

City of Ann Arbor

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



Action Minutes

Monday, November 16, 2015

7:00 PM

Please note that Council has changed the time of Caucus to 3:30

p.m.
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 to order at 7:01 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron Street.

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

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

ROLL CALL OF COUNCIL

Present: 11 - Councilmember Sabra Briere, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Graydon Krapohl, Councilmember Kirk Westphal, Councilmember Zachary Ackerman and Councilmember Chip Smith

APPROVAL OF AGENDA

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

ADMINISTRATION OF OATH OF OFFICE

City Clerk Jacqueline Beaudry administered the oath of office to the newly elected Council Members Zachary Ackerman (Ward 3) and Chip Smith (Ward 5) and re-elected Members Sabra Briere (Ward 1), Jane Lumm (Ward 2) and Jack Eaton (Ward 4).

ORGANIZATION OF NEW COUNCIL

15-1356 Resolution Electing 2016 Mayor Pro Tem and Establishing Order of Succession for Acting Mayor

Sponsors: Taylor

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

Enactment No: R-15-370

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

Appoint Council Member Sabra Briere as Mayor Pro Tem.

On a voice vote, the Mayor declared the motion carried and the Resolution approved as amended.

Enactment No: R-15-370

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Steve Powers thanked Council for the opportunity to serve the City for the last four years, and announced that Tom Crawford would be filling in as Acting City Administrator, following tonight's meeting. He stated his departure was bittersweet.

Mr. Powers submitted the following reports for information of Council:

AC-1 15-1412

Report on Arthur Miller House Relocation

Attachments: Memo Regarding Arthur Miller House Relocation, Appendix A - Documentation and Recordation Report prepared by Ilene R. Tyler and Susan Wineberg, Appendix B - Wolfe House and Building Movers' Estimate for Relocation

Received and Filed

AC-2 15-1445

Agenda Response Memo - November 16, 2015

Attachments: Agenda Responses 11-16-15 Final

Received and Filed

INT INTRODUCTIONS

INT-1 15-1411

11/16/15 NAP Volunteer of the Month proclamation for Ted Hejka

Attachments: NAP Volunteer of the month -Ted Hejka.pdf

Mayor Taylor presented a proclamation to Ted Hejka, the NAP volunteer of the month. A copy of the proclamation is on file in the City Clerk's Office.

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

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

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

1. Kermit Schlansker - The Government Role

Kermit Schlansker, Saline resident, spoke about the role of government.

2. Kathy Griswold - Easement Agreement for Sidewalk at 601 W. Stadium Boulevard (Pioneer High School) (DS-8)

Kathy Griswold, 3565 Fox Hunt, thanked Eric Lipson for his leadership regarding the Resolution to Enter into an Easement Agreement for Sidewalk at Pioneer High School.

3. Ryan Morton - Civic Engagement

Ryan Morton, City resident, stated he was one of five residents to attend the public forum seeking input on the City Administrator search process. He urged the public to get engaged and the City to find new ways to engage the public.

4. Alan Haber - Arthur Miller House (AC-1)

Alan Haber, 531 Third Street, spoke about the proposed relocation of the Arthur Miller House. He urged Council to consider authorizing its use as a homeless shelter if it is placed on Liberty Plaza.

CC COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER GRAND*

Councilmember Grand thanked the thousands of residents who completed the online PROS plan survey and gave their opinions regarding the City parks.

Councilmember Grand noted that longtime staff member Ginny Trocchio was leaving the City. She thanked her for her leadership with the Greenbelt program and land preservation in the City.

Councilmember Grand stated she plans to propose an amendment to the Council Rules that would place staff items on the Consent Agenda or immediately following. She stated there should be a better way to organize business than to have staff sit through many hours of Council debates to get to routine City business items.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski concurred with Councilmember Grand and stated he supports a similar type of change to the Rules. He also stated he has some suggestions for Rules that include motions to continue the meeting beyond 11:00 p.m.

Councilmember Warpehoski stated he is looking at the City's ordinance regarding the placement of fences and whether an amendment could address some of the questions raised about deer management and keeping deer out of yards.

