

# City of Ann Arbor

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



## Action Minutes

Tuesday, September 8, 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 to order at 7:04 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron Street. Mayor Taylor apologized for the late start, due to technical difficulties.*

**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 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

**APPROVAL OF AGENDA**

*Councilmember Briere requested to remove CA-7 from the agenda, due to some necessary changes to the contract and additional negotiations that are needed.*

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

**AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

*City Administrator Steve Powers updated Council on the following:*

*The outdoor swimming pools ended the season on a high note, due to the warmer than average temperatures over the Labor Day weekend. The Labor Day weekend had a 66% increase in visitors this year compared to last year, said Mr. Powers. He also noted that Mack Indoor Pool is now open and Buhr Pool will host its annual dog swim this Wednesday and Thursday from 3pm to 8pm each day.*

*Mr. Powers stated Police Chief interviews are tentatively scheduled for mid-October.*

*The City is continuing its National Citizens Survey. Postcards will be going out in the next several weeks to a statistically significant random sample of residents alerting them to their participation in the upcoming survey. Survey results should be available by December 1, said Mr. Powers.*

*Mr. Powers stated community engagement dates are being scheduled for the Library Lane development project.*

*Mr. Powers reminded Council of the upcoming Work Session scheduled for September 14, stating that the Pedestrian Safety and Access Task Force will be presenting their report.*

**AC-1 15-1134 Agenda Response Memo - September 8, 2015**

**Attachments:** Agenda Response Memo 9-8-15 Final

*Mr. Powers presented his Agenda Response Memo 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**

**1. Alan Haber - Library Lot Commons**

*Alan Haber, 531 Third Street, spoke about the development of Library Lane and urged Council to support a Community Commons on the site.*

**2. Kermit Schlansker - Agriculture Shift**

*Kermit Schlansker, Saline resident, spoke about changes to agriculture and farming.*

**3. Ron Gregg - Compassionate Community Resolution (DC-2)**

*Ron Gregg, 911 Robin Road, spoke in support of the proposed Resolution to Declare Ann Arbor a Compassionate Community.*

**4. James D'Amour - Nixon Farm North and South Rezoning and Resolution Regarding Nixon Road Corridor Traffic Study (C-2, C-3 and DC-4)**

*James D'Amour, 2771 Maplewood, spoke in opposition to the Nixon Farm North and South rezonings.*

**CC COMMUNICATIONS FROM COUNCIL***COUNCILMEMBER BRIERE*

*Councilmember Briere spoke about the disruption to the neighbors along the river due to the increased use and the new Cascades. She urged staff to address the parking and traffic issues.*

*COUNCILMEMBER WESTPHAL*

*Councilmember Westphal updated Council and the public on the Michigan Hidden Talent Tour that is coming to Ann Arbor. He stated the tour focuses on hiring people with disabilities, stating many of the persons in the disability community who are unemployed have college degrees. Councilmember Westphal stated the tour is coming to Washtenaw Community College on September 24 at 5pm.*

*Councilmember Westphal also spoke about distracted driving and urged Council to reconsider a discussion on this issue again.*

*COUNCILMEMBER KAILASAPATHY*

*Councilmember Kailasapathy addressed the outcome of the lawsuit filed against the DDA by former Chronicle owner Dave Askins. Councilmember Kailasapathy stated she has long opposed the appointments to the DDA due to concerns about the way the Authority has conducted themselves. She noted that the DDA was found in violation of the Open Meetings Act, the Freedom of Information Act and the Downtown Development Authority enabling legislation.*

*COUNCILMEMBER LUMM*

*Councilmember Lumm spoke about the Liquor License Review Committee, stating the Committee discussed the new "Pedal Pubs" legislation at their recent meeting. Councilmember Lumm stated Assistant City Attorney Mary Fales is working on an ordinance to regulate the operation of pedal pubs in Ann Arbor and the ordinance is being reviewed currently, with feedback sought from the DDA, Police, City staff, Parks and possibly the Taxicab Board. She stated she hopes to have the ordinance ready for Council in approximately one month.*

