

Ann Arbor City Council Special Session: October 19, 2020
Email Redactions List Pursuant to Council Resolution R-09-386

	A	B	C	D	E	F	G
1	<u>Sent Time</u>	<u>Received Time</u>	<u>TO</u>	<u>From</u>	<u>CC</u>	<u>Redactions</u>	<u>Reason for Redaction</u>
2	7:05 PM		City Council	Jacqueline Beaudry	Tom Crawford, Stephen Postema		
3	7:14PM		Anne Bannister	John Mirsky			
4	7:20 PM		City Council	Jeannine Palms		Email address, address & phone number	Privacy
5	7:26 PM		Jacqueline Beaudry	Zach Ackerman	Christopher Taylor, Julie Grand		
6	7:33 PM		Laurie O'Malley, Sarah Singleton	Melanie Welch	Christine Schopieray, Christopher Taylor, City	Email address	
7	7:38 PM		Ryan Stanton	Jane Lumm			
8	8:00 PM		Jacqueline Beaudry	Jane Lumm	Ali Ramlawi, Tom Crawford, Jane Lumm		
9	8:12 PM		Jane Lumm	Ali Ramlawi			
10	8:22 PM		Anne Bannister, Kathy Griswold	John Mirsky	Tom Crawford, Jane Lumm, Linh Song		
11	8:34 PM		Jane Lumm	John Mirsky	Anne Bannister, Kathy Griswold, Tom Crawford, Nicholas Hutchinson, Craig Hupy	Email address	
12	9:09 PM		Christopher Graham	Rita Mitchell	Anne Bannister, Dave Borneman, Gwen Nystuen, Jack Eaton, Jerry Hanclock, John Mirsky, Karie Slavik, Tiffany Giacobazzi, Wendy Carman	Email addresses	

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	A	B	C	D	E	F	G
13	9:15 PM		City Council, Tom Crawford, Stephen Postema, Stephen Gerhart	Jacqueline Beaudry			
14	9:16 PM		Zach Ackerman	Jacqueline Beaudry	Christopher Taylor, Julie Grand		
15	9:34 PM		Jacqueline Beaudry	Ali Ramlawi			
16	9:41 PM		City Council, Stephen Postema, Tim Wilhelm, Tom Crawford,	Jacqueline Beaudry	Craig Hupy, Marti Praschan, Lynne Chaimowitz		
17	10:56 PM		City Council	Jacqueline Beaudry	Stephen Postema, Abigail Elias, Tom Crawford		
18	11:41 PM		Jacqueline Beaudry	Jeff Hayner			
19	11:42 PM		City Council, Stephen Postema, Abigail Elias, Tom Crawford,	Jacqueline Beaudry			
20	12:06 AM		Jacqueline Beaudry	Jeff Hayner			
21	12:07 AM		City Council, Stephen Postema, Abigail Elias, Tom Crawford,	Jacqueline Beaudry			
22	12:21 AM		Chip Smith	Jeff Hayner			
23	12:58 AM		Jacqueline Beaudry	Jack Eaton			
24	1:55 AM		Christopher Taylor	Jeff Hayner	Tom Crawford		

Ann Arbor City Council Special Session: October 19, 2020
Email Redactions List Pursuant to Council Resolution R-09-386

	A	B	C	D	E	F	G
25	2:33 AM		Jeff Hayner	Jacqueline Beaudry			

Journal Archive

From: Beaudry, Jacqueline
Sent: Monday, October 19, 2020 7:05 PM
To: *City Council Members (All)
Cc: Crawford, Tom; Postema, Stephen
Subject: FW: For tonight -- Resolution in Support of UM SEAS Project
Attachments: 201019 Resoluton in Support of Natural Features Working Group Proposal to UM SEAS.docx; SEASMasterStudentPropOct20.pdf

Jacqueline Beaudry, City Clerk

Ann Arbor 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) | Internal Extension 41401
jbeaudry@a2gov.org | www.a2gov.org



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

From: Bannister, Anne <ABannister@a2gov.org>
Sent: Monday, October 19, 2020 6:47 PM
To: CityCouncil <CityCouncil@a2gov.org>; Crawford, Tom <TCrawford@a2gov.org>; Higgins, Sara <SHiggins@a2gov.org>; Beaudry, Jacqueline <JBeaudry@a2gov.org>
Cc: Graham, Christopher (U of M) <grahamz@umich.edu>; Borneman, Dave <DBorneman@a2gov.org>; Nystuen, Gwen (PAC) <gnystuen@umich.edu>; Hancock, Jerry <JHancock@a2gov.org>; Mirsky, John <jmirsky@sbcglobal.net>; Karie Slavik <slavik@umich.edu>; Rita Mitchell <ritamitchell@gmail.com>; Giacobazzi, Tiffany <TGiacobazzi@a2gov.org>; Wendy Carman <wjcarman@umich.edu>; Postema, Stephen <SPostema@a2gov.org>
Subject: For tonight -- Resolution in Support of UM SEAS Project

Dear City Council and Staff,

Please find attached a resolution that I'd like to bring before City Council tonight. It is to simply allow the Natural Features Working Group to submit our proposal to the UM School for Environment and Sustainability (SEAS) **before their deadline of Oct. 26.**

I apologize for the timing of this, but the urgency just presented itself at this afternoon's Natural Features Working Group meeting.

The proposal itself (attached) is for the UM SEAS master's students to help the City with our GIS system and new Natural Features webpages; and improve the City's Urban Forestry Plan to include a plan for all forests and trees in the City, as such a plan would have a strong long term value in the City's work to mitigate climate change, and to reduce loss of biodiversity, and to increase the resiliency of natural systems across the City.

Thanks,
Anne

Anne Bannister
Ward One Council Member
cell: 734-945-1639
Term Nov. 2017 - Nov. 5, 2020

Messages to and from me regarding City matters are subject to disclosure under the Michigan Freedom of Information Act (FOIA) without regard to what email account they are sent or received.



October 19, 2020

Resolution in Support of Natural Features Working Group Proposal to UM SEAS

Whereas, the City's Natural Features Master Plan (2004) called for more thorough inventory of the City's Natural Features, especially of Woodlands;

Whereas our current Woodlands information cannot distinguish a Native Forest Fragment from a Buckthorn thicket, when much more detailed information is vital to have in GIS format;

Whereas, the 2004 Master Plan also called for an outreach program to work with people in neighborhoods to teach them about their local landscapes, natural features, water resources and conservation -- with an eye to encouraging them to become better, more sustainable stewards of those landscapes;

Whereas, a Council requested review of the status of the "Natural Features Ordinance" (2016) resulted in a set of recommendations that also called for significant strides in knowledge of our natural features, particularly of forests across the City, and it called for an outreach program to help people know how to develop more sustainable landscapes and conserve water on the land;

Whereas, it has become increasingly clear that many natural ecosystems and the diversity of species in them are facing an alarming possibility of collapse and extinction, world-wide and in Michigan;

Whereas it is known that older trees (especially Oaks, which are highly represented in Ann Arbor's Native Forest Fragments) are outstanding at sequestering carbon (thousands of pounds a year, per tree), and they are huge caterpillar habitats (pollinators);

Whereas it would cost many tens of thousands of dollars to hire consultants to accomplish these efforts for the City, when dollars may be hard to come by in the near term for such purposes;

Whereas it is likely this project would also produce far more useful results than any consultant could provide and would include enough field work to gain good confidence in the data;

Whereas most of the work in this project with UM School for Environment and Sustainability (SEAS) students would be led by non-City employees;

Resolved that the City Council of Ann Arbor supports the proposal of its Natural Features Working Group to enlist the help of master's students at UM SEAS, and requests that the proposal to be transmitted by the NFWG to UM SEAS before the program's October 26 deadline;

Resolved that City Council, City Staff, and Environmental Commission be supportive of this project, including but not limited to modest financial assistance for the master's students; cooperation and coordination with City Staff in bringing the data collected into the City's GIS system and new Natural Features webpages; and the City's Urban Forestry Plan be improved to include a plan for all forests and trees in the City, as such a plan would have a strong long term value in the City's work to mitigate climate change.



SEAS MASTER'S PROJECT PROPOSAL SUBMISSION FORM

SEAS Master's Projects are applied research projects directed toward addressing a research need or related problem of a professional organization. Keep in mind, projects for this cohort of students will be **completed by April 2022**.

How to Submit a Master's Project Idea:

For full consideration, please email the completed form (below) to: seas-projects@umich.edu.

[Instructions for Potential Clients: Fill Out All Categories Below]

Proposed Master's Project Title/ Topic: Characterizing the Urban Tree Canopy (UTC) to elevate its role in mitigating climate change and creating a healthy and vibrant community in Ann Arbor, MI.

Client Organization: City of Ann Arbor Natural Features Working Group

Client Website: <https://www.a2gov.org/departments/systems-planning/planning-areas/climate-sustainability/Commission/Pages/EnvironmentalCommission.aspx>

Secondary Client Organization (if applicable):

Secondary Client Website (if applicable): <http://>

Do you have in mind a potential SEAS Faculty Advisor(s)? If so, list Faculty:

Have you secured a Faculty Advisor commitment? If so, list Faculty: Ines Ibanez, Jason Tallant, Shannon Brines, & Dan Katz

Project Contact Information:

- Name: Christopher Graham
- Title (if applicable): Chair AA Natural Features Working Group, Ann Arbor Environmental Commissioner
- City: Ann Arbor
- State or Country: Michigan
- Phone: (734) 975-7800 (O)
- Email: grahamz@umich.edu

Check all that apply:

- ☐ I am an SEAS student
- ☐ I am an SEAS/SNRE alum
- ☐ I am a member of an SEAS/Erb advisory committee
- ☐ I am a U-M faculty member, School/Department:
- ☐ I am a staff member of a potential client organization
- ☐ Our Organization has been an Master's Project client in a previous year
- ☒ Other (please specify): A leader in the natural features regulation and protection efforts for the last 3+ decades in Ann Arbor, MI.

Project Location (City, State or City, Country): Ann Arbor, MI

Summary of Project Idea:

Include a brief overview and a detailed response to each of the topics outlined below. Try to be as specific as possible.

- Goals & Objectives: What will this project accomplish? **Create an updated urban tree canopy map for the City of Ann Arbor that classifies trees to genus or species and calculates standing biomass of tree canopy on public and private lands. A key component will be to identify native forest fragments. Materials would be built around these data to inform landowners and land managers about stewardship actions that would support the sustainability goals of the City of Ann Arbor. Two neighborhoods would be used as prototypes, one with many trees and intact native forest fragments and one that has been substantially farmed/disturbed.**
- Theoretical Justification, Social Benefit, or Significance: Why is this research important? What is the real-world impact of the proposed research? **The justification for this project is that the City greatly needs updated and comprehensive urban tree GIS data/layers. That data would then be used in land use and development planning, in informing climate action outreach and education that would show how better stewardship of landscapes would enhance ecosystem services (biosequestration of CO₂, biodiversity protection, urban heat island mitigation, pollinator conservation, stormwater infiltration, etc.) so to further the goals of sustainability across the City.**
- Specific Activities & Duration: What research methodologies are appropriate to tackle the proposed research question? Is the scale of proposed research reasonable for a (part-time) 16-month project for 4-6 students? **The project starts with a remote sensing/geographic information systems focus, but as it progresses the disciplines of landscape design/architecture, environmental policy/planning, and sustainable systems will come into play. Issues of environmental justice and behavior/education/communication also play a large role in understanding how impact is distributed through the community. Areas with a greater number of old trees and native forest fragments are different than areas once farmed, with younger trees and little evidence of native ecosystems.**
- Integrative Approach: How does the proposed research integrate the skills of disparate team members to generate an effective final product/output? **The project creates data sets and a set of planning and outreach materials that will be used by the City in its own planning and development decisions, and in educational efforts to greatly improve the understanding of how to steward the landscape to improve sustainability.**

Key Words/Themes (Topic descriptors to be highlighted in online project database): **Urban Tree Canopy, Ecosystem Services**

Please identify specific SEAS program areas where expertise would be helpful. To meet SEAS standards for an interdisciplinary project, your proposal must include substantive work from multiple fields of study. For specific details about these areas, visit: <http://seas.umich.edu/academics/ms>

- ☒ Conservation Ecology (Aquatic Sciences, Terrestrial Ecosystems, and Conservation Biology)
- ☒ Environmental Policy and Planning
- ☒ Behavior, Education, and Communication
- ☒ Environmental Informatics
- ☒ Environmental Justice

☒ Sustainable Systems

☒ Landscape Architecture

Role (Please briefly describe the role for each area of expertise selected above. Include 2-3 sentences for each discipline you selected. Include all key skills/expertise necessary for a master's project team to successfully complete this project):

Environmental Informatics/Conservation Ecology: Key skills of this project would be in remote sensing, image interpretation, and "python." Field validation of data products would be important. Other skills would involve digital and graphic communication products which model ones to be used in neighborhood meetings about how to know, understand and improve the stewardship of their environment through the eye of the City's natural features, especially trees, native plants, and stormwater retention.

Landscape Architecture/Sustainable Systems/Environmental Policy and Planning: Skills to provide useful GIS layers for the City of Ann Arbor to use in sustainability, outreach, and planning activities. This work would be a "Design on the Land" effort, only with local (neighborhood) detail and intent. Invented would be ways to encourage, facilitate, educate people on the wide range of improvements to landscapes that would transform them into far more sustainable ones.

Environmental Justice/Behavior, Education, and Communications: There is a wide diversity of landscapes in Ann Arbor, especially notable in the presence of larger trees, especially native forest fragments. Trees increase property value, so where there are fewer trees property values can be less, landscapes less interesting and certainly less shaded. In part this effort will look at the differences between example neighborhoods, what to do to enhance treed ones with more native species and what to do to restore less treed neighborhoods to greater interest and sustainability. In all cases, a key goal would be to strongly encourage less turf grass.

Professional Career Development Benefits (Identify skills, knowledge, and contacts that students can expect to develop by working on this project, as well as any other potential career-related benefits—such as opportunities to present findings at a professional conference or meeting, professional networking opportunities with client and partner organizations, individual/group publications, etc.): **Remote sensing, geographic information synthesis, presentation graphics "digital and print materials", field identification of natural features including native forest fragments, waterways and water courses, wetlands, specific plant species, comparative analysis of neighborhood ecosystem services present and suggested.**

Funding Sources (Note if potential or confirmed as well as the amount, if known. SEAS internal funding may be available to support a limited number of projects, with preference given to non-profit project clients): **In kind contribution of data and imagery. Use of city resources to make printed materials. Possible grants and City funded internships during the summer of 2021 via A2Zero Climate funding sources.**

Privacy Considerations (Optional: if you have specific privacy concerns related to your proposed research topic, please indicate below)

☐ My organization has its own IRB and/or rules about doing internal research.

Identify Expected Products:

Include a detailed description of the final output of the project team and its value to the client organization.

- **Deliverables:** What documents/products/reports will the team deliver upon completion of this project?
 - **Urban Tree Canopy (UTC) map for the City**
 - **Above ground biomass estimate for UTC**
 - **A map of turf grass areas in the City**
 - **Community planning and outreach materials in support of better land stewardship via best practices for neighborhoods, property owners and land managers.**
- **Implementation:** How will project outputs be used by your organization? Will the project team's recommendations be shared with a broader network/audience? **Core information for the city's natural features sustainability efforts and A2 Zero climate efforts in Ann Arbor.**

Values and Diversity, Equity & Inclusion Statements

Please provide here any Corporate Social Responsibility (or similar) Statement from your organization, or provide as a link or attachment: **City of AA**

Please provide here any Diversity, Equity & Inclusion (or similar) Statement from your organization, or provide as a link or attachment: **City of AA**

Journal Archive

From: Mirsky, John
Sent: Monday, October 19, 2020 7:14 PM
To: Bannister, Anne
Subject: Re: For tonight -- Resolution in Support of UM SEAS Project

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Thanks, Anne!

On Monday, October 19, 2020, 06:47:21 PM EDT, Bannister, Anne <abannister@a2gov.org> wrote:

Dear City Council and Staff,

Please find attached a resolution that I'd like to bring before City Council tonight. It is to simply allow the Natural Features Working Group to submit our proposal to the UM School for Environment and Sustainability (SEAS) **before their deadline of Oct. 26.**

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Anne

Anne Bannister
Ward One Council Member
cell: 734-945-1639
Term Nov. 2017 - Nov. 5, 2020

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City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Meeting Agenda - Final-revised City Council

Monday, October 19, 2020

7:00 PM

Electronic Meeting

This meeting will be broadcast live on CTN Cable Channel 16, ATT Channel 99, and
online at a2gov.org/watchCTN

To speak at public comment call: 877 853 5247 or 888 788 0099

Enter Meeting ID: 974 2352 7921

Council meets in Caucus at 7:00 p.m. on the Sunday prior to each Regular Session.

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

APPROVAL OF AGENDA

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

AC-1 20-1575 Council Agenda Response Memo and eComments - October 19, 2020
(City Administrator - Tom Crawford, Interim City Administrator)

Attachments: 201019 Agenda Response MemoFinalwAttach.pdf, 10-19-20
ecomments_export.pdf

(Added 10/16/20)

AC-2 20-1605 COVID-19 Financial Recovery Report - October 19, 2020
(City Administrator - Tom Crawford, Interim City Administrator)

Attachments: 201019 COVID 19 Recovery Plan.pdf

(Added 10/16/20)

Added 10/16/20)

AC-3 20-1528 City Administrator's Report - October 19, 2020
(City Administrator - Tom Crawford, Interim City Administrator)

Attachments: 201019 City Administrator's UpdateFinal.pdf

(Added 10/19/20)

INT INTRODUCTIONS

- INT-1 20-1536** Proclamation for Co-op Month 2020
(Mayor's Office)
Attachments: Co-Op month 2020 - City Council Proclamation.docx
- INT-2 20-1548** 2020 Domestic Violence Awareness Month proclamation
(Mayor's Office)
Attachments: Domestic Violence Awareness Month .pdf
(Added 10/12/20)
- INT-3 20-1577** Proclamation honoring the Honorable Elizabeth Pollard Hines
(Mayor's Office)
Sponsors: Taylor
Attachments: Judge Hines Proclamation finalv3 (002).pdf
(Added 10/19/20)

PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)

*** (SPEAKERS ARE NOT PERMITTED TO GRANT THEIR RESERVED TIME TO AN ALTERNATE SPEAKER)**

*** ACCOMMODATIONS CAN BE MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

- 1. Elizabeth Collins - Resolution to Approve Settlement Documents in Attorney General v. Gelman Sciences (DC-8)**
- 2. James D' Amour - Resolution to Approve Settlement Documents in Attorney General v. Gelman Sciences (DC-8)**
- 3. Tom Stulberg - Resolution to Approve Settlement Documents in Attorney General v. Gelman Sciences (DC-8)**
- 4. Shanah Milkie - Resolution to Approve Settlement Documents in Attorney General v. Gelman Sciences (DC-8)**
- 5. Zachary Storey - Indigenous People's Day**

