

# City of Ann Arbor

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



## Action Minutes

Monday, May 21, 2018

7:00 PM

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

**City Council**

**CALL TO ORDER**

*Mayor Taylor called the meeting of the Ann Arbor City Council to order at 7:01 p.m. in the Guy C. Larcum, 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 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, Councilmember Chip Smith and Councilmember Anne Bannister

**APPROVAL OF AGENDA**

**A motion was made by Councilmember Krapohl, seconded by Councilmember Westphal, that the Agenda be approved with the following changes:**

**Move DC-5 to Consent Agenda**

**Move DC-6 to after DS-1**

**Add Closed Session after DS-1**

**On a voice vote, the Mayor declared the motion carried.**

**AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

*City Administrator Howard Lazarus submitted the following reports for information of Council and updated Council on the following:*

*Mr. Lazarus stated the City mourned the loss of an employee last week, Mr. Rick Powell of the IT Department. He said thoughts are with staff.*

*Mr. Lazarus thanked Police Officers Verhelle and Ronewicz for their attendance this evening at the meeting.*

**AC-1**     [18-0944](#)

City Administrator's Report - May 21, 2018

**Attachments:**     180521 City Administrator's UpdateFinal.pdf

Received and Filed

**AC-2**     [18-0945](#)     Agenda Response Memo and eComments - May 21, 2018

**Attachments:**     Agenda Responses 5-21-18.pdf, ecomments - 052118.pdf

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.     Curtis Morris - Possible Privatization of Solid Waste (DC-4)**

*Curtis Morris, AFSCME Local President, spoke about the vacancies in the Solid Waste Unit. He urged Council not to outsource this work and spoke in support of item DC-4.*

**2.     Glen Nelson - 2019 City Budget (DS-1)**

*Glen Nelson, City resident, spoke about the need for mental health funding. He urged Council to use the County millage rebate money to fund mental health services.*

**3.     Mozhgan Savabieasfahani - Boycott Israel**

*Mozhgan Savabieasfahani urged Council to boycott Israel.*

**4.     Blaine Coleman - Boycott Israel**

*Blaine Coleman, City resident, urged Council to boycott Israel.*

**5.     Lola Killey - SB637 Effects on Municipal Permitting**

*Lola Killey, resident, spoke about SB637 and the effects it would have on local government and municipal permitting.*

**CC     COMMUNICATIONS FROM COUNCIL**

**COUNCILMEMBER SMITH**

*Councilmember Smith spoke about the recent school shooting in Santa Fe, Texas. He stated there is a rally on June 2 at Liberty Square regarding gun safety and gun control.*

**COUNCILMEMBER LUMM**

*Councilmember Lumm addressed the last speaker and her comments regarding SB637. She stated the City is looking into this bill.*

*City Administrator Howard Lazarus commented that this bill restricts local control and local zoning laws, and stated the City has expressed their concerns to their lobbyist regarding this bill.*

**COUNCILMEMBER WESTPHAL**

*Councilmember Westphal stated he and Councilmember Lumm attended a Neighborhood Watch meeting at Logan Elementary. He urged residents to be vigilant, especially when door-to-door canvassers or salespeople are in the neighborhood. Councilmember Lumm concurred and urged interested residents to sign up to be a neighborhood watch captain.*

**COUNCILMEMBER ACKERMAN**

*Councilmember Ackerman spoke about HB6046 requiring voters not in possession of photo ID to vote a provisional ballot, possibility risking their right to vote. He stated this proposed bill is against the City's values and beliefs. He urged residents to contact their State Representative to express their opposition to this bill.*

*Councilmember Ackerman stated a meeting on Thursday, May 24 at 7 p.m. at Pittsfield School was being organized to discuss local issues for south side residents.*

**COUNCILMEMBER KAILASAPATHY**

*Councilmember Kailasapathy updated the public regarding the Police Oversight Task Force and their upcoming meeting.*

*COUNCILMEMBER GRAND*

*Councilmember Grand spoke about the Park Advisory Commission meeting. She thanked longtime member Alan Jackson for his service.*

**MC COMMUNICATIONS FROM THE MAYOR****MC-1**     [18-0772](#)     Appointments - Confirmations

**Attachments:**     John Kotarski App. 2018.pdf, Patti Smith app. 2017.pdf, Anthony Ramirez App. 2018.pdf, Lori Singleton app. 2018.pdf, William Kinley app. 2018.pdf, Zachary Damon app. 2018.pdf, Chaz Stucken app. 2018.pdf, Peter Honeyman app. 2018.pdf, Robert Guenzel app. 2018.pdf, Edith Bletcher app. 2018.pdf, Merrill Dudley app. 2018.pdf, Benjamin Muth app. 2018.pdf, Don Wortman app. 2018.pdf, Alexa Nerdrum app. 2018.pdf, Charles Hookham app. 2018.pdf, Jessica Quijano app. 2017.pdf, Gregory Pratt app. 2018.pdf, Rosemary Sarri App. 2018.pdf, Paul Sher app. 2017.pdf, Angela Rasmussen app. 2018.pdf, Lisa Stelter app. 2018.pdf, S. Kerene Moore app. 2018.pdf, Rick Ratliff app. 2018.pdf, Leslie Stambaugh app. 2018.pdf, Ruth Kraut app. 2018.pdf, Lauren London app. 2018.pdf, Sarah Mills app. 2018.pdf, Alex Milshteyn app. 2018.pdf, Julie Boland app. 2018.pdf, Candice Briere app. 2018.pdf, Michael Daniel App. 2018.pdf, Nicole Eisenmann app. 2018.pdf, Charlotte Wilson app. 2018.pdf, Michael Shriberg app. 2018.pdf, Cyrus Naheedy app. 2018.pdf, John Mirsky app. 2018.pdf, Debra Mexicotte app. 2018.pdf, Paige Morrison app. 2018.pdf, Molly McFarland app. & resume 2018.pdf, Lisa Young app. 2018.pdf

*Mayor Taylor requested confirmation of the following nominations that were presented to City Council for consideration on May 7, 2018:*

*Ann Arbor Public Art Commission*

*John Kotarski -Reappointment  
1230 Saunders Crescent  
Ann Arbor, MI 48103  
Term: June 1, 2018- May 31, 2021*

*Debra Mexicotte -Full Term  
2660 Yost Blvd.  
Ann Arbor, MI 48104  
Term: June 1, 2018-May 31, 2021*

*Patti Smith -Reappointment  
2327 Fernwood Ave.  
Ann Arbor, MI 48104  
Term: June 1, 2018- May 31, 2021*

*Cable Communications Commission*

*Anthony Ramirez -Reappointment  
920 E. Ann St.  
Ann Arbor, MI 48104  
Term: June 1, 2018- May 31, 2023*

*Design Review Board*

*Lori Singleton -Reappointment  
Landscape Architect  
1139 Pomona Rd.  
Ann Arbor, MI 48103  
Term: June 1, 2018- May 31, 2021*

*William Kinley -Reappointment  
843 Asa Gray Dr.  
Ann Arbor, M 48105  
Term: June 1, 2018- May 31, 2021*

*Disability Issues, Commission on*

*Zachary Damon -Reappointment*

*2901 Northbrook Place  
Ann Arbor, MI 48103  
Term: June 1, 2018- May 31, 2021*

*Downtown Area Citizen's Advisory Council*

*Chaz Stucken -Reappointment  
318 W. Liberty  
Ann Arbor, MI 48103  
Term: June 1, 2018- May 31, 2021*

*Peter Honeyman -Reappointment  
113 S. Fourth Ave.  
Ann Arbor, MI 48104  
Term: June 1, 2018-May 31, 2021*

*Downtown Development Authority*

*Robert Guenzel -Reappointment  
1703 Morton  
Ann Arbor, MI 48104  
Term: June 1, 2018- May 31, 2022*

*Molly McFarland -Full Term  
840 Hewett Dr.  
Ann Arbor, MI 48103  
Term: June 1, 2018- May 31, 2022*

*Elizabeth Dean Fund  
Edith Bletcher -Reappointment  
834 Brown St.  
Ann Arbor, MI 48104  
Term: June 1, 2018- May 31, 2020*

*Merrill Dudley -Reappointment  
1126 Fair Oaks Parkway  
Ann Arbor, MI 48104  
Term: June 1, 2018- May 31, 2020*

*Benjamin Muth -Reappointment  
507 S. First St.  
Ann Arbor, MI 48103  
Term: June 1, 2018- May 31, 2020*

*Donald Wortman -Reappointment**2029 Delaware Dr.**Ann Arbor, MI 48103**Term: June 1, 2018- May 31, 2020**Employees' Retirement System Board of Trustees**Alexa Nerdrum -Reappointment**1530 Edinborough Rd.**Ann Arbor, MI 48104**Term: January 1, 2019-December 31, 2021**Energy Commission**Charles Hookham -Reappointment**2902 E. Eisenhower Parkway**Ann Arbor, MI 48108**Term: June 1, 2018- May 31, 2021**John Mirsky -Reappointment**505 Burson Place**Ann Arbor, MI 48104**Term: June 1, 2018-May 31, 2021**Michael Shriberg -Reappointment**1473 Pine Valley Blvd.**Ann Arbor, MI 48104**Term: June 1, 2018-May 31, 2021**Historic District Commission**Jessica Quijano -Reappointment**2108 Fair St.**Ann Arbor, MI 48103**Term: June 1, 2018- May 31, 2021**Housing and Human Services Advisory Board**Gregory Pratt -Reappointment**3580 Oakwood St.**Ann Arbor, MI 48104**Term: June 1, 2018- May 31, 2021*