COUNCILMEMBER BRIERE

Councilmember Briere thanked the other members for their input regarding the Council Rules. She noted that the Rules Committee has a meeting scheduled for Thursday, November 19 at 8:00 a.m. in the Third Floor Conference Room. She encouraged Councilmembers to send in proposed language for consideration.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 15-1377

Appointments - Confirmations

Attachments: Julie Steiner app..pdf, Michael Castle app..pdf

APPOINTMENTS APPROVED

Mayor Taylor recommended the following appointments at the November 5, 2015 Regular Session of Council:

Airport Advisory Committee

*Michael Bernard Castle -Partial Term
1945 Independence Boulevard
Ann Arbor, MI 48104
Term: ending May 31, 2018*

Housing & Human Services Advisory Board

*Julie Steiner -Partial Term
502 Sunset Rd.
Ann Arbor, MI 48103
Term: ending May 31, 2018*

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

MC-2 15-1416**Appointments & Nominations**

Attachments: Leslie Stambaugh app. 2015.pdf, Heather G. Lewis App., Rosemary Sarri app..pdf, Brigit Macomber.pdf

REFERRED

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

Energy Commission

*Brigit Macomber Re-Appointment
2036 Delafield Dr.
Ann Arbor, MI 48105
Term: ending May 31, 2017*

Housing and Human Services Advisory Board

*Rosemary Sarri Re-Appointment
1050 Wall St. 6A
Ann Arbor, MI 48105
Term: ending May 31, 2018*

Human Rights Commission

*Leslie Krauz Stambaugh Re-Appointment
1940 Ridge Ave.
Ann Arbor, MI 48104
Term: ending May 31, 2018*

Zoning Board of Appeals

*Heather Graham Lewis Re-Appointment
543 S. Seventh St.
Ann Arbor, MI 48103
Term: ending May 31, 2018*

Referred to the City Council due back on 12/7/2015

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

Mayor Taylor reviewed the rules for public hearings, noting that speakers have three minutes to speak and should pay attention to the time clock. Speakers may only speak to the matter of the hearing and should line up and are asked to sign in to expedite the process.

Mayor Taylor also noted that if an item that is the subject of a public hearing is postponed, the hearing will also be continued with the agenda item. He noted that it would be essentially the same public hearing, so those who spoke at the original hearing would not be allowed to speak again at the continued hearing.

PH-1 15-0786

An Ordinance to Amend Chapter 55 (Zoning), Zoning of 69 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District) WITH CONDITIONS, Nixon Farm North Zoning, 3381 Nixon Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. Ord-15-15) **(8 Votes Required)**

Attachments: NixonFarmsNorthOrdinance - Conditional Zoning, NixonFarmNorthStatement 10-14.pdf, NixonFarmsNorthStatement, 15-15 Nixon Farm North Rezoning Briefed.pdf, Ordinance to Zone Nixon Farm North (3381 Nixon Road).pdf, 12/16/15 Planning Staff Report, 12/16/14 Planning Commission Minutes, 10/21/14 Planning Staff Report, 10/21/14 Planning Commisison Minutes, Nixon Farm North Zoning Protest 8VOTES 08-14-15, Nixon North and South protest petitions 081215, Nixon Farm rezoning 100ft objection letters 081115, Letter of protest Nixon North - H. Peng 081015, Nixon Farm Concerns and Opposition Emails.pdf, Nixon Farm Opposition Email.pdf, Nixon Farm Protest Emails 8-6-15.pdf, Nixon Farm Protest Letters 8-7-15.pdf, Ann Arbor letter of rezoning objection, Nixon Farm Opposition emails 8-14-15.pdf, Nixon Farm Opposition Email 8-16-15.pdf, Nixon Farm Opposition Email 8-17-15.pdf, Nixon Farm Opposition Email 8-17-15.pdf, Nixon Farm Communication from Jason Minock.pdf, Toll Brothers memo request to postpone, Xiaoping Shen Communication Email re Nixon Farm Development.pdf, Nixon Area Neighborhood letter 11-24-15.pdf

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 69 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District) WITH CONDITIONS, Nixon Farm North Zoning, 3381 Nixon Road. Notice of public hearing was published October 29, 2015.

