

City of Ann Arbor

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



Meeting Minutes

Thursday, November 7, 2013

7:00 PM

City Hall, 301 E. Huron Street, Council Chamber, 2nd Floor
City Council meets in caucus the Sunday prior to each regular
session at 7 p.m. in the Council Chamber.

City Council

CALL TO ORDER

Mayor Hieftje called the meeting to order at 7:09 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron St.

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

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

ROLL CALL OF COUNCIL

Present: 11 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Sally Petersen and Councilmember Chuck Warpehoski

APPROVAL OF AGENDA

A motion was made by Councilmember Briere, seconded by Councilmember Taylor, that the Agenda be approved with the following change:

Move: DS-19 Resolution to Adopt FY 2015-16 Human Services Funding Process (Consider after Consent Agenda.)

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

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

ARREST MADE IN HOMICIDE

City Administrator Steve Powers thanked the Ann Arbor Police Detectives and the University of Michigan Department of Public Safety for their excellent work in the arrests made earlier in the day in the Paul DeWolf homicide case. Three suspects are currently under arrest, said Mr. Powers.

MAIN STREET LIGHT POLES

Administrator Powers updated Council on the Main Street light poles. He said that the inspection of the poles was completed by staff and he would be bringing forth a recommendation regarding future action for Council's consideration at the November 18, 2013 Regular Session.

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. Timothy W. Green - Ordinance regarding Permit Requirement for Group Activities in Parks (Treatment of homeless) (C-1)

Timothy W. Green, representing Camp Take Notice and Camp Misfit, spoke about homelessness in Ann Arbor and the need for action. He urged Council to assist in getting the homeless off the streets and into warm beds.

2. Ingrid Ault -Resolution Accepting the Park Advisory Commission Downtown Parks Subcommittee Report on Downtown Parks (DC-2)

Ingrid Ault, 2531 Mead Ct., Chair of the Downtown Park Subcommittee, spoke in support of the proposed Resolution Accepting the Park Advisory Commission Downtown Parks Subcommittee Report on Downtown Parks. She encouraged Council to support the resolution.

3. Ray Gholston - Ordinance regarding Permit Requirement for Group Activities in Parks (C-1)

Ray Gholston, member of the homeless community, addressed Council regarding the proposed ordinance amendments to Chapter 39 Parks, regarding Permit Requirements for Group Activities in the Parks. He said one of the biggest challenges for the homeless is finding warm shelter.

4. Dina Kurz - Resolution to Authorize the City Administrator to Negotiate a Sales Agreement for the City-Owned Property at 350 S. Fifth Avenue (DC-5)

Dina Kurz, 2731 Provincetown Ct., addressed Council regarding the Resolution to Authorize the City Administrator to Negotiate a Sales Agreement for the City-Owned Property at 350 S. Fifth Avenue. She said that Council has a unique opportunity with the sale of 350 S. Fifth Ave. The property is one of the few in the City that can have an impact on the City's own sustainability goals.

5. Stephan Pate - Ordinance regarding Permit Requirement for Group Activities in Parks (C-1)

Stephan Pate, member of the homeless community, spoke about homelessness in the City. He expressed concern about the aggressive approach taken by the Ann Arbor Police in removing homeless camps from the parks. He urged Council to allow the homeless to live in peace and at least allow them adequate time to gather their belongings when asked to relocate.

6. Kathy Griswold - Resolution to Appoint a Pedestrian Safety and Access Task Force (DC-4)

Kathy Griswold, 3565 Foxhunt Dr., addressed Council regarding the proposed Resolution to Appoint a Pedestrian Safety and Access Task Force. She thanked Councilmembers Briere and Warpehoski for giving attention to pedestrian safety. She offered a suggestion stating that the most effective strategy for improving pedestrian

safety would be to expand and empower the existing Transportation Safety Committee. Ms. Griswold said that she sent an email outlining some of the accomplishments of the committee as well as information on the Ann Arbor Public School website and on the City website about this committee.

7. Andrew Mutschler - Ordinance regarding Permit Requirement for Group Activities in Parks (C-1)

Andrew Mutschler, member of the homeless community, said he is a part of Camp Misfit. He expressed concern about the Ann Arbor Police tossing his belongings. He urged compassion for the homeless and to allow them to have some stability.

8. Tom Wall - Resolution to Appoint a Pedestrian Safety and Access Task Force (DC-4)

Tom Wall, 1031 Woodbridge, addressed Council regarding the Resolution to Appoint a Pedestrian Safety and Access Task Force. He offered the Council the assistance of his All Star Driver Education company in spreading the message to young people regarding pedestrian safety.

9. Raytheon Jones - Ordinance regarding Permit Requirement for Group Activities in Parks (C-1)

Raytheon Jones, 312 W. Huron, addressed Council regarding homelessness. He said that homelessness is a serious problem and urged Council to offer more support to the community.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER BRIERE

Councilmember Briere updated Council and the public on a public meeting scheduled to discuss the parking situation at Argo Livery and Longshore Park. The meeting will be held on November 21, 2013 at 7p.m. at the Traverwood District Library.