*COUNCILMEMBER GRAND*

*Councilmember Grand spoke about an upcoming run/walk in Gallup Park. The race, "Rick's Run for Kids" will be held on October 24 at 9am and will benefit the Ann Arbor Rec and Ed Scholarship Fund.*

**MC COMMUNICATIONS FROM THE MAYOR**

**MC-1 15-1108**

## Appointments - Confirmations

**Attachments:** Laura hayden app..pdf, Shannan Gibb-Randall app..pdf

*REFERRED*

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

*Energy Commission*

*Mike Shriberg Re-appointment*

*Ph.D. Environmental Studies*

*1473 Pine Valley Blvd.*

*Ann Arbor, MI 48104*

*Term: ending May 31, 2018*

*Local Development Finance Authority*

*Laura Hayden-filling partial term*

*MBA-Business background*

*1511 Granger Ave.*

*Ann Arbor, MI 48104*

*Term: ending June 30, 2018*

*City Planning Commission*

*Shannan Gibb-Randall -filling remaining term of Eleanore Adenekan (resigned)*

*Masters of Landscape Architecture*

*200 Mark-Hannah Pl.*

*Ann Arbor, MI 48103*

*Term: ending June 30, 2017*

**Referred to the City Council due back on 9/21/2015.**

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

**PH-1 15-0898**

An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Chapter, Which New Chapter Shall be Designated as Chapter 25, Cost Recovery for Hazardous Material Response and Technical Rescue Services (Ordinance No. ORD15-17)

**Attachments:** 15-17 Chapter 25 Speciality Team Cost Recovery Ordinance Briefed and Approved.pdf, 15-17 Chapter 25 Speciality Team Cost Recovery Ord Briefed.pdf, Chapter 25 Speciality Team Cost Recovery Ord.pdf, 15-17 Cost Recovery Ordinance Approval Notice.pdf

*A public hearing was conducted on the proposed Ordinance to amend the Code of the City of Ann Arbor by Adding a New Chapter, Which New Chapter Shall be Designated as Chapter 25, Cost Recovery for Hazardous Material Response and Technical Rescue Services (Ordinance No. ORD15-17). Notice of public hearing was published August 24, 2015.*

*Kai Petainen, First Ward resident, spoke in support of the ordinance, but urged Council not to penalize individual homeowners.*

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

**Held and Closed**

Enactment No: ORD-15-17

**PH-2 15-0961**

An Ordinance to Amend Sections 1:221, 1:222, and 1:226, and to Delete the Existing Language of Section 1:223 and Add a New Provision Section 1:223 of Chapter 8, Organization of Boards and Commissions, Title I of the Code of the City of Ann Arbor to Implement Changes in Human Rights Commission Duties Consistent with Chapter 112, Non-Discrimination (Ordinance No. ORD-15-20)

**Attachments:** 15-20 Chpt 8 HRC Amend Briefed and Approved.pdf, 15-20 Chpt 8 HRC Amend Briefed.pdf, Chpt 8 HRC Amend.pdf, 15-20 Chpt 8 HRC Ordinance Approval Notice.pdf, 15-20 Chpt 8 HRC Amend Briefed and Approved

*A public hearing was conducted on the proposed Ordinance to Amend Sections 1:221, 1:222, and 1:226, and to Delete the Existing Language of Section 1:223 and Add a New Provision Section 1:223 of Chapter 8, Organization of Boards and Commissions, Title I of the Code of the City of Ann Arbor to Implement Changes in Human Rights Commission Duties Consistent with Chapter 112, Non-Discrimination (Ordinance No. ORD-15-20). Notice of public hearing was published August 24, 2015.*

*Leslie Stambaugh, Chair of the Human Rights Commission, spoke in support of the proposed ordinance, stating these changes will allow the Commission to implement some recently approved changes that are not currently in compliance with the existing ordinance.*

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

**Held and Closed**

Enactment No: ORD-15-20

**PH-3 15-1028**

An Ordinance to Amend the Code of the City of Ann Arbor by Adding New Sections, Which New Section Shall Be Designated as Sections 9:54 (Deer Feeding Prohibition) of Chapter 107 (Animals) of Title IX of Said Code (Ordinance No. ORD-15-21)

**Sponsors:** Lumm and Briere

**Attachments:** 15-21 Deer Feeding Prohibition Ord Briefed and Approved as Amended.pdf, 15-21 Deer Feeding Prohibition Ord Briefed As Amended, DEER Feeding Ban Ord 15-21 Proposed Amendments, 15-21 Deer Feeding Prohibition Ord Briefed.pdf, 15-21 Deer Feeding Prohibition Ord Briefed.pdf.docx, Deer Feeding Prohibition Ord, 15-21 Deer Feeding Prohibition Ord Approval Notice.pdf

*A public hearing was conducted on the proposed Ordinance to Amend the Code of the City of Ann Arbor by Adding New Sections, Which New Section Shall Be Designated as Sections 9:54 (Deer Feeding Prohibition) of Chapter 107 (Animals) of Title IX of Said Code (Ordinance No. ORD-15-21). Notice of public hearing was published August 24, 2015.*

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

**Held and Closed**

Enactment No: ORD-15-21

**PH-4 15-0944**

Resolution to Approve Fiscal Year 2016 Fee Adjustments for Safety Services Area - Fire Department Inspection Service Fee Schedule

**Attachments:** Proposed FY2016 Fee Schedule Final 7-23-15 new.pdf

*A public hearing was conducted on the proposed Resolution to Approve Fiscal Year 2016 Fee Adjustments for Safety Services Area - Fire Department Inspection Service Fee Schedule. Notice of public hearing was published August 24, 2015.*

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

**Held and Closed**

Enactment No: R-15-302



**PH-5 15-1012**

Resolution to Approve the Madison on Main Planned Project Site Plan and Development Agreement, 600 South Main Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

**Attachments:** September 3, 2015 Draft Development Agreement.pdf, 8/5/15 Planning Staff Report, 8-5-2015 CPC Minutes-Madison on Main.pdf, DB-1ATT1 Staff Report REVISED

*A public hearing was conducted on the proposed Resolution to Approve the Madison on Main Planned Project Site Plan and Development Agreement, 600 South Main Street. Notice of public hearing was published August 24, 2015.*

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

*Ethel Potts, 1014 Elder Blvd., spoke in opposition, noting that the D2 zoning is not an appropriate buffer zoning against residential homes. She also expressed concern about parking and increased traffic in adjacent neighborhoods.*

*Marcia Polenberg-Ramsay, 524 S. First, spoke in opposition and suggested the Happy's Pizza site be used as a public plaza.*

*Bill Kinley, Phoenix Construction, stated he will be the contractor for the project and noted there are plans in place by the developer to meet regularly with the neighbors regarding construction impacts.*

*Odile Hugonot-Haber, 531 Third Street, spoke in opposition.*

*Dan Ketelar, developer, addressed the construction concerns and stated the development team is available to answer any questions of the Council.*

*Victor Saroki, architect, spoke about the building design and the site plan.*

*Shannon Gibb-Randall, architect, spoke about the project and stated the designers worked toward making the site more pedestrian friendly and attractive, including the addition of outdoor seating and a cafe on site.*

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

**Held and Closed**

Enactment No: R-15-297

**A APPROVAL OF COUNCIL MINUTES**

**A-1 15-1110** Regular Session Meeting Minutes of August 17, 2015

**Attachments:** 081715 City Council Draft Minutes, Council emails  
8-17-2015\_Redacted

**A motion was made by Councilmember Krapohl, seconded by Councilmember Grand, that the Meeting Minutes of the Regular Session of August 17, 2015 be approved. On a voice vote, the Mayor declared the motion carried.**

**CA CONSENT AGENDA**

**Passed on consent agenda**

**A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.**

**CA-1 15-0967** Resolution to Approve a Purchase Order between City of Ann Arbor and On Duty Gear for the Purchase of Concealable Body Armor (\$43,875.00)

**Attachments:** On Duty Gear Concealable Body Armor Bid.pdf

Enactment No: R-15-288

**CA-2 15-0989** Resolution to Approve Street Closings for the Ann Arbor Thanksgiving Day Turkey Trot - Thursday, November 26, 2015

**Attachments:** Turkey Trot Map 2015.pdf

Enactment No: R-15-289

**CA-3 15-1077** Resolution to Approve Street Closure of North University Street between Thayer and Fletcher Streets for the University of Michigan Community Festival from 2:00 PM until 10:00 PM on Friday, October 9, 2015

**Attachments:** U of M Community Festival Map.pdf

Enactment No: R-15-290

**CA-4 15-0991** Resolution to Close North University Street between State and Thayer Streets for the Homecoming Block Party on Friday, October 9, 2015 from 2:00 PM until Midnight

**Attachments:** Homecoming Block Party Map.pdf

Enactment No: R-15-291

- CA-5 15-1017** Resolution to Accept and Allocate Michigan Supreme Court State Court Administrative Office Michigan Veterans Treatment Court Program Grant Award and Approve Contract (\$70,000.00) (8 Votes Required)

Attachments: D15 VTC - SCAO Grant Contract Aug2015

Enactment No: R-15-306

- CA-6 15-1018** Resolution to Approve a Purchase Order to BS&A Software ("BS&A") for Annual Software Maintenance and Support Agreement for FY2016 (Not to Exceed \$26,000.00)

Enactment No: R-15-292

- CA-7 15-1086** 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 (Deleted from Agenda on 9/8/15)

**Deleted from Agenda**

**B ORDINANCES - SECOND READING**

- B-1 15-0898** An Ordinance to Amend the Code of the City of Ann Arbor by Adding a New Chapter, Which New Chapter Shall be Designated as Chapter 25, Cost Recovery for Hazardous Material Response and Technical Rescue Services (Ordinance No. ORD15-17)

Attachments: 15-17 Chapter 25 Speciality Team Cost Recovery Ordinance Briefed and Approved.pdf, 15-17 Chapter 25 Speciality Team Cost Recovery Ord Briefed.pdf, Chapter 25 Speciality Team Cost Recovery Ord.pdf, 15-17 Cost Recovery Ordinance Approval Notice.pdf

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

Enactment No: ORD-15-17

**B-2 15-0961**

An Ordinance to Amend Sections 1:221, 1:222, and 1:226, and to Delete the Existing Language of Section 1:223 and Add a New Provision Section 1:223 of Chapter 8, Organization of Boards and Commissions, Title I of the Code of the City of Ann Arbor to Implement Changes in Human Rights Commission Duties Consistent with Chapter 112, Non-Discrimination (Ordinance No. ORD-15-20)

**Attachments:** 15-20 Chpt 8 HRC Amend Briefed and Approved.pdf, 15-20 Chpt 8 HRC Amend Briefed.pdf, Chpt 8 HRC Amend.pdf, 15-20 Chpt 8 HRC Ordinance Approval Notice.pdf, 15-20 Chpt 8 HRC Amend Briefed and Approved

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

Enactment No: ORD-15-20

**B-3 15-1028**

An Ordinance to Amend the Code of the City of Ann Arbor by Adding New Sections, Which New Section Shall Be Designated as Sections 9:54 (Deer Feeding Prohibition) of Chapter 107 (Animals) of Title IX of Said Code (Ordinance No. ORD-15-21)

**Sponsors:** Lumm and Briere

**Attachments:** 15-21 Deer Feeding Prohibition Ord Briefed and Approved as Amended.pdf, 15-21 Deer Feeding Prohibition Ord Briefed As Amended, DEER Feeding Ban Ord 15-21 Proposed Amendments, 15-21 Deer Feeding Prohibition Ord Briefed.pdf, 15-21 Deer Feeding Prohibition Ord Briefed.pdf.docx, Deer Feeding Prohibition Ord, 15-21 Deer Feeding Prohibition Ord Approval Notice.pdf

*Councilmember Lumm proposed the following amendment, supported by Councilmember Briere:*

*(2) Acts Prohibited.*

*No person may place or permit to be placed on the ground, or less than five feet (5') above the ground surface any grain, fodder, salt licks, fruit, vegetables, nuts, hay or other edible materials [including feed for birds] which may reasonably be expected to result in deer feeding, unless such items are screened or protected in a manner that prevents deer from feeding on them. Living fruit trees and other live vegetation shall not be considered as deer feeding.*

