1573

Resolution to Approve the Nixon Farm South Annexation, 41 Acres, 2999 Nixon Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

Attachments: 10/21/14 Planning Staff Report, 10/21/14 Planning Commission Minutes, Public Hearing Notice - All.docx, Annexation Letter to Ann Arbor Township.docx

A public hearing was conducted on the proposed Resolution to Approve the Nixon Farm South Annexation, 41 Acres, 2999 Nixon Road. Notice of public hearing was published March 9, 2105.

The following people spoke at the public hearing:

James D'Amour, Vice President of local Sierra Club Chapter, spoke in opposition. He urged Council to deny approval of the annexation.

An unknown resident spoke in opposition to the Toll Brother's development.

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

Held and Closed

Enactment No: R-15-083

PH-6 15-0230

Resolution to Approve Pittsfield Retail Site Plan and Development Agreement, 3510 Washtenaw (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

Attachments: 2/18/15 Planning Staff Report, 2-9-15 Draft Development Agreement.pdf, Pittsfield Retail CPC Minutes 02-18-15.pdf, Public Hearing Notice - All.docx

A public hearing was conducted on the proposed Resolution to Approve Pittsfield Retail Site Plan and Development Agreement, 3510 Washtenaw. Notice of public hearing was published March 9, 2015.

A representative of the development project was available to answer any questions of Council.

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

Held and Closed

Enactment No: R-15-084

PH-7 15-0244

Resolution to Approve the Concordia University Athletic Complex Site Plan, 4090 Geddes Road (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

Attachments: 2/18/15 Planning Staff Report, Concordia CPC Minutes 02-18-15.pdf, Public Hearing Notice - All.docx

A public hearing was conducted on the proposed Resolution to Approve the Concordia University Athletic Complex Site Plan, 4090 Geddes Road. Notice of public hearing was published March 9, 2015.

The following people spoke at the public hearing:

A representative of Concordia University was present to answer any questions. Bill McRoy, 476 Pine Brae, spoke in opposition, stating the project is being presented and approved piecemeal. He expressed concern about changes to the lighting that may affect neighbors.

Brian Fitzgerald, Michigan Soccer Academy, spoke in support.

Sherry Nichols, read a statement from Chris Palmer, Pine Brae neighbor, opposing the project.

Manish Mehta, 468 Pine Brae, spoke in opposition.

Dave Palmer, 428 Pine Brae, spoke in opposition.

Lonny Priest, resident on Pine Brae and Concordia University employee, stated he was not allowed to participate in the Pine Brae Association because he is supportive of the project.

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

Held and Closed

Enactment No: R-15-085

PH-8 15-0242 Resolution to Approve Application Fee for Backyard Chickens Permit

Attachments: Public Hearing Notice - All.docx

A public hearing was conducted on the proposed Resolution to Approve Application Fee for Backyard Chickens Permit. Notice of public hearing was published March 9, 2015.

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

Held and Closed

Enactment No: R-15-075

A APPROVAL OF COUNCIL MINUTES**A-1 15-0303** Work Session Meeting Minutes of February 23, 2015 and Regular Session of March 2, 2015

Attachments: 02-23-15 Draft Minutes, 03-02-15 Meeting Minutes, Council emails 3-2-2015.pdf

A motion was made by Councilmember Briere, seconded by Councilmember Grand, that the Work Session Meeting Minutes of February 23 and Regular Session of March 2, 2015 be approved. 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 Geddes Avenue Stormwater and Curb and Gutter Resolution No. 1

CA-11 Resolution to Approve a Grant Application to the Michigan Department of Natural Resources Grants Management for a Universal Access Playground at Gallup Park

CA-12 Resolution Authorizing the City Administrator to Proceed Toward Implementation of Recommended Best Practices to Receive Redevelopment Ready Communities Certification

