

**Ann Arbor City Council Regular Session: April 15, 2013
Email Redactions List Pursuant to Council Resolution R-09-386**

<u>Sent Time</u>	<u>Received Time</u>	<u>To</u>	<u>From</u>	<u>CC</u>	<u>Redactions</u>	<u>Reason for Redaction</u>
	11:55 PM	Teall, Higgins, Hieftje, Briere, Lumm	Margaret Ladd		email address	privacy
	10:17 PM	Briere	M. Fales	Postema, Crawford	entire email and attachments	attorney/client privilege
	10:11 PM	All council members and Mayor	C. Brummer		email address	privacy
	9:37 PM	All council members and Mayor	C. Brummer		email address	privacy
	8:31 PM	Warpehoski	M. Fales	Postema, Briere	entire email and attachments	attorney/client privilege
	8:17 PM	Jane Lumm	Edward Shaffran		email address	privacy
			Barb Kessler		email address	privacy
	7:18 PM	All council members and Mayor	Douglas White		email address	privacy
			Kathy Boris		email address	privacy

Sabra Briere
First Ward Ann Arbor
734-995-3518 (h)
734-277-6578 (c)

Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

Sent from my iPad

Move to Amend Section 1:156(2) to retain the existing (ALL CAPS) and proposed amending text as indicated below and delete the remainder of the proposed amendments (double strike through) and add a new substituting subsection effective Fiscal Year 2015-2016 as following:

1:156. Powers of the authority.

As provided in Act 197, the authority shall prepare a development plan and financing plan for the downtown district or a development area within the district. The authority must obtain city council approval of all development and financing plans. The authority shall possess all of the powers necessary to carry out the purposes of its incorporation and shall have all powers provided by Act 197 of the ~~Public Acts of 1975~~ with the following exceptions:

- (1) *Ad valorem taxes:* The authority shall not have the power to levy ad valorem taxes on the real and tangible personal property as finally equalized in the downtown district.
- (2) *Tax increment financing:* If the ~~downtown development~~ authority proposes a tax increment financing plan, it shall only plan the use of that portion of the captured assessed taxable value that is due to new construction and improvements to existing buildings after December 31, 1981 to implement the downtown plan and any amendments thereto.

~~Effective with the 2013 tax year and every tax year thereafter, taxes captured under an adopted tax increment financing plan shall be calculated and allocated among taxing authorities in accordance with the following:~~

If the captured assessed taxable valuation derived from new construction, and increase in value of property newly constructed or the increase in value of existing property improved subsequent thereto, GROWS AT A RATE FASTER is greater than that anticipated and adopted in the tax increment plan, at least 50% of such additional amounts shall be divided among the taxing units in relation to their proportion of the current tax levies. If the captured assessed taxable valuation derived from new construction GROWS AT A RATE OF OVER is greater than twice that anticipated and adopted in the plan, all of such excess additional amounts over twice that anticipated shall be divided among the taxing units in relation to their proportion of the current tax levies.

~~The authority shall determine the difference between the actual captured value and the adopted tax increment financing plan capture value using the realistic tax base growth calculation identified in the plan for real and personal property for each tax year. Absent designation of a realistic tax base growth calculation in any adopted plan, the application of this~~

~~section shall utilize the mean of all values illustrated by year.~~

Only after approval notice to and the opportunity to comment of by the governmental units may these restrictions be removed.

~~After the then earliest dated bond issue of the downtown development authority is retired, the captured assessed valuation prior to the date of sale for that issue shall be returned to the rolls on the next succeeding tax levy.~~

~~Tax funds that are paid to the downtown development authority due to the captured assessed value shall first be used to pay the required amounts into the bond and interest redemption funds and the required reserves thereto. Thereafter, the funds shall be distributed as set forth above or shall be divided among the taxing units in relation to their proportion of the current tax levies.~~

EFFECTIVE FOR THE FISCAL YEAR 2015-16, AND THEREAFTER, THE ABOVE LANGUAGE OF SECTION 1:156(2) OF THE CODE OF THE CITY OF ANN ARBOR SHALL NOT APPLY, AND THE FOLLOWING LANGUAGE SHALL APPLY:

(2) TAX INCREMENT FINANCING: EFFECTIVE FOR FISCAL YEAR 2015-15, AND THEREAFTER, IF THE AUTHORITY PROPOSES A TAX INCREMENT FINANCING PLAN, IT SHALL ONLY CAPTURE THAT PORTION OF THE TAXABLE VALUE THAT IS DUE TO NEW CONSTRUCTION AND IMPROVEMENTS TO EXISTING BUILDINGS AFTER DECEMBER 31, 1981 TO IMPLEMENT THE DOWNTOWN PLAN AND ANY AMENDMENTS THERETO. TAXES CAPTURED UNDER SUCH A PLAN SHALL BE CALCULATED AND ALLOCATED AMONG TAXING AUTHORITIES IN ACCORDANCE WITH THE FOLLOWING:

A) THE CITY SHALL TRANSMIT TO THE AUTHORITY THE AMOUNT OF SUCH CAPTURED TAXES PURSUANT TO ACT 197 AND THE AUTHORITY SHALL EXPEND TAX INCREMENT REVENUES AND DETERMINE THE REVERSION OF EXCESS CAPTURED TAXES ANNUALLY BASED ON THE FOLLOWING CONSIDERATIONS:

1. PAYMENT OF ALL DEBT SERVICE PAYMENTS FOR WHICH THE AUTHORITY HAS ASSUMED THE OBLIGATION TO REPAY, BY RESOLUTION AND/OR CONTRACT, WHEN DUE.
2. PAYMENT OF \$508,000 TO THE CITY IN SUPPORT OF THE COURTS/POLICE FACILITY UNTIL SUCH TIME AS THE CITY DEBT FOR THE FACILITY IS FULLY REPAID.
3. COMPLETION OF PROJECTS AS THE AUTHORITY MAY RECOMMEND TO THE CITY, IN ACCORDANCE WITH THE

TAX INCREMENT FINANCING PLAN, AND WHICH THE CITY HAS APPROVED BY RESOLUTION.

4. PROJECTS AS MAY BE DIRECTED BY THE CITY COUNCIL.
5. MAINTENANCE OF A FUND BALANCE, WHICH AMOUNT CITY COUNCIL MAY RECOMMEND AND WHICH THE AUTHORITY SHALL CONSIDER, AS PART OF ITS ADOPTION OF ITS ANNUAL BUDGET.

B) ON AN ANNUAL BASIS, THE CITY TREASURER SHALL RECOMMEND TO THE AUTHORITY A REVERSION OF EXCESS CAPTURED TAXES (IF ANY) BASED ON THE ABOVE CRITERIA.

C) THE AUTHORITY SHALL INCLUDE AS PART OF ITS ANNUAL REPORT TO CITY COUNCIL REQUIRED UNDER SECTION 15 OF ACT 197 WHETHER IT CONCURS WITH THE CITY TREASURER'S RECOMMENDATION AND IF NOT, THE BASIC FOR ANOTHER DETERMINATION.

Move to Amend New Section 1:160 add a new paragraph to proposed amendment as follows:

1:160. Annual Reporting

The authority shall prepare a tax increment financing (TIF) account Annual Report, consistent with the requirements of and in the form specified by the State of Michigan and file it with the City Clerk on or before the first regular session of City Council in January each year. Filing the authority's TIF account Annual Report with the City Clerk shall be in addition to and not as a replacement for any statutory or regulatory filing or publication requirements governing the TIF account Annual Report.

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

Allen, Jane

From: Margaret Ladd [REDACTED]
Sent: Monday, April 15, 2013 11:55 PM
To: Teall, Margie; Higgins, Marcia; Hieftje, John; Briere, Sabra; Lumm, Jane
Subject: 413 E Huron

I am watching the City Council meeting and just heard a speaker say that South University Area Association supported their position against the project before you tonight. I think they mean the South University Neighborhood Association.
Maggie.

Allen, Jane

From: Brummerceb [REDACTED]
Sent: Monday, April 15, 2013 10:11 PM
To: Briere, Sabra; Anglin, Mike; Hieftje, John; Kailasapathy, Sumi; Lumm, Jane; Petersen, Sally; Kunselman, Stephen; Taylor, Christopher (Council); Higgins, Marcia; Teall, Margie; Warpehoski, Chuck
Cc: Side Board Old West; Detter, Ray; Tyler Norm
Subject: Pioneering support of brownfield funding by the DDA

One of the several enabling legs of support for the 618 S Main project came directly through the efforts of the DDA.

Without the commitment of DDA members and their networks, this project would not have been possible in its present form. Brownfield funding was integral according to Dan Ketelaar of Urban Development Group.

The Old West Side has enjoyed the capacity of the DDA to learn, support and refine many endeavors affecting our neighborhood and downtown Ann Arbor. These have included several aspects of our parking resources, Y traffic congestion, potential uses of 415 W Washington and on and on.

We spoke in favor of the early renewal of term for the DDA many years ago and believe the function of the DDA remains essential.

Sent from C. Brummer

Allen, Jane

From: Brummerceb [REDACTED]
Sent: Monday, April 15, 2013 9:37 PM
To: Briere, Sabra; Anglin, Mike; Hieftje, John; Kailasapathy, Sumi; Lummi, Jane; Petersen, Sally; Kunselman, Stephen; Taylor, Christopher (Council); Higgins, Marcia; Teall, Margie; Warpehoski, Chuck
Subject: Respect: development next to historic gems--that both may long endure

Webster's Dictionary defines zoning as "to arrange in or mark off into zones; specifically : to partition (a city, borough, or township) by ordinance into sections reserved for different purposes (as residence or business)". The City of Ann Arbor has many zoning classifications which, in general, keep similar land uses together. For example, an industrial use is not permitted to locate in the middle of a residential area because the zoning for the residential area prohibits it. The zoning classifications are broken down into districts for residential, commercial, and industrial uses. There are also several special districts intended for certain areas or for certain types of development.

Zoning is the shorthand reference to all the components it embodies. It includes not only provisions labeled "zoning" but also those parts of the City Code addressing other "zones" such as historic districts.

At 413 E Huron we meet the juxtaposition of two zones. A protected historic district abuts a gateway corner important to downtown and its development.

In 1970, Michigan enacted Public Act 169 which declared historic preservation to be a public purpose. This enabling statute is intended to allow municipalities to extend legal protection for its designated, local historic districts.

In 1973, 1979 and 1983 the City of Ann Arbor specifically extended that umbrella to several properties including those next door and near to the proposed project.

That is is the basic point; 413 E Huron is not next door to just any properties. It is next to those wards of Council, those properties constituting the original heart of "Ann's Arbour."

When Council chose in 2009 not to use D2 zoning for the corner of Huron and Division, but to allow the much larger buildings and lot occupancy possible under D1, it made its own job that much more difficult in balancing that which it must protect with that which its development resources may build.

One of the strongest qualities of local historic district designation is that it can be tailored to the specific needs and distinct identity of the community, while helping to protect and preserve local resources, even while the community is changing.

The same was the announced vision of the A2D2 process which led to both the D1 and D2 designations.

Development that enhances both a historic district and the core downtown is important to the city's evolution since it ties past, present and future together. Change further indicates a healthy and lively community, and reflects the united pride and investment residents and other owners have in their neighborhood.

In our planning framework, community decisions are to be made through a structured participatory process rather than behind closed doors or without public comment.

We have followed this proposal from the citizens participation meeting to the Design Review Board to Planning Commission denial to several sessions and improved proposals here in front of Council and note that issues for massing, placement and height have been established but not addressed. Those considerations aside, you also have before you questions as to the adequacy of generic attempts to mitigate irreparable damage to carriage houses, foundations, old house fabrics of glass and plaster and those very old trees.

I urge you to question closely how to balance reasonable, contributory development at 413 E Huron and your duty to foster its venerable, vulnerable immediate neighbors to the north.

Sent from C. Brummer

Allen, Jane

From: Crawford, Tom
Sent: Monday, April 15, 2013 9:33 PM
To: Kailasapathy, Sumi
Subject: fyi

I'd have to look at the doc some more. I don't recognize any of the numbers, so I'm missing something.

Allen, Jane

From: Lumm, Jane
Sent: Monday, April 15, 2013 8:17 PM
To: Jane Lumm
Subject: Fwd: Please vote against the DDA ordinance change to preserve affordable housing

Sent from my iPhone

Begin forwarded message:

From: Edward Shaffran [REDACTED]
Date: April 15, 2013 4:36:42 PM EDT
To: "Lumm, Jane" <JLumm@a2gov.org>
Subject: Re: Please vote against the DDA ordinance change to preserve affordable housing

Jane,

I love her dearly ... your not telling me anything I do not already know. It's what she does.

Ed

On Apr 15, 2013, at 4:33 PM, "Lumm, Jane" <JLumm@a2gov.org> wrote:

Susan's worry -as she expressed at the HHSAB mtg. - was that the DDA wouldn't be able to support projects within and outside the DDA. So, I introduced an amendment to address her concern, but all the human service advocates are saying basically, DDA needs more \$ to support human services -- which is consistent w/Susan's appeal. According to Susan, and she clearly was putting this forth as a point in DDA's favor, the DDA does more for aff. hsg. than the City. She made a big deal out of this. She can be all things to all people

Again, just calling it like I see it.

Sent from my iPhone

On Apr 15, 2013, at 4:24 PM, "Edward Shaffran" [REDACTED] wrote:

Jane,

How many projects are within the DDA area or are they near the DDA area? Big difference.

Ed

On Apr 15, 2013, at 4:22 PM, "Lumm, Jane" <JLumm@a2gov.org> wrote:

... just a sample of the lobbying. The supporters of today's DDA are not what you'd expect...

Sent from my iPhone

Begin forwarded message:

From: Barb Kessler [REDACTED]
Date: April 15, 2013 4:15:53 PM EDT
To: "JHieftje@a2gov.org" <JHieftje@a2gov.org>,
"skailasapathy@a2gov.org" <skailasapathy@a2gov.org>,
"Sbriere@a2gov.org" <Sbriere@a2gov.org>,
"JLumm@a2gov.org" <JLumm@a2gov.org>,
"SPetersen@a2gov.org" <SPetersen@a2gov.org>,
"CTaylor@a2gov.org" <CTaylor@a2gov.org>,
"SKunselman@a2gov.org" <SKunselman@a2gov.org>,
"MHiggins@a2gov.org" <MHiggins@a2gov.org>,
"MTeall@a2gov.org" <MTeall@a2gov.org>,
"CWarpehoski@a2gov.org" <CWarpehoski@a2gov.org>,
"MAnglin@a2gov.org" <MAnglin@a2gov.org>
Subject: Please vote against the DDA ordinance change to
preserve affordable housing

Dear Mayor Hieftje and members of the City Council,

I write in my capacity as president of the **Board of Trustees of Avalon Housing, Inc.**, the largest provider of supportive and affordable housing in our community.

I write to ask you to vote against the proposed change to the DDA ordinance.

The present DDA structure has allowed the DDA to provide significant financial support for affordable housing for many years. Since 1999, the DDA has been the most significant source of local public support for affordable housing. ***During a period when the City's budget severely limited contributions to the Ann Arbor Affordable Housing Trust Fund, the DDA invested \$2,380,438 to help develop and sustain the affordable housing stock in and immediately adjacent to downtown.*** This complemented the \$1,799,726 in local funds invested by the City between 1999 and 2010.

The DDA is one of the last and most important sources of funding for affordable housing in our community.

Please vote against the proposed DDA ordinance change.

Thank you.

Barbara L. Kessler

Attorney and Mediator

Kessler Mullkoff & Hooberman

402 W. Liberty

Ann Arbor, MI 48103

734-761-8585

734-761-6166 fax

Allen, Jane

From: [REDACTED] on behalf of Douglas White [REDACTED]
Sent: Monday, April 15, 2013 7:18 PM
To: Hieftje, John; Briere, Sabra; Kailasapathy, Sumi; Lumm, Jane; Petersen, Sally; Kunselman, Stephen; Taylor, Christopher (Council); Higgins, Marcia; Teall, Margie; Anglin, Mike; Warpehoski, Chuck
Subject: 413 E Huron St site plan

Dear Mayor and City Council Members,

I am in total agreement with the letter (below) which you have received from Kathy Boris regarding the 413 E. Huron St. site plan. Further, in my opinion, this is a highly dubious project, which seems primarily geared to make money for the developers rather than to bring a needed, helpful and welcome improvement to the city.

Very truly yours,

Douglas White
[REDACTED]

On Mon, Apr 15, 2013 at 5:09 PM, Kathy Boris [REDACTED] wrote:

Dear Mayor and City Council Members:

The proposed site plan for 413 E Huron is defective in that it does not comply with the current zoning code regarding setbacks. Eppie Potts raised this concern a few weeks ago, at an earlier part of this public hearing, because it appears that no one else—including city staff and the Planning Commission—has looked into this issue. That's why, before approving the developer's site plan, the City Council must decide for themselves whether they believe the site plan is in compliance or not regarding the specified setbacks.

If the city council believes that setbacks, like property lines, extend both up into the air and below ground, in a plane, then you cannot rightfully approve this site plan. The developer clearly believes that setbacks apply only to the surface of the property, and so he has designed his building to fulfill the requirement of setbacks only on the first story, only where the building meets the soil. With some minor variations, both below ground and from the second story upward he intends to build out to the property line. This represents a great over-stepping on his part and an insult to the meaning of those who wrote the zoning code and required the setbacks.

So, please discuss and decide whether or not you believe the current site plan for 413 E Huron meets the setback requirements of the zoning code before you consider giving your approval to this project.

Thank you.

Kathy Boris
[REDACTED]



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