

**Ann Arbor City Council Session: November 16, 2009
Email Redactions List Pursuant to Council Resolution R-09-386**

Time	To	From	CC	Redactions	Reason for Redaction
11:45 PM	Hohnke, Carsten	wbwc@goodlegroups.com		Personal email address	Privacy
11:17 PM	Teall, Margie	Beal, Fred		Personal email address	Privacy
11:15 PM	Higgins, Marcia	Beal, Fred		Personal email address	Privacy
11:13 PM	Taylor, Christopher	Beal, Fred		Personal email address	Privacy
11:11 PM	Kunselman, Stephen	Beal, Fred		Personal email address	Privacy
11:17 PM	Hietfle, John	Dupuis, Heather		Personal email address	Privacy
11:09 PM	Derezinski, Tony	Beal, Fred		Personal email address	Privacy
11:07 PM	Rapundalo, Stephen	Beal, Fred		Personal email address	Privacy
11:05 PM	Smith, Sandi	Beal, Fred		Personal email address	Privacy
11:03 PM	Biere, Sabra	Beal, Fred		Personal email address	Privacy
11:00 PM	Hietfle, John	Beal, Fred		Personal email address	Privacy
11:03 PM	Hietfle, John	Fassia, Anika		Personal email address	Privacy
10:57 PM	Taylor, Christopher; Derezinski, Tony; Smith, Sandi; Hohnke, Carsten; Hietfle, John; Rapundalo, Stephen; Teall, Margie; Higgins, Marcia				
10:58 PM		Cowherd, David		Personal email address	Privacy
10:46 PM	Hietfle, John	Berry, Ann		Personal email address	Privacy
10:38 PM	Hohnke, Carsten Higgins, Marcia; Rapundalo, Stephen	wbwc@goodlegroups.com		Personal email addresses; personal phone number; personal information	Privacy
9:56 PM	Elias, Abigail	Moore LT, Brad		Personal email address	Privacy
9:20 PM	Hietfle, John	Kunselman, Stephen		Privileged Attorney Client Communication	Privilege
9:06 PM	Teall, Margie; Hohnke Carsten	Ankcev1		Personal email address; personal information	Privacy
9:05 PM	Taylor, Christopher; Kunselman, Stephen	Bean, Steve Akerlof, Carl		Personal email address	Privacy
8:26 PM	Hietfle, John	Duvernoy M.D., Claire		Personal email address Personal email address Personal street address; personal phone and fax numbers	Privacy
7:50 PM	Hietfle, John Anglin, Mike; Taylor, Christopher	Fraser, Roger McDonald, Kevin		Personal email address; Personal street address; personal phone number Privileged Attorney Client Communication	Privacy
7:47 PM					Privilege

Higgins, Sara

From: Anglin, Mike
To: Beaudry, Jacqueline
Sent: Tuesday, November 17, 2009 12:28 AM
Subject: Read: FW: Amendment to

Your message

To: *City Council Members (All); Fraser, Roger; Postema, Stephen
Subject: FW: Amendment to
Sent: 11/16/2009 11:26 PM

was read on 11/17/2009 12:28 AM.

Higgins, Sara

From: wbwc@googlegroups.com on behalf of kjmclark [REDACTED]
Sent: Monday, November 16, 2009 11:45 PM
To: Washtenaw Bicycling and Walking Coalition
Subject: [WBWC] Re: AATA - Response to Comment #5654

So first, I certainly don't "cross in and out of the lane of traffic" frequently. As I noted before, as vehicles approach from the rear on Plymouth in the section with bike lanes, I evaluate the width of the vehicle and whether it looks as though they intend to move over into the adjacent lane. For the vast majority of vehicles, basically anything smaller than a UPS truck, I just stay in the bike lane and they pass mostly at a reasonable distance.

If the vehicle that's approaching is a large truck, I then consider a few things.

- If they pass without getting over, will they be passing at a safe distance as required by law?
- Will they be passing moving at about the same speed as I am, or significantly faster?
- Do I have a safe opportunity to move over, without affecting other traffic, and allowing the driver of the truck/bus a safe distance to slow down behind me?

If they're passing me slowly, I'm much more likely to stay in my standard 2' from the gutter pan seam. There's much more time for everyone to react as necessary if they're passing less than 10mph or so faster than I'm traveling.

Otherwise, and if it's clear they'll have to pass with less than 3' of clearance, and I have a safe opportunity to move out of the bike lane, I take that as one of the too-little-room situations that 257.660a has an exception for. If there isn't enough room for them to pass safely in the right lane plus the bike lane, I'm no longer required to keep to the right, so I move over enough to make it clear that they need to get over to pass. I don't see that as much different from country roads with oncoming traffic. If an overtaking motorist would put me, myself, and the oncoming motorist in danger by passing dangerously, then it seems perfectly reasonable for me to move to the middle of the lane and prevent the conflict. I then move back to the right when it's safe for the overtaking motorist to pass.

And here's the math. Before they put in the bike lane, Plymouth had a 13.5' right lane, and a 12' left lane. They took just under 3' out of that for the bike lane. So now you have about an 11' left lane and an 11.5' right lane. So there are 14.5' in the right lane plus the bike lane. I ride so that my tire is about 2' from the gutter pan seam. My shoulders are about 2' wide, so my left shoulder goes another foot past where my tire is. That's about 3' from the gutter pan seam, and just inside the bike lane. Their bus is about 8' wide. So if their bus is all the way to the left of the right most lane, they are passing less than 4' from my shoulder. (11.5' - 8'). If they're passing fairly slowly, that's just enough room, but they have to be driving on the dashed lane line to pull that off. I've found their drivers don't do that, and they generally shouldn't. So they end up significantly less than 4' from my shoulder, and usually pass at full speed.

That fits the scenario from the *Stockfish v. Fox* Michigan Supreme Court decision from 1936:

"Four to six feet from right edge of an 18-foot pavement with gravel shoulder held, not a safe distance as a matter of law for trucker to pass bicyclist when overtaking latter without warning at a speed of 25 or more miles per hour although bicycle occupies only 18 inches or two feet of the space, too little margin being allowed for possible change of position of the bicycle or [***2] because bicyclist may be startled by unheralded appearance of truck."

So, according to the Michigan Supreme Court, 4 feet is not a safe passing distance for a truck driver, or bus driver in this case, to pass a cyclist.

Finally, Paul is right that there is nothing that specifically requires a cyclist to use a bike lane. However, we *are* required to stay as near to the right as practicable (with exceptions), we are required to obey traffic control devices, and we are required to as

much as practicable stay entirely within one lane. The lane line separating the bike lane from the adjacent lane is a traffic control device. Even though there is no definition of a bike lane in Michigan law or Ann Arbor ordinance, they are defined in the Manual on Uniform Traffic Control Devices, so they are kind-of defined. In a community that has adopted Michigan Uniform Traffic code (Ann Arbor hasn't), bike lanes are defined.

So if the bike lane is usable, I generally stay within it. If at any time using the bike lane becomes more dangerous than getting out of the bike lane, I get out of it, making sure that I can do so safely and legally.

Ken

You received this message because you are subscribed to the Google Groups "Washtenaw Bicycling and Walking Coalition" group.
To post to this group, send email to wbc@googlegroups.com To unsubscribe from this group, send email to wbc+unsubscribe@googlegroups.com For more options, visit this group at <http://groups.google.com/group/wbc?hl=en>

Higgins, Sara

From: Briere, Sabra
To: Beaudry, Jacqueline
Sent: Monday, November 16, 2009 11:42 PM
Subject: Read: FW: Amendment to

Your message

To: *City Council Members (All); Fraser, Roger; Postema, Stephen
Subject: FW: Amendment to
Sent: 11/16/2009 11:26 PM

was read on 11/16/2009 11:42 PM.

Higgins, Sara

From: Higgins, Marcia
Sent: Monday, November 16, 2009 11:39 PM
To: McCormick, Sue; Fraser, Roger
Cc: Pirooz, Homayoon
Subject: RE: ADA compliance corner ramp replacements


Sue,
Please look at Chaucer and Allmendinger Park. What is the budget and timeline for this project? Where are the funds coming from?
Thanks,
Marcia

From: McCormick, Sue
Sent: Monday, November 16, 2009 7:35 PM
To: Fraser, Roger; Higgins, Marcia
Cc: Pirooz, Homayoon
Subject: ADA compliance corner ramp replacements

Roger is correct that is unusual that more than a few blocks of sidewalk would require replacement associated with a ramp replacement, but it does happen. Generally, where you see significant sidewalk replacement in conjunction with a corner ramp reconstruction, it is because of the grade in the area, not necessarily because the sidewalk slabs are in poor condition. The restrictions for ADA compliance require us to assure the grade of the ramp, a level landing at the top of the ramp, cross slopes, etc. and this can require us to drop a landing, and cause reconstruction of sidewalk to get back to a matching grade. In some cases, in order to meet ADA requirements we have had to install retaining walls and or consider switchbacks.

If you have particular locations, we would be happy to answer how the design requirements impacted that installation.

Sue F. McCormick
Public Service Administrator
100 N Fifth Av
Ann Arbor, MI 48107
Phone: (734) 794-6310 ext. 43101
mailto: smccormick@a2gov.org

 Think Green! Don't print this email unless you need to.

Higgins, Sara

From: Teall, Margie
Sent: Monday, November 16, 2009 11:35 PM
To: Naud, Matthew
Subject: RE: Hrimp

Just saw it. Are you crazy??

-----Original Message-----

From: Naud, Matthew
Sent: Monday, November 16, 2009 11:34 PM
To: Teall, Margie
Subject: Re: Hrimp

Just saw it. Thanks.

Matthew Naud
City of Ann Arbor
From my iPhone

On Nov 16, 2009, at 11:33 PM, "Teall, Margie" <MTeall@a2gov.org> wrote:

> Postponed...

>

> -----Original Message-----

> **From:** Naud, Matthew
> **Sent:** Monday, November 16, 2009 8:03 PM
> **To:** Teall, Margie
> **Subject:** Hrimp

>

> If you have the opportunity please thank the committee for their work
> on this. Key staff are Dave Borneman Molly Wade. Cheryl Saam. Colin
> smith. Jason tallent. Craig Hupy. Sumedh Bahl. Adrienne Marino.
> Thanks. And David stead and chris Graham on the commission. Scott
> Rosencrans and Dave Barrett on PAC.

>

> Matthew Naud
> City of Ann Arbor
> From my iPhone

Higgins, Sara

From: Naud, Matthew
Sent: Monday, November 16, 2009 11:34 PM
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Subject: Re: Hrimp

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Matthew Naud
City of Ann Arbor
From my iPhone

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> Postponed...