The following individuals were present to speak at the hearing:

Usha Jindal, 3219 Kilburn, expressed concern about the rising storm water and flooding. She also expressed concern about the increased traffic.

Bobbie Kocal, 3213 Kilburn, questioned the impact of the Nixon North and South development on storm water.

Zhong Li, 2996 S. Foxridge Ct., spoke in opposition citing concerns with traffic, wetlands, and the environment.

Lakshmi Raman, 2378 Hickory Pointe Drive, spoke in opposition. She urged Council to listen to the neighbors.

Jane Klingsten, 3347 Elsinore, thanked Jeff Brainard from Toll Brothers for his outreach to neighbors. She asked Council to postpone the proposals to allow neighbors more time to reach consensus with the developer.

Kami Meader, 3140 Dunwoodie, asked Council to postpone the project for one more month to allow the neighbors to work with the developer on the last of their concerns.

Tom Wieder, attorney representing neighbors near Nixon Road, urged Council to postpone or defeat this project. He expressed concern regarding the definition of the easement in the development agreement and the traffic improvement plan.

Jeff Brainard, Toll Brothers, spoke about the project, stating the design is award-winning and many acres of woodlands and open space have been preserved as part of the project.

Dave Friedrichs, representing Barclay Park Condominiums, expressed concern with the density of the project. He urged Council to consider an R1 zoning.

There being no further comment, the Mayor declared the hearing closed. (Note: Hearing continued to 12/21/15 due to postponement of Ordinance.)

Held and Continued to the City Council due back on 12/21/2015

Enactment No: ORD-15-15

PH-2 15-0953

Resolution to Approve Nixon Farm North Site Plan and Development Agreement with Modifications to Chapter 62 Landscaping and Screening, and Wetland Use Permit, 3381 Nixon Road (CPC Site Plan Recommendation: Denial - 5 Yeas and 2 Nays) (CPC Modifications and Wetland Use Permit Recommendation: Approval - 7 Yeas and 0 Nays)

Attachments: NixonFarmNorthDevAgree11-13rev, NixonFarmNorthDevAgree11-12rev, TrafficMitigationAgreement 11-12, Site Plan for Council Approval NORTH, 12/16/14 Planning Staff Report, 10/21/14 Planning Staff Report, 12/16/14 Planning Commission Minutes, 10/21/14 Planning Commission Minutes, Nixon_Farms_Traffic Agreement Draft 8-14-15, Exhibit B - Conceptual Plan

A public hearing was conducted on the proposed Resolution to Approve Nixon Farm North Site Plan and Development Agreement with Modifications to Chapter 62 Landscaping and Screening, and Wetland Use Permit, 3381 Nixon Road. Notice of public hearing was published November 9, 2015.

The following people were present to speak:

Tom Wieder, attorney for local residents, expressed concerns about the Conditions as listed in the zoning, stating that the Agricultural zoning only reverts back if all conditions are not met. He stated it should say, "if any conditions are not met."

Jane Klingsten, 3347 Elsinore Court, expressed concern about the traffic plan. She stated Toll Brothers offered to pay the entire cost of the road improvements.

James D'Amour, on behalf of the Huron Valley Sierra Club, spoke in opposition, expressing concerns about the MDEQ wetlands permit.

Usha Jindal, 3219 Kilburn Park, spoke about the diverse population of the Arbor Hills neighborhood and asked Council to take time with the neighbors and include them in the process.

There being no further comment, the Mayor declared the hearing closed. (Note: Hearing continued to 12/21/15 due to postponement of Resolution.)

Held and Continued to the City Council due back on 12/21/2015

PH-3 15-0787

An Ordinance to Amend Chapter 55 (Zoning), Zoning of 41 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District) WITH CONDITIONS, Nixon Farm South Zoning, 2999 Nixon Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-15-16) **(8 Votes Required)**

