

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

<http://a2gov.legistar.com/Calendar.aspx>



Meeting Minutes - Final

Monday, February 4, 2019

7:00 PM

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

City Council

CALL TO ORDER

Mayor Christopher Taylor called the meeting of the Ann Arbor City Council to order at 7:00 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron Street.

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

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

ROLL CALL OF COUNCIL

Present: 10 - Councilmember Jane Lumm, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Chip Smith, Councilmember Anne Bannister, Councilmember Jeff Hayner, Councilmember Kathy Griswold, Councilmember Elizabeth Nelson and Councilmember Ali Ramlawi

Absent: 1 - Councilmember Zachary Ackerman

APPROVAL OF AGENDA

A motion was made by Councilmember Smith, seconded by Councilmember Ramlawi, 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 submitted the following reports for information of Council and also updated City Council on the following:

Mr. Lazarus thanked Officer Travis Keller of the AAPD for his attendance at this evening's Council meeting.

Mr. Lazarus provided an update on the City's work on pedestrian crossings.

Mr. Lazarus stated the new online parks registration system has been a success and registrations are up compared to this time last year.

AC-1 [19-0205](#) Memorandum from City Administrator: Treeline Trail Status - February 1, 2019

Received and Filed

AC-2 [19-0208](#) Memorandum from City Administrator: Update on City Council Resolution R-18-446 - Resolution Directing Planning Commission and City Administrator Review of Accessory Dwelling Unit Ordinance Amendments

Received and Filed

AC-3 [19-0217](#) Memorandum from City Administrator: Appraisals - February 1, 2019

Received and Filed

AC-4 [19-0221](#) Memorandum from City Administrator: A2 Fix It Changes - February 1, 2019

Received and Filed

AC-5 [19-0219](#) Agenda Response Memo and eComments - February 4, 2019

Received and Filed

AC-6 [19-0218](#) Memorandum from City Administrator: Response to Council Resolution R-18-497 - Resolution to Address Crosswalk Improvements and Maintenance - January 31, 2019

Received and Filed

AC-7 [19-0220](#) City Administrator's Report - February 4, 2019

Received and Filed

INT INTRODUCTIONS

INT-1 [19-0172](#) Proclamation Commending the Lifesaving Actions of City Employees, USAA Hockey Referee and Ann Arbor Recreational Hockey League Players

Mayor Taylor and Assistant City Administrator John Fournier presented

City employees, hockey referees and players from Veteran's Memorial Ice Rink with a proclamation regarding their recent life-saving efforts.

Employees and players recognized included:

City employees Kelsey LaHaye, Kayla Auer, Gabby Peck, Bill Meeks and Josh Landefeld;

USAA Hockey referee Paul Krolick; and Ann Arbor recreational hockey league players, Matt Kennison, David Goyer and Robert Garcia.

A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed

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. Diane Giannola - Resolution regarding Professional Services Agreement with Arcadis of Michigan, LLC (CA-18)

Diane Giannola, 3252 Alpine Drive, spoke about Item CA-18, Resolution Regarding Professional Services Agreement with Arcadis of Michigan, LLC, stating the City should not include in its scope for the consultant to consider proposing a reversal of current water rates back to the previous system that resulted in multi-family users subsidizing single-family users.

2. Thomas Giordano - Resolution to Strengthen Nuclear Emergency Planning for the Population of the City of Ann Arbor, Michigan (DB-2)

Dr. Thomas Giordano, 2032 Scio Church Court, spoke in support of DB-2, Resolution to Strengthen Nuclear Emergency Planning for the Population of the City of Ann Arbor, Michigan.

3. David Schonberger - Resolution to Strengthen Nuclear Emergency Planning for the Population of the City of Ann Arbor, Michigan (DB-2)

David Schonberger spoke in support of DB-2, Resolution to Strengthen Nuclear Emergency Planning for the Population of the City of Ann Arbor, Michigan.

4. Kimberly Daley - Fair Food Resolution (DC-1)

Kimberly Daley, resident, spoke in support of DC-1, the Fair Food Resolution, urging Council to boycott Wendy's restaurant on the University of Michigan campus because they don't support the Fair Food program.

5. Chuck Ream - Cannabis Policy

Chuck Ream, resident, spoke about the City's cannabis policy and stated there will be a citizen-initiated City Charter amendment regarding adult social use of marijuana coming in 2020.

6. Robin Tuck - Climate Change

Robin Tuck, 207 W. William, spoke about climate change and the City's role. She urged Council to fund climate action programs.

7. Henry Herskovitz - Holocaust Day Remembrance

Henry Herskovitz, resident, spoke about personal attacks on him and other advocates for their beliefs regarding Israel and its history.

8. Roger Rayle - Update on Gelman Dioxane Issue

Roger Rayle, 314 N. Wagner, stated he has been a citizen advocate watching over the Gelman dioxane plume for the last 26 years. He spoke about the direction of the spread of the plume in recent years.

9. Rod Casey - Marijuana Revenue

Rod Casey, Ypsilanti resident, spoke about the revenue the City is collecting from marijuana licensing. He urged the City to allocate some of the revenue collected for drug treatment and mental health treatment.

10. Kai Petainen - Pedestrian Railway Crossing

Kai Petainen, City resident, spoke about a pedestrian safety issue along the train bridge over the Huron River. He expressed concern about some recent tree trimming and how it has further endangered pedestrians who are using the train tracks for crossing.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER GRISWOLD

Councilmember Griswold stated she would be hosting office hours in the Council Work Room on Sunday evenings before City Council meetings beginning March 3. If there is interest from Council, she may bring back Caucus meetings as well.

Councilmember Griswold thanked supporters of the A2SafeTransport for coming to tonight's meeting. She also thanked City Administrator Lazarus for his report and plans on this issue. She urged City staff to add a Crosswalk category to A2Fix It.

COUNCILMEMBER HAYNER

Councilmember Hayner stated the monthly CARD meeting would be held tomorrow at the County Service Center between 10 a.m. and 12 p.m. He noted that Governor Whitmer is reorganizing the MDEQ and stated he hopes that the environment will be prioritized under the new organization.

COUNCILMEMBER BANNISTER

Councilmember Bannister stated she would also be participating in office hours at City Hall on Sundays with Councilmember Griswold. She stated they would look into Caucus if there is interest later from more Councilmembers and/or the public.

Councilmember Bannister also announced other upcoming Ward 1 meetings and urged the public to attend. Issues such as Police Oversight and water quality would be discussed.

Councilmember Bannister announced that Northside STEAM School received a \$15,000 Sustaining Ann Arbor Together grant.

Councilmember Bannister spoke about the polar vortex and urged residents needing help to visit the Delonis Shelter or to call 911. She also reminded residents that the City provides free sand/salt mixtures for residents to take at various locations throughout the City.

COUNCILMEMBER GRAND

Councilmember Grand thanked the more than 60 City residents who applied to be members of the newly created Independent Community Police Oversight Commission. She stated the applicants are posted on the City's website and feedback on the candidates and the process is welcome at this time. Comments can be emailed to cityclerk@a2gov.org.

COUNCILMEMBER RAMLAWI

Councilmember Ramlawi thanked City staff for their dedicated service to the City during the polar vortex. He recognized that an Ann Arbor firefighter was injured during a fire on one of the coldest days of the year.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 [19-0201](#) Resolution to Appoint Diana Cass to the Human Rights Commission (7 Votes Required)

Sponsors: Taylor

Mayor Taylor recommended the following resolution of appointment for approval at a later date:

Human Rights Commission

Diana Cass -Filling partial term

5686 Caren Dr.

Ypsilanti, MI 48197

Term: Ending May 31, 2020

Referred to the City Council due back on 2/19/2019

MC-2 [19-0200](#) Appointments & Nominations

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

Commission on Disability Issues

Christiana Allen-Pipkin

3610 Partridge Path

Ann Arbor, MI 48108

Term: Ending May 31, 2020

Human Rights Commission

*Dilip Das
1217 Lutz Ave.
Ann Arbor, MI 48103
Term: Ending May 31, 2021*

Referred to the City Council due back on 2/19/2019

CA CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

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

CA-8 Resolution to Approve the Board of Review Guidelines for Poverty Exemptions from Property Taxation of Principal Residences Pursuant to MCL 211.7u

CA-17 Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Stantec Consulting Services for Cost of Services for Water and Wastewater and to Appropriate Funds from the Water Supply System (\$27,495.00) (8 Votes Required)

CA-18 Resolution to Approve a Professional Services Agreement with Arcadis of Michigan, LLC for Rate Study Review and Alternative Rate Design Analysis and to Appropriate Funds from the Water Supply System (\$27,495.00) (8 Votes Required)

Passed on consent agenda

A motion was made by Councilmember Smith, seconded by Councilmember Nelson, 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 requirement of CA-6.

CA-1 19-0050 Enactment No: R-19-037 Approved

Resolution to Approve an Agreement with Washtenaw County Community Mental Health to provide Mental Health Treatment Services to Mental Health Court Participants (\$30,704.00)

CA-2 19-0051 Enactment No: R-19-038 Approved

Resolution to Approve an Agreement with Avalon Housing to Provide Case Management Services to Mental Health Participants (\$45,801.00)

CA-3 19-0055 Enactment No: R-19-039 Approved

Resolution to Approve an Agreement with Dawn, Inc., d/b/a Dawn Farm, to Provide Drug Abuse Counseling and Rehabilitative Services to Sobriety Court, Veterans Treatment Court, and Mental Health Court Participants (\$135,750.00)

CA-4 19-0080 Enactment No: R-19-040 Approved

Resolution to Approve an Agreement with Washtenaw County on Behalf of its Sheriff's Office to Provide Drug Abuse Screening Services to Sobriety Court, Veterans Treatment Court, and Mental Health Court Participants (\$42,483.00)

CA-5 19-0166 Enactment No: R-19-041 Approved

Resolution to Add Additional Street Closings for the Trail to the Victors 5K on April 7, 2019

CA-6 19-0137 Enactment No: R-19-042 Approved

Resolution to Accept a Corrected Water Main and Storm Sewer Easement at Thurston Elementary School from The Public Schools of the City of Ann Arbor (AAPS) **(8 Votes Required)**

CA-7 19-0149 Enactment No:

Resolution to Approve January 24, 2019 Recommendations of the Board of Insurance Administration

CA-9 19-0056 Enactment No: R-19-044 Approved

Resolution to Approve a 3-year Renewal of Agreement (FY2019-FY2021) for Software Support and Maintenance with SeeClickFix, Inc for the City's Mobile Service Request System (A2 Fix It) and Approve Amendment No. 1 of this Agreement (\$40,250.00)

CA-10 18-2192 Enactment No: R-19-045 Approved

Resolution to Approve a Construction Contract with Pamar Enterprises, Inc.

for the Riverview Drive/Dover Place Sanitary Sewer and Water Main Extension Project (\$1,822,523.01)

CA-11 18-2193 Enactment No: R-19-046 Approved

Resolution to Approve a Professional Services Agreement with Wolverine Engineers and Surveyors, Incorporated for Construction Inspection Services for the Riverview Drive/Dover Place Sanitary Sewer and Water Main Extension Project (\$112,000.00)

CA-12 18-2194 Enactment No: R-19-047 Approved

Resolution to approve a Professional Services Agreement with CTI and Associates, Incorporated for Material Testing Services for the Riverview Drive/Dover Place Sanitary Sewer and Water Main Extension Project (\$45,431.00)

CA-13 18-2195 Enactment No: R-19-048 Approved

Resolution to Approve a Construction Contract with Anglin Civil, LLC for the Plymouth Road Retaining Wall Repair Project (\$30,302.50)

CA-14 19-0064 Enactment No: R-19-049 Approved

Resolution No. 2 for the Scio Church Road Curb and Gutter and Sidewalk Special Assessment District - S. Seventh Street to S. Main Street

CA-15 19-0073 Enactment No: R-19-050 Approved

Resolution to Approve a Contract with the Michigan Department of Transportation (MDOT) for the Allen Creek Railroad Berm Opening Project

CA-16 19-0077 Enactment No: R-19-051 Approved

Resolution to Authorize Execution of a Temporary Permit to Enter between the City of Ann Arbor and the National Railroad Passenger Corporation (Amtrak) for the Southside Interceptor Sanitary Sewer Diversion Project (\$57,370.00)

CA-8 19-0136 Enactment No: R-19-043 Approved

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

Resolution to Approve the Board of Review Guidelines for Poverty

Exemptions from Property Taxation of Principal Residences Pursuant to MCL 211.7u

CA-17 19-0046 Enactment No: R-19-053 Approved

A motion was made by Councilmember Hayner, seconded by Councilmember Lumm, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried with nine affirmative votes, thus satisfying the eight-vote requirement:

Yeas: 9 - Councilmember Lumm, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Smith, Councilmember Bannister, Councilmember Griswold, Councilmember Nelson and Councilmember Ramlawi

Nays: 1 - Councilmember Hayner

Absent: 1 - Councilmember Ackerman

Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Stantec Consulting Services for Cost of Services for Water and Wastewater and to Appropriate Funds from the Water Supply System (\$27,495.00) **(8 Votes Required)**

CA-18 19-0075 Enactment No: R-19-054 Approved

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

Resolution to Approve a Professional Services Agreement with Arcadis of Michigan, LLC for Rate Study Review and Alternative Rate Design Analysis and to Appropriate Funds from the Water Supply System (\$27,495.00) **(8 Votes Required)**

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [19-0089](#) An Ordinance to Amend Chapter 108 (Disorderly Conduct) of Title IX of the Code of the City of Ann Arbor to Add a New Section 9:69 (Trespass) (Ordinance No. ORD-19-03)

Sponsors: Grand and Ramlawi

A public hearing was conducted on the proposed Ordinance to Amend Chapter 108 (Disorderly Conduct) of Title IX of the Code of the City of

DC-2 19-0207 **Enactment No: R-19-056** **Approved**

Sponsors: Council Liquor License Review Committee

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

Resolution Accepting Annual Renewal Recommendations of the Council Liquor License Review Committee and Setting Hearings for Non-Renewal of Liquor Licenses

DC-3 19-0216 **Enactment No:**

Sponsors: Griswold

A motion was made by Councilmember Griswold, supported by Councilmember Lumm, that the Resolution be approved.

Resolution to Encourage Transportation Collaboration

19-0216 **Enactment No:** **Amended**

Sponsors: Griswold, Bannister, Eaton and Lumm

Amended

Resolution to Encourage Transportation Collaboration

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

Replace existing RESOLVED Clause with the following:

Resolved, That prior to approving a transportation-related Request for Proposal or contract, City staff will collaborate with and explore cost sharing opportunities with the City's community partners, including but not limited to, the University of Michigan, Washtenaw County, Washtenaw County Road Commission, Michigan Department of Transportation, Washtenaw Area Transportation Study, and SEMCOG.

Resolved, That City staff will seek opportunities for working with experts from the University of Michigan or other appropriate local colleges and universities.

The amendment was considered friendly by the Body.

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 Grand, seconded by Councilmember Ramlawi, 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 **19-0164** Carrie Hammerman - Resignation from the Housing and Human Services Advisory Board

Approved

F-2 **19-0193** Communication from Comcast regarding Notice of Name Change to Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC - City Attorney, CTN

G The following minutes were received for filing:

G-1 **18-1701** Council Labor Committee Meeting minutes of September 17, 2018

G-2 **18-1907** City Planning Commission Meeting Minutes of October 16, 2018

G-3 **18-1908** City Planning Commission Meeting Minutes of July 17, 2018

G-4 **18-1958** City Planning Commission Meeting Minutes of November 7, 2018

G-5 **18-1959** Public Market Advisory Commission Meeting Minutes of October 18, 2018

G-6 **18-2095** Historic District Commission Meeting Minutes of October 11, 2018

G-7 **18-2096** Historic District Commission Meeting Minutes of November 15, 2018

- G-8** [18-2112](#) Park Advisory Commission Meeting Minutes of October 16, 2018
- G-9** [19-0060](#) Council Liquor License Review Committee Meeting Minutes of December 21, 2018
- G-10** [19-0070](#) Commission on Disability Issues Meeting Minutes of November 2018
- G-11** [19-0076](#) Downtown Development Authority Board and Executive, Partnerships, Operations and Finance Committees Minutes of December 2018
- G-12** [19-0078](#) Greenbelt Advisory Commission Meeting Minutes of December 6, 2018
- G-13** [19-0081](#) Downtown Area Citizens Advisory Council Meeting Minutes January 8 2019
- G-14** [19-0098](#) City Planning Commission Meeting Minutes of August 21, 2018
- G-15** [19-0142](#) Commission on Disability Issues December 2018 Meeting Minutes
- G-16** [19-0151](#) City of Ann Arbor Employees' Retirement System Board Meeting Minutes of December 20, 2018
- G-17** [19-0152](#) Retiree Health Care Benefit Plan & Trust Board Meeting Minutes of December 20, 2018
- G-18** [19-0160](#) Ann Arbor Area Transportation Authority (AAATA) Meeting Minutes of December 20, 2018
- G-19** [19-0106](#) Insurance Board Meeting Minutes - January 24, 2019

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Tim Hull, resident, spoke about development in Ann Arbor.

Kai Petainen, resident, stated he disagrees with the City Council's vote on the Wendy's boycott.

David Schonberger spoke in favor of DB-2 and the City's vote to strengthen nuclear emergency planning.

A Ward One resident expressed concern about Council's transparency, questioning who is receiving text messages during public meetings. The resident also asked whether any Council Members were funding a "Go Fund Me" page that supported suing the City.

David Silkworth, Ward Five, spoke about water rates and questioned whether landlords are passing the new water rate reduction for multi-family users on to their tenants.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER RAMLAWI

Councilmember Ramlawi thanked Assistant City Attorney Arianne Slay for her work on the Trespass Ordinance.

Councilmember Ramlawi responded to a citizen comment that suggested certain councilmembers were not transparent or had not been vetted. He urged the citizen to request any information he wanted under the Freedom of Information Act.

COUNCILMEMBER GRISWOLD

Councilmember Griswold thanked Kai Petainen for providing photos, both good and bad examples, of crosswalks. She stated she is working with Representative Ronnie Peterson to introduce legislation on this issue at the State again.

COUNCILMEMBER HAYNER

Councilmember Hayner spoke about a missing piece of the border-to-border trail and stated he would be bringing this issue up during the budget cycle.

Councilmember Hayner addressed a public comment suggesting that he was influenced during Council meetings regarding his vote. He stated he doesn't even have a cellular phone on at meetings.

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 Ramlawi, seconded by Councilmember Smith, that Council enter into Closed Session under the Michigan Open Meetings Act, MCL 15.268 (e) to discuss pending litigation (Peters Building v. City of Ann Arbor). On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting adjourned in Closed Session at 9:52 p.m.:

Yeas: 10 - Councilmember Lumm, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Smith, Councilmember Bannister, Councilmember Hayner, Councilmember Griswold, Councilmember Nelson and Councilmember Ramlawi

Nays: 0

Absent: 1 - Councilmember Ackerman

RECONVENE IN OPEN SESSION

A motion was made by Councilmember Smith, seconded by Councilmember Ramlawi, that the meeting reconvene. On a voice vote, the Mayor declared the motion carried and the meeting reconvened in Open Session at 10:19 p.m.

ADJOURNMENT

A motion was made by Councilmember Smith, seconded by Councilmember Ramlawi, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 10:19 p.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, FEBRUARY 4, 2019 @ 7:00 P.M.

REPLAYS: WEDNESDAY, FEBRUARY 6, 2019 @ 8:00 A.M. AND FRIDAY, FEBRUARY 8, 2019 @ 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.

**Jacqueline Beaudry
Clerk of the Council**

**Anissa R. Bowden
Recording Secretary**