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> Sent: Monday, November 16, 2009 8:03 PM
> To: Teall, Margie
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> From my iPhone

Higgins, Sara

From: Teall, Margie
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To: Naud, Matthew
Subject: RE: Hrimp

Postponed...

-----Original Message-----

From: Naud, Matthew
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To: Teall, Margie
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Thanks. And David stead and chris Graham on the commission. Scott Rosencrans and Dave Barrett on PAC.

Matthew Naud
City of Ann Arbor
From my iPhone

Higgins, Sara

From: Taylor, Christopher (Council)
To: Beaudry, Jacqueline
Sent: Monday, November 16, 2009 11:28 PM
Subject: Read: FW: Amendment to

Your message

To: *City Council Members (All); Fraser, Roger; Postema, Stephen
Subject: FW: Amendment to
Sent: 11/16/2009 11:26 PM

was read on 11/16/2009 11:28 PM.

Higgins, Sara

From: Beaudry, Jacqueline
Sent: Monday, November 16, 2009 11:26 PM
To: *City Council Members (All); Fraser, Roger; Postema, Stephen
Subject: FW: Amendment to

Jacqueline Beaudry, City Clerk

City Clerk's Office | City of Ann Arbor | 100 North Fifth Ave., Second Floor · Ann Arbor · MI · 48104
734.794.6140 (O) · 734.994.8296 (F) | jbeaudry@a2gov.org | www.a2gov.org



Think Green! Please don't print this e-mail unless absolutely necessary.

From: Hohnke, Carsten
Sent: Monday, November 16, 2009 11:20 PM
To: Beaudry, Jacqueline
Subject: FW: Amendment to

Jackie, please forward to council.

From: McDonald, Kevin
Sent: Monday, November 16, 2009 9:25 PM
To: Beaudry, Jacqueline
Cc: Teall, Margie; Hohnke, Carsten
Subject: Amendment to

This will be an amendment that will come from Councilmember Hohnke or Teall.

Amendment to DC-1.

Replace the 5th Resolved Clause which now reads:

RESOLVED, That the Ann Arbor City Council appoints _____ as the City Council representative to the RSC and to make recommendations to Council on appointees to the RSC;

With the following:

RESOLVED, That the Ann Arbor City Council shall appoint the members of the RSC, including one Council representative, within the next 60 days.

Kevin S. McDonald | Senior Assistant City Attorney

City of Ann Arbor | 100 N. Fifth Avenue, PO Box 8647 | Ann Arbor, Michigan 48107
734.794.6183 Direct | 734.794.6170 Office | 734.994.4954 Fax | kmcdonald@a2gov.org

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Higgins, Sara

From: [REDACTED]
Sent: Monday, November 16, 2009 11:17 PM
To: Teall, Margie
Subject: B2

Margie:

I strongly encourage a yes vote tonight: any other outcome seriously undermines the extended public process that it has taken to get to this point. Thanks

Fred J Beal
Sent on the Now Network from my Sprint® BlackBerry

Higgins, Sara

From: [REDACTED]
Sent: Monday, November 16, 2009 11:15 PM
To: Higgins, Marcia
Subject: A2D2

Marsha:

I strongly support the approval of B2 tonight; any other outcome undermines the extended public process that has brought us to this point. Thanks

Fred J Beal
Sent on the Now Network from my Sprint® BlackBerry

Higgins, Sara

From: Hohnke, Carsten
Sent: Monday, November 16, 2009 11:20 PM
To: Beaudry, Jacqueline
Subject: FW: Amendment to

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From: McDonald, Kevin
Sent: Monday, November 16, 2009 9:25 PM
To: Beaudry, Jacqueline
Cc: Teall, Margie; Hohnke, Carsten
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Higgins, Sara

From: [REDACTED]
Sent: Monday, November 16, 2009 11:13 PM
To: Taylor, Christopher (Council)
Subject: A2D2

Mr Taylor:

Please vote to approve B2 tonight. Any other outcome undermines the concept of reasonable public process. Thanks

Fred J Beal
Sent on the Now Network from my Sprint® BlackBerry

Higgins, Sara

From: [REDACTED]
Sent: Monday, November 16, 2009 11:11 PM
To: Kunselman, Stephen
Subject: A2D2

Mr Kunselman

Please vote yes tonight. Any other outcome undermines a 5 year long successful public process. Thanks

Fred J Beal
Sent on the Now Network from my Sprint® BlackBerry

Higgins, Sara

From: Heather Dupuis [REDACTED]
Sent: Monday, November 16, 2009 11:17 PM
To: Hieftje, John
Subject: Evite invitation from Heather Dupuis

Having trouble viewing this email? Go to [invitation](#).
Add info@mailva.evite.com to your address book to ensure that you receive Evite emails in your inbox.



You have been invited by Heather Dupuis to
Surprise Party.



Date: Dec 28, 2009

Time: 6:30 PM

Location: Vie

Hi everyone, Please view my invitation and let me know if you can attend. Thanks!

VIEW INVITE

Note: Replies to this email will go directly to the person who sent this message, not to Evite.
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Higgins, Sara

From: [REDACTED]
Sent: Monday, November 16, 2009 11:09 PM
To: Derezsinski, Tony
Subject: A2D2

Tony:

Vote yes tonight. Any additional change in the ordinance undermines the succesful public process already undertaken. Thanks, Fred J Beal Sent on the Now Network from my Sprint® BlackBerry

Higgins, Sara

From: [REDACTED]
Sent: Monday, November 16, 2009 11:07 PM
To: Rapundalo, Stephen
Subject: A2D2

Stephen:

Vote yes tonight. Height limits promote bad design - think cornerhouse lofts - with boxy lot line facades. Fred J Beal Sent on the Now Network from my Sprint® BlackBerry

Higgins, Sara

From: [REDACTED]
Sent: Monday, November 16, 2009 11:05 PM
To: Smith, Sandi
Subject: A2D2

Sandy:

Vote yes tonight; any other outcome guts the idea that Ann Arbor believes in community involvement. Thanks, Fred Sent on the Now Network from my Sprint® BlackBerry

Higgins, Sara

From: [REDACTED]
Sent: Monday, November 16, 2009 11:03 PM
To: Briere, Sabra
Subject: A2D2

Ms Briere:

I strongly support the passage of A2D2 zoning amendments as written tonight. Any other outcome would gut the process of community involvement that has gone on for almost 5 years on this process. Please vote to approve.

Fred J Beal
Sent on the Now Network from my Sprint® BlackBerry

Higgins, Sara

From: [REDACTED]
Sent: Monday, November 16, 2009 11:00 PM
To: Hieftje, John
Subject: A2D2

John: I would encourage the passage of A2D2 tonight, without further amendments. Any other outcome guts the concept of community involvement and reasonable process in the City of Ann Arbor, Fred J Beal Sent on the Now Network from my Sprint® BlackBerry

Higgins, Sara

From: Anika Fassia [REDACTED]
Sent: Monday, November 16, 2009 11:03 PM
To: Hieftje, John; John J Hieftje
Subject: Anika Fassia_Rough Draft Recommendation Letter
Attachments: Mayor Recommendation.doc

Mayor Hieftje,

Attached is a rough draft of the recommendation letter. Please let me know of any concerns or suggestions you have, as it is always awkward to write recommendation letters about yourself. I will also bring a hard copy to class. Please let me know how I can have this printed on your official letterhead and mailed in an official envelope in a way that is most convenient for you. Once again, thank you for the job referral and the possible reference, I've really enjoyed this class.

--

Anika Fassia
University of Michigan (MSW Candidate '10)
Michigan Women's Commission (Intern)
North American Students of Cooperation (Board of Directors)
U-M Spectrum Center (Student Advisory Board)

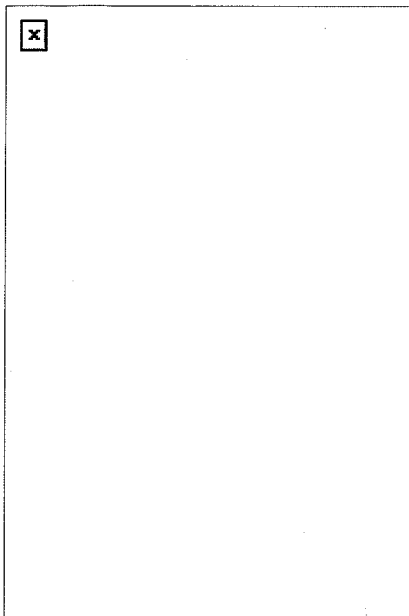
Higgins, Sara

From: Doug Cowherd [REDACTED]

Sent: Monday, November 16, 2009 10:57 PM

To: undisclosed-recipients

Subject: "The Poetry and Practicalities of Hiking Michigan's Upper Peninsula" on Tuesday, November 17



Friends,

Please join us at a free public meeting on Tuesday, November 17 for a program titled "**The Poetry and Practicalities of Hiking Michigan's Upper Peninsula**" presented by Eric Hansen -- author of Hiking Michigan's Upper Peninsula -- A Guide to the Greatest Hiking Adventures in the U.P.

Eric Hansen will present a slide tour of the Upper Peninsula's best hikes and offer his thoughts on the land, its compelling themes and its almost mythic place in the imagination of people throughout the Midwest. Eric hiked over nine hundred miles in researching his book. He found miles of quiet Lake Superior shoreline, thumping waterfalls and sparkling cascades, and high rock balconies with knock-your-socks-off views that stretch 50 miles and more. Hansen will cover hidden gems like Shining Cloud Falls and the fabled Falls of the Yellow Dog as well as scenic viewpoints like the Trap Hill's Norwich Bluff and the Tip of the Keweenaw's Bare Bluff. You can find a radio interview featuring Eric commenting on the UP here: http://www.wuwm.com/programs/lake_effect/view_at10.php?articleid=57 (drag audio bar to 17 minute, 50 second mark for Hansen's segment).

No membership is required to attend. Newcomers are welcome to this family-friendly, public event, which begins at 7:30 pm at the lovely Matthaei Botanical Gardens ([map here](#) - [directions below](#)).

After the presentation, we invite you to stay for refreshments and to mingle with friendly people who share your interest in nature. You can learn about local Sierra Club activities like hiking, backpacking, skiing, Inner City Outings and our conservation projects.

11/18/2009

We'll be selling organic, fair-trade, shade-grown coffee and tea, Sierra Club cards, the new 2010 Sierra Club calendars, and EarthCash shopping vouchers. With EarthCash you can help stop sprawl when you shop at many of your favorite stores -- at no additional cost to you. Everything is available for purchase by cash or check.

Please feel free to forward this message to others who might be interested.