*(d) Persons feeding DOMESTIC ANIMALS OR WILD birds using feeding devices or containers [that comply with Section 9:54(2)].*

*ALL CAPS indicate new language.*

*[Brackets] indicate deleted language.*

*The motion was accepted by the body as friendly.*

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

Enactment No: ORD-15-21

**C ORDINANCES - FIRST READING**

**C Unfinished Business:**

**C-1 14-1443** An Ordinance to Amend Section 10:148 of Chapter 126, Traffic (Pedestrian Crosswalks), Title X, of the Code of the City of Ann Arbor

**Sponsors:** Kunselman

**Attachments:** Amendment Chpt 126 10.148 - Traffic.pdf, Veto of ORD 13-31, Communication from Pedestrian Safety and Access Task Force - December 16, 2014.pdf

**Councilmember Kunselman moved, seconded by Councilmember Kailasapathy, the Ordinance be approved on First Reading.**

*Councilmember Kunselman requested a postponement until the Pedestrian Safety and Access Task Force Report was received.*

**A motion was made by Councilmember Kunselman, seconded by Councilmember Eaton, that the Ordinance be postponed at First Reading and should be returned by 10/19/2015. On a voice vote, the Mayor declared the motion carried.**

**C-2 15-0786** An Ordinance to Amend Chapter 55 (Zoning), Zoning of 69 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District), Nixon Farm North Zoning, 3381 Nixon Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. Ord-15-15)

**Attachments:** NixonFarmsNorthOrdinance - Conditional Zoning, 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

**Councilmember Briere moved, seconded by Councilmember Lumm, that the Ordinance be approved at First Reading.**

Enactment No: ORD-15-15

**A motion was made by Councilmember Briere, seconded by Councilmember Krapohl, that the Ordinance be postponed at First Reading and should be returned by 10/19/2015. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-15-15

**C-3 15-0787**

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

**Attachments:**

NixonFarmsSouthOrdinance - Conditional Zoning, 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

**Councilmember Briere moved, seconded by Councilmember Westphal, that the Ordinance be approved at First Reading.**

Enactment No: ORD-15-16

**A motion was made by Councilmember Lumm, seconded by Councilmember Briere, that the Ordinance be postponed at First Reading and should be returned by 10/19/2015. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-15-16

**C New Business - Staff:**

- C-4 15-0988** An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.38 Acre from R1B (Single-Family Dwelling District) to O (Office District), 2435 S Main Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-15-22)

**Attachments:** 15-22 2435 S Main St Zoning Ordinance Briefed.pdf, 2435 S. Main St Rezoning Ordinance.pdf, 8/5/15 Planning Staff Report

**A motion was made by Councilmember Eaton, seconded by Councilmember Grand, that the Ordinance be approved on First Reading and should be returned by 10/5/2015. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-15-22

**D MOTIONS AND RESOLUTIONS**

**DC Unfinished Business - Council:**

- DC-1 15-0901** Resolution to Direct the Ann Arbor Planning Commission to Review and Make Recommendations Regarding the Adoption of a Floodplain Management Overlay Ordinance

**Sponsors:** Eaton, Lumm and Anglin

**Attachments:** Developing a Floodplain Management Overlay Ordinance, Floodplain Management Overlay Ordinance

**A motion was made by Councilmember Eaton, seconded by Councilmember Lumm, that the resolution be approved.**

*Councilmember Briere moved, seconded by Councilmember Krapohl, that the Resolution be amended as follows:*

*Change March 2016 to JULY 2016.*

*The motion to amend was withdrawn.*

*A postponement until October 19 was recommended to give staff enough time to report back to Council regarding costs, public engagement timelines and the impact to other projects.*

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Westphal, that the Resolution be postponed until 10/19/2015. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 7 - Councilmember Briere, Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

**Nays:** 4 - Councilmember Kunselman, Councilmember Anglin, Councilmember Kailaspathy and Councilmember Eaton

**RECESS**

*Mayor Taylor declared a recess at 9:17 p.m. and reconvened the meeting at 9:28 p.m.*

**DC New Business - Council:****DC-2 15-1111 Resolution to Declare Ann Arbor a Compassionate Community**

**Sponsors:** Warpehoski and Anglin

**Attachments:** Compassionate Communities proposal

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

Enactment No: R-15-293

**A motion was made by Councilmember Kunselman, seconded by Councilmember Briere, that the Resolution be referred to the Housing and Human Services Advisory Board. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:**

**Yeas:** 5 - Councilmember Kunselman, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton and Mayor Taylor

**Nays:** 6 - Councilmember Anglin, Councilmember Briere, Councilmember Warpehoski, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

Enactment No: R-15-293

**15-1111 Resolution to Declare Ann Arbor a Compassionate Community**

**Sponsors:** Warpehoski and Anglin

**Attachments:** Compassionate Communities proposal

*Councilmember Warpehoski moved to delete the Second Resolved Clause.*

*The motion was considered friendly.*

**The question being, the motion made by Councilmember Warpehoski, seconded by Councilmember Anglin, that the Resolution be approved as amended, on a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 11 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

**Nays:** 0

Enactment No: R-15-293



**DC-3 15-1112** Resolution to Approve a Contract with The Mercer Group, Inc. for Executive Search Services for the Positions of Building Official and Planning Manager (\$30,000.00)

**Sponsors:** Krapohl

**Attachments:** Mercer Group PSA

**Deleted from Agenda**

**DC-4 15-1113** Resolution Regarding Nixon Corridor Traffic Study

**Sponsors:** Lumm and Briere

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

Enactment No: R-15-294

**15-1113** Resolution Regarding Nixon Corridor Traffic Study

**Sponsors:** Lumm and Briere

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

**Add New Bullet Point to 2nd Resolved:**

- **Determination of the Prioritization Model Rank of the proposed Nixon Corridor Traffic study**

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

**Yeas:** 7 - Councilmember Anglin, Councilmember Briere, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

**Nays:** 4 - Councilmember Kunselman, Councilmember Lumm, Councilmember Kailasapathy and Councilmember Eaton

Enactment No: R-15-294

**The question being, the motion made by Councilmember Lumm, seconded by Councilmember Briere, that the Resolution be approved as amended. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 11 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

**Nays:** 0

Enactment No: R-15-294

**DC-5 15-1096**

Resolution to Recommend Approval of Issuance of a Downtown Development District Liquor License to Central Provisions

**Attachments:** 113 E Liberty - Development Dist. Liq. Lic..pdf

**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-15-295

**DC-6 15-1105**

Resolution to Approve a Request from Homes Brewery, LLC for a New Micro-Brewer, Small Wine-Maker, Small Distiller Liquor License, Dance/Entertainment Permit, Outdoor Service Area, and New Sunday Sales (AM & PM), to be Located at 2321 Jackson Road - d/b/a Homes Brewery

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

Enactment No: R-15-296

**DB New Business - Boards and Commissions:****DB-1 15-1012**

Resolution to Approve the Madison on Main Planned Project Site Plan and Development Agreement, 600 South Main Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

**Attachments:** September 3, 2015 Draft Development Agreement.pdf, 8/5/15 Planning Staff Report, 8-5-2015 CPC Minutes-Madison on Main.pdf, DB-1ATT1 Staff Report REVISED

*The following amendment was proposed by Councilmember Warpehoski, and was considered by the body to be friendly:*

*2nd RESOLVED Clause:*

*RESOLVED, That the Mayor and City Clerk are authorized and directed to sign the Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney, WITH THE ADDITION OF SPECIFIC LANGUAGE WHICH INCORPORATES THE ELEVATION DRAWINGS, COLOR PERSPECTIVE DRAWINGS AND MATERIALS AS PART OF THE SITE PLAN, AND LANGUAGE THAT REQUIRES THAT THE BUILDING IS CONSTRUCTED CONSISTENT WITH THESE DRAWINGS, WITH MINOR NON-SUBSTANTIVE REVISIONS NECESSARY FOR FINAL CONSTRUCTION DRAWINGS TO BE APPROVED BY THE COMMUNITY SERVICES ADMINISTRATOR OR DESIGNEE.*

*ALL CAPS indicate new language.*

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Krapohl, 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 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

