

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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



Meeting Minutes

Monday, December 2, 2019

7:00 PM

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

City Council

Council meets in Caucus at 7:00 p.m. on the Sunday prior to each Regular Session.

CALL TO ORDER

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

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

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

ROLL CALL OF COUNCIL

Councilmember Griswold arrived at 7:09 p.m. Councilmember Smith arrived at 7:10 p.m.

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

APPROVAL OF AGENDA

A motion was made by Councilmember Lumm, seconded by Councilmember Ackerman, that the agenda be approved as presented. On a voice vote, the Chair declared the motion carried.

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Howard S. Lazarus submitted the following reports for information of Council:

- AC-1** [19-2328](#) Memorandum from City Administrator: Response to Council Resolution R-19-460 - Resolution Directing Review of City Transportation Planning and Staffing - December 2, 2019

Received and Filed

AC-2 [19-2326](#) City Administrator’s Report - December 2, 2019

Received and Filed

AC-3 [19-2324](#) December 2, 2019 Agenda Response Memo and eComments

Received and Filed

INT INTRODUCTIONS

INT-1 [19-2293](#) HUD Awards 90 New Vouchers for Non-Elderly Households with a Disability (NED) to the Ann Arbor Housing Commission

Sponsors: Taylor

Jennifer Hall, Housing Commission Director, was presented with an award check from Housing and Urban Development (HUD) for the funding of 90 new housing vouchers for households with a person with a disability. A copy of the press release announcing the award is on file in the City Clerk’s Office.

Received and Filed

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

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

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

1. Tom McMurtrie - Services Agreement with Emterra Environmental USA for MRF Operations (CA-7)

Tom McMurtrie, former Recycling Director for the City of Ann Arbor, spoke in opposition to CA-7, as presented. He urged Council to award the contract to Recycle Ann Arbor.

2. Jan Wright - Services Agreement with Emterra Environmental USA for MRF Operations (CA-7)

Jan Wright, on behalf of the Interfaith Council for Peace and Justice, urged Council to adopt the substitute resolution for CA-7 and support the Recycle Ann Arbor proposal.

3. Lauren Sargent - Services Agreement with Emterra Environmental USA for MRF Operations (CA-7)

Lauren Sargent, resident, spoke in opposition to CA-7 as presented and urged Council to approve the substitute resolution with Recycle Ann Arbor.

4. Priscilla Cheever - Services Agreement with Emterra Environmental USA for MRF Operations (CA-7)

Priscilla Cheever, Ward 5, urged Council to approve the substitute resolution with Recycle Ann Arbor.

5. Chris Vandebroek - Services Agreement with Emterra Environmental USA for MRF Operations (CA-7)

Chris Vandebroek, resident, urged City Council to reopen the MRF facility and award the contract to Recycle Ann Arbor.

6. Eric Lipson - Services Agreement with Emterra Environmental USA for MRF Operations (CA-7)

Eric Lipson, Ward 4, urged Council to approve the substitute resolution and award the contract to Recycle Ann Arbor.

7. Grace Singleton - Services Agreement with Emterra Environmental USA for MRF Operations (CA-7)

Grace Singleton, with Zingerman's, spoke in support of Recycle Ann Arbor and urged Council to approve the substitute resolution.

8. Paulina Leung - Services Agreement with Emterra Environmental USA for MRF Operations (CA-7)

Paulina Leung, representing Emterra Environmental USA, spoke in support of CA-7, as presented.

9. Joan Lowenstein - Services Agreement with Emterra Environmental USA for MRF Operations (CA-7)

Joan Lowenstein, resident, spoke in support of the substitute for CA-7, speaking of the City's long history with Recycle Ann Arbor.

10. Will Hathaway - Resolution to Support Center of the City Interim Use and Long Term Planning for the Center of the City/Library Lot Property (DC-5)

Will Hathaway, resident, spoke in support of the Center of City ballot initiative and urged Council to move forward with programming of the park,

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER GRISWOLD

Councilmember Griswold stated she plans to bring forward a resolution at the next meeting regarding communication issues, including access to public records of the City.

COUNCILMEMBER BANNISTER

Councilmember Bannister provided updates from the Environmental Commission regarding heritage trees and food gatherers.

COUNCILMEMBER RAMLAWI

Councilmember Ramlawi spoke about the award presented by HUD and the Ann Arbor Housing Commission. He thanked Jennifer Hall, Director, for her leadership.

