

Ann Arbor City Council Regular Session: March 3, 2014
Email Redactions List Pursuant to Council Resolution R-09-386

	A	B	C	D	E	F	G
	<u>Received</u>						
1	<u>Sent Time</u>	<u>Time</u>	<u>TO</u>	<u>From</u>	<u>CC</u>	<u>Redactions</u>	<u>Reason for Redaction</u>
2		7:18 PM	Jane Lumm	Donald Salberg		Email address	Privacy
3		7:26 PM	Jacqueline Beaudry	Chuck Warpehoski			
4		7:31 PM	Jacqueline Beaudry	Chuck Warpehoski		Email addresses	Privacy
5		8:05 PM	All City Council, Steve Powers, Stephen Postema	Jacqueline Beaudry	Ryan Stanton, Dave Askins	Email address	Privacy
6		8:06 PM	All City Council	Jacqueline Beaudry	Steve Powers, Stephen Postema, Anissa Bowden		
7		8:38 PM	Chuck Warpehoski	Bob Miller		Email address, phone number	Privacy
8		9:04 PM	Chuck Warpehoski	Cliff Douglas		Email address	Privacy
9		9:51 PM	Stephen Kunselman	Donald Salberg		Email address	Privacy

Alexa, Jennifer

From: Donald Salberg [REDACTED]
Sent: Monday, March 03, 2014 7:18 PM
To: Lumm, Jane
Subject: Re: The Pedestrian Taskforce

Thank you.

I will watch the City Council meeting tonight on CTN 16 especially since the Pedestrian Task Force is on the agenda.

I encourage you to insist on receiving a detailed line-item financial breakdown of the expenses to be paid from the \$122, 250 being allotted. BTW, is the money coming from the city's general fund?

Also I hope that hiring Project Innovations, Inc. is not primarily to hide Task Force activities and discussions from public view as was highlighted in the annarborchronicle.com article. Supposedly if the Task Force's documents are held privately, as it would be with Project Innovations, Inc. and its BASECAMP website, those documents are shielded from public view and FOIA. INHO, this arrangement defies the OMA and obstructs transparency.

Don Salberg

From: "Jane Lumm" <JLumm@a2gov.org>
To: "Donald Salberg" [REDACTED]
Sent: Monday, March 3, 2014 3:56:44 PM
Subject: RE: The Pedestrian Taskforce

Dear Don, As usual, excellent questions! No, I cannot explain and it's not clear to me whether \$122,250 or \$197,250 is being allocated (in the memo for this item, reference is made to the "estimated budget totaling \$122,250", but the first resolved clause appropriates \$75,000 to the Task Force and the second resolved appropriates \$122,250 for a total of \$197,250), and I've asked staff to confirm that \$197,250 is being appropriated to the Task Force. I share your concerns about the cost of the consultant, the fact that PI is being recommended as a no-bid contract, and the experience with Charlie Fleetham and PI (fact that Dave Askins has decided this was worth writing about, also gives me pause).

Jack Eaton shared the Chronicle link with Council, and I followed-up with questions to staff re: the open meeting and other public process issues that have been raised. I was not aware of these concerns until I received Jack's note and read the Chronicle article. Cte. meetings and information generated by public bodies should be public, and the experiences of the SSWWEvaluation Cte. imply that there are transparency issues.

I went back to read CM Briere and Warpehoski's resolution which created the Pedestrian Safety Task Force, and there was no mention of related costs/budget. At the time, it was suggested that \$125,000 might be needed to support the cte. I thought this was a lot of \$, and shared this concern. The resolution creating the task force also made no mention of hiring a consultant -- just "that the City Administrator will determine the level of staff support needed for this task force."

I've attached a memo provided council re: the outline for the Pedestrian Safety Task Force work plan. The outline proposes "working with a facilitator" and a "resource group" proposed to consist of "city staff and/or consultants." (We received this memo on the day the council voted to create the Task Force -- CM Briere and Warpehoski's resolution had been postponed from the prior council meeting because no information had been provided re: the work plan and related costs for the task force, and this was provided by staff in response.) As you will note, as proposed, the costs add up: e.g., estimated hours 315 hrs. at \$175.00/hour = \$55,000

outside consultant = \$25,000

traffic engineering = \$5,000

data collection/observation = \$25,000

focus group process = \$10,000 - \$20,000 per event

"Staff's estimate for execution of a comprehensive evaluation component of a pedestrian crosswalk safety
pgm." = \$40,000 - \$50,000

Given the costs, the unknowns re: future costs, the concerns about the recommended consultant, I do not think we should support the recommendation.

Hope this is helpful, thanks for the link and for sharing your concerns, Don! My best, Jane

From: Donald Salberg [REDACTED]
Sent: Sun 3/2/2014 1:10 PM
To: Lumm, Jane
Subject: The Pedestrian Taskforce

Dear Councilwoman Lumm,

Can you explain why \$122,400 is being assigned to the Pedestrian Task Force and how it is to be spent? At this point \$77,850 is being used to pay for Project Innovations, Inc. which is already a consultant to the sanitary sewer wet weather evaluation (SSWWE) - Citizen Advisory Committee. Who selected Project Innovations, Inc. and why was the consultant hired without issuing a RFP?

After reading about Project Innovations, Inc. and Mr. Charlie Flotham in the January 28th issue of annarborchronicle.com, I believe that Project Innovations, Inc. has been hired so that Charlie Fleetham can squelch public information regarding the proceedings of the Pedestrian Taskforce similar to what he accomplished with the Citizens' Advisory Committee (CAC) for the sanitary sewer wet weather evaluation (SSWWE) study. The intention, probably of certain government administrators, is to have all materials from CAC discussions and meetings held PRIVATELY by Project Innovations, Inc. and utilizing its BASECAMP website so that none of the proceedings will be released to the public nor be accessible via FOIA. I wonder which government official chose to contract with Private Innovations, Inc. and at whose urging?