Doug Cowherd
Chair, Sierra Club-Huron Valley Group



The Sierra Club-Huron Valley Group's public programs are normally held on the third Tuesday of each month at the Matthaei Botanical Gardens, located at 1800 N. Dixboro Road (between Geddes and Plymouth roads, just east of Ann Arbor and US-23), beginning at 7:30 pm. Meetings are free and open to the public. Next month's meeting:

December 15: Great Adventure Trips Around the Globe

For more information about all local Sierra Club activities: <http://www.michigan.sierraclub.org/huron/>

Higgins, Sara

From: Brad Moore LT [REDACTED]
Sent: Monday, November 16, 2009 10:58 PM
To: Rapundalo, Stephen; Higgins, Marcia; Smith, Sandi; Derezsinski, Tony; Teall, Margie; Hohnke, Carsten
Subject: 120 foot ht. limit

Carsten,

You would not get up to 900% far contemplated in the D1 district with max. premiums with a 120 foot ht. limit. Take a look at the building massing diagram in the proposed new zoning & design guidelines and you'll see that it is desirable to reduce the footprint of a building as it ascends (for many reasons including allowing light & ventilation to both the street level as well as all sides of the building) - the mid tower & upper tower are therefore setback from the site which will therefore preclude achieving a 900% FAR with a 120 ht. limit. As Wendy stated in order to get 900% far within 120 feet the entire building for its entire ht. would have to stretch from property line to property line - rarely good design.

Brad Moore

Higgins, Sara

From: Ann Berry [redacted]

Sent: Monday, November 16, 2009 10:46 PM

To: [redacted]

Cc: [redacted]; [redacted]; [redacted]; [redacted]; Hieftje, John

Subject: Re: My health

Higgins, Sara

From: wbwc@googlegroups.com on behalf of Ken Clark [redacted]
Sent: Monday, November 16, 2009 10:38 PM
To: Shawn Brophy
Cc: Cooper, Eli; David Hawkins; WBWC
Subject: [WBWC] Re: AATA - Response to Comment #5654

Mr. Brophy,

At this point, I regret that all that is clear to me is that AATA's public relations training is either ineffective or doesn't cover enough employees. I just had such training, and our instructor would be appalled with a technique of circling the wagons and blaming the customer for any misunderstanding. I think that would be a good method of achieving one's goals if those goals included making a customer a strong opponent of the next AATA millage. This email chain has very nearly succeeded in that.

I'm not asking for something difficult, but most of what I've seen so far is either provoking or equivocating. What I would like at this point is a one-sentence statement that makes AATA policy about buses and bike lanes clear. This should be simple enough for my 4th grade son to understand. I would suggest something like:
"It is AATA policy that our drivers follow all applicable laws; in particular, our drivers do not operate their vehicles in bicycle lanes except when picking up or dropping off passengers, when directed at the time to use the bike lane by local officials, pulling into or out of driveways that cross bike lanes, or when otherwise necessary at the time to ensure the safety of our staff, passengers, and members of the public."

I would strongly recommend, once there is such a policy statement, that it be sent through someone on AATA's staff who is designated for communicating with the public.

I would really like to be able to write a letter to the AATA Board about how helpful you were in addressing my concerns about AATA buses being operated in bike lanes. I look forward to hearing from AATA soon, as I plan to contact the Board about this issue in early December.

Thank you,
Ken Clark
[redacted]

You received this message because you are subscribed to the Google Groups "Washtenaw Bicycling and Walking Coalition" group.
To post to this group, send email to wbwc@googlegroups.com To unsubscribe from this group, send email to wbwc+unsubscribe@googlegroups.com For more options, visit this group at <http://groups.google.com/group/wbwc?hl=en>

Higgins, Sara

From: moderator@PORTSIDE.ORG
Sent: Monday, November 16, 2009 9:57 PM
To: PORTSIDE@LISTS.PORTSIDE.ORG
Subject: Tidbits for November 16, 2009

Tidbits for November 16, 2009

1. Re: Massive Defense Spending Leads to Job Loss 2. Re: Think First About the Unemployed
3. Re: Why the Afghan Surge Will Fail 4. Re: Afghan Plan to Include Exit Strategy 5.
Subject: Cohn-Angell: Health Care, Not Insurance Reform

===

1.
Date: Sun, 15 Nov 2009
From: Paul Mayer
Re: Massive Defense Spending Leads to Job Loss

To the Editor, Thank you for Dean Baker's excellent piece on military spending and jobs. But I am surprised & distressed that this always brilliant economist only cites the negative economic effects of our work to reduce the emission of Green House Gases GHG. This IS the propaganda line of the energy companies & the congressional members of the Flat Earth Society. There are now abundant studies that show that, on the contrary, an intensive clean energy campaign would create millions of JOBS. The work of retrofitting & weatherizing our buildings (including high rises), the production of electrical trains, buses & cars as well as wind & solar technology are labor intensive efforts. I respectfully suggest that often our comrades on the Left don't get the centrality of the climate change issue & the economic remedy that it offers. Thanks for listening.

Peace & Blessings,
Father Paul Mayer
Climate Crisis Coalition

===

2.
Date: Sat, 14 Nov 2009
From: Judith Ackerman
Re: Think First About the Unemployed

If we had universal health coverage, bosses wouldn't worry about hiring more people because they wouldn't worry about having to pay for health coverage. If we had a shorter work week, more people would get work and the workers would not suffer burn-out because they would have more time to improve the quality of their lives. We moved into a shorter work week in the 1930's and that helped the unemployment situation then. So why can't we do it now? What's wrong with a 28 hour work week, and making Friday a third holy day? We have a large enough Muslim population to do that. In public schools, the fifth day could be a free choice day with a special staff of artists and tutors available for the students. Parents could participate as well.

Judith Ackerman

===

3.
Date: Sat, 14 Nov 2009
From: Charles
Re: Why the Afghan Surge Will Fail

[In a message dated 11/14/2009 5:54:09 P.M. Pacific Standard Time, moderator@PORTSIDE.ORG writes:

Why the Afghan Surge Will Fail]

This is looking more and more like Vietnam 2.0, on steroids.

The description provided here is almost identical . . .

Traditional orthogonal military stratagems, mapped against a highly distributed, well armed, and fanatically motivated local force, quite willing to fight to the death, in extremely rough terrain, in a highly fluid and continuously morphing series of "battle" fronts.

I've seen this before.

Meanwhile, we're supposedly supporting a completely corrupt "elected" ruler, which is as impotent and useless as any puppet that has ever been installed in such a circumstance, whose brother is a big time opium dealer being paid off by our CIA, and various Taliban warlords are being bribed with protection money so we can drive our trucks around on the few roads that exist in the region.

THIS IS INSANITY!!!

The definition of insanity is the seemingly endless repetition of the same behaviors, regardless of the pathology.

I repeat - THIS IS INSANITY

No one wins in this type of nightmare - except the military industrial complex contractors and their political cronies who cash in on this.

Please, folks - I've seen this before, up close and personal. I don't want to see this again.

Charles

===

4.

Date: Fri, 13 Nov 2009
From: David Ecklein
Re: Afghan Plan to Include Exit Strategy

Why post these two administration propaganda pitches without caveats? Does any progressive believe there is "a way forward" for the US in Afghanistan? Reverse is the only acceptable gear.

Here is what I sent my high school classmate alums on Veterans Day:

"As this year's Veterans Day recedes into history, I hope that the current President, who is even now weighing his options regarding Afghanistan, will not unnecessarily create a great many more veterans, especially those maimed in body, mind, and soul.

Of course others, and some may count them among the lucky ones, will not live to be veterans - only casualties.

Afghanistan has been described as the graveyard of empires. Victorian adventures there nearly destroyed the British Empire, and we all know what happened more recently to the Russians - shortly after they admitted defeat, their country collapsed, for good or for ill.

Afghanistan is a huge dirt-poor country, bereft of natural resources, and so are its people. No Afghan was involved in 9/11. Bin Laden may be hiding out somewhere there, but he is a fugitive from a rich Saudi family, as were almost all of the other desperate characters involved (there was one from United Arab Emirates and one from Lebanon, but all the rest were Saudis). Yet, not a fly-swatter has been raised against the Saudis. Why not? Perhaps money counts, and especially when counting the shared oil profits.

Are we entering a period of wars without end? Is this the victory we are handing the madmen who provoked us on 9/11? I am not a veteran, but I do know a veteran down the road from us who wants an answer to this question."

David Ecklein

===

5.

Date: Wed, 11 Nov 2009
From: Andy Coates
Subject: Cohn-Angell

<http://pnhp.org/blog/2009/11/11/cohn-angell/>

We do not need "insurance reform" - we need health care! by Andrew Coates MD At The New Republic blog

Jonathan Cohn goes out of his way to attack Marcia Angell's clear and courageous article at the Huffington Post.

Mr. Cohn begins with a disclaimer:

"I'm a longtime single-payer supporter myself. If Angell could get her way, I'd be thrilled. But Angell can't get her way." This old saw is by now condescending, tiresome, gratuitous. Mr. Cohn merely tells us what leading politicians have been telling single payer advocates for decades: real health reform is not politically feasible (so go away!) This is not the stance of a single-payer supporter. It also falls well short of a license for the lame straw man argument that follows.

Mr. Cohn: "To Angell-and to others on the left, as my colleague John Judis notes today-this is reason for ditching the whole effort. But what, really, would that accomplish? The immediate impact would be to undermine Obama and his allies in Congress, creating the (accurate) impression they are incapable of passing major legislation. The Democratic Party would lose seats at the midterms and then, quite possibly, suffer even bigger setbacks two years hence. That's not exactly a recipe for progressive revival.

"Perhaps Angell and those who agree with her that this would be a constructive failure-that eventually growing frustration with our health care system will help us elect even more progressives and pass more ambitious reforms. Well, maybe. But that's an awfully big chance to take..." Dr. Angell is not writing about electing Democrats! She is writing about health reform. Dr.

Angell: The danger is that as costs continue to rise and coverage becomes less comprehensive, people will conclude that we've tried health reform and it didn't work. But the real problem will be that we didn't really try it. I would rather see us do nothing now, and have a better chance of trying again later and then doing it right." The nation asked the Democratic White House and the Democratic Congress for health care and so far we have gotten "health insurance reform" with a bonus - restricted access to abortion.

It is this fact that makes the Democratic Party "insurance reform," - how does Mr. Cohn put it? - "not exactly a recipe for progressive revival." Yet he blames Dr. Angell instead.

Our nation can do without "insurance reform" that will criminalize the uninsured, subsidize unaffordable insurance premiums with rivers of tax money, protect pharmaceutical company superprofits at patient expense, hugely expand Medicaid in the face of nationwide state budget crises and thus quickly prove fiscally unsustainable. (Incidentally the insurance industry projects its price increases will reach between 79% to 111% by 2019, under the proposed "insurance reform.")

Dr. Angell keeps her eye on the prize - comprehensive health care for all. A single payer system is the minimum increment of change that can bring that about.