Attachments: NixonFarmsSouthOrdinance - Conditional Zoning, NixonFarmsSouthStatement 10-14.pdf, NixonFarmsSouthStatement, Ordinance to Zone Nixon Farm South (2999 Nixon Road).pdf, Nixon Farm South Staff Report 12-16-14 w Attachments.pdf, 12/16/14 Planning Commission Minutes, Nixon Farm South Staff Report with Attachments 10-21-14.pdf, 10/21/14 Planning Commission Minutes, Nixon Farm South Zoning Protest 8VOTES 08-14-15, Northbury condo Nixon south protest 081315, Nixon Farm south protest letter 081315, Nixon North and South protest petitions 081215, 2765 Nixon Road protest Nixon South 081215, Lakehurst residents objections Nixon south 081215, Nixon Farm rezoning 100ft objection letters 081115, Nixon Farm Concerns and Opposition Emails.pdf, Nixon Farm Opposition Email.pdf, Nixon Farm Protest Emails 8-6-15.pdf, Nixon Farm Protest Letters 8-7-15.pdf, Ann Arbor letter of rezoning objection, Northbury condo vp president ltr 081415, Nixon Farm Opposition emails 8-14-15.pdf, Nixon Farm Opposition Email 8-16-15.pdf, Nixon Farm Opposition Email 8-17-15.pdf, Nixon Farm Communication from Jason Minock.pdf, Toll Brothers memo request to postpone, Xiaoping Shen Communication Email re Nixon Farm Development.pdf, Nixon Area Neighborhood letter 11-24-15.pdf

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 41 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District) WITH CONDITIONS, Nixon Farm South Zoning, 2999 Nixon Road. Notice of public hearing was published October 29, 2015.

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

James D'Amour, representing the Huron Valley Sierra Club, spoke in opposition to the destruction of the wetlands.

Jin Shi, 3155 Falcon Court, urged Council to postpone a decision.

Tom Wieder, attorney for local neighbors, expressed concern about the traffic agreements as proposed.

Zhong Li, 2996 S. Foxridge court, spoke in opposition, expressing concerns with the density.

There being no further comment, the Mayor declared the hearing closed. (Note: Hearing continued to 12/21/15 due to postponement of Ordinance.)

Held and Continued to the City Council due back on 12/21/2015

Enactment No: ORD-15-16

PH-4 15-0954

Resolution to Approve Nixon Farm South Site Plan and Development Agreement, with Modifications to Chapter 62 Landscaping and Screening, and Wetland Use Permit, 2999 Nixon Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

Attachments: NixonFarmSouthDevAgree11-13rev, NixonFarmSouthDevAgree11-12rev, TrafficMitigationAgreement 11-12, Site Plan for Council Approval SOUTH, 12/16/14 Planning Staff Report, 10/21/14 Planning Staff Report, 12/16/14 Planning Commission Minutes, 10/21/14 Planning Commission Minutes, Nixon_Farms_Traffic Agreement Draft 8-14-15, Exhibit B - Conceptual Plan

A public hearing was conducted on the proposed Resolution to Approve Nixon Farm South Site Plan and Development Agreement, with Modifications to Chapter 62 Landscaping and Screening, and Wetland Use Permit, 2999 Nixon Road. Notice of public hearing was published November 9, 2015.

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

*Jane Klingsten, 3347 Elsinore Court, urged Council to listen to the neighbors.
William Liu, 3153 Shamrock Court, spoke in opposition.
A Fox Fire resident spoke about preservation of green spaces.*

There being no further comment, the Mayor declared the hearing closed. (Note: Hearing continued to 12/21/15 due to postponement of Resolution.)

Held and Continued to the City Council due back on 12/21/2015

PH-5 15-1269

Resolution to Approve the 3355 Geddes Annexation, 1 Acre, Geddes Road east of Windy Crest (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

Attachments: 3355 Geddes Staff Report with Attachments

A public hearing was conducted on the proposed Resolution to Approve the 3355 Geddes Annexation, 1 Acre, Geddes Road east of Windy Crest. Notice of public hearing was published November 9, 2015.