Read the following annarborchronicle.com article for more details on this nefarious plan:

<http://annarborchronicle.com/2014/01/28/column-a-reminder-on-open-government/>

Please share your insights and knowledge about this situation and what you believe should be done at this time.

Thank you,

Donald Salberg

Alexa, Jennifer

From: Warpehoski, Chuck
Sent: Monday, March 03, 2014 7:26 PM
To: Beaudry, Jacqueline
Subject: C-1, part 1
Attachments: 00028586.docx; ATT00001.htm

Attached is a proposed substitute resolution for C-1. Please forward to Council and members of the media.

--Chuck

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: 734-972-8304

Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

Begin forwarded message:

From: Chuck Warpehoski <chuck.warpehoski@gmail.com>
Date: March 3, 2014 at 5:49:07 PM EST
To: "cwarpehoski@a2gov.org" <cwarpehoski@a2gov.org>

--
Chuck Warpehoski
chuck.warpehoski@gmail.com
www.chuckwarpehoski.org
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@ChuckWarp

FOOD AND HEALTH
(~~SMOKING IN SMOKEFREE~~ OUTDOOR PUBLIC PLACES)

AN ORDINANCE TO ADD A NEW CHAPTER 64 TO TITLE VI (FOOD AND HEALTH) OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor Ordains:

Section 1. That a new Chapter 64 be added to Title VI of the Code of the City of Ann Arbor to read as follows:

CHAPTER 64. ~~REGULATION OF SMOKING IN SMOKEFREE~~ OUTDOOR PUBLIC PLACES

6:1. Definitions.

The following words and phrases shall have the following definitions when used in this Chapter:

- (1) *Blake Transit Center* means the bus station in downtown Ann Arbor for public buses operated by the Ann Arbor Area Transportation Authority.
- (2) *Bus Stop* means any location in the City of Ann Arbor where a sign is posted marking the location as a place where passengers may get on or off of public buses operated by the Ann Arbor Area Transportation Authority. The term "bus stop" includes a sheltered area where persons may wait for their buses.
- (3) *City Building* means any building or structure in which employees work to provide public services, owned by the City, including but not limited to parking structures and the Ann Arbor City Hall and the Ann Arbor Justice Center, which are located at 301 East Huron Street in Ann Arbor.
- (4) *Smokefree Outdoor Public Place* means all of the following:
 - (a) Outdoors within 20 feet of entrances, windows, and ventilation systems of Blake Transit Center.
 - (b) Outdoors within 20 feet of bus stops.
 - (c) Outdoors within City of Ann Arbor parks or portions of parks ~~where~~ when signs are posted prohibiting smoking, as determined by the City Administrator.
 - (d) Outdoors within 20 feet of entrances, windows and ventilation systems of any City Building.

(e) Outdoors on the property on which a City Building is located farther than 20 feet from the City Building's entrances, windows and ventilation systems, ~~where~~ when the City Administrator has had signs posted informing persons who enter onto the property that smoking is prohibited beyond the point at which the sign is located.

(5) *Smoke or Smoking* means possessing a cigarette, cigar, or pipe, ~~which that~~ contains tobacco or any other product that is lighted or burning; lighting a cigarette, cigar, or pipe, ~~which that~~ contains tobacco or any other product; or exhaling smoke from burning tobacco or any other burning product, ~~which that~~ is contained in a pipe, cigar or cigarette.

6:2. Smoking Prohibited in Smokefree Outdoor Public Places.

(1) No person shall smoke in an a smokefree outdoor public place as defined in this Chapter.

(2) A person who violates subsection (1) ~~where no signs are posted~~ is subject to being cited with a violation only if he or she ~~ceases~~ refuses to cease smoking immediately upon being requested or ordered to do so by a City employee.

(3) No person shall continue smoking in an a smokefree outdoor public place immediately upon being requested or ordered to do so.

(4) The prohibition in this section against smoking in smokefree outdoor public places is in addition to prohibitions against smoking in state law and in other ordinances or regulations and shall not be construed to permit smoking in areas where it is prohibited by state law or by other ordinances or regulations or on private property as determined by the private property owner.

(5) When smoking trash receptacles are provided, if possible they should be placed near or outside the perimeter of the no smoking area in order to discourage smoking in these areas.

6:3. Posting Signs.

(1) The prohibitions against smoking in this Chapter are enforceable whether or not signs are posted except as otherwise provided in this section.

(2) This Chapter may be enforced in City parks or portions of parks only ~~where~~ when signs are posted informing persons that smoking is prohibited.

(3) This Chapter may be enforced on property on which a City Building is located in areas that are farther than 20 feet from entrances, windows and ventilation systems of the City Building only ~~where~~ when signs are posted informing

persons who enter onto the property that smoking is prohibited beyond the point at which the sign is located.

6:4. Authority of City Administrator.

- (1) The City Administrator, in consultation with Parks Advisory Commission, is authorized to designate any City park or portion of a City park as an a smokefree outdoor public place where smoking is prohibited by having a sign or signs posted prohibiting smoking.
- (2) The City Administrator is authorized to designate the property or a portion of the property on which a City Building is located as a smokefree outdoor public place where smoking is prohibited by having a sign posted at the location beyond which smoking is prohibited.

6:5. Penalty.

A violation of this section shall constitute a civil infraction, which shall be punishable by a fine of not more than \$50.00 and costs. In the discretion of the Court, community service may be ordered in lieu of a \$50 fine and costs.

Section 2. That this Ordinance shall take effect on the tenth day following legal publication.

Alexa, Jennifer

From: Warpehoski, Chuck
Sent: Monday, March 03, 2014 7:31 PM
To: Beaudry, Jacqueline
Subject: Fwd: Written statement and letter of support for outdoor smoking measure
Attachments: Cliff Douglas Statement in Support of Proposed Ann Arbor Ordinance to Regulate Smoking in Certain Outdoor Public Places.docx; ATT00001.htm; TFM Ann Arbor City Council letter (2014-03-03).pdf; ATT00002.htm

I believe this is the electronic copy of the documents that were shared in hard copy by Cliff Douglas. Please share with Council, the media, and include in the public record.

-Chuck

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: 734-972-8304

Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

Begin forwarded message:

From: Cliff Douglas [REDACTED]
Date: March 3, 2014 at 2:31:45 PM EST
To: "Warpehoski, Chuck" <CWarpehoski@a2gov.org>
Cc: Tobacco Free Michigan <tobaccofreemi@gmail.com>, "Bergman, Jim" <jbergman@tcs.org>, DeBorah Borden <bordend@ewashtenaw.org>
Subject: Written statement and letter of support for outdoor smoking measure

Hi Chuck,

I am attaching my written statement and the formal letter of support from Tobacco-Free Michigan. I am also cc'ing TFM's executive director, Angela Clock, along with Jim Bergman and DeBorah Borden, whom you met with me. I plan to bring extra copies for distribution at the meeting, in case they are needed. Thank you for having the Clerk forward the materials to Council.

Please let me know what else I/we can do, and I will look forward to seeing you this evening.

Cliff

--

Clifford E. Douglas, J.D.
Director, University of Michigan Tobacco Research Network

Lecturer, University of Michigan School of Public Health
Consulting Advisor on Tobacco Control Policy,
Office of the Assistant Secretary for Health,
U.S. Department of Health and Human Services
Phone: 734-936-0939
Email: [REDACTED]

CONFIDENTIALITY NOTICE: The information in this email is confidential. It is intended solely for the addressee, and access to this email by anyone other than the intended recipient is unauthorized.

On Mon, Mar 3, 2014 at 10:41 AM, Cliff Douglas [REDACTED] wrote:
I am happy to do that. I am preparing my statement now, and will email it to you mid-day today.
I am happy to also bring a number of hard copies for distribution, if that would be helpful. Just let me know.

Cliff

On Mon, Mar 3, 2014 at 10:33 AM, Warpehoski, Chuck <CWarpehoski@a2gov.org> wrote:

Let's do this. Why don't you send me what you want to distribute. When I introduce the legislation I can also say, "Also, Cliff Douglas, Director of the UM Tobacco Research Network, is also present and able to answer questions." At that time I can also have the Clerk forward materials to Council.

-Chuck

Chuck Warpehoski

Ann Arbor City Council, Ward 5

cwarpehoski@a2gov.org

c: [734-972-8304](tel:734-972-8304)

Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

From: Cliff Douglas [REDACTED]
Sent: Monday, March 03, 2014 8:54 AM
To: Warpehoski, Chuck
Cc: Bergman, Jim; DeBorah Borden
Subject: Re: Checking in on smoking ordinance proposal

Good morning, Chuck. I called at 8:40am to reserve a speaking spot this evening, and was told that I am the second alternate speaker – #12 overall on the list. I gather that unfortunately this may mean that I don't get an opportunity to speak in support of your measure. I will come prepared to do so -- is there any way you can assist in making it possible? -- and will have concise written material with me to submit to the council. How many copies shall I bring?

Thank you, and I hope it works out for the best.

Cliff

On Friday, February 28, 2014, Warpehoski, Chuck <CWarpehoski@a2gov.org> wrote:

Cliff,

The item is scheduled for Monday's City Council session.

<http://a2gov.legistar.com/MeetingDetail.aspx?ID=281470&GUID=0AED42C5-1A36-46C9-9B7D-67482D5482E6&Options=info|&Search=>

It follows public comment and the consent agenda.

Each Council meeting begins with 10 public comment spots. I believe there will be a lot of competition for these slots this week.

You can learn how to sign up at:

<http://www.a2gov.org/government/citycouncil/Pages/CityCouncilMeetings.aspx>

Again, since I suspect there will be a lot of competition for speaking slots, I suggest you call or show up right at 8am on Monday to get a spot.

-Chuck

Chuck Warpehoski
Ann Arbor City Council, Ward 5
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c: 734-972-8304

Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

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

From: Cliff Douglas [REDACTED]
Sent: Friday, February 28, 2014 3:34 PM
To: Warpehoski, Chuck
Subject: Checking in on smoking ordinance proposal

Hi Chuck,

Just confirming that you received my check-in email of a couple of days ago. We have obtained formal support for your measure from Tobacco-Free Michigan and the national Campaign for Tobacco-Free Kids.

Can you please let me know the schedule and plans, to the extent they are set?

Thanks.

Cliff

Sent from iPhone

--

Clifford E. Douglas, J.D.
Director, University of Michigan Tobacco Research Network
Lecturer, University of Michigan School of Public Health
Consulting Advisor on Tobacco Control Policy,
Office of the Assistant Secretary for Health,
U.S. Department of Health and Human Services
Phone: 734-936-0939
Email: cdoug@umich.edu

CONFIDENTIALITY NOTICE: The information in this email is confidential. It is intended solely for the addressee, and access to this email by anyone other than the intended recipient is unauthorized.

Statement in Support of Proposal to Regulate Smoking in Certain Outdoor Public Places in Ann Arbor

Presented to the Ann Arbor City Council

Clifford E. Douglas. J.D.

March 3, 2014

A. Introduction and Professional Background

Thank you for your attention to the critical public health and environmental issue of tobacco smoking in outdoor public areas in Ann Arbor.

This statement is submitted in recognition that cigarette smoking remains the leading cause of preventable death – in the United States, in Michigan, and doubtless in Ann Arbor itself. Smoking kills more of us today than HIV/AIDS, illegal drugs, alcohol, automobile accidents, homicides, suicides, fires and natural disasters – combined. Smoking harms its users, as everyone knows, but it also seriously harms innocent bystanders, including our children, and causes significant environmental degradation.