*Rosemary Sarri -Reappointment*

*1050 Wall St.*

*Ann Arbor, MI 48105*

*Term: June 1, 2018-May 31, 2021*

*Paul Sher -Reappointment*

*713 Miner St.*

*Ann Arbor, MI 48103*

*Term: June 1, 2018- May 31, 2021*

*Housing Board of Appeals*

*Angela Rasmussen -Reappointment*

*1265 Kuehnle*

*Ann Arbor, MI 48103*

*Term: June 1, 2018- May 31, 2021*

*Lisa Stelter -Reappointment*

*207 E. Kingsley*

*Ann Arbor, MI 48104*

*Term: June 1, 2018-May 31, 2021*

*Human Rights Commission*

*S. Kerene Moore -Reappointment*

*1108 Fountain St.*

*Ann Arbor, MI 48104*

*Term: June 1, 2018- May 31, 2021*

*Rick Ratliff -Reappointment*

*3091 Glazier Way*

*Ann Arbor, MI 48105*

*Term: June 1, 2018- May 31, 2021*

*Leslie Stambaugh -Reappointment*

*1940 Ridge Ave.*

*Ann Arbor, MI 48104*

*Term: June 1, 2018- May 31, 2021*

*Leslie Science and Nature Center Board*

*Paige Morrison -Full term*

*City Representative (PAC member)**410 W. Keech Ave.**Ann Arbor, MI 48103**Term: Ending May 31, 2019**Parks Advisory Commission**Ruth Kraut -Reappointment**1127 Clair Circle**Ann Arbor, MI 48103**Term: June 1, 2018-May 31, 2021**Lauren London -Reappointment**2720 White Oak Dr.**Ann Arbor, MI 48103**Term: June 1, 2018- May 31, 2021**Planning Commission**Sarah Mills -Reappointment**5 Parkview Place**Ann Arbor, MI 48103**Term: July 1, 2018- June 30, 2021**Alex Milshcheyn -Reappointment**315 Second St.**Ann Arbor, MI 48103**Term: July 1, 2018- June 30, 2021**Public Market Advisory Commission**Lisa Young -Partial Term**Regular Customer**816 Third St.**Ann Arbor, MI 48103**Term: Ending May 31, 2020**Transportation Commission**Julie Boland -Full Term**310 Westwood Ave.**Ann Arbor, MI 48103**Term: June 1, 2018- May 31, 2021*

*Cyrus Naheedy -Reappointment*  
500 Snyder Avenue  
Ann Arbor, MI 48103  
Term: June 1, 2018-May 31, 2021

*Zoning Board of Appeals*

*Candice Briere -Reappointment*  
3157 Baylis Dr.  
Ann Arbor, MI 48108  
Term: June 1, 2018- May 31, 2021

*Michael Daniel -Reappointment*  
2522 W. Liberty St.  
Ann Arbor, MI 48103  
Term: June 1, 2018- May 31, 2021

*Nicole Eisenmann -Reappointment*  
711 Argo Dr.  
Ann Arbor, MI 48105  
Term: June 1, 2018- May 31, 2021

*Charlotte Wilson -Reappointment*  
1582 Jones Dr.  
Ann Arbor, MI 48105  
Term: June 1, 2018-May 31, 2021

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

**MC-2**     [18-0935](#)     Appointments & Nominations

*Mayor Taylor recommended the following nominations for approval at a later date:*

*Downtown Citizen's Advisory Council*

*Carolyn Arcure-Full term*

*111B West Liberty*

*Ann Arbor, MI 48104*

*Term: June 1, 2018 - May 31, 2021*

*Energy Commission*

*Noah Levin-Reappointment*

*836 Sunrise Ct.*

*Ann Arbor, MI 48103*

*Term: June 1, 2018 - May 31, 2021*

*Historic District Commission*

*Evan Hall-Reappointment*

*544 6th Street*

*Ann Arbor, MI 48103*

*Term: June 1, 2018 - May 31, 2021*

*Parks Advisory Commission*

*Mike Appel-Reappointment*

*613 N. Fifth Avenue*

*Ann Arbor, MI 48104*

*Term: June 1, 2018 - May 31, 2021*

*Planning Commission*

*Elizabeth Sauve-Full Term*

*1866 Virnan Kay*

*Ann Arbor, MI 48103*

*Term: July 1, 2018 - June 30, 2021*

**Referred to the City Council due back on 6/4/2018**

**CA CONSENT AGENDA**

**Passed on consent agenda**

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

**CA-1**      [18-0786](#)      Resolution to Accept an Easement for Public Right-of-Way at 3380 Nixon Road from BRE Nixon Road Associates, LLC **(8 Votes Required)**

**Attachments:**      The Annex ROW Map.pdf

Enactment No: R-18-174

**CA-2**      [18-0787](#)      Resolution to Accept a Sanitary Sewer Easement at 3380 Nixon Road from BRE Nixon Road Associates, LLC **(8 Votes Required)**

**Attachments:**      The Annex Sanitary Map.pdf

Enactment No: R-18-175

**CA-3**      [18-0788](#)      Resolution to Accept a Water Main Easement at 3380 Nixon Road from BRE Nixon Road Associates, LLC **(8 Votes Required)**

**Attachments:**      The Annex Water Map.pdf

Enactment No: R-18-176

**CA-4**      [18-0793](#)      Resolution to Approve Closing Maynard Street for the Movies on Maynard Special Event on Friday, June 1, 2018 from 3:00 PM until Saturday, June 2, 2018 at 1:00 AM

**Attachments:**      Cinetopia Map.pdf

Enactment No: R-18-177

**CA-5**      [18-0823](#)      Resolution to Approve Street Closings for Sonic Lunch - Thursday, June 14, August 2 and August 30, 2018

**Attachments:**      Sonic Lunch Map.pdf

Enactment No: R-18-178

**CA-6**      [18-0836](#)      Resolution to Close North University for the Townie Street Party - Sunday, July 15 to Wednesday, July 18, 2018

**Attachments:**      Townie Street Party Map

Enactment No: R-18-179

- CA-7**     [18-0840](#)     Resolution to Close N. Fourth Avenue and E. Ann Street for the 23rd Annual African-American Downtown Festival, Friday, June 1, 2018 to Saturday, June 2, 2018
- Attachments:**     African American Festival Map

Enactment No: R-18-180

- CA-8**     [18-0841](#)     Resolution to Approve the 2018 Ann Arbor Jaycees Summer Carnival at Pioneer High School - June 18 to June 24, 2018
- Attachments:**     Jaycees Carnival Map.pdf

Enactment No: R-18-181

- CA-9**     [18-0835](#)     Resolution to Close Streets for the Townie Street Party - Ann Arbor Mile-Dart for Art on Monday, July 16, 2018
- Attachments:**     Townie Street Party Map, Ann Arbor Mile Map.pdf

Enactment No: R-18-182

- CA-10**    [18-0748](#)     Resolution to Approve the Collective Bargaining Agreement with the Command Officers Association of Michigan (COAM), effective January 1, 2018 - December 31, 2020

Enactment No: R-18-183

- CA-11**    [18-0770](#)     Resolution to Approve the Amendment and Renewal of the City's Contract with Delta Dental Plan of Michigan, Inc., for Claims Administration Services for the City's Dental Plan, and to Authorize the City Administrator to Execute the Necessary Documentation (\$850,000.00 per year)
- Attachments:**     Amended Contract eff 1-1-2018 to 12-31-2020.pdf

Enactment No: R-18-184

- CA-12**    [18-0759](#)     Resolution to Approve Certain April 26, 2018, Recommendations of the Board of Insurance Administration

Enactment No: R-18-185

- CA-13**    [18-0564](#)    Resolution to Approve a Professional Services Agreement with The Mannik & Smith Group, Inc., for the Landfill Scale and Entrance Improvements Project - RFP #18-08 (\$111,165.40)

**Attachments:**    Mannik\_Smith\_PSA\_Landfill\_Scale\_RFP\_18-08.pdf,  
RFP\_18-08\_ProposalTab.pdf

Enactment No: R-18-186

- CA-14**    [18-0608](#)    Resolution to Adopt Revised Pension and VEBA Funding Policies

Enactment No: R-18-187

- CA-15**    [18-0609](#)    Resolution to Adopt Capital Financing Policies

Enactment No: R-18-188

- CA-16**    [18-0715](#)    Resolution No. 3 - Establishing a Public Hearing for the Federal Commerce Green Sidewalk Special Assessment Project

**Attachments:**    Federal Commerce Green Sidewalk SAD roll 4.18.pdf

Enactment No: R-18-189

- DC-5**    [18-0928](#)    Resolution to Approve the Collective Bargaining Agreement with the Ann Arbor Police Professional Assistants (AAPPA), effective January 1, 2018 - December 31, 2021

**Sponsors:**    Taylor

Enactment No: R-18-190

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

- PH-1**    [18-0516](#)    An Ordinance to Amend Chapter 55 (Zoning), Zoning of 1.04 Acres from TWP (Township District) to R1A (Single-Family Dwelling District), 1427 Warrington Circle (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-18-10)

**Attachments:**    18-10 1427 Warrington Circle Zoning Ordinance Briefed.pdf, 1427 Warrington Zoning Council Ordinance.pdf, 1427 Warrington Cir - Szocik

CPC Staff Report w Attachments (rev).pdf, 7-5-2017 City Planning Commission Minutes with Live Links.pdf

*A public hearing was conducted on the proposed amendment to Chapter 55 - Zoning, rezoning of 1.04 acres from TWP (Township District) to R1A (Single-Family Dwelling District), 1427 Warrington Circle. Notice of public hearing was published April 26, 2018.*

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

**Held and Closed**

Enactment No: ORD-18-10

**PH-2**      [18-0565](#)

An Ordinance to Amend Sections 2:61 through 2:64, and 2:69, and to Repeal Section 2:73 of Chapter 29 (Change Water, Sewer, and Stormwater Rates) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-18-12)

**Attachments:**      18-12 Water Sewer and Stormwater Rates Ordinance Briefed.pdf, Chapter\_29\_W\_S\_SW\_Ordinance.pdf

*A public hearing was conducted on the proposed amendment to Sections 2:61 through 2:64, and 2:69, and to Repeal Section 2:73 of Chapter 29 (Change Water, Sewer, and Stormwater Rates) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-18-12). Notice of public hearing was published May 17, 2018.*

*Leon Bryson, Ward 5, spoke in opposition.*

*An unidentified resident spoke in opposition.*

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

**Held and Closed**

Enactment No: ORD-18-12

**PH-3**      [18-0711](#)

An Ordinance to Amend Sections 4:58 and 4:59 of Chapter 49 (Sidewalks) of Title IV (Streets and Sidewalks) of the Code of the City Relative to Responsibility for the Repair of Adjacent Sidewalks (Ordinance No. ORD-18-13)

**Attachments:**      18-13 Streets and Sidewalks Ordinance Briefed.pdf, Chpt 49 amend 2018.pdf

*A public hearing was conducted on the proposed amendment to Sections 4:58 and 4:59 of Chapter 49 (Sidewalks) of Title IV (Streets and Sidewalks) of the Code of the City Relative to Responsibility for the Repair of Adjacent Sidewalks (Ordinance No. ORD-18-13). Notice of public hearing was published May 17, 2018.*

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

**Held and Closed**



Enactment No: ORD-18-13

**PH-4**      [18-0735](#)      An Ordinance to Amend Section 9:366 of Chapter 119 (Noise Control) (Ordinance No. ORD-18-14)

**Attachments:**      18-14 Noise Control Ordinance Briefed.pdf, Ordinance Amendment Chapter 119 Noise Control.pdf

*A public hearing was conducted on the proposed amendment to Section 9:366 of Chapter 119 (Noise Control) (Ordinance No. ORD-18-14). Notice of public hearing was published May 17, 2018.*

