

# City of Ann Arbor

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



## Action Minutes

Thursday, August 4, 2016

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 3:30 p.m. in Council Chambers.

**CALL TO ORDER**

*Mayor 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**

**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 Briere, seconded by Councilmember Grand, that the Agenda be approved. On a voice vote, the Mayor declared the motion carried.**

**AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

**AC-1 16-1153** Agenda Response Memo - August 4, 2016

**Attachments:** Agenda Responses 8-4-16 Final

*Interim City Administrator Tom Crawford presented the City Administrator's 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. Frank Wilhelme - Library Lot Resolution (DC-6)**

*Frank Wilhelme, 1405 Lutz, spoke in support of DC-6, a resolution to place the Library Lot question on the ballot for voters to decide. He stated funding for a future park can be found using DDA parking money.*

**2. Douglas Aikenhead - Public Vote on Library Lot (DC-6)**

*Douglas Aikenhead, 583 Glendale, spoke in support of DC-6. He urged Council to vote in support of democracy.*

**3. Kathy Boris - Ann Arbor City Charter - Designate a Civic Center (DC-6)**

*Kathy Boris, 1726 Charlton, urged Council to support DC-6 and let the voters decide. She asked Council to vote in support of democracy.*

**4. Lynn Borset - Library Lot Proposal (DC-6)**

*Lynn Borset, 322 Virginia, spoke in support of DC-6. She spoke about the citizen-initiated petition process, stating over 5000 voters from all five of the City's wards and of all ages signed the Library Lot petition. She urged Council to support democracy.*

**5. Rita Mitchell - Resolution regarding Public Vote – Library Lot (DC-6)**

*Rita Mitchell, 621 Fifth, spoke in support of DC-6 and urged Council to vote for the democratic process.*

**6. Kathy Griswold - Transportation Safety Violating Federal and State Laws**

*Kathy Griswold, 3565 Fox Hunt, spoke about pedestrian safety and urged Council to adopt the Uniform Traffic Safety Standards.*

**7. Dan Meisler - Human Rights Commission Proposal for a Citizens Review Board for AAPD**

*Dan Meisler, 1414 Saunders Crescent, spoke in support of a citizen review board for the Ann Arbor Police Department.*

**CC COMMUNICATIONS FROM COUNCIL***COUNCILMEMBER SMITH*

*Councilmember Smith spoke about Tuesday's election results and thanked Ann Arbor voters for their overwhelming support for the City's roads and transportation infrastructure.*

*COUNCILMEMBER EATON*

*Councilmember Eaton spoke about the Cable Communications Commission. He urged members of the public who are interested in serving to contact the Mayor's Office. He noted that the Commission meets quarterly and current discussions include the possibility of providing closed captioning for CTN broadcasts.*

*COUNCILMEMBER GRAND*

*Councilmember Grand stated she will be absent at the next Regular Council Meeting (August 15).*

**MC COMMUNICATIONS FROM THE MAYOR****MC-1 16-1120 Resolution to Reappoint Two Members to the Ann Arbor-Ypsilanti SmartZone LDFA Board**

**Sponsors:** Taylor

**Attachments:** Graydon Krapohl app..pdf, Carrie Leahy app. 2016.pdf

**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.**

Enactment No: R-16-301

**MC-2 16-1132 Appointments & Nominations**

**Attachments:** Jeremy Peters app.2016.pdf, Paige Morrison app. 2016.pdf, Vivian Chang app. 2016.pdf, Lee Meadows app. 2016.pdf, Joel Panozzo app. 2016.pdf

Mayor Taylor presented the following nominations to Council for approval at a later date:

*Ann Arbor Housing Commission*

*Lee Meadows- Filling partial term  
Professor of Management at Walsh College  
1420 Bardstown Trail  
Ann Arbor, MI 48105  
Term: Ending May 3, 2021*

*Human Rights Commission*

*Vivian Chang- Filling partial term  
Attorney  
703 W. Madison St.  
Ann Arbor, MI 48103  
Term: Ending May 31, 2019*

*Parks Advisory Commission*

*Paige Morrison -Filling partial term  
410 W. Keech Ave.  
Ann Arbor, MI 48103  
Term: Ending May 31, 2019*

*Public Market Advisory Commission*

*Joel Panozzo -Filling remaining term of Amiee Germain (resigned)  
Market shopper/Co-owner of The Lunchroom  
1618 Pear St.  
Ann Arbor, MI 48105  
Term: Ending May 31, 2017*

*Zoning Board of Appeals*

*Jeremy Peters-Filling partial term  
830 W. Huron St.  
Ann Arbor, MI 48103  
Term: Ending May 31, 2019*

**Referred to the City Council due back on 8/15/2016.**

**CA CONSENT AGENDA**

**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 16-1053** Resolution Recognizing Haiti Nursing Foundation as a Civic Nonprofit Organization Operating in Ann Arbor for the Purpose of Obtaining a Charitable Gaming License

Enactment No: R-16-302

- CA-2 16-1093** Resolution to Approve Street Closure of State Street between South University and William Streets for the University of Michigan Office of New Student Programming's Post-Convocation Events on Friday, September 2, 2016 from 5:00 PM until 12:00 Midnight on Saturday, September 3, 2016

**Attachments:** Post Convocation Picnic Map.pdf

Enactment No: R-16-303

- CA-3 16-1094** Resolution to Approve Street Closure of North University between Fletcher and Thayer Streets for the University of Michigan Go Blue Mix on Saturday, September 3, 2016 from 4:00 PM until Sunday, September 4, 2016 at 12:00 AM

**Attachments:** Go Blue Mix Map

Enactment No: R-16-304

- CA-4 16-0916** Resolution to Approve a Services Agreement with Utilities Instrumentation Service for Electrical and Instrumentation Support Services (\$120,000.00)

**Attachments:** RFP\_975\_Document, RFP\_975\_ProposalTab, RFP\_975\_UIS Proposal, FEE\_UIS

Enactment No: R-16-305

- CA-5 16-0950** Resolution to Approve a Contract with Spence Brothers for Water Treatment Plant Steere Farm Well Engine Replacement Project - ITB #4440 (\$2,945,500.00)

**Attachments:** Spence Brothers ITB 4440, Spence Brothers Contract Steere Farm ITB 4440

Enactment No: R-16-306

**CA-6 16-0967** Resolution for Approval of Amendment No. 1 to the Professional Services Agreement with Tetra Tech of Michigan, PC for the Steere Farm Engine Replacement Project (\$119,931.00)

Enactment No: R-16-307

**CA-7 16-0915** Resolution to Approve a Services Agreement with Sea-Side Diving, Inc. for Dive Inspection Services (\$75,000.00)

**Attachments:** RFP\_974\_Document, RFP\_974\_Addendum1, RFP\_974\_ProposalTab, RFP\_974\_SeaSide, FEE\_SeaSide

Enactment No: R-16-308

**CA-9 16-1099** Resolution to Ratify the Emergency Purchase Order Request for Recycling Processing with Royal Oak Recycling (\$42,000.00)

**Attachments:** Royal Oak Recycling Emergency Auth.pdf

Enactment No: R-16-309

**CA-8 16-0963** Resolution to Award a Construction Contract to Verdeterre Contracting, Inc. for the Orchard Hills Water Main Extension Project (\$153,293.50; Bid No. ITB-4439)

**Attachments:** Ex. 1, ITB 4439, Ex. 2, Bid Tab

Enactment No: R-16-310

**CA-10 16-1100** Resolution to Ratify the Emergency Purchase Order Request for Recycling Processing with Western Washtenaw Recycling Authority (\$36,000.00)

**Attachments:** Western Washtenaw Recycling Emergency Auth.pdf

Enactment No: R-16-312

**CA-11 16-1104** Resolution to Ratify the Emergency Purchase Order Request for City Owned MRF/Transfer Station Facility Evaluation and Temporary Operating Services with Waste Management of Michigan, Inc.

(\$295,690.00)

**Attachments:** Waste Management Recycling Emergency Auth.pdf

Enactment No: R-16-311

**CA-12 16-0959**

Resolution to Approve Purchase of eCopy ShareScan Elements Software and eCopy Connector Licensing from Hasselbring Clark (\$27,270.00)

**Attachments:** Ann Arbor City of eCopy ShareScan Quotation June 2016.pdf

Enactment No: R-16-313

**CA-13 16-0960**

Resolution to Approve Addition of Licensing Products to Existing Three-Year Support Agreement with Microsoft Corporation via Dell Marketing (\$30,927.10)

**Attachments:** Visio Project Licenses City of Ann Arbor Additional Prod 5-20.pdf

Enactment No: R-16-314

**CA-14 16-0969**

Resolution to Approve a Purchase Order to Cogsdale Corporation for Annual Software Maintenance and Support Agreement for FY2017 (\$83,010.00)

Enactment No: R-16-315

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

**PH-1 16-1049**

Resolution to Approve New Farmers Market Enclosure Site, 315 Detroit Street (CPC Recommendation: Approval - 8 Years and 0 Nays)

**Attachments:** July 12, 2016 Staff Report with Attachments, farmers\_market\_process document update\_april\_2016, 7-12-2016 CPC Minutes for Farmers Market.pdf, June PAC Memo Farmers Market Infrastructure Project

*A public hearing was conducted on the proposed resolution to approve New Farmers Market Enclosure Site, 315 Detroit Street. Notice of public hearing was published July 25, 2016.*

*The following people were present to speak:*

*Debbie Marx, a vendor at the Market, spoke in opposition.*

*An unidentified vendor, identifying herself as the "Grandma" of the market, spoke in opposition.*

*Dennis Martin, a vendor at the Market, spoke in opposition.*

*Bruce Upston, a vendor at the Market, spoke in opposition*

*Karlene Goetz, a vendor and member of the Public Market Advisory Commission, spoke in support.*

*Jeff Hayner, 1807 Pontiac Trail, spoke in opposition, expressing concern about the costs of the construction.*

*Janis Sin, a vendor at the Market, spoke in opposition.*

*Jill Lada, owner of Green Things and a Public Market Advisory Commission member, spoke in support, stating the change will help newer vendors.*

*Janna Field, owner of Field Farms, spoke in opposition.*

*Eric Kampe, 817 Pomona, spoke in support.*

*Bo Schlander, a City resident, spoke in opposition.*

*Meredith Kahn, Ann Arbor Seed Company owner and City resident, spoke in support.*

*Joel Panozzo, owner of the Lunch Box, spoke about the start-up of his restaurant from a kitchen, and spoke in support of the project.*

*Mary Wessel Walker, City resident and owner of Harvest Kitchen, spoke in support.*

*Laura Birch, manager at Argus Farm Shop, spoke in support.*

*Victoria Fox, artisan at the Market, not opposed, but expressed concerns about the current structure.*

*Betsy Newberry, spoke in opposition.*

*Kathy Boris, resident, spoke in opposition urging Council to make repairs to the existing structure and preserve it.*

*Darren Otis, vendor, spoke in opposition, stating parking constraints will become an even bigger problem.*

*Carol Brooks, a 35-year vendor, spoke in opposition.*

*David Santacroce, a member of PAC and the Market Commission, spoke in support.*

*Rena Basch, a Farmer's Market shopper, and winter vendor, spoke in support.*

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

**Held and Closed**

Enactment No: R-16-318

**PH-2 16-1054**

An Ordinance to Add a New Section 9:328a, to Amend Sections 9:328, 9:329 and 9:333, and to Repeal Sections 9:330, 9:331, and 9:332 of

Chapter 118, Tobacco Regulation, of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-16-17)

**Sponsors:** Grand, Warpehoski, Westphal, Briere and Taylor

**Attachments:** 16-17 Tobacco Regulation Chapter 118 Briefed as Amended and Approved.pdf, 16-17 Tobacco Regulation Chapter 118 Briefed as Amended and Approved.docx, 16-17 Tobacco Regulation Chapter 118 Briefed as Amended, Tobacco Regulation Chapter 118, Tobacco Ordinance Communication.pdf, Tobacco Ordinance Communication from Kendall Stagg.pdf, B-1 Cliff Douglas Statement on behalf of ACS CAN (2016-08-04), Tobacco 21 Letter.pdf, Tobacco 21.pdf

*A public hearing was conducted on the proposed Ordinance to Add a New Section 9:328a, to Amend Sections 9:328, 9:329 and 9:333, and to Repeal Sections 9:330, 9:331, and 9:332 of Chapter 118, Tobacco Regulation, of Title IX of the Code of the City of Ann Arbor. Notice of public hearing was published July 25, 2016.*

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

*Michael Miller, of St. Joseph Mercy Health System, spoke in support of the ordinance, stating the life-saving benefits of raising the minimum age for tobacco use.*

*Cliff Douglas, professor at UM, spoke in support and urged Ann Arbor to be a leader in the State in this issue.*

*Kendall Stagg, Trinity Health, spoke in support of the ordinance on behalf of Trinity.*

*Dr. Doug Arenberg, surgeon at UM Hospital with an expertise in lung cancer, spoke in support of the ordinance.*

*An unidentified medical doctor from UM Hospital, with work in lung diseases, spoke in support.*

*Phillip Stella, Cancer Center Director at St. Joseph Mercy Health, thanked Council for taking up this issue and spoke in support.*

*Kai Petainen, resident, thanked Council.*

*Jessie Marshall, Washtenaw County Public Health Medical Director, spoke in support.*

*Dave Hodgkins, American Heart Association, spoke in support.*

*Chris Franklin, Chair of the American Indians Veterans of Michigan, spoke in support.*

*Jim Mogensen, City resident*

*Jodi Radke, Director for Tobacco Free Kids, spoke in support of the ordinance, noting that tobacco is currently the only drug allowed to be purchased by high school students.*

*Euphemia Franklin, Michigan Multicultural Network, spoke in support.*

*Chris Rosenthal, owner of Tobacco Rose Cigars, spoke in opposition, stating 18 is the legal age for many activities. He stated this ordinance does not allow for a level playing field as 18-21 year olds will just buy in a neighboring community.*

*Angela Clock, Executive Director of Tobacco Free Michigan, spoke in support.*

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

**Held and Closed**

Enactment No: ORD-16-17

**RECESS**

*Mayor Taylor declared a recess at 9:04 p.m. and reconvened the meeting at 9:14 p.m.*

**PH-3 16-0831**

An Ordinance to Amend Section 5:1(1), 5:10.2, 5:10.4, 5:10.5 and 5:10.10 of Chapter 55 (Zoning Ordinance) of Title V of the Code of the City of Ann Arbor (Accessory Dwelling Units) (Ordinance No. ORD-16-16)

**Attachments:** 16-16 ADU Ordinance - As Amended at First Reading 070716 Briefed and Approved.pdf, 16-16 ADU Ordinance - As Amended at First Reading 070716 Briefed.pdf, ADU Ordinance - As Amended at First Reading 070716, ADU Ordinance - 7-7-16 Council.pdf, ADU Staff Report with Attachments-4-19-2016, City council ADU 1st reading memo 6-30 edits FINAL.pdf

*A public hearing was conducted on the proposed amendment to Chapter 55, Section 5:1(1), 5:10.2, 5:10.4, 5:10.5 and 5:10.10 (Zoning Ordinance) of Title V of the Code of the City of Ann Arbor (Accessory Dwelling Units) Notice of public hearing was published July 14, 2016.*

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

*Jeff Hayner, 1807 Pontiac Trail*

*Ethel Potts, 1014 Elder Boulevard, expressed concerns about the impact of this ordinance on existing neighborhoods.*

*Judy Bonnell-Wenzel, 2771 Braeburn Circle, spoke in support.*

*An unidentified speaker stated he currently lives in an "in-law" unit. He asked Council's support to make these units legal.*

*Jim Mogensen, 2422 Packard, spoke in support.*

*Gwen Nystuen, 1016 Olivia, expressed concerns about the ordinance language and the definition of family.*

*Wendy Rampson, 305 Pauline, spoke in support of the ordinance and any additional steps in support of affordable housing.*

*An unidentified speaker spoke about homelessness issues and stated this ordinance is one piece of the solution.*

*Jerry Schulte, 3334 Yellowstone, spoke in opposition and urged Council to protect neighborhoods.*

*Kathy Boris, 1726 Charlton, spoke in opposition, and urged Council to vote no and to protect single-family neighborhoods.,*

*Edward Vielmetti, 1210 Brooklyn, questioned what neighborhoods actually have lots large enough to support an ADU.*

*Mary Browning, 1229 Wines Drive, spoke in support.*

*An unidentified Kerrytown resident spoke in support.*

*Peter Nagourney, 914 Lincoln, spoke in opposition, stating ADUs will not be affordable.*

*Wendy Carman, 2340 Georgetown, spoke in opposition, stating the ordinance will not result in affordable housing.*

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

#### **Held and Closed**

Enactment No: ORD-16-16

#### **PH-4 16-0829**

An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 2.0 Acres from M1 (Limited Industrial District) to R4D With Conditions (Multiple-Family Dwelling District with Conditions), Kingsley Condominiums Conditional Rezoning, 221 Felch Street and 214 West Kingsley Street (CPC Recommendation: Denial - 5 Years and 3 Nays) (Ordinance No. ORD-16-15)

**Attachments:** 16-15 Kingsley Condominiums Rezoning Ordinance Briefed and approved.pdf, 16-15 Kingsley Condominiums Rezoning Ordinance Briefed and approved.docx, 16-15 Kingsley Condominiums Rezoning Ordinance Briefed.pdf, Ordinance (Kingsley Condominiums, 221 Felch).pdf, Conditional Zoning Statement of Conditions (Draft 5-26-16).pdf, May 4, 2016 Draft Development Agreement.pdf, May 17, 2016 Planning Staff Report, 3-1-2016 CPC Minutes for Kingsley Condos-221 Felch Site Plan, 4-5-2016 CPC Minutes for Kingsley Condos-221 Felch Site Plan, 5-17-2016 CPC Minutes for Kingsley Condos-221 Felch Site Plan, Letter of Support for Kingsley Condos.pdf, Ann Arbor RR Kingsley rezoning exception letter

*A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 2.0 Acres from M1 (Limited Industrial District) to R4D With Conditions (Multiple-Family Dwelling District with Conditions), Kingsley Condominiums Conditional Rezoning, 221 Felch Street and 214 West Kingsley Street. Notice of public hearing was published July 18, 2016.*

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

*Fred Beal, representing the property owner, spoke about the project and was available to answer any questions of Council.*

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

**Held and Closed**

Enactment No: ORD-16-15

**PH-5 16-0830**

Resolution to Approve Kingsley Condominiums Planned Project Site Plan and Development Agreement, 221 Felch Street and 214 West Kingsley Street (CPC Site Plan Recommendation: Denial - 5 Years and 3 Nays)

**Attachments:** May 17, 2016 Planning Staff Report, Development Agreement 7-29-16, KingsleyCondominiumsDevelopmentAgreement7-19.docx, 3-1-2016 CPC Minutes for Kingsley Condos-221 Felch Site Plan.pdf, 4-5-2016 CPC Minutes for Kingsley Condos-221 Felch Site Plan.pdf, 5-17-2016 CPC Minutes for Kingsley Condos-221 Felch Site Plan.pdf, Ann Arbor RR Kingsley rezoning exception letter

*A public hearing was conducted on the proposed resolution to Approve Kingsley Condominiums Planned Project Site Plan and Development Agreement, 221 Felch Street and 214 West Kingsley Street. Notice of public hearing was published July 25, 2016.*

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

*Tim Lang, Superior Township resident, spoke in support.*

*Ethel Potts, 1014 Elder Boulevard, expressed concerns about building in the floodway.*

*J. Bradley Moore, architect, spoke about the project and was available to answer any questions.*

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

**Held and Closed**

Enactment No: R-16-319

**PH-6 16-0994**

Resolution to Approve the 221 & 223 Felch Street and 214 West Kingsley Street Brownfield Plan

**Sponsors:** Eaton, Smith, Warpehoski and Westphal

**Attachments:** Kingsley Condo Brownfield Plan 01 25 2016

*A public hearing was conducted on the proposed resolution to approve the 221 & 223 Felch Street and 214 West Kingsley Street Brownfield Plan. Notice of public hearing was published July 25, 2016.*

*The following person was present to speak at the hearing:*

*Ed Vielmetti, 1210 Brooklyn*

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

**Held and Closed**

Enactment No: R-16-320

**A APPROVAL OF COUNCIL MINUTES**

**A-1 16-1139**

Regular Session Meeting Minutes of July 18, 2016

**Attachments:** 07-18-16 Draft Minutes, Council emails 7-18-2016.pdf

**A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the Regular Session Meeting minutes of July 18,**

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2016 be approved. On a voice vote, the Mayor declared the motion carried.

## B ORDINANCES - SECOND READING

**B-1 16-1054** An Ordinance to Add a New Section 9:328a, to Amend Sections 9:328, 9:329 and 9:333, and to Repeal Sections 9:330, 9:331, and 9:332 of Chapter 118, Tobacco Regulation, of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-16-17)

**Sponsors:** Grand, Warpehoski, Westphal, Briere and Taylor

**Attachments:** 16-17 Tobacco Regulation Chapter 118 Briefed as Amended and Approved.pdf, 16-17 Tobacco Regulation Chapter 118 Briefed as Amended and Approved.docx, 16-17 Tobacco Regulation Chapter 118 Briefed as Amended, Tobacco Regulation Chapter 118, Tobacco Ordinance Communication.pdf, Tobacco Ordinance Communication from Kendall Stagg.pdf, B-1 Cliff Douglas Statement on behalf of ACS CAN (2016-08-04), Tobacco 21 Letter.pdf, Tobacco 21.pdf

**A motion was made by Councilmember Grand, seconded by Councilmember Briere, that the Ordinance be adopted on Second Reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 9 - Councilmember Briere, Councilmember Kailasapathy, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

**Nays:** 2 - Councilmember Lumm and Councilmember Eaton

Enactment No: ORD-16-17

**B-2 16-0831** An Ordinance to Amend Section 5:1(1), 5:10.2, 5:10.4, 5:10.5 and 5:10.10 of Chapter 55 (Zoning Ordinance) of Title V of the Code of the City of Ann Arbor (Accessory Dwelling Units) (Ordinance No. ORD-16-16)

**Attachments:** 16-16 ADU Ordinance - As Amended at First Reading 070716 Briefed and Approved.pdf, 16-16 ADU Ordinance - As Amended at First Reading 070716 Briefed.pdf, ADU Ordinance - As Amended at First Reading 070716, ADU Ordinance - 7-7-16 Council.pdf, ADU Staff Report with Attachments-4-19-2016, City council ADU 1st reading memo 6-30 edits FINAL.pdf

**Councilmember Smith moved, seconded by Councilmember Warpehoski, that the Ordinance be adopted on Second Reading.**

Enactment No: ORD-16-16

**A motion was made by Councilmember Lumm, seconded by Councilmember**

**Kailasapathy, that the Ordinance be amended as follows:**

**Revise Section 5:10.2 (4) (d) amendment to item 8:**

**"...at least 1 off-street parking space shall be provided for the ADU. Tandem or stacked parking in a driveway may count toward the off-street parking requirement if not located in the front yard setback."**

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

**Yeas:** 3 - Councilmember Lumm, Councilmember Kailasapathy and Councilmember Eaton

**Nays:** 8 - Councilmember Briere, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Enactment No: ORD-16-16

**A motion was made by Councilmember Eaton, seconded by Councilmember Lumm, that the Ordinance be postponed at Second Reading to the City Council, due back on 8/15/2016. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:**

**Yeas:** 3 - Councilmember Lumm, Councilmember Kailasapathy and Councilmember Eaton

**Nays:** 8 - Councilmember Briere, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Enactment No: ORD-16-16

**The question being, the motion made by Councilmember Smith, seconded by Councilmember Warpehoski, that the Ordinance be adopted as originally presented on Second Reading, on a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 8 - Councilmember Briere, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

**Nays:** 3 - Councilmember Lumm, Councilmember Kailasapathy and Councilmember Eaton

Enactment No: ORD-16-16

## RECESS

*Mayor Taylor declared a recess at 11:15 p.m. and reconvened the meeting at 11:23 p.m.*

from M1 (Limited Industrial District) to R4D With Conditions (Multiple-Family Dwelling District with Conditions), Kingsley Condominiums Conditional Rezoning, 221 Felch Street and 214 West Kingsley Street (CPC Recommendation: Denial - 5 Yeas and 3 Nays) (Ordinance No. ORD-16-15)

**Attachments:** 16-15 Kingsley Condominiums Rezoning Ordinance Briefed and approved.pdf, 16-15 Kingsley Condominiums Rezoning Ordinance Briefed and approved.docx, 16-15 Kingsley Condominiums Rezoning Ordinance Briefed.pdf, Ordinance (Kingsley Condominiums, 221 Felch).pdf, Conditional Zoning Statement of Conditions (Draft 5-26-16).pdf, May 4, 2016 Draft Development Agreement.pdf, May 17, 2016 Planning Staff Report, 3-1-2016 CPC Minutes for Kingsley Condos-221 Felch Site Plan, 4-5-2016 CPC Minutes for Kingsley Condos-221 Felch Site Plan, 5-17-2016 CPC Minutes for Kingsley Condos-221 Felch Site Plan, Letter of Support for Kingsley Condos.pdf, Ann Arbor RR Kingsley rezoning exception letter

**A motion was made by Councilmember Briere, seconded by Councilmember Kailasapathy, that the Ordinance be adopted on Second Reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

- Yeas:** 8 - Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith
- Nays:** 3 - Councilmember Briere, Councilmember Kailasapathy and Councilmember Eaton

Enactment No: ORD-16-15

**C ORDINANCES - FIRST READING**

None.

**D MOTIONS AND RESOLUTIONS**

**D Unfinished Business Council:**

**DC-1 16-1051 Resolution to Appoint Luay Shalabi to the Human Rights Commission (7 Votes Required)**

**Sponsors:** Taylor

**Attachments:** Luay Shalabi application 2016.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 seven-vote requirement.

Enactment No: R-16-316

**DC New Business - Council:**

**DC-2 16-1128** Resolution for Community Events Fund Disbursements from the FY 2017 Budget

Sponsors: Grand and Warpehoski

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

Enactment No: R-16-317

**DC-3 16-1135** Resolution to Amend Rule 5A of the City Council Rules

Sponsors: Warpehoski

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

A motion was made by Councilmember Warpehoski, seconded by Councilmember Eaton, that the Resolution be referred to the Council Rules Committee. On a voice vote, the Mayor declared the motion carried.

**DC-4 16-1137** Resolution to Order November 8, 2016, Election and to Determine Ballot Question for Charter Amendment for the 2017 Street, Bridge, and Sidewalk Millage if August 2, 2016, Ballot Question for Street, Bridge, and Sidewalk Millage Fails **(7 Votes Required)**

Sponsors: Lumm and Eaton

*The motion to approve the resolution (moved by Councilmember Lumm, seconded by Councilmember Eaton) was withdrawn.*

**Withdrawn**

**DC-5 16-1138** Resolution of Intent on the Use and Administration of the Street, Bridge, and Sidewalk Millage Funds

Sponsors: Lumm and Eaton

**Attachments:** 2016 Use Resolution Attachment A JLumm 8-4-16

**Withdrawn**

**DC-6 16-1136** Resolution to Order Election, Approve Charter Amendment of the Ann Arbor City Charter to Add a New Section Defining and Designating a District as a Civic Center Commons to Chapter 1, Name and Boundaries, of the City Charter and Determine the Ballot Language for This Amendment (**7 Votes Required**)

**Sponsors:** Eaton, Briere, Lumm and Kailasapathy

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

**Yeas:** 4 - Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy and Councilmember Eaton

**Nays:** 7 - Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Enactment No:

**DB New Business - Boards and Commissions:**

**DB-1 16-1049** Resolution to Approve New Farmers Market Enclosure Site, 315 Detroit Street (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

**Attachments:** July 12, 2016 Staff Report with Attachments, farmers\_market\_process document update\_april\_2016, 7-12-2016 CPC Minutes for Farmers Market.pdf, June PAC Memo Farmers Market Infrastructure Project

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

Enactment No: R-16-318

**A motion was made by Councilmember Lumm, seconded by Councilmember Eaton, that the Resolution be postponed until 9/19/2016. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:**

**Yeas:** 3 - Councilmember Lumm, Councilmember Kailasapathy and Councilmember Eaton

**Nays:** 8 - Councilmember Briere, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Enactment No: R-16-318

*Councilmember Warpehoski called for the question after more than thirty minutes of discussion.*

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

**Yeas:** 8 - Councilmember Briere, Councilmember Kailasapathy, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

**Nays:** 3 - Councilmember Lumm, Councilmember Warpehoski and Councilmember Eaton

Enactment No: R-16-318

**DB-2 16-0830**

Resolution to Approve Kingsley Condominiums Planned Project Site Plan and Development Agreement, 221 Felch Street and 214 West Kingsley Street (CPC Site Plan Recommendation: Denial - 5 Yeas and 3 Nays)

**Attachments:** May 17, 2016 Planning Staff Report, Development Agreement 7-29-16, KingsleyCondominiumsDevelopmentAgreement7-19.docx, 3-1-2016 CPC Minutes for Kingsley Condos-221 Felch Site Plan.pdf, 4-5-2016 CPC Minutes for Kingsley Condos-221 Felch Site Plan.pdf, 5-17-2016 CPC Minutes for Kingsley Condos-221 Felch Site Plan.pdf, Ann Arbor RR Kingsley rezoning exception letter

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

Enactment No: R-16-319

**DB-3 16-0994**

Resolution to Approve the 221 & 223 Felch Street and 214 West Kingsley Street Brownfield Plan

**Sponsors:** Eaton, Smith, Warpehoski and Westphal

**Attachments:** Kingsley Condo Brownfield Plan 01 25 2016

**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.**

Enactment No: R-16-320

**DS New Business - Staff:**

**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 Warpehoski, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.

- F-1 16-1102** LDFA Term Expirations
- F-2 16-1119** Public Hearing Notice from the Michigan Department of Environmental Quality regarding WRD/Public Notice for File No. 2G5-C4MR-KXZY - Systems Planning  
**Attachments:** DEQ Public Notice Announcement.pdf
- F-3 16-1124** Communication from Cheri Arwood Executive Administrator of the State of Michigan regarding receipt of proposed City of Ann Arbor Charter Amendment for the November 2016 General Election - File  
**Attachments:** City Charter Amendment Communication from State.pdf

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

- G-1 16-0925** Zoning Board of Appeals Meeting Minutes of May 25, 2016  
**Attachments:** 5-25-2016 ZBA Minutes with Live Links.pdf

- G-2**      **16-0941**      Park Advisory Commission Meeting Minutes of May 17, 2016  
  
**Attachments:**      PAC Meeting Minutes for May 17 2016
- G-3**      **16-1017**      Downtown Development Authority Board and Executive, Partnerships, Finance, Operations and Capital Improvement Committees meeting Minutes of June 2016  
  
**Attachments:**      DDA Minutes June 2016
- G-4**      **16-1018**      Downtown Area Citizens Advisory Council Meeting Minutes of July 5 2016  
  
**Attachments:**      Downtown Area Citizens Advisory Council Meeting Minutes 070716
- G-5**      **16-1092**      Ann Arbor Human Rights Commission, June 8, 2016, Meeting Minutes  
  
**Attachments:**      HRC Meeting Minutes June 8, Final
- G-6**      **16-1059**      Ann Arbor Housing Commission Board Meeting Minutes of June 15, 2016  
  
**Attachments:**      Housing\_Commission\_16-06-15\_Action\_Minutes.pdf
- G-7**      **16-0997**      City Election Commission Meeting Minutes of April 22, 2016  
  
**Attachments:**      2016-4-22 Election Commission Minutes

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

*Edward Vielmetti, 1210 Brooklyn, spoke about the Downtown Citizen's Advisory Committee, noting that there are no current members.*

*Kai Petainen, City resident, spoke about national politics.*

*Jeff Hayner, 1807 Pontiac Trail, spoke about the citizen-initiated petitions and thanked Councilmember Briere for her advocacy for democracy.*

**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 Smith, seconded by Councilmember Warpehoski, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 1:37 a.m.

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

**LIVE: THURSDAY, AUGUST 4, 2016 @ 7:00 P.M.**

**REPLAYS: FRIDAY AUGUST 5, 2016 @ 8:00 P.M.**

#### **REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE**

CTN's Government Channel live televised public meetings are also available to watch live online from CTN's website, [www.a2gov.org/watchctn](http://www.a2gov.org/watchctn).

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 <http://a2govtv.pegcentral.com/>
- **Cable:** Watch CTN Government Channel 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 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.