Mr. Cohn wants to change the subject to electing Democrats. Yet ironically, the amazing development of a nationwide grassroots effort for single payer has been the real "progressive revival" of 2009.

If those inside the bubble still feel they can dismiss us by holding up a straw man, it simply means we must try harder, and grow our effort for a single-payer national health program larger and louder. It is not only our duty to our patients, but to a nation that expects genuine health reform.

Andrew Coates is secretary of the Capital District (NY) chapter of PNHP. He practices medicine in Albany, NY.

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Higgins, Sara

From: moderator@PORTSIDE.ORG
Sent: Monday, November 16, 2009 9:56 PM
To: PORTSIDE@LISTS.PORTSIDE.ORG
Subject: Trumka: Free Elections Not Possible Now in Honduras

Trumka: Free Elections Not Possible Now in Honduras

By James Parks
AFL-CIO blog
November 16, 2009

<http://blog.aflcio.org/2009/11/16/trumka-free-elections-not-possible-now-in-honduras/>

The continued repression of trade unionists by the regime set up in Honduras after a June 28 coup makes it impossible to hold free and fair elections, says AFL- CIO President Richard Trumka in a Nov. 13 letter to Secretary of State Hillary Rodham Clinton.

Trumka points out that delegates to the AFL-CIO Convention in September passed a resolution calling on the U.S. government to suspend military aid to Honduras until President Manuel Zelaya, the democratically elected leader, is returned to office and human and trade union rights have been restored.

Click here to read the convention resolution on Honduras and here to read Trumka's letter. (Go to the above URL)

With an illegitimate government in power, scheduled elections later this month cannot be fair, free and open, Trumka says.

The violent and coercive repression of political opposition to the de facto coup regime, including trade unionists, has continued. At least 12 trade unionists have died in the violence since June 28. National and international human rights organizations report ongoing human rights violations committed by state security forces, including killings, severe beatings, sexual violence, the imprisonment and torture of activists, as well as the arrest and detention of President Zelaya's supporters.

Trumka calls on Clinton and the U.S. government to oppose national elections in Honduras unless Zelaya is reinstated and to implement the recommendations in the AFL-CIO resolution.

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Higgins, Sara

From: moderator@PORTSIDE.ORG
Sent: Monday, November 16, 2009 9:56 PM
To: PORTSIDE@LISTS.PORTSIDE.ORG
Subject: The Man Who Didn't Die

The Man Who Didn't Die

By Dick Meister

It's Nov. 19, 1915, in a courtyard of the Utah State Penitentiary in Salt Lake City. Five riflemen take careful aim at a condemned organizer for the Industrial Workers of the World, Joe Hill, who stands before them straight and stiff and proud.

"Fire!" he shouts defiantly.

The firing squad didn't miss. But Joe Hill, as the folk ballad says, "ain't never died." He lives on as one of the most enduring and influential of American symbols.

Joe Hill's story is that of a labor martyr framed for murder by viciously anti-labor employer and government forces, a man who never faltered in fighting for the rights of the oppressed, who never faltered in his attempts to bring them together for the collective action essential if they were to overcome their wealthy and powerful oppressors.

His is the story of a man and an organization destroyed by government opposition yet immensely successful. As historian Joyce Kornbluh noted, the IWW made "an indelible mark on the American labor movement and American society," laying the groundwork for mass unionization, inspiring the formation of groups to protect the civil liberties of dissidents, prompting prison and farm labor reforms, and leaving behind "a genuine heritage ... industrial democracy."

Joe Hill's story is the story of perhaps the greatest of all folk poets, whose simple, satirical rhymes set to simple, familiar melodies did so much to focus working people on the common body of ideals needed to forge them into a collective force.

Remember? "You will eat, bye and bye/In that glorious land above the sky/Work and Pray, live on hay/You'll get pie in the sky when you die."

Ralph Chaplain, the IWW bard who wrote "Solidarity Forever," found Hill's songs "as coarse as homespun and as fine as silk; full of laughter and keen-edged satire; full of fine rage and finer tenderness; songs of and for the worker, written in the only language he can understand."

Joe Hill's story is the story of a man who saw with unusual clarity the unjust effects of the political, social and economic system on working people and whose own widely publicized trial and execution alerted people worldwide to the injustices and spurred them into corrective action.

It's the story of a man who told his IWW comrades, just before stepping in front of the firing squad: "Don't waste any time in mourning. Organize!"

Hill's comrades aimed at nothing less than organizing all workers into One Big Union regardless of their race, nationality, craft or work skills, calling a general strike and wresting control of the economy from its capitalist masters. The revolutionary message was presented in the simple language of the workplace, in the songs of Hill, Chaplain and others, in the streetcorner oratory and in a tremendous outpouring of publications, including a dozen foreign-language newspapers which were distributed among the many unskilled immigrants from European nations where unions had similar goals.

Workers were told again and again that they all had the same problems, the same needs and faced the same enemy.

It was they who did the work, while others got the profit; they were members, all of them, of the working class. To aspire to middle-class status, as the established labor movement

advocated, would mean competing against their fellow workers and chaining themselves to a system that enslaved them.

Organized religion also was a tool of enslavement, to keep the worker's eye on that "pie in the sky" while he was being exploited in this world. Patriotism was a ruse to set the workers of one nation against those of another for the profit of capitalist manipulators.

IWW organizers carried the message to factories, mines, mills and lumber camps throughout the country, and to farms in the Midwest and California.

The cause of radical unionism to which Joe Hill devoted his life was lost a long time ago. The call to revolution is scarcely heard in today's clamorously capitalist society. Labor organizations seek not to seize control of the means of production but rather to share in the fruits of an economic system controlled by others. Yet Joe Hill's fiery words and fiery deeds, his courage and his sacrifices continue to inspire political, labor, civil rights and civil liberties activists.

They still sing his songs, striking workers, dissident students and others, on picket lines, in demonstrations, at rallies, on the streets and in auditoriums. They echo his spirit of protest and militancy, his demand for true equality, share his fervent belief in solidarity, even use tactics first employed by Hill and his comrades.

Hill emigrated to the United States from his native Sweden in 1902, changing his name from Joel Haaglund, working as a seaman and as an itinerant wheat harvester, pipe layer, copper miner and at other jobs as he made his way across the country to San Diego, translating into compelling lyrics the hopes and desires, the frustrations and discontents of his fellow workers.

In San Diego, Hill joined in one of the first of the many "free speech fights" waged by the Industrial Workers of the World against attempts by municipal authorities around the country to silence the streetcorner oratory that was a key part of the IWW's organizing strategy.

Not long afterward Hill hopped a freight for Salt Lake City, where he helped lead a successful construction workers' strike and began helping organize another free speech fight. But within a month, he was arrested on charges of shooting to death a grocer and his son and was immediately branded guilty by the local newspapers and authorities alike. Ultimately, Hill was convicted on only the flimsiest of circumstantial evidence.

Hill had staggered into a doctor's office within an hour after the shootings, bleeding from a chest wound that he said had stemmed from a quarrel over a woman. The prosecutor argued that the wound was inflicted by the grocer in response to an attack by Hill, although he did not introduce into evidence either the grocer's gun or the bullet that allegedly was fired from it. He did not introduce the gun that Hill allegedly used and did not call a single witness who could positively identify Hill as the killer. But he easily convinced the jury that the murders were an example of IWW terrorism and that since Hill was an IWW leader and had been arrested and charged with the crime, he was guilty.

As Hill's futile appeals made their way through the courts, Gov. William Spry of Utah was swamped with thousands of petitions and letters from all over the world asking for a pardon or commutation. But he would not even be swayed by the pleas for mercy from the Swedish ambassador. Not even by the pleas of U.S. President Woodrow Wilson.

The governor paid much greater attention to the views of Utah's powerful Mormon Church leaders and powerful employer interests, particularly those who controlled the state's dominant copper mining industry. They insisted that the man they considered one of the most dangerous radicals in the country be put to death.

Joe Hill's body was shipped to Chicago, where it was cremated after a hero's funeral, the ashes divided up and sent to IWW locals for scattering on the winds in every state except Utah. Hill, with typical grim humor, had declared that "I don't want to be caught dead in Utah."

Even in death, Hill was not safe from the government.

One packet of his ashes, sent belatedly to an IWW organizer in 1917 for scattering in Chicago, was seized by postal inspectors. They acted under the Espionage Act, passed after

the United States entered World War I that year, which made it illegal to mail any material that advocated "treason, insurrection. or forcible resistance to any law of the United States."

The envelope, containing about a tablespoon of Hill's ashes, was sent to the National Archives in Washington, D.C. It remained hidden there until 1988, when it was discovered and turned over in Chicago to the men who presided over what little remained of the Industrial Workers of the World, shrunken to only a few hundred members.

The Post Office apparently had objected to the caption beneath a photo of Hill on the front of the envelope.

"Joe Hill," it said -- "murdered by the capitalist class, Nov. 19, 1915."

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Higgins, Sara

From: moderator@PORTSIDE.ORG
Sent: Monday, November 16, 2009 9:55 PM
To: PORTSIDE@LISTS.PORTSIDE.ORG
Subject: Copenhagen: Seattle Grows

Copenhagen: Seattle Grows Up

by NAOMI KLEIN

November 11, 2009 (In the November 30, 2009 edition of The Nation)
<http://www.thenation.com/doc/20091130/klein>

The other day I received a pre-publication copy of *The Battle of the Story of the Battle of Seattle*, by David Solnit and Rebecca Solnit. It's set to come out ten years after a historic coalition of activists shut down the World Trade Organization summit in Seattle, the spark that ignited a global anticorporate movement.

The book is a fascinating account of what really happened in Seattle, but when I spoke to David Solnit, the direct-action guru who helped engineer the shutdown, I found him less interested in reminiscing about 1999 than in talking about the upcoming United Nations climate change summit in Copenhagen and the "climate justice" actions he is helping to organize across the United States on November 30. "This is definitely a Seattle-type moment," Solnit told me.

"People are ready to throw down."

There is certainly a Seattle quality to the Copenhagen mobilization: the huge range of groups that will be there; the diverse tactics that will be on display; and the developing-country governments ready to bring activist demands into the summit. But Copenhagen is not merely a Seattle do-over. It feels, instead, as though the progressive tectonic plates are shifting, creating a movement that builds on the strengths of an earlier era but also learns from its mistakes.

The big criticism of the movement the media insisted on calling "antiglobalization" was always that it had a laundry list of grievances and few concrete alternatives. The movement converging on Copenhagen, in contrast, is about a single issue--climate change--but it weaves a coherent narrative about its cause, and its cures, that incorporates virtually every issue on the planet. In this narrative, our climate is changing not simply because of particular polluting practices but because of the underlying logic of capitalism, which values short-term profit and perpetual growth above all else. Our governments would have us believe that the same logic can now be harnessed to solve the climate crisis--by creating a tradable commodity called "carbon" and by transforming forests and farmland into "sinks" that will supposedly offset our runaway emissions.