By way of background, I serve as director of the University of Michigan Tobacco Research Network and teach public health and tobacco prevention policy at the University of Michigan School of Public Health. Additionally, I serve as director of the national Tobacco-Free College Campus Initiative (<http://tobaccofreecampus.org>), which is a partnership of the U.S. Department of Health and Human Services, the American College Health Association and the University of Michigan; as consulting advisor to the U.S. Assistant Secretary for Health Dr. Howard Koh; and as the consulting attorney for the Ann Arbor-based Smoke-Free Environments Law Project, an endeavor supported in part by the Michigan Department of Community Health. I also serve as an appointed member of the University of Michigan's Smoke-Free University Advisory Committee, where I help guide implementation of the our comprehensive smoke-free policy that went into effect in 2011. I have been dedicated to tobacco prevention and cessation issues for 26 years, which started when, on behalf of the American Cancer Society, the American Lung Association and the American Heart Association, I coordinated the national campaign to make all commercial airline flights in the United States smoke-free. My faculty bio is available at <http://www.sph.umich.edu/iscr/faculty/profile.cfm?uniquename=cdoug>.

This statement of support for Council Member Chuck Warpehoski's proposal to restrict outdoor smoking in select locations in Ann Arbor is presented in my individual capacity. I am also pleased to include a letter of support from Tobacco-Free Michigan (<http://www.tobaccofreemichigan.org>), the statewide coalition representing numerous public health and individual experts that works to prevent and reduce tobacco use and

its harmful effects in all Michigan communities. I am also honored to share the endorsement of the proposed ordinance by the Campaign for Tobacco-Free Kids (<http://www.tobaccofreekids.org>), the leading national public health advocacy organization dedicated to reducing tobacco use and its deadly toll in the United States and globally.

B. Public Health Context for the Proposed Measure

It is important to place the proposed measure in the context of the unique severity of the epidemic of illness and death caused by the tobacco epidemic. These facts underscore why it is essential that municipalities, including Ann Arbor, take meaningful steps to protect our communities against this extraordinarily harmful product.

As documented in the 50th anniversary U.S. Surgeon General's Report, released in January 2014 (<http://www.surgeongeneral.gov/library/reports/50-years-of-progress>):

- 480,000 thousand Americans die prematurely from smoking each year, losing an average of 13 years of life. Smoking accounts for 1 of every 5 deaths annually in the U.S.
- Since the first Surgeon General's report on smoking and health was published in 1964, more than 20 million Americans have died because of smoking.
- If current rates continue, 5.6 million Americans younger than 18 years of age who are alive today are projected to die prematurely from smoking-related disease. (Of these, a projected 213,000 children now under the age of 18 in Michigan will ultimately die prematurely from smoking.)
- Most of the 20 million smoking-related deaths since 1964 have been adults with a history of smoking; however, 2.5 million of those deaths have been among nonsmokers who died from diseases caused by exposure to secondhand smoke.
- More than 16 million Americans suffer from a disease caused by smoking.
- Secondhand smoke exposure is now known to cause strokes, as well as cancer and respiratory illnesses, in nonsmokers.

The Surgeon General's Report also finds that:

- Evidence-based tobacco control interventions that are effective continue to be underused. Interventions that are proved to be effective in preventing smoking initiation and promoting quitting include smoke-free policies, hard-hitting media campaigns, raising the price of tobacco products, easily accessed cessation treatment, and comprehensive statewide tobacco control programs.

C. Discussion

1. The Proposal

The proposed measure disallows smoking of tobacco in the following locations:

- (a) Outdoors within 20 feet of entrances, windows, and ventilation systems of Blake Transit Center.
- (b) Outdoors within 20 feet of bus stops.
- (c) Outdoors within City of Ann Arbor parks or portions of parks where signs are posted prohibiting smoking, as determined by the City Administrator.
- (d) Outdoors within 20 feet of entrances, windows and ventilation systems of any City Building.
- (e) Outdoors on the property on which a City Building is located farther than 20 feet from the City Building's entrances, windows and ventilation systems, where the City Administrator has had signs posted informing persons who enter onto the property that smoking is prohibited beyond the point at which the sign is located.

The proposal also includes provisions, among others, that provide for adequate signage in the above locations – this is very important, as we have learned on the University of Michigan campus and elsewhere – and that authorize the City Administrator to designate City parks or portions of City parks as smoke-free, again supported by needed signage.

2. There are Already Approximately 1,500 Smoke-Free Outdoor Laws in the United States

Mr. Warpehoski's proposal is a constructive, though limited step toward reducing the public health harm of tobacco use in selected outdoor areas within our community. To place it in the context of smoke-free policies that have already been adopted elsewhere, as of January 2014 there were (links provided for full listings):

- 901 municipalities in the U.S. with 100% smoke-free park laws (7 in Michigan: Dexter, Grand Traverse County, Muskegon, Houghton, Huntington Woods, Greenville and Bad Axe), <http://no-smoke.org/pdf/SmokefreeParks.pdf>
- 316 municipalities in the U.S. with 100% smoke-free outdoor public transit waiting area laws (3 in Michigan: Kalamazoo, Traverse City and Alcona County), <http://no-smoke.org/pdf/SmokefreeTransitStops.pdf>

- 272 municipalities in the U.S. with 100% smoke-free outdoor dining and bar patio laws, <http://no-smoke.org/pdf/SmokefreeOutdoorDining.pdf>
 - Patio areas of restaurants and bars are both workplaces and areas where people are closely congregated, so these venues are frequently addressed in smoke-free efforts. *Ann Arbor's Sculpture Park, located immediately in front of the People's Food Co-Op at the corner of Fourth Avenue and Catherine Street, provides a comparable example. Lesley Perkins, the co-op's general manager, explained to the Ann Arbor News in October 2013 that smoking in that location is a problem for many patrons.*
- 184 municipalities with 100% smoke-free beach laws (10 in Michigan: Dexter, Ingham County, Ottawa County, Howell, Portage, Escanaba, Grand Haven Township, Gratiot County, Houghton and Marine City), <http://www.no-smoke.org/pdf/SmokefreeBeaches.pdf>.
- More than 850 communities and numerous states have enacted smoke-free entryway provisions that help keep smoke from drifting indoors. Smoke-free entryway, or "reasonable distance," laws require that no smoking occur within a certain distance (e.g., 25 feet) of doorways, operable windows, and air intake vents of smokefree buildings. These policies help prevent secondhand smoke from drifting back into the building. The policies also allow employees and customers to access the building without walking through clouds of smoke.

There are thus numerous examples of the adoption of outdoor smoking policies, some of them quite prominent. For example, starting in May 23, 2011, New York City prohibited smoking within all city parks (except median strips), beaches and boardwalks, public golf courses, sports stadia grounds, and pedestrian plazas such as those at Times Square and Herald Square (<http://www.nycgovparks.org/facility/rules/smoke-free>). Smoking had previously been prohibited in all New York City playgrounds, pools and inside stadia. Smoking is allowed on sidewalks outside parks, including sidewalks that form the perimeter of parks.

In short, these laws are widespread, widely supported, and have increasingly become the norm. **If New York City can successfully adopt and implement a sweeping outdoor smoke-free ordinance, with that city's extraordinarily diverse population and millions of international visitors, then Ann Arbor can do so.**

3. Scientific Findings Related to Health Harms Caused by Exposure to Secondhand Tobacco Smoke

Scientific research on outdoor exposure to secondhand smoke has grown in recent years. As confirmed by the latest Surgeon General's Report, "there is no risk-free level of exposure to secondhand smoke." The report documents that secondhand smoke exposure causes:

- Lung cancer
- Coronary heart disease
- Stroke
- Respiratory symptoms, impaired lung function
- Middle ear disease
- Nasal irritation
- Sudden infant death syndrome
- Reproductive effects in women, low birthweight babies

The following documentation related specifically to outdoor exposure was assembled, in part, by the Americans for Nonsmokers' Rights Foundation based on multiple peer-reviewed scientific studies:

- In 2005, the California Air Resources Board (ARB) released a report that evaluated the first-ever monitoring of the level of outdoor exposure to secondhand smoke on the health of California residents. Based on the conclusions of this report, the ARB adopted a regulatory amendment that identified secondhand smoke as a toxic air contaminant – an outdoor air pollutant that may cause or contribute to an increase in deaths or in serious illness, or which may pose a present or potential hazard to human health.
- In 2007, Stanford University researchers published an in-depth study of outdoor secondhand smoke levels. The primary finding was that secondhand smoke exposure levels can be significant near an active smoker.
- People outdoors who are near secondhand smoke for extended periods of time, such as wait staff or diners in the outside areas next to food service establishments, can be exposed at levels that exceed the EPA limit on fine particulate matter pollution.

4. Damage to the Environment

Secondhand smoke exposure is not the only reason why communities and states – as well as 1,182 college and university campuses – have implemented outdoor smoking restrictions across the nation. There are also strong environmental reasons for

expanding smoke-free policies to these venues. The trash created by cigarette butts tossed on the ground is a leading source of pollution.

The following scientific findings are assembled, in part, from the American Legacy Foundation

(http://www.legacyforhealth.org/content/download/583/6932/version/2/file/Fact_Sheet-The_Impact_of_Tobacco_on_the_Environment.pdf):

- Discarded cigarette butts contain the same chemicals and toxins, including nicotine, as the cigarettes themselves. The filters are made from cellulose acetate, a plastic which, while technically biodegradable, can degrade only under conditions described by experts as “severe biological circumstances,” such as when filters end up in sewage. Even under optimal conditions, it can take at least 9 months for a butt to degrade. In practice, cigarette butts tossed on streets and in other public areas do not biodegrade. The sun may break them down, but only into smaller pieces of waste which become diluted in water and/or soil.
- 5.6 trillion cigarette butts dumped into the global environment annually.
- Cigarette butts are the single most commonly collected waste item found each year in park and beach clean-ups.
- Cigarette butts constitute 25-50% of all collected litter from roads and streets.
- Cigarette butts are highly toxic to children, pets, birds, and other wildlife, including fish when this pollution seeps into rivers and water systems. Butts tossed on sidewalks and in parks are carried in runoff to drains, and end up in waterways. (This is of great concern, among other locations, for the Huron River and Ann Arbor’s many wetland areas.)
- Voluntary compliance with litter control laws is inadequate. Despite the fact that 86% of smokers consider cigarette butts to be litter, three-quarters of them report disposing of them on the ground or out their car window.

Thank you for your attention and consideration. I would be pleased to respond to questions and provide assistance.

Clifford E. Douglas, J.D.
 Director, University of Michigan Tobacco Research Network
 Lecturer, University of Michigan School of Public Health
 Consulting Advisor on Tobacco Control Policy,
 Office of the Assistant Secretary for Health,
 U.S. Department of Health and Human Services
 Phone: 734-936-0939
 Email: [REDACTED]

Ann Arbor City Council
301 E. Huron St., 3rd floor
Ann Arbor, MI 48104

Dear Councilmembers,

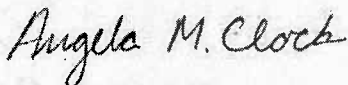
As a statewide tobacco-free coalition, Tobacco-Free Michigan encourages you to support the proposed amendment to regulate smoking in certain outdoor public places to the Ann Arbor City Code.

There has recently been an increase in the adoption of outdoor policies around the nation. Outdoor smoke-free policies provide protection to citizens from secondhand smoke, as well as reducing the risk of fire and minimizing toxic cigarette butt waste.


This is an excellent opportunity to promote a healthy community through cessation services, such as the toll-free 1-800-QUIT-NOW line.

The proposed amendment is a step in the right direction. We applaud you for moving forward on this effort. We encourage you to continue making Ann Arbor a healthy, tobacco-free community.

Sincerely,



Angela M. Clock
Executive Director
Tobacco-Free Michigan



TOBACCO-FREE
MICHIGAN

A GRASSROOTS ORGANIZATION DEDICATED TO PROMOTING TOBACCO-FREE ENVIRONMENTS
AND TO IMPROVING HEALTH AND QUALITY OF LIFE THROUGH EDUCATION AND ADVOCACY.

PO Box 10231, Lansing, MI 48901 • 517-827-0020 • tobaccofreemichigan.org

Alexa, Jennifer

From: Beaudry, Jacqueline
Sent: Monday, March 03, 2014 8:05 PM
To: *City Council Members (All); Powers, Steve; Postema, Stephen
Cc: Ryan Stanton; homeless.dave@gmail.com
Subject: FW: Written statement and letter of support for outdoor smoking measure
Attachments: ATT23916048.dat; ATT23916049.htm; TFM Ann Arbor City Council letter (2014-03-03).pdf; ATT23916050.htm

FYI

Jacqueline Beaudry, City Clerk

City Clerk's Office | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor • Ann Arbor • MI • 48104
734.794.6140 (O) • 734.994.8296 (F) |
jbeaudry@a2gov.org | www.a2gov.org



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

From: Warpehoski, Chuck
Sent: Monday, March 03, 2014 7:31 PM
To: Beaudry, Jacqueline
Subject: Fwd: Written statement and letter of support for outdoor smoking measure

I believe this is the electronic copy of the documents that were shared in hard copy by Cliff Douglas. Please share with Council, the media, and include in the public record.

-Chuck

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: 734-972-8304

Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

Begin forwarded message:

From: Cliff Douglas [REDACTED]
Date: March 3, 2014 at 2:31:45 PM EST
To: "Warpehoski, Chuck" <CWarpehoski@a2gov.org>
Cc: Tobacco Free Michigan <tobaccofreemi@gmail.com>, "Bergman, Jim" <jbergman@tcs.org>, DeBorah Borden <bordend@ewashtenaw.org>
Subject: Written statement and letter of support for outdoor smoking measure

Hi Chuck,

I am attaching my written statement and the formal letter of support from Tobacco-Free Michigan. I am also cc'ing TFM's executive director, Angela Clock, along with Jim Bergman

and DeBorah Borden, whom you met with me. I plan to bring extra copies for distribution at the meeting, in case they are needed. Thank you for having the Clerk forward the materials to Council.

Please let me know what else I/we can do, and I will look forward to seeing you this evening.

Cliff

--

Clifford E. Douglas, J.D.
Director, University of Michigan Tobacco Research Network
Lecturer, University of Michigan School of Public Health
Consulting Advisor on Tobacco Control Policy,
Office of the Assistant Secretary for Health,
U.S. Department of Health and Human Services
Phone: 734-936-0939
Email: [REDACTED]

CONFIDENTIALITY NOTICE: The information in this email is confidential. It is intended solely for the addressee, and access to this email by anyone other than the intended recipient is unauthorized.

On Mon, Mar 3, 2014 at 10:41 AM, Cliff Douglas [REDACTED] wrote:
I am happy to do that. I am preparing my statement now, and will email it to you mid-day today.
I am happy to also bring a number of hard copies for distribution, if that would be helpful. Just let me know.

Cliff

On Mon, Mar 3, 2014 at 10:33 AM, Warpehoski, Chuck <CWarpehoski@a2gov.org> wrote:

Let's do this. Why don't you send me what you want to distribute. When I introduce the legislation I can also say, "Also, Cliff Douglas, Director of the UM Tobacco Research Network, is also present and able to answer questions." At that time I can also have the Clerk forward materials to Council.

-Chuck

Chuck Warpehoski

Ann Arbor City Council, Ward 5

cwarpehoski@a2gov.org

c: [734-972-8304](tel:734-972-8304)

Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

From: Cliff Douglas [REDACTED]
Sent: Monday, March 03, 2014 8:54 AM
To: Warpehoski, Chuck
Cc: Bergman, Jim; DeBorah Borden
Subject: Re: Checking in on smoking ordinance proposal

Good morning, Chuck. I called at 8:40am to reserve a speaking spot this evening, and was told that I am the second alternate speaker – #12 overall on the list. I gather that unfortunately this may mean that I don't get an opportunity to speak in support of your measure. I will come prepared to do so -- is there any way you can assist in making it possible? -- and will have concise written material with me to submit to the council. How many copies shall I bring?

Thank you, and I hope it works out for the best.

Cliff

On Friday, February 28, 2014, Warpehoski, Chuck <CWarpehoski@a2gov.org> wrote:

Cliff,

The item is scheduled for Monday's City Council session.

<http://a2gov.legistar.com/MeetingDetail.aspx?ID=281470&GUID=0AED42C5-1A36-46C9-9B7D-67482D5482E6&Options=info|&Search=>

It follows public comment and the consent agenda.

Each Council meeting begins with 10 public comment spots. I believe there will be a lot of competition for these slots this week.

You can learn how to sign up at:

<http://www.a2gov.org/government/citycouncil/Pages/CityCouncilMeetings.aspx>

Again, since I suspect there will be a lot of competition for speaking slots, I suggest you call or show up right at 8am on Monday to get a spot.

-Chuck

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: [734-972-8304](tel:734-972-8304)

Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

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

From: Cliff Douglas [REDACTED]
Sent: Friday, February 28, 2014 3:34 PM
To: Warpehoski, Chuck
Subject: Checking in on smoking ordinance proposal

Hi Chuck,

Just confirming that you received my check-in email of a couple of days ago. We have obtained formal support for your measure from Tobacco-Free Michigan and the national Campaign for Tobacco-Free Kids.

Can you please let me know the schedule and plans, to the extent they are set?

Thanks.

Cliff

Sent from iPhone

--

Clifford E. Douglas, J.D.
Director, University of Michigan Tobacco Research Network
Lecturer, University of Michigan School of Public Health
Consulting Advisor on Tobacco Control Policy,

Office of the Assistant Secretary for Health,
U.S. Department of Health and Human Services
Phone: 734-936-0939
Email: [REDACTED]

CONFIDENTIALITY NOTICE: The information in this email is confidential. It is intended solely for the addressee, and access to this email by anyone other than the intended recipient is unauthorized.

Ann Arbor City Council
301 E. Huron St., 3rd floor
Ann Arbor, MI 48104

Dear Councilmembers,

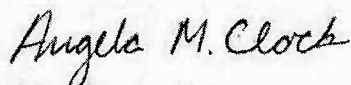
As a statewide tobacco-free coalition, Tobacco-Free Michigan encourages you to support the proposed amendment to regulate smoking in certain outdoor public places to the Ann Arbor City Code.

There has recently been an increase in the adoption of outdoor policies around the nation. Outdoor smoke-free policies provide protection to citizens from secondhand smoke, as well as reducing the risk of fire and minimizing toxic cigarette butt waste.

This is an excellent opportunity to promote a healthy community through cessation services, such as the toll-free 1-800-QUIT-NOW line.

The proposed amendment is a step in the right direction. We applaud you for moving forward on this effort. We encourage you to continue making Ann Arbor a healthy, tobacco-free community.

Sincerely,



Angela M. Clock
Executive Director
Tobacco-Free Michigan



A GRASSROOTS ORGANIZATION DEDICATED TO PROMOTING TOBACCO-FREE ENVIRONMENTS
AND TO IMPROVING HEALTH AND QUALITY OF LIFE THROUGH EDUCATION AND ADVOCACY.

PO Box 10231, Lansing, MI 48901 • 517-827-0020 • tobaccofreemichigan.org

Alexa, Jennifer

From: Beaudry, Jacqueline
Sent: Monday, March 03, 2014 8:06 PM
To: *City Council Members (All)
Cc: Powers, Steve; Postema, Stephen; Bowden (King), Anissa
Subject: FW: C-1, part 1
Attachments: 00028586.docx; ATT23915669.htm

Jacqueline Beaudry, City Clerk

City Clerk's Office | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor · Ann Arbor · MI · 48104
734.794.6140 (O) · 734.994.8296 (F) |
jbeaudry@a2gov.org | www.a2gov.org



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

From: Warpehoski, Chuck
Sent: Monday, March 03, 2014 7:26 PM
To: Beaudry, Jacqueline
Subject: C-1, part 1

Attached is a proposed substitute resolution for C-1. Please forward to Council and members of the media.

--Chuck

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: 734-972-8304

Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

Begin forwarded message:

From: Chuck Warpehoski <chuck.warpehoski@gmail.com>
Date: March 3, 2014 at 5:49:07 PM EST
To: "cwarpehoski@a2gov.org" <cwarpehoski@a2gov.org>

--

Chuck Warpehoski
chuck.warpehoski@gmail.com
www.chuckwarpehoski.org
m: 734-972-8304
@ChuckWarp

FOOD AND HEALTH
(~~SMOKING IN~~ SMOKEFREE OUTDOOR PUBLIC PLACES)

AN ORDINANCE TO ADD A NEW CHAPTER 64 TO TITLE VI (FOOD AND HEALTH) OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor Ordains:

Section 1. That a new Chapter 64 be added to Title VI of the Code of the City of Ann Arbor to read as follows:

CHAPTER 64. ~~REGULATION OF SMOKING IN~~ SMOKEFREE OUTDOOR PUBLIC PLACES

6:1. Definitions.

The following words and phrases shall have the following definitions when used in this Chapter:

- (1) *Blake Transit Center* means the bus station in downtown Ann Arbor for public buses operated by the Ann Arbor Area Transportation Authority.
- (2) *Bus Stop* means any location in the City of Ann Arbor where a sign is posted marking the location as a place where passengers may get on or off of public buses operated by the Ann Arbor Area Transportation Authority. The term "bus stop" includes a sheltered area where persons may wait for their buses.
- (3) *City Building* means any building or structure in which employees work to provide public services, owned by the City, including but not limited to parking structures and the Ann Arbor City Hall and the Ann Arbor Justice Center, which are located at 301 East Huron Street in Ann Arbor.
- (4) Smokefree Outdoor Public Place means all of the following:
 - (a) Outdoors within 20 feet of entrances, windows, and ventilation systems of Blake Transit Center.
 - (b) Outdoors within 20 feet of bus stops.
 - (c) Outdoors within City of Ann Arbor parks or portions of parks ~~where~~ when signs are posted prohibiting smoking, as determined by the City Administrator.
 - (d) Outdoors within 20 feet of entrances, windows and ventilation systems of any City Building.

(e) Outdoors on the property on which a City Building is located farther than 20 feet from the City Building's entrances, windows and ventilation systems, ~~where~~ when the City Administrator has had signs posted informing persons who enter onto the property that smoking is prohibited beyond the point at which the sign is located.

(5) *Smoke or Smoking* means possessing a cigarette, cigar, or pipe, ~~which that~~ contains tobacco or any other product that is lighted or burning; lighting a cigarette, cigar, or pipe, ~~which that~~ contains tobacco or any other product; or exhaling smoke from burning tobacco or any other burning product, ~~which that~~ is contained in a pipe, cigar or cigarette.

6:2. Smoking Prohibited in Smokefree Outdoor Public Places.

(1) No person shall smoke in an a smokefree outdoor public place as defined in this Chapter.

(2) A person who violates subsection (1) ~~where no signs are posted~~ is subject to being cited with a violation only if he or she ~~ceases~~ refuses to cease smoking immediately upon being requested or ordered to do so by a City employee.

(3) No person shall continue smoking in an a smokefree outdoor public place immediately upon being requested or ordered to do so.

(4) The prohibition in this section against smoking in smokefree outdoor public places is in addition to prohibitions against smoking in state law and in other ordinances or regulations and shall not be construed to permit smoking in areas where it is prohibited by state law or by other ordinances or regulations or on private property as determined by the private property owner.

(5) When smoking trash receptacles are provided, if possible they should be placed near or outside the perimeter of the no smoking area in order to discourage smoking in these areas.

6:3. Posting Signs.

(1) The prohibitions against smoking in this Chapter are enforceable whether or not signs are posted except as otherwise provided in this section.

(2) This Chapter may be enforced in City parks or portions of parks only ~~where~~ when signs are posted informing persons that smoking is prohibited.

(3) This Chapter may be enforced on property on which a City Building is located in areas that are farther than 20 feet from entrances, windows and ventilation systems of the City Building only ~~where~~ when signs are posted informing

Alexa, Jennifer

From: Bob Miller [REDACTED]
Sent: Monday, March 03, 2014 8:38 PM
To: Warpehoski, Chuck
Subject: AAPAC (privately funded projects can't move forward?)

Can there be clarification of projects that can or can not be implemented that are not funded through the city (privately funded projects can't move forward?)

bob miller
[REDACTED]

Alexa, Jennifer

From: Cliff Douglas [REDACTED]
Sent: Monday, March 03, 2014 9:04 PM
To: Warpehoski, Chuck
Cc: Jim Bergman; Tobacco Free Michigan
Subject: Follow-up to today's Council meeting

Chuck,

Rough reception, I guess. Thank you for staying the course.

Chris Taylor was the most reasonable voice in the room. He was correct that some of your other colleagues were spouting a "parade of horrors." Look at the number of these measures all around the country, including some in Michigan. There are no problems reported *anywhere* about a so-called rash of 911 calls. It just doesn't happen. Steve Kunselman sounded like he just doesn't like smoking regulations, so he made fallaciously glib arguments to feed people's skepticism.

If you plan to follow up, as discussed, please guide us on how best to support your effort. Tonight's debate highlighted that Council needs *a lot* of education. I don't know if your colleagues will review my submission, or how many if they care enough to get past their preconceptions or disbelief that your measure genuinely addresses a serious public health problem, but if you believe they may take this seriously, please let me know how to most effectively respond.

Should I send a follow-up written submission responding to the enforcement concern? If so, sent in hard copy? emailed? to individual members?

Obviously you need a strong ally or two or three on Council, including Chris Taylor, solidly lined up before next month when this comes up again.

Thanks again for taking this on. I hope to see this move forward successfully.

When you reply, please "Reply to All" in order to keep Jim and Angela in the loop.

Best,

Cliff

Sent from iPhone

> On Mar 1, 2014, at 5:11 PM, "Warpehoski, Chuck" <CWarpehoski@a2gov.org> wrote:

>

> Cliff,

>

> Written material may be given to the clerk and it will be included in the public record. This can be done in person or electronically. I do think that some such sharing is appropriate, but I would advise against overwhelming the Council.

>

> I don't see a need to arrive early on Monday unless you want to work the room prior to the meeting.

>

> -Chuck

>

>

>
>
> Chuck Warpehoski
> Ann Arbor City Council, Ward 5
> cwarpehoski@a2gov.org
> c: 734-972-8304
>
> Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.
>
> Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.
>
> -----Original Message-----
> From: Cliff Douglas [REDACTED]
> Sent: Friday, February 28, 2014 6:16 PM
> To: Warpehoski, Chuck
> Subject: Re: Checking in on smoking ordinance proposal
>
> Thank you, Chuck.
>
> Two questions:
>
> 1. Is written material accepted or encouraged?
>
> 2. Do you recommend arriving early, or doesn't it matter?
>
> Cliff
>
> Sent from iPhone
>
>> On Feb 28, 2014, at 4:22 PM, "Warpehoski, Chuck" <CWarpehoski@a2gov.org> wrote:
>>
>> Cliff,
>>
>> The item is scheduled for Monday's City Council session.
>> <http://a2gov.legistar.com/MeetingDetail.aspx?ID=281470&GUID=0AED42C5-1A36-46C9-9B7D-67482D5482E6&Options=info|&Search=>
>>
>> It follows public comment and the consent agenda.
>>
>> Each Council meeting begins with 10 public comment spots. I believe there will be a lot of competition for these slots this week.
>>
>> You can learn how to sign up at:
>> <http://www.a2gov.org/government/citycouncil/Pages/CityCouncilMeetings.aspx>
>>
>> Again, since I suspect there will be a lot of competition for speaking slots, I suggest you call or show up right at 8am on Monday to get a spot.
>>
>> -Chuck
>>
>>
>> _____
>> Chuck Warpehoski
>> Ann Arbor City Council, Ward 5
>> cwarpehoski@a2gov.org

>> c: 734-972-8304

>>

>> Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

>>

>> Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

>>

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

>> From: Cliff Douglas [REDACTED]

>> Sent: Friday, February 28, 2014 3:34 PM

>> To: Warpehoski, Chuck

>> Subject: Checking in on smoking ordinance proposal

>>

>> Hi Chuck,

>>

>> Just confirming that you received my check-in email of a couple of days ago. We have obtained formal support for your measure from Tobacco-Free Michigan and the national Campaign for Tobacco-Free Kids.

>>

>> Can you please let me know the schedule and plans, to the extent they are set?

>>

>> Thanks.

>>

>> Cliff

>>

>> Sent from iPhone

Alexa, Jennifer

From: Donald Salberg [REDACTED]
Sent: Monday, March 03, 2014 9:51 PM
To: Kunselman, Stephen
Subject: Park and/or Building on top of the Library Lot

Dear Councilman Kunselman,

During the discussion of creating a park over part of the library lot, you expressed your desire to sell development rights for a building to be constructed on the site. I am interested in what type of building you believe Ann Arbor needs on that lot, that is, what type of enterprise would operate that structure?

With your favoring the Dahlmann plan for the Y-lot and a large building over the library parking facility, do you accept the remaining elements of the Connect William Street plan which includes several large buildings being constructed in the Kline's lot and another in the DTE lot? If so, I will ask how you wish to have these buildings used?

Thank you,

Donald Salberg