Councilmember Briere noted that Longshore Park was used as a temporary solution for the parking overflow at Argo, due in part to the increased popularity of the Argo Cascades. The neighbors in the area were not happy with the use of Longshore Park for parking and the increased traffic congestion that it brought. This meeting will be an opportunity for all involved to discuss solutions for the future.

COUNCILMEMBER PETERSEN

Councilmember Petersen responded to some of the comments regarding homelessness in the City. She noted that there is also a rotating shelter program that is run through a network of churches. She suggested perhaps an earlier start to the program if there is demand and suggested the City Administrator look into this option.

Mayor Hieftje replied that the religious community has been operating the rotating shelters for a very long time. He noted that in recent years, many churches have been struggling to maintain the program because of a decline in volunteer support; however, several years ago, additional churches were brought into the program to assist. Mayor Hieftje replied that the program is managed by the Shelter Association and he encouraged Mr. Powers to contact them with any suggestions for change.

Mayor Hieftje said that the Shelter's warming center would be opening on November 18, which would greatly expand the amount of people serviced in the community. He

noted that these programs are not run by the City Administrator, but rather a network of non-profits, including the Shelter Association, the Housing Alliance and others.

COUNCILMEMBER LUMM

Councilmember Lumm recognized four Ann Arbor Police Department officers who were honored as Officers of the Year by the Washtenaw 100 Club. The Club was formed in 1971 and their mission is to recognize in Washtenaw County, the outstanding police officers and firefighters each year. They also provide financial support to the families of law enforcement officers serving Washtenaw County who died in the line of duty and award college scholarships to the children of active duty law enforcement officers and firefighters. Officers David Ried, Jeff Shafer, Roman Morrow and Pete Tsangaris were honored and recognized this year as Officers of the Year for their efforts to save a woman's life on January 13, 2013. The officers entered a burning building to rescue her.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski clarified that the rotating shelter program included synagogues and other places of worship, not just churches. He inquired with City Administrator Powers regarding the reasons for breaking up a camp in the parks and evicting the homeless.

Administrator Powers replied that under City Ordinance, camping is forbidden in City parks. He did note that currently the evictions are largely complaint-driven. He stated when the AAPD receives a complaint, a 48-hour notice is posted in the camp alerting the campers that they are required to vacate. The evictions only take place following that notice. Mr. Powers also stated he has personally met with the residents of Camp Misfit and he is working with the Chief of Police on solutions. He stated he would provide Council with an update soon.

Councilmember Warpehoski encouraged the AAPD to enforce the City's Ordinance with a respect and compassion for the humanity of the homeless and with regard to protection of their personal possessions.

COUNCILMEMBER ANGLIN

Councilmember Anglin updated the community regarding safety and traffic calming on S. Seventh St. He stated a community meeting is planned for the neighborhood to discuss traffic calming options.

COUNCILMEMBER TEALL

Councilmember Teall recognized that it was Councilmember Higgins' last meeting.

MC COMMUNICATIONS FROM THE MAYOR

Mayor Hieftje also spoke about the homeless issue in Ann Arbor and the community's efforts to respond with humanitarian support. Mayor Hieftje noted that Ann Arbor is one of the few cities in Michigan to use General Fund dollars to support human services. He also noted that the City is currently looking for options for the Ann Arbor Police to log and hold personal property that is displaced during an eviction in the

parks so it can be returned to the owner.

MC-1 [13-1325](#)

Appointments & Nominations

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the October 21, 2013 regular session of Council:

Ann Arbor Commission on Disability Issues

*Amy Shepherd-Filling Vacancy
725 Arlington
Ann Arbor, MI 48104
Term: November 7, 2013 - November 6, 2015*

Downtown Development Authority

*Cyndi Clark-Filling Vacancy
1709 Morton Ave.
Ann Arbor, MI 48104
Term: November 7, 2013 - July 31, 2016*

Energy Commission

*Shoshannah Lenski-Replacing Mike Delaney
2809 Craig Rd.
Ann Arbor, MI 48103
Term: November 7, 2013 - July 5, 2014*

*Mike Shriberg-Reappointment
1473 Pine Valley Blvd.
Ann Arbor, MI 48104
Term: November 7, 2013 - October 31, 2015*

Ann Arbor Housing Commission

*Tim Colenback-Filling Vacancy
1730 David Court
Ann Arbor, MI 48105
Term: November 7, 2013 - May 7, 2018*

Park Advisory Commission

*David Santacroce-Replacing Julie Grand
601 N. Fifth Ave.
Ann Arbor, MI 48104*

A motion was made by Councilmember Taylor, seconded by Councilmember Briere, that Council concur with the recommendations of the Mayor. On a voice vote, the Mayor declared the motion carried.

MC-2 [13-1397](#)

Appointment & Nominations

REFERRED

Mayor Hieftje presented the following nominations for approval at a later date:

Airport Advisory Council

*Peter Greenfield -replacing of Wilson Tanner
3682 Tanglewood Ct.
Ann Arbor, MI 48105
Term: November 18, 2013-July 4, 2016*

Cable Communications Commission

*Anthony Ramirez Re-Appointment
920 East Ann St.
Ann Arbor, MI 48104
Term: November 18, 2013-October 20, 2018*

Housing and Human Services Advisory Board

*Eleanor Pollack-filling vacancy of Ned Staebler
515 Detroit St.
Ann Arbor, MI 48104
Term: November 18, 2013-June 14, 2016*

*Thaddeus Jabzanka-filling vacancy of Anthony Ramirez
1400 Morton Ave. #1C
Ann Arbor, MI 48104
Term: November 18, 2013-June 14, 2016*

Human Rights Commission

*Mohamad Issa Re-appointment
3551 Packard Rd.
Ann Arbor, MI 48108
Term: November 18, 2013-October 31, 2016*

*Linda Winkler Re-appointment
625 Second St.
Ann Arbor, MI 48103
Term: November 18, 2013-October 31, 2016*

Referred to the City Council due back on[13-1424](#)**Appointments and Nominations****APPOINTMENT APPROVED**

Mayor Hieftje recommended the following appointment be approved in a one-step process on November 7, 2013:

Ann Arbor Housing Commission

*Christopher Geer -Re-appointment w/ correct end term date
1517 Morton Ave.
Ann Arbor, MI 48104
Term: November 7, 2013-May 1, 2017 (nominate & confirm in 1 step)*

A motion was made by Councilmember Lumm, seconded by Councilmember Kunselman, that Council concur with the recommendations of the Mayor. On a

voice vote, the Mayor declared the motion carried unanimously, thus satisfying the seven-vote requirement.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [13-1140](#) Resolution to Adopt the 2013 Update to the Non-Motorized Transportation Plan (Adopted by the CPC on September 10, 2013 - 7 Yeas, 0 Nays)

A public hearing was conducted on the proposed Resolution to Adopt the 2013 Update to the Non-Motorized Transportation Plan. Notice of public hearing was published October 31, 2013.

Kathy Griswold, 3565 Foxhunt Drive, spoke in opposition to the proposed Non-Motorized Transportation Plan and urged Council to reject it.

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

Held and Closed

Enactment No: R-13-369

PH-2 [13-1274](#) Resolution to Approve the Ann Arbor Christian Reformed Church Site Plan, 1717 Broadway Street (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

A public hearing was conducted on the proposed Resolution to Approve the Ann Arbor Christian Reformed Church Site Plan, located at 1717 Broadway Street. Notice of public hearing was published October 28, 2013.

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

Held and Closed

Enactment No: R-13-334

A APPROVAL OF COUNCIL MINUTES

A-1 [13-1338](#) Work Session of October 14, 2013 and Regular Session Meeting Minutes of October 21, 2013

A motion was made by Councilmember Briere, seconded by Councilmember Lumm, that the Work Session Meeting Minutes of October 14, 2013 and the Regular Session Meeting Minutes of October 21, 2013, be approved as presented. On a voice vote, the Mayor declared the motion carried.

CA CONSENT AGENDA

CONSENT AGENDA REMOVED

With unanimous consent of Council, the following items were removed from the Consent Agenda and placed at the end of same:

CA-2 Resolution to Approve Changes to Bylaws of the Ann Arbor City Planning Commission

Passed on consent agenda

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

- CA-1** [13-1151](#) Resolution to Approve Bylaws of the Design Review Board
Enactment No: R-13-324
- CA-3** [13-1235](#) Resolution to Approve a Services Agreement with Utilities
Instrumentation Service for Electrical and Instrumentation Support
Services (\$60,000.00)
Enactment No: R-13-325
- CA-4** [13-1308](#) Resolution Setting a Public Hearing on December 2, 2013 to Receive
Public Comment on the Proposed Industrial Development District No.
2013-010
Enactment No: R-13-326
- CA-5** [13-1311](#) Resolution to Approve First Amendment to Contract with Plante
Moran, PLLC for Review of Permitting Processes (\$17,000.00)
Enactment No: R-13-327
- CA-2** [13-1154](#) Resolution to Approve Changes to Bylaws of the Ann Arbor City
Planning Commission

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

**A motion was made by Councilmember Briere, seconded by Councilmember
Kailasapathy, that the Resolution be postponed until 12/16/2013. On a voice
vote, the Mayor declared the motion carried.**
- DS-19** [13-1164](#) Resolution to Adopt FY 2015-16 Human Services Funding Process

**A motion was made by Councilmember Teall, seconded by Councilmember
Briere, that the Resolution be approved. On a voice vote, the Mayor declared
the motion carried.**
Enactment No: R-13-328

B ORDINANCES - SECOND READING**B Unfinished Business:**

- B-1** [13-0188](#) An Ordinance to Amend Sections 1:155, Section 1:156 and Add a
New Section Which New Section Shall Be Designated as Section
1:160 of Chapter 7, Downtown Development Authority, Title I of the

Code of the City of Ann Arbor (Ordinance No. ORD-13-05)

A motion was made by Councilmember Kunselman, seconded by Councilmember Petersen, that the Ordinance be adopted on Second Reading.

Enactment No: ORD-13-05

A motion was made by Councilmember Kunselman, seconded by Councilmember Briere, that the Ordinance be tabled. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-13-05

C ORDINANCES - FIRST READING

C New Business:

C-1 [13-1266](#) An Ordinance to Amend Section 3:6 of Chapter 39, Parks, Title III of the Code of the City of Ann Arbor to Provide for Exemptions to the Permit Requirement for Group Activities in Parks (Ordinance No. ORD-13-27)

A motion was made by Councilmember Taylor, seconded by Councilmember Teall, that the Ordinance be approved on First Reading. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-13-27

C-2 [13-1376](#) An Ordinance to Amend Sections 1:155, 1:156 and Add a New Section Which New Section Shall Be Designated as Section 1:160 of Chapter 7, Downtown Development Authority, Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-13-28)

A motion was made by Councilmember Kunselman, seconded by Councilmember Briere that the Ordinance be approved on First Reading.

Enactment No: ORD-13-28

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

...Add New Subsection 3(e) to Section 1:156 to read as follows:

It was considered friendly to change \$200,000 to \$300,000 in the proposed language.

(e) TAX INCREMENT FINANCING SEED FUNDS FOR THE HOUSING FUND SHALL BE BUDGETED EFFECTIVE 2016 AT AN AMOUNT NO LESS THAN \$300,000. EVERY YEAR THEREAFTER THE MINIMUM AMOUNT BUDGETED SHALL BE ADJUSTED AT THE SAME RATE OF INCREASE AS THE INCREASE IN THE TOTAL TIF CAPTURE. THE MINIMUM AMOUNT BUDGETED IN THIS SECTION OF DDA HOUSING FUNDS ARE TO BE USED TO FUND HOUSING GRANTS FOR DOWNTOWN HOUSING DEVELOPMENTS THAT HAVE ADOPTED THE MINIMUM INCOME GUIDELINES OF 50 PERCENT AMI. ...

Note: All CAPS indicate new language, [] Brackets indicate deleted language.

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

Enactment No: ORD-13-28

A motion was made by Councilmember Kunselman, seconded by Councilmember Briere, that the Ordinance be amended as follows:

...Section 1:160. Annual ReportING

The authority shall prepare, file with the State Tax Commission and the City Clerk, and publish in a newspaper of general circulation in the City a tax increment financing (TIF) account Annual Report consistent with the requirements of and in the form specified by the State of Michigan within [ninety (90) days of the end of the fiscal year of the authority] THIRTY (30) DAYS OF RECEIPT OF AUDITED FINANCIAL RESULTS.

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

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

Enactment No: ORD-13-28

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

...Section 1:55 Board.

The authority shall be under the supervision and control of a board consisting of the mayor or administrator of the city and 11 members. The APPOINTMENT OF THE MAYOR AS THE DESIGNATED APPOINTEE TO THE BOARD SHALL BE DONE ANNUALLY AND SUBJECT TO APPROVAL BY A MAJORITY VOTE OF COUNCIL. IF COUNCIL DOES NOT APPROVE AT THE FIRST MEETING IN DECEMBER BY MAJORITY VOTE THE APPOINTMENT OF THE MAYOR, THE ADMINISTRATOR SHALL BE THE DESIGNATED APPOINTEE FOR THAT PERIOD. THE members shall be appointed by and terms of office shall be as provided in Act 197[.], WITH THE FOLLOWING EXCEPTIONS, WHICH SHALL BE EFFECTIVVE FOLLOWING THE NOVEMBER 2014 REGULAR ELECTION:

(1) EXCEPT FOR THE MAYOR AS PROVIDED ABOVE OR BY MUTUAL WRITTEN AGREEMENT OF THE TAXING JURISDICTIONS LEVYING TAXES THAT ARE SUBJECT TO CAPTURE BY THE AUTHORITY, NO PUBLIC OFFICIAL OF ANY TAXING JURISDICTION LEVYING TAXES THAT ARE SUBJECT TO CAPTURE BY THE AUTHORITY SHALL BE ELIGIBLE FOR APPOINTMENT, WHETHER IN HIS OR HER OFFICIAL CAPACITY OR AS AN INDIVIDUAL; AND

(2) NO MEMBER MAY SERVE MORE THAN 2 CONSECUTIVE FULL TERMS.

All members shall hold office until the member's successor is appointed. ...

Enactment No: ORD-13-28

RECESS

Mayor Hieftje declared a recess at 9:31 p.m. and reconvened the meeting at 9:48 p.m.