*Edward Vielmetti, resident, expressed concern about increased noise from snowplow vehicles.*

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

**Held and Closed**

Enactment No: ORD-18-14

**PH-5**      [18-0790](#)      An Ordinance to Amend Sections 7:604 and 7:606 of Chapter 96 (Medical Marijuana Facilities) of Title VII of the Code of the City of Ann Arbor (Ordinance No. ORD-18-15)

**Sponsors:**      Taylor

**Attachments:**      18-05 Medical Marijuana Facilities Ordinance Briefed.pdf, Ordinance Amendment draft #2 - max permits temp CofO.pdf

*A public hearing was conducted on the proposed amendment to Sections 7:604 and 7:606 of Chapter 96 (Medical Marijuana Facilities) of Title VII of the Code of the City of Ann Arbor (Ordinance No. ORD-18-15). Notice of public hearing was published May 17, 2018.*

*Chuck Ream, Medical Marijuana advocate, spoke in opposition to the ordinance amendment limiting the number of provisioning centers in the City. He stated he is in the process of acquiring land for a center and needs to know if he will be authorized to continue.*

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

**Held and Closed**

Enactment No: ORD-18-15

**A      APPROVAL OF COUNCIL MINUTES**

**A-1**      [18-0864](#)      Special Sessions of April 23 and May 1, and Regular Session Meeting Minutes of May 7, 2018

**Attachments:** 04-23-18 Draft Minutes.pdf, Council Emails 2018-04-23 Special.pdf, 05-01-18 Special Session Minutes.pdf, Council Emails 5-1-2018.pdf, 05-07-18 Draft Minutes.pdf, Council Emails 5-7-2018.pdf

**A motion was made by Councilmember Krapohl, seconded by Councilmember Ackerman, that the Minutes of the Special Sessions of April 23 and May 1 and the Regular Session Meeting Minutes of May 7, 2018 be approved. On a voice vote, the Mayor declared the motion carried.**

## **B ORDINANCES - SECOND READING**

**B-1**      [18-0516](#)      An Ordinance to Amend Chapter 55 (Zoning), Zoning of 1.04 Acres from TWP (Township District) to R1A (Single-Family Dwelling District), 1427 Warrington Circle (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-18-10)

**Attachments:** 18-10 1427 Warrington Circle Zoning Ordinance Briefed.pdf, 1427 Warrington Zoning Council Ordinance.pdf, 1427 Warrington Cir - Szocik CPC Staff Report w Attachments (rev).pdf, 7-5-2017 City Planning Commission Minutes with Live Links.pdf

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

Enactment No: ORD-18-10

**B-2**      [18-0565](#)      An Ordinance to Amend Sections 2:61 through 2:64, and 2:69, and to Repeal Section 2:73 of Chapter 29 (Change Water, Sewer, and Stormwater Rates) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-18-12)

**Attachments:** 18-12 Water Sewer and Stormwater Rates Ordinance Briefed.pdf, Chapter\_29\_W\_S\_SW\_Ordinance.pdf

**A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the Ordinance be adopted on Second Reading.**

Enactment No: ORD-18-12

*Councilmember Lumm based her postponement and requested the following information by the time the Ordinance is returned to City Council:*

*To obtain better information regarding:*

- 1. Commercial peaking and tiers*
- 2. The cost justification regarding residential tier structure, especially the new Tier 4.*
- 3. The pros and cons of the East Lansing policy*
- 4. The flexibility that the City has under Bolt*

**A motion was made by Councilmember Lumm, seconded by Councilmember Eaton, that the Ordinance be postponed at Second Reading to the City Council, due back on 6/18/2018. On a roll call, the vote was as follows with the Mayor declaring the motion carried:**

**Yeas:** 6 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Councilmember Ackerman and Councilmember Bannister

**Nays:** 5 - Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal and Councilmember Smith

Enactment No: ORD-18-12

**B-3**      [18-0711](#)

An Ordinance to Amend Sections 4:58 and 4:59 of Chapter 49 (Sidewalks) of Title IV (Streets and Sidewalks) of the Code of the City Relative to Responsibility for the Repair of Adjacent Sidewalks (Ordinance No. ORD-18-13)

**Attachments:** 18-13 Streets and Sidewalks Ordinance Briefed.pdf, Chpt 49 amend 2018.pdf

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

Enactment No: ORD-18-13

**B-4**      [18-0735](#)

An Ordinance to Amend Section 9:366 of Chapter 119 (Noise Control) (Ordinance No. ORD-18-14)

**Attachments:** 18-14 Noise Control Ordinance Briefed.pdf, Ordinance Amendment Chapter 119 Noise Control.pdf

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Krapohl, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried with one no-vote by Councilmember Smith.**

Enactment No: ORD-18-14

**B-5**      [18-0790](#)

An Ordinance to Amend Sections 7:604 and 7:606 of Chapter 96 (Medical Marijuana Facilities) of Title VII of the Code of the City of Ann Arbor (Ordinance No. ORD-18-15)

**Sponsors:** Taylor

**Attachments:** 18-05 Medical Marijuana Facilities Ordinance Briefed.pdf, Ordinance Amendment draft #2 - max permits temp CofO.pdf

**A motion was made by Councilmember Ackerman, seconded by Councilmember Smith, that the Ordinance be adopted on Second Reading. On**

a voice vote, the Mayor declared the motion carried, with dissenting votes.

Enactment No: ORD-18-15

**C ORDINANCES - FIRST READING**

None.

**D MOTIONS AND RESOLUTIONS**

**DC New Business - Council:**

- DC-1**     [18-0752](#)     Resolution to Appoint Robert Lyons, Jr. to the Airport Advisory Committee, Rachel Hawkins to the Commission on Disability Issues, Kristen Schweighoefer to the Housing Board of Appeals, Floria Tsui to the Housing and Human Services Advisory Board and Alexandra Cacciari and Jeff Nemeth to the Public Market Advisory Commission. **(7 Votes Required)**

**Sponsors:**     Taylor

**Attachments:**     Alexandra Cacciari app. 2018.pdf, Kristen Schweighoefer app. 2018.pdf, Robert Lyons, Jr. app. 2018.pdf, Rachel Hawkins app. 2018.pdf, Jeff Nemeth app. 2018.pdf, Floria Tsui app. 2018.pdf

**A motion was made by Councilmember Ackerman, 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-18-191

- DC-2**     [18-0781](#)     Resolution to Appoint Alexander Perlman to the Greenbelt Advisory Commission

**Sponsors:**     Grand

**Attachments:**     Alexander Perlman app. 2018.pdf

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

Enactment No: R-18-192

**DC-3**      [18-0575](#)      Resolution to Recommend Approval of Issuance of a Downtown Development District Liquor License at 413 E. Huron Street, Suite A, to SL Alliance LLC, dba Wild Poke

**Sponsors:**      Council Liquor License Review Committee

**Attachments:**      413 E Huron - Liquor Redacted.pdf

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

Enactment No: R-18-193

**DC-4**      [18-0926](#)      Resolution to Provide Direction to the City Administrator on the Provision of Solid Waste Services

**Sponsors:**      Eaton

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

Enactment No: R-18-194

[18-0926](#)      Resolution to Provide Direction to the City Administrator on the Provision of Solid Waste Services

**Sponsors:**      Eaton, Kailasapathy and Bannister

*The following amendment was moved by Councilmember Warpehoski, seconded by Councilmember Eaton, and was considered friendly by the Body:*

*RESOLVED, That City Council directs the City Administrator to cease all actions that further any plan to privatize [or contract] for solid waste services CURRENTLY PERFORMED BY CITY STAFF. THIS RESTRICTION DOES NOT INCLUDE PROFESSIONAL SERVICES SUCH AS PLANNING, NOR SHORT-TERM SERVICES SUCH AS SPECIAL EVENT WASTE HAULING;*

*RESOLVED, That City Council proclaims its opposition to privatization [or contracting] for solid waste services not currently performed by a contractor whose employees are represent by a union, which proclamation should be communicated to the consultant performing the Solid Waste Resource Management Plan pursuant to RFP 2019-2023. THIS OPPOSITION DOES NOT PRECLUDE THE CREATION OF PARTNERSHIPS WITH OTHER PUBLIC BODIES OR A REGIONAL AUTHORITY TO PROVIDE CONSOLIDATED SOLID WASTE SERVICES; AND*

*RESOLVED, That City Council directs the City Administrator to end the practice of using temporary employees ON A LONG-TERM BASIS TO FORESTALL THE HIRING OF PERMANENT EMPLOYEES [rather than properly trained, full-time bargaining unit employees to provide solid waste services] unless and until the City Council expressly approves such action.*

*ALL CAPS indicate new language. [Brackets] indicate deleted language.*

**Amended**

Enactment No: R-18-194

*A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, to amend the Resolution as follows:*

*Strike the 2nd to Last Whereas Clause.*

*The motion was considered friendly by the Body.*

**Amended**

Enactment No: R-18-194

**RECESS**

*Mayor Taylor declared a recess at 8:49 p.m. and reconvened the meeting at 9:02 p.m.*

[18-0926](#)

Resolution to Provide Direction to the City Administrator on the Provision of Solid Waste Services

**Sponsors:** Eaton, Kailasapathy and Bannister

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

*RESOLVED, That City Council proclaims its opposition to privatization [or contracting] for solid waste services not currently performed by AN OUTSIDE contractor [whose employees are represented by a union], which proclamation should be communicated to the consultant...*

*[Brackets] indicate deleted language. ALL CAPS indicate new language.*

*The motion was considered friendly by the Body.*

**Amended**

Enactment No: R-18-194

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

**Yeas:** 7 - Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Councilmember Grand, Councilmember Krapohl, Councilmember Ackerman and Councilmember Bannister

**Nays:** 4 - Councilmember Lumm, Mayor Taylor, Councilmember Westphal and Councilmember Smith

Enactment No: R-18-194

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

None.