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

Held and Closed

Enactment No: R-15-378

A APPROVAL OF COUNCIL MINUTES

A-1 15-1413 Regular Session Meeting Minutes of November 5, 2015

Attachments: 11-05-15 Draft Minutes, Council emails 11-5-2015_Redacted

A motion was made by Councilmember Briere, seconded by Councilmember Westphal, that the Regular Session Minutes of November 5, 2015 be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

CONSENT AGENDA ITEM REMOVED

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

CA-3 Resolution to Approve the Purchase of 10.1 acres of Parcel Tax ID Number I-09-10-450-001, Located at the Northwest Corner of Nixon and Dhu Varren Roads and Appropriate \$39,850.00 from the Open Space and Parkland Preservation Millage Proceeds (8 Votes Required)

Passed on consent agenda

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

CA-1 15-1218 Resolution to Approve the Purchase of Odor Control Chemicals from D3W Industries, Inc. for the Wastewater Treatment Plant (\$97,350.00 - estimated)

Attachments: D3W sole source aa.pdf

Enactment No: R-15-371

CA-2 15-1225 Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Perimeter Engineering, LLC (\$10,000.00) for Construction Inspection Services

Attachments: Perimeter Amend #.pdf

Enactment No: R-15-372

CA-3 15-1315 Resolution to Approve the Purchase of 10.1 acres of Parcel Tax ID Number I-09-10-450-001, Located at the Northwest Corner of Nixon and Dhu Varren Roads and Appropriate \$39,850.00 from the Open Space and Parkland Preservation Millage Proceeds **(8 Votes Required)**

Attachments: 13001862 North LAC AREA.pdf

A motion was made by Councilmember Briere, 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-15-373

B ORDINANCES - SECOND READING

- B-1 15-0786** An Ordinance to Amend Chapter 55 (Zoning), Zoning of 69 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District) WITH CONDITIONS, Nixon Farm North Zoning, 3381 Nixon Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. Ord-15-15) **(8 Votes Required)**

Attachments: NixonFarmsNorthOrdinance - Conditional Zoning, NixonFarmNorthStatement 10-14.pdf, NixonFarmsNorthStatement, 15-15 Nixon Farm North Rezoning Briefed.pdf, Ordinance to Zone Nixon Farm North (3381 Nixon Road).pdf, 12/16/15 Planning Staff Report, 12/16/14 Planning Commission Minutes, 10/21/14 Planning Staff Report, 10/21/14 Planning Commisison Minutes, Nixon Farm North Zoning Protest 8VOTES 08-14-15, Nixon North and South protest petitions 081215, Nixon Farm rezoning 100ft objection letters 081115, Letter of protest Nixon North - H. Peng 081015, Nixon Farm Concerns and Opposition Emails.pdf, Nixon Farm Opposition Email.pdf, Nixon Farm Protest Emails 8-6-15.pdf, Nixon Farm Protest Letters 8-7-15.pdf, Ann Arbor letter of rezoning objection, Nixon Farm Opposition emails 8-14-15.pdf, Nixon Farm Opposition Email 8-16-15.pdf, Nixon Farm Opposition Email 8-17-15.pdf, Nixon Farm Opposition Email 8-17-15.pdf, Nixon Farm Communication from Jason Minock.pdf, Toll Brothers memo request to postpone, Xiaoping Shen Communication Email re Nixon Farm Development.pdf, Nixon Area Neighborhood letter 11-24-15.pdf

Councilmember Eaton moved that the Ordinance be postponed. (The motion was withdrawn.)

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

Enactment No: ORD-15-15

RECESS

Mayor Taylor declared a recess at 9:38 p.m. and reconvened the meeting at 9:50 p.m.

REQUEST DEVELOPER ATTORNEY TO ADDRESS THE COUNCIL

Joan Lowenstein, attorney for Toll Brothers, was asked to confirm the developer's understanding of the Conditional Zoning, Paragraph 3:

Developer shall pay the City \$1,025,460.00, which shall be Toll Brothers contribution to the cost of construction of the reconfiguration of the intersection. (Fifty percent of this amount shall be contributed for this Property and 50% for the adjacent property, site planned as Nixon Farms South. This contribution is a maximum payment for 50% of the estimated cost of the intersection, and the City shall return to Toll Brothers any difference between the actual and the projected cost.

(The City shall return to Toll Brothers their 50% share of any difference.)

A motion was made by Councilmember Grand, seconded by Councilmember Smith, that the petitioner's attorney be requested to speak at the podium. On roll call, the vote was as follows, with the Mayor declaring the motion carried:

Yeas: 10 - Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Nays: 1 - Councilmember Eaton

15-0786

An Ordinance to Amend Chapter 55 (Zoning), Zoning of 69 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District) WITH CONDITIONS, Nixon Farm North Zoning, 3381 Nixon Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. Ord-15-15) **(8 Votes Required)**

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An amendment was offered to change the postponement date from January 19 to December 21. (The amendment was considered friendly.)

Council Members stated the following reasons for postponement and asked to have these items resolved prior to the December 21 Council meeting:

Review/consider the site plan arrangement

Conditional Zoning Statement, #4. Should ALL be changed to ANY in first sentence, "If all of the conditions are not satisfied...."?

Question regarding contributions from other developers for road improvements.

Status of MDEQ permit

Confirm developer can act as owner's agent in entering into Conditional Zoning

City Attorney staff to attend meeting with neighbors

Define easement in Conditional Zoning Statement, #3, i.

Confirm degree that Conditional Zoning is binding. Are there adequate safeguards in place if construction deadline is not met?

Review/consider financial agreement regarding traffic. Not currently in the City's best interest, Conditional Zoning Statement, 3. ii. Question regarding phrase, "The City shall return to Toll Brothers any difference between the actual and projected cost." Should this clarify only their 50% portion?

A motion was made by Councilmember Eaton, seconded by Councilmember Kailaspathy, that the Ordinance be postponed at Second Reading until 12/21/2015. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 6 - Councilmember Briere, Councilmember Lumm, Councilmember Kailaspathy, Councilmember Eaton, Mayor Taylor and Councilmember Westphal

Nays: 5 - Councilmember Warpehoski, Councilmember Grand, Councilmember Krapohl, Councilmember Ackerman and Councilmember Smith

Enactment No: ORD-15-15

DB-1 15-0953

Resolution to Approve Nixon Farm North Site Plan and Development Agreement with Modifications to Chapter 62 Landscaping and Screening, and Wetland Use Permit, 3381 Nixon Road (CPC Site Plan Recommendation: Denial - 5 Yeas and 2 Nays) (CPC Modifications and Wetland Use Permit Recommendation: Approval - 7 Yeas and 0 Nays)

Attachments: NixonFarmNorthDevAgree11-13rev, NixonFarmNorthDevAgree11-12rev, TrafficMitigationAgreement 11-12, Site Plan for Council Approval NORTH, 12/16/14 Planning Staff Report, 10/21/14 Planning Staff Report, 12/16/14 Planning Commission Minutes, 10/21/14 Planning Commission Minutes, Nixon_Farms_Traffic Agreement Draft 8-14-15, Exhibit B - Conceptual Plan

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

A motion was made by Councilmember Briere, seconded by Councilmember Ackerman, that the Resolution be postponed until 12/21/2015. On a voice vote, the Mayor declared the motion carried.

B-2 15-0787

An Ordinance to Amend Chapter 55 (Zoning), Zoning of 41 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District) WITH CONDITIONS, Nixon Farm South Zoning, 2999 Nixon Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-15-16) **(8 Votes Required)**

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A motion was made by Councilmember Briere, seconded by Councilmember Kailasapathy, that the Ordinance be approved.

Enactment No: ORD-15-16

A motion was made by Councilmember Briere, seconded by Councilmember Ackerman, that the Ordinance be postponed until 12/21/2015. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-15-16

DB-2 15-0954

Resolution to Approve Nixon Farm South Site Plan and Development Agreement, with Modifications to Chapter 62 Landscaping and Screening, and Wetland Use Permit, 2999 Nixon Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

Attachments: NixonFarmSouthDevAgree11-13rev, NixonFarmSouthDevAgree11-12rev, TrafficMitigationAgreement 11-12, Site Plan for Council Approval SOUTH, 12/16/14 Planning Staff Report, 10/21/14 Planning Staff Report, 12/16/14 Planning Commission Minutes, 10/21/14 Planning Commission Minutes, Nixon_Farms_ Traffic Agreement Draft 8-14-15, Exhibit B - Conceptual Plan

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

A motion was made by Councilmember Briere, seconded by Councilmember Ackerman, that the Resolution be postponed until 12/21/2015. On a voice vote, the Mayor declared the motion carried.

C ORDINANCES - FIRST READING

None.