13-1376

An Ordinance to Amend Sections 1:155, 1:156 and Add a New Section Which New Section Shall Be Designated as Section 1:160 of Chapter 7, Downtown Development Authority, Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-13-28)

A friendly amendment to the proposed amendment by Councilmember Lumm, seconded by Councilmember Petersen, was accepted as follows:

Section 1:155 Board.

The authority shall be under the supervision and control of a board consisting of the mayor or administrator of the city and 11 members. The members shall be appointed by and terms of office shall be as provided in Act 197, WITH THE FOLLOWING EXCEPTION WHICH SHALL BE EFFECTIVE WITH THE FIRST APPOINTMENT TO THE BOARD AFTER THE EFFECTIVE DATE OF THIS ORDINANCE:

(1) NO MEMBER MAY SERVE MORE THAN 3 CONSECUTIVE FULL TERMS AND MAY BE REAPPOINTED AFTER A LAPSE OF 4 YEARS.

All members shall hold office until the member's successor is appointed.

On a voice vote, the Mayor declared the motion carried with no-votes made by Councilmembers Taylor and Teall.

Enactment No: ORD-13-28

The question being, that the Ordinance as amended be approved on First Reading, on a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 9 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Briere, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen and Councilmember Warpehoski

Nays: 2 - Councilmember Teall and Councilmember Taylor

Enactment No: ORD-13-28

D MOTIONS AND RESOLUTIONS**DC New Business - Council:**

DC-1 13-1336 Resolution Regarding Digital Billboard on Stadium Blvd.

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

Enactment No: R-13-329

DC-2 [13-1340](#) Resolution Accepting the Park Advisory Commission Downtown Parks Subcommittee Report on Downtown Parks

A motion was made by Councilmember Taylor, seconded by Councilmember Warpehoski, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried, with one no-vote by Councilmember Anglin.

Enactment No: R-13-330

DC-3 [13-1341](#) Resolution to Support Education on Professional Standards of Conduct for City Officials and Direction to Council Rules Committee to Draft Appropriate Standard of Conduct

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

Enactment No: R-13-366

A motion was made by Councilmember Petersen, seconded by Councilmember Lumm, that the Resolution be postponed until 11/18/2013. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-13-366

DC-4 [13-1344](#) Resolution to appoint a Pedestrian Safety and Access Task Force

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

Enactment No: R-13-367

A motion was made by Councilmember Briere, seconded by Councilmember Warpehoski, that the Resolution be postponed until 11/18/2013. On a voice vote, the Mayor declared the motion carried.

Enactment No: R-13-367

DC-5 [13-1348](#)

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

Enactment No: R-13-331

[13-1348](#) Resolution to Authorize the City Administrator to Negotiate a Sales Agreement for the City-Owned Property at 350 S. Fifth Avenue

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

Resolution to Authorize the City Administrator to Negotiate a Sales Agreement for the City-Owned Property at 350 S. Fifth Avenue

Attached for your review and action is a resolution authorizing the City Administrator to negotiate with the purchaser selected by City Council for the sale of City-owned real property at 350 S. Fifth Avenue.

On March 4, 2013, City Council directed the City Administrator to execute a contract for services with a real estate broker for the sale of 350 S. Fifth Avenue. City Council found the real property was no longer needed for municipal or other public purposes. City Council requested sale proposals so that all available options for sale of the property be known when City Council considers the payment of the City's \$3.5 million financial obligation for the property. A balloon payment of the loan principal is due December 16, 2013.

Selling the property will REIMBURSE THE GENERAL FUND FOR 350 S. FIFTH AVE. RELATED EXPENDITURES, increase funding for the City's Affordable Housing Trust Fund and add to the City's tax base.

Colliers International was selected. A summary of Colliers International's marketing material is attached. The marketing of the property highlighted the City's preferences for less housing density than allowed by zoning and for mixed uses of the property.

The deadline for submitting purchase proposals was October 18, 2013, and five proposals were received. A summary is attached.

The offers from Dennis Dahlmann("DAHLMANN") and CA Ventures are the strongest (cash, no contingencies, sales agreement, close in 2013) of the five proposals. Differences between the two offers are slight, but may be significant to City Council. Dahlmann is proposing a purchase price of \$5,250,000. CA Ventures is proposing \$5,150,000. Dahlmann is proposing to build to less than the maximum density allowed by D1 zoning. CA Ventures' offer assumes the ability to build to the maximum density allowed by D1 zoning.

Based on the higher offer price, the City Administrator recommends City Council authorize negotiations with [Dennis] Dahlmann. If negotiations [Mr.]WITH Dahlmann are unsuccessful, the City Admin[in]istrator recommends City Council authorize negotiations with CA Ventures. Working with Colliers and the City Attorney, staff will attempt to have a sales agreement for City Council consideration on November 18.

Additional terms to be negotiated are provisions that will protect the City if development does not occur on the property, if such protection is desired by City Council.

Whereas, The City is the owner of a certain parcel of real estate commonly described as 350 South Fifth, the Old Y Lot;

Whereas, City Council has determined that the offers received by the City as of October 18, 2013 are viable and credible, and that two offer desirable conditions for the City;

Whereas, City Council has determined that the offer from[Dennis]Dahlmann is in the best interest of the City;

RESOLVED, That City Council direct the City Administrator to negotiate a purchase agreement for the sale of the City-owned property at 350 South Fifth with [Dennis] Dahlmann;

RESOLVED, THAT THE PURCHASE AGREEMENT SHALL OBLIGATE DAHLMANN TO BUILD AND OTHERWISE CREATE THE FOLLOWING IMPROVEMENTS ON THE 350 S. FIFTH AVENUE PROPERTY: (I) A STRUCTURE WITH A FAR OF NO LESS THAN 400%; (II) A STRUCTURE THAT INCLUDES WITHOUT LIMITATION, DESTINATION RETAIL/RESTAURANT SPACE ON THE FIRST FLOOR, LARGE-PLATE OFFICE SPACE ON THE REMAINING LOWER FLOORS, AND RESIDENTIAL APARTMENTS ON THE UPPER FLOORS (WITH NO RESIDENTIAL APARTMENT TO EXCEED 3 BEDROOMS); (III) A SUBSTANTIAL LANDSCAPED OPEN SPACE, WHICH OPEN SPACE SHALL INCLUDE A GRAND FOUNTAIN; (IV) A STRUCTURE AND SITE PLAN THAT WILL ADOPT AND BE BOUND BY THE RECOMMENDATIONS OF THE CITY'S DESIGN REVIEW BOARD; AND (V) ORDINANCE-REQUIRED PARKING THAT WILL BE PROVIDED ON SITE, WITH ACCESS TO SUCH PARKING EFFECTED VIA BELOW-GRADE INTERCONNECTION WITH THE CITY'S LIBRARY LANE PARKING STRUCTURE (COLLECTIVELY, "DAHLMANN'S PROMISED USE");

RESOLVED, THAT THE PURCHASE AGREEMENT PROVIDE THAT IF DAHLMANN DOES NOT OBTAIN A CERTIFICATE OF OCCUPANCY FOR A STRUCTURE CONSISTENT WITH DAHLMANN'S PROMISED USE PRIOR TO JANUARY 1, 2018, THAT THE PROPERTY AND ANY AND ALL APPURTENANT FIXTURES AND IMPROVEMENTS SHALL REVERT TO THE CITY UPON PAYMENT BY THE CITY TO DAHLMANN OF the lesser of \$4,200,000 (THE "ASKING PRICE") or the appraised value by March 1, 2018.;

RESOLVED, THAT THE PURCHASE AGREEMENT PROVIDE THAT DAHLMANN SHALL NOT SELL, ASSIGN, OR OTHERWISE TRANSFER THE 350 S. FIFTH AVENUE PROPERTY TO ANY THIRD PARTY WITHOUT FIRST PROVIDING THE CITY an opportunity to exercise A RIGHT OF FIRST REFUSAL TO PURCHASE, ASSIGN, OR OTHERWISE RECEIVE THE PROPERTY AT THE LESSER OF THE SALE, ASSIGNMENT, OR TRANSFER PRICE AGREED UPON BY THE THIRD PARTY, the appraised value, OR THE CITY'S ASKING PRICE[.];

RESOLVED, That if negotiations are unsuccessful, the City Administrator is authorized to negotiate with CA Ventures WITH TERMS ANALOGOUS TO THE PRIOR three RESOLVED CLAUSES, USING THE CA VENTURES OFFER PROPOSAL AS THE BASIS FOR IDENTIFYING "CA VENTURES' PROMISED USE";

RESOLVED, THAT ANY PURCHASE AGREEMENT SHALL OBLIGATE THE PURCHASER TO BUILD AND OTHERWISE CREATE THE FOLLOWING IMPROVEMENTS ON THE 350 S. FIFTH AVENUE PROPERTY A STRUCTURE AND SITE PLAN THAT WILL BE BASED ON THE BEST AVAILABLE STANDARDS FOR ENERGY EFFICIENCY;

RESOLVED, THAT ANY PURCHASE AGREEMENT OBLIGATE THE PURCHASER OF 350 S. FIFTH AVE. TO DISCUSS WITH THE A.A.A.T.A. IN GOOD FAITH WHETHER THE PURCHASER CAN HELP FACILITATE A.A.A.T.A.'S GOAL OF LIMITING ON-STREET BUS TRANSIT AND/OR STORAGE.;

RESOLVED the purchase agreement include protections against the property not being developed; and

RESOLVED that the purchase agreement be provided for consideration at the November 18 City Council meeting.

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

Enactment No: R-13-331

The question being, the motion that was made by Councilmember Kunselman, seconded by Councilmember Briere, that the Resolution be approved as amended, on a voice vote, the Mayor declared the motion carried unanimously.

Enactment No: R-13-331

DC-6 [13-1353](#)

Resolution to Approve Temporary Outdoor Sales and Service of Food for the Special Event, "Eat the Street," during the Period November 8, 2013 through January 8, 2014

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

Enactment No: R-13-332

DC-7 [13-1395](#)

Resolution to Authorize the City of Ann Arbor to be Listed as a Supporting Municipality in an Amicus Brief to be Filed with the United States Supreme Court in *McCullen v Attorney General for the Commonwealth of Massachusetts*

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

Enactment No: R-13-333

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

DB-1 [13-1140](#)

Resolution to Adopt the 2013 Update to the Non-Motorized Transportation Plan (Adopted by the CPC on September 10, 2013 - 7 Yeas, 0 Nays)

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

Enactment No: R-13-369

A motion was made by Councilmember Lumm, seconded by Councilmember Kailasapathy, that the Resolution be postponed until 11/18/2013. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 6 - Councilmember Kunselman, Councilmember Higgins, Councilmember Anglin, Councilmember Lumm, Councilmember Kailasapathy and Councilmember Petersen

Nays: 5 - Mayor Hieftje, Councilmember Teall, Councilmember Briere, Councilmember Taylor and Councilmember Warpehoski

Enactment No: R-13-369

- DB-2** [13-1274](#) Resolution to Approve the Ann Arbor Christian Reformed Church Site Plan, 1717 Broadway Street (CPC Recommendation: Approval - 6 Yeas and 0 Nays)
- A motion was made by Councilmember Briere, seconded by Councilmember Kailasapathy, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.**
- Enactment No: R-13-334

DS New Business - Staff:

Passed on consent agenda

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

- DS-1** [13-1237](#) Resolution for Grant Application to the Michigan Department of Environmental Quality - Stormwater, Asset Management and Wastewater (SAW) Program (\$1.1M Total Project Cost) (1 of 6) (Sanitary System Asset Management)
- Enactment No: R-13-335
- DS-2** [13-1269](#) Resolution for Grant Application to the Michigan Department of Environmental Quality - Stormwater, Asset Management and Wastewater (SAW) Program (\$1.1M Total Project Cost) (2 of 6) (Stormwater System Asset Management)
- Enactment No: R-13-336
- DS-3** [13-1270](#) Resolution for Grant Application to the Michigan Department of Environmental Quality - Stormwater, Asset Management and Wastewater (SAW) Program (\$1.2 M Total Project Cost) (3 of 6) (Sanitary Sewer Wet Weather Evaluation Project)
- Enactment No: R-13-337
- DS-4** [13-1271](#) Resolution for Grant Application to the Michigan Department of Environmental Quality - Stormwater, Asset Management and Wastewater (SAW) Program (\$750,000.00 Total Project Cost) (4 of 6) (Retroactive - Stormwater Model Calibration Project)
- Enactment No: R-13-338
- DS-5** [13-1272](#) Resolution for Grant Application to the Michigan Department of Environmental Quality - Stormwater, Asset Management and Wastewater (SAW) Program (\$350,000.00 Total Project Cost) (5 of 6) (Asset Management Plan for the Wastewater Treatment Plant (WWTP))

Enactment No: R-13-339

- DS-6** [13-1273](#) Resolution for Grant Application to the Michigan Department of Environmental Quality - Stormwater, Asset Management and Wastewater (SAW) Program (\$1.5M Total Project Cost) (6 of 6) (Asset Management Plan for the Sanitary Sewer System and the Wastewater Treatment Plant)

Enactment No: R-13-340

- DS-7** [13-1152](#) Resolution to Award Contract for Barton Dam Repair Project to Catskill Remedial Contracting Services, Inc. (\$123,684.60)

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

Enactment No: R-13-341

- DS-8** [13-1262](#) Resolution to Approve an Agreement with the Michigan Department of Transportation for the I-94 Business Loop and South Maple Road Resurfacing Project (\$301,600.00)

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

Enactment No: R-13-342

- DS-9** [13-1087](#) Resolution to Approve the Stone School Road Reconstruction Project - I-94 to Ellsworth Road Sidewalk and Curb & Gutter Special Assessment - Resolution No. 1 (**8 Votes Required**)

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

Enactment No: R-13-343

- DS-10** [13-1156](#) Resolution to Appropriate Funds for the Design of Scio Church Sidewalk - Special Assessment Project - Resolution 1 (\$35,000.00) (**8 Votes Required**)

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

Enactment No: R-13-344

- DS-11** [13-1236](#) Resolution to Approve a Professional Services Agreement with Stantec Consulting Michigan, Inc. for Technical Engineering Services (\$250,000.00)

A motion was made by Councilmember Lumm, seconded by Councilmember

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

Enactment No: R-13-345

DS-12 [13-1265](#)

Resolution to Approve a Professional Services Agreement with Tetra Tech of Michigan, PC for Technical Engineering Services (\$250,000.00)

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

Enactment No: R-13-346

DS-13 [13-1248](#)

Resolution to Approve Purchase Order with Ozonia for Purchase of Ozone Generator Dielectrics (\$68,209.00)

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

Enactment No: R-13-347

DS-14 [13-1145](#)

Resolution to Receive and Appropriate a U.S. Department of Justice Domestic Violence Prevention Supplemental Grant (\$300,000.00) **(8 Votes Required)**

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

Enactment No: R-13-348

DS-15 [13-1247](#)

Resolution to Accept Michigan Supreme Court Drug Court Grant (\$144,000.00) **(8 Votes Required)**

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

Enactment No: R-13-349

DS-16 [13-1279](#)

Resolution to Approve Contract with Dawn Farm to Provide Drug Abuse Counseling and Rehabilitation Services to Sobriety Court Defendants (\$88,000.00)

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

Enactment No: R-13-350

DS-17 [13-1250](#)

Resolution to Accept Michigan Supreme Court Veterans Treatment Court Program Grant (\$92,279.00) **(8 Votes Required)**

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

Enactment No: R-13-351

DS-18 [13-1278](#)

Resolution to Approve a Domestic Violence Prevention Grant Service Contract with the Domestic Violence Project, Inc., a.k.a. SafeHouse Center (\$114,000.00)

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

Enactment No: R-13-352

DS-20 [13-1313](#)

Resolution Accepting Easement for Public Utilities at 490 Huron Parkway from Johnson Building Group, LLC **(8 Votes Required)**

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

Enactment No: R-13-353

DS-21 [13-1322](#)

Resolution Accepting Easement for Public Utilities at 1500 Pauline Avenue from Pauline Apartments Limited Dividend Housing Association Limited Partnership **(8 Votes Required)**

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

Enactment No: R-13-354

DS-22 [13-1330](#)

Resolution to Vacate a Public Utilities Easement at 3100 Washtenaw Avenue (Arbor Hills Crossing) **(8 Votes Required)**

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

Enactment No: R-13-355

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski spoke about the resolution to authorize the City Administrator to proceed with the sale of the Y Lot. He stated this is an opportunity for the City to allocate more money to the affordable housing trust fund.

COUNCILMEMBER BRIERE

Councilmember Briere said that the Housing and Human Services Advisory Board has been studying an update to the Housing Needs Survey. She stated a community discussion on affordable housing is needed.

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

- F-1** [13-1268](#) Third Quarter 2013 Investment Portfolio Report
- F-2** [13-1305](#) Communications from Comcast regarding changes to the channel lineup and equipment beginning November 14, 2013 - CTN
- F-3** [13-1334](#) AAATA Financial and Performance Reports - File
- G** **The following minutes were received for filing:**
- G-1** [13-1019](#) Zoning Board of Appeals Meeting Minutes of June 26, 2013
- G-2** [13-1032](#) PAC Meeting Minutes August 20, 2013
- G-3** [13-1053](#) Greenbelt Advisory Commission Meeting Minutes of 7/11/13
- G-4** [13-1118](#) Design Review Board Meeting Minutes of August 21, 2013
- G-5** [13-1333](#) Joint DDA Council Committee Meeting Minutes of October 16, 2013
- G-6** [13-1337](#) Council Rules Committee Meeting Minutes of June 13, 2013

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Seth Best, an advocate for Camp Take Notice, thanked the Council for their work with the homeless community and the efforts to support the proposed ordinance changes regarding park permits and the Pizza in the Park program.

Ed Vielmetti, Fourth Ward resident, expressed concerns about the quality of the CTN broadcast. He stated he cannot hear the vote outcomes when he watches meetings

at home. He also stated he would like to see Closed Captioning made available.

Caleb Poirier, Braeburn Circle, thanked Councilmember Higgins for her service on City Council. He also thanked Councilmember Kunselman for his efforts with affordable housing.

FAREWELLS

FAIRWELLS

Councilmembers Teall, Taylor, Kunselman, Lumm, Petersen, Briere, Kailasapathy, Anglin, Warpehoski and Mayor Hieftje expressed their appreciation to departing City Councilmember Marcia Higgins for her service to the City and presented her with a gift.

Councilmember Higgins expressed appreciation for her fellow Councilmembers' remarks and thanked City staff.

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

None.

ADJOURNMENT

A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the meeting be adjourned. On a voice vote, Mayor Pro Tem Higgins declared the motion carried and the meeting adjourned at 12:43 p.m.

[13-1432](#)

City Council Emails - November 7, 2013

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: THURSDAY, NOVEMBER 7, 2013

REPLAYS: FRIDAY, NOVEMBER 8, 2013, 7:30 P.M. AND TUESDAY, NOVEMBER 12, 2013, 10:00 A.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

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

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

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

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

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

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

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