Passed on consent agenda

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

- CA-2 15-0153** Resolution to Approve Amendment No. 1 to the Services Agreement with Solomon Diving, Inc. for Dive Inspection Services (\$75,000.00)
Attachments: AMENDMENT No 1_Dive Inspection Services_20150316.pdf
Enactment No: R-15-066
- CA-3 15-0173** Resolution to Approve a Purchase Order with Precision Odor for Odor Control Chemicals and Equipment for the Wastewater Treatment Plant (\$60,000.00)
Enactment No: R-15-067
- CA-4 15-0174** Resolution to Approve a Purchase Order with Trojan Technologies Inc. for Replacement Parts at the Wastewater Treatment Plant (\$80,000.00)
Enactment No: R-15-068
- CA-5 15-0189** Resolution to Approve a Contract with Hubbell, Roth & Clark, Inc. for Pump Replacement Construction Engineering at the Wastewater Treatment Plant (\$78,294.00)
Attachments: HRC Construction Services Contract Resolution Copy
Enactment No: R-15-069
- CA-6 15-0108** Resolution to Approve Street Closings for the 2015 Rolling Sculpture Car Show - Friday, July 10, 2015
Attachments: Rolling Sculpture Car Show Map.pdf
Enactment No: R-15-070
- CA-7 15-0185** Resolution to Approve Street Closing for the NTI Block Party - Wednesday, July 29, 2015
Attachments: NTI Block Party Map.pdf
Enactment No: R-15-071
- CA-8 15-0197** Resolution to Approve Street Closing for the Ann Arbor Cinco de Mayo Party on Tuesday, May 5, 2015
Attachments: Cinco de Mayo Map.pdf
Enactment No: R-15-072
- CA-9 15-0198** Resolution to Close North University for the Townie Street Party - Monday, July 13, 2015
Attachments: Townie Street Party Map 2015.pdf
Enactment No: R-15-073

- CA-10 15-0201** Resolution to Close Streets for the Townie Street Party - Ann Arbor Mile on Monday, July 13, 2015
Attachments: Ann Arbor Mile Map.pdf
Enactment No: R-15-074
- CA-13 15-0242** Resolution to Approve Application Fee for Backyard Chickens Permit
Attachments: Public Hearing Notice - All.docx
Enactment No: R-15-075
- CA-1 15-0140** Resolution No. 1 - Geddes Avenue Stormwater and Curb and Gutter
Attachments: Geddes Res 1 Curb & Gutter Map.pdf, Geddes Res 1 Storm Map.pdf
Councilmember Lumm moved, seconded by Councilmember Westphal, that the Resolution be approved.
A motion was made by Councilmember Lumm, seconded by Councilmember Eaton, that the Resolution be postponed until 4/20/2015. On a voice vote, the Mayor declared the motion carried.
- CA-11 15-0196** Resolution to Approve a Grant Application to the Michigan Department of Natural Resources Grants Management for a Universal Access Playground at Gallup Park
A motion was made by Councilmember Lumm, seconded by Councilmember Grand, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-15-076
- CA-12 15-0271** Resolution Authorizing the City Administrator to Proceed Toward Implementation of Recommended Best Practices to Receive Redevelopment Ready Communities Certification
Attachments: Memorandum of Understanding - November 2014, RRC Community Assessment Report - October 2014
Councilmember Eaton moved, seconded by Councilmember Briere, that the Resolution be approved.
Council requested a public hearing be scheduled with the postponement until April 20.
A motion was made by Councilmember Eaton, seconded by Councilmember Krapohl, that the Resolution be postponed until 4/20/2015. On a roll call, the vote was as follows with the Mayor declaring the motion carried:
Yeas: 8 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton and Councilmember Krapohl
Nays: 3 - Mayor Taylor, Councilmember Grand and Councilmember Westphal

B ORDINANCES - SECOND READING**RECESS**

Mayor Taylor called a recess at 9:38 p.m. and reconvened the meeting at 9:48 p.m.

B-1 15-0143

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

Attachments: ORD15-04 Ch 49 As Amended 031615, Ord Amend Chpt 49 Briefed.pdf, Ord Amend Chpt 49.pdf, Communication from Linda Feldt regarding Pedestrian Safety and Access Task Force (2).pdf, Public Hearing Notice - All.docx

(The complete copy of the text of Ordinance No. ORD-15-04 is on file in the City Clerk's Office.)

Councilmember Briere moved, seconded by Councilmember Krapohl, that the Ordinance be adopted at Second Reading.

Enactment No: ORD-15-04

Councilmember Briere presented a substitute ordinance for consideration.

Councilmember Briere moved, seconded by Councilmember Lumm, that the Ordinance be amended.