Enactment No: R-15-297

**DB-2 15-0542**

Resolution to Approve Professional Services Agreement with Tad McKillop to Cast Outdoor Bronze Artwork for the Coleman Jewett Memorial (\$43,500.00) and to Accept and Appropriate Donated Funds of up to \$51,000.00 (8 Votes Required)

**Attachments:** RFP 905.pdf, RFP 905 Proposal Evaluation.pdf, McKillop Proposal.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-15-298

**DS New Business - Staff:**

**DS-1 15-1053**

Resolution to Approve a Purchase Order to AmeriNet of Michigan, Inc. for 3-Year Network Equipment Maintenance and Support Agreement FY2016-FY2018 (\$145,428.75)

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

Enactment No: R-15-299

**DS-2 15-1054**

Resolution to Approve Interagency Agreement for Collaborative Technology and Services with Downtown Development Authority (Revenue of \$132,240.00)

**Attachments:** Schedule 21- Collaborative Technology Services Networking Services for DDA Parking Garages.pdf

**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-15-300

- DS-3 15-0969** Resolution to Approve Change Order No. 1 with Precision Concrete, Inc. (Bid No. 4260) for the 2015 Ramp & Sidewalk Repair Project (\$132,000.00)
- Attachments:** Precision Contract Extension 2015 Executed, Precision Change Order #1
- A motion was made by Councilmember Krapohl, seconded by Councilmember Westphal, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-15-301
- DS-4 15-0944** Resolution to Approve Fiscal Year 2016 Fee Adjustments for Safety Services Area - Fire Department Inspection Service Fee Schedule
- Attachments:** Proposed FY2016 Fee Schedule Final 7-23-15 new.pdf
- A motion was made by Councilmember Westphal, seconded by Councilmember Grand, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-15-302
- DS-5 15-1089** Resolution to Amend Carlisle/Wortman Professional Services Agreements for Building Official and Planning Services, Amend the FY16 Budget and Appropriate Necessary Funds (8 Votes Required)
- Attachments:** PSA Amendment NO 1 for Planning Services, PSA Amendment No 3
- 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 unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-15-303
- DS-6 15-1078** Resolution of Intent to Set a Public Hearing and to Vacate Public Right-of-Way at 412 N. First Street (8 Votes Required)
- Attachments:** ROW-L1276-P201.pdf, DRAWING 412 N. First.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 unanimously, thus satisfying the eight-vote requirement.**
- Enactment No: R-15-304

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

- F-1 15-1060** Planning Services FY15 Year-End Report  
**Attachments:** FY2015 Year End Report\_08-07-15
- F-2 15-1061** Communication from Comcast regarding changes to the channel lineup effective August 27, 2015 - CTN, City Attorney  
**Attachments:** comcast communication.pdf
- F-3 15-1070** August 4, 2015 Primary Board of Canvass Report  
**Attachments:** Canvass 08-04-15 Primary.pdf
- F-4 15-1073** AAATA Preliminary FY 2016 Operating Budget for Input and Comment  
**Attachments:** AAATA FY 2016 Prelim Budget for input.pdf
- F-5 15-1133** Communication from Evan Pratt, Water Resources Commissioners, Regarding Notice of Day of Review of Apportionments for Foxfire Drainage Districts  
**Attachments:** foxfire drainage apportionment
- G The following minutes were received for filing:**
- G-1 15-0670** April 22, 2015 ZBA Meeting Minutes with Live Links  
**Attachments:** 4-22-2015 ZBA Minutes with Live Links.pdf
- G-2 15-0913** Public Market Advisory Commission Meeting Minutes of May 21, 2015  
**Attachments:** PMAC Meeting Minutes 5.21.15

