



TO: Mayor and Council

FROM: Howard S. Lazarus, City Administrator

CC: James Baird, Police Chief
Derek Delacourt Community Services Area Administrator
Doug Forsyth, Safety Manager
Craig Hupy, Public Services Area Administrator
Nicholas Hutchinson, City Engineer
Mike Kennedy, Assistant Fire Chief
Matthew Kulhanek, Fleet and Facilities Manager
Brett Lenart, Planning Manager
Cresson Sloten, Systems Planning Manager
Colin Smith, Parks and Recreation Director

SUBJECT: Council Agenda Responses

DATE: February 5, 2018

CA-1 - Resolution to Approve Street Closings for the Ann Arbor Marathon Running Event - Sunday, May 20, 2018

Question: I would request that they provide understandable maps that show the actual roads being closed in their entirety or if only in one direction. (The A2 marathon map also isn't clear where the course is or begins/ends.) (Councilmember Westphal)

Response: Updated maps have been received from organizer and attached in Legistar.

Question: Also, either on the same map or a separate one, I would like them to provide approved detour routes for people wishing to cross the race route. For example, large arrows pointing in a direction stating, "If you need to get here, please detour this way." (Councilmember Westphal)

Response: Roads will be blocked at the intersection before a road is closed so that a vehicle won't need to turn around. They will be directed to turn right or left before they get to that point. City Police have reviewed and approved the route and will work together prior to the event to work out barricade and officer placement. Additionally, residents/businesses that are subscribed to the City's road/lane closure list receive a copy of the approved resolution and map prior to the event for their information and planning.

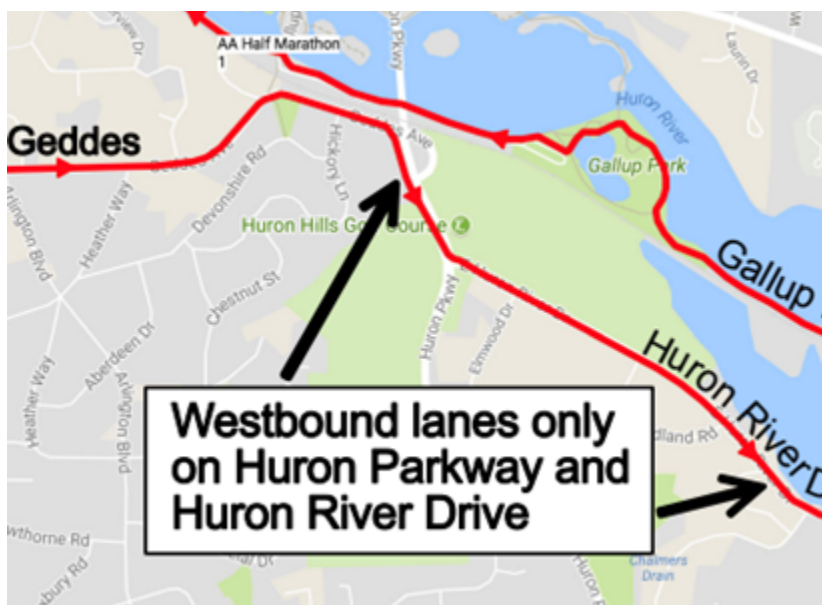
Question: Have churches been consulted/notified as in previous years? I see a reference to "the sponsor's communication plan" but do not see it. Part of the "plan" should be to reach out to affected organizations before coming to council for approval, then going back out to help with logistics and communications once approved. (Councilmember Westphal)

Response: This year the churches were very heavily involved with the date and logistics of the marathon. It was originally requested for Palm Sunday and that was discussed and denied outright. Many other options were discussed and the present date was approved by the churches, and the route changed significantly to address their concerns. The street associations notify and communicate with the churches for all events. If there are particular concerns, a meeting is called between the association, church representatives and the City. Organizers are also asked to notify impacted businesses and residents within a certain period of time prior to the event.

The Marathon communication plan has been attached to Legistar.