Enactment No: ORD-15-04

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

Section 4:60 (3)

...Except for sidewalks defined by section 4:51(1)(b) and (c), within 18 hours after any ice forms, the owner or occupant of every property zoned residential shall treat the ice on the adjacent sidewalk and on walks and ramps [that are at bus stops or] that lead to a marked or unmarked crosswalk with sand, salt or other substance to prevent it from being slippery.

[Brackets] indicate deleted language.

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

Yeas: 5 - Councilmember Kunselman, Councilmember Anglin, Councilmember Lumm, Councilmember Kailasapathy and Councilmember Eaton

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

Enactment No: ORD-15-04

The question being, the motion made by Councilmember Briere, seconded by Councilmember Lumm, that the Ordinance be amended (with substitute ordinance language as presented). On a roll call, the vote was as follows with the Mayor declaring the motion carried:

(The substitute ordinance is now the ordinance under consideration.)

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

Nays: 1 - Mayor Taylor

Enactment No: ORD-15-04

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

Add New Section 4:61 (3):

THE CITY EMPLOYEE RESPONDING TO A COMPLAINT THAT SECTION 4:60 IS BEING VIOLATED HAS THE DISCRETION WHETHER OR NOT TO GIVE A NOTICE TO AN OWNER OR OCCUPANT OR ISSUE A CITATION TO AN OWNER OR OCCUPANT BASED ON THE CITY EMPLOYEE'S EVALUATION OF WHETHER THE PUBLIC IS AFFORDED REASONABLY UNIMPEDED PASSAGE ON THE SUBJECT SIDEWALK.

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

Enactment No: ORD-15-04

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

Section 4:60 (1)

...The owner or occupant of the property shall also remove snow and ice from walks and ramps that are at bus stops or that lead to a marked or unmarked crosswalk. PROVIDED THAT WHEN ICE HAS SO FORMED UPON ANY SIDEWALK, WALK OR RAMP THAT IT CANNOT BE REMOVED, THEN THE OWNER OR OCCUPANT SHALL KEEP THE SAME EFFECTIVELY SPRINKLED WITH SAND, SALT OR OTHER SUITABLE SUBSTANCE IN SUCH MANNER AS TO PREVENT THE ICE FROM BEING DANGEROUS, UNTIL SUCH TIME AS IT CAN BE REMOVED, AND THEN IT SHALL BE PROMPTLY REMOVED...

ALL CAPS indicates new language.

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

Enactment No: ORD-15-04

Councilmember Lumm moved that Section 4:60 (2) be amended.

It was clarified that this amendment was no longer needed with the substitute ordinance approved.

The motion was withdrawn.

Enactment No: ORD-15-04

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

Section 4:62

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

[Brackets] indicate deleted language.

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

Enactment No: ORD-15-04

The chair of the Commission on Disability Issues requested that the Commission be provided copies of the ordinance, as amended, prior to the Commission's next meeting on Wednesday, March 18.

A motion was made by Councilmember Eaton, seconded by Councilmember Westphal, that the Ordinance be Postponed at First Reading to the City Council and should be returned by 4/20/2015. On a voice vote, the [Enter Title] declared the motion carried.

Enactment No: ORD-15-04

B-2 15-0252

An Ordinance to Amend Sections 5:507 and 5:508 of Chapter 61 (Permitted and Prohibited Signs) of Title V of the Code of the City of Ann Arbor (Ordinance No. ORD-15-05)

Sponsors: Briere and Taylor

Attachments: 15-05 Ch. 61 Prohibited and Permitted Signs Ordinance Briefed and Approved.pdf, Ord Amend 5-507 & 5-508 signs Briefed.pdf, Ord Amend 5-507 & 5-508 signs.pdf, Map of bike station locations.pdf, bike station signs model.pdf, Public Hearing Notice - All.docx

(The complete copy of the text of Ordinance No. ORD-15-05 is on file in the City Clerk's Office.)

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

Enactment No: ORD-15-05

C ORDINANCES - FIRST READING

None.

D MOTIONS AND RESOLUTIONS**DC New Business - Council:****DC-1 15-0268**

Resolution in Support of State Ballot Proposal 15-1 on the May 5, 2015 Election Ballot

Sponsors: Warpehoski, Taylor and Briere

Attachments: MDOT Presentation on Proposal 1, 2015 Ballot Proposal Chart, 2015 Ballot Proposal Informational Graphic

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

Enactment No: R-15-077

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

RESOLVED, That SOME MEMBERS OF the Ann Arbor City Council supports Proposal 15-1 on the May 5, 2015 ballot for funding needed to fix our roads.

ALL CAPS indicates new language.

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

Yeas: 4 - Councilmember Kunselman, Councilmember Anglin, Councilmember Lumm and Councilmember Kailasapathy

Nays: 7 - Councilmember Briere, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Enactment No: R-15-077

The question being the Resolution as originally presented, on a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 7 - Councilmember Briere, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand and Councilmember Krapohl

Nays: 4 - Councilmember Kunselman, Councilmember Anglin, Councilmember Lumm and Councilmember Westphal

Enactment No: R-15-077

DC-2 15-0285 Resolution to Withdraw Objection to Renewal of Class C Resort Liquor License and Permits (License No 222242-2014) Held by Packard Rub, LLC., d/b/a Rub BBQ & Pub of Ann Arbor (Business I.D. 231056) and Approve Application for Renewal for 2015-2016 License Year

Sponsors: Lumm and Council Liquor License Review Committee

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

Enactment No: R-15-078

DC-3 15-0286 Resolution Requesting Non-Renewal of Liquor License No. 115576-2014 held by The Arena Inc. (Business ID 140967)

Sponsors: Lumm and Council Liquor License Review Committee

Attachments: Arena 2015 Findings and Recommendation

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-15-079

DC-4 15-0312 Resolution to Waive Site Plan Review Fee for the Thurston Pond Restoration Site Plan Petition

Sponsors: Lumm and Westphal

Attachments: Thurston Pond Restoration Background

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

Enactment No: R-15-080

DC-5 15-0328 Resolution Requesting Cost Estimate for the Temporary Re-Establishment of Three Outdoor Natural Ice Rinks at Burns Park, Allmendinger Park, and Northside Park

Sponsors: Kunselman

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

Enactment No: R-15-081

DB New Business - Boards and Commissions:

DB-1 14-1572

Resolution to Approve the Nixon Farm North Annexation, 69 Acres, 3381 Nixon Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

Attachments: 10/21/14 Planning Staff Report, 10/21/14 Planning Commission Minutes, Public Hearing Notice - All.docx, Annexation Letter to Ann Arbor Township.docx

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

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

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

Enactment No: R-15-082

DB-2 14-1573

Resolution to Approve the Nixon Farm South Annexation, 41 Acres, 2999 Nixon Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

Attachments: 10/21/14 Planning Staff Report, 10/21/14 Planning Commission Minutes, Public Hearing Notice - All.docx, Annexation Letter to Ann Arbor Township.docx

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

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

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

Enactment No: R-15-083

DB-3 15-0230

Resolution to Approve Pittsfield Retail Site Plan and Development Agreement, 3510 Washtenaw (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

Attachments: 2/18/15 Planning Staff Report, 2-9-15 Draft Development Agreement.pdf, Pittsfield Retail CPC Minutes 02-18-15.pdf, Public Hearing Notice - All.docx

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

Enactment No: R-15-084

DB-4 15-0244

Resolution to Approve the Concordia University Athletic Complex Site Plan, 4090 Geddes Road (CPC Recommendation: Approval - 6 Years and 0 Nays)

Attachments: 2/18/15 Planning Staff Report, Concordia CPC Minutes 02-18-15.pdf, Public Hearing Notice - All.docx

A motion was made by Councilmember Lumm, seconded by Councilmember Westphal, that the Resolution be approved.