Councilmember Ramlawi also spoke about the December 12 meeting with Washtenaw County regarding the Gelman Plume.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 [19-2155](#) Appointments - Confirmations

Mayor Taylor requested confirmation of the following appointments that were presented to Council at the November 18, 2019 Regular Session:

Economic Development Corporation Board

*John Fournier
Assistant City Administrator*

2324 Nixon
Ann Arbor, MI 48105
Term: Ending May 31, 2022

Employees' Retirement System Board of Trustees

*Brock Hastie-Reappointment
Investment Advisor
1425 Bardstown Trl.
Ann Arbor, MI 48105
Term: Ending December 31, 2022*

Retiree Health Care & Benefit Plan and Trust Board of Trustees (VEBA)

*Brock Hastie-Reappointment
Investment Advisor
1425 Bardstown Trl.
Ann Arbor, MI 48105
Term: Ending December 31, 2022*

A motion was made by Councilmember Smith, seconded by Councilmember Ramlawi, that the Appointments 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 Consent Agenda items were removed from the Consent Agenda and placed at the end of same:

CA-7 Resolution to Approve a Services Agreement with Emterra Environmental USA Corp. for MRF Operations and Recyclables Processing (5-Year term; \$2,161,250.00 estimated for Year 1, with One Potential 5-Year Extension)

CA-11 Resolution Regarding the Michigan Regulation and Taxation of Marihuana Act "Competitive Process" for Adult Use Retailers, Designated Consumption Establishments, and Microbusinesses

Passed on consent agenda

A motion was made by Councilmember Smith, seconded by Councilmember Ramlawi, that the following Consent Agenda Items

be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA-1 19-2063 Enactment No: R-19-529 Approved

Resolution to Authorize the Purchase of Two Polaris Ranger EV Utility Vehicles from Polaris Sales Inc.(Sourcewell - \$27,064.46)

CA-2 19-2064 Enactment No: R-19-530 Approved

Resolution to Authorize the Purchase of Two Doosan Air Compressors from Cloverdale Equipment Company (Sourcewell - \$45,450.00)

CA-3 19-2073 Enactment No: R-19-531 Approved

Resolution to Authorize the Purchase of One Ventrac Tractor with Accessories from J.W. Turf Inc. (Sourcewell - \$42,577.25)

CA-4 19-2123 Enactment No: R-19-532 Approved

Resolution to Approve the Purchase of Vehicles from Signature Ford (Macomb County Bid - \$264,733.00)

CA-5 19-2124 Enactment No: R-19-533 Approved

Resolution to Approve the Purchase of Vehicles from Berger Chevrolet (Oakland County Bid, MiDeal Bid - \$211,865.00)

CA-6 19-2139 Enactment No: R-19-534 Approved

Resolution to Authorize the Purchase of Heavy Truck and Equipment Repair Parts for the City's Fleet for Five Years Beginning FY2020

CA-8 19-2095 Enactment No: R-19-535 Approved

Resolution to Approve a Two-Year Professional Services Agreement (PSA) with A. F. Smith Electric, Inc. for Electrical Services for Parks & Recreation for a Not to Exceed Annual Amount of \$100,000.00

CA-9 19-2096 Enactment No: R-19-536 Approved

Resolution to Approve a Two-Year Professional Services Agreement (PSA) with Metro Controls, Inc. for Mechanical Services for Parks & Recreation for a Not to Exceed Annual Amount of \$200,000.00

CA-10 19-2104 Enactment No: R-19-537 Approved

Resolution to Adopt the Board of Review Guidelines for Poverty Exemptions from Property Taxation of Principal Residence Pursuant to MCL 211.7u

CA-7 19-2020 Enactment No:

A motion was made by Councilmember Smith, seconded by Councilmember Eaton, that the Resolution be approved.

Resolution to Approve a Services Agreement with Emterra Environmental USA Corp. for MRF Operations and Recyclables Processing (5-Year term; \$2,161,250.00 estimated for Year 1, with One Potential 5-Year Extension)

19-2020 Enactment No: Amended

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

Substitute with new resolution with Recycle Ann Arbor.

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

Yeas: 9 - Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Ackerman, Councilmember Smith, Councilmember Bannister, Councilmember Griswold, Councilmember Nelson and Councilmember Ramlawi

Nays: 2 - Councilmember Lumm and Councilmember Hayner

Resolution to Negotiate an Agreement with Recycle Ann Arbor to Rebuild and Operate the Ann Arbor MRF for an Initial Period of Ten (10) Years (*Title Revised to Reflect Substitute Resolution)

19-2020 Enactment No: R-19-538 Approved as Amended

A motion was made by Councilmember Smith, seconded by Councilmember Eaton, that the Resolution be approved as amended, on a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 9 - Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Ackerman, Councilmember Smith, Councilmember Bannister, Councilmember Griswold, Councilmember Nelson and Councilmember Ramlawi