**DS New Business - Staff:**

**DS-1**     [18-0619](#)     Resolution to Adopt Ann Arbor City Budget and Related Property Tax Millage Rates for Fiscal Year 2019

**Attachments:**     Budget Amendments for FY19 as APPROVED.pdf,  
Section06-Resolution for FY19 Adopted Budget.pdf, Resolution for FY19 Adopted Budget.pdf, Budget Amendments for FY19.pdf, FY19 Council Budget Questions - Staff Responses.pdf

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

Enactment No: R-18-195

#10

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

**AMENDMENT TO INCREASE FY19 FUNDING FOR STREET RESURFACING, REPAIR AND CAPITAL PREVENTATIVE MAINTENANCE, TO DEVELOP A FUNDING PLAN TO ACHIEVE THE CITY'S ROAD CONDITION TARGET, AND TO CONSIDER REVISING THE FUND BALANCE POLICY FOR THE MAJOR AND LOCAL STREET FUNDS**

**WHEREAS, THE POOR CONDITION OF ANN ARBOR STREETS IS A CONTINUING SOURCE OF CONCERN/FRUSTRATION FOR ANN ARBOR RESIDENTS AND "FIXING THE ROADS" IS A PRIORITY FREQUENTLY AND PASSIONATELY EXPRESSED BY RESIDENTS; AND**

**WHEREAS, THE CITY AND MDOT HAVE ADOPTED THE PAVEMENT SURFACE EVALUATION AND RATING (PASER) SCALE TO OBJECTIVELY MEASURE STREET CONDITION AND THE CITY HAS ESTABLISHED A GOAL OF HAVING 80% OF CITY STREETS RATED AT 7 (GOOD) OR HIGHER BY 2025; AND**

**WHEREAS, THE STATE OF MICHIGAN CLASSIFIES STREETS AS EITHER "MAJOR STREETS" OR "LOCAL STREETS" AND ROUGHLY 2/3'S OF THE ANN ARBOR STREET SYSTEM ARE LOCAL STREETS; AND**

**WHEREAS, IN APRIL OF 2014 AND AGAIN IN JUNE 2017, A CONSULTANT WAS ENGAGED TO RATE ALL CITY STREETS; AND OVER THE THREE YEAR PERIOD FROM 2014 TO JUNE 2017 THE CONDITION RATINGS FOR MAJOR STREETS WERE ESSENTIALLY THE SAME, BUT THE RATINGS FOR LOCAL STREETS DETERIORATED SIGNIFICANTLY; AND**

**WHEREAS, FOR LOCAL STREETS, 43% WERE RATED "FAILED, VERY POOR OR POOR" IN 2017 COMPARED WITH 30% RATED "FAILED, VERY POOR OR POOR" IN 2014, AND JUST 29% OF LOCAL STREETS WERE ACHIEVING THE TARGET LEVEL OF A 7 RATING OR HIGHER; AND**

**WHEREAS, FOR MAJOR STREETS, THE RATINGS ARE HIGHER THAN FOR LOCAL STREETS, BUT JUST HALF (49%) ARE AT THE TARGET LEVEL OF 7 OR HIGHER; AND**

**WHEREAS, THE CITY'S CURRENT POLICY REGARDING FUND BALANCE FOR LOCAL AND MAJOR STREET FUNDS IS THAT "A ONE YEAR'S COLLECTION OF THE WEIGHT AND GAS TAX REVENUES ARE HELD IN FUND BALANCE" WHILE THE CURRENT POLICY REGARDING THE FUND BALANCE FOR THE CITY'S STREET AND SIDEWALK MILLAGE IS THAT "A HALF YEAR'S COLLECTION OF THE REPAIR MILLAGE ARE HELD IN FUND BALANCE"; AND**

**WHEREAS, THE PROJECTED FY19 YEAR-END UNRESTRICTED FUND BALANCE IN THE MAJOR AND LOCAL STREET FUNDS IS PROJECTED AT \$15.6M WHICH IS \$4.3M (38%) MORE THAN THE REQUIRED FUND BALANCE UNDER THE CURRENT POLICY; AND**



WHEREAS, IF THE FUND BALANCE POLICY FOR MAJOR AND LOCAL STREET FUNDS WAS REVISED TO MATCH THE STREET MILLAGE POLICY OF A HALF YEAR OF REVENUES (RATHER THAN A YEAR), AN ADDITIONAL \$5.6M OF IMMEDIATELY AVAILABLE FUNDING WOULD BE CREATED; AND

WHEREAS, FOR SEVERAL YEARS IT HAS BEEN INDICATED THAT “STAFF IS IDENTIFYING ONE-TIME MAINTENANCE ITEMS TO UTILIZE AVAILABLE RESERVES” AND SPENDING HAS INCREASED, BUT WITH THE SIGNIFICANTLY INCREASED REVENUE FROM THE STATE OF MICHIGAN FOR ROADS, THE PROJECTED MAJOR AND LOCAL STREET FUND BALANCE AT \$15.6M IS ESSENTIALLY THE SAME AS IT WAS AT THE END OF FY15 (\$15.7M) AND WELL ABOVE THE REQUIRED AMOUNT; AND

WHEREAS, THE CITY HAS IDENTIFIED A PROMISING NEW CATEGORY OF PREVENTATIVE MAINTENANCE CALLED “SURFACE TREATMENTS” AND IN CALENDAR YEAR 2018 WILL BE APPLYING THESE TREATMENTS TO APPROXIMATELY 10% OF CITY STREETS; AND

WHEREAS, CITY COUNCIL BELIEVES ACHIEVING THE GOAL OF HAVING 80% OF CITY STREETS RATED AT 7 (GOOD) OR HIGHER BY 2025 IS ONE OF THE TOP CITY PRIORITIES AND COUNCIL SUPPORTS THE APPROACH AND TOOLS IDENTIFIED BY STAFF IN THE PAVEMENT ASSET MANAGEMENT PLAN; AND

WHEREAS, AT COUNCIL’S INFRASTRUCTURE WORK SESSION IN APRIL AND AGAIN IN CONJUNCTION WITH THE BUDGET PROPOSAL, CITY STAFF WAS REQUESTED TO PROVIDE COUNCIL WITH AN ASSESSMENT OF THE ANNUAL SPENDING LIKELY REQUIRED TO ENSURE THE CITY’S ROAD CONDITION TARGET IS MET AND IT WAS INDICATED THAT ASSESSMENT IS IN PROCESS;

RESOLVED, THAT CITY COUNCIL RE-AFFIRMS ITS COMMITMENT TO ACHIEVING THE GOAL OF HAVING 80% OF CITY STREETS RATED AT 7 (GOOD) OR HIGHER BY 2025;

RESOLVED, THAT THE FY19 MAJOR STREET FUND EXPENDITURE BUDGET BE INCREASED BY \$2.1 MILLION FOR ROAD IMPROVEMENTS (CAPITAL MAINTENANCE, REPAIR, OR RE-SURFACING) FUNDED WITH A CORRESPONDING USE OF THE MAJOR STREET FUND FUND BALANCE WHICH IS CONSISTENT WITH THE CURRENT POLICY ON END OF YEAR FUND BALANCE EQUAL TO ONE YEAR OF REVENUE;

RESOLVED, THAT THE FY19 LOCAL STREET FUND EXPENDITURE BUDGET BE INCREASED BY \$2.2 MILLION FOR ROAD IMPROVEMENTS (CAPITAL MAINTENANCE, REPAIR, OR RE-SURFACING) FUNDED WITH A CORRESPONDING USE OF THE LOCAL STREET FUND FUND BALANCE WHICH IS CONSISTENT WITH THE CURRENT POLICY ON END OF YEAR FUND BALANCE EQUAL TO ONE YEAR OF REVENUE;

RESOLVED, THAT BY SEPTEMBER 1ST, CITY STAFF PROVIDE COUNCIL A PLAN TO ACHIEVE THE CITY GOAL OF HAVING 80% OF CITY STREETS RATED AT 7 (GOOD) OR HIGHER BY 2025. THE PLAN SHOULD INCLUDE AT A MINIMUM:

- AN ESTIMATE OF ANNUAL FUNDING REQUIRED
- RECOMMENDED SOURCES OF FUNDING
- IDENTIFICATION OF POTENTIAL OBSTACLES AND CHALLENGES AND

**SPECIFIC RECOMMENDATIONS TO ADDRESS THEM**

**RESOLVED, THAT BY SEPTEMBER 1ST, CITY STAFF PROVIDE COUNCIL A RECOMMENDATION WITH REGARD TO CHANGING THE REQUIRED FUND BALANCE POLICY FOR MAJOR AND LOCAL STREETS TO MATCH THE CURRENT POLICY FOR THE CITY'S STREET AND SIDEWALK MILLAGE.**

**SPONSORS: COUNCILMEMBER LUMM, EATON, AND KAILASAPATHY**

**Note: All CAPS indicate new language.**

**On a voice vote, the Mayor declared the motion carried.**

**Enactment No: R-18-195**

**#8**

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

**AMENDMENT REGARDING COMMUNITY PARTICIPATION AND ENGAGEMENT IN DEVELOPING CITY BUDGET AND SPENDING PRIORITIES FOR THE FY2020 BUDGET AND FY2021 FINANCIAL PLAN AND AUTHORIZING ONE-TIME EXPENDITURE IN FY19 OF UP TO \$50,000.00**

**WHEREAS, AN ESSENTIAL ELEMENT OF AN EFFECTIVE LOCAL GOVERNMENT IS ALIGNMENT OF REVENUE AND SPENDING PLANS WITH THE PRIORITIES OF THE CITIZENS IT SERVES; AND**

**WHEREAS, ACTIVE PUBLIC ENGAGEMENT AND COMMUNITY INPUT ARE CORNERSTONES OF LOCAL GOVERNMENT IN ANN ARBOR AND PRINCIPLES HIGHLY VALUED BY, AND EXPECTED FROM OUR CITIZENS: AND**

**WHEREAS, THE CITY OF ANN ARBOR OPERATES ON A TWO YEAR BUDGET CYCLE AND IN MAY 2019, THE CITY WILL ADOPT THE FY20 BUDGET AND FY21 FINANCIAL PLAN; AND**

**WHEREAS, CITY COUNCIL'S PARTICIPATION IN THE PLANNING/PRIORITY SETTING FOR THE FY20 BUDGET AND FY21 FINANCIAL PLAN OFFICIALLY COMMENCES ON DECEMBER 10, 2018 AT COUNCIL'S ANNUAL BUDGET RETREAT: AND**

**WHEREAS, CITY COUNCIL BELIEVES SOLICITING CITIZEN INPUT ON BUDGET AND SPENDING PRIORITIES IN ADVANCE OF THE DECEMBER KICKOFF WILL PROVIDE STAFF AND COUNCIL THE INFORMATION AND DATA THAT'S REQUIRED TO ENSURE A FY20 BUDGET AND FY21 FINANCIAL PLAN THAT REFLECTS THE COMMUNITY'S PRIORITIES: AND**

**WHEREAS, THE CITY CONDUCTS THE NATIONAL CITIES SURVEY WHICH PROVIDES GENERAL FEEDBACK ON LIVABILITY IN ANN ARBOR, BUT DOES NOT PROVIDE MEANINGFUL INPUT ON BUDGET AND SPENDING PRIORITIES AND THE CITY HAS NOT SOLICITED SPECIFIC BUDGET AND SPENDING PRIORITY FEEDBACK SINCE THE CITY-WIDE SERVICES STUDY CONDUCTED 20 YEARS AGO WHICH WAS BASED ON A EUGENE, OREGON MODEL; AND**