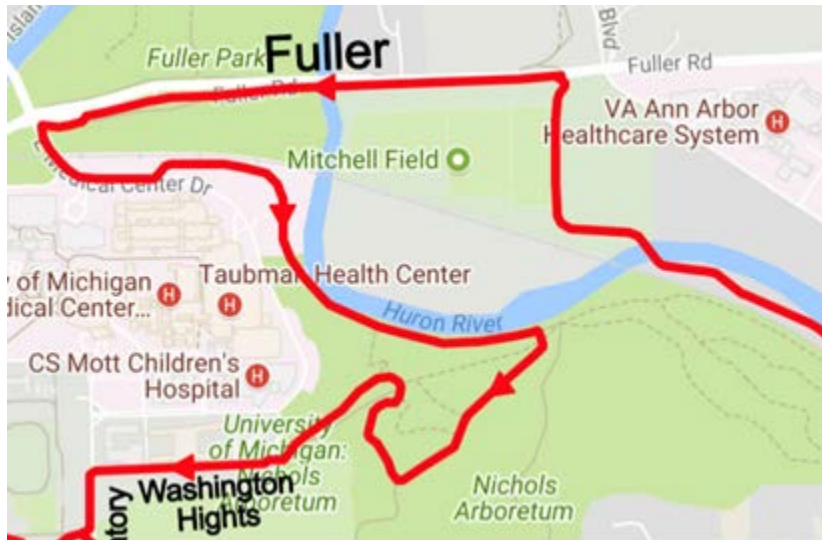
Question: Can they confirm that no part of Huron Parkway will be completely blocked, but rather at most one lane in a particular direction? (Councilmember Westphal)

Response: See below



Question: Please explain this segment: "Eastbound lane of Fuller Court between Gallup Park and E. Medical Center Drive" (Councilmember Westphal)

Response: The organizers recently came up with a better plan for this section that takes out this part of the closure.



Question: Can we also get some clarity on the ending times? I see times are listed, such as 1:30pm, with some wiggle room such as "when participants have cleared the areas". Does that mean 1:30pm or sooner, or 1:30 or later? Last year, there was one event where S State was blocked far in excess of the approved time for what looked to be a block party (not slow runners) and caused major headaches. So please have them commit to a time by which people *shall* be cleared from the street, if this isn't the case already, and require them to provide photos or other confirmation of times that the streets are re-opened. (Councilmember Westphal)

Response: All streets will be open and participants will be moved to the sidewalks at 1:30 PM, not any later. We begin cleaning up at 1 PM.

CA-6 - Resolution to Name the Property Purchased from BRE Nixon Road Associates, LLC as "Oakwoods Nature Area" and Combine the Property with the Existing Adjacent Oakwoods Nature Area

Question: CA-6: Great news on this parcel. Can you please remind us of the status of the easement along the edge of the Woodbury Club property that will connect with this land? Are people able to use it safely now, or when will that happen? (Councilmember Westphal)

Response: The Woodbury Club property is currently under construction and not safe for public use. The development agreement specifies that a public access easement from Nixon Road to the park must be granted prior to the issuance of certificates of occupancy, when the area will be open to the public for safe pedestrian access.

CA-7 – Resolution to Name the Property Purchased from Janice Onder as “Onder Nature Area”

Question: Regarding CA-7, was the city’s purchase of the 4.74 acres at a market rate or was their some form of donation/discount from the seller? If at a market rate, why would the property be named after the seller? (Councilmember Lumm)

Response: While we do not typically name park purchases for which the City paid fair market value after the seller, in this case the park was not officially named when it was purchased in 2007. In this case the property has been referred to by staff and members of the public by the name “Onder Park,” and it is referred to in the PROS plan by that name. It was therefore recommended by Parks staff and PAC to name the area “Onder Nature Area” to avoid confusion in the future.

CA-8 - Resolution to Recommend Approval of a Contract with Aquatic Source, LLC for the Veterans Park Pool Mechanical Improvements Project (\$240,000.00, ITB No. 4520)

Question: Regarding CA-8, just one bid was received in response to the RFP. Is the price in the range of what was expected? Also, did PAC review this contract and recommend approval? (Councilmember Lumm)

Response: Yes, the bid was within the estimated project cost. Two prior studies completed at Veterans Park Pool in 2012 and 2016 identified the proposed mechanical improvements project as a \$245,000 to \$285,000 construction project. The \$240,000 bid by Aquatic Source is below that anticipated project budget range. PAC unanimously recommended approval at their January 23, 2018 meeting.

CA-10 - Resolution to Approve a Three-Year Professional Services Agreement (PSA) for Playground Improvement Services for Parks & Recreation for a Not to Exceed Annual Amount of \$150,000.00

Question: CA-10: I see that part of the contract has to do with "surface" maintenance. While structural maintenance and safety is of utmost importance, one source of frustration among playground users has been the lack of playground safe wood chips and the ensuing weeds that take over. Is adequate ground cover part of the contract, and if not, do we have a plan? (Councilmember Westphal)

Response: This contract with Michigan Recreational Construction is on an as-needed basis and is not intended for routine maintenance. However, it can include surface

improvements where needed to supplement the work that Park Operations and GIVE 365 continues to do to maintain safety surfacing at all of our playgrounds.

Starting three years ago Park Operations and GIVE 365 partnered to weed and replenish wood chips as needed in our playgrounds. An average of 10-20 playgrounds have their surfacing weeded and replenished annually, and GIVE 365 has a goal of doing at least 15 playgrounds this season. This puts large scale fiber/wood chip replacement on about a 5-year cycle. Weeding is an on-going challenge as no herbicides are used on the playground areas, and the removal is labor intensive. GIVE365's staff have increased the weeding frequency and have been successful in recruiting additional volunteer assistance.

CA-11 - Resolution to Approve the Purchase of Six Police Patrol Vehicles from Jorgensen Ford (State of Michigan MiDeal - \$171,360.00)

CA-12 - Resolution to Approve the Purchase of Four Vehicles from Signature Ford (Macomb County Bid - \$102,957.00)

CA-13 - Resolution to Approve the Purchase of Vehicles from Berger Chevrolet (Oakland County Bid - \$156,880.00)

CA-14 – Resolution to Approve the Purchase of a Vehicle from Jim Riehl's Friendly Chrysler Jeep (Oakland County Bid - \$26,997.00)

Question: Regarding the vehicle purchases (CA-11 through CA-14, I understand replacing police vehicles is stipulated in the union contract, but I'm wondering when was the last time the mileage and time limits for replacement vehicles was changed? I'm curious because vehicles have become more durable over the years, especially SUV's? (Councilmember Lumm)

Response: Vehicles driven by members of the police department bargaining units are replaced upon reaching the earlier of, 80,000 miles or 6 years of age from the vehicle being placed in service, under their collective bargaining agreements. This language has been in place for many decades and the current age/miles limit has been in place for at least 20 years. The AAPOA Collective Bargaining Agreement (CBA) changed on July 1st 1998. The mileage was raised from 65,000 to 80,000 at that time. Fleet staff would agree with the assertion that modern vehicles have a longer lifespan but such a change would need to be negotiated between the City and the respective bargaining units.

CA-17 - Resolution to Approve Public Art Enhancement Recommendations for FY2019-FY2024 Capital Improvement Projects

Question: Please provide a status report on the Stadium (at Main St.) public art installation. (Councilmember Eaton)

Response: The public art installation along the retaining walls will begin in Spring 2018 as the weather allows. The artist was delayed due to issues associated with creating his Professional Services Agreement to the extent that the work could not be completed in Fall 2017 as originally planned. Currently, the artist has, among other required steps, submitted the final layout drawing, purchased and fabricated the aluminum “leaves” for the project, and is currently having them anodized. It is expected that the anodizing will be completed in about two or three weeks. Upon completion of the anodizing, the leaves are planned to be shipped to the Wheeler Center for safe storage until such time as they are ready for installation.

Question: Is it possible to amend the resolution to accept some of the recommendations and not others? (Councilmember Eaton)

Response: Yes.