Climate-justice activists in Copenhagen will argue that, far from solving the climate crisis, carbon-trading represents an unprecedented privatization of the atmosphere, and that offsets and sinks threaten to become a resource grab of colonial proportions. Not only will these "market-based solutions" fail to solve the climate crisis, but this failure will dramatically deepen poverty and inequality, because the poorest and most vulnerable people are the primary victims of climate change--as well as the primary guinea pigs for these emissions-trading schemes.

But activists in Copenhagen won't simply say no to all this. They will aggressively advance solutions that simultaneously reduce emissions and narrow inequality. Unlike at previous summits, where alternatives seemed like an afterthought, in Copenhagen the alternatives will take center stage. For instance, the direct-action coalition Climate Justice Action has called on activists to storm the conference center on December 16. Many will do this as part of the "bike bloc," riding together on an as yet unrevealed "irresistible new machine of resistance" made up of hundreds of old bicycles. The goal of the action is not to shut down the summit, Seattle-style, but to open it up, transforming it into "a space to talk about our agenda, an agenda from below, an agenda of climate justice, of real solutions against their false ones.... This day will be ours."

Some of the solutions on offer from the activist camp are the same ones the global justice movement has been championing for years: local, sustainable agriculture; smaller, decentralized power projects; respect for indigenous land rights; leaving fossil fuels in the ground; loosening protections on green technology; and paying for these transformations by taxing financial transactions and canceling foreign debts. Some solutions are new, like the mounting demand that rich countries pay "climate debt" reparations to the poor.

These are tall orders, but we have all just seen the kind of resources our governments can marshal when it comes to saving the elites. As one pre-Copenhagen slogan puts it: "If the climate were a bank, it would have been saved"--not abandoned to the brutality of the market.

In addition to the coherent narrative and the focus on alternatives, there are plenty of other changes too: a more thoughtful approach to direct action, one that recognizes the urgency to do more than just talk but is determined not to play into the tired scripts of cops-versus-protesters. "Our action is one of civil disobedience," say the organizers of the December 16 action. "We will overcome any physical barriers that stand in our way--but we will not respond with violence if the police [try] to escalate the situation." (That said, there is no way the two-week summit will not include a few running battles between cops and kids in black; this is Europe, after all.)

A decade ago, in an op-ed in the New York Times published after Seattle was shut down, I wrote that a new movement advocating a radically different form of globalization "just had its coming-out party." What will be the significance of Copenhagen? I put that question to John Jordan, whose prediction of what eventually happened in Seattle I quoted in my book No Logo. He replied: "If Seattle was the movement of movements' coming-out party, then maybe Copenhagen will be a celebration of our coming of age."

He cautions, however, that growing up doesn't mean playing it safe, eschewing civil disobedience in favor of staid meetings. "I hope we have grown up to become much more disobedient," Jordan said, "because life on this world of ours may well be terminated because of too many acts of obedience."

An updated tenth-anniversary edition of Naomi Klein's No Logo: Taking Aim at the Brand Bullies comes out in November. Get The Nation at home (and online!) for 68 cents a week! If you like this article, consider making a donation to The Nation.

About Naomi Klein Naomi Klein is an award-winning journalist and syndicated columnist and the author of the international and New York Times bestseller The Shock Doctrine: The Rise of Disaster Capitalism (September 2007); an earlier international best-seller, No Logo: Taking Aim at the Brand Bullies; and the collection Fences and Windows: Dispatches from the Front Lines of the Globalization Debate (2002). more...

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Higgins, Sara

From: moderator@PORTSIDE.ORG
Sent: Monday, November 16, 2009 9:54 PM
To: PORTSIDE@LISTS.PORTSIDE.ORG
Subject: Biggest State Party to Obama: Get Out of Afghanistan

Biggest State Party to Obama: Get Out of Afghanistan

By Norman Solomon, t r u t h o u t | Op-Ed truthout November 16, 2009

<http://www.truthout.org/1116095?print>

The California Democratic Party has called for withdrawal from Afghanistan. (Photo: Wikimedia)

This week begins with a significant new straw in the political wind for President Obama to consider. The California Democratic Party has just sent him a formal and clear message: Stop making war in Afghanistan.

Overwhelmingly approved on Sunday by the California Democratic Party's 300-member statewide executive board, the resolution is titled "End the US Occupation and Air War in Afghanistan."

The resolution supports "a timetable for withdrawal of our military personnel" and calls for "an end to the use of mercenary contractors as well as an end to air strikes that cause heavy civilian casualties." Advocating multiparty talks inside Afghanistan, the resolution also urges Obama "to oversee a redirection of our funding and resources to include an increase in humanitarian and developmental aid."

While Obama weighs Afghanistan policy options, the California Democratic Party's adoption of the resolution is the most tangible indicator yet that escalation of the US war effort can only fuel opposition within the president's own party - opposition that has already begun to erode his political base.

Participating in a long-haul struggle for progressive principles inside the party, I co-authored the resolution with savvy longtime activists Karen Bernal of Sacramento and Marcy Winograd of Los Angeles.

Bernal, the chair of the state party's Progressive Caucus, said on Sunday night, "Today's vote formalized and amplified what had been, up to now, an unspoken but profoundly understood reality - that there is no military solution in Afghanistan. What's more, the vote signified an acceptance of what is sure to be a continued and growing culture of resistance to current administration policies on the matter within the party. This is absolutely huge. Now, there can be no disputing the fact that the overwhelming majority of California Democrats are not only saying no to escalation, but no to our continued military presence in Afghanistan, period. The California Democratic Party has spoken, and we want the rest of the country to know."

Winograd, who is running hard as a grassroots candidate in a primary race against pro-war incumbent Rep. Jane Harman, had this to say, "We need progressives in every state Democratic Party to pass a similar resolution calling for an end to the US occupation and air war in Afghanistan. Bring the veterans to the table, bring our young into the room, and demand an end to this occupation that only destabilizes the region. There is no military solution, only a diplomatic one that requires we cease our role as occupiers if we want our voices to be heard. Yes, this is about Afghanistan - but it's also about our role in the world at large. Do we want to be global occupiers seizing scarce resources or global partners in shared prosperity? I would argue a partnership is not only the humane choice, but also the choice that grants us the greatest security."

Speaking to The Resolutions Committee of the state party on Saturday, former Marine Cpl. Rick Reyes movingly described his experiences as a warrior in Afghanistan that led him to question and then oppose what he now considers to be an illegitimate US occupation of that

country.

Another voice of disillusionment reached party delegates when Bernal distributed a copy of the recent resignation letter from senior US diplomat Matthew Hoh, sent after five months of work on the ground in Afghanistan. "I find specious the reasons we ask for bloodshed and sacrifice from our young men and women in Afghanistan," he wrote. "If honest, our stated strategy of securing Afghanistan to prevent al-Qaeda resurgence or regrouping would require us to additionally invade and occupy western Pakistan, Somalia, Sudan, Yemen, etc. Our presence in Afghanistan has only increased destabilization and insurgency in Pakistan where we rightly fear a toppled or weakened Pakistani government may lose control of its nuclear weapons."

Hoh's letter added, "I do not believe any military force has ever been tasked with such a complex, opaque and Sisyphean mission as the US military has received in Afghanistan." And he wrote, "Thousands of our men and women have returned home with physical and mental wounds, some that will never heal or will only worsen with time. The dead return only in bodily form to be received by families who must be reassured their dead have sacrificed for a purpose worthy of futures lost, love vanished, and promised dreams unkept. I have lost confidence such assurances can anymore be made."

From their own vantage points, many of the California Democratic Party leaders who voted to approve the out- of-Afghanistan resolution on November 15 have gone through a similar process. They've come to see the touted reasons for the US war effort as specious, the mission as Sisyphean and the consequences as profoundly unacceptable.

Sometime in the next few days, President Obama is likely to learn that the California Democratic Party has approved an official resolution titled "End the US Occupation and Air War in Afghanistan." But will he really get the message?

c 2009 truthout

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Higgins, Sara

From: Brad Moore LT [mailto:bradmoore@cityofann Arbor.org]
Sent: Monday, November 16, 2009 9:56 PM
To: Higgins, Marcia; Rapundalo, Stephen; Jeff Helminski
Subject: South U Ht limit

60 feet or 6 stories will not encourage economic redevelopment of the South U area. Michigan Building Code classifies buildings over 55 feet high as "highrise". This requires a leap in construction technology & costs which cannot be recouped in one additional story.

Brad Moore

Higgins, Sara

From: McDonald, Kevin
Sent: Monday, November 16, 2009 9:25 PM
To: Beaudry, Jacqueline
Cc: Teall, Margie; Hohnke, Carsten
Subject: Amendment to

This will be an amendment that will come from Councilmember Hohnke or Teall.

Amendment to DC-1.

Replace the 5th Resolved Clause which now reads:

RESOLVED, That the Ann Arbor City Council appoints _____ as the City Council representative to the RSC and to make recommendations to Council on appointees to the RSC;

With the following:

RESOLVED, That the Ann Arbor City Council shall appoint the members of the RSC, including one Council representative, within the next 60 days.

Kevin S. McDonald | Senior Assistant City Attorney

City of Ann Arbor | 100 N. Fifth Avenue, PO Box 8647 | Ann Arbor, Michigan 48107
734.794.6183 Direct | 734.794.6170 Office | 734.994.4954 Fax | kmcdonald@a2gov.org

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Higgins, Sara

From: Kunselman, Stephen

Sent: Monday, November 16, 2009 9:20 PM

To: Elias, Abigail

Subject: RE: PRIVILEGED - Responses to request for advice re: DS-6

Thanks

re: DS-6

Higgins, Sara

From: [REDACTED]

Sent: Monday, November 16, 2009 9:06 PM

To: [REDACTED]; Hieftje, John; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]

Cc: [REDACTED]

Subject: Re: My health

Higgins, Sara

From: Steve Bean [st [REDACTED]]
Sent: Monday, November 16, 2009 9:05 PM
To: Chris Graham; Kirk Westphal; John German; Valerie Strassberg; Hohnke, Carsten; Rita Loch Caruso; Steve Bean; Naud, Matthew; David Wright; Teall, Margie; Nystuen, Gwen (PAC); Anya Dale; David Stead; John Koupal
Subject: Fwd: [AASHE Bulletin] SEI Releases Sustainability Report Card 2010 + More

FYI. U-M received a grade of B+ for 2010, up from a B for 2009.

Begin forwarded message:

1. SEI Releases College Sustainability Report Card 2010

The Sustainable Endowments Institute (SEI) has released its *College Sustainability Report Card 2010* on GreenReportCard.org. The annual publication provides school profiles and grades along with insights about sustainability in higher education. For the first time, the Institute is also offering universal access to 1,100 sustainability survey responses about campus, dining, and student initiatives, as well as endowment investment. Grading the schools entailed researching publicly available information, conducting surveys of appropriate school officials, and assessing performance with 120 questions across 48 indicators in the following 9 categories: Administration, Climate Change & Energy, Food & Recycling, Green Building, Transportation, Student Involvement, Endowment Transparency, Shareholder Engagement, and Investment Priorities.

See also: [SEI's College Sustainability Report Card](#)

Higgins, Sara

From: Steve Bean [s██████████@██████████.██████████]
Sent: Monday, November 16, 2009 9:05 PM
To: Chris Graham; Kirk Westphal; John German; Valerie Strassberg; Hohnke, Carsten; Rita Loch Caruso; Steve Bean; Naud, Matthew; David Wright; Teall, Margie; Nystuen, Gwen (PAC); Anya Dale; David Stead; John Koupal
Subject: Fwd: [AASHE Bulletin] SEI Releases Sustainability Report Card 2010 + More

FYI. U-M received a grade of B+ for 2010, up from a B for 2009.

Begin forwarded message:

1. SEI Releases College Sustainability Report Card 2010

The Sustainable Endowments Institute (SEI) has released its *College Sustainability Report Card 2010* on GreenReportCard.org. The annual publication provides school profiles and grades along with insights about sustainability in higher education. For the first time, the Institute is also offering universal access to 1,100 sustainability survey responses about campus, dining, and student initiatives, as well as endowment investment. Grading the schools entailed researching publicly available information, conducting surveys of appropriate school officials, and assessing performance with 120 questions across 48 indicators in the following 9 categories: Administration, Climate Change & Energy, Food & Recycling, Green Building, Transportation, Student Involvement, Endowment Transparency, Shareholder Engagement, and Investment Priorities.

See also: [SEI's College Sustainability Report Card](#)

Higgins, Sara

From: Fraser, Roger
Sent: Monday, November 16, 2009 8:59 PM
To: Rapundalo, Stephen
Subject: FW: CUB Agreements (DC-3 on 11/16/09 Agenda)

Importance: High

Attachments: CUB.PDF



CUB.PDF (51 KB)

FYI

Roger
734-794-6110

-----Original Message-----

From: Wheeler, William
Sent: Monday, November 16, 2009 3:54 PM
To: Fraser, Roger
Cc: McCormick, Sue
Subject: CUB Agreements (DC-3 on 11/16/09 Agenda)
Importance: High

Roger - Sue asked me to read this item and comment to you.

- 1- The memo refers to "Construction Manager". This is a term of art peculiar to the CM form of project delivery and does not apply to most of our contracting. The CUB agreement does not make this mistake - I point it out only so the memo can be more clearly understood.
- 2- The memo says that the CM [or general contractor] will withhold funds if there is a dispute about wages or fringes. There are already procedures for this and similar problems directly in the contract, as well as via the labor and material bonds and the state construction lien law. I doubt you can just impose this on the general contractor without first doing some serious study of, and likely revision to, the existing contract and general conditions. The CUB agreement (at least as shown on the web site) is somewhat vague on this point. It includes one key phrase that is not a sentence and leaves things a little unclear (see attached).
- 3- The resolution's second whereas clause says the CUB agreement is consistent w/ Code 1:320. Maybe. Labor costs should rise somewhat under a CUB agreement. Union wages are higher than the prevailing wage, which is an average of all wages in the area, thus including some non-union. I question the assertion that the CUB agreement will accomplish 'prompt and effective resolution' of disputes over payment of wages and fringes. There are multiple possibilities for how to handle this - see no. 2 above. And, such disputes are extremely rare. I've seen only one, and it was resolved easily via the ordinance.
- 4- The third whereas is missing some words - it does not read right.
- 5- I've never seen a job of ours actually struck. I don't think it is a big threat.
- 6- The last whereas clause says the CUB agreement may favor our interests. I'm not sure how. Our labor costs may rise somewhat, insofar as any non-union contractor will have to pay slightly more wages than they do now. Having this requirement may reduce the number of bidders we get, due to some non-union bidders not wanting to bid. Requiring the contractors to sign each local union's labor agreement brings in a lot of other possible requirements. Will the out of town union contractor have to hire everyone from the local hall, or will they be allowed to bring their own favorite workers with them? Will the out of town union contractor be required to pay into the local union's benefit package as well as the home union's? These items could raise a contractor's bid, or discourage it from bidding.
- 7- In the resolved clause, "construction contracts" should be more carefully defined. It

probably means "BUILDING construction contracts", and there should be a minimum size under which there is no requirement for an agreement - perhaps tied to the council approval breakpoint of \$25,000.

The City has a history of being scrupulously neutral on the question of union or non-union labor on its construction projects. The current Code requirement of "prevailing wages" has worked well for several decades. I do not see what problem exists, to which a CUB agreement is the solution.

If this resolution is affirmed, its implementation should be delayed. The staff of the Attorney's office (with assistance from Project Management and Procurement) ought to be given ample time - say until April 1st? - to revise the various standard contract documents to reflect the change.

Bill.

Bill Wheeler

Please note new phone no.:

(734) 794-6000 X43114

Memorandum of Understanding

1. WORK DISPUTES

In return for the promise made in paragraph (3) below, the parties agree that there will be no strike, work stoppage or lock-out for the duration of the Memorandum. Any jurisdictional dispute shall be resolved through normal procedures.

There will be a job conference with all contractors and sub-contractors prior to starting work.

2. COFFEE BREAKS

There shall be no organized coffee breaks.

3. PAYMENT OF FRINGES

Any Union having a claim against a contractor or subcontractor for unpaid wages and/or fringe benefits for work performed on the project shall give written notice of such claim to such contractor or subcontractor (with a copy of the notice to the Construction Manager or General Contractor) within three (3) business days after such claim has become known. Upon receipt of such written notice, the Construction Manager or General Contractor. In the event of any such dispute, the Union agrees to use its best efforts to pursue any legal remedies available, including litigation by Fund Trustees. It is understood that the intent to this section is to accomplish prompt and effective resolution of any disputes between the Union and any contractor or subcontractor over payment of wages and fringes.

4. UNION WORK

The parties understand and agree that each contractor and subcontractor at all tiers of this project shall, prior to beginning work on the project, become signatory parties to the respective current collective bargaining agreements of the appropriate Local Unions of the Washtenaw County Skilled Building Trades Council.

Higgins, Sara

From: McCormick, Sue
Sent: Monday, November 16, 2009 8:38 PM
To: Smith, Sandi; Hupy, Craig
Cc: Dempkowski, Angela A; Hohnke, Carsten; Crawford, Tom; Jones, Barnett; Fraser, Roger; Praschan, Marti; Welser, Wendy
Subject: FW: DDA's 1/4 Mi Buffer & Residential Pkg Questions (CM Smith)

Hi Sandi,

I believe our remaining outstanding items include costs from our vendors and a per transaction cost from Customer Service. I do have a map I can give you this evening that now includes metered spaces. Let me know if there's something else you think we're missing.

Here's what we have to offer to date - along with a few questions that would assist in our evaluation.

From our meeting to review/consider/comment on your questions for staff:

*Staff assumptions for analysis: For a larger program we would not add FTE; in regards to scale of program & cost per unit it would be at the same resource level with staff spread thinner, therefore cost would decrease with less enforcement and there would potentially be less revenue depending on enforcement approach; in regards to new dorm at State/Huron, staff has not made any plans for UofM.

*In order to accommodate a permit year responsive to students, the program year could be altered to June 1 - May 31. This would allow students to buy a permit for the school year - this could lower the # of permits sold; this would stagger purchases as residents would mostly buy pre-June 1 and returning students would buy mid-August; changing the schedule avoids processing renewals during tax collection at end of July (this would ease the burden on Customer Service, who processes permit renewals, allowing the ability to utilize existing staff capacity, but with allocation of costs to the program - \$'s TBD)

*If DDA is considered for program administration, the DDA must get a program independent of Customer Service's program to manage the Residential Parking program (the current program does not permit an outside agency to access)

*Is Council interested in removing Residential Parking Criteria requirement to pay parking tickets on vehicle/plate prior to issuance of a permit? See next comment/issue.

*Customer Service can review tickets against license plate & DDA would not have that capability - DDA would have to manually coordinate w/CS in order to review a plate's tickets (if any) prior to issuance of a permit; does not reduce Customer Service time associated with processing a review (permits cannot be purchased if there are tickets outstanding)

*Parking Tickets must still be paid in Customer Service; could pose possible confusion to customer; however current proximity of CS/DDA works well.

*Per Community Standards two options for enforcement - Option 1 - parking enforcement would extend the current enforcement model which is currently that each RPP District is enforced 2X/Day 1X/week. Previous enforcement was 2X/Day 5X/week. The result is by enforcing more RPP Districts there is an anticipated 30% reduction in over the legal limit tickets due to the enforcement of Loading Zones & RPP District. Option 2 - If the program were expanded revenue would possibly remain flat or minimally reduced w/ the same # of enforcement hours delegated to the program as currently, there would be a decrease in the current enforcement level per area; the same staff would be spread thinner; as a result there could potentially be a reduction in the cost of the permits - not determined. Since other enforcement levels would remain the same, there is no anticipated revenue loss & this would be revenue neutral. There could be an increase in the number of calls & complaints due to reduced RPP District enforcement. We are responsive to these even if we are not

proactively enforcing the entire RPP District that day. This could increase costs somewhat or detract from other enforcement efforts, but can't be quantified.

Comment - info such as # permits sold (fixed & transferable) is available; # of addresses purchasing permits & # of addresses in RPP District are not readily available due to program limitations. This is a staff research project with each request and increases administrative costs with each area added.

Add'l answers to separate email -

*In regards to the possibility of two-tier pricing for old & new permits - we do not have a way to track those costs; Not feasible to do manually.

*Does the RPP program make leaf & snow easier - it depends on the area as some RPP areas have few-to-no commuters parking on the streets so streets are very open & available; others have open parking now but without another place to park those parkers would be dependent to purchase RPP permit to continue parking there (continuing the existing trends at those locations)

Because of costs and effort, Staff will not proceed with additional detailed effort/analysis until council direction is clearer; there would be a street-by-street audit to determine streets, signage, addresses for input into program; this would result in additional streets being added to current Districts within their current Assn boundary (North Central, Old West Side, Spring-Brooks-Summit). Previous staff analysis for new RPP district per block face set up would apply for a general evaluation purpose. That current cost is approximately \$27,000 for the area identified plus annual maintenance costs, which are general fund expenses.

Customer Service to check w/CDI & provide cost input on programming costs.