Enactment No: R-15-085

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

Add New Whereas Clause:

WHEREAS, THE ANN ARBOR CITY PLANNING COMMISSION APPROVED A SPECIAL EXCEPTION USE FOR THE SITE FOR THE CONSTRUCTION OF AN ATHLETIC COMPLEX AS PART OF A PRIVATE COLLEGE USE, SUBJECT TO NO NIGHT GAMES BEING PLAYED ON THE ATHLETIC FIELDS, AND SUBJECT TO THE PARKING LOT LIGHTING BEING DIMMED 60 MINUTES PAST SUNDOWN OR 30 MINUTES PAST THE END OF ANY EVENT, CONSISTENT WITH CITY CODE;

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

Enactment No: R-15-085

15-0244

Resolution to Approve the Concordia University Athletic Complex Site Plan, 4090 Geddes Road (CPC Recommendation: Approval - 6 Years and 0 Nays)

Attachments: 2/18/15 Planning Staff Report, Concordia CPC Minutes 02-18-15.pdf, Public Hearing Notice - All.docx

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

Enactment No: R-15-085

DS New Business - Staff:**DS-1 15-0098**

Resolution to Petition the Washtenaw County Water Resources Commissioner to Improve Geddes Avenue (Stormwater portion: \$2,086,550.00; Project total: \$9,810,780.00)

Attachments: Geddes Avenue Drain Commissioner petition

This resolution was amended administratively to reflect the correct name of the street, Geddes Avenue.

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

Enactment No: R-15-086

DS-2 15-0159

Resolution to Approve an Agreement with the Michigan Department of Transportation for the Fuller Road and Maiden Lane Bridges Rehabilitation Project (\$2,499,000.00)

Attachments: maiden lane detour route - construction - 141121, Fuller Maiden Lane City State Agreement, 123008A_126043A-Rev1, 123008A_126043A Plan Set (11x17)

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

Enactment No: R-15-087

DS-3 15-0160

Resolution to Approve a Professional Service Agreement with Alfred Benesch & Company, Inc. for the Fuller Road and Maiden Lane Bridges Rehabilitation Project (\$420,730.85)

Attachments: abc - construction engineering and project management psa - 150205, maiden lane detour route - construction - 141121

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

Enactment No: R-15-088

DS-4 15-0172

Resolution to Extend the Contract with Doan Construction Company (Bid No. 4320) for the 2015 Ramp & Sidewalk Repair Project (\$1,900,000.00)

Attachments: City Map 2012-16 Work Areas, ITB 4320 2014 RSW Project Doan Contract Complete Executed, Doan Contract Extension 2015

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

Enactment No: R-15-089

DS-5 15-0162

Resolution to Extend the Service Agreement with Precision Concrete Cutting (Bid No. 4260) for the 2015 Ramp & Sidewalk Repair Project (\$130,000.00)

Attachments: City Map 2012-16 Work Areas, Precision Concrete Service Agreement 2013 Executed, Precision Contract Extension 2014 Executed, Precision Contract Extension 2015

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

Enactment No: R-15-090

- DS-6 15-0158** Resolution to Approve a Professional Services Agreement with Fishbeck, Thompson, Carr & Huber, Inc. for Water Treatment Plant West High Service Elevated Storage Tank Project (\$476,563.00)
Attachments: PSA_WHS Elevated Tank_FTCH_20150316.pdf
A motion was made by Councilmember Westphal, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-15-091
- DS-7 15-0171** Resolution to Petition the Washtenaw County Water Resources Commissioner for the City of Ann Arbor FY16 Tree Planting Project in the Huron River Green Infrastructure Drainage District (Total Cost: \$400,000.00; City's Apportionment: \$400,000.00)
Attachments: petition
A motion was made by Councilmember Briere, seconded by Councilmember Warpehoski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-15-092
- DS-8 15-0157** Resolution to Approve a Professional Services Agreement with Tetra Tech of Michigan, PC for Water Treatment Plant Steere Farm Well Engines Replacement Project (\$ 397,863.00)
Attachments: PSA_Steere Farm_Tetra Tech_20150316.pdf
A motion was made by Councilmember Krapohl, seconded by Councilmember Warpehoski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-15-093
- DS-9 15-0181** Resolution to Award a Construction Contract to Process Piping & Equipment, Inc. for Wastewater Treatment Plant Improvements (\$363,700.00)
Attachments: 4351_BidTab.pdf, Process Piping Bid Docs.pdf, proposed PPE contract.pdf, ITB 4351 Specs Bid Set.pdf
A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.
Enactment No: R-15-094

DS-10 15-0243 Resolution to Approve the Purchase of a New Wheel Loader from AIS Construction Equipment Corporation (State of Michigan MiDeal Contract # 071B1300116 - \$152,478.00)