Nays: 2 - Councilmember Lumm and Councilmember Hayner

Resolution to Negotiate an Agreement with Recycle Ann Arbor to Rebuild and Operate the Ann Arbor MRF for an Initial Period of Ten (10) Years (*Title Revised to Reflect Substitute Resolution)

CA-11 19-2102 Enactment No: R-19-539 Approved

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

Resolution Regarding the Michigan Regulation and Taxation of Marihuana Act "Competitive Process" for Adult Use Retailers, Designated Consumption Establishments, and Microbusinesses

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [19-2038](#) An Ordinance to Amend Section 7.34 of Chapter 77 (Fees and Bonds Required) of the Code of the City of Ann Arbor (Ordinance No. ORD-19-39)

A public hearing was conducted on the proposed amendment to Section 7.34 of Chapter 77 (Fees and Bonds Required) of the Code of the City of Ann Arbor. Notice of public hearing was published November 21 2019.

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

Held and Closed

PH-2 19-2089 Enactment No: Held and Closed

Held and Closed

Resolution to Approve 212 S. State Street Site Plan and Development Agreement, (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve 212 S. State Street Site Plan and Development Agreement. Notice of public hearing was published November 21, 2019.

The following persons were present to speak at the hearing:

A representative of the development team spoke about the project and was available to answer any questions.

Chris Johnson, representing the development team, highlighted the benefits of the project, including the preservation of natural features and the willingness to meet LEED Silver standards.

Brad Moore, architect, spoke about the project design and also noted its public art component.

John Floyd, 519 Sunset Road, spoke about affordable housing issues.

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

A APPROVAL OF COUNCIL MINUTES

A-1 [19-2251](#) Regular Session Meeting Minutes of November 18, 2019

A motion was made by Councilmember Ramlawi, seconded by Councilmember Smith, that the Regular Session Meeting Minutes of November 18, 2019 be approved as presented. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

B-1 [19-2038](#) An Ordinance to Amend Section 7.34 of Chapter 77 (Fees and Bonds Required) of the Code of the City of Ann Arbor (Ordinance No. ORD-19-39)

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

C ORDINANCES - FIRST READING

C-1 [19-2147](#) An Ordinance to Amend Section 1:207 of Chapter 8 (Transportation Commission) (Ordinance No. ORD-19-40)

A motion was made by Councilmember Ackerman, seconded by Councilmember Griswold, that the Ordinance be approved on First Reading to the City Council and should be returned by 12/16/2019. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-19-40

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 19-2177 Enactment No: R-19-540 Approved

Sponsors: Taylor

A motion was made by Councilmember Ramlawi, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the seven-vote requirement.

Resolution to Appointing Richard Chang to the Ann Arbor Area Transportation Authority Board (7 votes required)

DC-2 19-2178 Enactment No: R-19-541 Approved

Sponsors: Taylor

A motion was made by Councilmember Lumm, seconded by Councilmember Ackerman, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the seven-vote requirement.

Resolution to Reappoint Julie Lynch to the Employee Retirement System Board of Trustees and VEBA (7 Votes Required)

DC-3 19-2206 Enactment No: R-19-542 Approved

A motion was made by Councilmember Ramlawi, seconded by Councilmember Grand, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the seven-vote requirement.

Resolution to Appoint Ayesha Edwin to the Human Rights Commission (7 Votes Required)

RECESS

Mayor Taylor declared a recess at 9:10 p.m. and reconvened the meeting at 9:20 p.m.

DC-4 19-2280 Enactment No: R-19-543 Approved

Sponsors: Eaton, Griswold, Hayner, Lumm, Smith, Taylor, Ramlawi and Bannister

A motion was made by Councilmember Hayner, seconded by

Councilmember Nelson, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Resolution to Oppose House Bills 4020; 4021; 4022; 4026; 4027; 4028; 4029; 4194; 4200; 4770; 4771; 4772; 4773 and any Similar Bill which would Expand Michigan's Concealed Carry Laws, Negatively Affect Public Safety by Making Guns Easier to Obtain and Carry, and Generally Make Michiganders More Susceptible to Gun Violence

DC-5 19-2281 Enactment No:

Sponsors: Eaton and Bannister

A motion was made by Councilmember Eaton, seconded by Councilmember Hayner, that the Resolution be approved.

Resolution to Support Center of the City Interim Use and Long Term Planning for the Center of the City/Library Lot Property

19-2281 Enactment No:

Postponed

A motion was made by Councilmember Eaton, seconded by Councilmember Smith, that the Resolution be postponed until 12/16/2019. On a voice vote, the Mayor declared the motion carried.

Resolution to Support Center of the City Interim Use and Long Term Planning for the Center of the City/Library Lot Property

The item was postponed to allow time for the Center of the City Task Force time to review and comment on the resolution.

DC-6 19-2316 Enactment No:

Sponsors: Griswold

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

Resolution to Endorse Moving the State's "White Cane" Crosswalk Law Language from the Traffic Code to the Vehicle Code in State Law

19-2316 Enactment No:

Referred

A motion was made by Councilmember Griswold, seconded by Councilmember Lumm, that the Resolution be referred to the Transportation Commission and the Commission on Disability Issues. On a voice vote, the Mayor declared the motion carried.

Resolution to Endorse Moving the State's "White Cane" Crosswalk Law Language from the Traffic Code to the Vehicle Code in State Law

DC-7 19-2317 Enactment No: R-19-544 Approved

Sponsors: Taylor and Lumm

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

Resolution to Establish 2020 Council Calendar

DB New Business - Boards and Commissions:

DB-1 19-2089 Enactment No: R-19-545 Approved

A motion was made by Councilmember Ackerman, 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: 11 - Councilmember Lumm, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Ackerman, Councilmember Smith, Councilmember Bannister, Councilmember Hayner, Councilmember Griswold, Councilmember Nelson and Councilmember Ramlawi

Nays: 0

Resolution to Approve 212 S. State Street Site Plan and Development Agreement, (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

DB-2 19-2091 Enactment No: R-19-546 Approved

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

Yeas: 9 - Councilmember Lumm, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Ackerman, Councilmember Smith, Councilmember Bannister, Councilmember Griswold and Councilmember Nelson

Nays: 2 - Councilmember Hayner and Councilmember Ramlawi

Resolution to Approve 616 East Washington Planned Project Site Plan and Development Agreement, at 616 East Washington Street (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

DS New Business - Staff:

E COMMUNICATIONS FROM THE CITY ATTORNEY

None.

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

F The following communications were referred as indicated:

Passed on consent agenda

A motion was made by Councilmember Hayner, seconded by Councilmember Lumm, that the Clerk's Report of Communications, Petitions and Referrals be approved as presented. On a voice vote, the Mayor declared the motion carried.

F-1 [19-2154](#) Non-Discrimination Ordinance Contractor Compliance Summary - Calendar Year 2018

F-2 [19-2195](#) Resolution of Support from the Ann Arbor Public Art Commission for the University of Michigan Climate Change Awareness Public Art Project

Sponsors: Ramlawi

G The following minutes were received for filing:

G-1 [19-0846](#) Housing and Human Services Advisory Board Meeting Minutes of March 14, 2019

G-2 [19-1730](#) Ann Arbor Public Art Commission Meeting Minutes - September 2019

G-3 [19-1921](#) Historic District Commission Meeting Minutes of September 12, 2019

G-4 [19-2010](#) Public Market Advisory Commission Meeting Minutes of September 19, 2019

- G-5** [19-2045](#) City Planning Commission Meeting Minutes of October 1, 2019
- G-6** [19-2122](#) GAC Meeting Minutes of October 3, 2019
- G-7** [19-2158](#) Downtown Area Citizens Advisory Council Meeting Minutes of November 5, 2019
- G-8** [19-2159](#) Downtown Development Authority Board, Executive, Partnerships, Capital Improvements, Operations, Finance Committees and City/DDA Joint Work Session Minutes of October 2019
- G-9** [19-2249](#) Council Administration Committee Meeting Minutes November 12, 2019

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Kai Petainen, resident, spoke about affordable housing and parking. He urged Council to let the market decide these issues based on demand and price.

Zachary Storrey, resident, spoke about housing insecurity in Ann Arbor.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER HAYNER

Councilmember Hayner thanked a member of the public for coming to speak on development issues.

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

A motion was made by Councilmember Hayner, seconded by Councilmember Lumm, that the Council enter into Closed Session under the Michigan Open Meetings Act, for pending litigation for the Gelman case and purchase or lease of real property, as set forth in MCLA 15.268 (D) and (E). On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed in Closed Session at 10:26 p.m.:

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

Nays: 0

MEETING RECONVENED

A motion was made by Councilmember Ackerman, seconded by Councilmember Eaton, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened in Open Session at 11:33 p.m.

ADJOURNMENT

A motion was made by Councilmember Ramlawi, seconded by Councilmember Ackerman, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:33 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, DECEMBER 2, 2019 @ 7:00 P.M.

REPLAYS: WEDNESDAY, DECEMBER 4, 2019 @ 8:00 A.M. AND FRIDAY, DECEMBER 6, 2019 @ 8:00 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

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

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

Live Web Streaming: <https://a2gov.org/watchctn>

Video on Demand: <https://a2ctn.viebit.com>

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

Videos are also available for a nominal fee by contacting CTN at (734) 794-6150.

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

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

Requests made with less than two business days' notice may not be able to be accommodated.

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

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary