

ROUGHLY EDITED TRANSCRIPT

ANN ARBOR  
CITY COUNCIL MEETING  
DECEMBER 20, 2021  
6:30 P.M.

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>> Mayor Taylor: Good evening, everyone, and welcome to the December 20 meeting of the Ann Arbor city council.  
If you are able, please rise and join us for a moment of silence, followed by the Pledge of Allegiance.  
>> I pledge allegiance to the flag of the United States of America, and to the republic for which it stands: One nation, indivisible, with liberty and justice for all.  
>> Mayor Taylor: Would our clerk please call the roll of council?  
>> Clerk Beaudry: Councilmember Hayner.  
>> Councilmember Hayner: Here.  
>> Clerk Beaudry: Councilmember Disch.  
>> Councilmember Disch: Present.  
In Chicago, Illinois.  
>> Clerk Beaudry: Councilmember Griswold.  
>> Councilmember Griswold: Here.  
Ann Arbor.  
>> Clerk Beaudry: Councilmember Song.  
>> Frozen.  
>> Clerk Beaudry: Councilmember Song?  
Mayor, I think we lost Councilmember Song.  
>> Mayor Taylor: My suspicion is she will come on back.  
>> Clerk Beaudry: Councilmember Grand.

>> Councilmember Grand: Here.  
In Ann Arbor.  
>> Clerk Beaudry: Councilmember Radina.  
>> Councilmember Radina: Here.  
In Ann Arbor.  
>> Clerk Beaudry: Mayor Taylor.  
>> Mayor Taylor: Here.  
In Ann Arbor.  
>> Clerk Beaudry: Councilmember Eyer.  
>> Councilmember Eyer: Here.  
In Ann Arbor.  
>> Clerk Beaudry: Councilmember Nelson.  
>> Councilmember Nelson: Here.  
In Ann Arbor.  
>> Clerk Beaudry: Councilmember Briggs.  
>> Councilmember Briggs: Here.  
In Ann Arbor.  
>> Clerk Beaudry: Councilmember Ramlawi.  
>> Councilmember Ramlawi: Present.  
Ann Arbor.  
>> Clerk Beaudry: Councilmember Song?  
[ Inaudible ]  
>> Councilmember Song: Here. In Honolulu.  
>> Mayor Taylor: Thank you.  
Mayor, we have a quorum.  
>> Mayor Taylor: May I have a motion to approve the agenda.  
Proved and second.  
Discussion of the agenda.  
All in favor?  
Opposed?  
The agenda is approved do we have communications from our esteemed administrator?  
>> Int. City Admin. Dohoney: No, sir, additional.  
>> Mayor Taylor: We have public comment reserve time.  
This is a time for the public so speak at public comment reserve time.  
You needed to contact the city clerk in advance.  
Please enter the number on your screen 877-853-5247.  
877-853-5247.  
Once you are connected, enter meeting I.D., 94212732148.  
Once you are connected further, please indicate star nine.  
Our clerk will identify you by the last three digits of your telephone number when it is your turn to speak.  
When it is your turn to speak, you will have three minutes in which to speak.  
So please pay close attention to the time.  
Our clerk will notify you when 30 seconds are remaining and when your time has

expired.

When your time has expired, please conclude your remarks and cede floor.

Our first speaker is Mozhgan Savabieasfahani.

>> Caller with the phone number ending in 941, please star six.

>> Hello, can you hear me?

>> Mayor Taylor: Yes, we can.

>> Ann Arbor city council would like to call itself progressive.

Why do you call yourself progressive in just like the Woodrow Wilson

progressives Ann Arbor city council is a racist killer.

Racist to the bone against the Palestinian people.

You call yourselves progressive.

Why?

For putting psychedelic drugs in easy reach of every Ann Arborite without any medical supervision?

Or prescription required.

That's your progressivism?

Why do you call yourselves progressive for medical marijuana with no prescription required.

For launching a social district.

When a scam.

That is your pandemic plan.

Instead of healthcare for everyone, you bilk them up so you can fill up city council with your mafia.

You fill the streets with luxury housing, while doing nothing to build public housing.

You fill the streets with bike paths, but you do nothing to build the public transportation we need.

So the same herd of powers can crack into more bikes and the city stays addicted to, you guessed it, cars.

You shoot off your mouth about Gelman dioxane plumes without ever putting shovels.

You never campaign for \$15 minimum wage.

Never campaigned for \$15 minimum wage.

You never push for expanding union membership, because that would empower the voters to throw your ass out!

And yet a government that defends -- and get a government that defends basic human rights for everyone.

Woodrow Wilson was so much like you.

Segregated, federal workers.

He loved the Ku Klux Klan movie called "Birth of a Nation."

He murdered Haitians and Nicaraguans.

You are so much like Wilson.

Look at your murderous opposition to any Palestinian human rights resolution.

>> Clerk Beaudry: 30 seconds.

>> For the past 20 years, you call that progressive?

How many years have you blocked a resolution, opposing military aid to Israel?  
How many years?

So Israel continues massacring Palestinians, and Palestinian blood is on your hands.

You keep passing Israel the ammunition to keep shooting and more voters recognize that full scope of your inhumane racism now than before.

They will vote you out.

I promise you that!

We will vote you out!

>> Clerk Beaudry: Time.

>> Mayor Taylor: Thank you.

Our next speaker is Blaine Coleman.

>> Clerk Beaudry: Mr. Coleman, go ahead.

>> Mr. Coleman, I have to ask you about your ongoing addiction to killing Palestinians.

This is the one unchangeable fact of not just American political life but even way down at the Ann Arbor city council level, it's the unchanging fact of Ann Arbor city council.

Come hell or high water, you keep throwing all of your weight hard against even the smallest Palestinian human rights resolution.

And I have been a witness to it for the last 20 years that this city council and mayor, both mayors have really done everything possible to throw their weight against every and Palestinian human rights resolution that's ever been proposed. You have been blocking real hard blocking the military aid to Israel.

Why?

Why?

As I said, you have to get rid of your addiction to killing Palestinians.

It's not a permanent fact of political life.

A lot of things used to be permanent facts of political life that are no more.

I really don't understand you.

Even when the national democratic B.S.A., the democrat socialists of America, even when the national D.S.A. speaks up for boycott, divestment and sanctions against Israel, even then the local D.S.A. people are nowhere to be found on this issue in city council or in any public venue.

Why is that?

Even the D.S.A. people running for city council are except to any military aid to Israel.

I don't understand this strong, strong drive you have to keep killing the Palestinian people.

I just don't understand it.

>> Clerk Beaudry: 30 seconds.

>> So I have to oppose -- I have to oppose this addiction you have to killing Palestinians.

I have to speak at city council meetings until you either open your ears or you get thrown out by the voters.

I have to assume that the voters of Ann Arbor have an aversion to racist city councilmembers.

I have to assume there is a political cost to your constant killing of Palestinians, to your constant throwing your weight against --

>> Clerk Beaudry: Time.

>> Mayor Taylor: Thank you.

Are there communications today from council?

Councilmember Radina.

>> Councilmember Radina: Thank you, Mayor Taylor.

I wanted to draw the attention of my colleagues to the actions of our energy commission last week.

Councilmember Briggs and I are liaisons to that body.

And as you know, they have been investigating and debating for several months possibilities about exploring a feasibility study for a potential municipal utility, and so last week, they did pass a resolution recommending that city council authorize a feasibility study for a municipal utility and that resolution also called for us to initiate work towards creation of a municipal sustainable energy utility, which Dr. Stults has previously shared with us.

So Councilmember Briggs and I are going to continue to work with staff to bring something to this body, likely early January.

And so I just wanted to draw your attention to that because I don't believe it was shared on this agenda, but you can find the resolution on legistar and I'm confident the minutes will come to you soon.

Thanks.

>> Mayor Taylor: Councilmember Disch.

>> Councilmember Disch: Thank you very much.

I have some good news to report that I learned today.

In the solid waste area and that is that Ann Arbor was awarded \$850,000 from the state of Michigan to upgrade the dropoff station.

That is huge!

And I'm so excited and so grateful for the staff who must have worked hard on that application.

From -- in February from the sixth to the 12<sup>th</sup>, the city will be partnering with live zero waste, which is a nonprofit for a zero waste plunge.

And the challenge is to produce no trash or recycling for those seven days.

Now, nobody is going to get mad at you if you mess up, but the great thing is you will get tips on how to shop for yourself and party in a zero waste way.

It will be fun.

You can register for that at [livezerowaste.org](http://livezerowaste.org), or Google Ann Arbor zero waste challenge.

Finally, in the spirit of Councilmember Radina's previous remarks, I want to call everyone's attention to something that the environmental commission passed on December 2<sup>nd</sup>, which has not yet -- those minutes haven't been uploaded but they passed a resolution, asks us to restore funding to the deer cull.

So thank you very much.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: Since this is the last meeting of the year, I just want to thank staff for going above and beyond in this very, very difficult year. I also want to commend Scio township for taking it upon themselves, no waiting for the EPA, not waiting for EGLE but actually doing dioxane testing in residential wells.

Mlive has an excellent article on that and I'm sure there will be more information from the environmental commission in the future on that.

The third thing is I want to focus on brutal honesty.

I think the only way that we are going to get to the root causes of some of our operational issues is if we are honest about the causes of those issues and one of the reasons is that city council seems to go one from one initiative to a millage and another initiative.

And we don't give staff time to evaluate nor do we have an expectation ever evaluating or implementing metrics and we will not be able to improve if we don't do that.

We can't rely on the legal department to scapegoat individuals in the name of improving our organization.

Let's be honest.

Let's move forward to long-term sustainable improvement.

Thank you.

>> Mayor Taylor: Councilmember Nelson.

>> Councilmember Nelson: Thank you.

All of council was alerted to this and Mlive wrote a story about it, but I do want to make a comment about the landlords who have withdrawn their lawsuit both the early leasing ordinance and the fair chance ordinance.

This is really good news and I -- I'm already talking to people about how we can get to work in addressing some of the loopholes and some of the challenges that we have seen this fall in implementation of the early leasing ordinance.

There's still a lot of problems left to be fixed.

I just want to acknowledge that because we have been hearing from people who have alerted to us to the many problems that are -- that haven't yet been solved.

>> Mayor Taylor: Further communication from council?

>> Clerk Beaudry: Mayor?

>> Mayor Taylor: May yes?

Clerk Councilmember Song says she's having trouble raising her hand.

>> Councilmember Song: This was a water main break in ward 2 and I wanted to thank staff for working so hard and remedying that.

And, again, communications out, I think to the city website, and on to nextdoor.com.

There is a boil water alert.

I think everyone has water and access to good water pressure.

So thank you for the timely response.

>> Mayor Taylor: Further communication from council?

Councilmember Song, if during the course of your meeting, you are unable to

raise your hand, just wave and we'll rely upon someone to help me if I don't see you.

I would like to request confirmation of the following appointments presented to city council at the December 6<sup>th</sup> regular session the to board of review, Katherine white, Ryan dibble.

To the board of review two.

Alice Owings, the to the recreation advisory committee, Patti Smith, Nicholas Crowe and Kurt Svoboda.

Moved by Radina and seconded by Disch.

Discussion?

All in favor?

Opposed?

It is approved.

I would like to recommend the following nominations for your considerations to the retiree employment, Alexa Nerdum, to the historic district commission, Beverly Willis, and Megan Brovan and Suzette Wanninkhoff and to the council development corporation, Councilmember Eyer.

May I have a motion to the consent agenda.

Councilmember Grand, and seconded by Briggs.

Discussion of the consent agenda.

Councilmember Griswold?

>> Councilmember Griswold: No comment.

>> Mayor Taylor: Thank you.

All in favor of the consent agenda?

Opposed in the consent agenda is approved.

We now come to public hearings.

That is to say the specific item on the agenda, the specific subject of the public hearing.

To speak at a public hearing, you need not have signed up in advance, but your speech must relate to the specific subject matter of the public hearing, that is, the specific item on the agenda.

To speak at a public meeting -- a public hearing, please enter the number on your screen 877-853-5247.

Once you are connected, please enter meeting I.D., 94212732148.  
94212732148.

Once you are connected further and we are in this public hearing at which you wish to speak, please enter star nine.

Star nine to indicate that you wish to speak during that particular public hearing.

Our clerk will identify you when it's your turn to speak by the last three digits of why you are telephone number.

When it is your -- your telephone number.

When it is your turn to speak, you will have three minutes.

Our clerk will notify you when 30 seconds is remaining and when your time is expired.

When your time has expired, please conclude your remarks and cede the floor.

Public hearing number one, An Ordinance to Amend Chapter 55 (Unified Development Code), Zoning of 32.6 Acres from R3 (Townhouse Dwelling) to R4B (Multiple-Family Dwelling), Mill Creek Townhomes Rezoning, 3002 Chelsea Circle.

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

>> Caller with the phone number ending in 228, press star six to unmute your phone.

Phone number 228, press star six to unmute your phone.

Caller with the phone number ending in 228, do you have a comment?

Caller with the phone number ending in 936, do you have a comment?

Press star six to unmute your phone.

Caller with the phone number ending in 936.

>> Yes, this is Jim Galloway.

>> Mayor Taylor: Yes, you are audible, sir.

>> Yes, this Jim Galloway --

>> Mayor Taylor: I'm sorry, sir.

If you stay on the line, that is a separate public hearing.

Public hearing number three.

We will get to you in just a little bit.

>> Okay.

I will hang on.

>> Mayor Taylor: Thank you.

My apologies.

>> Clerk Beaudry: Caller with the phone number ending in 228, do you have a comment?

Caller with the phone number ending in 228, do you have a comment for this hearing?

Press star six to unmute your phone.

Caller 228, do you have a comment?

>> Hello?

>> Mayor Taylor: Yes, hello.

>>> How do I watch this on the cable access?

There's nothing there.

>> Mayor Taylor: Ma'am, you are online and audible in a public hearing with the Chelsea circle and the mill creek --

>> I'm trying to make a comment about the matter -- the stupid meter thing.

I'm trying to watch the meeting and it's not on cable access and it's not online.

So I don't know how to watch the meeting.

>> Mayor Taylor: The -- is it possible for a staff member to give the -- give the caller --

>> My husband said it was a Zoom meeting.

>> Mayor Taylor: It is on Zoom, ma'am.

>> But I think you are having some type -- I went to the meeting and then it wanted another code.

My husband said he spent me this link to the Zoom but it's not a Zoom link.



>> The meeting is live on cable channel 16.  
>> My channel is 99.  
That's what it said to do.  
And it said it was the council meeting.  
It wasn't there.  
It was just blank and now it's something else.  
We have channel -- we have channel 20 from Detroit.  
I don't know what to tell you with respect to your viewing.  
It is on channel 16.  
>> Are you talking about -- are you talking about --  
[ Inaudible ]  
>> It says to go to channel 99.  
>> Mayor Taylor: I will have to move you along here.  
You have called in in a public hearing which relates to mill creek townhomes.  
>> I just want to know how to watch this thing.  
[ Inaudible ]  
I don't know anything about channel 16.  
It's not on --  
>> Mayor Taylor: I don't know what to tell you.  
Regrettably, I'm up able to provide adequate tech support to you.  
Ms. Beaudry do we have access?  
Councilmember Briggs, you seem to have a good idea.  
>> Clerk Beaudry: The caller just hung up, but if she emails the  
cityclerk@a2gov.org.  
>> Councilmember Nelson: Is it possible that it's not literally broadcast in  
channel 16.  
>> Councilmember Disch: It's not.  
It's not on 99 on U-verse.  
I cannot remember where we found it on U-verse, but it is not on 99.  
It's Comcast 16.  
>> Councilmember Nelson: That's what I'm asking, is it possible that it's not  
actually being broadcast.  
>> Councilmember Disch: She doesn't have Comcast.  
She didn't have Comcast.  
She has the other service.  
>> Councilmember Nelson: Okay.  
Other people are alerting me that it's not on Comcast either.  
>> Councilmember Ramlawi: My images here on the screen have been  
incomplete all meeting.  
I don't know if that has anything to do with the troubles that people are having,  
but I'm not really seeing all of my colleagues at once, most often.  
>> City Atty. Postema: There is a report that the streaming of the meeting is not  
working correctly.  
>> Clerk Beaudry: The meeting can also be streamed open YouTube, I think --  
on YouTube on [youtube.com/watchctn](https://youtube.com/watchctn).

I don't know if that's working or not.

>> Mayor Taylor: Is the attorney's recommendation that we recess and come back in ten to see whether this has resolved itself?

>> City Atty. Postema: Well, folks -- mayor, I don't think things like this resolve themselves.

And so it's a technology issue.

I'm not -- I'm not the --

>> Mayor Taylor: Resolve themselves whether the good people at CTN figure out a way to resume simulcast.

Councilmember Eyer.

>> Councilmember Eyer: It does seem to be on YouTube right now.

>> City Atty. Postema: Okay.

YouTube is working?

>> Councilmember Eyer: It does seem to be on YouTube right now.

>> Mayor Taylor: Thank you.

Mr. Postema, is that adequate for that to proceed.

>> City Atty. Postema: Well, there's no requirement that the -- well, right now it has to have some public function that is working.

>> Clerk Beaudry: I'm checking with CTN to see if it's on channel 16 right now.

>> City Atty. Postema: Why don't we -- mayor, why don't you adjourn for five minutes and let's talk briefly about it.

I think it's been properly posted.

I will talk with the clerk.

Why don't we do that for a second.

>> Mayor Taylor: All right, it's 7:28.

Let's come on back at 7:35.

[ Break ]

[ No audio ]

>> Councilmember Ramlawi: I just felt obligated to speak on this as a member of council to ICPOC, and these four members have been put forward, not just for councilmembers and the body of ICPOC too.

They come to us recommended, based on their skill sets, their interest and their dedication to the commission, the work that's involved.

Currently there are four vacancy.

It requires extensive training and review and process issues.

So to have four people come in at once will be an undertaking, but we felt it will be good so we can sync up all the training that's required for the commissioners to do a good job.

Again, eager to start work with these new commissioners next year and get back to the work of the commission that is so vital for social justice.

>> Mayor Taylor: Further discussion?

All in favor?

Oppose?

DC-2, Resolution to Approve a Professional Services Agreement with Carahsoft Technology Corp. For Contract Lifecycle Management Software and Appropriate

\$297,002.37 from the Information Technology Fund Balance.

Moved by Disch and seconded Radina.

Councilmember Ramlawi?

>> Councilmember Ramlawi: I wonder if staff was around to discuss the type of the cost benefits and efficiencies that we hope to experience from the adoption of this technology and software.

>> Mayor Taylor: Mr. Dohoney.

Do we have staff in terms of the shifted agenda?

>> Clerk Beaudry: I'm moving over the I.T. director now.

>> Mayor Taylor: Thank you very much.

>> Hi, everyone.

>> Mayor Taylor: Hi.

>>> Councilmember Ramlawi to answer your question, you know we have -- our contract life cycle management process, we currently have 120 people that participate in it.

And really the goal here is to really look at how we do things and try to be more consistent.

We have documentation that is inconsistent.

We have documentation that is stored in multiple places.

We have multiple departments with different processes and the goal is to create a more efficient workflow that is more consistent to solve some of the issues that I just -- that I just brought up.

>> Councilmember Ramlawi: And does that transcend through the entire organization, or is that more heavy in some areas of our organization than others?

So organizationally, there are some areas that do contract management and there are some areas that only do a few a year.

We are looking at it holistically for the entire enterprise, for the entire organization to come up with a better -- a better process that involved workflow that provides the consistency and the efficiencies as opposed to having so many different ways of doing things.

>> Councilmember Ramlawi: And when will this be implemented and operational?

Are we looking at a gradual implementation or will this be all done at once?

>> Yes, the initial implementation, it will take a few months.

And -- and I -- and depending on -- so depending on where we land and how we're going to be doing things because part of the process is to really design a new way of doing things.

You know, we will come up with a new way of doing things but also something that we will be able to evolve over time.

The products we are putting in place provide a foundation and a consistency to be able to do things and then it will evolve over time in the organization.

So -- but the initial goal is to look at our current process, use this new solution to create a new process, and see how well it works and give us the ability to change it later on if we want to.

>> Mayor Taylor: Thank you.  
Thank you.

>> You're welcome.

>> Mayor Taylor: Further discussion?  
Councilmember Ramlawi?

>> Councilmember Ramlawi: Thank you.

What is the life expectancy of this type of product?

I mean, how long -- for \$300,000, how long will we be able to use this tool that you are managing?

>> Yes.

So there's really two -- a couple of components to it.

Number one, it does use the DocuSign product, okay?

So the licenses that we are buying are DocuSign licenses.

The actual process and the workflow that we develop to -- to use that software, that will last for as long as it needs to last.

And as far as how long the DocuSign lasts is dependent on how long we are willing to pay for the product.

This is for three years, keep in mind too, and then we also have to keep the licensing up to date after three years and continue to pay it if we want to continue to use this solution.

>> Councilmember Ramlawi: Thank you.

Appreciate you being here tonight to answer those questions.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: Yes, I was going to say I have complete trust in your judgment and I'm not sure exactly what you are talking about.

[ Laughter ]

And then you said DocuSign and I have used that a few times recently and it really saves time, and, you're right, it is consistent.

It keeps everything organized and I definitely support this.

Thank you.

>> Yes, and this is a team effort.

There's a lot of departments that will be working on this in the future.

>> Councilmember Griswold: Great.

>> Mayor Taylor: Further discussion?

All in favor?

Opposed.

It is approved -- we have 11 councilmembers present, all -- all voting in the affirmative, thus satisfying the eight vote requirement.

DC-3, Resolution to Approve the Employment Agreement with Atleen Kaur as City Attorney.

Moved by Grand and seconded by Griswold.

Discussion of DC-3?

I will -- let me get my clock started.

Just to say very briefly or not so briefly that it has been a pleasure to work with Ms. Kaur on her agreement and I'm delighted to -- it rhymes with Mr. Postema's

agreement but it has some provisions in it, which are particular to Ms. Kaur with peculiarity allowing her some additional professional interests to follow through on the expertise that she's accrued to date.

We at the city of Ann Arbor are incredibly lucky to have an attorney of Ms. Kaur's ability and integrity and good cheer choose to take a leap into public service -- public service.

The work that the city attorney is incredibly important.

It's incredibly important for us as a municipal organization and meaningful for the community as a whole, because it is crucial that the people of the city could government have the best legal advice possible in a way that -- that just calls the balls and strikes and that does so with professionalism and ethics and diligence and that's exactly the attorney's office that we have.

Ms. Kaur as she joins us will have to fill some incredibly big shoes.

Shoes of Mr. Postema's.

He has served the city well and with wisdom for years.

I am confident that even as we -- even as we regret his departure that we will welcome Ms. Kaur's arrival and she and the office will thrive.

I am simply delighted.

Councilmember Griswold.

>> Councilmember Griswold: Yes.

I want to acknowledge Mr. Postema's excellent succession planning and I think that Ms. Kaur is an example of that.

I'm going back to my notes from the interview on October 6<sup>th</sup>, and there were a couple of things that she said that stood out and I think that she will be an excellent employee, else is maybe a role model for council as well.

She said that a leader is the glue that binds people together, when she was talking about her team.

She also talked about embracing differences and embracing discourse.

So I look forward to welcoming her in April.

Thank you.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: Thanks.

I just want to let you folks know, I won't vote for this.

It has nothing to do with the person, but contract and the salary.

The salary range for public servants is between \$45,000 and \$145 and the median is \$63,000 and this salary offer of \$210,000 is three times that and I have stated on many occasions.

I don't believe a public servant should be making more than \$100 an hour, which is \$200,000.

And for that reason, I'm not going to support this.

>> Mayor Taylor: Further discussion?

Councilmember Ramlawi?

>> Councilmember Ramlawi: I will be supporting this here tonight.

I think, you know, ultimately you get what you pay for, regardless if you are in a public sector, the private sector.

I think this position is extremely important.

One that has had a consistent leader for nearly 20 years.

I will be looking forward to new leadership and new direction, not to smirch Mr. Postema and his leadership and accomplishments at the city of Ann Arbor, but I do think there could be, you know, help for others in our community who don't feel so empowered and I believe this candidate has potential to empower and one who will embrace discourse.

That's something that unfortunately, Ann Arbor city politics no longer provides, in a free and safe environment.

I would like to have a consistent strike zone.

I would like to have someone who calls balls and strikes in a consistent manner, regardless of the political stripes that the body bears.

So I will be supporting this tonight.

And I look forward to 2022.

Thank you.

>> Mayor Taylor: Councilmember Grand.

>> Councilmember Grand: Thank you.

Since we heard such sunshine the last couple of comments, I just want to make sure that I take this opportunity to welcome Ms. Kaur to the city.

I think this was an incredibly smooth process.

It exceeded my expectations and she fortunately will inherit a legal staff and a department that is just in outstanding shape and has tremendous expertise and, you know, is grounded in integrity and public service.

You I think that she will have an ability to come in and succeed.

She's inheriting a strong department and knowing she won't have to do a lot of that work because she's coming to take over a team that's so strong.

So that will just enable her to implement the policies and keep the organization strong and it's an incredibly important position.

And I'm so glad that -- and she comes into it with eyes wide open and she's still looking forward to come.

I look forward to her joining us in April.

>> Mayor Taylor: Further discussion.

>> City Atty. Postema: Mayor.

>> Mayor Taylor: Mr. Postema, do you want to talk a little bit about your succession plan?

>> City Atty. Postema: You asked me to after the discussion.

Just to focus on how this fits in with the succession planning.

And with this, I don't want to take the spotlight away from the candidate, because this is really her contract.

But we have a transparent process, one that's been fully supported by the admin committee throughout this past year.

And so with that, the only thing that I would note is that as part of that planning.

It was sort of contingent on an overlap period and initially it was going to be up front, through the candidate's job responsibilities, She cannot come until

April 11<sup>th</sup>, and I think that it is a mark of integrity that she's honoring those

commitments with her prior work.

That's something that was possibly anticipated.

And so rather than an overlap at the beginning, although that transition frankly has already started through discussions with the city attorney's staff, many McDonald and Radabaugh have discussions.

And we're beginning to get information prepared and ready for her but as I told the admin committee, I'm willing to stay on.

My plan is to retire a date certain.

That there's a retirement date prior to her coming on and that additional help will be done through a consulting agreement, up to ten hours a week for a period of time.

That's something that she requested with the mayor, I have agreed to that, because it limits my time commitment after a date certain and with that, that agreement will be before you next week the administration committee reviewed it and we're preparing that resolution, but tonight, this is really about her, her accomplishments and willingness to step forward, and as far as having a successor, who has excellent qualities, excellent demeanor and all of the things that I think will help to lead the department and the city, and so, yes, a number of you have spoken about, the succession planning here worked and gave you a candidate who is willing to come forward and do public service.

She also happens to be in the fifth ward, and some of the councilmembers seem to appreciate that.

And so -- and that is how it's been for last 19 years and at least that portion of it will continue.

So that's all I have mayor, unless you have an additional question.

>> Mayor Taylor: I do not.

Further discussion?

Roll call vote, please, starting with Councilmember Griswold.

>> Councilmember Griswold: Yes.

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.

>> Councilmember Radina: Yes.

>> Mayor Taylor: Yes.

>> Councilmember Eyer: Yes.

>> Councilmember Nelson: Yes.

>> Councilmember Briggs: Yes.

>> Councilmember Ramlawi: Yes.

>> Councilmember Hayner: No.

>> Councilmember Disch: Yes.

>> Clerk Beaudry: Motion carries.

>> Mayor Taylor: Ms. Kaur, welcome aboard!

DC-4, Resolution to Approve the City's Participation in the Settlement of the National Prescription Opiate Litigation.

Moved by Councilmember Grand, seconded by Disch.

Discussion of DC-4.

Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you.

This is welcomed news.

Unfortunately, it took the lives of many people, literally in order to have this come forward.

In the way it is.

I would hope that with the nearly \$1 million that is proposed to come to the city through the settlements over the next 18 years.

That we find ways to put this money towards restorative justice, social justice issues such as nonemergency response and others.

There's the diversion or deflection program that our city prosecutor's office has established.

I know it's too early to incumber these funds on any one of those mar issues but I hope that the spirit of how those monies get spent in the future, reflect the pain and the destruction that was caused in this case.

So hopefully it goes back to repairing the damage that was done by the opioid epidemic.

Thank you.

>> Mayor Taylor: Further discussion?

All in favor?

Opposed?

It is approved.

DC-5, resolution to require masks at city council meetings.

Moved by Councilmember Disch, seconded by Councilmember Radina.

Discussion of DC-5?

Councilmember Hayner.

>> Councilmember Hayner: Well, we've come a long way in a very short time.

Two years ago, I was told to not wear a mask at council meeting because we didn't want to send the wrong meeting and now we are requiring everyone to wear a mask at a council meeting.

It's an actual health measure that we are taking since we are being forced to meet in public by the start.

I don't know that we have the authority for doing.

This I certainly understand where it's coming from.

I think it is the proper thing to ask the public to do this.

So I'm not sure we have the authority to do this, and I don't think we have the ability to mandate the proof of vaccination or any of these other things.

I think it's the right thing to do and I encourage the public to where masks when they come to meetings and other public meetings.

I know I have been doing it and I wish everyone would.

So thank you.

>> Councilmember Griswold: I would like to be listed as a cosponsor, and I would encourage my colleagues to advocate with our state representatives for online meetings as long as we are in the midst of a pandemic.

>> Mayor Taylor: Councilmember Nelson.



>> Councilmember Nelson: We didn't have a chance to ask questions about it. It was added to the agenda late.

I have not studied the various C.D.C. requirements for different environments.

How did we land on the conveyance at transportation hubs.

How did we land on that?

>> Mayor Taylor: Mr. Frost?

>> Yes, my understanding from speaking with safety, is that that is essentially where we got our current guidelines for entry to city hall.

They are pretty much the only ones out there and it talks about things like a balaclava or a bandanna is not enough.

And it's a published order of the CDC.

So it's something that we can refer to that is objectively there.

>> Councilmember Nelson: So has it been amended since February 1<sup>st</sup>, 2021?

>> It does not appear to have been changed since then.

>> Councilmember Nelson: Okay.

Thanks.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you.

Like many things, if enforcement becomes an issue.

What is the carrot and stick behind this?

If folks are in council chambers and refuse to wear a mask.

What then?

How do we enforce this, I guess is the question.

I appreciate the fact that there's a separate space for those to participate who do not choose to wear a mask.

I know it might not make sense for some people, but the segregation is just -- it's a concern of mine.

Not enough for me to bring another resolution, but it's a certain of how we address that and perhaps it sets precedence for other issues and other things where we start having segregation based on certain things.

So I guess the enforcement mechanism, how is it going to be enforced and what will happen if people choose not to wear a mask in council chambers?

-- a mask in council chambers.

>> Mayor Taylor: Mr. Frost?

>> So this would just be set up as any other council rule.

So the chair of the meeting, the mayor would make that determination at the meeting whether the person was in breach of the piece and then would request their approval if they did not comply.

>> Councilmember Ramlawi: Well, would such a rule require to meetings.

We doing this with just a resolution, the six-vote requirement would do, would such a rule that you describe require two readings or a higher threshold of the body?

>> Council Rule 19 for amending the council rule provides that if the change in the rule is provided with the agenda, and other materials prior to the meeting, that it can be voted on in with a simple majority.

So no suspension of the rules were necessary since it was on the agenda before the meeting.

>> City Atty. Postema: And councilmember, whether or not an ordinance can further go along with that.

On first blush it didn't seem it would.

We will advise further if anything else needs to be done.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: This is a question to the clerk.

In the section to last resolve clause it talks about establishing a mechanism for the public to -- mechanism for the public to comment remotely, and establish a place where unmasked people can participate.

Is that something that you are -- we are anticipating you being able to do?

>> Clerk Beaudry: We already have the chamber set up for January 3<sup>rd</sup> for social distancing.

If your question is if people can participate remotely and in person, we are prepared for that.

If you are asking if there's a separate space for people not.

>> Councilmember Hayner: It says provide a space where unmasked people request participate and provide comment.

>> Clerk Beaudry: This resolution came about today.

And if it were to pass, we would have to designate a separate area.

Right now we are prepared for social distancing and availability for the public to be in the --

>> Councilmember Hayner: There are staff costs required for that?

>> Clerk Beaudry: We were already prepared if there was overflow with the distancing requirements that monitors would be set up in the atrium lobby.

>> Councilmember Hayner: Okay.

I just want to make sure it was able to be worked by you.

Thank you.

>> Mayor Taylor: Councilmember Nelson.

>> Councilmember Nelson: I'm about to take us into the weeds a little bit.

At first I want to express the appreciation about the thought for a secondary space.

I hear what Councilmember Ramlawi is saying, but I would feel a whole lot safer if we had an opportunity to could pull the unmasked people away.

The in the weeds question, I'm reading this resolution and we are referring to attendees of the meeting.

I plan to continue to wear a mask.

Is that the plan that members of council wear -- I see Councilmember Disch nodding.

I will not be comfortable not wearing a mask in a meeting, as long as meetings.

Is that -- [ Garbled audio ]

The whole of us, like all of us.

>> Mayor Taylor: Yes, 100.

Councilmember Song.

>> Councilmember Song: I'm recalling a city council meeting where there was a disruption and a public commenter who identified himself as God and councilmembers had removed themselves from the disruption.

So would we be -- would we have a similar response to that if someone was unmasked.

We have the option to remove ourselves from chambers.

It's not necessarily removing someone who is not following these expectations these public health expectations, correct?

>> Sorry, I could not hear that last question.

>> Councilmember Song: I was just recalling a city council meeting where a public commenter identified themselves as God and the city councilmembers removed themselves from meeting until the situation was resolved.

I believe there's a certain expectation in giving public comment and public safety.

So we do have options, correct, on how to manage these situations in person?

>> Yes, the running of the meeting is at the decision of the chair.

And if the person is breaching the peace, they can be removed.

Do you have options, yes.

>> Councilmember Song: Thank you.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Just for further clarification.

I'm not sure I completely understood it, but just for the viewing public.

If a member of the public coming into council chambers and he's not wearing a mask, he will be asked to leave the meeting and that person will be removed, as if somebody was being disorderly in any other form, correct?

>> Yes, that's the option that this is putting on the table.

>> Councilmember Ramlawi: Well, I hope we have the alternative opportunities for people to participate in a meeting so we don't violate constitutional rights.

I would think people are thinking of.

I believe that there will be challenges to this, just to make sure that we are not infringing on constitutional rights, I will be supporting it.

Thank you.

>> Mayor Taylor: Councilmember Griswold?

>> Councilmember Griswold: I think we have the responsibility to protect the public, anyone attending the meeting, just as we will protect ourselves.

So I would -- if there's someone without a mask or multiple people, simply removing council to another room I 40en is not our only action.

I hope we also address safety of the participants by asking the unmasked person to leave council chambers.

>> Mayor Taylor: Councilmember Radina.

>> Councilmember Radina: I just want to thank the sponsor for bringing this forward.

The minimum we are doing to protect the community as we are being forced back into this in-person situation for our council meetings.

I want to echo council member Griswold's comments from earlier, that we are in some situation as a council because the legislature has failed to extend the

ability of our meetings to continue to be remote and virtual, even if circumstances if we were to continue to see new spikes in the pandemic.

And so I encourage members of the public as Councilmember Griswold did, to continue to reach out to the legislature to continue to ask them to follow the science and allow for these situations.

If we were to see another spike, we are not able to go back into a virtual setting, not even under a local emergency order because the legislature.

I think this is a good step.

I'm confident that our attorneys are doing what they can and I'm comfortable with the provisions that we are continuing to make our meetings as accessible as possible and continuing to keep the community safe.

So thank you, again, for the original sponsors and if possible, I would like to be added as a cosponsor.

>> Mayor Taylor: Further discussion?

It is a shame that this resolution is a necessity, but it is a necessity, because the legislature is forcing this council and a wide variety of boards and commissions to go back into in-person meetings at what is becoming another height of the pandemic.

You know, I would call upon the legislature to look at the science, to provide for the public health, to enable us as we have been doing for months now, more than a year, to conduct public meetings in a fully transparent, 100% safe manner. We have been doing it and it's been working.

And it is -- it's -- you know, it's a leadership gap that brings us here today.

The legislature of Lansing needs to take -- needs to take their responsibility to maintain the public health seriously.

This is not -- needs to take the public health seriously.

We will take the public health of our meeting spaces as seriously as we can.

Of course, we will be expecting folks to comply with this rule.

I will be wearing a mask and I expect other councilmembers to wear a mask.

It's one of our rules to -- if you are bear signs to have them in the back, you know, when we ask people to comply with that rule, you know, it is generally complied with.

Similarly, if folks come unmasked, masks will be provided to them.

The point is masks are this for the attendees safety and everyone else's safety.

They are there for council's and the attendant staff safety.

And we will ask folks to comply and indicate that it's our expectation that they do so.

In the absence of compliance, which I certainly conclude to be a disruption, there are a variety of steps that we can take and it's my intention that we be incremental.

Our goal is to educate, request compliance, not to affect confrontation.

Further discussion?

Roll call vote, please, starting with Councilmember Griswold.

>> Councilmember Griswold: Yes.

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.  
>> Councilmember Radina: Yes.  
>> Mayor Taylor: Yes.  
>> Councilmember Eyer: Yes.  
>> Councilmember Nelson: Yes.  
>> Councilmember Briggs: Yes.  
>> Councilmember Ramlawi: Yes.  
>> Councilmember Hayner: Yes.  
>> Councilmember Disch: Yes.  
>> Clerk Beaudry: Motion carries.  
>> Mayor Taylor: Ms. Beaudry, are we up and running on CTN?  
>> Clerk Beaudry: Mayor, I'm hearing from CTN that they are not able to restore the feed.

I -- I have asked I.T. to prominently display on the website the other options for viewing, which would be at [a2gov.org/watchctn](http://a2gov.org/watchctn) or I do have a link as well for the Zoom meeting.

You can log into Zoom at [a2gov.org/councilzoom](http://a2gov.org/councilzoom).

>> Mayor Taylor: So that will be on the website?

>> Clerk Beaudry: Yes, so you can either watch the YouTube feed or through Zoom directly.

It's my understanding that CTN will not be able to restore the cable feed tonight.

>> Mayor Taylor: Well, certainly we have had that stumble in the past and we have not suspended or adjourned a meeting on the -- in the presence of that double in the past when we were in person, particularly when people do have the ability to view us online and to hop on to the Zoom.

With that, let's roll into the public hearing.

Public hearings is a way for the public to speak to the public hearing.

You need not have signed up in advance but the speech must relate to the specific subject matter of the public hearing.

Your speech must relate to the specific subject matter of public hearing.

If you wish to speak at a public hearing, please dial 877-853-5247.

Once you are connected further enter meeting 94212732148.

Once you are connected, please wait until we come the to the public hearing at which you wish to speak.

Once we are in the public hearing at which you wish to speak, please sent star nine.

Star nine will indicate to the clerk that you wish to speak.

When it is your turn to speak, our clerk will identify you by the last three digits of your telephone number.

You will have three minutes in which to speak.

So please pay close attention to the time.

Our clerk will notify you when 30 seconds are remaining and when the time has expired.

When your time has expired, please conclude your remarks and cede the floor.

Public hearing number one.

An Ordinance to Amend Chapter 55 (Unified Development Code), Zoning of 32.6 Acres from R3 (Townhouse Dwelling) to R4B (Multiple-Family Dwelling), Mill Creek Townhomes Rezoning, 3002 Chelsea Circle.

Is there anyone who would like to speak at this public hearing, the mill creek townhomes rezoning?

>> Clerk Beaudry: Mayor, I do have callers on the line, but they do not have their hands raised for this hearing.

>> Mayor Taylor: Seeing no one this public hearing is closed.

Public hearing number two.

Resolution to Approve Mill Creek Townhomes Site Plan, 3002 Chelsea Circle.

Is there anyone who would like to speak at this mill creek townhomes site plan public hearing?

>> Clerk Beaudry: Mayor, I don't see anyone on the line with their hand up for this hearing.

Oh.

>> Hi, I want to call in support of this is a bit off topic but it relates to the site plan.

>> This is a site plan public hearing, sir.

>> The site plan is good.

I read the summary from the CPC and they suggested that it's great.

And they are going to construct a lot of housing that will be good for Ann Arbor's housing shortage.

Thank you.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Mayor, I don't see anyone else with their hand up for this hearing.

>> Mayor Taylor: Seeing no one, this public hearing is closed.

Public hearing number three.

An Ordinance to Amend Chapter 55 (Unified Development Code) Rezoning of 0.61 Acres from PUD (Planned Unit Development District) to PUD (Planned Unit Development District), Casa Dominicks Development PUD Zoning And Supplemental Regulations, 800, 812, 814 Monroe, 705 Oakland, 700, and 706 Tappan.

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

>> Clerk Beaudry: Scott Linzell.

>> Can you hear me?

>> Mayor Taylor: Yes, we can.

>> Thank you, city council.

I'm Scott Linzell, address, 9 Jefferson court and I'm representing green planet.

We are here to request a text amendment to the 2009 PUD Casa Dominick's language.

It's a minor change in the text, but it retains the original intent of city council, regarding the removal of curb cuts such that it only has to happen when there's construction.

The text we proposed retains the original intent of city council.

The 2009 PUD was conceptual only.

There was no construction proposed.

No site plan submitted and the owner noted it was a long-term plan.

The concept envisions infill construction building over parking spaces and while the PUD does note that only two curb cuts would remain, the language states that all useless curb cuts shall be removed and the curb restored as part of the first PUD site plan approved within the district.

That is no curb cuts had to be removed.

The city adopted regulations for marijuana, and requires site plans for all applications and then green planet submitted a site plan but it didn't show any construction proposed.

The staff then interpreted green planet site plan as triggers the curb cut removal requirement.

We believe this is an incorrect reading.

The green planet site plan proposed no construction, no activity over the parking space shown in the PUD site plan from 2009, and the curb cut did not become useless.

Therefore, this site plan was not the time that would trigger the curb cut removal as council has originally intended.

We reviewed the minutes from 2009, and we have spoken with the architect, the attorney and we believe that our interpretation is the correct one.

The text amendment removes the ambiguity and returns the original concept.

Second and correlated to this, this is not a violation because of our conclusion --

>> Clerk Beaudry: 30 seconds.

>> Sited does not violate the PUD.

The third issue is safety.

There's no pedestrian incidents resulted to this curb cut.

Dominick's has operated for decades and green planet.

So there's nothing to warrant that curb cut creates a safety issue.

There were no objections at the citizen meeting or the public hearing.

>> Clerk Beaudry: Time.

>> Thank you.

Happy to answer any questions.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 132, you press star six, you can unmute your phone.

Caller 132, go ahead.

>> Good evening, Mayor Taylor, and members of council.

My name is David Duvarte, I have served the community on the city council, on the planning commission, on the downtown development authority and presently serve on the zoning board of appeals.

I ask you tonight to pass the Dominick's PUD zoning at this second reading exactly as it was approved on first reading on 15<sup>th</sup>.

My father was Dominick.

I grew up working at Dominick's throughout the 1960s and '70s and I'm very familiar with in the site.

I hope you were able to read earlier today the letter I sent to all councilmembers before this meeting.

When Dominick's became one of the very first PUD zoning districts in the city, policymakers at that time, considered providing residential housing as part of a mixed use development was a community priority.

The curb cut in question serves parking that supports the residential uses at this site.

The asphalt and parking at that site predate the zoning codes and is thereby grandfathered.

In existing PUD as it is now has a zero setback along Monroe Street, further supporting parking in this area.

The PUD zoning provides multiple community -- for this PUD zoning provides multiple community benefits among many other things, commercial uses, affordable -- and I emphasize affordable -- residential housing and parking to accommodate the needs of the tenants.

In addition, the property owner, my brother rich, has agreed to provide the additional public benefit of removing the impervious surface in the parking lot along Monroe.

This is a win for the city.

It's a win for the community.

I urge you to approve this PUD at second reading unchanged from when you passed at the first reading a month ago.

Thank you for your time and your service to the community.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 490, do you have a comment?

Press star six to unmute your phone.

Go ahead.

>> Hello?

My name is Michael McLeod.

My wife Melanie and I are the owners of green planet patient collective.

We have operated green planet at 700 Tappan since 2010.

We always complied with all the rules and regulations and have not had any problems or issues.

When green planet collective SCU was in 2018, we did not agree to the stipulations because of the submission of an administrative site plan.

At that time, city staff told us the only option was to amend the PUD by petitioning city council.

Since it was expected to take a long time, city staff suggested we could commit a site plan showing the closure of the curb cut.

We agreed to this and offered to post the bond, however, the city never requested the bond.

We retained Scott Manziel.

Since that time, we worked in good faith with city staff, our landlord, to bring this petition to city council, despite several delays including COVID, we worked



diligently to get to this point.

Green planet respectfully requests the Ann Arbor city council support the proposed support for the Casa Dominick.

Our neighbor need not lose her legal parking space because it was site plan.

The site plan was administrative in nature without any proposed changes or construction.

We also request that the city council allowed Casa Dominick's to allow parking to continue at 700 Tappan.

To our knowledge, there's never been any pedestrian incidents or issues with the curb cut.

Green planet patient collective would restrict parking to staff only, and replace the impervious asphalt with pervious pavers.

As an additional benefit, green planet will construct a rain garden on the northeast part of the property, to minimize any run cough and serve as a demonstration project for the community.

Thank you for your time.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 963, do you have a comment?

Press star six to unmute your phone.

Go ahead.

>> Yes, this is Jim Galloway, I'm calling on behalf of 700 Tappan Street.

My father was a dentist, there Danny Galloway.

He had a practice that he -- I'm sorry, his practice was there 700 Tappan Street from 1967 forward and I used to take care of the outside of that property.

My sister would clean the inside of the building for the dental practice.

And there was an asphalt parking lot on the north side and the west side of the building.

So I just want to make it clear that that has always been there.

That's nothing new.

And that's about all have I to say.

So I'm supporting Dominick's side.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 021, do you have a comment many press star six to -- comment?

Press star six to unmute your phone, caller.

Caller with the phone number ending in 021, do you have a comment?

Caller with the phone number ending in 083, do you have a comment?

Caller 083, press star six to unmute your phone.

Caller 083.

>> Yes, Allen Haver, I have been a -- I hope so am I -- am I being heard?

>> Mayor Taylor: You are audible, sir.

>> Thank you.

I have been a patron of Dominick's since the '50s, at least and I knew the Dominick elder and the rich next door and the parking place that is being referred

to and that's never been any kind of problem, and so I hope that these are really great citizens of Ann Arbor and I hope you allow the request to maintain their situation and not require some up necessary alteration.

I hope you will follow their desire, their splendid people who have always been a benefit and a credit to Ann Arbor and that little space has always been a welcoming space so I encourage you to follow the desires of the occupants there and it seems as though doing the rain garden and impervious service is there, all to the good.

And so I'm just tuned in here and I'm glad I could say something to the benefit of Dominick's.

The father, the youth, and good wishes to you.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Mayor, I don't see any other callers with their hands up at this time.

>> Mayor Taylor: Is there anyone else that would like to speak at this public hearing?

Seeing no one, this public hearing is closed.

Public hearing number four, An Ordinance to Amend Sections 2:25, 2:26, and 2:38 of Chapter 27 (Water Service) of Title II Of the Code of the City of Ann Arbor.

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

>> Clerk Beaudry: Caller with the phone number ending in 228, do you have a comment?

>> I'm trying to turn off --

>> I want to tell people to go to smart education.

>> Hello?

>> Mayor Taylor: Hello, please -- please consider turning off your computer sound.

>> Why are they muting me?

>> Hello?

>> Yes, you are audible, ma'am?

>> Yes, I'm trying to mute my thing.

I didn't think I was going -- you have a timer, right?

Okay.

My husband has the timer on.

Okay, I want to tell people to go to Smart Education Network.

To get thing about smart meters.

I took a photo of our gas heater every month and I send it to them and I don't understand why we can't just take a picture of our water meter.

And I have gone to the public hearings in Lansing.

I don't want any constant metering and I don't want any meters in the mesh and I'm curious if they catch fire like the electric water heaters do and would takes the liability for that.

And then they had so many defective water readings over in Ferndale, just like with the electric meters, they overcharge people that they replaced 98% of the

readers because they are so -- and they charge \$10 and Madison, Wisconsin, they charge \$50 to opt out or a \$4 per month fee and I guess those are most of my comments.

I want to have, like, an option of taking a photo of the meter every quarter and I don't want constant metering, and the charges they have in Ann Arbor are just, like, really outrageous compared to other cities.

And, yeah, but the -- the fire issues is a big issue.

Whenever there's any story on TV about a fire, I always see -- you know, I always listen very carefully to see if it starts with the smart meters.

And a woman lost her whole family on Christmas day because her mother and all of her children because the smart meter fire and I always listen very carefully to see if a fire is caused by an electrical meter.

Yeah, I don't understand why the fees are so high in Ann Arbor compared to other cities that I checked out and people should check out the smart meter education network.com.

That's about it.

I go the everything in it, in two minutes.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number 021, do you have a comment?

Go ahead.

>> Hello.

Hello, can you hear me?

>> Yes, we can.

>> My most sincere, this is Richard Duvarte, and this is first time I ever did this. I couldn't get through when I was pressing star six, can you still listen to my comment?

>> Mayor Taylor: For my part, I don't have a problem with that.

Does anybody have any objection open that since it is a petitioner?

All right, Mr. Duvarte, the floor is yours.

>> Okay.

Thank you very much.

My name is Richard Duvarte, I'm the owner of 700 Tappan, as well as the other five building within the PUD district which includes Dominick's restaurant.

700 Tappan is currently leased to a medical clinic which is permitted use.

This address has served as dental offices for three different dentists, as well as a podiatrist.

There's been parking on the north side of this building since at least 1962.

The PUD permits residential use as well.

This location has been both residential and medical and at times in tandem.

Residential use requires the parking be provided.

The fact that Dominick's restaurant has the best health department record in the county is without a doubt solid proof of my personal dedication to people's health and safety.

To the best of my knowledge, over the past 60 years, there's never been a pedestrian injury on in site.

Just shy of six and a half years ago, I contracted with Cadillac asphalt company to remove the crumbling and deteriorating asphalt on the north side of the building.

This was done with immediate concerns for public safety in mind.

At that point in time, it had not occurred to me to preplace the decade's old pavement with impervious papers.

It has existed for so long that I would consider it to be a legal non-conforming use, certainly grandfathered by now.

Currently, the long-term lease provides for two parking spots.

This parking area also facilitates necessary utility access for DTE, AT&T and Comcast, as well as for the u of m electrical crew.

Currently there are wires running through that driveway from a utility pole to four separate buildings.

I fail to recognize how prohibiting parking would serve as a benefit to our city.

The parking should remain in place and the medical clinic should have the renewal.

Thereby allowing the curb cut to remain for now, validation of the special exemption use permit would no longer require the removal of the curb cut.

Thank you very much for your time, and once again, I apologize for not knowing how to get in.

>> Mayor Taylor: Thank you.

>> Good evening, all.

>> Mayor Taylor: Is there anyone else who would like to speak -- that is to say public hearing with respect to water service?

>> Clerk Beaudry: Mayor, I don't see anyone else with their hands up.

I will report that we are back on cable TV.

>> Mayor Taylor: Oh, excellent.

Thank you very much.

And thank you to the good folks at CTN for jumping on this so quickly.

Seeing no one, public -- this public hearing is closed.

Public hearing number five, an ordinance to repeal And Replace Chapter 113 (Regulation of Use of Model Glues) of Title IX (Police Regulations) of the Code of the City of Ann Arbor.

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

>> Clerk Beaudry: Michelle Hughes, do you have a comment?

>> Hi.

This is Michelle Hughes and I hope that when we're looking at our city ordinances, we can put our progressive hats on and realize that it's time to end the war on drugs.

We have a -- we have a law here on the books about people sniffing glue.

And the proposed or Nance doesn't do anything to help people.

It will -- what we have -- the thing is that people use drugs for a lot of reasons.

And people -- you know, one of the main reasons people use drugs is because there are hard things going on in their life and this is their way of coping.

It doesn't help people to arrest them, and put them through the criminal justice

system, even if we are putting them through diversion court.

That's still not something that can help people.

If we want to give people help, we can just give them help, but instead, arresting people and putting them through criminal diversion court is going to make their lives more difficult.

It's going to put them under constant police surveillance, and take drug tests and make their lives more difficult.

I don't think we should be thinking of ourselves as progressive if this is what we are doing to people who need help.

So I suggest that the city council should instead pass an ordinance, decriminalizing the use of glue and consider as we -- as we go through the other city ordinance where it doesn't -- I'm particularly thinking about sex work and any other drugs that might be specifically listed in our city ordinances.

And I specifically challenge city council to show their commitment for doing this, by voting no on the proposal tonight.

You might have some sort of idea that oh, well, we'll come up with that ordinance later, but for now, we'll just pass this simple little clerical update and then come back later and fix it.

I don't trust that.

I want you to vote no on this now and then come back and decriminalize drugs.

And then this ordinance here is not just a simple technical clerical update, because it adds new glues that were not invented at the time, effectively creating more drugs that were criminalized.

If you pass this law, you will have criminalized additional drugs, and that's not the direction that we need to be heading.

When they voted to criminalize other psychedelic drugs, is that the direction we need to be headed.

When the state voted to legalize marijuana, that's the direction we need to be headed.

That's the direction where people can -- so decriminalize glue rather than criminalizing additional glues tonight.

Thank you very much.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Ashley Shookite.

>> I'm part of public health awaken Michigan and have been involved in harm reduction services for over two decades.

I first want to thank Ann Arbor's thoughtfulness to update the ordinances using gender neutral language, and that they are easy to read.

These are important steps for equity, however, these fall short on creating a new health-centered environment for residents and visitors.

I raise concerns to the Ann Arbor city council and solidarity with other community members operating in the city, and throughout the state as well as with the community most impacted that cannot be here as the practice is by law enforcement related to arresting people for possession of substances such as glues and inhalants and their equipment raises the detrimental effects of

increased risk for blood borne infections sepsis and fatal drug poisoning. In addition adding more substances to be illegal, such as inherent litter that was brought up during first reading will only increase to avoid police interactions, tickets, arrests and jail time, especially on amongst our individuals without secured housing and are forced to use in public spaces.

When substances get banned, more potent and untested substances are created, look at the overdose crisis that we are currently facing.

If an officer has the authority to stop, search, harass, and arrest people for possession of public health tools, otherwise known as paraphernalia and various substances, this is criminalizing a health issue and demonstration of another level of racial and economic inequities within the city.

It is my hope that a pragmatic approach to use to assess these concerns related to all ordinances involving the criminalization of substances by voting no tonight and implement of public health, health-centered approach to substance use, including glues.

Thank you.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Adam goodman, do you have a comment.

>> I would like to echo the sentiments of the last two callers.

I can't speak with the same level of expertise as the last caller in particular, but I think it's crazy that we are talking about progressive values and rewriting a punitive ordinance, criminalizing substance abuse to just have gender neutral language but really not change the substance of it at all.

It sounds like the proformative, progressive nonsense that makes Ann Arbor a bit of a laughing stock in terms of our politics and the way that these discussions go. I did hear the discussion last week about diversion programs and, yes, those are better than just throwing people in prison.

There's no doubt about that.

But they are still based on this premise that we can only get these people the help they need if we retain the implicit of the carceral system.

I don't believe that.

I think you all have the opportunity to do something better here.

And I hope you will take it.

Thank you.

>> Clerk Beaudry: Mayor, I don't see any other callers with their hands up at this time.

>> Mayor Taylor: Seeing no one this public hearing is closed.

Public hearing number six.

An Ordinance to Repeal and Replace Chapter 115 (Weapons and Explosives) of Title IX (Police Regulations) of the Code of the City of Ann Arbor.

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

>> Clerk Beaudry: Mayor, I don't see any callers on the line for this hearing.

Seeing no one, this public hearing is closes.

A-1, the special session of December 1, and regular session meeting minutes of December 6, 2021.

Moved by Nelson and seconded by Disch.

Discussion?

All in favor?

Opposed?

The minutes are approved.

B-1 is An Ordinance to Amend Chapter 55 (Unified Development Code), Zoning of 32.6 Acres from R3 (Townhouse Dwelling) to R4B (Multiple-Family Dwelling), Mill Creek Townhomes Rezoning, 3002 Chelsea Circle.

Moved by Councilmember Radina, seconded by Councilmember Grand.

Discussion of b-1?

Councilmember Radina.

>> Councilmember Radina: Thank you, mayor.

I have a really brief question if staff is available and I apologize for not submitting this ahead of time.

So I guess I'm wondering -- this is related to actually the nearby crosswalks, I know there was a park across street and I guess I'm wondering if in this process of up zoning this area, I think this is overall this is a positive.

I will support this, but I guess I'm wondering what considerations are made for additional pedestrian safety in the area when -- when something like this is happening or is that treated completely as a separate -- a separate workflow?

And I'm wondering because I know that I have heard from residents already about concerns of pedestrian safety at the school where vision can -- where vision of pedestrians can sometimes be obstructed.

There's some curves.

It's a pretty wide road and now we'll see probably increased pedestrians crossing stone school to access parks.

So if there's any indication on whether or not that's being evaluated currently or will be in the near future, I would appreciate it.

>> Thank you, Councilmember Radina.

I will have to represent the traffic engineers for this.

I do know that this project completed and submitted a robust traffic impact study. And what I know about it is that this site plan is focused on improvements and making birch hollow a more complete street.

I think that it did touch on stone school, but it will be separate and probably be undertaken by the city and not this -- and not because of the causation link.

Because this project would not be triggering the need for improvement on stone school.

I would do one caveat, that I'm speaking of what I know of what the traffic engineers would say.

I have had recent conversations with the traffic engineers responding to citizens and residents who pose questions and I know that the traffic engineers, I think have stone school on their radar for future pedestrian improvements.

>> Councilmember Radina: That is my understanding as well, and I will continue to follow up with them as well.

I wondered about consideration for this project.

Thanks.

>> Mayor Taylor: Councilmember Disch.

>> Councilmember Disch: I want to speak about the merits of this project.

It's an infill.

It uses existing utilities to achieve greater density.

The planning commission was very happy to see this.

It creates relative affordability by virtue of the location of the project and the size of the new proposed apartment units.

They will all be one-bedroom rentals adding to the existing supply that this development, which -- supply at this development which is mostly two-bedroom townhomes and some one-bedroom and some three-bedroom.

So this is a form of housing that we have need for.

In addition, the developer is significantly upgrading stormwater.

There is at mill creek now as in so many places in the city, minimal stormwater treatment and they are proposing two new underground detention systems with release to the city's storm system.

There are many benefits to be realized including affordable housing and some other benefits regarding stormwater.

>> Mayor Taylor: Further discussion?

Councilmember Ram Law.

>> Councilmember Ram Law: Thank you, I will be supporting this, as I did first reading.

The petitioner did have an experience with our recently adopted E.V. charging ordinances as it relates to site plan reviews on new developments and as such, I was wondering if staff was here tonight to answer a question on -- or at least describe to us what our recently adopted ordinance requires in cases as such where you have an existing development that wishes to add to the density of the property and the site plan review process triggered the ordinances that govern E.V. installations and in this case, there were some modifications made as a result of the burden that was going to be placed on this infill project.

And if I can have staff explain to us what happened there and illuminate the issues that we have going forward with other developments that are akin to this.

>> The E.V. parking ordinance is triggered with a site plan for city council approval.

So site plans for administrative approval, sometimes called an administrative amendment and site plan for planning ordinance, do not trigger the E.V., but site plans for city council do.

When you submit a site plan for city council, then the E.V. parking requirements apply to all the existing and proposed parking.

And that is the current language.

So for this project, the applicants came in and offered that they would provide all of the E.V. parking requirements for the new -- for the newly proposed parking and in the area where they were working.

But they were not touching the rest of the site.

And they asked if -- they applied for a variance essentially they asked for a



variance to not touch the parking lot that was sifting but only apply the regulations to the new parking spaces.

And they received that variance.

They were a part of the three different large sites that were all site plans for city council approval that were existing developments doing some form of infill or additions, not brand new vacant construction.

And they all went to the does.

B.A. and got different results -- ZBA, and got different results.

But the same subject, or the same section of code did prompt the ordinance -- the planning commission ordinance revision committee to start looking at the E.V. parking ordinance for possible tweaks and that work is still ongoing.

I hope that answered your question.

And if I'm not clear, then --

>> Councilmember Ramlawi: It did help.

I will let my colleagues speak and then I will have another question.

Thank you.

>> Mayor Taylor: Councilmember Grand.

>> Councilmember Grand: I'm just thrilled when we hear about compromises and to developers working with staff to come forward and maybe this work.

And really, I wanted to welcome all future residents to the ward.

I'm excited to see this coming forward tonight.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: I know recently here we discussed revising the process where site plans would not come to city council, for review.

You had described this project having that requirement.

Could you explain and refresh my memory and ores where we are at with that last initiation of not requiring projects to come for site review -- site plan review?

Would this project essentially not have come to council under the proposed changes or would it still have come to council based on those recent proposed changes in the world -- in the site plan review process?

>> I do know that my coworker and colleague, Matt Kowalski is in the waiting room and he's spearheading that amendment ordinance project.

However, I can answer -- I think I can answer this.

This site plan before you is associated with a rezoning and rezoning is a legislative decision.

So it would still come to city council.

The rezoning and site plan would come.

If they were proposing town houses or if the rezoning occurred a few years ago and they were doing this, then the site alone, because that is an administrative function, reviewing the site plan, checking for code, that would now become a site plan for city planning commission approval.

But as it stands right now, because it's associated with that rezoning and the legislative decision it would come to city council.

>> Councilmember Ramlawi: Thank you for keeping the lines clear.

Appreciate it.

>> Councilmember Nelson: Since Councilmember Ramlawi brought it up, I thought I would explain in a little more detail what happened they ZBA. It's accurate what Alexa said about the multiple petitions around the E.D. parking ordinance and this particular variance was different from all the others in that there was a commitment to put in E.V. infrastructure, in some capacity, another three categories, I think, completely installed and the E.V. ready, and just being wired for it, or however it's described.

That infrastructure some level of that infrastructure is going into every single parking space of the new parking that is constructed, so that they are doing actually more than simply applying the standard, the ordinance standard to the new parking.

If they were to do that, they would be exceeding that standard because they are -- basically, they are saying there's a huge disincentive to rip up existing pavement but anything that they are laying down new, they are understanding that they are doing everything they can to make sure that the infrastructure is in place everywhere they are putting it new.

I hope that helps.

Thanks.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: Thanks.

I was just reading one of the petitions that we received in opposition to this project and it does point out a few things that are interesting and one that brings up a question.

It says other than density that this project -- the proposed site plan along with these -- the proposed site plan along with the change in zoning fails to contribute to A2Zero, and there's no solar, no handicap accessible units (Background noise) I wonder what are we are trying to optimize for the haphazard planning decisions and the stale comprehensive plan that we have.

Are we optimizing for place or quality of life or just density?

So I think that's a legitimate question and concern we have.

The other thing that they said, which I think needs to be pointed out that if we rezone this, then it's going to lead to the potential for buy right or reconstruction of what exists in this new style.

102 apartments and then the rest of the apartment can be redone as they see fit to this new standard, and so this just -- it's just things that I think this letter was pretty accurate.

It points out things that we need to consider when we look at a rezoning like this, like what will happen to this property in the future?

Is it enough?

Is it not too much?

I don't think we weigh these things thoroughly.

>> Mayor Taylor: Further discussion?

Roll call vote, please, starting with Councilmember Griswold.

>> Councilmember Griswold: Yes.

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.  
>> Councilmember Radina: Yes.  
>> Mayor Taylor: Yes.  
>> Councilmember Eyer: Yes.  
>> Councilmember Nelson: Yes.  
>> Councilmember Briggs: Yes.  
>> Councilmember Ramlawi: Yes.  
>> Councilmember Hayner: No.  
>> Councilmember Disch: Yes.  
>> Clerk Beaudry: Motion carries.  
>> Mayor Taylor: B-2.

An Ordinance to Amend Chapter 55 (Unified Development Code) Rezoning of 0.61 Acres from PUD (Planned Unit Development District) to PUD (Planned Unit Development District), Casa Dominicks Development PUD Zoning And Supplemental Regulations, 800, 812, 814 Monroe, 705 Oakland, 700, and 706 Tappan.

Moved by Radina and seconded by Grand.

Discussion of B-2, Councilmember Grand.

>> Councilmember Grand: I know we received just a minor tweak that clarifies the initial intent of the compromise language that we worked out from the last meeting, from planning staff sod.

So if everyone looked in their packet, you can see that there is -- the number three Dominick's PUD supplemental regulation modifies with additional staff amendment, within that document, there's some language from staff that clarifies the removal of the parking so, you know, and not just that it's going to be impervious surface, but if you look at g2, vehicular parking, the last sentence, parking is prohibited between the structure at 700 Tappan and Monroe Street. So I would like to move that amendment.

>> Mayor Taylor: Seconded by -- Councilmember Disch.

Is that amend friendly to the body?

-- is that amendment friendly to the body?

Was there a question on that?

I guess okay, I have Councilmember Grand still on the -- still having the floor on that if should wishes and then Councilmember Ramlawi for a question.

>> Councilmember Nelson: I think it's coming from a conversation that I've had with staff and they -- at our last council meeting, they realized that while we were discussing the intent, the language did not necessarily match the intent.

I will leave it this for now.

Thanks.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: So this is suggesting that the parking is prohibited that is currently allowed on Monroe or Tappan?

I apologize.

Parking is prohibited between what structure -- or structure -- what parking spot in mar are we speaking of here?

And I know it's late.

It's just for better understanding?

Mr. Kowalski.

>> Good evening, council and mayor.

>> We're talking about the space in between the structure at 700 Tappan and the sidewalk along Monroe.

So there's a space that runs kind of parallel.

That's -- that -- we're not talking about the curb cut itself and the space that goes behind 700 Tappan which was the residential space, this -- this motion language only refers to the space in between 700 Tappan and the sidewalk along Monroe.

So it would leave the curb cut in place and the parking directly behind the building at 700 Tappan.

>> Councilmember Ramlawi: Thank you.

>> Mayor Taylor: On the amendment.

Councilmember Disch.

>> Councilmember Disch: There were some comments made in the public comment that the asphalt parking had been on the property for so long, we heard 1962, as date of origin.

That it was prior to any zoning and so should count as a non-conforming use.

Was that a correct claim?

>> I can say it does go back as far as we could look in the aerials.

And yes, the petitioner has stated that.

I don't have any reason to doubt that and verifying the -- the aerials but, again, our aerials go back as far as like 1980 or so, but, yeah, it looks like it's been in place for a long time.

Previous documents indicate that it was in mace.

>> Councilmember Disch: Does that mean that it was permitted or it was just in place?

>> It doesn't necessarily mean that it was permitted.

We have records that it was put in there.

It could have been put in there before it put in code.

It's been in this so long.

>> Councilmember Disch: If you were to put something like that on your property, would you need to have a building permit or something like that?

>> At this time, yes, it would require probably a minimal a grading permit.

Because to install any kind of parking like that -- although now we wouldn't permit that in an open space, but, again, it would -- if somebody is installing that surface, yes it would trigger a public grading permit.

>> But it might not have in 1962.

>> Correct, I can't speak to what the requirements were back in '62.

>> Mayor Taylor: Further discussion on the amendment.

Councilmember Radina.

>> Councilmember Radina: Thank you, mayor.

I have a couple of questions and I know I have spoken with a colleague about this.

I do find, you know, the longevity of these spots to be fairly compelling, especially with what we are hearing there as well.

I went and toured the site.

I have pictures that I was just reviewing again, I'm also concerned about the safety of pedestrians, because they are not very deep spots.

They are put side by side.

If the cars were put side by side, they would have to drive down the sidewalk to get to the curb cut.

All of those things are relatively concerning to me, but I guess going back to the initial point, is it accurate that none of the -- the site plan that was submitted that -- that activated this entire conversation again, is it accurate that there were no changes, there have been no changes to the billings themselves it was largely the administrative requirement of submitting it for the dispensary that triggers this?

>> Yes.

There was -- yeah, and as part of the special exception use, yes, the condition was put in this for that removal.

That's correct.

And then the site plan was modified to reflect the removal of that curb cut.

The site plan for 700 Tappan.

>> Councilmember Radina: And then my second question, I know that submitting the site plan and all of these things were a requirement for green planet to achieve their license and to be able to exist there to begin with, if we do not -- I good he is if we don't remove this parking, there is no risk of green planet itself, right? Green Planet would not be at risk of losing any ability to continue functioning should -- should parking there continue to be permitted.

>> If the parking is continued to permit -- they still have to go back to the planning commission for the special exception use.

The special exception use was conditioned upon that curb cut removed.

Regardless of council's actions here tonight, they would have to go back and still get approval from planning commission for that -- to allow a special exception use based on that curb cut remain.

Because the conditions for that existing special exception use were not -- do not apply anymore.

>> And that's true of either outcome on this amendment, though, correct because we would be maintaining the curb cut.

>> Correct.

>> Councilmember Radina: Okay.

Thanks.

>> Mayor Taylor: Councilmember Nelson.

>> Councilmember Nelson: Thank you.

I appreciate that we revisited the topic of the long history of that pavement being there because I know it was upsetting to a few people who were quite a bit older to me, who knew the history of that pavement, and it was offensive that the Duvarte had snuck it in and installed it.

We don't know when they installed it.

They didn't.

I question staff assertion was that it was to prohibit parking.

The language that we approved at first reading, was really about impervious surface, and my understanding it when we passed it, was pretty clear that we were looking at the value of taking out pavement, and we didn't even discuss parking versus no parking and so I guess I would suggest that if we are really going to accept that as just a minor change that was the intent anyway, I -- I would dispute that and I would want this to go back to first reading.

I it's -- we have an opportunity -- we have the opportunity to show discretion in certain situations where a place is a community asset and in this mar place, it's sort of like a community -- particular place, it's sort of like a community tradition. And I pointed to the location in ward four where there are a number of standards and regulations being bent and broken to accommodate the special nature of the York on packard.

And I think when we have conversations about a place like Dominick's, we are talking about that specific location and the specific aspects of that location that make it special and I heard from a lot of people who are just puzzled as to why we are picking on them.

It doesn't feel sensible -- it doesn't feel like it makes any sense at all, because there's no changes happening to anything.

And we are asking them to up send the way their property has been for years and years.

So I -- I'm curious to see where this discussion goes.

I would like to see us pass the same language that we discussed at first reading, simply because we didn't actually visit the topic of parking specifically.

We only talked about impervious surface.

Thanks.

>> Mayor Taylor: Councilmember Grand.

>> Councilmember Grand: Thanks.

As someone who worked on this compromise with staff, I can speak to my own intent, which was to preserve the parking for the resident and to remove the err parking.

So you know, it's my understanding that the petitioner was told many years ago that this parking needed to be removed and the curb cut had to be removed and when -- and they didn't move forward with that, in spite of being told that they needed to, but when this issue came up with the resident -- with it really being a benefit for her to have access to parking so that an elderly disabled resident can continue to have access to her residence, that seemed reasonable to compromise, because I think that's something that we can all understand and ultimately planning commission will decide.

In this case if they want to go forward with our recommendation.

So give than we know that planning commission felt very strongly about removing the parking and the curb cuts, I feel that is a compromise, is a way that we can really advocate for this resident, and still old true to our values of

pedestrian safety.

So I can only speak to my intent but I think this matches it and I'm certainly not -- I don't think that we need to have another discussion at the council table about what's a relatively small project.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: Yes, thanks.

You know in reading through the various petitions, letters and my notes from the public hearing on this and it's kind of confusing because these are neighbors we are trying to work it out here for them.

I find that Mr. Duvarte -- that David Duvarte's consideration that the removal of this parking space that this text change would drive, you know, I think it's a legitimate concern that he places a value on that parking space and taking by the city.

So, you know, I think that's a pretty accurate view that he has.

This spat does have value.

It has been there forever and all of a sudden, we are asking someone would has not violated any -- or affected any changes to their own property to take something to them that has value to their business, especially when we don't make any consideration for new construction to, you know, add value to the community.

So I'm not going to support this text change.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Yes, thank you.

We were still talking about the amendment, correct?

>> Mayor Taylor: Correct.

>> Councilmember Ramlawi: And we're talking about the changes in -- on page 4, Section 2, parking to be prohibited between the structure at 700 Tappan and Monroe Street, correct?

That's what this conversation is about currently?

>> Mayor Taylor: That's my belief.

Does that accurately describe the amendment?

>> Councilmember Grand: It does.

I would add that it's staff's language.

>> Mayor Taylor: My apologies.

>> Councilmember Ramlawi: It's fine.

I just -- it's a little unusual, I will come in to add that it's -- there is an amendment after first reading, perhaps between first and second and change any of the text that comes forward at second reading.

So this is a little unusual that it's been changed without any motion being made and doing so between the two readings, but -- so I'm a little confused as to the procedure of it all, but in this case, I'm convinced the arguments that the petitioner has -- has put forward, a placing of value of parking on this parcel of land and taking it away at this particular juncture is a new element, and one that I don't feel supportive here tonight, if it was discussed at first reading or something else, or maybe postponing it, but I don't feel at this point I would move to support

this amendment without having further time to consider it.

Thank you.

>> Mayor Taylor: Further discussion of the amendment?

Roll call vote, please, starting with Councilmember Griswold.

>> Councilmember Griswold: Yes.

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.

>> Councilmember Radina: No.

>> Mayor Taylor: No.

>> Councilmember Eyer: Yes.

>> Councilmember Nelson: No.

>> Councilmember Briggs: Yes.

>> Councilmember Ramlawi: No.

>> Councilmember Hayner: No.

>> Councilmember Disch: Yes.

>> Clerk Beaudry: Motion carries.

>> Mayor Taylor: Further discussion of the main motion as amended?

Councilmember Briggs.

>> Councilmember Briggs: Yes, I was a little concerned about the characterization that a business in our communicate or property owner was getting picked upon.

I wonder if Mr. Kowalski could speak about the process briefly to how this got here and if there was any unusual emphasis on this particular property owner or anything that we were asking of them that we wouldn't of another?

>> Sure, thank you.

The reason why it's before you tonight is actually not as a result of staff initiation. It's because of the special exception use that the property owner at 700 Tappan has, that special exception use has a requirement in its approval to close the curb cut.

And that in reflecting upon the zoning, the zoning also has a requirement that only two curb cuts can serve the district.

So in signing off for zoning compliance, it's not in compliance with the PUD regulations.

We couldn't sign off on the zoning for that, as well as in addition with the special exception use that triggered this whole discussion that again as I mentioned previously is contingent upon that curb cut being closed.

And that's the reason why it's here before you tonight.

Anyway, thank you.

>> Councilmember Briggs: Thank you.

>> Mayor Taylor: Councilmember Disch.

>> Councilmember Disch: So a great deal has been made of the fact that this site plan is not the kind that would trigger the curb cut removal, because it was an administrative site plan for the special exception use but at the same too that planning commission considered that special exception use in 2018, they were amending a PUD and they felt that the public benefit of the original PUD was



under specified, and so when planning commission granted the S.E.U., the special exception use for marijuana, for the marijuana facility, it required the removal the curb cut to provide the public benefit to disallow the parking in that asphalt place and they also asked for the removal of the parking at that time in 2018.

So we're back in 2021, with what planning commission regarded as just a failure to comply.

With removing the curb cut which is specified in the original PUD, and which in the discussion of the special exception use they decided to consider that as an element of public benefit and then there just were a lot of concerns about the -- about the asphalt parking being something that was never approved.

I think we have some further clarification around that, that may be useful to planning in considering this, but I don't want people to have the impression that this requirement to close the curb cut was somehow triggered in a -- in a -- sort of a gratuitous way or accidental way or unintentional way.

>> Mayor Taylor: Further discussion of the main motion as amended.

Councilmember Ramlawi?

>> Councilmember Ramlawi: At first reading, didn't fully understand the nuances when it came to this.

Since then I went to the site and walked it and looked at it and spoke with the petitioners and the others in the area to get a better understanding and understand the nuances of why this is in front of us and the history behind the property and the PUD and the supplemental regulations.

And in the process through it all, I have changed my mind.

I will be supporting this here tonight.

The only thing that has happened here was the activity occurring in one of the buildings that has triggered this whole process, and requiring and asking for this curb cut to be removed if there was work being done on the building, changes being done on the structure, I would have a different take on it.

Just because the use of one of these buildings has triggered this all, as about of the as I can summarized, it just doesn't warrant the reduction of the curb cut, based on its proximity to the corner and everything else in relation to the property, so I will be supporting this tonight.

And I believe that there's discretion that council has and it should exercise discretion in order to have good government, common sense government.

And frankly, I think that's miss some of the decisions that government makes.

You think we should be empowered with the discretions that we have, based on the realities on the ground.

Thank you.

>> Mayor Taylor: Further discussion of the main motion?

Roll call vote, please, starting with Councilmember Griswold.

>> Councilmember Griswold: Yes.

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.

>> Councilmember Radina: Yes.

>> Mayor Taylor: Yes.

>> Councilmember Eyer: Yes.

>> Councilmember Nelson: Yes.

>> Councilmember Briggs: Yes.

>> Councilmember Ramlawi: Yes.

>> Councilmember Hayner: No.

>> Councilmember Disch: Yes.

>> Clerk Beaudry: Motion carries.

>> Mayor Taylor: B-3, An Ordinance to Amend Sections 2:25, 2:26, and 2:38 of Chapter 27 (Water Service) of Title II Of the Code of the City of Ann Arbor.

Moved by Councilmember Radina, seconded by eyer.

Discussion of b?

All in favor?

Opposed?

It is approved.

B-4, An Ordinance to Repeal. And Replace Chapter 113 (Regulation of Use of Model Glues) of Title IX (Police Regulations) of the Code of the City of Ann Arbor.

Discussion of B-4.

Councilmember Hayner.

>> I think decriminalization is the better thing to get warrants that they don't know because they can't afford to pay the petty fines and so on.

I'm not so sure that it's comparable to our effectively decriminalizing entheogenic plants because I don't see any benefit to inhaling dusters and breaking into buildings and leaving cans of dust air around.

I believe that our law enforcement here in the community is enlightened enough to divert these folks and it's not a great solution here, but it's just the wrote business of council to go through and update these rules and so I will support these changes and we can come back and look at a wholesale thing.

It's not likely that we will, but I think it's okay that we are making these changes and we expanded the amount of changes as times change and access to brain-bending substances change and we need to change with the times and I will support these changes.

A lot of this comes from the county, right?

When we effectively decriminalize entheogenic plants, it wasn't until later that the county prosecutor that they were going to follow their own edict and the same with sex work, the county prosecutors issued a statement on their hesitancy to decriminalize voluntary sex work but to continue to look out for trafficking and other issues related to that.

So these things are not balanced and I think it's great that we are making these changes.

>> Mayor Taylor: Further discussion.

For my part, I will support these changes and look not further rationalization of our code, you know, it's important that we make our code easy to understand, both for members the public and for practitioners.

It's important that it reflect the best practices and also helps us to keep track of what we are doing along the way and if it should come to pass that we have more substantive changes downstream, that would be an interesting and important conversation.

Councilmember Nelson?

>> Councilmember Nelson: I wanted to give an opportunity for Ms. Slay to talk about this, and I had a question whether any part of this intersects with state law. We heard some people that say we should do away.

I would be curious to have Ms. Slay's take.

>> Thank you.

So just starting, we want to remember that laws of a jurisdiction couldn't mark progressive change but it's how we use the laws.

So these amendments support two main goals.

Number one is the goal of ordinance prosecution, which is to help address the root causes of the justice involvement, so we don't see that individual again.

So general omissions of a criminal ordinance is not necessarily progressive, it might end up being a little short sighted.

If we eliminate an ordinance where there's a companion state law like the glue sniffing or like any of our weapon ones that we have up for tonight, state law continues as the sole law of the land, which means city police and, you know, if we are leading by example for our other jurisdictions they can write citations under state law.

So it doesn't take us out of the ball game.

That can still happen.

These laws will likely remain in effect for a very long time.

So we need to plan for change in administration and change in value and efforts by community partners.

These embrace inclusion of procedural due process and they vest trust within the city attorney's office to continue to lead the charge in justice reforms to our community.

Addressing the concern we have for arrests, that is very, very unlikely that somebody gets arrested.

In fact, I have never seen it, for glue sniffing.

And I talked to my colleague Mr. Reiser and in our 35 years of prosecutorial experience, we have never seen someone arrested or put in jail on this charge.

As a matter of fact, I have actually never seen someone charged with this, however, it is in our back pocket, should we need it and I will get to that more in a minute.

So as a matter of fact, unless the officer observes someone sniffing the glue, they can't make an arrest because it's a 90-day misdemeanor.

It has to be a 93-day misdemeanor to arrest outside of their presence.

That's not something that contending with and 99% of all of our criminal ordinances.

When we talk about decriminalizing mushrooms we have to use the right terminology.

We didn't technically decriminalize it.  
We made it the lowest priority for the city.  
It still is against state law.  
It's still against federal law.  
We can't get rid of those.  
In regards to of paraphernalia.  
Ann Arbor doesn't have a paraphernalia prohibition, like most of our communities that we're contiguous with, we don't have tax so you are not arrested for that.  
We don't even confiscate it.  
Also prison is never an option under the Ann Arbor city code.  
In fact, under a 90-day offense, you will not even be fingerprinted.  
That's how our code is written.  
That's why they are 90-day offenses not something more.  
This is on our books to prevent people from harming themselves engaged in unsafe or illegal activity, while under this intoxicating substance.  
We are not outlawing possession or the use of glues only that they are not being used in an improper and safe manner.  
They can lead to sudden death or serious impairment of bodily functions.  
It's different than marijuana.  
We have this law on the books to protect folks.  
For those who are suffering from medical conditions, relating to addiction, and they are ready for help, let the city be there to be the one to help, via referrals for treatment, direction, our diversion program works and it is not like the diversion programs have you seen across the country.  
This is some new stuff.  
In addition to that, if you do that work long enough, you will get a regular call from a loved one who says this is happening to my kid.  
This is happening to my spouse.  
This is happening to my loved one and they are not ready to get help.  
When that happens we do have this that you can use as a deflection or a deterrent to help people get into treatment and the help they really need.  
Sometimes people are not ready to achieve abstinence by themselves or they don't want to yet but their addiction is killing them nonetheless.  
And our second goal of ordinance prosecution and this is like a challenge going forward to our council to create a robust deflection, uncharged, uncited referrals to treatment.  
If we don't have a law on the books, we won't have a say for what happens to people in our community.  
I hope that clears things up for you.  
I do support these recommendations.  
They are legal legally sound and support deflection in the event that we move towards that in the future.  
I hope that we do.  
>> Mayor Taylor: Thank you very much.  
I have Councilmember Ramlawi and then song.

>> Councilmember Ramlawi: Thank you, Ms. slay for being here to properly put forward the intent, the purpose and the practice of these changes.

This is a lot of fear in the community around these changes but many of us, myself included, don't know all the facts.

We are not versed in federal law and we are entrusting others such as yourself and policies that we put forward to guide our way through the ups and downs and pitfalls that may be ahead of us.

But I have the trust and the faith in you and what others in the legal department are doing in order to bring us the criminal justice reforms that we need that are embodied in the policies that we put forward.

So I'm frankly here to say thanks in a very long-winded way in the work that you are bringing and doing and please continue to be around to articulate and educate all of us so we have a better understanding of what these changes really do mean.

Thank you.

>> Mayor Taylor: Councilmember Song.

>> Councilmember Song: Attorney slay, can you help speak to any conversations that you've had with social service agencies, folks who work in substance abuse response, with CMH, folks at the county sheriff's office, can you give us an overview of the leg work I assume you have already done in updating this ordinance and getting that message -- I guess these clarifications out to service providers?

>> Sure.

Happy to do that.

With every ordinance change that's being proposed for you, there's due diligence, not only for myself and others at the city attorney's office to make sure that we are giving you sound legal advice but we want to make sure that it's practical, that there's an application to it and that our community of care takers are also concerned.

So I had the opportunity to talk to substance abuse workers and M.S.W.s for the University of Michigan.

These are folks we have been talking to over the long haul.

So in my career, I have been part of every treatment court in the county of Washtenaw, except the brand new felony drug court that was just started.

This is something that we had to talk about time and time again, if we are forcing people into treatment, is the really the right way to do it?

And I can tell you, having just heard a fantastic story of a man who -- my goodness, let's see.

It's been almost 20 years ago now since he began his journey as an alcoholic and that's when I first met him.

So let me give you a quick preview.

Go back into time.

I used to be a tether agent and worked in community corrections and getting people into treatment programs.

So I have some experience before I was a prosecutor to help people broker into

treatment and when they were not ready, they were not ready.  
And it was darn near impossible to get them over that hump.  
There are sometimes when our treatment courts were able to stop in and a lot of very successful cases, a lot of successful people right here in our community, living in recovery who started out in a treatment program being court ordered. They showed up, they learned.  
They were able to get to a point where recovery and abstinence is something that they wanted and the courts were able to make that happen.  
I would love for that to be more widespread.  
We just don't have the type of funding in all of our specialty courts and our treatment courts.

The goal of these courts, diversion in general is to be 100% restorative, not punitive.

We moved away from that.

That's old school thinking.

We are not doing that in the city.

We are looking for restorative practice that's supported by the local treatment providers and the local social workers and police.

If we could expand our game in the very near future to exclude a deflection where we issue a citation and we are simply making a referral, then we will be the better for it.

If we don't have the laws on the books, we are not in the same in how that proceeds.

This keeps the city of Ann Arbor in the ability to be that broker and help services.

I hope that's helpful to you, councilmember.

>> Councilmember Song: So these conversations have been had with community partners and agencies that we also fund to do this work?

>> Yes.

And we talked to people from CMH.

I talked to people from Don Farm and other people who do the substance abuse examinations for the courts and coupling that with the experiences I had in the treatment teams this is the way we should be going right now.

>> Councilmember Song: Thank you.

>> Mayor Taylor: Further discussion?

All in favor?

Opposed?

It is approved.

B-5, An Ordinance to Repeal and Replace Chapter 115 (Weapons and Explosives) of Title IX (Police Regulations) of the Code of the City of Ann Arbor.

Moved by Councilmember Ramlawi seconded by Radina.

Discussion of b-5?

All in favor?

Opposed?

It is approved.

Ms. Slay.

Come back again.

>> I will see you all in a few weeks.

>> Mayor Taylor: Looking forward to it.

C-1, An Ordinance to Amend Chapter 55 (Unified Development Code) Zoning of .4 Acres from TWP (Township District) to R1B (Single-Family Dwelling District), 559 Riverview Drive.

Moved by Councilmember Ramlawi.

Seconded by Councilmember Disch.

Discussion of c-1?

All in favor?

Opposed?

It is approved.

C-2, An Ordinance to Amend Chapter 14 (Purchasing, Contracting and Selling Procedure) of Title I of the Code of the City of Ann Arbor.

Moved by eyer.

Seconded by Radina.

Discussion of C-2.

Councilmember Eyer.

>> Councilmember Eyer: Thank you.

This is the follow-up to the very successful proposal a that passed with 70 some percent of the vote in November.

This was our best value contracting charter amendment that will allow us to be more thoughtful about how we hire contractors for large construction projects in the city and making sure that we are getting best value for the money that we are spending and that we are able to consider our own values in the process of -- of awarding contracts.

I did want to make a motion to make a small amendment on something -- well, I would be remiss if I didn't profusely thank staff first and foremost for their hard work on this, Mr. Fournier, Mr. Dohoney and others who worked to get this together, and help execute the vision that we came -- that we brought forward. The one amendment that I wanted to propose making is under workforce development.

I simply would like to propose that we strike number four.

Documentation of how the bidder assesses skills and qualifications of those who do not have master or journey person and are not participants in a registered apprenticeship program.

>> Mayor Taylor: Is there a second?

Seconded by Radina.

>> Councilmember Eyer: And the reason for this.

This kind of got by me when we were working on it to go.

But this -- you know, I'm afraid that this may undermine what we are really trying to do in terms of prioritizing and giving greater weight to those who do participate in a registered apprenticeship program.

So this to me seems to undercut that and I think we will be better if we get rid of that one portion.

>> Mayor Taylor: Is that amendment friendly to the body?

Discussion of the amendment?

Councilmember Hayner, are you on the amendment?

>> Councilmember Hayner: I will speak to the amendment.

I was going to speak to the whole of it, but, I mean, this -- I don't understand why we are removing that.

We are asking folks who do not have programs in place to tell us what they do. It just seems like an opportunity for otherwise qualified bidders to describe alternatives to registered apprenticeship programs, and I'm sure that they exist out there.

I don't see a good reason to get rid of this.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: I'm just unclear what part of this document that's being altered or proposed to be changed.

I didn't see it in circulated amendments.

I'm unclear to what we are discussing to be honest at this point.

>> Mayor Taylor: What is the cite?

[ Garbled audio ]

>> Mayor Taylor: I'm sorry, I cross talked you.

Can you restate that, please.

>> Councilmember Eyer: So it's on page 7.

It's number 4 under workforce development, which begins on page 6.

And we are simply striking number four.

>> Councilmember Radina: I think it depends which of the two documents you are looking at.

>> Councilmember Eyer: Myologies.

>> Councilmember Hayner: The red line is 11.

Thank you.

>> Councilmember Ramlawi: 11 on the red line.

That's the one I'm looking at.

Thank you.

I guess I would ask for the feedback from Mr. Fournier or Mr. Dohoney for the changes being proposed by the fellow councilmember.

>> If would like me to answer Mr. Dohoney, I'm happy to do that.

>> Int. City Admin. Dohoney: Go held.

>> From staff's perspective, its really just a matter of policy direction from council.

We can implement an evaluation of the -- of this scoring rubric, whether it includes this provision or not.

So it really is just a matter of what our council's policy direction is.

>> Mayor Taylor: Councilmember Radina.

>> Councilmember Radina: Thanks, mayor.

I'm going to support this.

I also want to thank staff for their work on it.

In my conversations with Councilmember Eyer and staff leading up to this.

One the things in rereading what Councilmember Eyer is looking to address is



really to get rid of some of that ambiguity and the questions that we currently have under the current process.

If we are truly attempting to prioritize apprenticeship programs around workforce development and workplace safety, I think it's important to make sure that we don't have exceptions that would allow for a bidder to potentially earn those points when they don't actually have the things that we are trying to prioritize in place.

And so I will be supporting this and I just wanted to follow up on something for clarity that this is kind of step one in implementing that and then the scoring rubric will come next.

Once we get this in place, the scoring rubric will come back to council as well.

>> Mayor Taylor: Councilmember Nelson.

Councilmember Song, I see you.

>> Councilmember Nelson: The piece that's not cheer to me is number four -- clear to me, is number four seems to acknowledge that it is possible for a workforce to include people would are neither masters, journey persons or apprentices.

Is there a category of worker that is none of those categories?

Or is -- I mean, I appreciate that we are trying to incentivize those programs but -- isn't it possible that somebody would be working in a context of one of these contracts and not be in one of those categories not because the company is failing to programs and participate in programs like that but simply because they have in place that are not participating?

And I guess to explain further, it seemed to me that rather than diminishing the participation or giving sort of a loophole out of incentivizing these master and journey person programs, it seems like number four, acknowledges there's -- there's this other category of employees that we would like you to offer some documentation of how you are measuring the qualifications or skills.

So I guess I'm looking at it differently, not as diminishing the other requirements, but acknowledging that there's perhaps another category of worker.

I'm looking for some --

[ Inaudible ]

>> Councilmember Eyer: Yes, if the chair is recognizing me, I would answer and say no, no, when we are talking building trades, we are talking about skilled trades and those folks are rated according to their skill level, apprentice, journeyman, master.

>> Mayor Taylor: I have Ramlawi -- Song raised her hands.

Let's go with Song, Ramlawi, Radina.

>> Councilmember Song: I just have a request from the mayor to mute your audio, while you are typing, because it's hard to hear folk.

>> Mayor Taylor: Thank you.

>> Councilmember Song: Thank you.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: All right.

I'm still not convinced that had this is the direction this councilmember would like

to go at.

I have concerns about contract capacity.

I have concerns about costs.

I have concerns about increased infrastructure needs and lack of funding, in addition to everything else.

I appreciate we would like to legislate some values and put our dollars where our dollars are, but, you know, I'm a small business owner of over 30 years and I like to have one foot grounded to the floor at all times.

And my colleague made mention that perhaps this is not a loophole to undermine the other advantages that we are trying to acquire, but to expand and give the opportunity to maybe some more people and some more companies and people as well.

My question is what percentage if possible do we even know?

And I probably would take some time to research it.

What percentage of our contracts would be affected by such a requirement or lack thereof?

I just have a concern that we are making things extremely difficult and extremely expensive.

And reducing competition for smaller outfits, smaller businesses who, you know, I believe deserve a fair shot at things as well.

So are we creating such an onerous and burdensome contract in policy where frankly, there will only be a handful of contractors who qualify?

And so that's a concern of mine.

It's not necessarily been proven, but it seems like we are making it harder and more expensive to do work here in Ann Arbor and I struggle with that.

I want to know whether this opportunity here allows for other small businesses to participate in the bidding process.

>> Mayor Taylor: On the amendment.

I have Councilmember Eyer, Radina and Hayner.

>> Councilmember Eyer: Yes, well, the easy answer to Councilmember Ramlaw is, yes, it does.

It's important to remember that this rubric does not -- this is a -- the backbone of a scoring system.

So these are not requirements.

It does not mean that -- that if you don't participate in a registered apprenticeship program that you cannot get the bid.

It simply means that if other bidders do and, you know, they -- you know, score higher than you on a whole range of things -- I mean it simply means that if other bidders do participate, that they will score higher on that point.

Now, they may not score higher on every single point.

So it doesn't mean that you are out of the running if you don't.

It is one point in a whole range of factors.

I raised my hand again to emphasize how important it is as a mark of quality to participate in a registered apprenticeship program.

What we know as a council and what city staff can be assured of, when a

contractor does participate.

You know exactly what sort of training they've had.

You know how many hours of safety training and how many ours of OSHA training.

You know that they have been trained and rated to a certain level of skill.

And when we are talking about big construction contracts in the city, and, you know, we hear complaints about the quality of our roads and the quality of our infrastructure, this is about raising the quality.

And, you know, price will be a factor, as well.

In terms of what is scored.

So it's not, you know, the high bidder is necessarily going to win.

You know, if somebody has a super high bid, that's not going to score well for them.

So you have to be competitive, but I think this is a really important point in terms of the registered apprenticeship program and I want to make sure that we are stressing it in the right way and we are not giving them an opportunity to -- to kind of get around it, with other -- with other factors -- with other explanations that we have no way of judging.

>> Mayor Taylor: Councilmember Radina.

>> Councilmember Radina: Thank you.

And Councilmember Eyer commented on much of what I was going to say.

I want to reemphasize what it is that this amendment is touching on and it is really on the evaluation, the qualitative evaluation.

Bid criteria.

Eliminating this line would not prevent anyone who does not participate in the apprenticeship program from participating.

It is simply making sure that we don't have -- if you remember, previous conversations that we had at this table, we've had situations where there's something that we thought was articulated in our responsible contractor policy, but because of the way that we actually implemented that, it meant that someone who had that policy in place, and somebody who provided documentation as to -- or an explanation as to why they didn't have that were both -- were both considered responsible per our ordinance.

They were meeting the requirement.

And so this is changing that.

So that in the scoring process, that providing documentation as to why you don't participate in that apprenticeship program, does not give you equal points for participating in the apprenticeship program.

It doesn't mean that their bid won't be competitive.

It means that they will have to be competitive in other ways in order to meet that criteria.

And so, again, this is not preventing anyone from participating.

It is simply setting out the standards for how that scoring rubric will be developed.

>> Mayor Taylor: Councilmember Hayner.

Councilmember Hayner.

Councilmember, you are inaudible.

Councilmember, you continue to be inaudible.

>> Councilmember Hayner: This body has a history of turning their back on people who have the experience and the knowledge of writing these things.

I will call this like I see it.

I think this whole prop A and this whole legislation here, these changes are designed to weed out nonunion bidders.

I can tell you from 30 years experience on job sites that sometimes it makes a difference, and sometimes it doesn't.

I've had crews -- I worked on sites with crews that are top notch and they are nonunion shops and I worked the other way, where it's a bunch of slobs and they are just not a union shop.

It doesn't matter so much.

There are plenty of qualified people.

I mean, you don't have to -- you don't have to be in an apprenticeship program to be fully trained, fully recognized by the state to have done all the safety training.

You do not have to be a union shop to participate in any of those things to participate in OSHA workshops.

To be in perfectly good standing with LARA, you don't have to be a union shop.

And so we are tilting the balance heavily in favor of unions hasn't not surprising coming from this council that we are doing that, but that's what this is really all about.

And to speak -- to speak generally to this, I mean, I wouldn't go around touting the popularity of prop a if we had a -- had an off-cycle special election where 70% of the people voted 70% of 15 of the eligible population.

So less than 10% of the eligible voters wholly support this.

I wouldn't say that that's overwhelming call for us to exclude nonunion labor from participating in the city bidding process and that's what's going on here.

I'm calling it like you see it.

You don't need to be a union shop to be experienced, professional to bring up your employees in a program that gives them growth opportunities and the proper training.

You just don't.

I'm sorry.

I support unions.

My father was a millwright.

I work on union and nonunion sites.

But this is -- this is -- this and removing this is designed to weed out nonunion shops and I don't think that's appropriate.

>> Mayor Taylor: Further discussion of the amendment.

Councilmember Briggs?

Perhaps after this, we can call it a day on this one provision.

>> Councilmember Briggs: That was my hope.

I have questions about other sections.

>> Mayor Taylor: Oh, all right.

On the amendment, roll call vote, please, starting with Councilmember Griswold.

>> Councilmember Griswold: Yes.

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.

>> Councilmember Radina: Yes.

>> Mayor Taylor: Yes.

>> Councilmember Eyer: Yes.

>> Councilmember Nelson: Yes.

>> Councilmember Briggs: Yes.

>> Councilmember Ramlawi: No.

>> Councilmember Hayner: No.

>> Councilmember Disch: Yes.

>> Clerk Beaudry: Motion carries.

>> Mayor Taylor: Further discussion of the main motion as amended.

Councilmember Briggs?

>> Councilmember Briggs: Thank you.

So I just want to make sure that I'm not missing this.

It says it's supposed to be included in Section 2, the qualifications and the ability, but is there a place where we might be looking for -- you know, number three is evidence of any quality assurance program used by the bidder, is there a place where we might get a list of all the projects that didn't go well?

Water main breaks and things that they participated in I was curious if that came up in a discussion of how we rate that because I'm not sure that they are voluntarily providing information of work they have not done well in the past.

Mr. Fournier.

>> Happy to answer that.

>> So we don't have a general section where we say please tell us all the projects that you worked open that went totally awry.

We ask bidders to tell us instances where they received violations from OSHA, or where they have received some kind of EPA or other similar entities.

So those instances where they have completed work that would be problematic for us in such a large way that it might prevent us from entering into contract.

They are required to disclose that.

>> Councilmember Briggs: Okay.

If we were in a situation where we had previous tort of bad experiences with a bidder, but they ranked well in other -- in other criteria, I'm just curious, how would that play out?

>> So a couple of things.

I think that the language under the qualifications section would allow us -- it gives some flexibility on the administrative side of city government to put together specific questions in the bidding process.

And that kind of personal experience from the city's perspective with the bidder is important as we evaluate those things.

So it may not be specifically stated in the ordinance but it provides the administrator with the flexibility to probe on those types of questions.

>> Councilmember Briggs: Great.  
Thanks.

>> Mayor Taylor: Further discussion of the main motion as amended.

>> Mayor Taylor: For my part, I would like to echo thanks to staff for working very hard on this, and in a very -- in a swift, responsive manner in anticipation of the passage of proposal and after the subsequent passage, I would like to thank Councilmembers Eyer and Radina for having taken lead on this.

I believe that the passage of the proposal today and the subsequent ordinance to bring best value contracting into the city is really important step forward for us as a community.

I believe that we will, indeed, have contracting that better reflects our sociopolitical values but I think also an incredibly importantly, it will enable us to obtain the best value.

We all exercise best quality in our day-to-day world.

Crucial members as we decide what to do to affect the people's business.

Further discussion?

Roll call vote, please, starting with Councilmember Griswold?

>> Councilmember Griswold: Yes.

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.

>> Councilmember Radina: Yes.

>> Mayor Taylor: Yes.

>> Councilmember Eyer: Yes.

>> Councilmember Nelson: Yes.

>> Councilmember Briggs: Yes.

>> Councilmember Ramlawi: Yes.

>> Councilmember Hayner: No.

>> Councilmember Disch: Yes.

>> Clerk Beaudry: Motion carries.

>> Mayor Taylor: If I recollect, we were at db-1 is that correct?

That was C-2.

DB-1, Resolution to Approve Mill Creek Townhomes Site Plan, 3002 Chelsea Circle.

Moved by Disch, seconded by Ramlawi.

Discussion of DB-1.

All in favor?

Opposed?

It's approved.

DS-1, Resolution to Approve New Advanced Metering Infrastructure Opt-Out Fees and Amend the Public Services Area Rules and Regulations.

Moved by Councilmember Disch.

Seconded by grand.

Discussion of DS-1.

Councilmember Hayner.

>> Councilmember Hayner: I'm sorry for the folks who called in and have

concerns about the meters.

I have my own concerns.

I think it's -- I understand where we are coming from.

If you don't want the meter, you have the opt out process.

I know it's kind of.

Pensive and maybe burdensome and it is -- you can take a picture and send it to us.

It's just not the way stuff is going.

It's multimillion dollars project, and the automation is supposedly going to have benefits for the consumer down the road here the only complaint I had about my new meter, the guy put it in crooked and I had to shut off the meter myself and make the adjustment to it.

And so, had you know, I'm not happen -- I wasn't happy about that, but that's just part of the process.

So I -- I share the resident's concerns that these meters and their homes could have a -- present a problem for folks who are sensitive to electromagnetic energy and I highly recommend that you look at ways -- if you can't afford the opt out to shield the rest of the household from this, so that it can continue to be, you know, read from the street.

Thank you.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: We heard from someone who spoke that our charges are higher than other communities.

Did we benchmark and is this statement true?

>> We did benchmark against other communities and for example, the city of Lansing charges a quarterly equivalent rating fee of \$60.

Ours is \$50.

Battle Creek is at 60.

Rochester is at \$165, Birmingham is lower at \$36.

So we are in the ballpark.

>> Councilmember Griswold: Okay.

Thanks.

That's important and puts it in perspective.

>> And our fees were based on actual estimates of time it would take.

We simulated driving to a sample set of addresses across all billing districts in order to get that number.

>> Councilmember Griswold: Okay.

Thank you.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: I believe staff was going to have a response to this as well, I don't know if staff has answers to questions that were submitted earlier today.

It should have been done at the start of this, but whatever.

>> I did see questions that you submitted earlier today or maybe it was late yesterday.

Are those the ones you are referring to?

So the first question I believe was could we waive or discount the fee?

I think that was one question that you had.

And to speak to that, that's certainly something that council could decide to do, but would you have to find a funding source to do it because we can't use water funds to discount or waive a fee because all the other water people are paying for that subsidy.

I believe your other question was would we allow self-reporting?

And self-reporting also there's an equity issue there, if we allow it for one, we would, you know, into Ed to allow it -- need to allow it for everybody.

Our billing is set up on a quarterly basis and in order to move anybody off of that or to accept any sort of manual read we would have to set up, you know, a special billing program just for them and so there would be an administrative burden to that as well and we would have to calculate those costs.

Did those answer your questions?

>> Councilmember Ramlawi: Partially.

There were many, but I guess I will have to just ask 'em.

Here instead.

I did ask about whether it would violate bolt if we did waive the fees.

I also asked whether we could be doing semiannual readings, not quarterly.

I know other utilities estimate and charge you based on prior consumption, water department used to do that years ago.

The \$58 fee is enormous.

It really that's half of what my water bill is.

I use about 22 units every quarter.

I'm above average.

I think the average is 18 units.

We're talking about fees that equal more than half of one's quarterly water bill.

It just -- it just seems like a very big burden to place on folks who most often are elderly, and would have medical conditions.

Folks that are sensitive to this issue, are the ones most vulnerable.

Not -- not the well-to do.

And believe it or not, there's a lot of vulnerable people still in Ann Arbor.

They all haven't been taxed out yet.

So the questions I have left was, what were -- there's an initial charge for this equipment.

This meter.

When we installed the other self-reporting meters, we didn't charge residents for those meters.

Why are we charging these folks for these meters, unless I missed something while the folks that are using meters that self-report were not charges.

>> This is a capital project.

So all the funds that come from that, come directly from the water rates.

So those were paid from water rates from user fees already.

>> Councilmember Ramlawi: Correct, but these other opt out meters should also



perhaps be covered under the water rates.

Why are -- we're going to make this argument of \$58 for folks to have their readers read, I'm still unclear as to why they are paying the initial setup fee, the initial costs for the equipment.

We didn't charge all the other users of the water system a direct additional charge.

>> This requires special equipment that we didn't have calculated into our water rates or our capital project to replace meters.

These are separate purchases, separate work and activity.

There are labor costs and drive-costs and staff costs to go out.

We used a direct calculation, just as we do for all of our fees.

That's how we came up with that.

>> Councilmember Ramlawi: I'm sure there were costs associated with under grading the old meters too, correct?

And I was -- I didn't get a question answered back.

I apologize.

It came in late, but the thought to me was we paid for all those other meters out of the water fund.

This was a cost associated with having contractors come out and do work and everything else that I understand, but we're not somehow discounting what our other customers have paid, we are applying 100% of the total cost of this additional meter, this manual meter.

So I feel that there's a double dipping going on in this case, for those folks who are opting out.

They never go the benefit of the CTV that the other residents have received with their self-reporting meters.

>> Mayor Taylor: Councilmember.

Further discussion?

Councilmember Griswold?

>> Councilmember Griswold: Yes, to follow-up on what Councilmember Ramlawi said, I'm looking for what's the delta?

What's the difference between the cost of the regular meters and these new special meters?

From an equity standpoint.

It seems like we would be charging the additional fee, not the total fee, and from a user perspective, we really don't care about what bucket it came in or how we financed it, you know, the -- the constituent out there, just wants to be charged fairly.

>> And our calculation is based on all of that and we deducted the cost of the meter and put in the \$261, I believe, as part of the fee calculation includes the special equipment that we would have to purchase.

>> Councilmember Griswold: And then did you subtract.

>> Yes.

>> Councilmember Griswold: The cost of one of the electronic meters.

>> Correct.

>> Councilmember Griswold: From that calculation.  
And do you remember approximately what that was?

>> I don't.

I'm sorry.

>> I don't have that number off the top of my head.

>> Councilmember Griswold: Thank you.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you, Councilmember Griswold or expanding on the thought I had about this, and perhaps I can get follow-up information as well to the Xs and Os, but, yes, the delta, the difference between the two is what I felt ought to be charged in this case and it wasn't made clear that that was the case, perhaps it is and I apologize for illuminating that, but it really does not come across that way.

I guess my questions again, in I way of mitigating that.

I understand the breakdowns and the costs that staff have provided us but, again, talking 50% of one's total water consumption for me to use 20,000 gallons of water, have it delivered to my house, cleaned and also treated, including my stormwater, we're going to be charging people half of that, just to come out for a meter reading, I just feel is enormous.

And I just -- I think there's a better way and I can't support this tonight.

>> Mayor Taylor: Further discussion?

>> Mayor Taylor: Councilmember Song?

>> Councilmember Song: Is there a correlation between folks who are participating or not participating this it program, and those who seek property tax exemptions?

Meaning, like, are we putting an undue burden on constituents for accurately gauging water consumption?

>> I can't speak to that.

I don't know if Mr. Wilhelm.

>> We would have to look into that answer.

>> Councilmember Song: Thank you.

>> Mayor Taylor: Further discussion?

Roll call vote, please, starting with Councilmember Griswold.

>> Councilmember Griswold: Yes.

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.

>> Councilmember Radina: Yes.

>> Mayor Taylor: Yes.

>> Councilmember Eyer: Yes.

>> Councilmember Nelson: Yes.

>> Councilmember Briggs: Yes.

>> Councilmember Ramlawi: No.

>> Councilmember Hayner: Yes.

>> Councilmember Disch: Yes.

>> Clerk Beaudry: Motion carries.

>> Mayor Taylor: Mr. Wilhelm, do we have a closed session today?

>> We do not, Mr. Mayor.

>> Mayor Taylor: Thank you.

We have before us the clerk's report of communications, petitions and referrals.

May I have a motion to approve the clerk's report.

Moved by eyer and seconded by Radina.

All in favor the clerk's report is approved.

Do we have communications today from our city attorney?

>> City Atty. Postema: No, we do not.

>> Mayor Taylor: Thank you.

We now come to public comment general time.

Public comment general time is an opportunity for public comment to speak to council.

One need not have signed up in advance.

You can enter the number on your screen 877-853-5247.

877-853-5247.

Once you are connected, please enter 94212732148.

94212732148.

Once you are connected further, please enter star nine.

Star nine to indicate that you wish to speak.

Our clerk will identify you by the last three digits of your telephone number when it is your turn to speak.

When it is your turn to speak, you will have three minutes in which to speak so please pay close attention to your time.

When your time is expired please conclude your comments and cede the floor.

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

>> Clerk Beaudry: Michelle Hughes, do you have a comment?

>> Hi, yeah.

I want to say I'm real disappointed in how the glue ordinance discussion went and how the vote went.

I had hopes that the city council saw the value in decriminalizing drugs based on how -- based on the city's recent decriminalization of psychedelic drugs and based on the city's legendary historical support of marijuana.

I thought that we were a city that saw the value in decriminalizing drugs and I think that I -- I hoped that we are not a city that puts all of our faith in the criminal justice system, to give help and support to people, because it's -- it seems pretty clear that that is not the best way to help people.

And it's also makes me disappointed that the city's policies on drug criminalization are so inconsistent that we would be decriminalizing some drugs and then expanding the criminalization of others.

It makes me think that it's not based on principled reasoning about what our drug policies should be, but instead it's just a popularity contest about which drugs are cooler and so I hope that the city council can take a good hard think about this, and come back with another cord Nance which would effectively decriminalize glue and any other drugs that are currently criminalized under our city's

ordinances.

And I understand that this might be state laws against these things as well, and so we -- our approach to decriminalization would not necessarily work if it was removing laws from the books, but instead we should take the approach that really put Ann Arbor on the map as a famous leader in decriminalization with our marijuana laws by creating a penalty for the drug use, which is a simple penalty, and instructing our police that enforcement of the state law is the lowest priority and if they will enforce something -- if they are going to enforce one of the laws about their drugs that they should enforce the lesser penalty.

And I certainly hope that state law catches up soon, and decriminalizes other drugs as well so that we can focus on efforts that will actually help people, providing human services to people, instead of providing so much money on cops and jails and things that don't work.

So please think about that, and please come back with a different solution.

Thank you.

>> Clerk Beaudry: Time.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Donnell Wyche.

>> Good evening, council.

I wanted to call in on the conversation around B-4, just like the previous caller.

Diversion and deflection places people in control of the carceral position.

I the majority of the participants were black, as we know, because of the excellent work of the crew report, our community over penalizes Black residents.

For instance, 66% of outstanding warrants in our community are held by black men, while black men only represent 2% of the population.

Just because of the law that was discussed in b-4 hasn't been used doesn't mean it can't be used.

I would also like to remind council that you have a history of bucking state law.

In September of 1972, this body, city council, enacted a marijuana ordinance in spite of state law that existed.

And this marijuana ordinance was so progressive that the director of the Michigan State police threatened to place troopers within the city limits of Ann Arbor to endorse state law.

Our community noted that this ordinance was important that we enacted it as a charter amendment, overruling the repeal of council.

So that we would note a just and equitable legal of citizens in the community.

Let me read Section 16.2 to you, to give you a wit of inspiration for how you can address these issues when they face state law.

You can instruct that no it I police officer shall complain of possession, control, use, the giving away, the sale of a drug, to any authority except to the city attorney and that the city attorney shall not refer said complaint to any authority for prosecution.

When we have these laws on the books, we can use these laws in punitive ways that harm individuals in our community.

We had a history of resisting carceral systems in our community and I hope that

council will reconsider and take up that charge and that responsibility again by creating a care base and a life-affirming approach.

To addiction and use within our community, not one that relies on the carceral system which is centered in the use of control and punishment.

Thank you so much.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Lewis Vasquez, do you have a comment?

>> Yes, greetings.

Can everybody hear me?

>> Mayor Taylor: Yes, we can.

>> I was appreciative tonight of the vote towards, you know, better work and in support of union labor as a first ward resident, I'm -- I was very disappointed in some of what Mr. Hayner had to say tonight, but I wanted also to refer to my recent FOIA, number 6867, and also followed up by FOIA 6778, which was filed by former Councilmember Eaton.

In that FOIA, I documented that Mr. Ramlawi received an email -- I'm sorry, yes. Mr. Ramlawi along with all of council received an email from Tom Guajardo on October 1<sup>st</sup>.

On October -- it was a complaint.

And October 2<sup>nd</sup>, Mr. Ramlawi sent an email to Vivienne Armentrout, which included Mr. Guajardo's, and it said per your request.

That means Mr. Ramlawi must have had some type contact between October 1<sup>st</sup> and 2<sup>nd</sup> with Vivienne Armentrout where he revealed that there was a complaint for her to request.

So he sent it to her.

This -- you know, this is not good stuff.

Also, on October 1<sup>st</sup>, within 90 minutes of getting Mr. Guajardo's complaint, sent and gave him her phone number.

Now, to call.

>> Clerk Beaudry: 30 seconds.

>> Did either of these councilmembers consult Mr. Postema?

Did they talk to the mayor before sending these communications to a local political blogger and intervening, trying to interview in a personnel matter of the city?

I find this to be highly irregular, and I think it needs to be investigated.

Thank you.

>> Clerk Beaudry: Mayor I don't see any other callers with their hands up.

>> Mayor Taylor: Is there anyone else who would like to speak at public comment?

>> Clerk Beaudry: Caller with the phone number 812.

>> I had there.

This is Kai calling from Canada right now.

It's been an interesting night as I struggle, Canada doesn't realize that children are vaccinated.

It's the beyond the scope of Ann Arbor city council.

It has nothing to do with politics.

It's from a personal level, I just wanted to wish every single one of you regardless of our political differences, regardless of everything, I wanted to wish everyone happy holidays and a happy new year, I'm sure next year we will fight about politics.

This goes out to every single one of you, to wish you the best and a happy new year.

Have a good night.

Just Kai.

>> Mayor Taylor: Thank you.

Mr. Dohoney.

>> Thank you, mayor.

I just wanted to mention that, you know, after tonight, a lot of the staff will be taking off in the next couple of weeks but we do have a logistical team assembled.

We come back from the holiday.

We go immediately into the council meeting, which will be first in-person meeting under the state's mandate.

We plan to debrief a day or two after that meeting.

So if we do have some issues to work through, we will be prepared to do whatever tweaking that we can in order to make it as safe as possible.

Part of what we are trying to address are the limitations of the size of the room, which then impacts the number of people that can be in the room if you are trying to do social distancing.

And so while it might not be perfect on January 3<sup>rd</sup>, when we see you all, we will try to make it better thereafter, and I just wanted to mention that tonight.

>> Mayor Taylor: Thank you.

Are there communications from council?

May I have a motion to journal, please.

Moved by -- adjourn, please.

>> Councilmember Grand: Councilmember Song was raising her hand.

>> Mayor Taylor: I have song and Griswold.

Councilmember Griswold?

>> Councilmember Griswold: I want to thank the actions and survivors speak on for their event that they had on stand.

That was stand with Soford.

It was relatively well attended given the cold, and one of the messages was check on your neighbors.

I think that definitely applies to Ann Arbor.

The holidays are a difficult and lonely time for some of the people in this community that are not as well off, and I hope that we can do that.

Secondly, communications.

I would like to repeat my request that we have a social media policy.

I think that is social media has become weaponized and that something needs to be done at the local level.

And to do nothing is to condone what is happening.

I hope that we can get a policy in place so that we can have guidelines for people being appointed to boards and commissions, as well as councilmembers.

And in ending, I would like to say happy holidays to everyone.

>> Mayor Taylor: Councilmember Song.

>> Councilmember Song: I would like to note a meeting I had with the students to sensible drug policy last week.

I understand they are meeting with different councilmembers too and it was a timely conversation.

Problems relates to what we had discussed about it today in regards to drug usage in the city. I've had follow-up discussion with Ms. Slay.

And would like to explore how that work with the unarmed crisis response work that will be out from the it he come the end of this month.

I want to note that it's a conversation in progress.

I know there are councilmembers interested in this too.

I have already committed to having calls with our state reps.

So I appreciate the concern of those calling in, but there as more to be talked about and to work on beyond model glue and I recognize that.

Thank you.

>> Mayor Taylor: Further communication from council?

May I have a motion to adjourn, please.

Moved by Councilmember Radina, seconded by Griswold.

All in favor?

Opposed?

We are adjourned.

Thank you, everyone.