Question: The attached recommendations include:

“TR-AT-14-07, Ann Arbor Station Construction (Amtrak). We recommend a preliminary enhancement budget of \$650,000 (1%) be included in the \$65,000,000 project budget. (FY2020)”

Is this recommendation affected by the recent estimation of the cost of the station being in excess of \$85 million? (Councilmember Eaton)

Response: When the CIP is created, all project budgets are estimates. The current CIP project is for Phase I of the Ann Arbor Station Project and the horizon for the full build to meet anticipated need for 2035 is outside the timeframe of the CIP. As the project scope and design are further refined, the budgets are revised as necessary.

Question: What is the total cost of the recommended public enhancements? (Councilmember Eaton)

Response: Approximately \$2.1 million if all the projects are constructed and City Council approves projects as the projects are brought forward for construction.

Question: Would the recommended enhancements to Fire Stations be visible from the public ROW? (Councilmember Westphal)

Response: The recommendations are general in nature at this point in the process. A detailed project scope, let alone a design, does not exist at this stage of the C.I.P. In general public art projects are interactive with the public either visual or by other means.

Question: Q1. The January 4th memo from the Public Art Commission states that, “Our understanding is that once this report is formally accepted by City Council (and not just received), the acceptance will provide staff with authority to include the art

enhancement in the project budget as it moves forward toward design and construction.” Is that accurate? Authority implies approval and the cover memo indicates that “this resolution does not effect a budget amendment”. Can you please clarify what approving this resolution actually does and please confirm that capital project approvals coming to Council in the future will continue to indicate whether there is (and the amount of) a public art enhancement? (Councilmember Lumm)

Response: The approval of this resolution gives City staff direction to include Art in the project scopes and designs of the identified projects. When a capital improvements project is designated to include Art, city staff will identify the project budget /contracts attributable to public art in the items coming before City Council.

Question: Q2. This resolution and process maintains the approach of linking public art to specific capital projects. As we’ve discussed for several years now, that approach has issues and limitations – has there been any discussion (staff or Public Art Commission) on whether a different approach would be more appropriate and if so, what that approach might look like? (Councilmember Lumm)

Response: The Public Art Commission continues to seek other funding models/sources. To-date, no other viable options have been identified.

Question: Q3. Has any progress been made in securing private funding for public art and/or developing an approach to potentially securing private funding? (Councilmember Lumm)

Response: See above response.

Question: Q4. While I know Council has voted on a number of specific public art expenditures and installations, I do not recall voting previously to endorse/authorize the list of Public Art Commission recommendations. Is this new or have we voted on the complete list previously? (Councilmember Lumm)

Response: This process follows the existing requirements of the Public Art Ordinance.

Question: Q5. One of the public art enhancements in the list of recommendations is \$650,000 for the train station which is based on 1% of the old cost estimate of \$65M. Now that the cost estimate has grown from \$65M to \$87M, should that line item recommendation be changed to \$870,000 or remain at \$650,000? (Councilmember Lumm)

Response: When the CIP is created, all project budgets are estimates. As the project scope and design are further refined, the budgets are revised as necessary.

CA-18 - Resolution to Approve a Services Agreement with Speed Tech Equipment for MRF Horizontal Conveyor Repair and Preventative Maintenance and Appropriate Funds (\$60,281.00) (8 Votes Required)

Question: Regarding CA-18, can you please share the financial analysis that concluded the hybrid method was advantageous to the City and shows the payback on the conveyor repair? Also, can you please remind me what the hybrid method is? (Councilmember Lumm)

Response: Below is the financial analysis. Note that there is a typographical error in the item's cover memo, as the estimated payback on the conveyor repair as indicated below is estimated to be 11-12 months rather than 16-17 months as noted in the memo.

Month	Calculated Net Invoice Based on "Original" Loose Loading	Calculated Net Invoice Based on "New" Loose Loading	Calculated Net Invoice Based on Hybrid	"Cost" for Original Loose Loading	"Cost" for New Loose Loading
July, 2017	\$75,679.25		\$66,248.56	\$9,430.69	
August, 2017	\$100,583.42		\$70,661.80	\$29,921.62	
September, 2017	\$100,906.33		\$65,725.45	\$35,180.88	
October, 2017	\$131,302.47	\$98,396.09	\$93,390.79	\$37,911.68	\$5,005.30
November, 2017	\$137,961.30	\$108,779.45	\$103,630.92	\$34,330.38	\$5,148.53
TOTAL				\$112,444.87	\$10,153.83
MONTHLY AVG.				\$29,355.05	\$5,076.92
	Conveyor Repair + Maintenance	\$60,281.00			
	Estimated Payback (New Loose Loading)	11.87			

The hybrid method is where Recycle Ann Arbor loose loads the residential single-stream recyclables and transports them to Cincinnati for processing, and bales the commercial OCC (cardboard) recyclables and transports them to Romulus for processing.

CA-21 - Resolution to Approve and Appropriate Transportation Alternative Program Project Funding for the Allen Creek Railroad Berm Opening Project (\$971,250.00/\$614,255.00) (8 Votes Required)

Question: Can you provide me with information indicating the total amount of the City's annual budget for each of these funds and the percent that these expenditures represent of those total annual budgets?

Alternative Transportation Fund \$705,000.00

STP Funding (Advanced from Major St Fund) \$314,255.00

MDNR Trust Fund (Advanced from Major St Fund) \$300,000.00 (Councilmember Eaton)

Response: Alternative Transportation Fund \$705,000.00 – The City is using accumulated fund balance for this project. The total annual budget of the fund is \$528,320; therefore, this project represents 133% of the annual budget.

STP Funding (Advanced from Major St Fund) \$314,255.00 – STP Funding to the City varies from year to year based on project prioritization through WATS. *On average*, the City receives approximately \$2M per year, making this approximately 16% of that average annual amount.

MDNR Trust Fund (Advanced from Major St Fund) \$300,000.00 – This is a single grant that was pursued by the City for this project, and not part of an annual budget.

CA-24 - Resolution to Approve a Professional Services Agreement with Nova Environmental, Inc. (“Nova”) for Asbestos and Lead Consulting (“Consulting Services”) and Contractor-Oversight and Air-Monitoring Services (RFP #17-26, NTE \$75,000.00)

Question: Was Nova Environmental, Inc. the low bid for this contract? If not, how many of the other bids were lower and by how much? (Councilmember Eaton)

Response: A total of eight vendors offered proposals in response to an RFP issued by the city Safety Unit (RFP 17-26). Vendors initially were ranked based on their professional qualifications, past involvement with similar projects, and proposed work plan. A selection committee ranked each proposal and selected three vendors for further consideration. The selection committee then reviewed fee proposals and conducted interviews of each of these three vendors. Fee proposals were analyzed based several criteria, including daily and half day rates to conduct building material surveys, air sampling during remediation projects, as well as laboratory fees for asbestos and lead bulk and air sample analysis. All three vendors were determined to have competitive pricing and were ranked evenly based on their fee proposals, however NOVA Environmental was determined to have slightly better professional qualifications suited to completing the requested services in the RFP and were chosen as the preferred vendor.

PH-1/DB-1 –Resolution to Approve Rainbow Child Care Site Plan, 2600 Nixon (CPC Recommendation: Approval - 6 Yeas and 0 Nays)

Question: Is there a legal framework that regulates what a developer is required to evaluate when conducting a traffic study for a site plan?” (Councilmember Warpehoski)

Response: The need for a traffic impact analysis, and requirements are located in Attachment D of the City’s Land Development Regulations.

<https://www.a2gov.org/departments/planning/development-review/Pages/LandDevelopmentRegulations.aspx>

During a typical project the City's transportation engineering staff work with the applicant and their engineering team to develop a scope of analysis for the project. Every project is unique and the scope of the project typically is tailored to the size of the project and the parts of the transportation network the project is located adjacent to. The scoping of the analysis depending on engineering judgement but is informed by local and national best practice guidelines including:

- *Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities*, Sponsored by the Tri-County Regional Planning Commission, The Michigan Department of Transportation, and the Southeast Michigan Council of Governments
- *Transportation Impact Analyses for Site Development: An ITE Recommended Practice*
- *National Cooperative Highway Research Program Report 758: Trip Generation Rates for Transportation Impact Analyses of Infill Developments*
- *Trip Generation*, Institute of Transportation Engineers (most updated version)
- *Trip Generation Handbook*, Institute of Transportation Engineers (most updated version)

Scopes of analysis frequently exceed the minimums established in Attachment D.

Question: We have been receiving some feedback about the area around Clague School currently being dangerous to pedestrians, with a report of one injury and near-misses. This is alarming. Has this information been taken to the Transportation Safety Committee, and if so, what is their assessment? (Councilmember Westphal)

Response: City Staff is working with Ann Arbor Public Schools (AAPS) as part of the Transportation Safety Committee (TSC) to make improvements to traffic around schools, including field reviews around Clague. Clague is currently experiencing a large number of personal vehicles arriving at the site to drop-off students. Many of the "risky" driving behaviors being observed are the result of motorists dropping students off. Staff will continue to work with AAPS to help improve the conditions around Clague. There is also a Traffic Calming petition in process for Bluett, which if successful would help to slow traffic in the vicinity of Clague.

The specifics of traffic and pedestrian improvements around schools have not been brought to the Transportation Commission, rather through the TSC as they relate specifically to the schools. In response to congestion in some areas, AAPS has added remote bussing for some buildings, such as Northside STEAM, and additional bussing to address incomplete sidewalk networks within the 1.5 mile walk radius, such as an additional stop for Martin Luther King Elementary serving the Greenbrier community.

Traffic modeling for the Rainbow Child Care facility indicates that traffic volumes on the neighborhood streets show only a negligible increase in traffic due to the development. In general, there is not a linear correlation between the "level of service" or number of

cars and the risk of injury to pedestrians, and we cannot conclude that the small increase in traffic here will lead to any decrease in safety

Question: The traffic around all schools is bad. Has AAPS assessed the source of this problem, particularly in the context of Clague? There are likely many contributors, including the change in bus radius, but do they have good information about the proportionality of the problems? (Councilmember Westphal)

Response: Please see response above.

Question: We are receiving feedback asserting that the current "level of service" or number of cars at Clague-area intersections is connected to the risk of injury to pedestrians, with the logical extension that more traffic, however small or large the amount, leads to more danger. Is this the case in general? (Councilmember Westphal)

Response: Please see response above.

Question: Were there documented "non-postcard" contacts, such as emails or phone calls, between the city and AAPS staff before the formal notices went out? Who at AAPS were part of these interactions? (Councilmember Westphal)

Response: Please reference the City Administrator's memo dated February 5, 2018.

Question: Q1. The petitioner has requested a postponement to address a technical issue and AAPS have indicated a postponement would be helpful for them as well. I had asked for staff's advice on the duration of the postponement - do we know when AAPS is likely to have completed their own investigations and assessments of traffic impacts and be able to provide a formal position on the project? And how much time is it expected the developer will need to sort out their open items? (Councilmember Lumm)

Response: The petitioner has requested a two week postponement. Based on new information, it is recommended that the site plan be referred back to Planning Commission for recommendation. A memorandum from Administrator Lazarus will detail this further.

Question: Q2. Also on postponement, can you please confirm that the normal public hearing protocol we've practiced will be applied here? (That the public hearing will remain open and be carried over, but that folks can only speak twice if the nature of the agenda item has significantly changed.) (Councilmember Lumm)

Response: This protocol is based on Council rules and a determination by City Council that they want to provide additional opportunity to speak because substantive changes has occurred.

