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City of Ann Arbor  
City Council Meeting  
6:00 p.m. Special Session and 7:00 p.m. Regular Session

May 6, 2019

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[ Gavel ]

Good evening, everyone, and welcome to the -- where are we going?

-- special session of the Ann Arbor -- the May 6th special session of the Ann Arbor City Council.

May we please have the reading of the order and the call of special session?

(Notice read.)

>> Clerk Beaudry: A closed session under the Michigan Open Meetings Act for the purpose of pending litigation and written attorney-client privileged communication for the following two cases.

Gelman litigation in Washtenaw circuit court and city of -- in Washtenaw circuit court.

>> Mayor Taylor: If you're able, please join us for a moment of silence followed by the Pledge of Allegiance.

>> I pledge allegiance to the  
flag of the United States of  
America, and to the Republic for  
which it stands: One nation  
under God, indivisible, with  
liberty and justice for all.

>> Mayor Taylor: Would our clerk please call the roll of Council?

>> Clerk Beaudry: Councilmember Hayner?

>> Councilmember Hayner: Here.

>> Clerk Beaudry: Councilmember Bannister?

>> Councilmember Bannister: Here.

>> Clerk Beaudry: Councilmember Griswold?

>> Councilmember Griswold: Here.

>> Clerk Beaudry: Councilmember Lumm?

>> Councilmember Lumm: Here Councilmember Grand.  
>> Clerk Beaudry: Councilmember Griswold?  
Councilmember Ackerman?  
>> Clerk Beaudry: Mayor Taylor?  
>> Mayor Taylor: Here.  
>> Clerk Beaudry: Councilmember Eaton?  
>> Councilmember Eaton: Here.  
>> Clerk Beaudry: Councilmember Nelson?  
>> Councilmember Nelson: Here.  
>> Clerk Beaudry: Councilmember Smith?  
>> Clerk Beaudry: Councilmember Ramlawi?  
>> Councilmember Ramlawi: Here?  
>> Mayor Taylor: May I have a motion please to approve the agenda.  
Discussion of the agenda?

All in favor?

[ Chorus of ayes ]

Opposed?

We have a motion to go into closed session -- public comment, my apologies.

We now come to public comment general time, which is an opportunity for members of the public to speak to Council and community about matters of municipal interest.

To speak at public comment general time, one not need have signed up in advance.

Speakers have three minutes in which to speak, so please pay close attention to the time clock.

As a matter of courtesy, we may only have one person speaking at a time, and finally, if you require assistance in speaking before Council, we would be delighted to provide it to you.

Is there anyone who would like to speak at public comment?

>> Hi.

This is Tim hull.

I'm here to speak about the commission appointments.

I have heard from various people that they have heard that Council may not support the reappointments, and in particular two on the planning and Transportation Commissions, and I would say I have got to be concerned about this, because I feel like Transportation Commission has only been around for two years, and two of the people up for reappointment, who have said they may not be reappointed, is the chair and the Vice Chair of the commission, and I just feel like it would be detriment to that commission to replace them midstream like that.

And I also -- yeah, on the Planning Commission as well.

I feel like these people do good work, and I feel like -- I mean, I don't know what the rationale is.

I could see it being that this new Council has different opinions on various things.

I don't know if that's the cause for this, or if it's other lingering concerns, but I just -- I'm concerned about it, and the timing just seems a little off, just know that it's a new Council here, and, yeah, I just -- that's all I wanted to say, and I know that this is a special meeting, but I don't know if I'll have a chance to speak on this before somebody makes a motion with regards to these appointments.

All right.

Thanks.

>> Mayor Taylor: Thank you.

Is there anyone else who would like to speak at public comment?

>> Hello, everyone.

It's been a while since I have been here.

You go away, change the furniture on me.

My name is Lynn Bollington, 1801 south boulevard.

I am big on transportation, all kinds of transportation, busses to walking, and I also can't see the three-minute warning.

You are going to start working on reimagine Washtenaw, and when you reimagine Washtenaw, I am hoping that you will take into account to make pedestrian crossing safe.

To make them safe when you're going to do a sidewalk, a bus lane, a bike lane, a car lane, a Michigan concrete turn, another traffic lane, another bike lane, another bus lane.

You really need to put in auditory pedestrian talking crossings.

Now, some of you are going to have probably received a request to put them in at Huron Parkway.

You're going to receive more of them, especially now that we are receiving more active people who are blind in Ann Arbor, so if you build that into your reimagine Washtenaw, you won't have to be working with ADA issues later.

That would be incredibly helpful and very safe, much needed.

I also sent you all an email about the roundabout at state and Ellsworth.

Now you guys probably know but didn't know, the City of Ann Arbor owns three fourths of that roundabout.

Pittsfield is going to put in pedestrian crossings from that roundabout from their center cross to the bank.

I would love to see the City put in talking pedestrian crosswalks at this roundabout too.

When the roundabout was built, the conduits were put in, but you never finished putting in the talking pedestrian crosswalks on there.

I also see that you're going to put a light by the health center and Social Security office. Badly needed.

The center for independent living school is there.

Gift of life is there.

They do transplants.

Eversight is moving in there.

They do cornea transplants.

You have got Costco in there.

You have got stores in there.

You have got restaurants in there.

It used to be heavily pedestrian traffic, because I was up there all the time.

You can't get across that roundabout, so you need a light at Research Park Drive and Ellsworth so people heading east can go down research park drive, stay left at Ypsi, because you have got a lot of people.

What did it say in the article?

It is the most dangerous roundabout in the county with almost 200 accidents a year.

People say we are not killing anybody.

Well, thank god, but talk to some of those people who got into almost 200 accidents how happy they are about it.

So I'm hoping that you put in the light soon at research park drive.

I'm hoping that you will work with Pittsfield and the Washtenaw County pedestrians to get talking lights, and thank you.

>> Mayor Taylor: Thank you for.

Is there anyone else who would like to speak at public comment?

Seeing no one, public comment is closed.

May I have a motion please to go into closed session?

>> Mayor, as the clerk indicated, there is pending listing -- litigation on two cases, the Trinitas case and Gelman, both Washtenaw County circuit court communication, and also under written attorney-client privilege communication, which is covered under subsection(h) of the opening meetings act, covered under state law, common law.

>> Mayor Taylor: Roll call vote please starting with Councilmember Ackerman.

>> Clerk Beaudry: Councilmember Ackerman?

>> Councilmember Ackerman: Yes.

>> Clerk Beaudry: Mayor Taylor?

>> Mayor Taylor: Yes.

>> Clerk Beaudry: Councilmember Eaton?

>> Councilmember Eaton: Yes.

>> Clerk Beaudry: Councilmember Nelson?

>> Councilmember Nelson: Yes.

>> Clerk Beaudry: Councilmember Smith?

>> Councilmember Smith: Yes.

>> Clerk Beaudry: Councilmember Hayner?

>> Councilmember Hayner: Yes.

>> Clerk Beaudry: Councilmember Bannister?

>> Councilmember Bannister: Yes.

>> Clerk Beaudry: Councilmember Griswold?

>> Councilmember Griswold: Yes.

>> Clerk Beaudry: Councilmember Lumm?

>> Councilmember Lumm: Yes.

>> Clerk Beaudry: Councilmember Grand?

>> Councilmember Grand: Yes.

>> Clerk Beaudry: Motion carries.

>> Mayor Taylor: We are in closed session.

(Council in closed session.)

>> Mayor Taylor: We are back in open session.

Discussion?

All in favor?

[ Chorus of ayes ]

>> Mayor Taylor: All opposed?

We are back in discussion.

All in favor?

[ Chorus of ayes ]

All opposed?

We are adjourned.

>> Mayor Taylor: Good evening and welcome to -- please rise and join us.

(Mayor off mic.)

>> I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands: One nation under God, indivisible, with liberty and justice for all.

>> Mayor Taylor: Would our clerk please call the roll of Council?

>> Clerk Beaudry: Councilmember Hayner?

>> Councilmember Hayner:

>> Clerk Beaudry: Councilmember Bannister?

>> Councilmember Bannister:

>> Clerk Beaudry: Councilmember Griswold?

>> Councilmember Griswold:

>> Clerk Beaudry: Councilmember Lumm?

>> Councilmember Lumm:

>> Clerk Beaudry: Councilmember Grand?

>> Councilmember Grand:

>> Clerk Beaudry: Councilmember Ackerman?

>> Councilmember Ackerman:

>> Clerk Beaudry: Mayor Taylor?

>> Mayor Taylor:

>> Clerk Beaudry: Councilmember Eaton?

>> Councilmember Eaton:

>> Clerk Beaudry: Councilmember Nelson?

>> Councilmember Nelson: Councilmember Smith.

>> Clerk Beaudry: Councilmember Ramlawi?

>> Councilmember Ramlawi: Here.

>> Clerk Beaudry: We have a quorum.

>> Mayor Taylor: The agenda is approved.

Do we have communications today from our City Administrator?

>> City Admin. Lazarus: Mayor, we don't, other than I would like to thank officer Bernet for being with us this evening, probably earning his pay tonight, but that's it.

>> Mayor Taylor: Very well.

I have no introductions, so we now come to public comment reserve time, which is an opportunity for members of the public to speak to Council and the community about matters of municipal interest.

To speak at public comment reserve time, one needs to have signed up in advance by contacting our City Clerk.

Speakers will have three minutes in which to speak, so please pay close attention to the time clock.

As a matter of courtesy, we may only have one person speaking at a time, and finally, if you would require assistance in speaking to Council, we'd be delighted to provide it to you.

Our first speaker today is Tom Stulberg.

>> Good evening, Tom Stulberg, 1202 Traver Street.

I would like to speak to you about the ordinance that you're going to have a first reading tonight on, and that will be the end of it, hopefully for tonight at least.

I would like you not to pass it on to a second reading, the main reason being that it is not ready.

There has not been enough public engagement.

And whether we are looking at the specific rules for an ordinance amendment for public engagement or what is practical in reality, the fact of it is that this change -- we had an ADU ordinance created not too long ago, and it was limited.

It has been expanded, and everyone thought that that would be helpful, because nothing has been built under the ordinance.

We have proposed now that are not a tweak.

They are massive.

The impact, the number of people they impact, how many people out there know that every single family-zoned property could soon potentially, if this works out well, and if it got passed, could have an 800-square foot unit built in their neighbor's yard in the setback.

Normally you would have a 30-foot setback.

In this case, we are going to have detached structures.

Normally, if you have a duplex, the two units are attached together, and they have to be within the setbacks defined by zoning.

This ordinance allows detached units up to 800 square feet in the setbacks, so legally I think that's up to three feet from the rear yard, but there are practicalities in terms of fire ordinance that would make it five, eight feet.

Let's say it was ten.

Each neighbor on each side of you build one in their backyard, the three neighbors behind you, three build one, so now you have got five new ADUs, times 800.

That could be 4,000 square feet of new habitable living space within ten feet of your lot line on the rear, and on all sides, and you're surrounded.

If that's what we want, great.

If the City of Ann Arbor and its citizens are informed, educated, engaged, and they say, yes, that's what we want, then that's fine.

But right now, those approximately 20,000 people that are being impacted by this -- and that's just a rough number, but they don't know.

The vast majority have no clue this is happening.

We need to remedy that.

We need better public education and public awareness on this.

Thank you.

>> Mayor Taylor: Thank you.

Our next speaker is Mark Quarry.

>> Good evening.

I'm here to discuss the proposed resolution to replace Councilmember Ackerman with Councilmember Ramlawi on the independent committee Police Oversight Commission. I do support this.

I think it's a good idea.

We need more involvement on the Commission.

We already have a lot of it, but the more the better, of people of color.

If Mr. Ramlawi does serve as liaison along with Jane Lumm, I think we would have a better line of communication from a person of color.

I would note that I attended that particular commission meeting, and it was very positive, and I think I noticed that the well -- it was very well-attended by people of color, both sitting on the commission and in the audience, and I think Mr. Ramlawi would continue the trend by being a member of that commission ex officio.

One thing that I have noticed is, you know, some of the comments regarding it and why we need more people of color that serve on these commissions that deal with issues like police oversight, the genesis of this commission, in fact, began largely with not only Rosser, which has been going on for years in the City of Ann Arbor, that's a history of oppression of minorities within the city.

If you'll remember in 1995, Blair Shelton sued the city.

I got to know him and he explained what happened, and then we had issues in 1998 with the Ku Klux Klan rally where A.A.P.D. issued 35 warrants and got one conviction of counterprotesters of the claim.

We had the issue of the green nightclub, where I got to know Mr. Shelton, and that's when I published a push to have an independent Police Commission in 2012, and it was another person of color, Sumi, who I met on election night.

I am very positive from the first meeting that we are going in the right direction.

I believe Mr. Ramlawi, who I believe is Palestinian, by continuing his presence on this particular board will increase the issues being brought to the forefront regarding oppression of minorities and police abuses within the city, and I think it's going to be an excellent group of people we are going to have address these issues.

Thank you.

>> Mayor Taylor: Thank you.

Our next speaker is David Silkworth.

>> Good evening.

My name is David Silkworth, and I'm a resident of Ward 5 and a member of the Sierra club.

Michigan is blessed by our abundance of fresh water resources, which fill our streams, river, lakes and which sustain a tapestry of flora and fauna.

Our abundance of fresh water help agriculture and other industries, supporting vibrant and diverse communities with good paying jobs and a high quality of life for many of our state's residents.

Unfortunately, our state also has a history of not always managing our industries and water resources responsibly, whether due to individual or collective mistakes, neglect, or intentional acts.

We are left with a legacy of polluted sites throughout our state.

Some of these sites are in or around our community, and they are made more complex by our abundant water resources.

I recently came across a quote by the farmer poet Wendell berry that I think might be relevant to many of the problems that we face as a community.

He was writing about the war between two ethics, the standard of the exploiter is efficiency.

The standard of the nurturer is care.

The exploiter's goal is money, profit.

The nurturer's goal is health.

His land's health, his own, his family's, his community's, his country's.

The exploiter typically serves an institution or an organization.

The nurturer serves land, household, community, and place.

I will always take the role of nurture in these contexts.

I believe that we need to clean up the contaminated sites within our community, and we need to support the cleanup of contaminated sites around our state.

I am here tonight to ask you to vote yes on DC5, the resolution supporting the Environmental Protection Agency's active involvement with the Gelman site and encouraging its listing of the same as a superfund site.

I support this resolution because a Superfund designation will ensure full cleanup of our aquifer to federal standards, and because the Federal Government will oversee the cleanup, and then they will also require the polluter to pay for it.

I was also reassured that property values would not be negatively impacted, because during a recent dioxane plume work session, put on by the city, Dan Bicknell provided multiple examples of other cities with Superfund sites where property values were not adversely affected, maybe because those cities took proactive steps towards a full cleanup.

I believe our community would be rewarded in the same way if we took the necessary steps for a full cleanup of the Gelman dioxane plume.

Our community needs you to be a nurturer tonight.

Thank you.

>> Mayor Taylor: Thank you.

Our next speaker is Eric Lipson.

>> Good evening.

Thanks for having me.

I would like to say -- Eric Lipson, Rosewood Street, Ann Arbor, Michigan.

I would like to say, first of all, thank you to the City Staff who finally got a light over the crosswalk at Pioneer High School and Edgewood.

I was pleased to see that, that they have improved that, even though there was another accident there just before that, and all you have to do now is to put a refuge island in there, and it will come up to the best practices as mandated by the Pedestrian Safety Task Force, which this Council endorsed years ago.

But I'm here to talk about the Gelman plume today and just to say thank you in particular to David Silkworth for that very, very eloquent introduction to this problem.

This problem has been going on for 40 years, and I certainly will encourage all of you to vote to endorse DC5 to go to the -- not the D.E.Q. but to make this a Superfund site, and to actually add that to the Superfund site to anything that the D.E.Q. is doing.

I was glad to see that many of you were at the meeting this morning, of stakeholders, and I don't believe there was anybody there who had any real objections or said in any



way that if the parallel track was started with the E.P.A. that there would be any reason why the -- whatever the current track of the current litigation with the current stakeholders and the district -- or the circuit court is would not be interfered with.

I don't think there was any doubt in that room, that going forward with the request to the E.P.A. to list this as a Superfund site was the way to go.

I didn't hear any objection.

The only issue was property values, and I think that's been addressed.

Public health has to trump property values, and the market has already adjusted.

People aren't dumb.

They know what's going on with that aquifer with that water underneath that part of the city.

They will be reassured, as Mr. Bicknell has pointed out, that evidence shows that property value stabilizes when it's declared a Superfund site, because then it seems like someone else is helping to do something about the problem, and that's what I'm asking Council to do, is to finally after all of these years do something.

As Roger Rail, who is also here tonight, this is an inflection point, and the reason is because this is the first time that we have had both a democratic governor and a democratic Attorney General, so if you make the request now, the odds are extremely high that it will be well-received in Lansing, and I urge you to do that as quickly as possible.

Thank you.

>> Thank you.

Our next speaker is Lu Anne Bullington.

Ms. Bullington?

Our next speaker is Doug Kelbaugh.

>> Good evening.

We live in a very affluent community.

I recently read that Ann Arbor has the largest tax base in the state of Michigan, not on a per capita basis but in total, as an absolute number.

This means that if you multiply all of the property times their assessed values, it's a bigger number than the city of Detroit, and that's in spite of the U of M tax free property. Second, having spent the last decade lecturing, researching, and writing a book on sustainability, I have concluded that climate change is the biggest challenge facing our species and our civilization.

It's the alpha driver of so many problems, from water shortages to agricultural disruption, to extreme storms, urban heat islands, social unrest, all of which are quickly getting worse.

Resilient cities are arguably the last best hope in the war against climate change.

Ann Arbor can afford to spend more than 800 or \$900,000 in this war.

We should be spending millions and have regulations and initiatives, both within the government, the local municipal government itself, and within the larger community.

UM has realized that it has been lagging behind its peers and is now committed to a very large university-wide effort to reduce its carbon footprint.

It's late to the game but very serious.

It needs to work with the City and vice versa.

Between the U and the city, dramatic change needs to happen, and it needs to happen fast.

A.D.U.s, by the way, are low-hanging fruit.

I would say the only low-hanging fruit in affordable housing.

I did a study for Washington State 25 years ago, and as you know, they are legal in many cities.

In some cities, now two A.D.U.s are permitted, as way to deal with housing affordability problems.

And, by the way, A.D.U.s fight climate change by promoting more compact, denser neighborhoods that promote walkability and bike ability.

Thank you.

>> Mayor Taylor: Thank you.

Are there communications today from Council?

Councilmember Grand.

>> Councilmember Grand: Thank you.

I want to thank all of the staff and community members who came out for our Council meeting today for the affordable housing, climate action and pedestrian safety event, that were there in the lobby.

Hopefully some of you got to come through and interact with many of the organizations that represent those interests, so thank you so much for coming out for that.

Related to some of those issues, I brought a prop this evening.

If you haven't already registered for the commuter challenge, I would encourage everyone at this table to try to use the month of May to have some sort of -- if

Councilmember Lumm actually gets to City Hall without driving her own personal car, I will give her the candy right now.

So, it's -- you know, and my car is in the parking lot, to be fair.

So, anyway, please do -- but hopefully, everyone, I know myself I have made lots of trip to work on foot this week, so if everyone -- or last week, so if everyone can join me in trying to get some sort of commute to work that's not motorized or carpool, that would be excellent.

Also, CC3 this evening is a resolution to reappoint both Jennifer Fike and John Ramsburgh, which will show up on the next Council agenda.

Jennifer Fike is the current chair of the Greenbelt Commission.

John Ramsburgh is the current Vice Chair of the Greenbelt commission.

They have been long-serving members who have done an outstanding job, especially their leadership has been appreciated as the Council expectations for how we present Greenbelt properties have changed, and I think they have been excellent stewards of the land and of these resources and have been great at communicating to Council.

They have also been instrumental in getting more help, for example, or our internship program at Greenbelt, so I look forward to their reappointment and serving for years to come in our next meeting.

And, finally, we have a wonderful LGBTQ liaison to the city, Travis Redina.

He's a ward 3 resident, and it's his birthday today.

Happy birthday, Travis.

>> Mayor Taylor: Councilmember Ramlawi?

>> Councilmember Ramlawi: Thank you, Mayor Taylor.

It's been a few weeks, so there's a lot to talk about.

It's going to be a long meeting, obviously.

I just want to give a shout-out to the artist who has art displayed in Council chambers.

I apologize.

I did not get the name, but it's good to see our walls here decorated with some new art.

Being on the Art Commission, I think it's important to call that out when I see it.

Secondly, I would like to thank everybody who came to my constituent hour last Thursday.

It was well-attended.

I talked about a lot of things, and I look forward to having more of those over the summer, as well as the folks that come out for caucus, Sunday night caucus.

I find it very valuable -- a very valuable way of engaging the public, and I encourage people to come out and ask us questions and listen to the discussions that we have in an informal setting.

Our next caucus, May 19th -- is that right?

Yeah -- will occur from 3:30 to 5:00 or 3:00 to 5:00.

I am not sure -- from 3:00 to 5:00.

Normally they are from 7:00 to 9:00.

So, a couple of things there.

Also, it was a great honor and a privilege to be a part of the seating of our newest commission, the I.C.P.O.C. last Tuesday here in Council chambers at 5:00.

They got busy to work and really a great group of commissioners set out to do a very challenging job, and I hope to get the support of Council tonight to become the liaison for that commission, and I appreciate the public comment remarks earlier.

That means a lot, and I do appreciate that.

I think that's all about I want to say, because there's a lot to get to.

So, thank you.

>> Mayor Taylor: Councilmember Hayner?

>> Councilmember Hayner: Yeah, thank you, Mr. Mayor.

Just two things real quick.

Number one, so, May 6th, that's six months, six months sitting here at the table already, an 8th of the way through my service to the City, and so I just wanted to thank all of my Council colleagues for being so supportive to the new Council people, and also the staff and everybody here at City Hall.

They have done a fine job of helping us get our feet underneath us and get up and running to explain how everything works, what we thought we knew and that we didn't, and things that are the other way around.

I appreciate it.

And at some point in the future, and I have been mulling this over for the last week or so, I'm going to do a little self-assessment of the service that I have been doing to the community here and see how I can improve my service to Ward 1, but I have really had a good time of it so far, and I really extra appreciate Councilmember Bannister here. It's been great working with her.

In that vein, I would also like to take a minute just to say I express my gratitude to someone who recently passed in our sister city Ypsilanti, Pete Murdock, long time mayor and councilmember of the City of Ypsilanti.

He was a pretty radical guy.

He said what he wanted to say and when he wanted to say it, and, you know, he did a good deal of service, decades of service to the city of Ypsilanti, and sometimes I wonder why we don't have a better relationship with the city of Ypsilanti.

It's sort of like we are a little binary star out here on the fringe of Detroit, and I would just like to hope that I can dedicate some of my remaining time on Council to improve the relationship that we have with Ypsilanti.

I think our schools could work better together.

I know we are not in charge of schools here at City Hall, but I have grave concerns about what the school of choice program here in the City of Ann Arbor is doing to the budget and the students and the talent out there in the city of Ypsilanti, and I also have other concerns about our relationship with the city of Ypsilanti, especially as it relates to affordable housing, economic development and those kinds of things, so in the spirit of Mr. Murdock, I hope to move forward in our next six months and increase our relationship and make it a more beneficial relationship between our two communities.

Thank you.

>> Mayor Taylor: Councilmember Griswold?

>> Just a little bit more information about our caucus that will be at 3:00 p.m. on Wednesday the 19th.

The reason we are changing it from 7:00 is there will be a memorial for the late congressman John Dingell, so it will be one time at 3:00 and then it will return to 7:00. I have had questions regarding appointments to boards and commissions, and I have written a press release with a couple of other Councilmembers and that will be published soon, but the -- my main objective, and I don't want to speak for other people, is to continue to improve and increase transparency within local government, including on boards and commissions, and so we are encouraging community members to apply for our boards and commissions, and we would like to see more diversity of thought on our boards and commissions.

The final thing is, in addition to being a councilmember, I'm also chair of the friends of the Michigan league, and on Wednesday, May 15th, we'll have our annual meeting and reception, and I would like to invite everyone to come, 3:00 p.m., at the Michigan league, and our speaker will be Susan Gau.

That's always interesting, and I am sure everyone would like to know what's happening at the University of Michigan with all of the cranes and building going on.

Thank you.

>> Mayor Taylor: Councilmember Ackerman?

>> 3:00 p.m.

>> Councilmember Ackerman: Thank you, Mr. Mayor.

A quick plug for local food.

It is springtime, and our neighborhood farmers markets are back.

The third ward is served by the Cobblestone's Farmers Market out of Burr Park.

Beginning the week of May 20th, every Tuesday they will be having their market, so beginning May 21st.

And the 5th Ward is served by the West Side Farmers Market, which should be getting started soon as well, and the northeast side by Dixboro Farmers Market, though not technically in the city limits.

But they are in your neighborhoods.

Go check them out.

They support local farms, and the food tastes a little bit better.

>> Further communication from Council?

>> I have a couple of things.

First I would like to state it was my pleasure a couple of days ago to attend the graduation of I believe our Second Citizen's Academy.

It's a number of residents who come and spend a bunch of time with City Staff and others, learning about what's going on in City Hall and elsewhere.

It's parallel to our police and fire academy.

This is an opportunity for our residents to really see what people are doing, to learn about operations, the exigencies of municipal service, the why we do what we do, and I think they are better residents for it.

They certainly report feeling empowered and excited about the places in which they live and the opportunities to participate, so I guess as the next application time wanders around, I would encourage folks to throw your name in.

I have the following nominations, appointments and nominations for your consideration which will be on the next meeting on the 20th.

They are, so I would like to recommend the following nominations to the airport advisory committee, Molly Maciejewski.

To the Ann Arbor Area Transportation Authority, Raymond Hess, to the Public Art Commission David Esaw, to the Cable Communications Commission, David Pittman and John Torgson, to the City Planning Commission, Eric Briggs, Scott Trudeau, Ms. Weatherbee, to the design review board, Corey Buckwalter and Gary Cooper.

To the downtown area citizens advisory Council -- John Chamberlain, Kathleen Nolan.

To the Downtown Development Authority, Phil Weiss.

To the Energy Commission, Mark Cleavy, Jay Zaher.

To the Historic District Commission, David Rockland.

To the housing human services advisory board, Eleanor Pollock, James Daniel, Nora white.

To the Human Rights Commission, Keyta Cowan.

To the local development financing authority, Steven Rapundalo.

To the parks advising commission, Paige Marsen.

To the recreation advisory committee, Katie Lewit, Glenn Nelson.

To the Zoning Board of Appeals, Julie Weatherbee, Todd grant.

Further, I have a number of resolutions which will be put before you for consideration at the next meeting, each of which has potential board members from outside the city, requiring a seven-vote item.

That is to the airport advisory committee Peter Greenfield.

To the cable commission, Bonnie Gabowitz.

To the economic development corporation Dale Leslie and Tim Marshall.

To the Energy Commission, Wayne Appleyard.

To the Huron River watershed Council, Molly Maciejewski.

To the Human Rights Commission Mohamed Al-Azem.

To the local development finance authority, Paula Sorrell.

To the housing commission, Patricia Jenkins.

To the housing authority, not from outside of the city but happy residents, Harold Lazarus and Tom Crawford.

We now have before the us the Consent Agenda.

May I have a motion please to approve the Consent Agenda?

Moved by Councilmember Smith, second by Councilmember Nelson.

Discussion of the Consent Agenda?

Councilmember Hayner.

>> Councilmember Hayner: Well, prior to that -- we have three items under the CC1-3. Are we going to?

>> Mayor Taylor: I think those are -- they are going to be put on the table for discussion at the next --

>> Councilmember Hayner: You are going to do all of them next week?

My apologies for not catching that.

I would like to remove CA10, 16, and 22 for discussion.

>> Mayor Taylor: One more time?

>> Councilmember Hayner: Ten, 15, 16, and 22.

>> Mayor Taylor: We'll put those after CA22.

Further discussion of the Consent Agenda?

Councilmember Nelson.

>> Councilmember Nelson: It won't be long, but I would like to pull CA17, please.

>> Mayor Taylor: CA17, after 22.

Further discussion of the Consent Agenda?

All in favor of the Consent Agenda with the exception of CA ten, 15, 16, 17, 22, and -- all in favor, please say aye?

[ Chorus of ayes ]

The Consent Agenda is approved with the exception of CA10, 15, 16, 17, and 22, with all Councilmembers present thus satisfying the eight-vote requirement with respect to CA8, CA 13 -- that's all.

We now come to CA10, resolution to approve a contract with liberties security group Inc. for guest services at the guy C Larcom City Hall, in the amount of \$1,205.

Discussion, Councilmember Hayner?

>> Councilmember Hayner: Thank you, Mr. Mayor.

I don't know if others have anything to comment on this one.

I appreciate the -- we received a few emails from staff folks supporting the idea that there needed to be a better effort at identifying who is coming into the building, more security in the building for staff, and people -- you know, we are only in this building once a day, a couple of times a day, all day, all night, so it's really important for us. I appreciate some effort has been made on the part of the administration to address these concerns.

The concern that I have with this item specifically is the -- well, it's twofold.

One part is the \$102,000 a year for somebody, which is almost what we might pay for a sworn officer, and my second concern is just generally I believe when we outsource, we are not investing in ourselves, so I'm not a big fan of outsourcing.

It's no secret, and so I would prefer that we consider the administration take a look at hiring one or two staff people for the equivalent salary here that know the building, can work with us every day, and not that these folks who are coming in don't, but it's my

understanding that it's not even an Ann Arbor company, so I just wanted to express those concerns before we vote on it.

I don't support outsourcing, and definitely not at \$102,000 a year.

>> Mayor Taylor: Councilmember Ramlawi?

>> Councilmember Ramlawi: Thank you, Mayor Taylor.

I will echo some of the sentiments Councilmember Hayner has about outsourcing.

Not only are we not investing in ourselves, but my biggest concern with this is the fact that the people staffing this front counter are not as familiar with this building and the people that work in this building or the community itself, and I would rather see this be done by an internal full-time City employee who has the understanding and can better direct people and guests when they come to the people's house, and I think it's going to send the wrong message to some folks when they see -- and I apologize for this, but a foreign agent as their first encounter to the People's house, so I would rather see a full-time city employee helping our guests when they come into City Hall.

>> Mayor Taylor: Councilmember Ackerman?

>> Councilmember Ackerman: Thank you, Mr. Mayor.

I understand the need for security in here, and I don't think that's the debate.

I am sometimes shocked.

I go to, you know, I work for a management consulting firm, and I go to clients that are smaller than the City Hall, and they have security, you know, and I think our professional staff who serve our community deserve some assurance that they are safe at work.

I am intrigued by this conversation.

I would be curious.

I know that the City and the police department are looking at a cadet program moving forward to help with the recruitment and training of new police officers, and I would be curious if, you know, and I also, you know, in future years, that there would be opportunity to bring those two programs together, where, you know, we can train our cadets while also giving them exposure to City Hall and the residents and also take advantage of staffing.

We are already -- we are already bringing in.

But I ultimately will vote for this tonight, just because it's the solution presented to us for now, but in the future, would there be opportunity to look at other programs, like the cadet program, to fill this need.

>> City Admin. Lazarus: Councilmember, the purpose of the cadet program, it's really a recruiting tool to reach out to members of the community who may not have thought about policing as a career option.

The goal is to keep them embedded in the police department and in that environment.

This job would not do that, and I think it would run counter to the reason we established the cadet program.

The reason we chose to look at this as a contract service, and Mr. Kulhanek can fill in when I leave something out or misspeak, is in order to provide the hours of coverage that we are looking at is we would have to have multiple persons, because it would exceed a 40-hour workweek, and that would include evening meetings as well as the Sunday caucus.

We also, through the benefit of the contract, we get training from the entity.

We get guaranteed coverage, in case someone was sick or on vacation, as well as having specialized training that we don't have the ability in-house to provide right now. So I think those are the reasons we looked to have it as a service instead of hiring staff. In terms of the concern about getting to know people in City Hall, I don't know that there's much difference between someone who is assigned here through a service versus a new employee.

People will learn faces as they visit City Hall as well.

But we all appreciate Council's desire to provide opportunities for employment in the city, and there are other ways to do that, but this is really the most efficient and effective way, we believe, to provide the security service.

Matt, do you want to add anything?

>> Yes, good evening.

Matt Kulhanek, fleet and facilities manager.

I would just like to add to City Administrator Lazarus's comments.

Again, when you look at this, there's about 80 hours a week of average in this, so you're talking a minimum of two, more likely three positions, when you figure coverage, vacation, sick, those type of things.

So, from a cost perspective, if you're just looking at that aspect of it, you can't -- you can't touch probably two and a half to three employees for what you're looking at here.

Again, the comment about training and guaranteed coverage, that's one of the advantages that they have.

If somebody is going to be out, they schedule, they bring somebody in.

The goal of this company, from a familiarity perspective, is to bring in probably two employees and may have coverage with a third at times, but with -- to bring in two employees, and this would be their full-time gigs, their full-time jobs.

So, the familiarity of the organization, that's going to be no different than if you hire a new employee, versus bringing these people in.

So, the key is there's enough hours in this, in the contract, that you can provide stability for two regular employees, and then they can use their additional staff when somebody is off sick or on vacation or those type of things to do that.

>> Mayor Taylor: Councilmember Lumm, and then perhaps we can move this long.

>> Councilmember Lumm: I'll just be quick, and I do support this.

I will just say that, you know, obviously for as long as City Hall has been around, there's, you know -- it's been completely open to the public.

No one signs in, no one signs out, no front desk, no monitoring.

Now we are changing all of that, and my concern is that the new front desk and the sign-in procedures will make City Hall less welcoming for residents, and we have always been a place for residents and anyone to feel, you know, completely comfortable entering, and so that could change.

My main concern here is that I think the process is a bit backwards, because rather than having a full discussion about the new front desk and security measures up front, we spent the money, we constructed the desk, and now we are only having the discussion as part of the contract to staff it, and I think that's backwards.

So, in the future, when we have -- when we are asked to make decisions like this, I would open that, you know, we would have these discussions on a more front end, take that approach.



But having said all of that, I recognize that the world has changed, and we read and hear about incidences at public places and workplaces and elsewhere, and there have been incidents at City Hall.

Nothing has resulted in anything serious, fortunately, but incidents that have led staff to become increasingly -- feel less secure and concerned about their security.

We received an email from a city employee who spoke to the tradeoff of added security versus an opening, welcoming environment for city visitors.

The email was thoughtful and impactful for me and demonstrated that our concern for our employees is real.

Like a lot of decisions, this involves a tradeoff, and I think that we have to recognize, and we all do, that our employees' concerns are genuine and certainly not unfounded,

and our first responsibility is to address those concerns, so I will be supporting this.

It's sad that it's sort of a function of the world that we live in today that makes all of these kinds of actions necessary, but, again, I just -- you know, in terms of the process, you know, it's pretty much a done deal, and we are just talking about the contract to staff it, so that's my \$0.02.

Thanks.

>> I would just like to add on that, councilmember, there was a lot of thought going into keeping it open to the public and welcoming and those type of things and providing additional security, and as you look at the program that is being planned at this point, the bulk of visitors to City Hall won't have to deal with a security issue.

So the signing in and the elevator controls will just be for the upper floors, three through six, so we didn't want to impact any meetings that may be occurring in this room.

The bulk of our activity in this building is customer service and the building department counter, and then we are also working with the upper floors to look at, when they have large groups come in, let's say the assessments that need to be done, the building review, the review board, excuse me, look at opportunities to move those down to floors, at the first floor and the basement where people don't have to sign in, again, trying to review that impact on residents.

>> I appreciate your further elaboration that would be required.

>> I appreciate your concerns on the table.

It actually worked as a buffet table.

>> Councilmember Lumm: Expensive, like Valryian steel.

>> Mayor Taylor: If we could move this along.

>> I think we also have to look at security in terms of disgruntled employees, and I know that's an awkward discussion to have, but that is a major threat that organizations face today, so, thank you.

>> Mayor Taylor: Councilmember Eaton?

>> Councilmember Eaton: Thank you.

I want to thank Councilmembers Hayner and Ramlawi for expressing the concerns that I have about this contract as well, and I want to ask Mr. Lazarus if he would mind the utility and us referring it back to him to come up with perhaps a couple of different options from which we could choose, rather than just oppose this out of hand.

>> City Admin. Lazarus: Matt, how long is the contract pricing good for?

>> I would have to look back at the RFP, but typically it's 90 days.

The RFP is a little bit different than the I.T.B. so I would say there would be a short period of time, but not very long to make that call.

And, again, the other thing to keep in mind, the contract that is being offered tonight, the initial contract is a 13-month contract, with up to I think it's three one year extensions in the way the language is written, and part of that is that it is new to us as well, for the staff and employees to try to determine is this the best way of dealing with our security issues, so working with contractors gives us flexibility if you decide this isn't the way to go.

>> I noticed the location of the desk is closer to a door that I am not sure is the most utilized door, so certainly if you're trying to limit access to the third and sixth floor, that will work.

>> The location is based on giving lines of sight to both the north and south entrances as well as being able to see what's going on at the elevator.

>> Councilmember Eaton: Thank you.

>> Mayor Taylor: Further discussion?

Roll call vote, please, starting with me.

>> Clerk Beaudry: Mayor Taylor?

>> Mayor Taylor: Yes.

>> Clerk Beaudry: Councilmember Eaton?

>> Councilmember Eaton: No.

>> Clerk Beaudry: Councilmember Nelson?

>> Councilmember Nelson: Yes.

>> Clerk Beaudry: Councilmember Smith?

>> Councilmember Smith: Yes.

>> Clerk Beaudry: Councilmember Ramlawi?

>> Councilmember Ramlawi: No.

>> Clerk Beaudry: Councilmember Hayner?

>> Councilmember Hayner: No.

>> Clerk Beaudry: Councilmember Bannister?

>> Councilmember Bannister: No.

>> Clerk Beaudry: Councilmember Griswold?

>> Councilmember Griswold: No.

>> Clerk Beaudry: Councilmember Lumm?

>> Councilmember Lumm: Yes.

>> Clerk Beaudry: Councilmember Grand?

>> Councilmember Grand: Yes.

>> Clerk Beaudry: Councilmember Ackerman?

>> Councilmember Ackerman: Yes.

>> Clerk Beaudry: The motion carries.

>> Mayor Taylor: CA15, resolution to authorize professional services agreement with Tetrattech, PC, for up to \$5,000, Hubble, Roth, and Clark -- all for general civil engineering services, moved by Councilmember Hayner, second by Councilmember Ackerman.

Discussion of CA15 please, contracture.

-- Councilmember Hayner.

>> Councilmember Hayner: Once again, my concerns of the money on the Consent Agenda rise up.

I pull these off, because otherwise we don't have a way to express these concerns that I hear from residents and that I share, that general civil engineering is a pretty open-ended ticket for \$1.3 million worth of services, and I understand that's how the city likes to run it.

I guess I'm more interested in approving expenditures when I know what it's being spent on, instead of open-ended contracts, and it's been explained to me that this is how it works around here, but I don't love it, so I chose to remove so that I could make this statement.

But that's a lot of money for -- you know, for nonspecific services.

So, I just wonder what types of things are going to be purchased with these dollars.

>> Craig Hupy, public services area administrator and with me Molly Maciejewski, public works manager.

These are projects that come up during the year that aren't necessarily planned for, but we have to have a relatively quick turnaround time on.

It might be a sewer collapse or something of that nature where it requires our staff to be fully engaged in ongoing projects.

This allows us to bring in a consultant to look at the immediate problem.

It doesn't mean we need to spend all 1.3 million by any stretch.

It means that we can have three consultants that we can have on call, that we can look at their expertise versus the problem that we are facing, try to match the engineer to the expertise, and then also looking at the availability of the consultants.

>> Councilmember Hayner: And is there a retainer fee associated with this, so to speak?

>> No.

>> Councilmember Hayner: Okay.

I mean, I can certainly understand that in a complex system, like our City systems are, that those kinds of things happen.

I just wondered how you arrived at this amount, and I know that -- I recognize these names from doing other work for the City here.

I just -- I guess my question was why so much.

It just seems like a lot.

And I mean --

>> It's set up so that there is enough money already available that if we were to have two incidents that were similar and there was one engineering firm that that was their expertise, we could go to them multiple times.

It doesn't mean, again, that we would spend all of the money or even any of the money with any one particular firm.

>> Councilmember Hayner: Are these general fund dollars that would be spent, or would it be project specific?

>> No, these would be project specific.

Usually they would be enterprise funds, unless it was a roadway or a bridge.

In that case, it would be the appropriate transportation.

>> So, in your example of a sewer collapse, that would be from the sewer fund?

>> Yeah.

>> Councilmember Hayner: Or stormwater fund.

>> Uh-huh.

>> Councilmember Hayner: I don't know what to say, except we sure spend a lot of money in these consent agendas.

It's amazing to me.

>> Mayor Taylor: Further discussion?

Councilmember Lumm.

>> Councilmember Lumm: I would just say I appreciate the 12 firms contributing to the bidding process.

It is a good RFP.

>> Clerk Beaudry: Mayor Taylor?

>> Mayor Taylor: Yes.

>> Clerk Beaudry: Councilmember Nelson?

>> Councilmember Nelson: Yes.

>> Clerk Beaudry: Councilmember Eaton?

>> Councilmember Eaton: Yes.

>> Clerk Beaudry: Councilmember Hayner?

>> Councilmember Hayner: No.

>> Clerk Beaudry: Councilmember Bannister?

>> Councilmember Bannister: Yes.

>> Clerk Beaudry: Councilmember Grand?

>> Councilmember Grand: Yes.

>> Clerk Beaudry: Councilmember Ackerman?

>> Councilmember Ackerman: Yes.

>> Clerk Beaudry: Motion carries.

Resolution to Award Construction

Contracts to E.T. MacKenzie

Company and Inner City

Contracting LLC. For On-Call

Construction Services in the

Amount of \$250,000.00 each per

Year for a Period of Three

Fiscal Years (RFP No. 19-04)

Moved by Councilmember Hayner, second by Councilmember Grand.

Discussion of CA16, Councilmember Hayner?

>> Councilmember Hayner: Thank you.

Once again, my concerns, so if I'm reading that right, that's \$500,000 a year for three years, so this is two open-ended contracts, each one with a value of \$750,000?

>> 250 a year.

>> This is the other side of the consulting contract, the on-call contract.

This would be if we didn't have staff available or the equipment available to respond to an issue.

The contractors are on call.

Again, it is not -- we are not necessarily going to spend the full amount with the contractors.

We may spend none, if there is no incidents.

It allows us to have contractors on call, that we can try to match their expertise to the problem, and again, their availability to the problem.

>> Councilmember Hayner: And what would be a typical scenario for these folks?

>> To use the same one I used before would be sanitary sewer, typically deep sanitary sewers that we can't get to.

They would have the equipment that could reach down to it.

Larger water mains, if we had a large water main issue that we were trying to resolve an outage quickly.

They can move dirt faster than we can.

>> Councilmember Hayner: I recognize the impatience of my colleagues over my questioning on this.

>> No --

>> Councilmember Hayner: But it seems like we -- I don't know how to express myself properly, but it seems like the large amounts of money that come out of here on these contracts, I don't understand why we are not anticipating these year after year and investing in ourselves.

I know these are great expenses in equipment maintenance, and I respect the Fleet Services' ability to maintain what equipment we do have.

It's an amazing facility out there, but I also want to share any constituents' concerns that in investing in these outside resources, we are failing to invest in our city.

>> Mayor Taylor: Further discussion?

Councilmember Ramlawi.

>> Councilmember Ramlawi: Is it fair to say that by having these types of agreements in place ahead of time, we are actually saving ourselves tons of money in the long run?

>> Yeah, we don't have to have the staff or the equipment sitting there waiting to respond.

>> Councilmember Ramlawi: Okay.

>> But there are also opportunities, when there is an emergency, where we can prevent additional property damage by responding more quickly as well, so I think that's a good direct answer to your question as well.

>> Mayor Taylor: Further discussion?

Roll call vote, please, starting with me.

>> Clerk Beaudry: Mayor Taylor?

>> Mayor Taylor: Yes.

>> Clerk Beaudry: Councilmember Eaton?

>> Councilmember Eaton: Yes.

>> Clerk Beaudry: Councilmember Nelson?

>> Councilmember Nelson: Yes.

>> Clerk Beaudry: Councilmember Smith?

>> Councilmember Smith: Affirmative.

>> Clerk Beaudry: Councilmember Ramlawi?

>> Councilmember Ramlawi: Yes.

>> Clerk Beaudry: Councilmember Hayner?

>> Councilmember Hayner: No.

>> Clerk Beaudry: Councilmember Bannister?

>> Councilmember Bannister: Yes.

>> Clerk Beaudry: Councilmember Griswold?  
>> Councilmember Griswold: Yes.  
>> Clerk Beaudry: Councilmember Lumm?  
>> Councilmember Lumm: Yes.  
>> Clerk Beaudry: Councilmember Grand?  
>> Councilmember Grand: Yes.  
>> Clerk Beaudry: Councilmember Ackerman?  
>> Councilmember Ackerman: Yes.  
>> Clerk Beaudry: The motion carries.

CA22,

Resolution to Award a

Construction Contract to Fonson  
Company, Inc. (ITB No. 4569,  
\$853,846.00) and Appropriate the  
Remaining Fund Balance of

\$1,285,227.00 from the  
Maintenance Facility Capital  
Projects Fund and Amend the  
Existing Maintenance Facility  
Construction Project for the  
W.R. Wheeler (Swift Run) Service  
Center PUD Non-motorized  
Improvements - Phase 2 Project

Moved by Councilmember Hayner, second by Councilmember Grand.

Discussion please of CA22, Councilmember Hayner.

>> Councilmember Hayner: So I was just trying to get the math right on this one.  
So am I reading this right, that it's basically -- it was \$853,000, plus the 1.2.  
We are going to make this up so that it's a \$2 million project, the commitment to fulfill  
the commitment to the PUD on the site plan?

>> I believe that is correct.

>> Councilmember Hayner: So this is for the pathway connections that we kind of owe  
the Township?

Okay.

So \$454 a linear foot is what asphalt is costing out here.

>> Again, it is not just the asphalt.

It is the prepping, the base, the gravel, and then the asphalt.

>> Councilmember Hayner: Well, I understand.

I'm not naive about the need to do these services or to keep commitments from prior  
Councils when we agree to a site plan out there and our neighbors in the area, who  
want these -- who deserve this connectivity, it's just -- these prices are extraordinary.  
I feel like I'm on the other side of the podium saying, holy cow, I know why my taxes are  
so high, \$454 a linear foot for an asphalt path.

>> This project was competitively bid?

>> Correct.

>> Councilmember Hayner: Yeah, sure.

>> Mayor Taylor: Further discussion, Councilmember Lumm?

>> Councilmember Lumm: Yeah, I'll support this, because we have no choice, really in this matter.

We agreed and committed to this as part of the P.U.D. agreement with Pittsfield Township, but I have to say this does seem to be a path to nowhere.

No other paths connect with this at Morgan, and to quote from a response to a question I submitted, quote, "staff can't speculate on the demand or potential usage of the new path.

The path is being constructed in order to meet the requirements of Pittsfield Township as part of the requirements of Wheeler P.U.D." yeah, so obviously the last sentence is key.

>> If I comment, the rationale that was expressed to us by Pittsfield Township was connecting the residential on the west side of Stone School so they can have connectivity over to I think it's Lily Park at the corner of Platt and Ellsworth.

>> Councilmember Lumm: On the left side there.

>> So, that's the rationale for that.

I would suspect at some point, and this is just speculation, raw speculation on my part, that when the farmland on the west side of Stone School is developed, they would be a requirement for sidewalk there -- there would be a requirement for sidewalk there also.

>> Mayor Taylor: Further discussion?

Roll call vote, please, starting with me.

>> Clerk Beaudry: Mayor Taylor?

>> Mayor Taylor: Yes.

>> Clerk Beaudry: Councilmember Eaton?

>> Councilmember Eaton: Yes.

>> Clerk Beaudry: Councilmember Nelson?

>> Councilmember Nelson: Yes.

>> Clerk Beaudry: Councilmember Smith?

>> Councilmember Smith: Yes.

>> Clerk Beaudry: Councilmember Ramlawi?

>> Councilmember Ramlawi: Yes.

>> Clerk Beaudry: Councilmember Hayner?

>> Councilmember Hayner: No.

>> Clerk Beaudry: Councilmember Bannister?

>> Councilmember Bannister: Yes.

>> Clerk Beaudry: Councilmember Griswold?

>> Councilmember Griswold: Yes.

>> Clerk Beaudry: Councilmember Lumm?

>> Councilmember Lumm: Yes.

>> Clerk Beaudry: Councilmember Grand?

>> Councilmember Grand: Yes.

>> Clerk Beaudry: Councilmember Ackerman?

>> Councilmember Ackerman: Yes.

>> Clerk Beaudry: The motion carries.

>> Mayor Taylor: CA17

Resolution to Award a  
Construction Contract to

Cadillac Asphalt LLC (ITB. 4570, \$8,995,000.00) for the 2019 Street Resurfacing/Restoration Project, and to appropriate \$675,000.00 from the Major Street Fund and \$1,917,500.00 from the Local Street Fund

Moved by Councilmember Nelson, second by Councilmember Smith.

Discussion of CA17, please, by Councilmember Nelson.

>> Councilmember Nelson: Thank you.

I have a really simple question that I probably should have asked on the agenda and I neglected to.

There is 114 feet of shared use asphalt paths that are covered, and I didn't see a list of where those would be.

I was curious if you had an idea of where you're planning to fix shared asphalt paths.

I particularly like shared use asphalt paths.

>> Nick Hutchinson, city engineer.

Yeah, there's two locations that we are addressing through this contract.

One is on Ann Arbor Saline Road.

We were going to do that through last year's contract.

We ended up pushing it to this one instead.

There's a segment of that limits, I don't remember the exact area, but in the Main Street area.

The second location is on Fuller Road right in front of Huron High School, and Fuller Road and Huron Parkway kind of going around the corner there.

>> The resolution says they are like proposed locations.

I was curious if there's room for more paths to get fixed.

>> For asphalt paths, we are scheduling, we are scheduling some every year, so you can expect to see these going forward in subsequent years as we hit higher priority paths in each year going forward.

>> Councilmember Nelson: Okay.

That's all I have.

I'm really sorry I didn't ask that on the agenda.

I should have.

>> Councilmember Ramlawi: While we have you up there, I'm just curious, what is the life expectancy for these paths?

>> That is a difficult question to answer.

It depends a lot on how they were originally built.

We found in many cases that these asphalt paths, if they were built with a good base, they can last a very long time, since they don't really carry very heavy traffic loads, but in many cases, some of the old ones were built without much of a base underneath them, so it really depends on how the path was originally built, but being that they don't carry heavy traffic loads, they should last a good amount of time, once we do a full resurfacing on them.

>> 30 years?

Ten years?



50 years?

>> With maintenance, I wouldn't be surprised for it to last a good 20 to 30 years. Being, again, that they don't carry heavy traffic loads or anything.

>> Councilmember Ramlawi: Is there an era of time when they were built well, an era of time when they were not?

>> It seems like the '60s and '70s were bad times for that kind of thing.

>> Councilmember Ramlawi: Okay.

>> City Admin. Lazarus: A lot of us struggled then.

[ Laughter ].

>> Mayor Taylor: Further discussion?

Roll call vote please starting with me.

>> Clerk Beaudry: Mayor Taylor?

>> Mayor Taylor: Yes.

>> Clerk Beaudry: Councilmember Eaton?

>> Councilmember Eaton: Yes.

>> Clerk Beaudry: Councilmember Nelson?

>> Councilmember Nelson: Yes.

>> Clerk Beaudry: Councilmember Smith?

>> Councilmember Smith: Yes.

>> Clerk Beaudry: Councilmember Ramlawi?

>> Councilmember Ramlawi: Yes.

>> Clerk Beaudry: Councilmember Hayner?

>> Councilmember Hayner: Yes.

>> Clerk Beaudry: Councilmember Bannister?

>> Councilmember Bannister: Yes.

>> Clerk Beaudry: Councilmember Lumm?

>> Councilmember Lumm: Yes.

>> Clerk Beaudry: Councilmember Grand?

>> Councilmember Grand: Yes.

>> Clerk Beaudry: Councilmember Ackerman?

>> Councilmember Ackerman: Yes.

>> Clerk Beaudry: The motion carries.

>> Mayor Taylor: We now come for a series of public hearings.

Public hearings are an opportunity for members of the Council and the community to speak about a public hearing, that is to say that your speech must relate to the specific pluck hearing, that is a specific item on the agenda.

Speakers at public hearings have three minutes in which to speak, so please pay close attention to the time clock.

As a matter of courtesy, we may only have one person speaking at a time.

Finally, if you require assistance in speaking before Council, we'd be delighted to provide it to you.

I should have indicated that speakers at a public hearing are not required to sign up in advance.

If you are here, you are welcome to speak.

Public hearing number one -- is there anyone who would like to speak at this public hearing?

Seeing no one, this public hearing is closed.

Public hearing number two, resolution to approve the 390 Ashlee --  
(Pause in captions.)

Public hearing number four,  
Resolution to Approve the Allen  
Annexation, 0.6 Acre, 595  
Riverview Drive

Is there anyone who would like to speak at this public hearing?

Seeing no one, this public hearing is closed.

Public hearing number 5,  
An Ordinance to Amend Section  
2:63 of Chapter 29 (Water Rates)  
of Title II of the Code of the  
City of Ann Arbor (ORD-19-11)

Is there anyone who would like to speak at this public hearing?

Seeing no one, this public hearing is closed.

Public hearing number six,  
An Ordinance to Amend Section  
2:64 of Chapter 29 (Sewer Rates)  
of Title II of the Code of the  
City of Ann Arbor (ORD-19-12)

Is there anyone who would like to speak at this public hearing?

Seeing no one, this public hearing is closed.

Public hearing number 8,  
An Ordinance to Amend Sections  
2:69 of Chapter 29 (Stormwater  
Rates) of Title II of the Code  
of the City of Ann Arbor  
(ORD-19-13)

Is there anyone who would like to speak at this public hearing?

Seeing no one, this public hearing is closed.

Public hearing number eight,  
Resolution to Approve FY 2020  
Fee Adjustments for the  
Community Services Area

Is there anyone who would like to speak at this public hearing?

Seeing no one, this public hearing is closed.

Public hearing number 9,  
Resolution to Approve Fiscal  
Year 2020 Fee Adjustments for  
Public Services Area -  
Engineering, Public Works,  
Systems Planning, and Water  
Treatment Services Unit

Is there anyone who would like to speak at this public hearing?

Seeing no one, this public hearing is closed.

Public hearing ten,  
Resolution to Adopt Ann Arbor  
City Budget and Related Property  
Tax Millage Rates for Fiscal  
Year 2020

Is there anyone who would like to speak at this public hearing?

Seeing no one, this public hearing is closed.

We have before us the minutes of the work session of April 8th and special and regular session meeting minutes of April 15, 2019.

May I have a motion please to approve these minutes?

Moved by Councilmember Smith, second by Councilmember Nelson.

Discussion of the minutes?

All in favor?

[ Chorus of ayes ]

All opposed?

The minutes are approved.

B1, an ordinance to amend section 263 of chapter 29, water rates, Title II of the City of Ann Arbor.

Moved by Councilmember Smith, second by Councilmember Ackerman.

Discussion please of B1?

Councilmember Ramlawi?

>> Councilmember Ramlawi: Well, I missed my opportunity to move a resolution that I wanted to bring forward tonight to address water rates.

I just -- and I would like to stick to the topic at hand, I suppose, but I do want to just call out that I will be bringing forth a resolution to address the water rate restructuring.

I'll reserve time for other members to speak.

That's all I want to say.

>> Mayor Taylor: Councilmember Lumm?

>> Councilmember Lumm: Thanks, Mr. Mayor.

>> Councilmember Lumm: Over the last year or so, we have talked a lot about water rates and water quality.

The citizen surveys that we conducted last year demonstrated that addressing water quality concerns is very high on folks' priority list.

That is completely understandable, given the challenges we face with the Gelman plume, which we'll talk about more tonight, and PFAS, and I also recognize that our water supply system has significant capital needs.

Since I have been on Council, I have been a strong consistent advocate for reinvesting in our infrastructure, whether it's roads or our water and sewer infrastructure, and I have consistently supported rate increases to generate the incremental revenue to meet those capital needs.

Other than public safety, we have no greater responsible than to maintain our infrastructure.

I continue to believe that.

But two recent actions have made that much more difficult for me.

First, we adopted a new water rates structure a year ago that I believe is fundamentally flawed.

I have spoken about that a lot over the last year and will speak to it again later tonight when we discuss DC6.

That revised rate structure that went into effect last July dramatically, dramatically increased rates to single-family customers, and we made the change during a period where raising rates at multiples of inflation to generate revenue for capital investment. The timing was awful, and not surprisingly, single-family residential customers have justifiably pushed back hard on the dramatic increases in what they are paying, and the increases proposed here are across the board increases that are based on and exacerbate the problems created by the revised structure adopted last July.

During the discussions over the last year, I was at least comforted by staff's telling us that in three to five years' time, the water and sewer rate increases would be reduced to levels approximating inflation, that the end was in sight, but now we are told that while sewer rate increases will fall to inflation-like levels, we will be increasing water rates by 6%, obviously well above inflation, for at least the next ten years.

That's really troubling, and I'm concerned that we'd be told such different things in such a short period of time on something this important.

The primary issue, though, is the increases themselves.

I recognize we need more revenue for reinvestment, but when you realize that water, sewer, and stormwater revenues have increased by 46% in just the last five years, which is an increase of \$22 million annually, from 47.9 in fiscal year '15 to 69.9 million in fiscal year '20, it's impossible to not ask how much is enough, when will this stop, and what are we doing to keep costs down and improve efficiency?

I don't know the answer to those questions, but until we have them, and because I will not simply pile on to what I believe is a flawed rates structure in the first place, with across the board increases, I won't be supporting the water rate increases tonight.

I will, however, be supporting the sewer and stormwater increases, which are coming up next.

I would have supported these water increases as well had Council adopted the rate structure changes I proposed April 15th, changes that would have immediately mitigated the impacts on single-family residential customers and adopted a seasonal pricing mechanism for commercial customers, but that did not happen, so I'll be voting no on this ordinance to increase water rates.

Thank you.

>> Mayor Taylor: Further discussion?

Roll call vote, please, starting with me.

>> Clerk Beaudry: Mayor Taylor?

>> Mayor Taylor: Yes.

>> Clerk Beaudry: Councilmember Eaton?

>> Councilmember Eaton: Yes.

>> Clerk Beaudry: Councilmember Nelson?

>> Councilmember Nelson: Yes.

>> Clerk Beaudry: Councilmember Smith?

>> Councilmember Smith: Yes.

>> Clerk Beaudry: Councilmember Ramlawi?

>> Councilmember Ramlawi: Yes.

>> Clerk Beaudry: Councilmember Hayner?

>> Councilmember Hayner: No.  
>> Clerk Beaudry: Councilmember Bannister?  
>> Councilmember Bannister: No.  
>> Clerk Beaudry: Councilmember Griswold?  
>> Councilmember Griswold: Yes.  
>> Clerk Beaudry: Councilmember Lumm?  
>> Councilmember Lumm: No.  
>> Clerk Beaudry: Councilmember Grand?  
>> Councilmember Grand: Yes.  
>> Clerk Beaudry: Councilmember Ackerman?  
>> Councilmember Ackerman: Yes.  
>> Clerk Beaudry: The motion carries.

B2,

An Ordinance to Amend Section  
2:64 of Chapter 29 (Sewer Rates)  
of Title II of the Code of the  
City of Ann Arbor (ORD-19-12)

An Ordinance to Amend Sections

Moved by Councilmember Grand, second by Councilmember Ackerman.

Discussion please of B2.

All in favor?

[ Chorus of ayes ]

It's approved.

B3,

2:69 of Chapter 29 (Stormwater  
Rates) of Title II of the Code  
of the City of Ann Arbor  
(ORD-19-13)

Moved by Councilmember Smith, second by Councilmember Hayner.

Discussion, please, of B3.

Sorry, thank you, Councilmember Lumm.

>> Councilmember Lumm: Thanks.

I'll be supporting the proposed stormwater increases tonight, and since it's a rather healthy increase of 13%, I would like to briefly explain why.

Over the last five years or so, the city has significantly ramped up our stormwater efforts.

Unfortunately, it has meant significant increases in stormwater charges, more than doubling over the five years, and I don't think we could ever take that lightly.

But it was a conscious strategy to address flooding issues in our neighborhoods.

Other environmental runoff issues, and to provide the necessary funding to take proper care of our city trees.

I supported the decision to address these challenges and continue to believe the additional investments and revenues to support them are necessary and justified.

The 13% increases proposed here will generate about \$1.5 million annually in incremental revenue, which can go a long way toward addressing the stormwater challenges in our neighborhood and city-wide.

I also appreciate that the city is standing by the initial commitment that these large increases wouldn't last forever, unlike the water rate increases.

The current plan is that stormwater increases will be 5% in fiscal year 22 and 4% in fiscal year '23.

I'm also glad that the City revised the original version of this ordinance to increase the offset amount reductions on their bills that customers will get for things like rain gardens, so I will be supporting this tonight.

>> Mayor Taylor: Further discussion of B3?

Councilmember Hayner?

>> Councilmember Hayner: Thank you, Mr. Mayor.

I'm going to support these rates, even though the increase is pretty severe, as Councilmember Lumm pointed out, mostly because one of the biggest concerns that I have besides our water quality is the concerns about the sustainability of our city, and we get a lot of folks who write to us, and they have questions about what are we doing about climate change, and my number one concern about climate change is adaptation to climate change, and we see already, we see an increasing rainfall amount.

I believe personally that our stormwater guidelines are woefully inadequate for new development in the City, and I see it up on Pontiac Trail, when we look at a project like a north sky that's going in up there and it's a mix of zoning types.

We have got some R1E and some other stuff up there, and the runoff off of that site is insane.

It's as if the retention ponds don't fill up.

It's right up and out.

It's undercutting the sidewalk across the street.

The lightest mist, and Pontiac Trail is slick with water, running downhill, so I think we need to take a dual approach to this, and I think we are doing that.

We need to properly fund the infrastructure maintenance, but I think we also need to revisit our zoning and zoning ordinances for new developments, and work with the county on the stormwater initiatives that the county has going and our sustainability office and come up with a better set of stormwater guidelines that address what I believe is a shortfall in our current zoning ordinance.

I think if we take a look at natural capital, a site in its undeveloped state and we apply that, not a developed state, with all of its impermeable surface on it, but if we apply the natural values of the capital site that we would find our stormwater needs to be three or 400% instead of 20%, so I have grave concerns about where we are moving when we approve these developments under the current stormwater guidelines.

However, the need to fund our infrastructure maintenance is accurate, so I'm going to support this, but I would also encourage my colleagues to join me in adjusting to our needs city-wide moving forward.

>> Mayor Taylor: Further discussion?

All in favor?

[ Chorus of ayes ]

It's approved.

C1,

An Ordinance to Amend Chapter 55  
(Unified Development Code),

Rezoning of 2.25 Acres from TWP

(Township District) to R1A

(Single Family Dwelling

District), Admiraal/O'Brien

Property, 1448 Warrington Drive

May I have a motion, please?

Moved by Councilmember Ackerman, second by Councilmember Lumm.

Discussion, please, of C1.

All in favor?

[ Chorus of ayes ]

All opposed?

It's approved.

C2,

An Ordinance to Amend Section

5.15 (Table 5-15) and Section

5.16.6 of Chapter 55 (Unified

Development Code) of Title V of

the Code of the City of Ann

Arbor (Accessory Dwelling Units)

An Ordinance to Amend Section

5.15 (Table 5-15), Section

5.16.3, 5.16.7 and 5.37.2 of

Chapter 55 (Unified Development

Code) of Title V of the Code of

the City of Ann Arbor (Temporary

Outdoor Activities)

Moved by Councilmember Ackerman, second by Councilmember Grand.

Discussion by Councilmember Ackerman.

>> Councilmember Ackerman: Accessory dwelling units are small units either attached or detached from a home in its backyard in either a single-family or in a neighborhood that would allow for small scale additional rental units on side.

Through the public engagement process that lasted the better part of a year, there were numerous and lively community discussions in nearly every ward as City Staff and county staff helped to facilitate a very robust and informative dialogue about what this kind of change would bring to our community.

As we moved forward, we adopted, again, in 2016, a pretty moderated version of those original codes.

They regulated things such as parking to ensure that adequate parking was built, should these units go in.

They regulated items such as detached units having to be built prior to January 2017.

All in all, this was a fairly conservative change, incremental change to our zoning ordinance, so much so that the result in 2019 is that none of these units have been constructed, at least constructed legally, and to our knowledge.

[ Laughter ]

And that -- that's unfortunate.

There are two, you know, philosophies in how to increase density in the community, or in any community.

One is to say you build large buildings that are dense in the core of downtown and hope that change can be slowed or mitigated in your outlying neighborhoods.

The other is an incremental change, like we see in Minneapolis, where they just liberalized their single-family zoning laws to allow for more density to be mixed into neighborhoods.

Accessory dwelling units allows us to try to chip away at our housing supply issue, the fact that we do have more demand than we have supply of housing, in a very small scale way, one that speaks to the character of neighborhoods, one that brings single-family homeowners into the equation and into the solution.

A couple comments about what these changes present.

The resolution that City Council put forward and offered to Planning Commission as direction laid out a lot of potential changes to the zoning ordinance.

The Planning Commission is only moving forward or suggesting moving forward with just over half of those, and we can discuss and ask questions about the merits of each of those, but generally I just want to say the linchpin in all of this is keeping these properties owner occupied, the fact that the owner of the property has to live on site, and I think that's critical, because it means if these units are built, it's because your neighbors want them.

These are single-family homeowners who are building these units.

If six properties, like an example given by a member of the audience, if you have six properties and five of them build these units, that means five of the property owners, five of our constituents want these to exist, and one may not.

This will be -- you know, any growing pains will be a product of our own success and of our own neighbors wanting this change.

And to stress that these aren't large landlords or developers that are trying to increase their density to squeeze another penny of property.

These are people that live next door to you or live across the street from you wanting to offer another rental alternative to a family member or a loved one or to a tenant who they trust to be their closest neighbor.

I think it's another small incremental step of change.

Hopefully we can see one or two of these units realized a year.

This isn't going to be an overwhelming wave.

Thanks.

>> Mayor Taylor: Further discussion?

Councilmember Bannister, I wasn't sure whether you were yea or nay.

>> Councilmember Bannister: Well, I did want to say that there has not been a robust public involvement process on this.

This affects over 19,000 to 20,000 properties, and they could suddenly wake up to find a whole bunch of detached A.D.U.s all around them, and so if that's the direction we want to go, that's okay, but first we need to back up and offer -- one suggestion would be to have robust public meetings in each of the impacted precincts so that the neighbors can weigh in and see what they are looking at and just have a public engagement process on them.



Another option -- so, for tonight, we could either -- I may be voting no on this, or we could postpone it indefinitely until those public engagement meetings had been completed in all of the impacted precincts, or we could roll it in as part of the new half a million dollar master planning process, would be a third option that I would be open to considering related to this.

Thank you.

>> Mayor Taylor: Councilmember Ramlawi?

>> Councilmember Ramlawi: Thank you, Mayor Taylor.

>> Councilmember Ramlawi: There has been a lot of communications from constituents who are concerned with this change to the ordinance.

The biggest issue with the lack of A.D.U.s being built is the cost associated with them. I'm not convinced that it is the regulatory factors that we are trying to correct, that is the cause of the lack of building of A.D.U.s.

They are just cost prohibitive.

And I would rather see our focus lay there rather than re-changing what some may think is our zoning laws.

We have done this, as Councilmember Bannister has said -- this has the potential to affect, I believe, 19,000 different lots without a robust public engagement, and I believe this should be -- is coming up at the right time, as we revisit our master plan, and it's something that could affect so many in our community, something that can affect so many in our community should be incorporated with that process and in that project. I don't see myself supporting this in the current state tonight.

>> Mayor Taylor: Councilmember Grand.

>> Councilmember Grand: Thank you.

I have several questions for staff.

I have a couple questions for staff, in terms of both around some of the issues that we have heard around number of units and community engagement.

>> Good evening, mayor and Council.

I am Brett Lenart, the planning manager.

I would be happy to answer any questions that I can.

>> Councilmember Grand: Great.

It's always great to have you here.

I don't know if you feel the same way, but it's always great to see you.

So, we have heard some questions around community engagement.

I know Councilmember Ackerman outlined really the -- and usually I loathe to use this word, but the robust community engagement process that did happen when we had the ordinance that has resulted in now zero A.D.U.s being added, so I understand making -- I know some view it as pretty minor changes to the ordinance, why we wouldn't go through that process just a couple of years later.

How much -- well, actually a couple of related questions.

One, why was public engagement a similar process not considered, and if we were to go through that process, how much staff time and what was the cost of the public engagement process the last time we went through this with A.D.U.s?

>> Planning Manager: I don't know the specific costs.

The city had a small contract with Washtenaw County and the community economic development to assist with that.

I don't know the amount of that.

I think it was in the ten to \$20,000 range, I would estimate, from bringing in some other staff resources.

The City of Ann Arbor had had a couple of historic community-wide dialogues about accessory dwelling units, and so when it was being reconsidered in 2015 and 2016, I think there was a recognition that this was coming back around to a conversation that had happened, and it had actually reached City Council in previous forums in history and was just ultimately never realized, so switching from what at that time was an accessory apartment, that was only permissible for basically a relative, to a true accessory dwelling unit that gave homeowners a lot more flexibility, I think there was a recognition that that was really introducing a new land use type into the city, and particularly into residential districts, and in response to that, we did hold a series of meetings around the city and one city-wide meeting as well, talked about what some of the other experiences had been, how different communities had desired to use accessory dwelling units to sort of address perhaps different challenges for their community, and ultimately arrived at the ordinance, which ultimately was enacted by the City in the summer of 2016, and I think that ordinance did come out of those conversations with some balance of introducing this new prototype into the city, but also with a fair amount of restrictions and constraints to it, and good news, since that time, we have actually issued five permits for accessory dwelling units, so a couple a year. While some of those building permits are nearing completion, I don't know that any of them have fully gone through the derestriction process to reach full approval.

We are making some incremental progress on them.

As it relates to these changes, both staff and Planning Commission was I think really responding to the direction of City Council.

City Council gave one very specific direction in that resolution enacted, which was to look at specifically opening up the possibility of detached accessory dwelling units in the community.

That was paragraph one, if you will, and then also to consider any other provisions that might seek to open up more opportunity for these.

So, as Councilmember Ackerman indicated, the Planning Commission looked at a lot of different aspects of that.

Some were financial, and it didn't feel like particularly a great fit within the Unified Development Code, which is more of a regulatory framework and some other things, and ultimately put together the set of recommendations or a similar set of recommendations -- or the set of recommendations that are before you now.

Those were advertised to all neighborhood associations, both residential and commercial, throughout the city, in addition to the minimum standards set forth in the code, and brought us to this proposal, which is in front of Council now in response to that.

As for why a more robust community engagement wasn't performed, I think probably because there was such specific direction from City Council to look at that one aspect, which is probably the most significant change that's being proposed, I think the balance of the changes being proposed are pretty incremental to this prototype that's already been enabled in our ordinance.

>> Thank you.

And also, we have been hearing a number tossed around about 19,000 units. It's my understanding that the incremental changes proposed will only impact approximately 2,900 new units, relative to the adding up to 19,000, but it's not 19,000 newly eligible.

It's 2,900 newly eligible.

So, by my math, say we had five over --

>> Three years.

>> -- three years, yeah, that would be three years, of 16,000, we might get one?

You know, if it were to -- so, I'm not asking you to do that math, but is it true that it's only 2,900 under these new tweaks that we would be adding?

>> Yeah, the 19,000 is inclusive of the vast majority that count, is already in the ordinance as it exists today.

That change of about 3,000 units or 2,900 units is the addition of adding other residential districts, other than R1 districts, and in those districts, approximately 2,900 properties are single family properties within those zoning districts.

>> Okay.

Thank you so much.

I appreciate it.

Can I just -- just a couple of comments.

>> You still have the floor.

>> Thank you.

So like we -- I think there has been a lot of misinformation about the proposed changes under ADUs.

I have heard from constituents that we would be adding 19,000 units into the system that we would be -- that all of a sudden we would be seeing A.D.U.s pop up on people's front lawns, you know, that we have heard from different speakers.

Well, if you make these changes, then, all of a sudden, even though you have had zero realized, and now I have newly learned, which I am pleased to hear, five in the last three years, potentially that all of a sudden you could have five on one block.

Well, while hypothetically true, I would see that really as scare tactics by people who are against any kind of new housing.

I do share Councilmember Ramlawi's concerns about the affordability of these units and do feel it is the most significant barrier in why these changes won't result in new units, and I would gladly join you in making a resolution to make units more affordable.

I would put my name by it tomorrow.

This is what we have got in front of us today.

But while it's not the perfect changes some of us would like to see, I think it opens up the possibility should residents choose to exercise that option, that it is another kind of housing.

It is low-hanging fruit, and it is incremental.

But some of the rhetoric that I have heard has honestly been really disturbing to me, that a couple incremental changes is some sort of subversive movement by the evil Planning Commission to get rid of all single-family zoning.

To me, it's just frankly silly.

So, I'll gladly be supporting this at first reading.

We do have more opportunity at a second reading for community feedback, and I appreciate the work of the Planning Commission bringing this forward.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: Thank you, Mr. Mayor.

I'm sorry that you had to sit down, sir, but do you mind?

So, because Councilmember Grand asked a similar question to what I was thinking of, so let me understand these numbers as they would impact all of the parcels in the city. So, if this new ordinance was adopted, there would be how many parcels eligible to do ADUs, potentially?

>> Potentially up to 19,200.

>> Councilmember Hayner: Okay.

>> Planning Manager: And if I could add one other note to that, that would presume that every single-family use in a residential district is also owner occupied.

I think that number is probably a little bit lower.

I am guessing it might be about 85%, but that's an estimate.

>> Councilmember Hayner: Owner occupied, so if someone was to, say, which is very common in this city, if someone owned a house, was transferred somewhere, and they decided to convert to a rental, that parcel would not be eligible for an A.D.U. under this adoption.

>> Under both current and proposed.

>> Councilmember Hayner: So that's kind of a base interpretation of it, but in my understanding of accessory dwelling units and the definitions of it, most of the cities they looked at, comparable cities and ordinances, they speak about the envelope of the existing structure, and here we are talking about detached units that aren't in the same envelope, and when I think of accessories, just at a base definition, it's like I have got these new glasses.

They are on my person.

They are not sitting over there.

It's not my accessory when it is sitting over there.

So how did it come that from we went from sharing a common envelope in the traditional sort of mother-in-law apartment to this detachment.

Was that just to encourage additional, you know, attempts at construction, to encourage people to do this?

Or?

>> Planning Manager: To be clear, it is in the code today.

When the ordinance was first adopted in 2016, there was a -- the restriction that exists today is that it is only eligible for a property that has an existing accessory structure that was constructed prior to December 31st of 2016.

So that was an intent to respond to a concern that every backyard would potentially now have an accessory dwelling unit.

The way the ordinance was adopted, only backyards at that snapshot in time could have a detached accessory dwelling unit.

Regardless of that restriction, any property could have an attached; that is, integral to an existing building envelope or an addition on to the house as an accessory dwelling unit.

So, the proposed change that is before you this evening would remove that December 31st, 2016 restriction.

This, again, this is a rough number.

An estimated 7,500 of the existing -- of those 19,000 parcels have two structures now, so about roughly 7,500 are presumably eligible for a detached accessory structure now.

>> Councilmember Hayner: And that structure might be a garage, a shed, whatever.

>> It has to be over 200 square feet, which is the minimum building code requirement, but, yes, it could be anything, and if it is not conforming, you would have to have the ability to remove it and replace it with a conforming structure.

>> So you would have like neighbors do, putting up a garage, then putting a loft so their son could live in it.

>> But the only way that you could do an accessory dwelling unit there was if it was existing prior to December 2016.

>> And this would remove that cap.

>> Planning Manager: This would remove that cap.

>> Councilmember Hayner: So it's not a reach to suggest in a neighborhood that applied, in a property that applied, you're essentially creating a duplex situation, detached or otherwise in a single-family zoning district.

>> Planning Manager: I think the distinction between a duplex is that the code also requires that it be small in size; that is, many have to be either 600 feet, or if it's a certain lot size, it could be up to 800 square feet.

It also has to be owner occupied.

And the last standard, I would say, is that both the current and the proposed ordinance also don't allow increased occupancy of that property, so even though you might use the permitted occupancy in an R1 zone over an accessory dwelling unit in your principle structure, the distinction with a duplex is you truly get two families on that property.

Here, we have also said that you can't increase the overall occupancy of that property than what would be allowed by right in the base residential district, so there are a couple of distinctions.

>> Councilmember Hayner: Could you tell us what that is?

>> Sure.

It's a maximum number of unrelated individuals, so you might be able to rent to two unrelated individuals, and you could rent rooms in your house now.

We don't, by adding an accessory dwelling unit, we don't open up the opportunity for you to rent rooms to two unrelated people.

The same restrictions apply to the combination of both units.

In the case of a true duplex, we are duplicating that occupancy standard equally over both units, essentially doubling the number of people who could reside there.

>> Councilmember Hayner: I think it's interesting that when we talk about affordability, and some of that is driven by square foot and construction costs, of course, that we are thinking 800 square feet is small.

I have got a family of four and 760 square feet, and a 19-year-old son, you know, and so -- I don't think of that as small at all.

I just wanted to throw that out there.

Small to me is 200, 400, you know, somewhere in between those.

I don't think 800 is -- I don't consider it small.

So, I passed this around to some neighborhood groups prior to this meeting, and, you know, and people -- I wasn't sure I was explaining it properly. I showed it to them.

A lot of people had concerns, and they looked around their yard, they would stand outside and say I or my neighbor could put 800 square feet right there, if the lot size allowed it, and with the decreased setbacks, and my answer was yes, right?

That's accurate?

If your lot size allows it, anybody who can afford it, bang, they have got another unit there.

>> Planning Manager: The only distinction I would say there is this ordinance doesn't provide any decreased setbacks, nor does it enable any construction that could occur anyhow, as all of the zoning ordinances require setbacks, be it primary or accessory structure.

Those are equally applied in whether you build a garage or a garage with an accessory dwelling unit, so this does not enable a reduced setback by any stretch of the imagination.

>> Councilmember Hayner: Not by right, but it could be requested.

>> Planning Manager: Then it wouldn't be issued because it doesn't meet the standard.

That's the language now.

Say you have a detached garage one foot off of your property line.

You came to us and said that you wanted to convert it to an accessory dwelling unit.

The ordinance requires that to be an accessory structure.

You would have that remove that, a minimum of three feet off of the property line from a setback perspective, potentially more from a fire rating perspective, but there is no ability to skirt setback requirements through this ordinance.

>> Councilmember Hayner: And so a setback, when you purchase a home, that was a setback, whoever, god knows when it happened, my carport is insanely close to our property line.

That was how it was deeded in.

That's how we bought the place.

If I wanted to convert to an ADU, it would move down and convert back to the current setback standard?

>> If you wanted to put in an accessory dwelling unit.

>> I don't.

But at some point this was allowed, very close to my neighbor's property unit.

And the same as their aspect, her garage is right on top of my garage.

All right.

Well, I appreciate you spelling that out for us.

It certainly helped me.

And thank you for taking some time and allowing me to ask these questions.

>> And if I could just add, that's a pretty common inquiry that we get.

We tell a lot of people that no, it's not viable for your property, because you're not meeting that set back standard.

>> Mayor Taylor: Councilmember Lumm.

>> Councilmember Lumm: Thank you, Mr. Mayor.

I don't have any more questions for you about this.

I am sure others likely will.

Since we began discussions about A.D.U.s back in 2016, my position has been guided by the view that I believe our neighborhoods are a primary reason why our quality of life is so strong in Ann Arbor, and because of that, preserving the character of single-family neighborhoods should be the fundamental objective and result of our zoning and development regulations.

My opposition in 2016 to adopting the ordinance permitting A.D.U.s, and that was a significant leap at the time, because we also changed A.D.U.s from a special exception use to a permitted use in residential districts, not all, but it was my concern that A.D.U.s would place at risk the strong neighborhood character that we now have, and I continue to feel that way, and I will not support any action that places at risk the character, feel, and aesthetics of single-family neighborhoods as I believe A.D.U.s can.

Throughout the discussions, I also insisted that residents be fully engaged in the discussion.

There are no more important issues to residents than those that will impact their neighborhoods and their property, and when this came up previously in October or August of 2016, I guess it was, I proposed the ordinance adoption be postponed in order to conduct some neighborhood meetings and reviews and to generally obtain input and feedback, not just to communicate here's what we are doing.

Amazingly, there was resistance to that from some of my colleagues on Council at the time, but it was postponed, and the neighborhood meetings were held.

Not surprisingly, there was opposition expressed by residents.

I don't expect my current colleagues to resist additional public engagement, and that's certainly a positive, welcome change.

I would say, though, that unfortunately we are in the same position now with this proposal to eliminate the 5,000-square foot lot size minimum, and to eliminate the requirement that A.D.U.s be inside our backyards.

We have had virtually no public engagement.

All of four people spoke at the Planning Commission.

I appreciate that Councilmember Eaton asked -- submitted a question about that, and the Planning Commission public hearing -- there has been no outreach to neighborhoods at all regarding the ordinance changes.

Although I will not be supporting these changes to the A.D.U. ordinance in any case, I will certainly support a postponement for the purposes of reaching out to neighborhoods that would now be impacted by the proposed elimination of the lot size requirement, if that is Council's pleasure.

I recognize that there has been minimal activity, and perhaps the new ones that you have now seen have come about as a result of the change in, I don't know, the requirement that there be an independent and separate sewer.

We approved that in October of last year.

I think that was a significant added cost for anyone contemplating this.

So, I don't think that these proposed changes are going to open the flood gates to a bunch of ADUs, but whether or not there is a lot of new A.D.U.s or a few, that isn't the point for me.

I don't believe that compromising the character of any neighborhood for the sake of a couple of units of new housing is appropriate, or what the majority of impacted neighbors want.

I also think it's worth noting that staff recognize these concerns.

In response to one of my questions, staff indicated that the reason for the side or rear only requirement in the original ordinance was to, quote, "preserve the single-family appearance," end quote.

That is key for me.

And why many other communities that permit A.D.U.s have language in their ordinances that speak to preserving the character and single family appearance.

There is obviously very good reasons to, you know, quote, again, "preserve the single family appearance," and I don't believe that we should take actions that place that at risk.

I also share the concerns -- we have received quite a few emails about this, I would say. There were concerns expressed in one email that we received, and this came from someone who lives in an R4 district, that our efforts to keep pushing ADUs seem to be an incremental step on a path that encourage permitting and upzoning that could ultimately lead to the elimination of single-family zoning, end quote.

I don't think that's a path that most residents want to head down, and I certainly don't.

So, for all of these reasons, I will not be supporting this tonight at first reading.

And for those who may say, you know, let's go to second reading so we can have the public hearing, I for one don't think that's anywhere near sufficient for public engagement.

This is a big deal, and we need to proactively reach out to neighborhoods for feedback.

>> Mayor Taylor: Councilmember Ackerman.

>> Councilmember Ackerman: Thank you, Mr. Mayor.

If I could ask one question, as potential zoning changes come to our process, what is our outreach system to neighborhood groups?

>> So, for zoning changes, the ordinance actually prescribes requirements.

We are required to notice a text change such as this in the newspaper, and hold the public hearing, and you have to do the same at city council, as specified by state law.

In addition to, at the Planning Commission level, what we do is we send notice of such changes to all registered neighborhood associations and both residential and commercial neighborhood associations to draw attention to my proposed changes such as this.

It is a distinct process from a rezoning that is based on a geography where we would do a mailing to residents within a radius of that property, so, in short, we notice it in the newspaper.

We, of course, publish it on the city's website, through Legistar, and we also send letters to every registered neighbor throughout the neighborhood associations in the city.

>> Councilmember Ackerman: Do you have a sense of how long that list is?

It seems like everyone has a neighborhood association these days.

>> Planning Manager: I would guess that it is in the neighborhood of 75 neighborhoods that we send it to.

>> Councilmember Ackerman: I wanted to respond to a few concerns. With respect to cost, I actually really appreciate that coming up, and that was a large conversation we



had at the Planning Commission, and that's just not a set of tools that the Planning Commission has in the toolbox, but I agree that it is something that we should address. I think the interest in moving forward with this is this was 2900 more single-family homeowners who have more options of what they want to do to invest in their properties and to perhaps welcome more neighbors into their area.

With respect to the size, I appreciate that 800 square feet isn't very small.

I also live in a small space, you know, with two roommates, you know, probably well under a thousand square feet, but the -- we actually got some explicit feedback from people who had been interested in petitioning, but who had existing structures, and they were going to, say, finish the attic of a detached structure, and it was going to be over 800 square -- or it was going to be over 600 square feet, and they were confused why we mandate that they put up a wall or something to reduce the size of it if it already existed.

So that's where some of the leeway came from.

I agree that isn't the original intent, if you look back at the 2016 time frame, they were as small as 450 or 350 square feet.

So I appreciate that, but it came from a very specific context.

With respect to the detached nature of them, I did a quick lookup, because this, I recall, as being a big part of the conversation in 2016 as well, but, you know, as it's been widely covered, the west coast of California, Oregon, and Washington have incredibly, incredibly tight housing markets, as it caused a lot of social strain in their communities.

There are also communities that have become incredibly popular for places for individuals and businesses to invest because of their neighborhood character and the unique fabric that those neighborhoods present.

And, in response, so many of these really incredibly communities in California, Oregon and Washington, who are built on single-family homes and single-family neighborhoods have adopted ordinances with detached units, places like Belmont California, Beaverton, Oregon, Pleasant Hill, California, Spokane, Washington, Sonoma, California, and having been to or seen pictures of some of these places, their communities are not dissimilar to ours, or perhaps even smaller, and, again, with a distinct historic emphasis of that character.

So, we are not alone.

I also would point out Arlington, Virginia, one of the oldest cities on the east coast allows for attached units as well, as a means to increased density in a very approachable way that speaks to neighborhood character.

I was in Arlington, Virginia, not too long ago and went to one of George Washington's residences not too far away from an access dwelling unit.

>> This only impacts 2,900 additional properties in town.

In total, it impacts 2019 properties.

By reducing the obstacles to building an A.D.U. we are actually affecting 19,000 homes in town.

This particular idea had just one public hearing, with no individualized notice to the affected property owners.

Only four people spoke at that public hearing.

In contrast, when I proposed an overlay district for flood areas, we were going to contact each individual property owner to let them know of the impact that those changes would have on their property.

To me, both now that we are just dealing with an amendment to this ordinance, and originally when we adopted the A.D.U. ordinance, this is a back door method of eliminating single-family zoning districts.

I think it requires more than just the minimally required public outreach to do that.

We require neighbor approval to possess more than four backyard chickens.

Yet, we are about to allow housing an entire family in an access dwelling unit without any consultation of our neighbors.

I think that this is a head-on attack on single-family neighborhoods.

Initially, I contemplated postponing this and asking for a more robust public outreach, but as I have discussed that with residents, I have had it pointed out to me that we are engaging in a number of upcoming public outreach, including for our review of our master plan.

We have so many of these going on that it really will numb interest of our community if we just keep adding to the number of things that we are reaching out to the public, so rather than send this back and have a more robust public outreach, I think that we should simply vote this down.

This should become part of our discussion of our review of the master plan, if we really want to eliminate single-family zoning, it should be part of a broader discussion of our whole master plan.

Some communities that revise their master plans in a manner that are not acceptable, so their residents spend a lot of time and money going through that process, like Austin, only to have it turned by the City Council when it comes back for approval.

So I think it's really essential to understand how a more robust outreach process was to this ordinance, but even more so to the upcoming review of our master plan, because if we don't have community buy-in by the time it gets back to us, it's not going to be adopted, and so this evening I'm going to vote against this on the first reading.

I'm going to ask that this -- if this is a subject that we need to address that it be addressed in the broader context of our entire master plan, and I encourage my colleagues to follow.

Thank you.

>> Mayor Taylor: Councilmember Smith?

>> Councilmember Smith: So, my take on these changes is they are incredibly modest changes.

I don't see the cost benefit of doing such an enhanced outreach program for such modest changes to this.

I'm going to push back a little bit on this concept that this is a full frontal assault on single-family zoning.

I don't think -- I think that that's hyperbola that is encouraging and fostering divisions within the community.

We have got a problem, and that is a lot of people want to live here, and a lot of people can't live here, and we have only so much land and only so much ability to house people, but we also are trying to improve traffic, lessen our carbon emissions.

Some of these things are at cross purposes with one another.

This isn't going to solve very many problems, but it is also not going to create problems either.

I mean, we have got five units that are in the pipeline.

These changes aren't going to get us to a hundred.

You know, the bottom line is for folks that read the resolution on Legistar, things that aren't addressed are the most important things, and those are the financial incentives to do A.D.U.s, and I think if you do a cursory search of the literature surrounding the effectiveness of A.D.U.s, the primary driver of them is economics and bringing down the square footage costs to build these.

So, for that reason, I wholeheartedly support this.

And I think the other important thing to note in this discussion is, as we talk about housing and we talk about affordability in this city, here we are back in the same situation that we were in in 2016, where we are debating something that's not going to create very many units, and the rhetoric around the discussion is this is an assault on single-family zoning.

We are trying to upzone everything in the city.

It's going to destroy the look and feel and character of all of our neighborhoods, and I think when you look at the problem that we have got now, the fact that this little issue is such a contentious heavy lift, this is why we can't have any housing here.

This is why we are struggling.

This is why it is so expensive to live here, until we figure out how to work together on some of these things and to understand that not every change is, you know, titanic in scale, I think that we are going to continue to struggle with divisions here.

So, I would encourage everybody to move this forward.

Let's have a public hearing.

Let's hear from people about this, and let's move on.

Thank you.

>> Mayor Taylor: Further discussion?

Councilmember Grand and then Hayner.

>> Councilmember Grand: Thank you.

I would wholeheartedly agree with Councilmember Smith, and for some folks at the table, I think it's politically consistent with where they stand on housing but for many others, we have heard a lot that you're in support of affordable housing and additional types of housing, and that you want to be a welcoming community, and it has to be "yes, and."

It can never -- not never.

We need to be saying yes more often than we are saying no, and this idea, as Councilmember Smith said, when it's so small, when we are -- I have a unit that's not a for represent unit, but it's basically an A.D.U. that was built for a family member, and some neighbors of mine had someone who was living there who was helping with some child care, so they weren't charging rent, but they had someone living there -- I didn't know that that person was living there for probably eight months until after I learned they were living there, right on my block.

These are not units that are going to destroy our neighborhoods.

We are not going to wake up tomorrow and see them popping up all over the city.

These should be easy discussions.

If you call yourself, and I will continue to say, we vote our values.

So if you value housing, if you say that you support different kinds of housing and affordable housing in the city, it is inconsistent, at best, for you to not at least have a public hearing on this matter, to be dismissive of it, and to scare others by saying that it is a change in our zoning.

It's just not true.

Having two units by -- at best, thanks Twitter, 53 precincts in this city, that's not a radical change.

We do need some radical changes, but this is not it.

So if you are going to label yourself someone who is progressive, someone who is in favor of affordable housing, you vote your values, and, you know, so go ahead.

Vote no.

But that is a vote against affordable housing.

That is a vote against housing, and, you know, I hope you're held accountable for it.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: Thank you, Mr. Mayor.

We were just told that one of the big obstacles to creating these A.D.U.s is their unaffordability, the expense of their construction.

I wouldn't really categorize this as an affordable housing issue.

I would also like to speak to the idea that this is some kind of unfounded concern, that the Planning Commission wants to do away with single-family zoning.

The reason people think that Planning Commission might want to do away with single-family zoning is because we have Planning Commission members who advocate for doing away with single-family zoning.

They do it on social media.

They do it in the meetings.

We have Planning Commission members who said single-family zoning is racist and should be done away with.

They have said that it has no place in our city, that progressive cities -- the chair of the Planning Commission at the old fourth ward meeting praised Minneapolis for doing away single-family zoning.

You know, we have had Planning Commission members who said get rid of all of the golf courses.

They should be high transit-oriented development.

These kinds of things, they are not baseless.

We are not accusing anyone.

These ideas come from somewhere, and they come from Planning Commission members who advocate for removing single-family zoning.

It's not that -- it's that simple.

It's not like we make these things up.

I would push back against the conspiracy that bubbles up among Council that this has no basis in reality when we have Planning Commission members who advocate for no single-family zoning in the city.

It's that simple.

I'm certainly in favor of public hearings on this issue.

If we want to pass this on for a public hearing next week, that's fine with me.

I think the caution that comes with making -- and this is a change to our zoning law, chapter 55 Unified Development Code change, that's why we are having two public hearings, it is a change.

And the caution that comes with these kinds of changes is the caution that is due where we create by-right situations in the city, and so if we are going to create a total of 19,000 some properties that have a by-right option to effectively, you know, have sort of a duplex situation, then that's cause for scrutiny.

That's all.

I don't see it as some kind of a, you know, pushback against some conspiracy. It's just due diligence on our part that we don't create a by-right situation that the majority of the residents are either unaware of or unsupportive of.

Thank you.

>> Mayor Taylor: Further discussion?

Councilmember Ramlawi.

>> Councilmember Ramlawi: I appreciate Councilmember Hayner's remarks just now. This isn't an issue of affordable housing, as demonstrated over and over again. These are unaffordable to begin with.

So I just want to push back, because day in and day out, we as elected officials are constantly being attacked for our values, and discussions like that was just had, questioning our values isn't making our job any easier, and it's not getting us to where we need to go, and it's creating a lot of misinformation, mistrust, and it is not helping bring solutions to the problem.

I mean, it's been said over and over again, but yet somehow we are conflating affordable housing with this issue, and the cause of concern that our residents have, that my constituents have, with changing this ordinance far outweighs the handful of units that perhaps will come out from this.

So I just want to go on record and say that this is not an issue of affordable housing.

>> Mayor Taylor: Further discussion?

Councilmember Lumm.

>> Councilmember Lumm: Thank you both Councilmembers Hayner, Ramlawi, Eaton. I share your concerns and your views on this, and I too regret that one's view on whatever the issue is is attributed to one's values, and I think that that is too judgmental, and we could spin it definitely in this case, and attribute, you know, a value for, you know, neighborhood character and quality as a positive, not as a regressive negative, since the opposite was characterized as being progressive.

You know, it's just a different take on things, and I think that, you know, all arguments are, you know, demonstrate different values and different perspectives, but are valuable, whether or not we may agree or disagree.

And I do think that, again, this is not going to open the flood gates, but it gets down, again, as I said, to the essence of preserving the character of our single-family neighborhoods, and I do think that we lost that battle in many respects in 2016 when the first set of A.D.U. came to us, and I did not support those for the very same reason. I did hear at that time from a lot of second ward residents who were opposed to those changes.

The lot sizes are larger.

There are folks in the second ward who then, given the zoning, a lot more people qualified under those proposed changes, and, you know, I was hearing from folks, and so then and now, I would like to think that I'm representing those concerns that were brought to my attention.

Why as well I think the citizen engagement piece here has not been sufficient, but whether or not neighborhood associations are contacted, all I can say is that the people that we heard from all indicated that they had just learned about this.

(Pause in captions.)

It stands to reason that she might value neighborhood character more than building additional housing, and I might see the tradeoff as different.

So that's not -- I really do believe that it's not an attack on someone's personality, on their dedication to this city, to question that the way they vote is representative of the tradeoffs that they consider when making decisions, and that's what I mean by values. It's not meant to be a personal attack.

It's meant to say that if you say one thing, vote the way you say.

If you stand by a certain value and you say that you support something, then your vote should back that up.

That's all.

It's not an attack on anyone's character.

It's not trying to sow divisions within this Council.

It's just pointing out what I see, and it's calling it like I say, and I have talked about having my behavior policed at this table and not appreciating that, and so I think that sews divisions within us as well.

So when I talk about values, that's exactly what I mean.

It's about tradeoffs, and it's about voting in a way that supports the policies that you purport to support.

>> Mayor Taylor: Further discussion?

I'm going to support the resolution.

I believe that it is incremental, and I believe it's wise.

I think it's right to say that ADUs now are difficult to put together because of construction costs.

But I think it's important to note that today's new construction in these contexts are more affordable housing.

When we build housing, the costs are then fixed.

As rents go up, the housing associated with or enabled by that initial costs become relatively speaking more affordable over time.

Further, to the extent that a resident builds an A.D.U. it is an income source for them.

It enables them to stay in place at their home.

It's good for the residents that we have, that choose to build such things.

I think that we are charged with protecting residents who are here today, of course, but we are also charged with protecting residents and planning for residents who are here tomorrow, and I think as councilmember Smith indicated, you know, we have real housing problems in this city, and that the housing problems in the city are only going to be met -- I don't say solved, I say those are only going to be met with the construction of more units, and this is an incremental way to reasonably and modestly increase

residential units in a way that is consistent with the fabric and with the property owner's desire.

I think A.D.U.s can be an important feature of housing in the city.

I wish they were more prevalent, and I think that this ordinance change is a small step to get there.

And I encourage my colleagues to vote in favor of it.

Further discussion?

Roll call vote, please, starting with me.

>> Clerk Beaudry: Mayor Taylor?

>> Mayor Taylor: Yes.

>> Clerk Beaudry: Councilmember Eaton?

>> Councilmember Eaton: No.

>> Clerk Beaudry: Councilmember Nelson?

>> Councilmember Nelson: No.

>> Clerk Beaudry: Councilmember Smith?

>> Councilmember Smith: Yes.

>> Clerk Beaudry: Councilmember Ramlawi?

>> Councilmember Ramlawi: No.

>> Clerk Beaudry: Councilmember Hayner?

>> Councilmember Hayner: Yes.

>> Clerk Beaudry: Councilmember Bannister?

>> Councilmember Bannister: No.

>> Clerk Beaudry: Councilmember Griswold?

>> Councilmember Griswold: No.

>> Clerk Beaudry: Councilmember Lumm?

>> Councilmember Lumm: No.

>> Clerk Beaudry: Councilmember Grand?

>> Councilmember Grand: Yes.

>> Clerk Beaudry: Councilmember Ackerman?

>> Councilmember Ackerman: Yes.

>> Clerk Beaudry: The motion fails.

>> Mayor Taylor: Let's take a short break.

[ Gavel ]

>> Mayor Taylor: We are back after a break, a break the length of which I will not characterize.

C3,

An Ordinance to Amend Section  
5.15 (Table 5-15), Section  
5.16.3, 5.16.7 and 5.37.2 of  
Chapter 55 (Unified Development  
Code) of Title V of the Code of  
the City of Ann Arbor (Temporary  
Outdoor Activities)

Moved by Councilmember Ackerman, second by Councilmember Grand.

Discussion, please, of C3?

Anyone?

Not by my account, but Councilmember Eaton.

>> Councilmember Eaton: I'm going to check to see that I have the right one here. I believe this is the special uses of property zone parking, and over the years, Briarwood Mall, one of our largest taxpayers, has conducted special activities in their parking lot, and just in the last couple of years, we have started applying our zoning and our regulations in a manner that constrains what they can do, and so they were faced with either seeking rezoning of their parking lot or seeking a change in how they can use their parking lot, just so that we can return to the practice of allowing them to have these special activities in their parking lot, and I believe that this amendment describes this in such a manner that it probably only applies to Briarwood, and I encourage my colleagues to pass this.

It's limited in scope as to who it impacts.

It returns us to a -- the ability of our largest taxpayer being able to conduct these special activities that it historically has conducted in its parking lot, and I don't see any reason to oppose it.

>> Mayor Taylor: Further discussion?

All in favor?

[ Chorus of ayes ]

Opposed?

It is approved.

C4,

An Ordinance to Amend Section 5.15 (Table 5-15), Section 5.16.3, and 5.37.2 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Mobile Food Vending Service)

Moved by Councilmember Ackerman, second by Councilmember Smith.

Discussion, please, of C4?

All in favor?

[ Chorus of ayes ]

Opposed?

It is approved.

DC1,

Resolution to Appoint Rosanne Bloomer to the Greenbelt Advisory Commission

Moved by Councilmember Grand, second by Councilmember Ackerman.

Discussion please of DC1?

Councilmember Grand.

>> Councilmember Grand: Thank you.

I want to use this time not to really speak to the person who we are appointing, although she -- but to speak to the person who she is replacing, and just take a minute to recognize Jean Cares, who was our long time farmer representative to the Greenbelt Advisory Commission.



Gene is a farmer from Webster Township.

Her property was one of the first that was able to take advantage of the Greenbelt. It was 200 acres of farmland, and the money that they received by keeping the land out of development into agriculture saved their farm and allowed them to transition from livestock farming.

Jean cares is an important who brought an incredibly important perspective.

She is also just one of these people who makes you just feel good to be around them all the time, and she has been a delight to work with.

She has worked on communications with the Greenbelt.

She has been a real asset, hopefully so much so that we are going to ask her to delay the signing of paperwork so we can have her at the signing.

Rosanne is also a farmer and a strong advocate for agricultural preservation.

I know she'll bring another valuable voice, but I do want to thank Ms. Cares for her service to our city.

>> Mayor Taylor: Further discussion of DC1?

All in favor?

[ Chorus of ayes ]

All opposed?

It's approved with 11 Councilmembers present, all voting in the affirmative, thus satisfying the requirement.

DC2,

Resolution Recognizing the  
Service of Interim Police Chief

Robert Pfannes

Moved by Councilmember Lumm and second by Councilmember Ackerman.

Councilmember Lumm?

>> Councilmember Lumm: Thank you, Mr. Mayor, for taking the lead on this and inviting me to be a cosponsor.

The chief has been a valuable asset in the police department in our community in his 21 years of distinguished service.

He has risen through the ranks because he is eminently qualified and because he genuinely cares about the Ann Arbor Police Department and our community, and I will just say as an aside, I am truly and always humbled by conversations with Chief Pfannes.

He consistently, predictably, dependably is always guided by the community's best interests and his officer's welfare, and he -- I have also had -- I greatly appreciate how accessible Chief Pfannes has been to me and to all of us.

He has been exceedingly helpful and responsive to me, and I know to anyone who is interested in talking about the Ann Arbor Police Department, its strengths, its possible areas of improvement, whatever.

That's, again, because he cares deeply, and he's always kept the department's and his community's best interests at the very top of his priority list.

Notably during the development of the independent community Police Oversight Commission, which is obviously a big undertaking, and his leadership was obviously stellar throughout.

I have also had the opportunity to, as many of us had, sit back and I will just say enjoy and appreciate what he has said in many public settings, where he has addressed the community and his fellow officers, you know, at retirements and at educational, informational presentations, at community and neighborhood meetings, and he has been a wonderful face for, again, our police department and for the city at large. All of which is to say that we'll miss Chief Pfannes, Bob, very, very much. I wish him the best in his retirement from the Ann Arbor Police Department. It's hard for me to say those words, quite frankly, and best of luck in whatever he may choose to do in the future.

I know he is a valued instructor for the Michigan state police and will continue to do that. He's a valued instructor at Washtenaw community college, and it's my understanding he will continue to do that, and I know that the University of Michigan has appreciated his leadership as well and sees him as an extremely valuable colleague, so perhaps he'll continue to be engaging with that partner.

So, to Chief Pfannes, thank you very much and all of the best of luck to you.

You will be missed.

>> Mayor Taylor: Councilmember Smith?

>> Councilmember Smith: Normally, I don't repeat praise for the sake of moving a meeting along, but Chief Pfannes, you have set a standard for sharing information with us, for communicating with us, for interacting with the public that I think has been exemplary, and I think we will miss you tremendously.

I just wanted to extend my personal thanks for sharing information with all of Council in a much more timely manner than I had expected based on previous experiences here. I think you really have set a new standard for the performance of that duty within the department, and your service has really been fantastic.

We have all benefited for it.

>> Further discussion?

I would like to say there is no daylight between myself and the prior comments.

I adopt them all fully and entirely.

You know, Chief Pfannes' service to the community has been, you know, longstanding and exemplary.

His service to the organization, his commitment to the organization has been, you know, longstanding and is exemplary and is deeply held and earnestly held and held for all of the right reasons, and he is -- you know, for my part, he has been too -- you know, as the mayor is a complicated job, and you learn new things every day, and you have the opportunity to have wins and losses and successes every day, and when turning to Chief Pfannes with respect to policing issues and others, I have been glad when I have listened to advice, and I have regretted not listening to advice.

You know, I have had the opportunity to do both, and, you know, I won't make that mistake again.

In any event, it's been a tremendous pleasure and honor to serve with you, to learn from you, and to have the community as a whole experience the -- you know, experience the benefit of what you do for us.

So, thank you.

Further discussion?

Councilmember Ackerman.

>> Councilmember Ackerman: Sorry to be brief.

I know how much you like public praise --

>> Mayor Taylor: You could probably find one seat that's further away from us.

>> Councilmember Ackerman: In my three years in office, I have now experienced two police chiefs retiring, which is a rarity, and I can say with distinction that this is hard to hear.

In your year in this job, you have been so successful.

I'll share one story.

I remember you were taking a personal day, and you fielded a call from me, and I think you were hiding in your garage so your wife wouldn't know that you were using your vacation to talk to a Council representative, and that is true dedication and service to this community.

I will also say that in 21 years in this job, you weren't afraid to take advice and feedback in response to how situations worked out in the community, and you were receptive, and you acknowledged those, and I trust that they were -- that they made impact in the department.

I think that ability to be responsive, to be transparent with information shared in a timely manner, and your ability to take feedback despite having more experience than anyone, and certainly anyone at this table, is a testament to your service, so thank you.

>> Mayor Taylor: Further discussion?

All in favor?

[ Chorus of ayes ]

All opposed?

It is approved, and let the record show with 11 Councilmembers present, it was unanimous.

[ Applause ]

DC3, resolution to replace Councilmember Ackerman with Councilmember Ramlawi on the community Police Oversight Commission, moved by Councilmember Ramlawi, second by Councilmember Smith.

Councilmember Ramlawi?

>> Councilmember Ramlawi: Thank you, Mayor Taylor, and thank you, Councilmember Ackerman, for cosponsoring this resolution.

In a discussion with Councilmember Ackerman -- I had a discussion with Councilmember Ackerman as a possible replacement for one of the liaisons to the newly formed I.C.P.O.C. and as a councilmember liaison for the human rights subcommittee, I was a part of choosing the new commission and the reasons why we picked who they picked and for what they brought to the table, and I felt that in this current state of affairs that it would strengthen the commission and also would tie the two commissions in our city, the Human Rights Commission and the Police Oversight Commission, in a way that would allow for more communication between the transition and the newly formed body to do its work, so this is a great personal interest of mine.

I was referred to as a person of color earlier.

It is true.

I identify with being a minority, being Palestinian, born and raised in this country.

I do have a great empathy for people who get the raw end of the stick.

So, anyhow, I look for support tonight from the City Council here to become part of that new body as set forth to address some of the issues that the marginalized community members do have, and find a way to make this city even better and more accessible for all.

So I look forward to getting support and getting this commission even more confidence as it goes forward to do its work.

>> Mayor Taylor: Further discussion?

All in favor?

[ Chorus of ayes ]

Opposed?

It's approved.

DC4,

Resolution to Replace

Resolution to Authorize

Settlement of Levenson v. City of Ann Arbor, 22nd Circuit Court, Case No.

15-1284-NO -- I'm sorry, Councilmember Hayner wanted to testify.

>> Councilmember Hayner: I'm sorry, that's okay.

That's what I get for being all the way down on the left.

>> Twice.

>> Mayor Taylor: My apologies.

>> Councilmember Hayner: That's okay.

Thank you.

>> DC -- did you want to go back?

Is that what you were thinking?

>> Mayor Taylor: All right.

>> Councilmember Hayner: I didn't understand the resolution.

I didn't understand the wording at the end of that.

I'll do more to gain attention in the future.

>> Mayor Taylor: All right.

My apologies.

>> Councilmember Hayner: Thank you.

DC4 --

>> Councilmember Hayner: I would like to go on the record as not supporting that, if I may, since I didn't get to speak.

>> Mayor Taylor: Sure, I guess that's --

>> Councilmember Hayner: I'll change my vote to no.

>> Mayor Taylor: Let's pull that back.

If you wish to do that, I think that a request --

>> Councilmember Hayner: You know, I'll --

>> Mayor Taylor: There's no harm.

We'll...

>> We can also correct the minutes.

>> Councilmember Hayner: I'll ask Jackie to correct the minutes.

>> Mayor Taylor: Fair enough.

My apologies.

DC4,  
Resolution to Authorize  
Settlement of Levenson v City of  
Ann Arbor, 22nd Circuit Court,  
Case No. 15-1284-NO  
Moved by Councilmember Lumm.  
Second by Councilmember Nelson.

>> Nelson?

>> Councilmember Nelson: Yeah, thank you.

>> Mayor Taylor: Discussion of DC4 by Councilmember Lumm?

>> Councilmember Lumm: Yes, thank you.

Councilmember Nelson and I serve on the Board of Insurance.

Specifically, the City authorizes the City Attorney's Office to settle the case for up to \$40,000 in the exchange for a release of all claims.

The City Attorney's Office recommends that we support the resolution, and Councilmember Nelson and I also recommend that you support the resolution.

>> Mayor Taylor: Further discussion?

All in favor?

[ Chorus of ayes ]

All opposed?

It's approved.

DC5,  
Resolution Supporting the  
Environmental Protection  
Agency's Active Involvement with  
the Gelman Site and Encouraging  
its Listing of the same as a  
"Superfund" Site

Resolution Directing the City moved by Councilmember Hayner, second by Councilmember Griswold.

Councilmember Hayner?

>> Councilmember Hayner: Thank you, Mr. Mayor.

Right out of the shoot, I'm going to ask, I forwarded language to substitute the language that was in the prior meeting agenda.

This has been a moving target here, and so I forwarded it to the body, essentially a complete replacement, but it's the whereas and the resolve clause that I have changed, not the memo nor the title.

The essence of it is the same, but I don't know if I should read that as a change or I move to change the language to what I forwarded.

>> Mayor Taylor: I would say move the amendment, receive the amendment, and then you'll have a second to speak about why.

>> Councilmember Hayner: Did everyone receive the amendment with the language? The resolution directing the City Administrator to take steps -- explore requesting E.P.A. active involvement with the Gelman site and its listing as a Superfund site, and I'll skip the memorandum, the body.

>> Councilmember Lumm: Under CERCLA?

>> Councilmember Hayner: What?

No, this is the title.

Whereas the city and its residents have worked for decades to require Gelman to delineate and clean up city groundwater contaminated by 1,4 dioxane -- and to protect city groundwater from preventing further contamination.

The city ultimately agreed to settle the lawsuit.

Whereas the state of Michigan has separately regulated against and otherwise regulated Gelman to enforce the state environmental laws that apply to the comes; whereas -- as part of the city's continuing efforts, it, along with others, intervened in the state's ongoing lawsuit in Gelman pending in Washtenaw County trial court, whereas its intervention -- and whereas negotiations aside, the city is not satisfied with the progress of the delineation, contamination, and remediation -- containment and remediation of the contamination, and whereas the city recognizes that the contamination may pose a long-term threat to public health and the city of the city's municipal water system, and whereas the city believes that delineation, containment, and remediation of the contamination may be bolstered by the Environmental Protection Agency's active involvement, environmental response and -- known as CERCLA, and the Superfund act, as it applies to the contamination, resolved that the City Council directs the City Administrator by July 1st, 2019, to ache all reasonable steps to convene with other state lawsuit -- and its listing as a Superfund site under CERCLA, by among other things, soliciting a concurrence letter from the governor, and resolve that the City Council authorizes the City Administrator to take such further actions that are consistent with the purposes of this resolution.

>> Mayor Taylor: Second by Councilmember Griswold.

Councilmember Hayner, you still have the floor.

>> Councilmember Hayner: Thank you.

So you may have read the original -- the original language was much more specific. It was basically throwing it out there that we agree that the E.P.A. -- that had it passed, that we would agree that the E.P.A. was a course of action for the city, and concurrent with the ongoing lawsuit and other efforts being made, both publicly and privately, to deal with this longstanding issue.

So this one, this new language is put forth in the spirit of working with our community partners on this issue, to recognize that the E.P.A. is but one path forward, and a promising one for us, and in the hopes that we will all come together at the table, and that is everyone in Washtenaw County that's affected by this, the Townships, the County, the City, and request a new petition referencing the prior preliminary assessment, and that we encourage the Governor get involved and write a concurrence letter that is not necessary but encouraged for the E.P.A. to take action.

So the revision to this language is designed to respect the other community partners in this issue who have expressed similar concerns, although they do have -- some of the townships have different concerns than we do, because of their water sourcing, but I have modified the language to reflect the need to work together on this issue for the greater good, so that's where it stands.

That's why I have put forward these modifications, and I would like to thank the legal department for assisting with last-minute modifications after a very heavy day of conversations around this topic with local, state, and federal authorities.

>> Mayor Taylor: Is this a friendly amendment?

Friendly to the body?

>> Yes.

>> Mayor Taylor: Excellent.

>> Councilmember Hayner: I appreciate it, and I would like to hand it over to Kathy for further comments, if possible.

I conclude my speaking on it.

So it's friendly?

So I'll pass.

>> Mayor Taylor: Councilmember Griswold?

>> Councilmember Griswold: I just want to say that I am truly honored to be a part of this process.

The day started with a meeting prep at 8:30 this morning, and it's been a few weeks since I initiated this resolution.

The tremendous amount of support I have gotten from this, as well as I have learned so much.

And this morning, congresswoman Debbie Dingell convened a meeting so we could learn about it in plain English, and she was very effective whenever people sort of did a deep dive into all of the technical information.

She brought the person back, and it's really -- I am not sure what the right word is, but her quote this morning was "Unity is going to get us where we need to go," so some people may feel like we are taking a step backwards by not introducing a resolution -- by not introducing a resolution tonight to go forward alone as this city body, but we were asked by County representatives to work more collaboratively, and based on what the Congresswoman said in terms of unity, I think this is the best path forward.

We also met with the Attorney General, Dana Nessel and her staff today at 11:00.

That was followed up by a meeting with the legal staff.

There has been a tremendous amount of work and effort that has gone into this, and also we have 570 signatures in one week on moveon.org, as well as we got 100 on earth day.

So I think there's momentum.

I'm a big fan of Malcolm Gladwell.

One of his books is the Tipping Point.

I think we are there.

So it is just a matter of moving forward, and I also want to repeat that the E.P.A. is not the only solution.

What I refer to as the full-court press, we need to be pursuing this in the courts.

We need to continue to work with E.G.L.E., the former M.D.E.Q. We need to be exploring an E.P.A. Superfund site, and if these do not hold promise, then we will come back to our constituents and ask for a millage so that we can clean it up, because we will not stand still for another 30 years.

Thank you.

>> Mayor Taylor: Councilmember Smith.

>> Councilmember Smith: I would echo what my colleagues have said about the meetings that were set up today by the congresswoman, by Senator Irwin, representative Robbie, Attorney General Nessel.

It was, in my three plus years of being on Council and dealing with this, the most informative, useful, practical meeting that we have had.

I went into this very skeptical, and I think for a very basic reason is if we go down this road and the site is ultimately listed as a Superfund site, you know, that affects a good third of the ward that I represent, and while all of the studies show that property values go up when the cleanup is done, this isn't going to be a short-term cleanup, so there are real concerns about short-term property values if the determination were to be made that if you lived above the plume, you were deemed in the Superfund site.

What I heard today changed my mind.

It is that we heard from the E.P.A., Michael Berkoff from region 5 of the E.P.A., when asked that very specific question, said, you know, properties that are above the plume may not be included in the Superfund site, which is different than the reading I had of Superfund law, but it is the single reason why I am going to support this moving forward. I think today was also extremely effective in having a dialogue with our counterparts that was kind of removed from a politically charged situation of a public hearing with the now E.G.L.E. and I think ultimately this was a really productive way for us to make sure we are all working together, and I am very appreciative of our fantastic representation for facilitating that.

So I'm going to support that, and I hope everybody joins us in supporting this this evening.

Thanks.

>> Mayor Taylor: Further discussion?

Councilmember Grand.

>> Councilmember Grand: Thank you.

I too was skeptical, but for different reasons, in some ways, than Councilmember Smith. I know some local folks who work for the E.P.A., and they are wonderful.

The E.P.A. nationally scares me, given the state of our current administration, and I felt a lot of apprehension around that, and so I was skeptical, and I wasn't able to make the morning meeting due to some work commitments, but I got filled in and I was able to go to the 11:00 meeting, and I felt really proud of who was representing us, you know, felt even though -- because we have more than a quorum, none of us were able to speak, which I know is really challenging for many of us who like to talk, myself included, but I think this idea that we want to really evaluate the pros and cons of all of the approaches and come together with our community partners and have a strong unified front made me get completely behind this, and I really do appreciate the willingness of the sponsors to push this issue forward, and also to take a step back and say, okay, there's a better way to do it, and so, thank you for that, because you could have gone all dogmatic, and we need to really look to the strength of all of us coming together, because this is an issue that, you know, that I think whether you live on top of it or you're thinking about your drinking water or the safety of your neighbors, we know that this is a priority in our community.

We know that and share your frustrations for how long this has taken, and hopefully this is another step in the right direction of pushing this forward.

>> Mayor Taylor: Further discussion?

Councilmember Eaton.

So I have, on the queue I have Hayner, Eaton, Ramlawi, Lumm.



Hayner?

>> Councilmember Hayner: Thank you, Mr. Mayor.

So just -- and we are discussing this new motion.

I am so pleased that everybody thought that was friendly.

I suppose it's because we didn't discuss the other one first.

So, just for the -- and I get the feeling that because so many people participated this morning that it was a real eye-opening experience.

It was a great set of meetings, kind of all-day meetings that we had, really, and it's about time.

And what we hope to ask for with our community partners is a Superfund enforcement, which is an enforcement program that -- and just from the O.L.E.M. directive, which is the every year they issue the -- the E.P.A. issues directives that describe what's happening with the Superfund, and there are concerns about the federal oversight of this program.

But it remains strong, in spite of the current administration, so the Superfund enforcement program works to enforce that responsible parties either clean up the sites themselves or pay for cleanup performed by others, and so the hope is that when we go through this process, which can be a long process, that the outcome is going to be that the polluter pays, and of course, that's what we are pushing for with our court case, and so this is not going to supersede that.

It's not going to push that to the side.

It's one of many tracks that we are taking, and so if we petition, and close observers may recall that the first preliminary assessment in hazardous ranking system, we scored a 28.5, which made us eligible for the national priorities list, and the E.P.A. does have authority to act without the Governor's request or approval, and the state is in it for 10% of that cost, and if so we estimate a \$50 million cleanup, the state is in for 5 million, so I think it was important that our state reps were there to understand that.

And then there is the process where they do the investigation, they pick a remedy, they have a decision and there is an action plan.

The whole time that goes on, the E.P.A. also has funding for and facilitates community input, and not just a public comment, like they would have on this, but community input through the whole thing, including public comment on the record of decision that's made.

This could take a couple of years, it could take two years, it could take seven years, whatever it is, the whole time the community is going to be engaged, and if they do decide that we pass this preliminary assessment again, and they do move to put us on the national priorities list and this all begins, that public comment, that public communication and outreach is paid for by the E.P.A., and so it's a good path for us. I think it's going to yield some results, and the safety of the people is the highest law, right?

Cicero said that, and I agree.

I think this is a good move in that direction.

One of the reasons I ran for City Council, one of the primary reasons I ran for City Council is my ongoing concern about this very issue, and it's why I started sitting with the Carr Group some years back and started trying to learn everything that I could about it.

And so we have a responsible party, we are eligible for the national priorities list. It's a long-term remedial response that is needed, and that's what the E.P.A. provides, and so I thank my colleagues who have already spoken in support of this, and I hope the rest of you can come around to it, and I think we are finally going to see some good results.

I don't want to be in a situation where, you know, ten years from now somebody says how come you didn't do anything about this, Hayner.

You had four years to act, right?

Well, we are acting, and we hope that these actions will bear fruit, and I thank you for your support.

>> Mayor Taylor: Councilmember Eaton.

>> Councilmember Eaton: So I wanted to thank Councilmembers Griswold, Bannister and Hayner for taking the lead on this issue, and I'll leave it at that, but I would like to be added as a cosponsor, please.

>> Mayor Taylor: Councilmember Ramlawi?

>> Councilmember Ramlawi: Thank you, Mayor Taylor.

I had great hesitation on this early on and throughout the day, as was said.

We had some of the best meetings that I have been in since being on Council.

There is a great sense of urgency throughout our community and throughout Washtenaw County, and including our new Attorney General and other State representatives, and I appreciate their efforts in putting together the meetings this morning.

And just like councilmember Hayner said, I don't want to leave Council and years from now look back and say I wish I would have, could have, should have.

I feel that all of the tools that we have at our disposal should be looked at and used, and after meeting -- the meetings this morning and into the evening, I feel compelled to support this to the extent that I would like to be added as a cosponsor as well.

We waited long enough, and it's time to act, and there's nothing that will prevent the ongoing processes that are being done right now.

They will be congruent.

All of the government agencies will work together.

So, this in way will, in my opinion, complicate matters.

It can only help in making sure that we don't leave any stone unturned, so that's all I have to say about it.

>> Mayor Taylor: Councilmember Lumm.

>> Councilmember Lumm: Thank you, Mr. Mayor.

I too would like to thank Councilmembers Griswold, Bannister and Hayner for taking the lead on this and bringing this forward.

I would also like to thank Congresswoman Dingell and Dana Nessel and Representatives Robbie and -- for their participation in the leadership meetings today, and also the many Council colleagues, Huron watershed Council, City Staff, particularly legal and engineering, and the city residents, many of whom have devoted so much of their personal time, Mr. Bicknell and Mr. Rale, who are sitting here in the audience as we speak to this.

They have dedicated countless hours of their own personal time.

That's an understatement, a lifetime, could be described as, I suppose, of your personal time to this issue, so lots of thanks are deserved and earned, and I will say, too, so when I was elected, some of you may or may not have been born way back when, this was an issue that we talked about on a regular basis in the '90s.

When I say regular basis, I mean monthly.

We would have periodic, you know, resolutions, almost, you know, as I recall, on a monthly basis, if you can believe that, setting, you know, the acceptable parts per billion, so there's, as you all know, lots of history here, and I will say that today's meeting, today's experience, a massive learning experience, and just very impressed that all of these stakeholders were brought together and we had these conversations. That's -- that was a huge step forward, and again, I learned a lot today.

And just in terms of issues in general, this is probably the most significant issue we have in Ann Arbor now and have had in a good long time, and one thing is abundantly clear: No one is satisfied with the progress, the progress we have made in addressing the issue.

The plume continues to migrate, and it's a clear takeaway too, is I'll agree that the consent judgment is not adequate.

That's why we decided to join the discussions, negotiations as an intervener, and what's been frustrating throughout is that, you know, various efforts, recently and in the past and negotiations to put more teeth into the consent judgments haven't yielded much, and, you know, it's been this one step forward, another step back kind of drill, and so, again, given all of that, it's not surprising that exploring or requesting E.P.A. Superfund designation has gained momentum.

One of my concerns about E.P.A. Superfund designation, well, all along is that, you know, the devil you may know may be better than the devil you don't know, and we don't know definitively that having the E.P.A. lead this and a Superfund designation would necessarily result in a more positive outcome.

There were many determinants of that, some technical, some political.

I too have been concerned about property value impacts, and today I will say that that concern was relieved quite a bit when it was stated -- when the -- one of the things that was, for which a better definition was provided, was what would be the boundaries of this designation, and the gentleman from the E.P.A. said that it would be the facility, and the area of pollution would be considered the boundary, but that parcels and properties above the polluted site, if there is no direct impact, would not be considered as part of the Superfund site, so that was a helpful "check the box" bit of information.

And -- and I will say, to be honest, that until recently, I was leaning towards continuing the path that we have been on with the state as the lead and the city as intervener, but, you know, I think also knowing that we can have this dual path, that feels a critical piece of information, and that was confirmed by several people, that this consent judgment effort can continue with E.P.A. involvement.

So, based on all that I have learned today and knowing that the local court cases and negotiations can continue, or at the worst case, it will be put on temporary hold, they are not thrown aside, and that's -- that was an important, very important piece of information, added information.

So, again, it's not entirely either or, that paths aren't mutually exclusive, and it can be a collaborative federal and state effort, and as congresswoman Dingell said, we all need to be on the same page.

She -- her motivation is to represent all stakeholders.

She does it exceedingly well, and so, again, thank you for bringing this forward.

I think that the potential here -- I think there's greater upside potential, and, frankly, a higher, we all hope, probability of achieving the outcomes that we are all, you know, striving for, so hats off and thanks to everyone's efforts that have gotten us to this point. Thank you.

>> Mayor Taylor: Councilmember Ackerman.

>> Councilmember Ackerman: Thank you, Mr. Mayor.

Councilmember Lumm, I think when you took office, my parents were finishing up grad school, and my dad realized he really needed to get tenure, because they were having a second kid.

[ Laughter ]

But, no, I -- I had a constituent email me suggesting that I do -- that I do vote in support of this, and actually asked that I cosponsor it, so I would love to cosponsor this as well. She pointed out also that, you know, this issue predates me, but the contamination began in 1976, and at this point, the contamination predates a lot of the people who live in this community, and the ramifications of it could last far longer than any of our lifetimes, and I think this is a critical and exciting moment.

There are a lot of stars aligning in different ways, beginning with a state cleanup standard strengthening, us becoming interveners in a case, and now two politicians in Lansing, Governor Whitmer and Attorney General Nestle, who aren't democrats or republicans.

You know, they are elected leaders who are willing to roll up their sleeves and work hard when people's health is in danger.

And just to see the difference in tone and tenure of the Attorney General's office in the room this morning compared to what it had once been in similar conversations was wonderful.

I mean, she brought three different attorneys down there to have this conversation with us, and that was -- that alone, that attention alone is such, such a change, and such a fresh change.

So, I thank you to those who bulldogged this forward in the refinements along the way.

Thanks to people like Dr. Bicknell, who have been working on this since 1976.

Your advocacy helps keep us focused on what is existential.

A thousand issues come across our desk annually, and staying focused is so critical, but I'm excited to take this step forward.

Obviously, this isn't a final step.

This isn't even probably close to halfway through the beginnings of a resolution, but it is an important one, and I'm glad to be a part of it.

Thanks.

>> Mayor Taylor: Further discussion?

Councilmember Hayner --

>> Councilmember Hayner: I appreciate the deference to my third speaking.

I forgot to point out that tomorrow morning is the C.A.R.D. meeting at 10:00 a.m. at the Sow Township hall, the MDEQ/E.G.L.E. third quarterly report on what's happening, all thanks to C.A.R.D. for allowing me to get out there, involved in the massive amount of conversations and information that went on.

And Mr. Roger Rale, if I had a key to give away to the city, I would.

It's incredible what C.A.R.D. has done for this, and if this moves forward, and the other cities join us in this, and much of the preliminary data gathering assessment has been done by C.A.R.D. already.

It's been incredible.

I encourage everyone to remain involved and join us at our meeting tomorrow.

>> Mayor Taylor: Further discussion?

I would like to echo what most of my colleagues have said, with particularity, of course. Thanks to our elected representatives, that is, Attorney General Nestle, representative Robbie, Senator Irwin, and led in force and vision, representative Dingell.

She is a force of nature.

She appears in -- where you least expect her.

I am sure she is in several places at once, and in each of those locations, she is consistently looking out for her friends and her constituents, and I don't mean friends in a tribal sense.

She views us, she views her constituents as her friends.

She looks out for our interests.

She wants us to achieve the goals that we wish, and she is dogged in that pursuit.

We are very fortunate to have her as our representative.

Further discussion?

All in favor?

[ Chorus of ayes ]

All opposed?

It is approved.

DC6,

Resolution Directing the City

Administrator to Provide a

Revised Residential Water Rate

Structure

Moved by Councilmember Ramlawi, second by Councilmember Griswold.

Further discussion of DC6?

Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you, mayor.

And thank you to our City Administrator who helped me bring this forward.

There has been obviously a lot of debate, and no one has spoken more or more eloquently on the flaws of the current system, the water rate for residential users, as Councilmember Lumm has.

She has put in hundreds of hours, and unfortunately has not gained much ground.

We have previously voted on increasing the water rates unilaterally across the board, 6%.

From the start, campaigning last year, this was a major point of contention for residents who have been affected by this new tiered system.

We were told that it was necessary in order to abide by the bolt decision that we had to have these four rate -- this four-tier structure, with the fourth tier being the highest, nine times as expensive as the first tier.

We have been given a presentation that has demonstrated that there are other options, and an option is to eliminate the fourth tier, which is a huge outlier.

If you look at comparable cities, it shows that our fourth tier is by far and away an outlier, and one can argue that the fourth tier is actually subsidizing other users of the system, when it is so high as it is.

So, I'm bringing forth a resolution here to address the inequity in the current system, and to eliminate the fourth tier.

The vast majority of users will still be paying the same amount.

Those who are using 18 units and less will see no change.

Those in the 70th to 98th percentile will see an increase, a justifiable increase, an increase that they ought to be shouldering, and if this is an issue of assessing costs to those who, you know, burden the system, then we should look at all of the users, and I feel that the fourth tier right now is subsidizing some of the other users of the system, so I think this is a more equitable way of distributing the costs of delivering water throughout our city, and this will just provide a three-tiered system, and I look forward to entertaining any questions, comments, looking for a cosponsor, and hopefully this can get passed, and I'll reserve my time.

>> Mayor Taylor: Further discussion?

Councilmember Ackerman.

>> Councilmember Ackerman: Thank you, Mr. Mayor.

And thank you, Councilmember Ramlawi, for encouraging us to have the conversation again.

[ Off mic ]

[ Laughter ]

Ultimately, I won't be supporting this resolution tonight for a few core reasons.

The first of which is it cannot be argued that the fourth tier subsidizes other tiers in the residential usage.

That is not what the data says, and, frankly -- and it's not true.

We can't go on how we feel about the data.

We can't go on how we feel about usage trends.

We have to go on what is fact, and that is a function of law.

The second is I was attracted Councilmember Lumm's resolution a couple of weeks ago, and one reason was because it brings in the nonresidential seasonal rate changes, which I think are a productive step forward in bringing our data to bear in a more meaningful way and ensuring that people are paying fair rates for their usages and the strain that they put on our infrastructure system, and that's not present here.

And then the final reason is the combination of these two tiers creates a scenario in which this third tier does end up paying for the extra water usage and the strain on our infrastructure system created by the fourth tier, and I don't think that's fair to the third tier, which represents something like 18% of our water customers.

And if you look at their usage levels, and I listened to the very sincere arguments about this, you know, on the other side of the argument.

This third tier could very realistically be a large family.

The fourth tier is likely irrigation, when you look at these water usage levels, and I don't want to create a scenario in which we combine these tiers and create a scenario in which there's a chance that a large family is subsidizing the irrigation of large lawns, which are important to our character of our community, but they are a nicety in the grand scheme of all of the issues we deal with.

Like clean, safe drinking water delivered to everyone at any moment.

So, I do sincerely appreciate you pushing this forward.

I know you ran on it, but I can't support this resolution in its form.

>> Mayor Taylor: Further discussion?

Councilmember Lumm.

>> Councilmember Lumm: Thank you.

I will say that I do appreciate that you, Councilmember Ramlawi, are putting forth this effort to keep the discussion alive on the water rates structure.

Obviously, I don't think this is how we should be proceeding.

Instead, you know, I believe we should reconsider the water rate restructuring resolution that Council defeated on a 5-6 vote on April 16th, and it sounds like maybe Councilmember Ackerman, who voted on the prevailing side, might, I don't know, entertain bringing it back.

I will say, though, this isn't about feelings.

It isn't about the law.

That proposal was based on data that has been presented to us as we have studied this for a year-plus.

They are ability to have local control and authority and represent our community on various issues, and it reared its head again last week with this whole issue of -- of short-term rentals.

There are a couple of House Bills that were put forward, and this committee was scrambling, and Mr. Fournier and Mr. Lazarus, because we didn't have a Council meeting to bring forward a resolution, they were able to -- they quickly put together a letter, sent it to our representatives.

Testimony was heard last week, and they were able to reference this document as guidance, so we were able to be nimble on an issue that, as I said, it hits the sweet spot for a community.

We all are hearing a lot lately from our various constituents about concerns about short-term rentals, and so that's an example of an issue where local control is being challenged, and we were able to respond, and so I think it's worked very well, and I would encourage you all to support it, and I would just also like to thank, again, City Staff, and my colleagues on the committee who have an option that recognizes commercial peaking, and it incentivized commercial customers to conserve water during the peak demand period.

This resolution tonight maintains the uniform single rate for commercial customers regardless of their peaking and does not address the one area there was agreement that change seemed to be appropriate.

This resolution tonight contemplates Arcadis option two for something to implement next year, which eliminates the tier four rate and increases tier three rates to make up the difference but would not touch tiers one or two and does not provide much relief.

The April 15th proposal would have also eliminated tier four and rather than passing it to tier 3 alone would have spread it to all residential customers.

With Arcadis option two, the range is increased to 5.2 times.

Don't get me wrong.

I appreciate, Councilmember Ramlawi, that you're trying to keep the discussion on water rates alive.

I just don't think this is the right way to accomplish that, for all of the reasons that I just walked through.

If we were to continue this discussion, and I believe that we should sooner rather than later, let's wait until people get their water bills this summer.

It makes, I think, a lot more sense for me to reconsider the April 15th resolution that was so narrowly defeated.

I obviously can't bring something back, because I was on the losing end of the vote, but if I could, I would do exactly that.

So, I'm still holding out hope that that, in fact, might happen, that someone else on the prevailing side, a councilmember who voted no on April 15th, might bring it back for reconsideration.

It didn't happen tonight, obviously, but it still could, so -- so we are left with this choice, whether or not to support this resolution.

Obviously, I don't support much of the substance of the resolution.

But it does keep the discussion on the table, so I'm interested to hear my other colleagues' views on the matter.

Thanks.

>> Mayor Taylor: Further discussion?

Councilmember Griswold and then Hayner.

>> Councilmember Griswold: I have a question for Mr. Hupy.

A lot of statements have been made about who is in tier four, and I'm wondering, how many households are in tier 4, and if it would be possible to get a representative sampling, not names and addresses, necessarily, but the type of household these people are.

>> With me tonight is Marti Praschan, my chief of staff.

She'll be able to tell you percentage-wise which -- what percentage of our customers are in tier four.

We have never done an analysis as to where they are located or what homes they are in, so we don't have that information.

>> Okay.

Do you know about what the number --

>> I'll turn it over to Marty, and they can tell you that.

>> So it's about 2% of our actual residential customers, which we have about approximately 24,000 residential customers.

>> So hundreds -- oh, okay.

Would it be possible to get a sample --

>> Certainly.

>> So we know if these are large families, if --

>> That type of data we don't keep, members of the household.

>> Councilmember Griswold: Size of the yards maybe?



>> Yeah, that we could get.

>> Councilmember Griswold: I believe tier four is a major outlier when we benchmark against other communities, so should we be taking punitive action, or are these tier four people doing something wonderful for the community that we don't know about?

I just want to know more about who the tier four households are.

>> Great question.

We could get you parcel size.

>> Councilmember Griswold: Okay, thanks.

>> Mayor Taylor: Councilmember Hayner?

>> Councilmember Hayner: I also appreciate that this is coming back to the table and everybody is engaged in trying to come up with a solution for this.

This is kind of going in the opposite direction of what my suggested solution might be in the future, and that is increasing the amount of tiers, so I base this on -- I understand that revenue stability and predictability is important for managing our water system, and if people are always conserving and pushing down their use, pushing down their use, that our revenue goes down, and that's a problem, and yet our own home experiments have shown that large strides towards conservation can be made with small changes in personal habits, and I have gone from a 17 to a 14 CCF per quarter, and the thing that bummed me out was that reaching the tier below that, which I think is nine, maybe -- is it nine that we are set right now?

Yeah, okay, so I made these efforts to avoid going up to an 18, right, which was the third tier.

And I found that I was able to reduce myself down, but nine was unattainable, and so I got to thinking, if we wanted to encourage conservation that we might create more tiers, and so that the people had realistic goals, so they could step themselves down a tier, and I know that our calculus could be done on the water bills to calculate that, and so for that reason alone, I'm not satisfied that this is a decent enough solution, and I appreciate that this is a concern to us, and it is a concern to our residents, and when they start seeing those summer water bills, their concern is going to only heighten, and so at some point, I know we'll be bringing this back, and we'll get a solution that is amenable to everyone, including the water system management, but I can't support this one tonight.

>> Mayor Taylor: Councilmember Lumm?

>> Councilmember Lumm: Just a quick anecdote to put a face on the top tier.

For many, many months at my weekly coffees, a family, a husband and wife, it's a two-person household who has been coming to my coffees to talk to me about this and their water bills, and they -- a two-person household, not a big yard, and they live -- they are gardeners, but they happen to have, and I swung by their house last week, they have five city trees on their property that they faithfully water, and they, you know, were posing questions about the costs that they are incurring to and will be throughout the summer, particularly if it's dry, to keep these city trees alive.

They are bearing those cost, and they have always done it and never complained, but it's things like that that can move someone into a tier.

So, that's just one example, one anecdotal example, but not an insignificant one, and, you know, and lots of people have city trees on their property, want to have a garden, grow some vegetables, and again, just wait until they see these water bills.

My concern with this shifting -- so this doesn't touch one and two, but combining tiers three and four results in a top rate of \$9.09 per CCF, which is, say, look at this before and after, it's 56% higher than it was before July 2018.

Where that range was \$5.89 per CCF, so that's not relief.

That's a hardship.

>> Mayor Taylor: I'm going to be -- I'm not going to be supporting the resolution.

The resolution would have the effect of increasing the water bills of 6,480 residential users -- pardon me, residential homes, by my count, for the benefit of the top 2%, for the benefit of the top 480 users of our system, and that doesn't seem right to me.

The current tier 3s, the 6,480 homes that receive -- that have their bills in this tier 3 range, they do not presently subsidize the tier 4 users.

If this bill were to pass, they would be subsidizing the tier 4 users.

The current rate structure is designed to ensure that the people who use the system pay for the system.

That is its goal.

It is not the goal to increase, to encourage conservation.

That's a byproduct.

The purpose of the system is to ensure that the cost of the service is linked with the rates paid by the specific user.

It's not the only way to do it, but it is, I believe, a fair way to do it, because it imposes the costs of the system on the people who use the system.

The proposal, as it stands now, that is to say the resolution before us, would increase water rates for 6,480 users to the benefit of benefit of 480 users, and I don't think that's right and proper, and so I'm going to be voting against it.

I have Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you, Mayor Taylor.

I appreciate my colleagues entertaining this resolution, and it doesn't look like it's going to pass tonight, but the conversation will continue to go forward.

You know, I was told for a long time that we were doing things because of the legalities, and I still will guide my decisions based on that, and when we were given the presentation back in April, March, all of those scenarios were guided through the legal lens, and if I was one of those top two users, I think I would have a pretty good argument that I would say I'm subsidizing someone else's water use.

That being said, I would like to ask staff whether we have information, and I think you probably do, on whether -- how people come and out of the tier 4, whether it's seasonal?

Are they constantly at that rate?

Or is it seasonally -- how many of those tier 4 customers are only tier 4 customers in the summer versus spring, fall, or winter?

>> We can look at the data and come back to you with that information.

>> Councilmember Ramlawi: Yeah, I would appreciate that.

>> That's a good question.

>> Councilmember Ramlawi: And, you know, as to remarks made about commercial users and the resolution that was brought on April 15th, again, I have great hesitation on having that seasonal adjustment when 40,000 members of the community are not present, and I think it, it's not targeted fairly, so I really have a hard time, especially

when we are not measuring peak usage against themselves, and so it would be great to have that information.

It would be great to have tiering for commercial users, but since there isn't a reliable set of data to go on, I have a hard time supporting it, so I will continue to try to find a better way to so have this, but I am convinced that the current structure is flawed.

>> Mayor Taylor: Councilmember Bannister.

>> Councilmember Bannister: Again, like everyone else, I want to thank Councilmember Ramlawi for bringing this forward and keeping it alive.

I do agree with Councilmember Lumm that it would be better if we just reverted back to pass her resolution from April 15th.

I had two questions for staff that I just wanted to throw in there.

While we are getting further data on the tiers, could we also take -- have any data on how many of those were due to leaking, like an outdoor spigot left on, or where the homeowner -- because I know of cases like that, where people had the outdoor spigot on, were out of town, and their bill shot through the roof.

>> If they come to us with that, we would have that in the data record, and we could note that.

It's similar to the leaking toilet situation, where we have a program to handle those, but there are not that many that occur.

>> Councilmember Lumm: Okay.

And I would also be interested to know, that new online tool that we approved on a resolution, do we have a time frame on how long -- on how much longer?

>> Marty just told me it will be a soft launch July 1st.

>> Councilmember Lumm: So residents can currently log into the system and see their daily usage, but the new tool is going to alert them.

>> Correct.

>> Councilmember Lumm: Okay.

That will be exciting, July 1st, and so thank you very much, and just to the residents who might be watching on the TV, I do want to warn the gardeners and the people who are watering their yards that -- so that we do have some big new water rates, and so please be careful.

>> Get a rain barrel.

>> Yep.

>> Mayor Taylor: Further discussion?

>> Rain barrel.

>> Mayor Taylor: Roll call vote, please, starting with me.

>> Clerk Beaudry: Mayor Taylor?

>> Mayor Taylor: No.

>> Clerk Beaudry: Councilmember Eaton?

>> Councilmember Eaton: No.

>> Clerk Beaudry: Councilmember Nelson?

>> Councilmember Nelson: No.

>> Clerk Beaudry: Councilmember Smith?

>> Councilmember Smith: No.

>> Clerk Beaudry: Councilmember Ramlawi?

>> Councilmember Ramlawi: Yes.

>> Clerk Beaudry: Councilmember Hayner?  
>> Councilmember Hayner: No.  
>> Clerk Beaudry: Councilmember Bannister?  
>> Councilmember Bannister: No.  
>> Clerk Beaudry: Councilmember Griswold?  
>> Councilmember Griswold: Yes.  
>> Clerk Beaudry: Councilmember Lumm?  
>> Councilmember Lumm: Yes.  
>> Clerk Beaudry: Councilmember Grand?  
>> Councilmember Grand: No.  
>> Clerk Beaudry: Councilmember Ackerman?  
>> Councilmember Ackerman: No.  
>> Clerk Beaudry: Motion fails.

>> Mayor Taylor: DC7,  
Resolution to Adopt the FY  
2019-2020 City Council  
Legislative Policy Agenda  
Discussion?

Councilmember Eaton.

>> Councilmember Eaton: So, each year we design a list of items that we wish to support or at least monitor in Lansing and in the federal scheme, and this year there are six general areas, and I'm really proud that the agenda -- or the policy agenda this year for the first time includes employment and labor issues, and I think that, as progressives -- [ laughter ] -- we should speak out in favor of --

>> [ Laughter ] -- sorry --

>> -- nondiscrimination, prevailing wage, job security and the right to organize unions, and so I'm really proud that we have added that to the usual list of items that we support in Lansing.

Thank you.

>> Mayor Taylor: Further discussion?

Councilmember Griswold and Hayner.

>> Councilmember Griswold: I'll be supporting this, and I just want to point out that at the bottom of page 3, number 6 is the statement "propose, advance, and advocate for a uniform state-wide crosswalk statute that reflects best practices and optimizes the safety of all roadway users."

>> Mayor Taylor: Councilmember Hayner?

>> Councilmember Hayner: Thank you.

It's been my great pleasure to serve on this committee, and while I don't -- and I don't agree with every single object in here, the last majority I do, and especially the idea that we are seeking more self-determination from the state in this community, and when you go to states like California, for an example, who allow municipalities to do the things that need to be done to address issues like pollution and water security and climate change, you're seeing the kind of results that we'd like to get here in Ann Arbor, and so anything that we can do to push on the state to allow more self-determination around these topics, especially, is going to go a long way towards meeting our long-term goals, and so it's fantastic.

I was pleased that my colleagues chose to put me on this group, and I heartily encourage our adoption of this, and our administrator and our assistant administrator and our lobbyists and so on to keep pushing on this, because we are starting to get results, and it's going to make a big difference.

Thank you.

>> Mayor Taylor: Councilmember Ackerman?

>> Councilmember Ackerman: Thank you, Mr. Mayor, and thank you so much to the committee that put this together.

I'm not suggesting an amendment, but just something to keep on our radar, especially with respect to the section around protecting the environment as responsible stewards. I just also suggest the monitoring and response to -- in response to potential legislation around land use.

From time to time, someone in Lansing will get the great idea of restricting local communities' ability to control the zoning elements or the land use elements, particularly around the ability to protect natural resources, like trees, so -- and wetlands, so just an ad, but I think this is a terrific document, and thank you for putting it together.

>> Mayor Taylor: Councilmember Lumm.

>> Councilmember Lumm: Thank you, Mr. Mayor.

Thank you, everyone.

We do have those kinds of conversations at these Policy Agenda Committee meetings, and I too am grateful and honored that I can serve on this committee.

Councilmember Eaton does a great job of leading the conversations in chairing this committee, and just this whole concept of having a legislative policy agenda is a relatively new one, believe it or not, but it has provided guidance to staff on positions and priorities.

It keeps everyone on the same page and ensures that anyone who may be representing Ann Arbor, staff or councilmember, knows the official position, full.

This year's version is a bit longer.

It's more specific and detailed than previous versions.

I have -- you know, there's certainly no problem with that, but with so many items, there is a small risk that we might lose the focus on what the key priorities are.

But, I for one personally don't agree with all of the priorities and positions.

I do think that the positions accurately reflect the predominant values and views of Ann Arbor.

I do think the preamble maybe is a bit specific, but I do very much like leading off with the notion of self-determination and local control.

That's critical, and we are engaged in a -- we are constantly being challenged in terms of our ability to have local control and authority and represent our community on various issues, and it reared its head again last week with this whole issue of -- of short-term rentals.

There are a couple of House Bills that were put forward, and this committee was scrambling, and Mr. Fournier and Mr. Lazarus, because we didn't have a Council meeting to bring forward a resolution, they were able to -- they quickly put together a letter, sent it to our representatives.

Testimony was heard last week, and they were able to reference this document as guidance, so we were able to be nimble on an issue that, as I said, it hits the sweet spot for a community.

We all are hearing a lot lately from our various constituents about concerns about short-term rentals, and so that's an example of an issue where local control is being challenged, and we were able to respond, and so I think it's worked very well, and I would encourage you all to support it, and I would just also like to thank, again, City Staff, and my colleagues on the committee who participated in drafting this policy agenda for all of the efforts and thoughtful conversation that went into this.

Thank you.

>> Mayor Taylor: Further discussion?

All in favor?

[ Chorus of ayes ]

Opposed?

It's approved.

DC8,

Resolution to Negotiate

Potential Purchase of "Canoe

Fan" Artwork Installation in

Gallup Park

Moved by Councilmember Lumm, seconded by Councilmember Ramlawi.

Discussion, please, of DC8, Councilmember Lumm.

>> Councilmember Lumm: Thank you, Mr. Mayor, and thank you Councilmember Ramlawi for cosponsoring this tonight.

This resolution is a bit unusual, so let me take a moment to provide just a little bit of background.

In 2015, the city participated in the canoe image art program, which installed several artworks in our city parks.

While all of the artwork from that program, as well as the city's installations through the public art program are owned by the city, this one piece, canoe fan, was rented or on loan.

This resolution is to purchase the piece for up to \$45,000, and in the absence of action on the city's part, the piece will be removed and returned to the artist by the end of -- at the end of May, as per the loan agreement.

The hope was, of course, that the artist would find a buyer who would donate the piece, but that has not happened.

As I suspect system might point out, I have not been the biggest supporter of public dollars for public art, but I do believe that this is a unique circumstance, an opportunity.

This piece is highly visible.

It is in a very accessible location in Gallup Park, and I do think it is a positive enhancement to the park landscape that is clearly enjoyed by folks at Gallup Park.

As you know, over the weekend, I drove by and saw folks enjoying the piece, kids climbing on it, others taking pictures of it, and although I'll admit my taking pictures of it was a bit shameless, the photos of folks enjoying the piece was not staged.

It absolutely was not.

And so what this again, resolution, does specifically is to direct the City Administrator to negotiate with the artist and bring back to our next meeting, May 28th, a proposal for Council consideration before the piece is removed.

The administrator's recommended proposal would include a funding source as the recommendation for the fiscal year '19 budget does not include a proposal.

I'm hopeful that this resolution will pass tonight so that at least we can have another discussion on May 20th.

Thank you all for your consideration.

>> Mayor Taylor: Further discussion?

Councilmember Eaton.

>> Councilmember Eaton: I want to thank Councilmember Lumm for bringing this forward.

I would like to be added as a cosponsor.

I too don't often support funding for art, and it's typically in a case where we are identifying how much we are going to spend before we identify what art we are going to purchase, and this is exactly the opposite.

I'm enthusiastic about supporting the purchase of this piece of art.

We know what it is.

We know how well it's accepted by the public, and this is relatively small dollars to some of the expenditures we have made for art, and so I'm happy to support this.

>> Mayor Taylor: Further discussion?

Councilmember Griswold and then Grand.

>> Councilmember Griswold: I'll be supporting this, but I'm wondering if staff could also examine it, because we saw pictures of children playing on it, but we were also told it really wasn't appropriate for children to play on, and I guess if we are going to have something in a park, we want to make sure it's safe for the children.

And then I'm wondering if it needs to be inspected on, you know, every year or so to make sure it remains safe.

>> Members of our safety unit have been out there to look at it and inspect it.

There is a recommendation to put a do not climb sign next to it.

And, yes, parks has acknowledged that annual inspections should be occurring.

>> Mayor Taylor: Councilmember Grand?

>> Councilmember Grand: Thank you.

I know there were some concerns about just the process and with this particular piece of art, and that's why it -- my understanding is that's why it wasn't supported by the Art Commission, because it was basically a -- am I correct, sort of a broken contract between the artist and the --

>> The original RFP was for art with a \$5,000 honorarium if your art was selected.

For whatever reason, when this was selected, the artist said, oh, she didn't realize that that was the rules of the R.F.P. and because of that she would only loan us the art.

>> Councilmember Grand: Okay.

Thank you.

Still, in the spirit of hell having frozen over with both Councilmember Eaton and Lumm sponsoring this resolution, I will be happy support it going forward to the next meeting.

>> Mayor Taylor: Further discussion?

>> I probably should have spoken after Councilmember Ramlawi.

My only concern I should have asked Ali about -- it made me feel a little bit funny that they voted entirely against purchasing it.

I actually like this piece of art, but I appreciate that we aren't usually in a position of seeing it in our environment for as long as we have and learning to like it before we have actually committed to owning it, so, anyway, I'll let Councilmember Ramlawi speak.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you, Mayor Taylor.

Yeah, I mean, I think the Arts Commission was, I can't speak for them, but sitting in the room with them, I think they are a little bit hesitant right now given the debate over spending public dollars on art, and I think that weighed into their decision along with the initial confusion with the contract and such.

They will be puzzled when I go to meet with them on Wednesday as to why we supported this, but I think that's going to be a good thing.

I don't think it's bad thing.

I think this is an iconic piece of art that has found a place, and hopefully we are able to negotiate something that's reasonable.

I know the original price tag was astronomical, I think 80 or \$90,000, and with that, and I think a few other things, I think that's why the art community voted against purchasing it or against the idea.

Again, I don't want to speak too much on it for them, but, again, it was the high cost initially that was being asked, the discussions around public dollars used for art, and then the initial contract difficulties that led them to the vote that they had.

So, hopefully this does find a home at Gallup Park.

>> Mayor Taylor: Further discussion?

Councilmember Hayner and then Lumm.

>> Councilmember Hayner: Mr. Hupy, if I may, I don't recall the original can you -- whatever art, it had a clever name -- yes, canoe imagine, I thought we gave those canoes to the artist for them to work with, like instead of selling them to the sheriff's office, we donated them for the project.

Didn't we supply the materials for this project?

>> We did, except for this piece.

She had already started the work.

>> Councilmember Hayner: Okay, I see.

And that's one of the other reasons that it is set aside.

Okay.

>> That wasn't a consideration at all in terms of the loan or the piece.

She claims that she didn't understand the terms of the RFP.

The other piece to be a successful negotiation is that the artist has to give up all of her rights and ownership to it, and in other words, I don't have the correct legal term for it, but unless an owner or artist specifically gives up the right to a piece, the owner has to maintain it in perpetuity, and we require our art that we acquire, that they give that up, and that has been an issue in the past with some of the artists, so I --

>> So the city, in any of our public art, the city assumes perpetual care?

>> No, we don't.

>> So art that is in situ like the trees at the park --



>> It's our discretion that they continue to be displayed or what not.  
>> Or even maintained or whatever.  
>> Correct, and I don't know that we have reached that agreement yet on this piece.  
>> Councilmember Hayner: Okay.  
I appreciate that, a little bit more info on the public art scene here.  
I won't drag it out, but I don't want to be the yelling from the end.  
I'm not going to support this.  
I think our public art program, I know it's getting retooled right now, and I have confidence in some of the folks on the commission, and I know their work from the community, and, I don't know, I'm not a fan, to use a pun, and I'm not going to support this resolution.  
I apologize to the art community.  
>> Mayor Taylor: Councilmember Lumm?  
>> Councilmember Lumm: I will just say that I want to thank Councilmember Ramlawi for being our liaison to the Public Art Commission.  
I know that this is something that you're very interested in, and I appreciate you taking a role -- I wouldn't be surprised if the Art Commission isn't surprised with this recommendation, and we wouldn't have yet to see the staff on May 20th, if they are going to go off and talk to this artist.  
I think that the onus though, in many ways, I think that the Art Commission has a very difficult challenge, and that has to do with the ordinance, and I would like the Art Commission to be able to have more ability than what they have now.  
Their hands are tied in so many ways with this ordinance, because we are still -- that 2 million plus list of, I mean, the dollars aren't spent, but it's projected out for a number of years, where we would be investing art, and in places where it's not all that public, frankly, or accessible, and would be a questionable investment value, I think, and so honestly with this piece, I drive by fuller a lot, daily practically speaking, and when the leaves aren't on the trees, I see people hanging out there a lot, and Saturday it was just a classic example of that, and I was obviously impressed with how many people were just hanging out around this piece and kids climbing on it, and people taking pictures of it, and what it meant to folks.  
A few people I talked to when I was there uniformly were surprised that we didn't own this piece, and so when I explained some of the background on it, they -- you know, also uniformly thought it would be a loss for Ann Arbor if we didn't keep that piece or at least work to keep it there.  
So, again, thank you all, staff, for going off to negotiate with this artist.  
This artist, I might add, has a piece on Michigan Ave in Chicago, she has public art in Seattle, and she's a pretty good artist that other communities obviously also value.  
So, thank you.  
>> Mayor Taylor: Further discussion?  
Roll call vote, please, starting with me.  
>> Clerk Beaudry: Mayor Taylor?  
>> Mayor Taylor: Yes.  
>> Clerk Beaudry: Councilmember Eaton?  
>> Councilmember Eaton: Yes.  
>> Clerk Beaudry: Councilmember Nelson?

>> Councilmember Nelson: Yes.  
>> Clerk Beaudry: Councilmember Smith?  
>> Councilmember Smith: Yes.  
>> Clerk Beaudry: Councilmember Ramlawi?  
>> Councilmember Ramlawi: Yes.  
>> Clerk Beaudry: Councilmember Hayner?  
>> Councilmember Hayner: No.  
>> Clerk Beaudry: Councilmember Bannister?  
>> Councilmember Bannister: Yes.  
>> Clerk Beaudry: Councilmember Bannister?  
>> Councilmember Bannister: Yes.  
>> Clerk Beaudry: Councilmember Lumm?  
>> Councilmember Lumm: Yes.  
>> Clerk Beaudry: Councilmember Ackerman?  
>> Councilmember Ackerman: Yes.  
>> Clerk Beaudry: The motion carries.  
>> Mayor Taylor: DB1,  
Resolution to Approve the 309 N.  
Ashley Brownfield Plan  
Moved by Councilmember Ackerman, second by Councilmember Smith.  
Discussion of DB1?  
All in favor?  
[ Chorus of ayes ]  
It's approved.  
DB2,  
Resolution to Approve 309 North  
Ashley Street Site Plan and  
Development Agreement  
Moved by Councilmember Ackerman, second by Councilmember Smith.  
Discussion?  
All in favor?  
[ Chorus of ayes ]  
Opposed?  
It's approved.  
DB3,  
Resolution to Approve Bristol  
Ridge Site Plan and Development  
Agreement, 2750 Pontiac Trail  
Moved by Councilmember Ackerman, second by Council --  
[ Off mic ]  
>> We need a second.  
>> Sorry.  
>> Mayor Taylor: -- Councilmember Grand.  
Discussion, please, of DB3.  
Councilmember Hayner?  
I believe you were --

>> Catching up --

>> We are on DB3.

>> Councilmember Hayner: No.

I have to ask under Council rules to recuse myself from any conversation on this issue. I had a -- I had a lease -- until April 30th, I held a lease on this property, despite the petitioner's remarks in the petition that these were vacant buildings.

They certainly were not, so, while my lease expired on April 30th, we had been given two weeks to move out, so under the technical Council rules, since I have not completely moved out, I have a financial stake in this property, so-called, so with your deference, I will recuse myself from any conversation on this issue.

>> Mayor Taylor: Does that require a mover and a seconder?

Moved by Councilmember Ramlawi, second by Councilmember Smith.

All in favor?

[ Chorus of ayes ]

Opposed?

You are excused.

Enjoy the moment.

Further discussion of the main motion?

Councilmember Ackerman.

>> Councilmember Ackerman: Thank you, Mayor Taylor.

We have got a memo suggesting a postponement to June 3rd, so I would like to move that postponement.

>> Mayor Taylor: Second by Councilmember Smith.

All in favor?

[ Chorus of ayes ]

It is postponed until June 3rd.

DB4,

Resolution to Approve the Allen

Annexation, 0.6 Acre, 595

Riverview Drive

Moved by councilmember -- thank you, Councilmember Lumm, second by Councilmember Griswold.

Discussion?

All in favor?

[ Chorus of ayes ]

It is approved.

DS1,

Resolution to Approve FY 2020

Fee Adjustments for the

Community Services Area

Discussion?

Councilmember Ramlawi.

>> Councilmember Ramlawi: I won't go too deep in the weeds here, but taking a quick look at these fees and the rate increases, it does give me pause, and when we talk about affordability, this is one area that I took to as what we charge to do business in Ann Arbor.

Those costs trickle down to residents, visitors, and businesses, and going forward, I just think that we should be real careful and be very sensitive to these rate increases. They do have an impact on the working class and cost of doing business here, and I know we do our best here to be frugal with the taxpayer dollars and such and charge people what it costs to deliver those services, but these fee increases are triple and quadruple the rate of inflation, and it just -- it's a cause of concern of mine.

>> Mayor Taylor: Further discussion?

Councilmember Lumm.

>> Councilmember Lumm: Just I appreciate that parks folks provide benchmarking information, and I think that's very helpful.

I will just note, though, there have not been fee increases in these specific areas for several years.

It's been since 2013 for planning.

The planning fees for 2011 for some of the parks-related increases.

I do appreciate, though, Councilmember Ramlawi's concerns about raising -- you know, increasing some of these park increases.

Yeah, we want these ice rink rentals, day camp fees, junior golf camps, these kinds of things, hockey fees, to be affordable.

And I did submit a budget question.

This was for planning fees on why a couple of these are proposed at rates higher than costs.

I'm still waiting for a response on that, but it's not a huge deal, however.

So I will be supporting this.

Thanks.

>> Mayor Taylor: Councilmember Hayner?

>> Councilmember Hayner: I just wanted to speak to the parks aspect of this, because we had a nice conversation at PAC about this, and it was studied, and we did compare to other cities and -- cities and so on, and especially addressing the affordability issue, which was my big concern.

We have generally taken advantage of scholarships when some of our kids were younger and we weren't both working, and the scholarships have been adjusted accordingly, and so we are still maintaining those low rates so people can get into the program, so we maintain an equitable city and city use for all, and so that's what sold me on supporting this at pack and here too, and they were long overdue adjustments, and our costs go up, but the idea that they have increased the scholarship program accordingly was enough to dissuade me from complaining about the generate increase, and I think it's necessary, and I think our parks do a pretty decent job.

I know there has been concern about monetizing the parks in the past, because we pay separate millages.

There's a reasonable reason for rate increases, and I support them.

>> Mayor Taylor: Further discussion.

All in favor?

[ Chorus of ayes ]

Opposed?

Approved.

DS2,  
Resolution to Approve Fiscal  
Year 2020 Fee Adjustments for  
Public Services Area -  
Engineering, Public Works,  
Systems Planning, and Water  
Treatment Services Unit  
Moved by Councilmember Smith, second by Councilmember Griswold.  
Discussion, please, of DS2.  
Councilmember Lumm?

>> Councilmember Lumm: One quick observation.

That's proposed here covers two years.

The increases aren't huge or outrageous, but, still, the increases average 7.85%.

I found that out in response to a budget question I asked, and obviously, 8% is above inflation for two years, so whether it's water, sewer, stormwater rates, or these fees for service, I do not see why fees can't be limited to inflation.

But I'll be supporting this.

>> Mayor Taylor: Further discussion?

All in favor?

[ Chorus of ayes ]

Opposed?

It is approved.

Do we have communications today from your City Attorney?

>> City Atty. Postema: You do not.

>> Mayor Taylor: We have before us the clerk's report.

Do I have a motion to approve the clerk's report?

Moved by Councilmember Smith, second by Councilmember Ramlawi.

Discussion?

All in favor

[ Chorus of ayes ]

Opposed.

The clerk's report is approved.

We now come to public comment general time.

To speak, one need not have signed up in advance.

Speakers have three minutes in which to speak, so, please, pay close attention to the time clock.

As a matter of courtesy, we may have only one person speaking at a time, and finally, if you require assistance in speaking before Council, we'd be delighted to provide it to you.

Is there anyone who would like to speak at public comment?

>> Councilmembers Smith and Lumm, thank you for going to the dioxane meeting and explaining what you heard with respect to concerns I raised earlier.

To Councilmember Eaton and Griswold, thanks for addressing the question that I posed at caucus last night.

You might be surprised that I'm thanking you for doing the caucus, because it was actually really helpful.

Unity is important, so thank you for addressing my concerns and criticism.

Councilmembers Grand, Lumm, and Bannister, thank you for commenting back to me about the issues that I addressed recently.

On a different topic, I found it quite sad to see that we had ten public hearings tonight and not one person speak.

When I see anonymous or fake accounts in the press on social media, it makes me sad, because I wish people would come here and talk.

It's their chance to be heard to say stuff for or against an issue, and it's sad to see that people don't take that opportunity.

One minor complaint, and Councilmember Grand touched on this issue, when people speak about values, they aren't touching upon personal character.

I know at times I speak about values, and it might sound very preachy, but when I talk about values, it is merely to give you an idea of what I prioritize and the angle that I bring to an issue.

If any of you take it personally, please don't.

It's all part of a discussion and a debate that each of us, if you include the public, bring to a perspective.

I had to personally laugh a little bit when I heard about kids climbing on a canoes.

As a kid, we had a train that we could climb upon in a park.

It was amazing.

There was nothing around it.

It is awesome.

I am sad because that same park has a train, but it has a fence around it.

I wish my son could climb on it.

By the way, as of midnight, it will be one year since I became an America.

Although I disagree with you guys on a lot of issues, and I give you a hard time, please do realize that I have a lot of admiration and respect for what you do, and how you serve the community, even when we do disagree on things.

I admire that, because I still don't take it for granted.

So I just wanted to say thank you and have a good night.

You guys do not have an easy job.

>> Mayor Taylor: Thank you.

Is there anyone else who would like to speak at public comment?

Seeing no one, public comment is closed.

Are there communications from Council?

Councilmember Hayner.

>> Councilmember Hayner: Thank you, Mr. Mayor.

So I -- a lot of us have received emails and so on this week about concerns about appointments and reappointments to boards and commissions, and I fear that I may have triggered some of that community outrage by responding to Mr. Mayor's list that got sent out, where I generally disapprove of sort of blanket reappointments, and we did see a lot of reappointments on that list, almost wholly, and it's not the idea that the reappointment process itself is flawed, but now that I have sat at this table, and I have come to realize that these folks that sit on boards and commissions do a lot of work, it's a lot of hard work, it's volunteer work, and it's appreciated by this body, I assume, and also by the community, I assume.

But, when it comes to a reappointment, I can't shake the feeling that if anybody would like to be reappointed, they should maybe come to the meeting where their name being read and voted on and share that fact with us and let us know what they have been up and let us know what they have been working on and want to continue to work on, so I would encourage people who are on this up for reappointments to come to the meeting next week and, I mean, I know when I was up for an appointment some years back, I put on a nice shirt and decided to come down here and answer questions that I thought maybe Council would have questions.

I didn't really know the process.

In the private sector, that's pretty typical.

It would be like a job interview.

You know, maybe it's different publicly than it has been in the past, but I would encourage this body to take up that act, and if we have questions about someone or someone's fitness to serve, let's get them here to ask and -- I too despaired when no one showed up for those ten public hearings, although, as you can imagine, we would be here until 3 if the topics had been widely embraced by the community, so that's neither here nor there, except I share their disappointment, and I also encourage people to come down here and get involved.

So I just -- I'm going to do my due diligence over the next two weeks to take a look at all of these folks that are up for reappointment and, you know, see how I feel about it, and I encourage any of them to reach out to us and let us know what it is that you have been up to and why you feel that reappointment is the right thing for you.

Thank you.

>> Mayor Taylor: Councilmember Bannister.

>> Councilmember Bannister: I just wanted to underline that too and say that Councilmember Nelson and Griswold and I put out a press release encouraging residents to look at their time schedule and look at our boards and commissions and submit applications and get on the wait list and get in the queue.

If you are selected, you don't have to serve, and also to that end, I know I have asked Mr. Lazarus on more than one occasion, you know, if we could have this -- the links to boards and commissions promoted on our social media and do a City press release and have it, you know, front and center on the City's web page on a regular basis as the boards and commission vacancies are coming open and so forth, just so that we don't have this problem where we are just reappointing people who may have had a lengthy term already, and so I again would just ask Mr. Lazarus to take a real active role in getting boards and commissions advertised and promoted to the public.

Thank you.

>> Mayor Taylor: Councilmember Ackerman?

>> Councilmember Ackerman: Thanks, Mr. Mayor.

I just want to push back a little bit about Councilmember Hayner's comment about expecting folks to come out and defend their seats publicly.

I think that's a lot to ask of -- to -- I mean, you said it was a job interview to be -- to make sure you keep your job.

>> Councilmember Hayner: Those words never passed my lips, Councilmember Ackerman.

>> Councilmember Ackerman: We can talk offline.

That's fine.

>> Mayor Taylor: Further discussion?

Do we have a closed session today?

>> We do not.

>> Mayor Taylor: May I have a motion to adjourn please?

Moved by Councilmember Smith, second by Councilmember Ramlawi.

Discussion?

All in favor?

[ Chorus of ayes ]

Opposed?

We are adjourned

[ Gavel ]