**WHEREAS, MANY CITIES NOW UTILIZE INTERACTIVE, ON-LINE TOOLS TO**

ACTIVELY ENGAGE CITIZENS IN SETTING BUDGET AND SPENDING PRIORITIES AND THOSE TOOLS SHARE THREE COMMON CHARACTERISTICS (1) EDUCATING RESIDENTS ABOUT THE BUDGET AND COST OF SERVICES (2) SOLICITING SPECIFIC INPUT ON SERVICE PRIORITIES AND TAX/FEE LEVELS, ENSURING THAT TRADEOFFS ARE CLEARLY UNDERSTOOD AND (3) PROVIDING RESIDENTS THE OPPORTUNITY TO INDICATE HOW THEY WOULD STRUCTURE SPENDING (E.G. INCREASE/DECREASE SPENDING ON A SERVICE/PROGRAM); AND

WHEREAS, SOME CITIES HAVE ADOPTED PARTICIPATORY BUDGETING WHICH IS A PROCESS THAT ACTUALLY ALLOWS RESIDENTS TO MAKE DECISIONS ON HOW TO SPEND A SMALL PORTION OF THE BUDGET. WHILE THAT MAY ALSO BE APPROPRIATE FOR ANN ARBOR, IT IS DIFFERENT AND DOES NOT PROVIDE THE INPUT NECESSARY IN DETERMINING OVERALL BUDGET AND SPENDING PRIORITIES: AND

WHEREAS, THE PROPOSED FY19 CITY BUDGET INCLUDES \$667,200.00 IN ONE-TIME FUNDING FOR GOVERNANCE PLAN UPDATES INCLUDING \$500,000 IN NEW FUNDING FOR FY19 AND \$167,200 IN CARRYOVER FUNDING FROM FY18:

RESOLVED, THAT CITY COUNCIL DIRECTS STAFF TO:

- (1) EVALUATE POTENTIAL TOOLS (SURVEYS, WORKSHOPS, OTHER) THE CITY COULD UTILIZE TO OBTAIN MEANINGFUL, OBJECTIVE CITIZEN INPUT AND DATA ON BUDGET AND SPENDING PRIORITIES TO BETTER INFORM STAFF AND COUNCIL'S DELIBERATIONS ON THE FY20 BUDGET AND FY21 FINANCIAL PLAN, AND
- (2) PRESENT TO CITY COUNCIL NO LATER THAN SEPTEMBER 1ST STAFF'S RECOMMENDATIONS ON THE PREFERRED TOOL/MECHANISM INCLUDING PROJECTED COST AND A PROCESS OUTLINE AND TIMETABLE THAT OBTAINS INPUT PRIOR TO DECEMBER 1ST;

RESOLVED, THAT THE GENERAL FUND ONE-TIME EXPENDITURE LINE ITEM OF \$667,200.00 FOR GOVERNANCE PLAN UPDATES BE REDUCED BY \$50,000.00 AND A ONE-TIME EXPENDITURE LINE ITEM OF \$50,000.00 BE ESTABLISHED IN THE GENERAL FUND FOR CITIZEN PARTICIPATION IN DEVELOPING CITY BUDGET AND SPENDING PRIORITIES.

SPONSORS: COUNCILMEMBERS LUMM, BANNISTER, AND EATON

On a voice vote, the Mayor declared the motion carried.

Enactment No: R-18-195

#6

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

AMENDMENT TO INCREASE POLICE STAFFING IN THE FY19 BUDGET BY TWO OFFICERS WITH CONSIDERATION TO ENHANCE UNASSIGNED PROACTIVE PATROLLING (FREE PATROL) IN NEIGHBORHOODS

WHEREAS, PUBLIC SAFETY IS A CORE, ESSENTIAL CITY SERVICE AND A SERVICE PRIORITY HIGHLY VALUED BY MANY COMMUNITY RESIDENTS AND TAXPAYERS; AND

WHEREAS, OVER THE LAST FIFTEEN YEARS, THE NUMBER OF SWORN OFFICERS IN THE AAPD HAS BEEN REDUCED BY 49 OFFICERS, OR 29%, FROM 171 IN FY03 TO 122 IN FY18; AND

WHEREAS, THE COMMUNITY POLICING UNIT HAD 23 FTE AT ITS PEAK (LIEUTENANT, SERGEANT, 14 OFFICERS, AND COMMUNITY SERVICE ASSISTANTS) AND CURRENTLY THE COMMUNITY ENGAGEMENT UNIT CONSISTS OF 4 FTE'S; AND

WHEREAS, THE NUMBER OF HOURS OF UNASSIGNED PROACTIVE PATROLLING (FREE PATROL) HAS DECREASED FROM 42,424 HOURS IN 2013 TO 25,333 IN 2017; AND

WHEREAS, THE FY19 BUDGET PROPOSAL FOR THE POLICE DEPARTMENT INCREASES THE NUMBER OF SWORN OFFICERS BY TWO, BUT AS INDICATED AT THE COUNCIL BUDGET RETREAT IN DECEMBER, THESE TWO OFFICERS WILL "REPLACE STAFF PULLED OFF FOR TRAINING AND FOIA"; AND

WHEREAS, THE HILLARD HEINTZ STUDY COMMISSIONED BY THE CITY MADE TWO PRIMARY RECOMMENDATIONS IN NOVEMBER 2017 TO IMPROVE POLICE-COMMUNITY RELATIONSHIPS AND BUILD TRUST (1) ESTABLISH A CO-PRODUCED POLICING COMMITTEE AND (2) RE-INVIGORATE ITS COMMUNITY POLICING EFFORT AND OPERATIONALIZE A COMMUNITY POLICING STRATEGY; AND

WHEREAS, CITY COUNCIL HAS RE-AFFIRMED "SAFE SYSTEMS FOR AUTO, PEDESTRIAN, AND BIKE USERS" AS A COUNCIL BUDGET PRIORITY AND A2SAFETRANSPORT - A COMMUNITY-BASED ORGANIZATION FOCUSED ON IMPROVING PEDESTRIAN SAFETY AT ANN ARBOR SCHOOLS - IDENTIFIED INCREASED TRAFFIC ENFORCEMENT AS AN ESSENTIAL IMPROVEMENT NECESSARY AT EACH SCHOOL LOCATION: AND

WHEREAS, IN ADDITION TO IMPROVING PEDESTRIAN SAFETY AT SCHOOLS, ENHANCED TRAFFIC ENFORCEMENT AND PATROLS WILL ALSO IMPROVE NEIGHBORHOOD SAFETY (BOTH REAL AND PERCEIVED) WHICH IS A PRIORITY OF MANY RESIDENTS AND NEIGHBORHOODS; AND

WHEREAS, THE INCREMENTAL COST OF TWO OFFICERS IS \$182,560; AND

WHEREAS, ANN ARBOR VOTERS SUPPORTED THE WASHTENAW COUNTY "MENTAL HEALTH AND PUBLIC SAFETY MILLAGE IN NOVEMBER 2017, AND IT IS REASONABLE TO CONCLUDE MANY OF THOSE VOTERS BELIEVED THE MILLAGE WOULD RESULT IN IMPROVED PUBLIC SAFETY IN ANN ARBOR; AND

WHEREAS, THE COUNTY MILLAGE WILL PROVIDE \$2.2 MILLION ANNUALLY IN REVENUE TO THE CITY OF ANN ARBOR AND THE COST FOR TWO OFFICERS REPRESENTS JUST 8% OF THAT \$2.2 MILLION;

RESOLVED, THAT THE RECOMMENDED FY19 BUDGET BE AMENDED TO INCREASE THE BUDGETED FTE IN THE POLICE DEPARTMENT BY TWO (150 FTE TO 152 FTE) AND THAT FY19 POLICE GENERAL FUND RECURRING EXPENDITURES BE INCREASED BY \$182,560, FUNDED WITH A TRANSFER FROM THE COUNTY MILLAGE FUND (FUND 0100), TO REFLECT THE TWO ADDITIONAL

**OFFICERS;**

**RESOLVED, THAT THE COUNTY MILLAGE FUND (FUND 0100) EXPENDITURE BUDGET BE INCREASED \$182,560, 50% FROM THE AFFORDABLE HOUSING ALLOCATION AND 50% FROM THE CLIMATE ALLOCATION, FOR A TRANSFER TO THE GENERAL FUND (FUND 0010) SO THE GENERAL FUND RECURRING REVENUES AND EXPENSES REMAIN BALANCED;**

**RESOLVED, THAT CITY COUNCIL REQUESTS AAPD TO CONSIDER DEPLOYING THE ADDITIONAL OFFICERS AND RESOURCES IN UNASSIGNED PROACTIVE PATROL (FREE PATROL) TO IMPROVE NEIGHBORHOOD AND SCHOOL SAFETY.**

**SPONSORS: COUNCILMEMBER LUMM, EATON**

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

- Yeas:** 4 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister
- Nays:** 7 - Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Enactment No: R-18-195

#2

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

**AMENDMENT 2- AMENDMENT TO UTILIZE FY18 DEER MANAGEMENT SPENDING UNDERRUN TO INCREASE DEER MANAGEMENT FUNDING IN THE FY19 BUDGET**

**WHEREAS, THE CITY HAS DETERMINED THAT ITS URBAN DEER POPULATION ARE CREATING PUBLIC SAFETY AND ECOLOGICAL CONFLICTS IN ITS NATURAL AREAS AND NEIGHBORHOODS;**

**WHEREAS, COUNCIL HAS APPROVED A MULTI-YEAR DEER MANAGEMENT PROGRAM WITH PLANNED RECURRING FUNDS FOR FY2018 AND FY2019 OF \$260,000 PER YEAR;**

**WHEREAS, THE FY2018 GENERAL FUND DEER MANAGEMENT PROGRAM BUDGET WAS AMENDED AND INCREASED TO \$370,000 BY REDUCING THE FY2019 PLANNED FUNDING FROM \$260,000 TO \$150,000;**

**WHEREAS, THE FY2018 PROGRAM IS PROJECTED TO NOT UTILIZE \$61,000 OF THE APPROVED EXPENDITURES PLUS RECEIVED \$32,000 IN UNBUDGETED REVENUES FOR A COMBINED UNDERRUN OF \$93,000 IN THE GENERAL FUND;**

**WHEREAS, THE FINAL REPORT FOR THE FY2018 PROGRAM WILL NOT BE AVAILABLE UNTIL JUNE 2018 DUE TO THE CONTINUED DATA COLLECTION EFFORTS (I.E. CITIZEN SURVEY AND DEER BROWSE DAMAGE STUDY);**

**WHEREAS, THE FINAL SCOPE OF THE FY2019 PROGRAM CANNOT BE ESTABLISHED WITHOUT THE FINAL RESULTS OF THE FY2018; AND**

**WHEREAS, THE GENERAL FUND PROPOSED FY2019 BUDGET INCLUDES \$150,000 IN THE BUILDING & RENTAL SERVICES EXPENDITURE BUDGET FOR DEER MANAGEMENT;**

**RESOLVED, THE GENERAL FUND BUILDING & RENTAL SERVICES EXPENDITURE BUDGET BE INCREASED BY \$93,000, INCREASING THE FUNDING FOR THE DEER MANAGEMENT PROGRAM WITH A ONE-TIME USE OF FUND BALANCE FROM \$150,000 TO \$243,000; AND**

**RESOLVED, AFTER THE FY2018 FINAL REPORT IS ISSUED THAT CITY STAFF SHARE WITH COUNCIL A SPENDING PLAN FOR THE FY2019 PROGRAM.**

**SPONSORS: COUNCILMEMBERS LUMM, WESTPHAL, KAILASAPATHY, AND EATON**

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

- Yeas:** 7 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Bannister
- Nays:** 4 - Councilmember Warpehoski, Mayor Taylor, Councilmember Grand and Councilmember Smith

Enactment No: R-18-195

#3

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

**AMENDMENT 3-AMENDMENT TO INCREASE 2 FTES FOR POLICE SERVICE SPECIALISTS**

**WHEREAS, SWORN OFFICERS STAFF THE POLICE FRONT DESK AFTER NORMAL BUSINESS HOURS;**

**WHEREAS, THE COST OF 2.0 FTES FOR POLICE SERVICE SPECIALISTS IS \$149,198;**

**RESOLVED, THE GENERAL FUND POLICE EXPENDITURE BUDGET BE INCREASED BY \$149,198 FOR 2.0 POLICE SERVICE SPECIALIST FTES FOR THE PURPOSE OF STAFFING THE FRONT DESK AFTER HOURS FUNDED WITH THE ELIMINATION OF THE ASSISTANT CITY ADMINISTRATOR (1.0 FTE) REDUCING THE GENERAL FUND CITY ADMINISTRATOR BUDGET BY \$149,198.**

**SPONSORS: COUNCILMEMBERS EATON, LUMM**

Enactment No: R-18-195

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Krapohl, that the Resolution be amended to consider the proposed substitute resolution:**

**Substitute the Proposed Amendment as follows:**

**AMENDMENT TO DEVELOP POLICE CADET PROGRAM FOR POLICE SERVICE SPECIALISTS**

**WHEREAS, SWORN OFFICERS PERFORM ADMINISTRATIVE FUNCTIONS THAT COULD BE PERFORMED BY POLICE SERVICE SPECIALISTS DURING NON-PEAK HOURS OF OPERATION AT THE DISCRETION OF THE POLICE CHIEF; AND**

**WHEREAS, FREEING SWORN OFFICERS FROM THESE ADMINISTRATIVE DUTIES WOULD HAVE THE IMPACT OF INCREASING THEIR AVAILABILITY TO PERFORM OTHER DUTIES; AND**

**WHEREAS THE POLICE SERVICE SPECIALIST POSITION CAN SERVE AS A RECRUITING TOOL THAT COULD INCREASE INTEREST IN THE ANN ARBOR POLICE DEPARTMENT FOR A DIVERSE POOL OF CANDIDATES;**

**RESOLVED, THAT COUNCIL DIRECTS THE CITY ADMINISTRATOR AND POLICE CHIEF TO DEVELOP A POLICE CADET PROGRAM TO EMPLOY POLICE SERVICE SPECIALISTS TO RELIEVE SWORN OFFICERS OF ADMINISTRATIVE DUTIES WHERE APPROPRIATE; AND**

**RESOLVED THAT THE POLICE CADET PROGRAM BE USED AS A SCREENING OPPORTUNITY FOR THE AWARD OF SCHOLARSHIPS TO POLICE ACADEMIES WITH THE INTENT OF INCREASING INTEREST IN AND DIVERSITY OF THE ANN ARBOR POLICE DEPARTMENT; AND**

**RESOLVED, THAT IF A PROGRAM IS NOT ABLE TO BE INITIATED IN FY2019 THAT THE CITY ADMINISTRATOR INCORPORATE THE PROGRAM IN THE FY2020 BUDGET.**

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

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

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

Enactment No: R-18-195

**The question being, the substitute amendment as moved by Councilmember Warpehoski, seconded by Councilmember Krapohl, on a roll call the vote was as follows, with the Mayor declaring the motion carried:**

**Yeas:** 11 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Bannister

**Nays:** 0

Enactment No: R-18-195

**#4**

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

**AMENDMENT 4-AMENDMENT TO INCREASE FUNDING FOR OUTSIDE COUNSEL FOR ADVISORY TASK FORCE**

WHEREAS, THE CITY COUNCIL ADOPTED RESOLUTION R-18-039, CREATING AN ADVISORY TASK FORCE TO MAKE RECOMMENDATIONS REGARDING THE ROLES AND RESPONSIBILITIES OF A COMMUNITY POLICING COMMISSION, ON FEBRUARY 5, 2018 DIRECTING THE CITY ADMINISTRATOR TO PREPARE A RESOLUTION BY THE MARCH 19, 2018 REGULAR CITY COUNCIL MEETING TO CONFIRM NOMINATION OF THE TASK FORCE MEMBERS;

WHEREAS, THE CITY COUNCIL APPOINTED A TASK FORCE ON MARCH 19, 2018 TO SERVE ON THE ADVISORY TASK FORCE;

WHEREAS, THE ADVISORY TASK FORCE MET ON MAY 3, 2018, AND ITS CO-CHAIR EXPRESSED A CLEAR AND UNEQUIVOCAL REQUEST FOR THE HIRING OF INDEPENDENT LEGAL COUNSEL TO ADVISE THE COMMUNITY POLICING COMMISSION;

RESOLVED, THE GENERAL FUND POLICE NON-RECURRING EXPENDITURE BUDGET BE INCREASED BY \$75,000 FOR THE PURPOSE OF FUNDING OUTSIDE LEGAL COUNSEL FOR THE ADVISORY TASK FORCE AND/OR COMMUNITY POLICING COMMISSION FUNDED WITH THE REDUCTION OF THE GENERAL FUND NON-DEPARTMENTAL BUDGET FOR GOVERNANCE DOCUMENTS BY \$75,000.

**SPONSORS: COUNCILMEMBERS EATON, BANNISTER, KAILASPATHY**

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

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

Enactment No: R-18-195

#7

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

**AMENDMENT 7- AMENDMENT TO REMOVE THE \$750,000 UNDEFINED, LINE-ITEM EXPENDITURE FOR STRATEGIC INITIATIVES IN THE SMARTZONE LDFA'S FY19 BUDGET PROPOSAL AND REDUCE THE SMARTZONE LDFA FY19 EXPENDITURE BUDGET BY \$750,000 TO \$3,564,100**

WHEREAS, THE ANN ARBOR-YPSILANTI SMARTZONE IS A LOCAL DEVELOPMENT FINANCE AUTHORITY (LDFA) FUNDED BY THE STATE OF MICHIGAN AND ITS GOVERNING BODY IS A NINE-MEMBER BOARD OF



DIRECTORS WITH SIX MEMBERS APPOINTED BY ANN ARBOR CITY COUNCIL AND THREE MEMBERS BY YPSILANTI CITY COUNCIL; AND

WHEREAS, THE SMARTZONE LDFA IS INCLUDED IN THE CITY OF ANN ARBOR'S COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AS A COMPONENT UNIT; AND

WHEREAS, THE SMARTZONE LDFA BUDGET IS SUBMITTED BY THE SMARTZONE LDFA BOARD TO ANN ARBOR CITY COUNCIL FOR CONSIDERATION AND CITY COUNCIL EXPLICITLY APPROVES THE SMARTZONE LDFA BUDGET AS PART OF THE "RESOLUTION TO ADOPT THE ANN ARBOR CITY BUDGET AND RELATED PROPERTY TAX MILLAGE RATES"; AND

WHEREAS, THE SMARTZONE LDFA EXPENDITURES HAVE GROWN DRAMATICALLY FROM \$1.9 MILLION IN FY15 TO AN ESTIMATED \$3.3 MILLION IN FY18 – AN INCREASE OF OVER 70% IN JUST THREE YEARS; AND

WHEREAS, THE SMARTZONE LDFA EXPENDITURE BUDGET FOR FY19 SUBMITTED BY THE BOARD FOR COUNCIL CONSIDERATION IS \$4,314,100 – 31% HIGHER THAN LAST YEAR – AND INCLUDES AN EXPENDITURE LINE ITEM OF \$750,000 FOR "STRATEGIC INITIATIVES"; AND

WHEREAS, IN RESPONSE TO COUNCIL MEMBER REQUESTS FOR ADDITIONAL DETAIL ON THE \$750,000 FOR STRATEGIC INITIATIVES, IT WAS INDICATED THAT "THE SMARTZONE IS WRAPPING-UP ITS STRATEGIC PLANNING EFFORTS IN THE NEXT COUPLE OF MONTHS AND WILL SHARE THIS WITH COUNCIL LATER THIS YEAR"; AND

WHEREAS, ANN ARBOR CITY COUNCIL BELIEVES THAT APPROVING A BUDGET THAT AUTHORIZES EXPENDITURES OF THIS MAGNITUDE (THREE QUARTERS OF A MILLION DOLLARS) WITHOUT ANY DETAIL OR COMMITMENTS ON DELIVERABLES AND OUTCOMES IS NOT APPROPRIATE OR CONSISTENT WITH COUNCIL'S FIDUCIARY RESPONSIBILITIES TO TAXPAYERS;

RESOLVED, THAT THE UNDEFINED \$750,000 LINE ITEM FOR STRATEGIC INITIATIVES BE REMOVED FROM THE SMARTZONE LDFA FY19 EXPENDITURE BUDGET AND THE SMARTZONE LDFA FY19 TOTAL EXPENDITURE BUDGET BE REDUCED BY \$750,000 FROM \$4,314,100 TO \$3,564,100;

RESOLVED, THAT IF THE SMARTZONE LDFA BOARD SUBSEQUENTLY PRESENTS TO CITY COUNCIL AN AMENDED FY19 BUDGET REQUEST WITH SUPPORTING DETAIL FOR ADDITIONAL EXPENDITURES, CITY COUNCIL WILL CONSIDER THE AMENDED PROPOSAL ON A TIMELY BASIS.

SPONSORS: COUNCILMEMBERS LUMM, BANNISTER, EATON, AND KAILASAPATHY

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

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

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

Enactment No: R-18-195

#9

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

**AMENDMENT 9- AMENDMENT TO AUTHORIZE A ONE-TIME EXPENDITURE IN FY19 OF UP TO \$20,000 TO OBTAIN CITIZEN INPUT REGARDING PARTISAN VS. NON-PARTISAN LOCAL ELECTIONS IN ANN ARBOR**

**WHEREAS, THE CITY OF ANN ARBOR IS ONE OF JUST THREE CITIES IN MICHIGAN TO CONDUCT LOCAL ELECTIONS ON A PARTISAN BASIS (IONIA AND YPSILANTI ARE THE OTHER CITIES): AND**

**WHEREAS, ALL OF ANN ARBOR'S REGULAR BENCHMARK CITIES (BOULDER, BERKELEY, MADISON, AUSTIN, EAST LANSING, COLUMBUS) CONDUCT LOCAL ELECTIONS ON A NON-PARTISAN BASIS; AND**

**WHEREAS, THE RESULT OF CONDUCTING LOCAL ELECTIONS ON A PARTISAN BASIS IN ANN ARBOR IS THAT THE LARGE MAJORITY OF CONTESTED ELECTIONS ARE HELD IN LOW-TURNOUT AUGUST PRIMARIES: AND**

**WHEREAS, CONDUCTING ELECTIONS ON A NON-PARTISAN BASIS IN ANN ARBOR WOULD ALLOW THE CONTESTED ELECTIONS TO BE HELD IN NOVEMBER WHERE VOTER TURNOUT IS SIGNIFICANTLY HIGHER.**

**WHEREAS, CONDUCTING ELECTIONS ON A NON-PARTISAN BASIS WOULD REQUIRE A CHANGE TO THE CITY CHARTER WHICH MUST BE APPROVED BY ANN ARBOR VOTERS; AND**

**WHEREAS, THE RESIDENTS OF ANN ARBOR HAVE NOT HAD AN OPPORTUNITY TO HAVE THEIR VOICES HEARD ON THIS QUESTION OF PARTISAN VS. NON-PARTISAN LOCAL ELECTIONS SINCE THE 1950'S; AND**

**WHEREAS, REGARDLESS OF ONE'S PERSONAL POSITION ON THE QUESTION OF PARTISAN OR NON-PARTISAN LOCAL ELECTIONS, IT IS REASONABLE AND APPROPRIATE TO OFFER VOTERS THE CHOICE GIVEN THAT (1) ANN ARBOR IS A VERY CLEAR OUTLIER IN CONDUCTING PARTISAN LOCAL ELECTIONS AND (2) RESIDENTS HAVE NOT HAD THE OPPORTUNITY TO WEIGH-IN ON THE QUESTION IN 60 YEARS; AND**

**WHEREAS, CITY COUNCIL HAS TWICE IN THE LAST 3 YEARS (JULY 20, 2015 AND JULY 7, 2016) REJECTED OFFERING VOTERS AN OPPORTUNITY TO DECIDE THIS QUESTION AT THE BALLOT BOX; AND**

**WHEREAS, OBTAINING OBJECTIVE COMMUNITY FEEDBACK ON THE QUESTION OF PARTISAN VS. NON-PARTISAN LOCAL ELECTIONS IN ANN ARBOR WILL SERVE TO INFORM ANY FUTURE COUNCIL CONSIDERATION; AND**

**WHEREAS, THE COMMUNITY SURVEY COMPONENT OF THE DEER**

MANAGEMENT PROGRAM CONDUCTED BY MSU'S RESEARCH CENTER USING A RANDOM SAMPLING OF HOUSEHOLDS MAY PROVIDE A RELEVANT SURVEY PROCESS EXAMPLE AND THE COST FOR THAT SERVICE IS APPROXIMATELY \$20,000; AND

WHEREAS, THE FY19 PROPOSED GENERAL FUND BUDGET INCLUDES \$262,612 OF WORKFORCE PLANNING CARRYOVER FUNDING AND IN RESPONSE TO A QUESTION ON THE EXPECTED USE OF THE OVERHIRING PROVISION, IT WAS INDICATED THAT "FOR FY19, WE ARE ONLY AWARE OF THE CITY ATTORNEY'S TWO OVERHIRE EMPLOYEES AT THIS TIME"

RESOLVED THAT CITY COUNCIL DIRECTS STAFF TO DEVELOP AND CONDUCT A RESIDENT SURVEY TO OBTAIN OBJECTIVE FEEDBACK ON RESIDENT'S OPINIONS AND PREFERENCES WITH REGARD TO CONDUCTING LOCAL ELECTIONS ON A PARTISAN VS. NON-PARTISAN BASIS AND REPORT THE FINDINGS TO COUNCIL WHEN COMPLETED;

RESOLVED THAT CITY COUNCIL AUTHORIZES UP TO \$20,000 FOR THIS PURPOSE, AND THAT THE GENERAL FUND ONE-TIME EXPENDITURE LINE ITEM OF \$262,612 FOR WORKFORCE OVERHIRING BE REDUCED BY \$20,000 AND A ONE-TIME GENERAL FUND EXPENDITURE LINE ITEM OF \$20,000 BE ESTABLISHED FOR CITIZEN SURVEY ON NON-PARTISAN LOCAL ELECTIONS.

SPONSORS: COUNCILMEMBERS LUMM, BANNISTER, AND EATON

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

- Yeas:** 4 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister
- Nays:** 7 - Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Enactment No: R-18-195

#5

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

**AMENDMENT 5-AMENDMENT TO INCREASE FUNDING TO STUDY MENTAL HEALTH NEEDS**

WHEREAS, WASHTENAW COUNTY RESIDENTS, INCLUDING RESIDENTS OF THE CITY OF ANN ARBOR, APPROVED A BALLOT MEASURE TO AUTHORIZE A MENTAL HEALTH AND PUBLIC SAFETY PRESERVATION MILLAGE;

WHEREAS, THE CITY OF ANN ARBOR HAS SIGNIFICANT UNMET NEEDS IN ADDRESSING COMMUNITY MENTAL HEALTH ISSUES, INCLUDING BUT NOT LIMITED TO THE OPIOID CRISIS, STUDENT MENTAL HEALTH SERVICES AND SUICIDE PREVENTION;

WHEREAS, A POLL CONDUCTED BY PUBLIC POLICY POLLING FOR CITIZENS FOR MENTAL HEALTH & PUBLIC SAFETY, INDICATED THAT ANN ARBOR

**VOTERS SUPPORT THE USE OF PUBLIC FUNDS TO PROVIDE ADDITIONAL MENTAL HEALTH SERVICES;**

**WHEREAS, THE CITY OF ANN ARBOR HAS NOT BUDGETED ANY FUNDS FOR MENTAL HEALTH ASSESSMENT AND PLANNING;**

**RESOLVED, THE GENERAL FUND POLICE NON-RECURRING EXPENDITURE BUDGET BE INCREASED BY \$75,000 FOR THE PURPOSE OF FUNDING A STUDY OF MENTAL HEALTH NEEDS FUNDED WITH THE REDUCTION OF THE GENERAL FUND NON-DEPARTMENTAL BUDGET FOR GOVERNANCE DOCUMENTS BY \$75,000.**

**SPONSORS: COUNCILMEMBERS EATON, BANNISTER**

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

- Yeas:** 4 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister
- Nays:** 7 - Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Enactment No: R-18-195

#11

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

**AMENDMENT 11- AMENDMENT TO PROVIDE ONE-TIME SPECIAL EVENT FUNDING FOR SECURITY COSTS FOR FY19 AND DIRECT STAFF TO DEVELOP ALTERNATIVES FOR ADDRESSING SECURITY COSTS FOR FUTURE DOWNTOWN EVENTS**

**WHEREAS, THE CITY WANTS TO PROVIDE A SAFE ENVIRONMENT FOR OUR DOWNTOWN EVENTS;**

**WHEREAS, THE ADDITIONAL COSTS TO PROVIDE ENHANCED BARRIER PROTECTION IS SIGNIFICANTLY INCREASING THE COSTS OF SPECIAL EVENTS;**

**WHEREAS, THE CITY VALUES DOWNTOWN SPECIAL EVENTS FOR THEIR CONTRIBUTION TO A VIBRANT DOWNTOWN;**

**WHEREAS, THE CITY DESIRES TO INVESTIGATE SUSTAINABLE SOLUTIONS FOR SAFETY AT DOWNTOWN EVENTS;**

**WHEREAS, THE CITY ESTIMATES THE ADDITIONAL COSTS AT \$150,000;**

**RESOLVED, THE FY19 GENERAL FUND BUILDING AND PLANNING SERVICE UNIT EXPENDITURE BUDGET BE INCREASED BY \$150,000 FUNDED BY A ONE-TIME USE OF FUND BALANCE; AND**

**RESOLVED, THE CITY ADMINISTRATOR RECOMMEND TO COUNCIL AS PART OF THE FY20 BUDGET SUSTAINABLE SOLUTIONS FOR FUNDING THE SAFETY OF DOWNTOWN NON-PROFIT EVENTS.**

**SPONSORS: MAYOR TAYLOR AND COUNCILMEMBER WESTPHAL**

**On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-18-195

#1

A motion was made by Councilmember Smith, seconded by Councilmember Grand, that the Resolution be amended:

**AMENDMENT 1-AMENDMENT TO DECREASE THE GENERAL FUND FUND BALANCE BY \$1,295,000 AND INCREASE THE GENERAL FUND NON-DEPARTMENTAL EXPENDITURE BUDGET BY \$1,295,000 TO FINANCE AND EFFECTUATE SETTLEMENT OF THE LITIGATION RELATED TO 350 S. FIFTH AVE.**

**WHEREAS, ON OR ABOUT APRIL 2, 2014, THE CITY EXECUTED A DEED (“DEED”) AND DELIVERED IT TO FIFTH FOURTH, LLC (“FIFTH FOURTH”), WHICH ACCEPTED IT, AND THE CONDITIONAL, LIMITED INTEREST IT CONVEYED TO IN THE PROPERTY COMMONLY KNOWN AS 350 SOUTH FIFTH AVENUE, ANN ARBOR, MICHIGAN 48104 (“PROPERTY”);**