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 15-1376

Resolution Authorizing Membership in and Commitment to Washtenaw Health Initiative (WHI) Charter 2015 Statement of Commitment and Appropriation of Membership Fee (\$10,000.00) **(8 Votes Required)**

Sponsors: Taylor

Attachments: WHI Charter 2015-2017 - Returning Members, WHI 2015-2017 Description - revised 10-19-15, WHI - Structure Chart 10-19-15

A motion was made by Councilmember Briere, seconded by Councilmember Grand, 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-15-374

DC-2 15-1409 Resolution Recognizing the Second Monday in October as Indigenous Peoples Day

Sponsors: Warpehoski

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

Enactment No: R-15-375

DC-3 15-1385 Resolution Authorizing the City Administrator to Allocate up to \$89,040 for the 2015-16 Winter Emergency Shelter and Warming Center Response (**8 Votes Required**)

Sponsors: Briere

Attachments: Winter Shelter Workgroup Report Proposal - 2015

A motion was made by Councilmember Briere, seconded by Councilmember Grand, 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-15-376

DC-4 15-1407 Resolution to Enter an Easement Agreement with the University of Michigan for Sidewalk and Roadway at 1319 S. Main Street (**8 Votes Required**)

Sponsors: Taylor

Attachments: Drawing-UM Easement 1319 S. Main.pdf

A motion was made by Councilmember Krapohl, seconded by Councilmember Eaton, 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-15-377

DB New Business - Boards and Commissions:

DB-3 15-1269 Resolution to Approve the 3355 Geddes Annexation, 1 Acre, Geddes Road east of Windy Crest (CPC Recommendation: Approval - 6 Years and 0 Nays)

Attachments: 3355 Geddes Staff Report with Attachments

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-15-378

DS New Business - Staff:

DS-1 15-1365 Resolution Calling a Public Hearing Concerning the Issuance of Bonds by the Wisconsin Public Finance Authority for the Benefit of the University Corporation for Advanced Internet Development (a/k/a Internet2)

Attachments: EXHIBIT A - Notice of Public Hearing on Issuance of Bonds - Internet2.pdf

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

Enactment No: R-15-379

DS-2 15-1223 Resolution to Appropriate 100% of the Funds Received from the State of Michigan for Public Act 84 of 2015 for Road Maintenance **(8 Votes Required)**

A motion was made by Councilmember Grand, seconded by Councilmember Smith, 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-15-380

DS-3 15-1251 Resolution to Approve Amendment #2 to the Professional Services Agreement with Hubbell Roth & Clark, Inc. for the Geddes Avenue Improvements Project (\$232,328.00)

Attachments: HRC Amendment #2.pdf

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

Enactment No: R-15-381

DS-4 15-1271 Resolution to Approve Third Amendment with Varnum LLP for Legal Services to Contest the National Pollutant Discharge Elimination System (NPDES) Permit for the Wastewater Treatment Plant (\$100,000.00)

Attachments: Varnum Amendment 3 final.pdf

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

Enactment No: R-15-382

- DS-5 15-1380** Resolution to Approve the Transfer of Community Housing Alternative's Properties at 1911 & 1913 Dexter to Avalon Housing and 100, 102, 112 & 114 Glendale to Avalon Second Nonprofit Housing Corporation
- A motion was made by Councilmember Smith, seconded by Councilmember Warpehoski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-15-383
- DS-6 15-1354** Resolution to Accept a Water Main Easement at 3655 S. State Street from Twenty-Five Sac Self-Storage Limited Partnership (**8 Votes Required**)
- Attachments:** DRAWING - Water Main 3655 S. State Street.pdf
- A motion was made by Councilmember Eaton, seconded by Councilmember Krapohl, 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-15-384
- DS-7 15-1355** Resolution to Accept a Water Main Easement at 3611 Plymouth Road from Diequez Marsh Properties, L.L.C. (**8 Votes Required**)
- Attachments:** DRAWING - 3611 Plymouth.pdf
- 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 unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-15-385
- DS-8 15-1381** Resolution to Enter into an Easement Agreement for Sidewalk at 601 W. Stadium Boulevard (Pioneer High School) from the Public Schools of the City of Ann Arbor (**8 Votes Required**)
- Attachments:** DRAWING - AAPS easement.pdf
- A motion was made by Councilmember Eaton, seconded by Councilmember Krapohl, 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-15-386
- DS-9 15-1410** Resolution to Appoint James E. White as Police Chief Effective January 11, 2016
- A motion was made by Councilmember Warpehoski, seconded by Councilmember Briere, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously with eleven members present.**
- Enactment No: R-15-387