- G-3 15-0915** City Election Commission Meeting Minutes of July 14, 2015  
**Attachments:** 2015-07-14 Election Commission minutes
- G-4 15-0916** City Planning Commission Meeting Minutes of May 19, 2015  
**Attachments:** 5-19-2015 CPC Minutes with Live Links.pdf
- G-5 15-0917** City Planning Commission Meeting Minutes of June 2, 2015  
**Attachments:** 6-2-2015 CPC Minutes with Live Links.pdf
- G-6 15-0942** Taxicab Board Meeting Minutes of May 28, 2015  
**Attachments:** 052815 Taxicab Board Minutes
- G-7 15-0949** Building Board of Appeals Meeting Minutes - June 11, 2015  
**Attachments:** BBA Minutes June 11 2015.pdf
- G-8 15-1020** Ann Arbor Commission on Disability Issues Meeting Minutes of November 19, 2014  
**Attachments:** AACDI November 19 Meeting Minutes
- G-9 15-1021** Ann Arbor Commission on Disability Issues Meeting Minutes of December 17, 2014  
**Attachments:** AACDI December 17 Meeting Minutes
- G-10 15-1022** Ann Arbor Commission on Disability Issues Meeting Minutes of January 21, 2015  
**Attachments:** AACDI January 21 2015 Meeting Minutes
- G-11 15-1023** Ann Arbor Commission on Disability Issues Meeting Minutes of February 25, 2015  
**Attachments:** AACDI February 25 2015 Meeting Minutes
- G-12 15-1024** Ann Arbor Commission on Disability Issues Meeting Minutes of May 20, 2015  
**Attachments:** AACDI May 20 2015 Meeting Minutes
- G-13 15-1079** Ann Arbor Commission on Disabilities Issues Meeting Minutes of March 18, 2015  
**Attachments:** March 18, 2015 Meeting Minutes.rtf

- G-14 15-1080** Ann Arbor Commission on Disabilities Issues, Meeting Minutes, April 15, 2015  
Attachments: April 15 2015 Meeting Minutes1 (2).docx
- G-15 15-1025** Human Rights Commission Meeting Minutes of January 14, 2015  
Attachments: HRC Meeting Minutes January 14 2015
- G-16 15-1026** Human Rights Commission Meeting Minutes of June 10, 2015  
Attachments: HRC Meeting Minutes June 10 2015
- G-17 15-1027** Human Rights Commission Meeting Minutes of May 13, 2015  
Attachments: HRC Meeting Minutes May 2015
- G-18 15-1049** Council Administration Committee Meeting Minutes of July 20, 2015  
Attachments: Council Admin. Committee Minutes 7-20-15.pdf
- G-19 15-1084** Ann Arbor Human Rights Commission Meeting Minutes, July 1, 2015  
Attachments: HRC Meeting Minutes July 1, 2015 Approved.docx
- G-20 15-1031** Minutes of Ann Arbor Housing Commission Joint Policy and Financial Advisory Committee of August 12, 2015  
Attachments: Minutes of AAHCJPFAC 8-12-15

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

*ED VIELMETTI*

*Edward Vielmetti, Fourth Ward resident, spoke about the recent ruling in Dave Askins' FOIA/Open Meetings Act lawsuit against the DDA.*

*KAI PETAINEN*

*Kai Petainen, First Ward resident, congratulated Mr. Powers on his recent announcement that he had accepted a job offer from Salem, Oregon.*

**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 Krapohl, seconded by Councilmember Briere, that the Council enter into Closed Session under the Michigan Open Meetings Act for the purpose of discussion of Purchase or Lease of Real Property under MCLA 15.268 (D). On roll call, the vote was as follows, with the Mayor declaring the motion carried at the meeting adjourned in Closed Session at 11:10 p.m.:**

**Yeas:** 11 - Councilmember Kunselman, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl and Councilmember Westphal

**Nays:** 0

#### **MEETING RECONVENED**

**A motion was made by Councilmember Kailasapathy, seconded by Councilmember Grand, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 11:25 p.m.**

#### **ADJOURNMENT**

**A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:25 p.m.**

**15-1175** Council Emails and Redaction List from September 8, 2015

**Attachments:** Council emails 9-8-2015\_Redacted.pdf

**Received and Filed**

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

**LIVE: TUESDAY, SEPTEMBER 8, 2015 @ 7:00 P.M.**

**REPLAYS: FRIDAY, SEPTEMBER 11, 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](http://www.a2gov.org/ctn), on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

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

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

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

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

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

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

Jacqueline Beaudry  
Clerk of the Council

Anissa R. Bowden  
Recording Secretary