**WHEREAS, THE DEED CONDITIONS FIFTH FOURTH’S INTEREST ON, AMONG OTHER THINGS, ITS ACQUISITION OF A CERTIFICATE OF OCCUPANCY FOR DEED-PRESCRIBED IMPROVEMENTS (“CERTIFICATE OF OCCUPANCY”) PRIOR TO JANUARY 1, 2018 (ADMINISTRATIVELY EXTENDED TO APRIL 3, 2018, AT FIFTH FOURTH’S REQUEST);**

**WHEREAS, THE DEED PROVIDES THAT IF FIFTH FOURTH FAILED TO SATISFY ALL CONDITIONS ON ITS INTEREST, FEE SIMPLE ABSOLUTE TITLE TO THE PROPERTY RETURNS TO THE CITY WITH THE CITY’S PAYMENT OF THE LESSER OF \$4,200,000 OR AN APPRAISED VALUE OF THE PROPERTY;**

**WHEREAS, FIFTH FOURTH FILED A LAWSUIT IN FEBRUARY 2018 TO, AMONG OTHER THINGS, CHALLENGE THE CITY’S REVERSIONARY INTEREST IN THE PROPERTY;**

**WHEREAS, ON MAY 9, 2018, THE CITY ATTEMPTED TO PAY FIFTH FOURTH THE \$4,200,000, BUT FIFTH FOURTH REFUSED THE PAYMENT;**

**WHEREAS, THE CITY, FIFTH FOURTH, AND DENNIS A. DAHLMANN, FIFTH FOURTH’S OWNER, WHO IS ALSO A PLAINTIFF IN THE LAWSUIT, HAVE ENTERED INTO SETTLEMENT NEGOTIATIONS IN WHICH FIFTH FOURTH HAS INDICATED WILLINGNESS TO NOW ACCEPT THIS PAYMENT ALONG WITH AN ADDITIONAL PAYMENT TO RESOLVE ALL REMAINING CLAIMS IN THE LAWSUIT;**

**WHEREAS, DENNIS A. DAHLMANN AND FIFTH FOURTH HAVE MADE A WRITTEN OFFER TO THE CITY TO ACCEPT THE \$4,200,000 ALONG WITH AN ADDITIONAL \$1,000,000 TO FIFTH FOURTH TO SETTLE THE ENTIRE LAWSUIT;**

**WHEREAS, OTHER CITY COSTS ASSOCIATED WITH THIS SETTLEMENT ARE ESTIMATED AT APPROXIMATELY \$145,000, AND MAY, AS APPLICABLE, INCLUDE ESTIMATED COSTS FOR: A TITLE INSURANCE PREMIUM, CLOSING COSTS, A BASELINE ENVIRONMENTAL ASSESSMENT, TRANSFER TAXES (\$36,000), REIMBURSEMENT OF TAXES PAID (\$6,500) AND PAYMENT OF PROPERTY TAXES (\$78,500, APPROXIMATELY \$21,000 OF WHICH WILL BE PAID BACK TO THE CITY AS ITS SHARE OF THE TAXES.);**

**WHEREAS, IN COUNCIL RESOLUTION R-18-140 THE CITY ANTICIPATED**

FUNDING THE \$4,200,000 PAYMENT AND OTHER COSTS ASSOCIATED BY THE ISSUING A GENERAL-OBLIGATION BOND, THE COST OF WHICH THE CITY ESTIMATES TO BE \$150,000;

WHEREAS, IF COUNCIL APPROVES THIS BUDGET AMENDMENT AND RESOLVES TO APPROVE THE SETTLEMENT OFFER, A RESOLUTION AUTHORIZING A NOTICE OF ISSUANCE FOR GENERAL OBLIGATION BONDS SHOULD BE BROUGHT FOR COUNCIL CONSIDERATION AT ITS NEXT REGULARLY SCHEDULED MEETING; AND

WHEREAS, THE ADDITIONAL AMOUNT THAT SHOULD BE BUDGETED FOR ADDITIONAL COSTS IS UP TO:

\$1,000,000 POSSIBLE SETTLEMENT PAYMENT  
 \$ 150,000 POSSIBLE BOND-ISSUANCE COSTS  
 \$ 145,000 POSSIBLE CLOSING COSTS AND TAXES  
 \$1,295,000 TOTAL COSTS TO BE REIMBURSED BY BOND ISSUANCE;

RESOLVED, THAT THE GENERAL FUND FUND BALANCE BE DECREASED BY \$1,295,000;

RESOLVED, THAT THE GENERAL FUND NON-DEPARTMENTAL EXPENDITURE BUDGET BE INCREASED BY \$1,295,000; AND

RESOLVED, THAT STAFF BRING THE NOTICE OF ISSUANCE OF GENERAL OBLIGATION BONDS TO FUND THE FULL COSTS EFFECTUATING TITLE TO THE PROPERTY TO THE CITY COUNCIL'S JUNE 4, 2018 REGULARLY SCHEDULED MEETING.

SPONSORS: COUNCILMEMBER SMITH, WESTPHAL, GRAND

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

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

Enactment No: R-18-195

[18-0619](#)

Resolution to Adopt Ann Arbor City Budget and Related Property Tax Millage Rates for Fiscal Year 2019

**Attachments:** Budget Amendments for FY19 as APPROVED.pdf, Section06-Resolution for FY19 Adopted Budget.pdf, Resolution for FY19 Adopted Budget.pdf, Budget Amendments for FY19.pdf, FY19 Council Budget Questions - Staff Responses.pdf

The question being, the motion made by Councilmember Ackerman, seconded by Councilmember Grand, 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 Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

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

Enactment No: R-18-195

**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.*

**DC-6**      [18-0942](#)      Resolution to Accept Settlement Offer to Resolve *Dahlmann v City of Ann Arbor*, 22nd Circuit Court, Case No. 18-133-CK

**Sponsors:**      Smith, Grand and Westphal

**Attachments:**      Settlement Agreement signed by Dahlmann and Fifth Fourth LLC.pdf

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

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

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

Enactment No: R-18-196

## **E      COMMUNICATIONS FROM THE CITY ATTORNEY**

## **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 Ackerman, seconded by**

Councilmember Grand, that the Clerk's Report of Communications, Petitions and Referrals be approved as presented. On a voice vote, the Mayor declared the motion carried.

- F-1**      [18-0869](#)      May 8 2018 Special Election Results Certified  
***Attachments:***      May 8 2018 Canvass.pdf
- F-2**      [18-0918](#)      Communication from the State of Michigan Office of the Great Seal regarding Completed Annexations of 2883 Stone School (Flannery Property) and 2401 Newport Road (Malooley-Gordon Property) - All Departments  
***Attachments:***      Flannery Annexation Communication from State.pdf, Malooley-Gordon Communication from State.pdf
- F-3**      [18-0920](#)      Communication from the State of Michigan Public Service Commission regarding Public Hearing Notice to Customers of DTE Electric Company in Case No. U-20051, scheduled for June 6, 2018 - City Attorney, Energy (Systems Planning)  
***Attachments:***      DTE Public Hearing Notice U-20051.pdf
- F-4**      [18-0925](#)      Park Advisory Commission Resolution on the FY 2019 Proposed Budget for Parks and Recreation Services and Park Operations  
***Attachments:***      PAC - FY2019 Parks and Recreation Budget Resolution - MORRISON.pdf
- G**      **The following minutes were received for filing:**
- G-1**      [17-2082](#)      October 3, 2017 City Planning Commission Meeting Minutes  
***Attachments:***      10-3-2017 CPC Minutes with Live Links.pdf
- G-2**      [17-2083](#)      November 8, 2017 City Planning Commission Meeting Minutes  
***Attachments:***      11-8-2017 CPC Minutes with Live Links.pdf
- G-3**      [18-0398](#)      Greenbelt Advisory Commission Meeting Minutes February 1, 2018



**Attachments:** Meeting Minutes 2-1-2018.pdf

**G-4**      [18-0577](#)      Ann Arbor Board of Review Meeting Minutes of March 19-22, 2018

**Attachments:** 2018 mbor minute.pdf

**G-5**      [18-0624](#)      Building Board of Appeals Minutes for February 15, 2018

**Attachments:** BBA Meeting Minutes 2-15-18.pdf

**G-6**      [18-0733](#)      Environmental Commission Minutes from September 22, 2016

**Attachments:** draft Environmental Commission minutes sept 22 2016.docx

**G-7**      [18-0760](#)      Insurance Board Meeting Minutes - April 26, 2018

**Attachments:** Insurance Board Minutes 042618.pdf, Insurance Board Loss Run - April 2018.pdf

**G-8**      [18-0773](#)      Environmental Commission minutes from March 22, 2018

**Attachments:** Revised march 2018 meeting minutes Environmental Commission.pdf

**G-9**      [18-0791](#)      Ann Arbor Public Art Commission Meeting Minutes - March 2018

**Attachments:** AAPAC - March Meeting Minutes - 030718.pdf, Rotating Art Gallery for Local Artists v Jan 2018.doc

**G-10**      [18-0792](#)      Ann Arbor Public Art Commission Meeting Minutes - March 2018 Annual Retreat

**Attachments:** AAPAC - Annual Retreat 2018 - 030318.pdf

**G-11**      [18-0796](#)      Greenbelt Advisory Commission Meeting Minutes of March 1, 2018

**Attachments:** 3-1-2018.pdf

**G-12**      [18-0804](#)      Downtown Development Authority Board, Executive, Partnerships,

Capital Improvements, Operations and Finance Committees Minutes of April 2018

**Attachments:** DDA Minutes April 2018

**G-13**      [18-0837](#)      Downtown Area Citizens Advisory Council Meeting Minutes of May 1 2018

**Attachments:** CAC Minutes May 1 2018

**G-14**      [17-2091](#)      Building Board of Appeals Meeting Minutes October 19, 2017

**Attachments:** BBA Meeting Minutes 10-19-17.pdf

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

*Kai Petainen, City resident, spoke about the budget process. He stated he does not like to see Councilmembers vote No on the final budget approval.*

*Edward Vielmetti, City resident, spoke about CA-10, a collective bargaining agreement with members of the Police Department. He stated a copy of the contract was not available.*

*Sam Copi, Fourth Ward resident, expressed concern about the polling place at the UM Coliseum. He stated there is not enough parking for voters at this location.*

**COMMUNICATIONS FROM COUNCIL**

*None.*

**ADJOURNMENT**

**A motion was made by Councilmember Grand, seconded by Councilmember Lumm, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:45 a.m.**

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

**LIVE: MONDAY, MAY 21, 2018 @ 7:00 P.M.**

**REPLAYS: WEDNESDAY, MAY 23, 2018 @ 8:00 A.M. AND FRIDAY, MAY 25, 2018 @ 8:00 P.M.**

**REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE**

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

Live Web streaming or Video on Demand: <https://a2ctn.viebit.com>

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

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.