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER BRIERE*

Councilmember Briere reminded Mr. Powers to schedule a public meeting with the Nixon corridor residents and City staff. She stated this meeting should be held in the first week of December.

Council Members wished Mr. Powers well on his last night at City Council as City Administrator.

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 Briere, 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 15-1363** AAATA Reports for the year ended September 31, 2015
Attachments: AAATA PMER Reports.pdf
- F-2 15-1378** State of Michigan Public Service Commission Notice of Public Hearing for Electric Customers of DTE Electric Company in Case No. U-17920 Scheduled for November 18, 2015 - Systems Planning, City Attorney
Attachments: DTE Public Hearing Notice U-17920.pdf
- F-3 15-1379** Communication from Barclay Park Condominium Association regarding no Nixon Road Zoning Changes - Planning and Development Services
Attachments: Nixon Road Zoning Communication.pdf

Filed.

G The following minutes were received for filing:

- G-1 15-1118** August 5, 2015 City Planning Meeting Minutes
Attachments: 8-5-2015 CPC Minutes with Live Links.pdf

- G-2 15-1168** Ann Arbor Housing Commission Board Meeting Minutes of August 19, 2015
Attachments: ActionMinutes 19-Aug-2015-04-50-31.pdf
- G-3 15-1185** August 26, 2015 ZBA Meeting Minutes with Live Links
Attachments: 8-26-2015 ZBA Minutes with Live Links.pdf
- G-4 15-1250** Public Market Advisory Commission Meeting Minutes of September 17, 2015
Attachments: PMAC Meeting Minutes 9.17.15
- G-5 15-1252** Election Commission Meeting Minutes of August 21, 2015
Attachments: 2015-08-21 Election Commission minutes
- G-6 15-1298** LDFA/SmartZone Board Meeting Minutes - September 15, 2015
Attachments: LDFA Board Meeting Minutes 09152015
- G-7 15-1325** Taxicab Board Meeting Minutes of August 27, 2015
Attachments: 082715 Taxicab Board Minutes
- G-8 15-1335** Ann Arbor Public Art Commission Meeting Minutes - October 21, 2015
Attachments: AAPAC Meeting Minutes Oct 2015.pdf
- G-9 15-1360** Minutes of Ann Arbor Housing Commission Joint Policy and Financial Advisory Committee - October 27, 2015
Attachments: AAHCJPFAC Minutes - 10-27-15
- G-10 15-1370** Insurance Board Meeting Minutes - October 22, 2015
Attachments: Insurance Board Minutes 10222015, Insurance Board Loss Run - September 2015

Filed.

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

EDWARD VIELMETTI

Ed Vielmetti, Fourth Ward resident, spoke about his recent FOIA regarding City Planning Commission minutes and the City's delay in producing the minutes.

KAI PETAINEN

Kai Petainen, City resident, wished the outgoing City Administrator Steve Powers well and welcomed new Council Members.

JAIME MAGIERA

Jaime Magiera, Fourth Ward resident, wished outgoing City Administrator Steve Powers well. He urged Council to consider Mr. Powers' exiting remarks regarding treatment of staff. He congratulated the two new members of Council.

RYAN MORTON

Ryan Morton, First Ward resident, spoke about civic engagement. He suggested Council again revisit the discussion regarding non-partisan election reform.

ALAN HABER

Alan Haber, Third Street, wished Mr. Powers well and welcomed the new members to Council. He spoke about the treatment of the homeless. He also suggested Council respond to public commentary and engage speakers in a dialogue.

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 Briere, seconded by Councilmember Westphal, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:38 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

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

REPLAYS: TUESDAY, NOVEMBER 17, 2015 @ 10:00 A.M. AND FRIDAY, NOVEMBER 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.