

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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



Meeting Minutes - Final

Tuesday, September 8, 2020

7:00 PM

This meeting will be broadcast live on CTN Cable Channel 16,
ATT Channel 99, and online at a2gov.org/watchCTN

Electronic Meeting

To speak at public comment call: 213 338 8477 or 206 337 9723
(800 numbers temporarily unavailable)

City Council

Enter Meeting ID: 938 5344 1231

Council will meet in Caucus at 7:00 p.m. on Sunday, August 30, 2020.

CALL TO ORDER

Mayor Christopher Taylor called the electronic Regular Session 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, in accordance with Governor Whitmer's Executive Order 2020-154.

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 Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Zachary Ackerman, Councilmember Chip Smith, Councilmember Anne Bannister, Councilmember Jeff Hayner, Councilmember Kathy Griswold, Councilmember Elizabeth Nelson and Councilmember Ali Ramlawi

APPROVAL OF AGENDA

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

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Assistant City Administrator John Fournier submitted the following reports for information of Council:

- AC-1** [20-1338](#) Memorandum: Update Regarding Council Resolution R-20-225 - Resolution Directing Evaluation of City Pedestrian and Cycling Transportation Environment by a Professional Engineer with Vision Zero Expertise

Received and Filed

AC-2 [20-1363](#) September 8, 2020 Agenda Response Memo and eComments
Received and Filed

AC-3 [20-1378](#) City Administrator's Report - September 8, 2020
Received and Filed

INT INTRODUCTIONS

INT-1 [20-1337](#) September 2020 Constitution Week Proclamation

Mayor Taylor read a proclamation in honor of Constitution Week. Sharon Clark, representing Daughters of the American Revolution, was on hand to speak about the importance of Constitution Week.

A copy of the presentation is on file in the City Clerk's Office.
Received and Filed

INT-2 [20-1353](#) Review of Draft Tentative Agreement with Ann Arbor Police Officers Association (AAPOA)

Assistant City Administrator John Fournier provided an update on the status of the City's tentative labor agreement with the Ann Arbor Police Officer's Association.

A copy of the presentation is on file in the City Clerk's Office.
Received and Filed

INT-3 [20-1249](#) Independent Community Police Oversight Commission (ICPOC)

Lisa Jackson, Chair of the Independent Community Police Oversight Commission (ICPOC), provided an update on the Commission's work. She stated Mr. Fournier is expected to provide an update on the Police Union's upcoming tentative contract agreement in the coming weeks to ICPOC.

Received and Filed

INT-4 [20-1348](#) Recovery Month proclamation 2020

Mayor Taylor read a proclamation in honor of Recovery Month. Kristal Reyes, a member of the community who is recovering, accepted the proclamation on behalf of the community.

A copy of the presentation 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. Joe Andraska - Police Department

Joe Andraska, resident, spoke about current police policies. He questioned the need for police to be armed on routine calls.

2. Shannon Hautamaki - Parks

Shannon Hautamaki, resident, spoke about the City's recent Every Park Challenge, mentioning some of the highlights of her family's many park visits.

3. Donna Waters - "Survivors Speak"

Donna Waters spoke about the Police Oversight Commission and the need for a commission during the Black Lives Matter movement.

4. Blaine Coleman - We want immediate City clean-up of the Gelman contamination.

Blaine Coleman, resident, spoke about the Gelman Plume clean-up efforts. He stated a proposed settlement is a "sweetheart deal."

5. **Mozhgan Savabiesafahani - We want immediate City clean-up of the Gelman contamination.**

Mozhgan Savabiesafahani, resident, spoke about the need to clean-up the Gelman Plume.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER GRISWOLD

Councilmember Griswold urged residents to report street light outages via A2FixIt.

COUNCILMEMBER ACKERMAN

Councilmember Ackerman thanked the City Council for recognizing Recovery Month and spoke about his own recovery.

COUNCILMEMBER GRAND

Councilmember Grand noted that it was the first day of virtual school for many in Ann Arbor. She also highlighted CC-1 on the agenda, regarding a proposed appointment to the Greenbelt Advisory Commission.

COUNCILMEMBER LUMM

Councilmember Lumm spoke about a proposed resolution she would be bringing forward regarding a new citizens' survey on funding priorities.

COUNCILMEMBER NELSON

Councilmember Nelson updated the community regarding upcoming projects in Ward 4, including a planned DTE power outage.

COUNCILMEMBER BANNISTER

Councilmember Bannister reminded the public about the process to apply to be a member of one of the City's many boards and commissions. She encouraged residents to apply.

COUNCILMEMBER RAMLAWI

Councilmember Ramlawi updated Council on the downtown street closures and the success of the program with local merchants.

CC-1 [20-1320](#) Resolution to Appoint Elizabeth Lillard to the Greenbelt Advisory Commission

Sponsors: Grand

Councilmember Grand presented the appointment resolution to the Greenbelt Advisory Commission for approval at a later date.

Referred to the City Council due back on 9/21/2020

MC COMMUNICATIONS FROM THE MAYOR

MC-1 **20-1327** Nominations and Appointments for September 8, 2020

This item was removed from the agenda.

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 the same:

CA-10 Resolution to Direct the City Administrator to Create a Temporary Child Care Benefit for City of Ann Arbor Employees, and to Appropriate Funds (\$580,000) for the Child Care Benefit (8 Votes Required)

CA-1 Resolution to Approve Amendment No 2 to the Recycling Plant Tours and School Recycling Education Contracts, with the Ecology Center (\$8,022.25 and \$106,859.00)

CA-11 Resolution to Approve the City of Ann Arbor Affordable Housing Agreement for 1140 Broadway with Morningside Maiden Lane, LLC and Morningside Broadway, LLC

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.

CA-2 20-1207 Enactment No: R-20-329 Approved

Resolution Authorizing a Purchase Order to Washtenaw County for the City of Ann Arbor's FY 2021 Share of the Maintenance of the Shared 800 MHz Simulcast System (\$25,600.00)

CA-3 20-1199 Enactment No: R-20-330 Approved

Resolution to Approve a Contract with Seaway Painting, LLC to Rehabilitate the Pool Slide Stair Structure at Veterans Memorial Park (\$52,350.00)(ITB No. 4634).

CA-4 20-1195 Enactment No: R-20-331 Approved

Resolution to Name City Property at 385 E. Eisenhower "Willow Nature Area" and Designate as Park Land

CA-5 20-1234 Enactment No: R-20-332 Approved

Resolution to Approve a Purchase Order to Michigan Supreme Court State Court Administrative Office for Judicial Information System Costs for FY 2021 (\$47,250.00)

CA-6 20-1235 Enactment No: R-20-333 Approved

Resolution to Approve a Purchase Order to Bellefeuil, Szur and Associates, Inc. ("BS&A") for Annual Software Maintenance and Support for FY2021 (\$27,813.00).

CA-7 20-1250 Enactment No: R-20-334 Approved

Resolution to Approve the Location and Hours of a City Clerk Satellite Office on the University of Michigan Campus for the November 2020 General Election

CA-8 20-1192 Enactment No: R-20-335 Approved

Resolution to Approve an Amendment to the Reimbursement Agreement with the Federal Aviation Administration for Work Related to the Environmental Assessment Study for the Proposed Safety Extension of Runway 6/24 at the Ann Arbor Municipal Airport (\$23,166.67)

CA-9 20-1193 Enactment No: R-20-336 Approved

Resolution to Approve a Grant Contract with the Michigan Department of Transportation for the Reimbursement Agreement with the Federal Aviation Administration for Work Related to the Environmental Assessment Study for the Proposed Safety Extension of Runway 6/24 at the Ann Arbor Municipal Airport (\$27,915.00)

CA-12 20-1126 Enactment No: Deleted from Agenda

Deleted from Agenda

Resolution to Approve Increasing the Purchase Order with Washtenaw County for SWAT Supplies (\$26,469.09)

CA-10 20-1329 Enactment No: R-20-338 Approved

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

Resolution to Direct the City Administrator to Create a Temporary Child Care Benefit for City of Ann Arbor Employees, and to Appropriate Funds (\$580,000) for the Child Care Benefit (8 Votes Required)

CA-1 20-0855 Enactment No:

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

Resolution to Approve Amendment No 2 to the Recycling Plant Tours and School Recycling Education Contracts, with the Ecology Center (\$8,022.25 and \$106,859.00)

20-0855 Enactment No: **Postponed**

A motion was made by Councilmember Lumm, seconded by Councilmember Hayner, that the Resolution be postponed until 10/5/2020. On a voice vote, the Mayor declared the motion carried.

Resolution to Approve Amendment No 2 to the Recycling Plant Tours and School Recycling Education Contracts, with the Ecology Center (\$8,022.25 and \$106,859.00)

A friendly amendment by the Body changed the date of postponement from the proposed September 21 to the approved October 5, 2020 meeting.

CA-11 20-1336 Enactment No: R-20-339 **Approved**

A motion was made by Councilmember Hayner, 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: 10 - Councilmember Lumm, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Ackerman, Councilmember Smith, Councilmember Bannister, Councilmember Griswold, Councilmember Nelson and Councilmember Ramlawi

Nays: 1 - Councilmember Hayner

Resolution to Approve the City of Ann Arbor Affordable Housing Agreement for 1140 Broadway with Morningside Maiden Lane, LLC and Morningside Broadway, LLC

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 **20-1042** An Ordinance to Amend Title VII (Businesses and Trades) of the Code of the City of Ann Arbor by Adding a New Chapter Which Shall be Designated as Chapter 97 (Short-Term Rentals) (Ordinance No. ORD-20-24)

A public hearing was conducted on the proposed Ordinance to Amend Title VII (Businesses and Trades) of the Code of the City of Ann Arbor by Adding a New Chapter Which Shall be Designated as Chapter 97 (Short-Term Rentals) (Ordinance No. ORD-20-24). Notice of public hearing was published August 13, 2020.

The following persons were present to speak at the hearing:

Opposed:

Carol Skalla, Ward 4, noted that AirBnB has banned party houses on their platform.

The owner of 1204 Brooklyn asked for further staff review

An attorney representing short-term rental owners

Pat Lennon, attorney representing short-term rental owners

A short-term rental owner

A Ward 4 homeowner spoke in support of short-term rentals

Katie Dortch, Ward 4 homeowner, expressed concern about the late addition of new items from the City Attorney

A short-term rental owner stated this ordinance creates an "us" versus "them."

A Ward 2 owner of an STR stated she is legally operating currently and lives nearby.

A Ward 1 resident

An unidentified resident urged further staff review.

Ralph McKee spoke in opposition to the concept of "grandfathering" existing STR owners.

A Ward 4 resident expressed concern about grandfathering creating a monopoly.

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

**A caller during Public Hearing 3 spoke to this topic, stating her support for STR owners.*

Held and Closed

A APPROVAL OF COUNCIL MINUTES

A-1 [20-1311](#) Special Sessions of August 10 and Regular Session Meeting Minutes of August 17, 2020

A motion was made by Councilmember Smith, seconded by Councilmember Griswold, that the Special Sessions of August 10 and Regular Session Meeting Minutes of August 17, 2020 be approved. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

B-1 [20-1042](#) An Ordinance to Amend Title VII (Businesses and Trades) of the Code of the City of Ann Arbor by Adding a New Chapter Which Shall be Designated as Chapter 97 (Short-Term Rentals) (Ordinance No. ORD-20-24)

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

Call The Question

A motion was made by Councilmember Smith to Call the Question. On a roll call, the vote was as follows with the Mayor declaring the motion defeated, not satisfying the 3/4 vote requirement:

Yeas: 6 - Councilmember Grand, Councilmember Ackerman, Councilmember Smith, Councilmember Bannister, Councilmember Griswold and Councilmember Nelson

Nays: 5 - Councilmember Lumm, Councilmember Eaton, Mayor Taylor, Councilmember Hayner and Councilmember Ramlawi

20-1042 An Ordinance to Amend Title VII (Businesses and Trades) of the Code of the City of Ann Arbor by Adding a New Chapter Which Shall be Designated as Chapter 97 (Short-Term Rentals) (Ordinance No. ORD-20-24)

Councilmember Ramlawi moved the following amendment, supported by Councilmember Ackerman:

Section 2. That this Ordinance shall take effect [45 days] MARCH 1, 2021, following legal publication.

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

The amendment was considered friendly by the Body.

Amended

The question being, the motion originally made by Councilmember Ramlawi, seconded by Councilmember Lumm, that the Ordinance be adopted as amended on Second Reading. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 7 - Councilmember Lumm, Councilmember Eaton, Councilmember Ackerman, Councilmember Bannister, Councilmember Griswold, Councilmember Nelson and Councilmember Ramlawi

Nays: 4 - Mayor Taylor, Councilmember Grand, Councilmember Smith and Councilmember Hayner

DB-1 20-1136 Enactment No: R-20-340 Approved

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

Resolution to Approve Home2 Hotel Site Plan and Development Agreement, 361 West Eisenhower Parkway (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

DB-2 20-1236 Enactment No: R-20-341 Approved

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

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

Nays: 1 - Councilmember Hayner

Resolution to Approve the Valhalla Annexation, 9.8 Acres, 31, 50, 57, 77, 97, 98, 107, 145, 147, 151, 155, 159, 163 Valhalla Drive (CPC Recommendation: Approval - 8 Yeas and 1 Nay)

City Council requested that staff update their memo attached to this resolution to include the Agenda Responses to Council's questions related to this item and the mention of a future zoning proposal.

C ORDINANCES - FIRST READING

C New Business - Staff:

C-1 [20-1188](#) An Ordinance to Amend Chapter 55 (Zoning), Zoning of .74 Acres from TWP (Township District) to R1C (Single-Family Dwelling District), 1780 Scio Church Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays) (ORD-20-26)

A motion was made by Councilmember Ackerman, seconded by Councilmember Eaton, that the Ordinance be approved on First Reading and should be returned for Second Reading by 10/5/2020. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-20-26

C-2 [20-1256](#) An Ordinance to Amend Sections 5.24, 5.29.2, 5.33.2, 5.35.2, 5.36.2 and 5.37 of Chapter 55 (Unified Development Code) Of Title V of The Code Of The City Of Ann Arbor - Sign Regulations (ORD-20-27)

A motion was made by Councilmember Smith, seconded by Councilmember Ramlawi, that the Ordinance be approved on First Reading and should be returned for Second Reading by 10/5/2020. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-20-27

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 20-1083 Enactment No: Approved

Sponsors: Ackerman

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

Yeas: 4 - Mayor Taylor, Councilmember Grand, Councilmember Ackerman and Councilmember Smith

Nays: 7 - Councilmember Lumm, Councilmember Eaton, Councilmember Bannister, Councilmember Hayner, Councilmember Griswold, Councilmember Nelson and Councilmember Ramlawi

Resolution to Amend the Other Postemployment Benefits (OPEB) Funding Policy

20-1350 Enactment No:

Sponsors: Griswold

A motion was made by Councilmember Griswold, seconded by Councilmember Nelson, that the Resolution be approved.

Resolution to Refer Chapter 40 (Trees and Other Vegetation) of Title III of the Code of the City of Ann Arbor to the Environmental Commission for Consideration

20-1350 Enactment No: Amended

Sponsors: Griswold

Amended

Resolution to Refer Chapter 40 (Trees and Other Vegetation) of Title III of the Code of the City of Ann Arbor to the Environmental Commission for Consideration

Councilmember Griswold moved to amend the resolution to remove the references to Sections 16 and 17 and refer the entire Chapter 40 for review by the Environmental Commission. The amendment was supported by Councilmember Eaton.

The amendment was considered friendly by the Body.

DC-2 20-1350 Enactment No: R-20-342 Approved as Amended

Sponsors: Griswold

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

Yeas: 11 - Councilmember Lumm, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Ackerman, Councilmember Smith, Councilmember Bannister, Councilmember Hayner, Councilmember Griswold, Councilmember Nelson and Councilmember Ramlawi

Nays: 0

Resolution to Refer Chapter 40 (Trees and Other Vegetation) of Title III of the Code of the City of Ann Arbor to the Environmental Commission for Consideration

DB New Business - Boards and Commissions:

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 Ramlawi, seconded by Councilmember Nelson, 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 [20-1242](#) Minutes of the July 2020 Transportation Committee Meeting
- F-2 [20-1247](#) Fernwood Avenue Traffic Calming Resolution
- F-3 [20-1299](#) Communication from the Michigan Attorney General's Office Regarding City of Ann Arbor Charter Amendment Proposals for the November 3, 2020 Ballot
- F-4 [20-1300](#) Communication from Michigan Governor Gretchen Whitmer Regarding Approval of City of Ann Arbor Charter Amendment Ballot Proposals for the November 2020 Ballot
- F-5 [20-1301](#) Communication from Michigan Public Service Commission Regarding Hearing for the Electric Customers of DTE Electric Company Case No. U-20723
- F-6 [20-1313](#) Investment Portfolio Report - 2nd Quarter 2020
- F-7 [20-1322](#) Communication from AT&T Michigan regarding Submittal of their Annual Video Report Dated July 31, 2020 - CTN, City Attorney
- G **The following minutes were received for filing:**
- G-1 [20-1177](#) Ann Arbor Public Art Commission Meeting Minutes -June 2020
- G-2 [20-1209](#) 07.14.2020 EDFC Meeting Minutes
- G-3 [20-1287](#) Budget and Labor Committee, July 16 Meeting Minutes
- G-4 [20-1303](#) Independent Community Police Oversight Commission Meeting Minutes from July 21, 2020
- G-5 [20-1335](#) Human Rights Commission, July 2020 Meeting Minutes

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Kathy Stroud, Ward 1, spoke about the City's new healthy street program and urged the City to reconsider the inclusion of Chapin Street in the program.

Henry MacConnel, Ward 5, spoke about mask-wearing compliance in the City.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER HAYNER

Councilmember Hayner requested staff follow-up on concerns regarding the healthy streets closures.

COUNCILMEMBER GRISWOLD

Councilmember Griswold addressed a citizen comment.

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

None.

ADJOURNMENT

A motion was made by Councilmember Nelson, seconded by Councilmember Bannister, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:25 a.m.

COMMUNITY TELEVISION NETWORK (CTN) COMCAST CHANNEL 16, AT&T CHANNEL 99:

**LIVE: TUESDAY, SEPTEMBER 8, 2020 @ 7:00 P.M.
REPLAY: FRIDAY, SEPTEMBER 11, 2020 @ 8:00 P.M.**

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

Videos are also available for a nominal fee by contacting CTN at (734) 794-6150.

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**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.