Attachments: Loader Quote.pdf

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

Enactment No: R-15-095

DS-11 15-0080 Resolution to Approve a Contract with Oak Construction Corporation for Island Park Pedestrian Bridge Abutment Repairs (\$119,000.00)

Attachments: Island Park Bridge aerial.pdf, ITB_4349_ITB_Document.pdf

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

Enactment No: R-15-096

DS-12 15-0182 Resolution to Award a Construction Contract to Terrafirma Landscape for the Olson Park Irrigation System Improvements Project and Appropriate Funds from the Park Maintenance and Capital Improvement Millage Fund Balance (\$49,100.00; Bid No. ITB-4359) (8 Votes Required)

Attachments: olson_terrafirma_bid.pdf, ITB 4359 Contract.pdf

A motion was made by Councilmember Grand, seconded by Councilmember Kailasapathy, 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-15-097

COMMUNICATIONS FROM COUNCIL

None.

E COMMUNICATIONS FROM THE CITY ATTORNEY

None.

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

F The following communications were referred as indicated:

Passed on consent agenda

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

- F-1 15-0255** Wednesday Evening Market Operating Rule Proposed Updates
- Attachments:** Wednesday Evening Market Operating Rule PMAC Resolution.pdf, Wednesday Evening Market Operating Rules (proposed rule changes 2 10 15).pdf
- F-2 15-0282** Communication regarding Notice of Intent to take Reservations, Construction Units and Record of Master Deed in a Proposed Residential Condominium Project to be known as Blue Heron Pond - Planning and Development Services, Systems Planning
- Attachments:** Notice of Intent of a Condominium Project - Blue Heron Pond.pdf
- F-3 15-0306** Report on Winter Expansion through the Delonis Center
- Attachments:** Interim Report on Winter Expansion through the Delonis Center
- F-4 15-0313** Communication from the State of Michigan Public Service Commission regarding Notice of a Public Hearing for Electric Customers of DTE Electric Company in Case No. U-17762 Scheduled for March 18, 2015 - Public Services, City Attorney
- Attachments:** DTE Communcation - U-17762.pdf

Filed.**G The following minutes were received for filing:**

- G-1 15-0067** Airport Advisory Committee Minutes - November 19, 2014
- Attachments:** AAC minutes 111914.pdf
- G-2 15-0205** Council Liquor License Review Committee Meeting Minutes of January 30, 2015
- Attachments:** 2015-01-30 liquor committee minutes
- G-3 15-0219** Ann Arbor Housing Commission Board Meeting January 28, 2015 Minutes
- Attachments:** January 28 2015 AAHC Board Minutes.pdf

- G-4 15-0231** Human Rights Commission Meeting Minutes of January 14, 2015
Attachments: HRC Meeting Minutes January 14 2015
- G-5 15-0232** Parks Advisory Commission Meeting Minutes of January 27, 2015
Attachments: PAC Meeting Minutes 1-27-15.pdf

Filed

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

UNKNOWN RESIDENT

An unidentified resident expressed concerns about the Geddes Avenue improvement project and the cost of the charges that will be assessed to property owners.

UNKNOWN RESIDENT

An unidentified resident expressed concerns about the Geddes Avenue improvement project, stating no updates have been made since October 2014. She thanked Council for the postponement and the opportunity for residents to have more input.

KAI PETAINEN

Kai Petainen, City resident, expressed concerns about the LDFA meetings not being posted on Legistar. He asked for these meetings to be more public. Mr. Petainen also expressed concern about the expense reports of the former AAATA CEO.

ALAN HABER

Alan Haber, City resident, spoke about the civil rights movement over the years, including the death of Rachel Corrie and the Kent State University riots. He urged Council to react.

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

None.

ADJOURNMENT

A motion was made by Councilmember Kunselman, seconded by Councilmember Krapohl, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:44 a.m.

15-0356 Council Emails and Redaction List from March 16, 2015

Attachments: Council emails 3-16-2015_Redacted.pdf

Received and Filed

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, MARCH 16, 2015 @ 7:00 P.M.

REPLAYS: TUESDAY MARCH 17, 2015 @ 10:00 A.M. AND FRIDAY MARCH 20, 2015 @ 7:30 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

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

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

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

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

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

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

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

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary