

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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Meeting Minutes

Monday, July 2, 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 to order at 7:02 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron Street.

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

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

ROLL CALL OF COUNCIL

Present: 11 - Councilmember 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 Ackerman, seconded by Councilmember Lumm, that the Agenda be approved as presented. On a voice vote, the Mayor declared the motion carried.

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Howard S. Lazarus thanked AAPD Officers Garrett Marshall and James Boylan for their attendance at tonight's meeting. He also updated the Council regarding City staff's recent FEMA training. Mr. Lazarus also submitted the following written reports for information of Council:

AC-1 [18-1151](#) City Administrator's Report - July 2, 2018

Received and Filed

AC-2 [18-1152](#) Agenda Response Memo and eComments - July 2, 2018

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. Julie Quiroz - Police Advisory Task Force Minutes (G-9)

Julie Quiroz, member of Transforming Justice Washtenaw, spoke about a Police incident that occurred at the Blind Pig last weekend. She stated the Police targeted black men and ignored white men. She stated a Police Oversight Committee in Ann Arbor is needed.

2. Mark Kriger - Resolution to Direct City to Assess and Monitor Extent of Gypsy Moth Infestation and Develop Treatment Plan and Budget (DC-4)

Mark Kriger, 1129 Martin, spoke about DC-5, the Resolution to Approve the Explanatory Caption to the Ballot Question Concerning the Center of the City Charter Amendment. Mr. Kriger stated the law does not actually allow the City to add a caption to this question.

3. Eric Lipson - Resolution to Approve the Explanatory Caption to the Ballot Question Concerning the Center of the City Charter Amendment (DC-5)

Eric Lipson, 1318 Rosewood, stated the proposed caption to the ballot question concerning the Center of City Charter amendment proposal is illegal and is voter suppression. He urged Council to reject DC-5.

4. Linh Song - Resolution to Approve the Explanatory Caption to the Ballot Question Concerning the Center of the City Charter Amendment (DC-5)

Linh Song, 1290 Bardstown, spoke in support of DC-5, the Resolution to Approve the Explanatory Caption to the Ballot Question Concerning the Center of the City Charter Amendment.

RECESS

Mayor Taylor called a recess at 7:19 p.m. due to a disruptive member of the audience. The meeting reconvened at 7:22 p.m.

5. **Jessica Sendra - Resolution to Approve the Explanatory Caption to the Ballot Question Concerning the Center of the City Charter Amendment (DC-5)**
Jessica Sendra, 1511 Golden, spoke in support of DC-5, stating more information and voter education is good.

6. **Jack Jennings - Resolution to Approve the Explanatory Caption to the Ballot Question Concerning the Center of the City Charter Amendment (DC-5)**
Jack Jennings, 533 Fifth Street, spoke in support of DC-5.

7. **Jessica Letaw - Resolution to Approve the Explanatory Caption to the Ballot Question Concerning the Center of the City Charter Amendment (DC-5)**
Jessica Letaw, DDA Board Member, spoke in support of DC-5, stating more information to the voters regarding this issue is needed.

8. **Jeff Gaynor - Resolution to Approve the Explanatory Caption to the Ballot Question Concerning the Center of the City Charter Amendment (DC-5)**
Jeff Gaynor, resident, spoke in support of the proposed ballot language caption, stating more information is good. He suggested that Council reduce the length of the caption, stating it may be too long for the ballot.

9. **Karen Hart - Resolution to Approve the Explanatory Caption to the Ballot Question Concerning the Center of the City Charter Amendment (DC-5)**
Karen Hart, 1233 Bending, spoke in support of DC-5, urging more transparency regarding the proposed Charter amendment.

10. **Jarod Malestein - Resolution to Approve the Explanatory Caption to the Ballot Question Concerning the Center of the City Charter Amendment (DC-5)**
Jarod Malestein, resident, spoke in support of DC-5.

Alternates:

1. **Jessica Frazier - Resolution in Support for Ann Arbor Area Transportation Authority (DC-1)**

2. **Dirk Mayhew - Resolution to Order Election, Approve Charter Amendment of the Ann Arbor City Charter Sections to Establish Non-Partisan Nomination and Election for the Offices of Mayor and Council (DC-2)**

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER LUMM

Councilmember Lumm moved to suspend the Rules regarding Public Comment. The motion was supported by Councilmember Westphal. On a voice vote, the Mayor declared the motion carried.

Councilmember Lumm moved, supported by Councilmember Westphal, to allow the first alternate speaker on the Public Comment - Reserved Time list to speak. On a voice vote, the Mayor declared the motion carried.

Jessica Frazier - Resolution in Support for Ann Arbor Area Transportation Authority (DC-1)

Jessica Frazier, Green Baxter Court resident, spoke about the proposed AAATA bus stop near the Green Baxter Housing community. She stated the proposed location will not be helpful to Green Baxter residents, but will disrupt children and residents in their yards. She urged Council to support a different location for the stop.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER GRAND

Councilmember Grand introduced a resolution to reappoint a member to the Greenbelt Advisory Commission, for approval at a later date.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski spoke about the recent water rate changes and stated there is a fund to address hardship needs for residents on fixed incomes. He urged those in need of assistance to apply.

- CC-1** [18-1113](#) Resolution to Reappoint Robert Gordon to the Greenbelt Advisory Commission

Referred to the City Council due back on 7/16/2018

MC COMMUNICATIONS FROM THE MAYOR*None.***CA CONSENT AGENDA****Passed on consent agenda**

A motion was made by Councilmember Krapohl, seconded by Councilmember Warpehoski, that the following Consent Agenda Items be approved as presented. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirements of CA-2 and CA-3.

CA-1 18-1013 Enactment No: R-18-264 Approved

Resolution to Approve Street Closings for the Electric Bolt 8K Run/Walk
July 29, 2018

CA-2 18-1008 Enactment No: R-18-265 Approved

Resolution to Approve Professional Services Agreement for Third Party
Building, Rental and Planning Services with Carlisle/Wortman Associates,
Inc. (RFP No. 18-16) **(8 Votes Required)**

CA-3 18-1099 Enactment No: R-18-266 Approved

Resolution to Release Water Main Easements recorded at Liber 4562,
Pages 915 and 916 of Deeds, Washtenaw County Records and Accept in
Their Place a Water Main Easement at 2230 Pontiac Trail from the Rudolf
Steiner School Association of Ann Arbor **(8 Votes Required)**

CA-4 18-0964 Enactment No: R-18-267 Approved

Resolution to Authorize Professional Services Agreements with West Erie
Realty Solutions Ltd. (\$175,000.00) and Land Matters LLC (\$175,000.00)
for Easement and Right of Way Acquisition Services

CA-5 18-0943 Enactment No: R-18-268 Approved

Resolution to Approve a Professional Service Agreement with DLZ
Michigan, Inc. (\$104,564.68) and Establish a Project Budget for the
2018/2019 Bridge Inspection Program (\$140,000.00)

CA-6 18-0967 Enactment No: R-18-269 Approved

Resolution to Award a Construction Contract to Front Range Environmental LLC for the Sanitary Manhole Rehabilitation Project (\$1,079,000.00)

CA-7 18-0982 Enactment No: R-18-270 Approved

Resolution No. 1 - Prepare Plans and Specifications for the Proposed Dhu Varren Road Sidewalk Special Assessment Project

CA-8 18-1049 Enactment No: R-18-271 Approved

Resolution to Award a Construction Contract to Strawser Construction, Inc. (ITB-4530, \$1,585,143.25) for the FY2019 Street Surface Treatment Project

CA-9 18-1065 Enactment No: R-18-272 Approved

Resolution to Authorize Extension of the Contract with Scodeller Construction, Inc. to include work for the Street Crack Treatment Project-FY2019 (\$200,000.00)

CA-10 18-0862 Enactment No: R-18-273 Approved

Resolution to Extend the Contract with The Davey Tree Expert Company for Routine Street Tree Pruning (\$660,600.00)

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [18-0963](#) An Ordinance to Replace Previously Repealed Chapter 9 (Model Neighborhood Policy Board) of Title I of the Code of the City of Ann Arbor with a New Chapter, Which New Chapter Shall be Designated as Chapter 9 (City Seal and Flag) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-18-17)

A public hearing was conducted on the proposed Ordinance to Replace Previously Repealed Chapter 9 (Model Neighborhood Policy Board) of Title I of the Code of the City of Ann Arbor with a New Chapter, Which New Chapter Shall be Designated as Chapter 9 (City Seal and Flag) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-18-17). Notice of public hearing was published June 25, 2018.

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

Councilmember Westphal, that the Work Session of June 11 and Regular Session Meeting Minutes of June 18, 2018 be approved as presented. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

- B-1** [18-0963](#) An Ordinance to Replace Previously Repealed Chapter 9 (Model Neighborhood Policy Board) of Title I of the Code of the City of Ann Arbor with a New Chapter, Which New Chapter Shall be Designated as Chapter 9 (City Seal and Flag) of Title I of the Code of the City of Ann Arbor (Ordinance No. ORD-18-17)

(The complete copy of the text of Ordinance No. ORD-18-17 is on file in the City Clerk's Office.)

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.

C ORDINANCES - FIRST READING

C New Business - Staff:

- C-1** [18-0990](#) An Ordinance to Amend Chapter 55 (Zoning), Rezoning of .41 Acre from R4B (Multiple-Family Dwelling District) to O (Office District), 2455 South Main Rezoning, (CPC Recommendation: Approval - 9 Yeas and 0 Nays) (Ordinance No. ORD-18-19)

(The complete copy of the text of Ordinance No. ORD-18-19 is on file in the City Clerk's Office.)

A motion was made by Councilmember Ackerman, seconded by Councilmember Kailasapathy, that the Ordinance be approved on First Reading to the City Council and should be returned by 8/9/2018. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-18-19

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 18-1123 Enactment No: R-18-274

Approved

Councilmember Grand, that the Resolution be amended as follows:

Delete Third RESOLVED Clause

Resolution Regarding Citizen Input and Process for City Street-Related Improvement Projects

18-1142 Enactment No: Amended

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

Delete Second to Last Whereas Clause:

[Whereas, City Council believes that actions such as lane reductions that can potentially increase traffic congestion, delays, and resulting CO2 emissions, are quality-of-life policy questions that should be decided by the City Council; and]

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

Resolution Regarding Citizen Input and Process for City Street-Related Improvement Projects

18-1142 Enactment No: Amended

The question being, a motion made by Councilmember Ackerman, seconded by Councilmember Grand, that the Resolution be amended as follows:

**Delete 2nd to Last Whereas Clause
Delete 3rd RESOLVED Clause**

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

Resolution Regarding Citizen Input and Process for City Street-Related Improvement Projects

18-1142 Enactment No: R-18-275 Approved as Amended

The question being, the original motion made by Councilmember Lumm, seconded by Councilmember Westphal, that the Resolution be approved as further amended, on a voice vote, the Mayor declared the motion carried.

Resolution Regarding Citizen Input and Process for City Street-Related Improvement Projects

Warpehoski - what is meant by any permanent street improvement? Ask Transportation Commission

DC-4 18-1148 Enactment No: R-18-276 Approved

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.

Resolution to Direct City to Assess and Monitor Extent of Gypsy Moth Infestation and Develop Treatment Plan and Budget

DC-5 18-1149 Enactment No: R-18-277 Approved

A motion was made by Councilmember Westphal, 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: 6 - Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Nays: 5 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton and Councilmember Bannister

Resolution to Approve the Explanatory Caption to the Ballot Question Concerning the Center of the City Charter Amendment and to Authorize

Submission to the Governor and Attorney General for Approval for the November 6, 2018 Ballot

DC-2 18-1141 Enactment No:

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

Resolution to Order Election, Approve Charter Amendment of the Ann Arbor City Charter Sections to Establish Non-Partisan Nomination and Election for the Offices of Mayor and Council and Determine Ballot Language for this Amendment **(7 Votes Required)**

18-1141 Enactment No:

Amended

Amended

Resolution to Order Election, Approve Charter Amendment of the Ann Arbor City Charter Sections to Establish Non-Partisan Nomination and Election for the Offices of Mayor and Council and Determine Ballot Language for this Amendment **(7 Votes Required)**

Councilmember Lumm moved the following substitute resolution, seconded by Councilmember Eaton:

Delete Last Whereas Clause

Delete 4th RESOLVED Clause

Amend the Ballot language to remove any reference to the deletion of Section 13.12.

The amendment was considered friendly by the Body.

18-1141 Enactment No:

Approved as Amended

The question being, a motion made by Councilmember Lumm, seconded by Councilmember Warpehoski, that the Resolution be approved as amended, on a roll call, the vote was as follows with the Mayor declaring the motion defeated without seven votes:

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

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

Resolution to Order Election, Approve Charter Amendment of the Ann Arbor

City Charter Sections to Establish Non-Partisan Nomination and Election for the Offices of Mayor and Council and Determine Ballot Language for this Amendment (7 Votes Required)

DB New Business - Boards and Commissions:

DB-1 18-0954 Enactment No: R-18-278 Approved

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

Resolution to Approve 321 North Main Street Planned Project Site Plan and Development Agreement, 321 North Main Street (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

DB-2 17-1579 Enactment No: R-18-279 Approved

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

Resolution to Approve Homewood Suites Planned Project Site Plan, 2457 South State Street (CPC Recommendation: Approval - 9 Yeas and 0 Nays)

DS New Business - Staff:

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 Westphal, seconded by Councilmember Lumm, 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 [18-1053](#) Notice from the Office of the Washtenaw County Treasurer regarding a

Public Auction of Foreclosed Parcels in Ann Arbor Scheduled to Start on July 20, 2018 - Treasurer, Assessor

- F-2** [18-1043](#) Communication from the MLCC regarding New Class C License (National Sporting Event License) for July 28, 2018 only, Issued under MCL 436.1531(7), Non-Transferable for Sodex Management, Inc., located at 1201 S. Main St.
- F-3** [18-1134](#) Communication from Veronica Hannah regarding her Resignation to the Environmental Commission - Mayor's Office
- G** **The following minutes were received for filing:**
- G-1** [18-0912](#) Minutes of the April 25, 2018 ZBA Meeting
- G-2** [18-0999](#) May 16, 2018 City Planning Commission Meeting Minutes
- G-3** [18-1006](#) February 21, 2018 City Planning Commission Meeting Minutes
- G-4** [18-105](#) City Planning Commission Meeting Minutes of April 17, 2018
- G-5** [18-1015](#) Human Rights Commission Meeting Minutes - February 2018 Final
- G-6** [18-1016](#) Human Rights Commission Meeting Minutes - March 2018 Final
- G-7** [18-1017](#) Human Rights Commission Meeting Minutes - April 2018 Final
- G-8** [18-1022](#) April 2018 Final Meeting Minutes - Commission on Disability Issues
- G-9** [18-1050](#) Advisory Task Force Regarding The Community Policing Commission Meeting Minutes for May 30, 2018
- G-10** [18-1055](#) Downtown Area Citizens Advisory Council Meeting Minutes for June 5, 2018

- G-11** [18-1060](#) LDFA Special Board Meeting Minutes - May 17, 2018
- G-12** [18-1095](#) Housing and Human Services Advisory Board Meeting Minutes of April 12, 2018
- G-13** [18-1026](#) Downtown Development Authority Board and Executive, Partnerships, Capital Improvements, Operations and Finance Committees Minutes of May 2018

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Lawrence Kestenbaum, County Clerk, expressed concern about the length of the City's proposed ballot caption, stating it may require a 2-page ballot in November.

Edward Vielmetti, Ward 4, stating his parked car was hit today by a garbage truck. He also received a ticket for violating the City's on-street parking requirements regarding distance to the curb.

Joey Valle spoke about an incident at the Blind Pig, suggesting mistreatment against black community members by the public and AAPD.

Sargeant Donovan-Smith, member of Collective Against White Supremacy, spoke about racist behavior within the AAPD and the incident that occurred at the Blind Pig.

Tom Wieder, Ann Arbor Township resident, spoke about the Council's explanatory language for the Charter Amendment ballot language, stating it is campaign material and doesn't belong on the ballot.

Don Danahoe, resident, concurred with Mr. Wieder.

An unknown resident spoke in opposition to the City's proposed explanatory ballot caption regarding the Center of the City Charter Amendment proposal.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER LUMM

Councilmember Lumm addressed the failed vote regarding non-partisan elections, stating she will take the conversation tonight to mean a citizen-initiated petition is required.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski addressed public comments regarding a citizen police commission and what power that commission might have.

COUNCILMEMBER WESTPHAL

Councilmember Westphal asked Mr. Lazarus for an update regarding the incident that occurred at the Blind Pig a few weeks ago. Mr. Lazarus stated the video is disturbing, but noted that the video does not include a recording of the entire incident, including the events that led up to the Police action. Mr. Lazarus noted that an internal investigation is taking place within the Police Department.

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

A motion was made by Councilmember Westphal, seconded by Councilmember Grand, that the Council enter into Closed Session under the Michigan Open Meetings to discuss Attorney/Client Privileged Communication and Pending Litigation as set forth in MCLA 15.268 (E) and (H). On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting adjourned in Closed Session at 11:35 p.m.:

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

MEETING RECONVENED

A motion was made by Councilmember Warpehoski, seconded by Councilmember Krapohl, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 11:35 p.m.

ADJOURNMENT

A motion was made by Councilmember Warpehoski, seconded by Councilmember Krapohl, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:21 a.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, JULY 2, 2018 @ 7:00 P.M.

REPLAYS: WEDNESDAY, JULY 4, 2018 @ 8:00 A.M. AND FRIDAY, JULY 6, 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; 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.