Outstanding Questions

*Question - if a NO PARKING street is in the 1/4 buffer, w/could the residential property purchase a permit? The result is they c/would park in front of another property in that RPP District & c/would impact ability to attain city services such as refuse/leaf/snow/sweeping/etc collection

*Question - is interest to expand RPP districts by Association (Old 4th Ward in buffer zone; area south of W William) OR possibly one buffer zone area for remaining "white space"?

*Question - would new RPP Districts alternate enforcement for sides of street like Old West Side & Spring-Brooks-Summit (allows 2 hours w/o permit, enforces M/W/F on one side and T/Th on other so one side is "open" parking) OR Both sides of street like Oxbridge & North Burns Park (allows 2 hours w/o permit, enforced M thru F on both sides 8am-6pm)

Higgins, Sara

From: Akerlof, Carl [redacted]
Sent: Monday, November 16, 2009 8:31 PM
To: Taylor, Christopher (Council); Kunselman, Stephen
Cc: Akerlof, Carl
Subject: Comcastic service...

Dear Chris & Steve,

I have no idea whether my experience is shared by other folks in Ann Arbor but yesterday I spent several hours learning how to install the new equipment required by Comcast to receive all but the most standard commercial TV stations. We received a large carton containing three electronic boxes with very little description of the function to be performed by any of these devices. An optimistic instruction manual was included suggesting how easy this installation would be. As I was soon to learn, its instructions were faulty in almost every aspect. I spent at least two hours in Chat Rooms with the Comcast customer service folks – by and large, they were poorly informed about the technical issues involved. Eventually, I was able to complete the installation successfully but I do have a bit more background in electronics than most (I am a faculty member in the University of Michigan Physics Department). Along the way, I discovered that one of the principle interface components provided by Comcast was a large box clearly labeled “Defective” on its underside. The Comcast Chat Room folks advised that this be returned for exchange at the local Comcast office. I left this task to my wife to attempt this afternoon. When she arrived at the Comcast office on Washtenaw at 4:30 pm, their small office was overflowing with people and there was scant hope of obtaining service before the office closed at 6 pm.

Comcast enjoys a monopoly status here in Washtenaw County. At least in my opinion, their handling of the switch to digital TV broadcast service has been flawed by an exceptionally complex and poorly documented roll-out, poorly supported by people capable of handling such problems. I hope that the Ann Arbor City Council will consider such issues when considering the renewal of the Comcast licenses.

Regards,

Carl Akerlof

Higgins, Sara

From: Akerlof, Carl [REDACTED]
Sent: Monday, November 16, 2009 8:31 PM
To: Taylor, Christopher (Council); Kunselman, Stephen
Cc: Akerlof, Carl
Subject: Comcastic service...

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Regards,

Carl Akerlof

11/18/2009

Higgins, Sara

From: Claire Duvernoy M.D. [REDACTED]
Sent: Monday, November 16, 2009 8:26 PM
To: cfojtik@a2gov.com
Cc: Hieftje, John
Subject: Geddes Ridge Avenue Street Sign

Hello Mr. Fojtik,

I was directed to you by Bill Eddy, who is developing the Geddes Ridge area, where we own a home and are planning to move in within a matter of weeks. I have been very concerned that there is still no sign identifying the street -- we cannot get any deliveries, or direct anyone to our house this way. Please let me know ASAP when the sign will be installed.

Thank you,

Claire Duvernoy

Claire Duvernoy, M.D.
Chief, Cardiology Section
VA Ann Arbor Healthcare System

Associate Professor of Medicine
Director, Women's Heart Program
University of Michigan Health System

[REDACTED]

Higgins, Sara

From: Naud, Matthew
Sent: Monday, November 16, 2009 8:03 PM
To: Teall, Margie
Subject: Hrimp

If you have the opportunity please thank the committee for their work on this. Key staff are Dave Borneman Molly Wade. Cheryl Saam. Colin smith. Jason tallent. Craig Hupy. Sumedh Bahl. Adrienne Marino.
Thanks. And David stead and chris Graham on the commission. Scott Rosencrans and Dave Barrett on PAC.

Matthew Naud
City of Ann Arbor
From my iPhone

Higgins, Sara

From: Fraser, Roger
Sent: Monday, November 16, 2009 7:50 PM
To: Hieftje, John
Subject: FW: Wood Smoke Health Effects And Community Actions

FYI

Roger

734-794-6110

From: Miller, Jayne
Sent: Monday, November 16, 2009 7:47 PM
To: Fraser, Roger
Cc: Dempkowski, Angela A; Barber, Janet (Barth)
Subject: FW: Wood Smoke Health Effects And Community Actions

fyi

Jayne Miller
Community Services Area Administrator
City of Ann Arbor
jmiller@a2gov.org
734-794-6210 x 42198 or 42199 (phone)
734-994-8460 (fax)
www.a2gov.org

Please note my new phone number.

From: Rampson, Wendy
Sent: Friday, November 13, 2009 4:44 PM
To: Miller, Jayne
Subject: RE: Wood Smoke Health Effects And Community Actions

Jeff has opened a code investigation and will send an inspector when one becomes available to investigate the source of the smoke.

From: Miller, Jayne
Sent: Thursday, November 05, 2009 6:05 PM
To: Rampson, Wendy
Subject: FW: Wood Smoke Health Effects And Community Actions

11/18/2009

Wendy, is this something PDS should handle?

Jayne Miller

Community Services Area Administrator

City of Ann Arbor

jmiller@a2gov.org

734-794-6210 x 42198 or 42199 (phone)

734-994-8460 (fax)

www.a2gov.org

Please note my new phone number.

From: Fraser, Roger

Sent: Wednesday, November 04, 2009 5:11 PM

To: Postema, Stephen; Crawford, Tom; Jones, Barnett; McCormick, Sue; Miller, Jayne; Wilkerson, Robyn

Cc: Dempkowski, Angela A

Subject: FW: Wood Smoke Health Effects And Community Actions

Folks, this appears to be an air quality issue and I don't know who would do enforcement, presuming the citation, below, is correct.

Roger

734-794-6110

rfraser@a2gov.org

From: Hieftje, John

Sent: Wednesday, November 04, 2009 2:42 PM

To: Fraser, Roger

Subject: FW: Wood Smoke Health Effects And Community Actions

Hi Roger:

Ms. Gerhardt has contacted me before on this and has been working on this problem for a while. I don't understand where the smoke is coming from or how it is getting inside her house but please make sure someone calls her back and perhaps we can help solve this problem.

Thanks,

John

From: Walter Stellberger [mailto:wstella@ann-arbor.org]

Sent: Wednesday, November 04, 2009 1:13 PM

To: Hieftje, John; Smith, Sandi; Briere, Sabra; Rapundalo, Stephen; Derezinski, Tony; Taylor, Christopher (Council); Greden, Leigh; Higgins, Marcia; Teall, Margie; Hohnke, Carsten; Anglin, Mike

Subject: RE: Wood Smoke Health Effects And Community Actions

11/18/2009

Dear Mayor Hieftje and Council Members,

Smoke infiltrating my house is still a serious problem. I have contacted various City administrators and am awaiting return calls. It appears that this air pollution should be addressed by Chapter 116 Air Quality Control of the municipal code. If I don't receive word on how to alleviate this problem, my next step will be to contact area television stations. I'm sure that this issue would be of interest, as Ann Arbor is viewed as being environmentally conscious and responsible. The media has covered Ann Arbor's possible ban on plastic grocery bags (which affect the landfill and not air quality and residents' health); I think they would also see being able to breathe clean air as something Ann Arbor would be concerned with.

Following are research studies and articles which describe the hazardous effects of wood smoke and what other communities have or are doing to address it.

Thank you,
Laura Gerhardt

Is Wood Smoke Dangerous?

The American Lung Association says:

MORE THAN 90% OF THE WOODSMOKE PARTICLE MASS CONSISTS OF FINE PARTICLES, THE FRACTION OF PM THAT MANY RESEARCHERS CONSIDER TO HAVE THE GREATEST ASSOCIATION WITH ADVERSE HEALTH OUTCOMES. IN ADDITION TO FINE PM, WOODSMOKE EMISSIONS CONTAIN COMPONENTS SUCH AS CARBON MONOXIDE (AN ASPHYXIANT), VARIOUS IRRITANT GASES SUCH AS NITROGEN DIOXIDE, SULFUR DIOXIDE, HYDROCHLORIC ACID, AND ALDEHYDES SUCH AS FORMALDEHYDE AND ACROLEIN, AND CHEMICALS KNOWN OR SUSPECTED TO BE CARCINOGENS, SUCH AS POLYCYCLIC AROMATIC HYDROCARBONS (PAHs), OXYGENATED PAHs, AND POLYCHLORINATED DIOXINS AND FURANS.

Also, 'Twice as many women with breast cancer had high PAH Polycyclic_ aromatic_ hydrocarbon, (a by-product of wood smoke) levels in their BREAST TUMORS compared with tissue of women without breast cancer.' It is also important to note:

Health effects from particulate matter occur after exposures of 2-4 hours or less in duration of woodsmoke at the 12 - 29mcg/m³ range (Koenig et al. 1993)

Particulates - perhaps the most dangerous component of wood smoke is the countless airborne particles (particulates). Airborne particles smaller than 2.5 microns are harmful because they are tiny enough to lodge inside lung tissue, while particles larger than 2.5 microns are coughed out. Researchers have discovered that the particles found in wood smoke are almost all smaller than 2.5 microns.

Carcinogenic substances - some of the carcinogenic substances identified in wood smoke include aldehydes and polycyclic aromatic hydrocarbons and dioxins.

Wood Smoke is 80 - 90% Fine Particulate Matter, ie, PM 2.5 or less

Fine particles easily bypass the natural filters in the nose and throat, penetrate deep into the lungs, and carry toxins further into the bloodstream.

Interesting reading

Study Establishes Link Between Air Pollution, Ischemic Strokes

Air Pollution's Impact On The Heart Is As Bad As Having Been A Smoker

Most Definitive Study Yet Shows Tiny Particles In Air Are Linked To Lung Cancer

Researchers Show How Air Pollution Can Cause Heart Disease

Air Pollution Causes Healthy Blood Vessels To Constrict

Air Pollution May Increase Stroke Risk

The State of Washington has laws to address neighbors' wood smoke. According to the Puget Sound Clean Air Agency, "generating excessive smoke is not only unneighborly, it's illegal. Under state regulations, smoke from a person's chimney cannot exceed 20 percent opacity for six consecutive minutes. Greater smoke densities could result in fines from air pollution control officials. It is always illegal to smoke out your neighbor. Everyone has a right to breathe clean air. If smoke from your fire is affecting your neighbors, it is considered a nuisance and subject to enforcement action."

http://www.ehhi.org/woodsmoke/pr_wood_smoke_legislature.shtml

From: Hieftje, John [mailto:JHieftje@a2gov.org]

Sent: Monday, October 12, 2009 1:53 PM

To: Walter Stellberger; Smith, Sandi; Briere, Sabra; Rapundalo, Stephen; Derezinski, Tony; Taylor, Christopher (Council); Greden, Leigh; Higgins, Marcia; Teall, Margie; Hohnke, Carsten; Anglin, Mike

Subject: RE: Need For Fire Pit Ordinance

Dear Ms. Gerhardt:

I am sorry to hear this is happening. I am wondering if there is not a malfunction in someone's chimney? Is it possible to determine where the smoke is originating? Upwind?