Question: Q3. As you know, one of the neighbor's traffic concerns is the impact the added traffic generated by the Child Care facility on neighboring/adjacent streets like

Bluett, Renfrew and Prairie where queuing during the peak Clague School drop-off hours is already significant and that the traffic study used for the project did not examine those impacts. On January 8th when I again raised the issues, it was indicated that there was no plan to conduct any further traffic analysis. If that remains the staff position, please explain why? And can you please provide a rough estimate of the cost/staff time that would be required to analyze the traffic impacts on the neighboring streets (Bluett, Renfrew, Prairie)? (Councilmember Lumm)

Response: The traffic impact study that was performed and reviewed by staff indicates that there would be a negligible increase in traffic on Bluett, and thus by extension within the rest of the neighborhood. It is staff's opinion that an adequate level of analysis was performed by the developer. If additional analysis is desired, that analysis should be performed by the developer's engineer and reviewed by staff, not performed by staff.

Question: Q4. There still seems to be confusion regarding easements and permits. On easements for example, the cover memo indicates "the petitioner has obtained an access easement for use of this drive" but that seems to conflict with what AAPS has said. Can you please clarify the easement status as well as clarify on what basis the city could not grant construction permits if the site plan were approved? (Councilmember Lumm)

Response: The City Attorney's Office has reviewed the access easement, and determined an expressed access easement exists, however it is not accurately reflected on the site plan under consideration. The City would not grant construction permits if such permits were not sought in conformance of an approved site plan.

DC-1 - Resolution to Approve Partial Prohibition of On-Street Parking on Waldenwood Drive from Penberton Drive to a Point 330 Feet North

Question: Question: Can someone advise what transpired between my email from December and the appearance of the no parking request that has appeared on our agenda? I was on site with city and AAPS folks for this discussion and I didn't recall this issue being settled although I may be misremembering. (Councilmember Westphal)

Response: Administrators from the Ann Arbor Public School are currently conducting assessments at all schools to examine the safety aspects and concerns of the sidewalks, crossings, and bus and car drop off and pick up zones. These assessments are being conducted to improve and ensure student safety around the schools. As part of this process King Elementary School was assessed by City Engineering and AAPD staff, AAPS/Durham Transportation, the King school leadership team, as well as district leadership. This assessment revealed potential safety concerns at the crosswalk on Waldenwood, just south of the school. This is one of the major crossings for students both before and after school. The ability of cars to park along the east side of Waldenwood creates a visual hazard for cars approaching from the south on Waldenwood as they come upon the crosswalk. The team agreed that implementing No

Parking along this short stretch of Waldenwood would allow for a clear view of the crosswalk as drivers approach creating a safer passage for student walkers and bikers.

DC-2 - Resolution Creating an Advisory Task Force to Make Recommendations Regarding the Roles and Responsibilities of a Community Policing Commission

Question: Q1. The last whereas clause states that “The staffing and budget necessary to support the Community Policing Commission can only be determined by the City Administrator, with approval of City Council, after the scope and functions of Community Policing Commission are articulated.” That’s certainly true, but given the target date for the final recommendations is September and we approve the budget in May, what is the plan/approach with regard to reflecting additional police resources (or provisions) in the FY19 budget to (1) support the Commission and (2) begin re-invigorating the community policing approach (as recommended by Hillard Heintze)? (Councilmember Lumm)

Response: The City Administrator believes that we can reasonably expect that additional administrative effort will be required to support the new commission. As staff moves to balance the FY19 budget, we can address any anticipated new FTE’s. Additional non-labor costs will have to be estimated as well.

Question: Q2. I have great respect for Neutral Zone and the work they do – I suspect we all do - but given that Ann Arbor has many tremendous non-profit service providers in related fields, why is it that Neutral Zone has been called out specifically in the resolution? (Councilmember Lumm)

Response: The resolution is a Council initiative, and the recommendation to reach out to the Neutral Zone was inserted by the drafters of the resolution.

Question: Q3. What role (if any) is envisioned for the Police department or AAPD representatives on the Task Force? In other words, are they a resource to answer questions and provide information or an active participant in the discussions or somewhere in between? (Councilmember Lumm)

Response: The role of the task force is to help Council define the structure and roles and responsibilities of the future Commission. This is intended to be a collaborative process, so AAPD engagement to provide information and discuss police protocols require they be an active participant, although with a non-voting role. Many of the members of the community who have spoken at public meetings have also expressed the desire to have AAPD present and to participate in discussions.

DC-3 - Resolution Authorizing the City of Ann Arbor to Seek Permission from the Michigan Supreme Court to file an Amicus Brief in Michigan Gun Owners, Inc. v Ann Arbor Public Schools (Docket No. 155196)

Question: Regarding DC-3, can you please provide a brief summary of the AAPS policy on possession of weapons on school property as well as the plaintiff's arguments that the policy is unlawful? (Councilmember Lumm)

Response:

The Michigan Court of Appeals summarized the AAPS policies as follows in the case:

"In April 2015, defendant Ann Arbor Public Schools (AAPS) promulgated three policies that together ban the possession of firearms on school property and at school-sponsored activities. Policy 5400 empowers the board of education and the superintendent "to formulate policies and procedures that effectively protect students and employees from potential acts or threats of violence and that also protect the District against potential lawsuits that might result from that potential or threat of violence." Policy 5400 further provides that "the presence of a dangerous weapon" on school property constitutes an emergency as defined by the Michigan Department of Education, MI Ready Schools: Emergency Planning Toolkit (2011),¹ "pending the removal of that dangerous weapon from the premises." The Toolkit sets forth "three common response strategies" applicable in emergencies: evacuation, sheltering within a building, and a lockdown to restrict the movement of persons.

"Policy 5410 "designates all property owned or leased by the [AAPS] 'Dangerous Weapon & Disruption-Free Zones.'" This regulation announces the district's "commitment to the least disruptive school environment possible by refusing" access to school property to any person who "causes either actual or a reasonable forecast of material disruption to the educational process." Policy 5420 "declares all properties owned or leased by AAPS as Dangerous Weapon and Disruption-Free Zones" and bars any "person in possession of a dangerous weapon," including a firearm, from "remain[ing] on property owned or leased by AAPS at any time when students are at school, en route to or from school or at a school sponsored activity" Officers of public law enforcement agencies are excluded from the reach of this rule. Licensed concealed pistol carriers are prohibited from carrying a concealed pistol on school property "except . . . as expressly authorized by MCL 28.425o."

The Michigan Court of Appeals summarized the legal issue in the case as follows **and adopted the position of the AAPS:**

"Shortly after AAPS announced these policies, plaintiffs, Michigan Gun Owners, Inc., and Ulysses Wong, challenged them. Wong possesses a concealed pistol license and is the parent of a minor child who attends AAPS. Plaintiffs' complaint asserts that Michigan law allows Wong to openly carry a pistol on school property because "[s]tate

law preempts a local unit of government from regulating the possession” of firearms. According to Wong and Michigan Gun Owners, AAPS qualifies as a “local unit of government.”

... AAPS argued that Michigan law confers on public school districts the right to address the safety and welfare of the students and prevent disruption to the educational environment by enacting policies such as those in question. No state statute conflicts with this authority, AAPS urged, and caselaw governing preemption does not undermine school districts’ power to regulate firearms on their premises.”

DS-1- Resolution to Approve Construction of an Additional Drive Approach on Huron Parkway, South of Hubbard Street to Service the DTE Apex Substation

Question: Regarding DS-1, thank you for arranging the meeting with DTE, UM and city staff Friday – it was helpful. For the benefit of residents who’ve asked about the Huron parkway disturbance, can you please provide in writing (or be prepared to speak to at the meeting):

- An explanation of why the Huron Parkway curb cut will result in less visual impact than the Hubbard access would
- The steps that UM/DTE agreed to on Friday in terms of screening and landscaping that will minimize the visual impact (Councilmember Lumm)

Response: Staff will be prepared to discuss at tonight’s Council meeting.

Question: What city staff will be doing to ensure the landscaping and screening commitments are met (Councilmember Lumm)

Response: Staff will be prepared to discuss at tonight’s Council meeting.