John Hieftje

From: Walter Stellberger [mailto:w██████████]

Sent: Monday, October 12, 2009 12:47 PM

To: Hieftje, John; Smith, Sandi; Briere, Sabra; Rapundalo, Stephen; Derezinski, Tony; Taylor, Christopher (Council); Greden, Leigh; Higgins, Marcia; Teall, Margie; Hohnke, Carsten; Anglin, Mike

Subject: RE: Need For Fire Pit Ordinance

Dear Mayor Hieftje,

Thank you for responding to my email regarding outside burning. I agree that grilling should be an exception, as this does not usually go on for hours.

Since sending my email, I have learned that a wood-burning stove or fireplace has recently been installed somewhere in the neighborhood, and I believe this is the major cause of my respiratory problems. On Sunday, our neighbors' and our houses were full of smoke from a wood fire. This triggered a stuffed nose; headache; watery and burning eyes; constant coughing; and difficulty breathing (despite taking my allergy medication and using my asthma inhaler every four hours). We left our home for four hours to try to avoid a trip to the emergency room.

Our doors and windows have been kept closed; we have recently bought a 4-inch pleated media allergy furnace filter; and our home has been remodeled with energy-efficient windows and doors—all to no avail. We feel as though we are being "smoked" like meat. Today we ordered two air purifiers for approximately \$1,000 which, hopefully, will be delivered by the time we come home from an out of town trip at the end of the week. After 25 years of living in Ann Arbor, if we can't breathe the air in our own home, we will be forced to move out of the city. There are other sources of fuel (gas, electric, etc.) that could be used, both for heat and aesthetics, without creating this acrid smoke. Hopefully, our investment in air purifiers will take care of the problem, although we have been told that smoke is one of the most difficult pollutants to manage. In the end, we cannot allow our health, and, possibly our lives, to be endangered.

Thank you for discussing this issue with your colleagues.

Sincerely,

Laura Gerhardt
[REDACTED]
[REDACTED]

From: Hieftje, John [mailto:JHieftje@a2gov.org]

Sent: Monday, October 12, 2009 8:52 AM

To: Walter Stellberger; Smith, Sandi; Briere, Sabra; Rapundalo, Stephen; Derezinski, Tony; Taylor, Christopher (Council); Greden, Leigh; Higgins, Marcia; Teall, Margie; Hohnke, Carsten; Anglin, Mike

Subject: RE: Need For Fire Pit Ordinance

Dear Ms. Gerhardt:

Please allow me to apologize for the lateness of my reply to your email. I was away from the office when your email came in, it was set aside and I just found it again.

You make several good points regarding fire pits and the problem of smoke, especially for those who suffer from respiratory problems. Asthma is a problem for many of our residents.

Many residents have fireplaces inside their houses but fire pits are different in that the smoke is released at ground level. Wind direction can also be a factor. Prohibiting all outside burning including fire pits is an option but an exception would need to be made for outdoor grilling and detailing the differences could be complicated. I was once at the home of a resident who grills elaborate meals over an apple wood and mesquite fire.

Quite a few residents enjoy fire pits. I am wondering if we could not have something in place that required notification of neighbors when a fire pit is going to be in used.

This will require some thought. I will talk with my colleagues on City Council.

Thank you for writing.

John Hieftje

From: Walter Stellberger [mailto:walter.stellberger@cityofannarbor.com]
Sent: Sunday, September 20, 2009 2:01 PM
To: Hieftje, John; Smith, Sandi; Briere, Sabra; Rapundalo, Stephen; Derezinski, Tony; Taylor, Christopher (Council); Greden, Leigh; Higgins, Marcia; Teall, Margie; Hohnke, Carsten; Anglin, Mike
Subject: Need For Fire Pit Ordinance

Dear Mayor Hieftje and Council Members:

I am writing regarding the need for a fire pit ordinance. The neighbors directly behind us recently started having fires in a fire pit in their back yard. Two people in my family have asthma, and last Friday night, I thought we might end up in the emergency room due to the smoke infiltrating our house (we left our house for 2 hours). Despite keeping our windows and doors shut, running the air conditioner (not energy conservation friendly), and using an expensive furnace filter, the smoke still invades our house and triggers respiratory problems. I wrote a note to our neighbors explaining the situation, and requesting that they not have outdoor fires. So far there has not been another incident, but they, or anyone else could decide to use a fire pit; I could not find a city ordinance or code prohibiting it.

Also, some friends in Ann Arbor were using a fire pit a few years ago, and the cold ashes after having been sifted through and placed in a lawn bag, started a fire in the middle of the night burning down their garage and melting the siding on their home. If someone had not heard the windows breaking due to the fire's heat, their house, and possibly other neighborhood houses could have caught on fire. Houses and lots in the city are too close together to allow fire pits.

In this age of environmental concern, the use of phosphorous in fertilizer, water runoff, car idling, grocery bags have/or are being addressed. Washtenaw County's air quality has been ranked as poor by the EPA, and allowing outdoor burning of any kind, reduces air quality and contributes to health problems for all area residents. The number of people with asthma keeps increasing, and the health of residents should be a serious concern. I request that City Council ban the use of fire pits.

Thank you,

Laura Gerhardt
[REDACTED]

Higgins, Sara

From: McDonald, Kevin
Sent: Monday, November 16, 2009 7:47 PM
To: Anglin, Mike; Barrett, David (PAC); Berla, Tim (PAC); Berson Grand, Julie (PAC); Chapman, Doug (PAC); Lawter, John (PAC); Levin, Karen; Nystuen, Gwen (PAC); Offen, Samuel (PAC); Rosencrans, Scott (PAC); Smith, Colin; Taylor, Christopher (Council)
Cc: Smith, Colin; Miller, Jayne; Postema, Stephen
Subject: PRIVILEGED AND CONFIDENTIAL: 11/17 - PAC Closed Session

Higgins, Sara

From: McCormick, Sue
Sent: Monday, November 16, 2009 7:35 PM
To: Fraser, Roger; Higgins, Marcia
Cc: Pirooz, Homayoon
Subject: ADA compliance corner ramp replacements

Roger is correct that is unusual that more than a few blocks of sidewalk would require replacement associated with a ramp replacement, but it does happen. Generally, where you see significant sidewalk replacement in conjunction with a corner ramp reconstruction, it is because of the grade in the area, not necessarily because the sidewalk slabs are in poor condition. The restrictions for ADA compliance require us to assure the grade of the ramp, a level landing at the top of the ramp, cross slopes, etc. and this can require us to drop a landing, and cause reconstruction of sidewalk to get back to a matching grade. In some cases, in order to meet ADA requirements we have had to install retaining walls and or consider switchbacks.

If you have particular locations, we would be happy to answer how the design requirements impacted that installation.

Sue F. McCormick
Public Service Administrator
100 N Fifth Av
Ann Arbor, MI 48107
Phone: (734) 794-6310 ext. 43101
mailto: smccormick@a2gov.org



Think Green! Don't print this email unless you need to.

Higgins, Sara

From: Fraser, Roger
Sent: Monday, November 16, 2009 7:19 PM
To: Higgins, Marcia
Subject: FW: CUB Agreements (DC-3 on 11/16/09 Agenda)

Importance: High

Attachments: CUB.PDF



CUB.PDF (51 KB)

I just received this from Bill.

Roger
734-794-6110

-----Original Message-----

From: Wheeler, William
Sent: Monday, November 16, 2009 3:54 PM
To: Fraser, Roger
Cc: McCormick, Sue
Subject: CUB Agreements (DC-3 on 11/16/09 Agenda)
Importance: High

Roger - Sue asked me to read this item and comment to you.

- 1- The memo refers to "Construction Manager". This is a term of art peculiar to the CM form of project delivery and does not apply to most of our contracting. The CUB agreement does not make this mistake - I point it out only so the memo can be more clearly understood.
- 2- The memo says that the CM [or general contractor] will withhold funds if there is a dispute about wages or fringes. There are already procedures for this and similar problems directly in the contract, as well as via the labor and material bonds and the state construction lien law. I doubt you can just impose this on the general contractor without first doing some serious study of, and likely revision to, the existing contract and general conditions. The CUB agreement (at least as shown on the web site) is somewhat vague on this point. It includes one key phrase that is not a sentence and leaves things a little unclear (see attached).
- 3- The resolution's second whereas clause says the CUB agreement is consistent w/ Code 1:320. Maybe. Labor costs should rise somewhat under a CUB agreement. Union wages are higher than the prevailing wage, which is an average of all wages in the area, thus including some non-union. I question the assertion that the CUB agreement will accomplish 'prompt and effective resolution' of disputes over payment of wages and fringes. There are multiple possibilities for how to handle this - see no. 2 above. And, such disputes are extremely rare. I've seen only one, and it was resolved easily via the ordinance.
- 4- The third whereas is missing some words - it does not read right.
- 5- I've never seen a job of ours actually struck. I don't think it is a big threat.
- 6- The last whereas clause says the CUB agreement may favor our interests. I'm not sure how. Our labor costs may rise somewhat, insofar as any non-union contractor will have to pay slightly more wages than they do now. Having this requirement may reduce the number of bidders we get, due to some non-union bidders not wanting to bid. Requiring the contractors to sign each local union's labor agreement brings in a lot of other possible requirements. Will the out of town union contractor have to hire everyone from the local hall, or will they be allowed to bring their own favorite workers with them? Will the out of town union contractor be required to pay into the local union's benefit package as well as the home union's? These items could raise a contractor's bid, or discourage it from bidding.
- 7- In the resolved clause, "construction contracts" should be more carefully defined. It

probably means "BUILDING construction contracts", and there should be a minimum size under which there is no requirement for an agreement - perhaps tied to the council approval breakpoint of \$25,000.

The City has a history of being scrupulously neutral on the question of union or non-union labor on its construction projects. The current Code requirement of "prevailing wages" has worked well for several decades. I do not see what problem exists, to which a CUB agreement is the solution.

If this resolution is affirmed, its implementation should be delayed. The staff of the Attorney's office (with assistance from Project Management and Procurement) ought to be given ample time - say until April 1st? - to revise the various standard contract documents to reflect the change.

Bill.

Bill Wheeler

Please note new phone no.:

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