CC COMMUNICATIONS FROM COUNCIL**MC COMMUNICATIONS FROM THE MAYOR**

CA CONSENT AGENDA

- CA-1 20-1286 Resolution to Award a Contract to The Davey Tree Expert Company for Routine Street Tree Pruning (\$674,020.00; ITB-4636)
(Public Works - Craig Hupy, Public Services Area Administrator)
Attachments: Service Agreement between The Davey Resource Company for Routine Street Tree Pruning FY21 (Year 4).pdf, ITB4636 BidTab Street Tree Routine Pruning.pdf, Contract Map Packet.pdf
- CA-2 20-1433 Resolution to Approve Amendment No. 2 to the General Services Agreement with Utilities Instrumentation Service for Electrical and Instrumentation Services (\$160,000.00)
(Water Treatment Plant Services - Craig Hupy, Public Services Area Administrator)
Attachments: Amendment_No_2_GSA_UIS_Oct 20, R-19-424 Legislation Details
- CA-3 20-1427 Resolution to Approve a Michigan Department of Natural Resources Trust Fund (MNRTF) Grant Development Project Agreement for the Argo Livery Universal Access and Site Improvements Project and Accept and Appropriate Funding (\$300,000.00) **(8 Votes Required)**
(Community Services - Derek Delacourt, Community Services Area Administrator)
Attachments: Project_Agreement_-_MNRTF_50590_130_Amended Signature Page.pdf
- CA-4 20-1437 Resolution to Approve a Service Contract with Aquatic Source, LLC. for On-Call Pool Mechanical Services at the City Pools for an Amount not to exceed \$75,000.00 Annually for FY 21 - 23 with a Two-Year Renewal Option not to Exceed \$75,000.00 Annually for FY 23 - 25
(Community Services - Derek Delacourt, Community Services Area Administrator)
Attachments: aquatic source fees.pdf, PROPOSAL_AquaticSource.pdf, aquatic source contract draft 2020 revised 2020-09-22.pdf
- CA-5 20-1505 Resolution to Approve a Payment in Lieu of Taxes (PILOT) for the Grove at Veridian at 2270 Platt Road
(Planning and Development Services - Derek Delacourt, Community Services Administrator)
- CA-6 20-1456 Resolution to Approve General Services Agreement with Access, Inc. for the Implementation of a Second Uninterruptable Power Supply (UPS) for the Shared City of Ann Arbor and Washtenaw County Data Center and Appropriate Associated Funds (\$188,550.00) **(8 Votes Required)**
(Information Technology Services - Tom Shewchuk, IT Director)
Attachments: Access Agreement.pdf

- CA-7 20-1467 Resolution to Approve a Purchase Order with Dell Marketing L.P. for FY2021 PC Replacement Program and Appropriate Necessary Funding for Computer Tablets, Modems and Antennas Used in all Fire Apparatus for Emergency First Response (\$47,700.00) **(8 Votes Required)**

(Information Technology Services - Tom Shewchuk, IT Director)

Attachments: US_QUOTE_3000067523352.1.pdf

- CA-8 20-1494 Resolution to Approve Amendment Number 1 to the Priority Based Budgeting Agreement with Resource Exploration, LLC for Additional Services (\$22,500)

(Financial and Administrative Services - Matthew Horning, Interim CFO)

Attachments: Ann Arbor October 2020 Consulting Proposal.pdf, PBB Contract Amendment - October 6 2020.pdf

- CA-9 20-1529 Resolution to Grant Two Easements to the Michigan Department of Transportation (MDOT) for Sidewalk Ramp Improvements at Washtenaw and Observatory **(8 Votes Required)**

(City Attorney Services - Stephen K. Postema, City Attorney)

Attachments: MDOT Sidewalk-Parcel 107.pdf, MDOT Sidewalk-Parcel 107 drawing detail.pdf, MDOT sidewalk-Parcel 105 drawing.pdf

- CA-10 20-1535 Resolution to Approve Lane Closure for University of Michigan Football Games for the Abbreviated 2020 Season

(Community Services - Derek Delacourt, Community Services Area Administrator)

Attachments: UM Main Street Closure Request 2020.pdf, 2020 Football traffic map.pdf
(Revised 10/16/20)

- CA-11 20-1537 Resolution to Approve and Accept a Grant from Washtenaw County Government for Assistance of Acquisition of New High-Speed Voting Equipment and Appropriate Funding (\$15,000) **(8 Votes Required)**

(City Clerk - Jacqueline Beaudry)

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

- PH-1 20-1321 An Ordinance to Amend Chapter 55 (Unified Development Code), Rezoning of 12.8 Acres from PL (Public Land) to PUD (Planned Unit Development District), Veridian at County Farm PUD Zoning and Supplemental Regulations, 2270 Platt Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)
- (City Planning Commission - Derek Delacourt, Community Services Area Administrator)
- Attachments:** ORD-20-28 Veridian PUD Zoning and Supplemental Regulations as Amended and Approved on 92120.pdf, Ordinance to Amend Chapter 55 (Veridian at County Farm PUD), August 5 2020 Planning Staff Report (w Attachments).pdf, FW_ ORD-20-28-Veridian at County Farm PUD_Redacted.pdf
- (See B-1) (Attachments Added 10/16/20)

- PH-2 20-1469 Resolution to Approve Veridian at County Farm South (Thrive) Site Plan and Development Agreement, 2270 Platt Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)
- (City Planning Commission - Derek Delacourt, Community Services Area Administrator)
- Attachments:** August 5, 2020 Planning Commission Meeting Minutes, Thrive Collaborative Development Agreement 10-2-20.pdf, Aerial Photo Zoom Map, Aerial Photo Wide Map, Vicinity Zoning Map, August 5 2020 Planning Staff Report (w Attachments).pdf
- (See DB-1) (Attachments Added 10/16/20)

- PH-3 20-1470 Resolution to Approve Veridian at County Farm North (Avalon) Site Plan and Development Agreement, 2270 Platt Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)
- (City Planning Commission - Derek Delacourt, Community Services Area Administrator)
- Attachments:** August 5, 2020 Planning Commission, 2270 Platt - Avalon Development Agreement 10-2-20.pdf, Site Aerial Photo Zoom, Site Aerial Photo Wide, Vicinity Zoning Map, August 5 2020 Planning Staff Report (w Attachments).pdf
- (See DB-2) (Attachments Added 10/16/20)

A APPROVAL OF COUNCIL MINUTES

- A-1 20-1534 Special and Work Sessions of September 14, Special Sessions of September 24 and 30 and Regular Session Meeting Minutes of October 5, 2020
- (City Clerk - Jacqueline Beaudry)
- Attachments:** 09-14-20 Draft Minutes.pdf, 09-14-20 Work Session Minutes.pdf, 09-24-20 Special Session minutes.pdf, 09-30-20 Special Session Minutes.pdf, 10-05-20 Draft Minutes.pdf, Council Emails 10-5-2020.pdf
- (Attachments Added 10/16/20)

B ORDINANCES - SECOND READING

- B-1 20-1321** An Ordinance to Amend Chapter 55 (Unified Development Code), Rezoning of 12.8 Acres from PL (Public Land) to PUD (Planned Unit Development District), Veridian at County Farm PUD Zoning and Supplemental Regulations, 2270 Platt Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

(City Planning Commission - Derek Delacourt, Community Services Area Administrator)

Attachments: ORD-20-28 Veridian PUD Zoning and Supplemental Regulations as Amended and Approved on 92120.pdf, Ordinance to Amend Chapter 55 (Veridian at County Farm PUD), August 5 2020 Planning Staff Report (w Attachments).pdf, FW_ ORD-20-28-Veridian at County Farm PUD_Redacted.pdf

(See PH-1) (Attachments Added 10/16/20 and 10/17/20)

- DB-1 20-1469** Resolution to Approve Veridian at County Farm South (Thrive) Site Plan and Development Agreement, 2270 Platt Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

(City Planning Commission - Derek Delacourt, Community Services Area Administrator)

Attachments: August 5, 2020 Planning Commission Meeting Minutes, Thrive Collaborative Development Agreement 10-2-20.pdf, Aerial Photo Zoom Map, Aerial Photo Wide Map, Vicinity Zoning Map, August 5 2020 Planning Staff Report (w Attachments).pdf

(See PH-2) (Attachments Added 10/16/20)

- DB-2 20-1470** Resolution to Approve Veridian at County Farm North (Avalon) Site Plan and Development Agreement, 2270 Platt Road (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

(City Planning Commission - Derek Delacourt, Community Services Area Administrator)

Attachments: August 5, 2020 Planning Commission, 2270 Platt - Avalon Development Agreement 10-2-20.pdf, Site Aerial Photo Zoom, Site Aerial Photo Wide, Vicinity Zoning Map, August 5 2020 Planning Staff Report (w Attachments).pdf

(See PH-3) (Attachments Added 10/16/20)

C ORDINANCES - FIRST READING**D MOTIONS AND RESOLUTIONS****DC New Business - Council:**

- DC-0 20-1613 Resolution in Support of Natural Features Working Group Proposal to UM SEAS
(City Council)
Sponsors: Bannister
(Added 10/19/20)
- DC-1 20-1479 Resolution to Rename Rose White Park in Honor of Graydon Krapohl
(City Council)
Sponsors: Taylor and Grand
(Revised 10/16/20)
- DC-2 20-1570 Resolution to Extend Approvals of Downtown Street Closures for Restaurant and Retail Use During the Time of Mandated Physical Distancing Contained in the Prior Resolutions R-20-194, R-20-302, and R-20-371, Until January 4, 2021
(City Council)
Sponsors: Lumm and Ramlawi
(Added 10/13/20)
- DC-3 20-1571 Resolution Regarding Water Rate Structure
(City Council)
Sponsors: Lumm
(Added 10/13/20) (Revised 10/15/20)
- DC-4 20-1573 Resolution to Restate the Duties and Membership of the Housing and Human Services Advisory Board
(City Council)
Sponsors: Ackerman and Bannister
(Added 10/15/20)
- DC-5 20-1574 Resolution to Approve an Amendment to an Agreement with DTE Gas Company at 841 Broadway for the Allen Creek Railroad Berm Opening Project **(8 Votes Required)**
(City Attorney Services - Stephen K. Postema, City Attorney)
Sponsors: Taylor
Attachments: Drawing-Additional area temp construction permit.pdf
(Added 10/15/20)

- DC-6 20-1584 Resolution to Approve the Employment Agreement for City Administrator Tom Crawford
(City Attorney Services - Stephen K. Postema, City Attorney)
Sponsors: Taylor
Attachments: FINAL Crawford Employment Agreement.pdf
(Added 10/16/20)
- DC-7 20-1603 Resolution to Begin Filling Seats on the Council of the Commons
(City Council)
Sponsors: Hayner and Bannister
(Added 10/16/20)
- DC-8 20-1549 Resolution to Approve Settlement Documents in *Attorney General v Gelman Sciences, Inc., 22nd Circuit Court, File No. 88-34734-CE*
(City Attorney Services - Stephen K. Postema)
Attachments: Proposed Fourth Amended CJ - 8-24-20 final version.pdf, 4th Amended CJ - Attachment A - Gelman Property.pdf, 4th Amended CJ - Attachment B - GW Analytical Methods.pdf, 4th Amended CJ - Attachment C - PZ map.pdf, 4th Amended CJ - Attachment D - Soil Analytical Method.pdf, 4th Amended CJ - Attachment E - Summary of PZ Restrictions and Map..pdf, 4th Amended CJ - Attachment F - Legal Notice.pdf, 4th Amended CJ - Attachment G - Site Map.pdf, 4th Amended CJ - Attachment H - Options Array.pdf, 4th Amended CJ - Attachment I - Onsite Treatment Areas.pdf, 4th Amended CJ - Attachment J - Burn Pit Area.pdf, 4th Amended CJ - Attachment K - Letter of Credit.pdf, 4th Amended CJ - Attachment L - Financial Test Corporate Guarantee.pdf, Gelman Stipulated Order final.pdf, 10-15-2020 rev to Par V-A of Gelman-City Settlement-Agreement.pdf, Gelman-City Settlement Agreement 10-15-2020 final.pdf
(Added 10/16/20)
- DB **New Business - Boards and Commissions:**
(See Ordinances Second Reading Section)
- DS **New Business - Staff:**
- E **COMMUNICATIONS FROM THE CITY ATTORNEY**
- F & G **CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS**
- F **The following communications were referred as indicated:**

- F-1 20-1543 Transportation Commission Consideration of 9/21/20 Resolution to End the Healthy Streets Initiative Outside of Downtown
Attachments: R-20-393 Healthy Streets Legislation Details.pdf
- F-2 20-1556 October 5, 2020 City Environmental Commission Resolution on the Fourth Consent Judgement Negotiated for Groundwater Remediation of the Gelman 1,4-Dioxane Plume
(City Clerk - Jacqueline Beaudry)
Attachments: 201005A2ECGelmanResolutionFINAL2.pdf
(Added 10/12/20)
- F-3 20-1557 Resignation of Deanna Lernihan from the Transportation Commission Effective October 22, 2020
(City Clerk - Jacqueline Beaudry)
Attachments: FW_ Transportation Commission Appointment Resignation.pdf
(Added 10/12/20)
- F-4 20-1572 Communication from City Attorney Stephen Postema Regarding the Dissolution of the DDA (Privilege Waived per City Council on October 5, 2020)
(City Clerk - Jacqueline Beaudry)
Attachments: DDA Dissolution Memo (Privilege Waived).pdf
(Added 10/13/20)
- G The following minutes were received for filing:
- G-1 20-1212 Minutes of the July 8, 2020 Design Review Board Meeting
Attachments: 7-8-2020 Final DRB Minutes.pdf
- G-2 20-1340 August 18, 2020 City Planning Commission Meeting Minutes
(Planning and Development Services)
Attachments: 8-18-2020 Draft CPC Minutes w Links.pdf
- G-3 20-1377 Transportation Commission August 2020 Meeting Minutes
Attachments: August Meeting Minutes-DRAFT.pdf, August Meeting Minutes-FINALpdf.pdf
- G-4 20-1440 Council Policy Agenda Committee minutes for February 25, 2020
(Council Policy Agenda Committee)
Attachments: Council Policy Agenda Committee Meeting Minutes Final February 25 2020-10-57-42.pdf

- G-5 20-1447 The City of Ann Arbor Employees' Retirement System Board Meeting Minutes of August 20, 2020.
(Retirement System Services)
Attachments: B BDMTG August Minutes 2020.pdf
- G-6 20-1448 The Retiree Health Care Benefit Plan & Trust Board Meeting Minutes of August 20, 2020.
Attachments: B VEBA BD August Minutes 2020.pdf
- G-7 20-1449 Airport Advisory Committee Minutes - July 15, 2020
(Fleet & Facilities Services - Matthew J Kulhanek)
Attachments: AAC Minutes 071520.pdf
- G-8 20-1460 ICOPCA August 25th Meeting Minutes
(Independent Community Police Oversight Commission)
Attachments: ICPOCAugustMeetingMinutes21-Sep-2020-09-55-57.pdf
- G-9 20-1465 LDFA Board Meeting Minutes - August 27, 2020
(Local Development Finance Authority (LDFA) - Matthew Horning, Interim CFO)
Attachments: LDFA Board Meeting Minutes - August 27, 2020.pdf
- G-10 20-1492 Greenbelt Advisory Commission Minutes of September 3, 2020
(Greenbelt Advisory Commission (GAC))
Attachments: 09-03-20 GAC Minutes.pdf
- G-11 20-1530 Insurance Board Meeting Minutes - September 24, 2020
(Insurance Administration, Board of - Michael Pettigrew, City Treasurer)
Attachments: Insurance Board Minutes 092420.pdf, Insurance Board Loss Run - August 2020.pdf
- G-12 20-1133 Council Rules Committee Meeting Minutes from June 23, 2020
(Council Rules Committee)
Attachments: Council Rules Committee draft meeting minutes for June 23 2020.pdf

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

COMMUNICATIONS FROM COUNCIL

CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, INCLUDING BUT NOT LIMITED TO, LABOR NEGOTIATIONS STRATEGY, PURCHASE OR LEASE OF REAL PROPERTY, PENDING LITIGATION AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (C), (D) (E), AND (H).

ADJOURNMENT

COMMUNITY TELEVISION NETWORK (CTN) COMCAST CHANNEL 16, AT&T CHANNEL 99:

LIVE: MONDAY, OCTOBER 19, 2020 @ 7:00 P.M.

REPLAY: FRIDAY, OCTOBER 23, 2020 @ 8:00 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

Community Television Network live televised public meetings are also available to watch online live and on-demand from CTN's website, www.a2gov.org/watchctn <<http://www.a2gov.org/watchctn>>, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

Cable: Comcast Cable channel 16 or AT&T UVerse Channel 99

Videos are also available for a nominal fee by contacting CTN at (734) 794-6150.

All persons are encouraged to participate in public meetings. Citizens requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org; or by written request addressed and mailed or delivered to:

City Clerk's Office
301 E. Huron St.
Ann Arbor, MI 48104

Requests made with less than two business days' notice may not be able to be accommodated.

A hard copy of this Council packet can be viewed at the front counter of the City Clerk's Office.

Journal Archive

From: Jeannine Palms [REDACTED]
Sent: Monday, October 19, 2020 7:20 PM
To: CityCouncil
Subject: Veridian

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Dear Mayor and City Council members,

I have been unable to connect for the public comment so am sending my comments below.

Thank you for your attention.

Jeannine

Jeannine Palms

[REDACTED]
Ann Arbor, MI

Comments offered at City Council meeting – October 19, 2020
In support of the Veridian at Platt rd.

Good Evening Mayor and City Council members,

I am here with gratitude and with optimism. I am grateful to all the people who have been part of creating and formalizing a vision for this land. It is with deep respect that I first acknowledge and offer gratitude to the peoples and natural systems that thrived on this land for thousands of years. More comments on this from others may be forthcoming. My further comments will focus on the path toward this vision since the move of the juvenile court from the land.

In June, 2011, 25 community members participated in a forum on site initiated and led by our then County Commissioner Yousef Rabhi to help build a community vision for the former Juvenile Court Property. We were excited to be invited to express our ideas.

In 2013, the County Commissioners discussed approaches to developing a plan that would be in line with the overall strategic space plan for county facilities. Uses included affordable housing, alternative energy solutions, and county offices. A community advisory committee was formed and met 3x in the late fall. Our recommendations to the commissioners included in some form almost all of the elements that would later be offered in the Veridian proposal. We also recommended a community design process.

In early 2014, the board accepted those recommendations, and held a community charrette process for community input.

In 2015, a decision was made to proceed with incorporating affordable housing into a plan for the site.

In late 2016, a request for proposals was issued.

In 2017, the 6 submitted proposals were reviewed and interviews conducted. In August, THRIVE Collaborative and Partners proposal, also known as the Veridian @ County Farm proposal was selected as the finalist with the best qualified bid. Negotiations over details were initiated and completed over the next year.

Negotiations with the city began. Public presentations and an open house were organized in the summer of 2019. And just recently, the Ann Arbor Planning Commission approved the proposal with a recommendation for passage by City Council.

A tremendous thank you to all who have contributed to this effort: county commissioners and staff, citizens and representatives of organizations who packed the commissioners meetings to witness and to speak passionately about the need for this kind of housing, to neighbors and others who stretched their feelings and thoughts to come to a place of acceptance, to the hundreds of people who gathered and signed petitions, to members, friends and staff of housing organizations especially Avalon who work tirelessly in advocating for healthy homes for all, and to Matt Grocoff and the Thrive Collaborative and Partners for having and holding the vision through all this time and the hurdles that may have looked insurmountable. Thank you AA planning commissioners for your support.

And now here we are today, with the resolution before you. Such an opportunity this is. I look forward to a unanimous vote of approval and moving on to make this vision a reality.

Thank you.

Journal Archive

From: Ackerman, Zach
Sent: Monday, October 19, 2020 7:26 PM
To: Beaudry, Jacqueline
Cc: Taylor, Christopher (Mayor); Grand, Julie
Subject: Co-Sponsor DC-1

Hi Jackie,

Can you please add me as a cosponsor?

Resolution to Rename Rose White Park Graydon Park in Honor of Graydon Krapohl

Best,
Zach

Zachary Ackerman
Ann Arbor City Council
Ward 3

Emails sent to or from this address could be subject to public disclosure under the Freedom of Information Act (FOIA).

Journal Archive

From: Melanie Welch [REDACTED]
Sent: Monday, October 19, 2020 7:33 PM
To: Laurie O'Malley; Singleton, Sarah
Cc: Schopieray, Christine; Taylor, Christopher (Mayor); travisr@jimtoycenter.org; Bannister, Anne; Hayner, Jeff; Lumm, Jane; Griswold, Kathy; Ackerman, Zach; Grand, Julie; Eaton, Jack; Nelson, Elizabeth; Smith, Chip; Ramlawi, Ali
Subject: Mark Van Ingen
Attachments: Letter to Joe O'Neal from Vanneste.pdf; AA Observer re Joe O'Neal (1).pdf

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Dear Ms. O'Malley,

I am worried as to why Meadowlark's attorney, Mr. Vanneste at Howard and Howard, specifically mentioned Mark Van Ingen in this letter to Joe O'Neal and whether it was some kind of threat or pressure for a retraction to benefit Meadowlark. Perhaps there are connections between Van Ingen Construction and the City of Ann Arbor, as well as between Van Ingen Construction and Meadowlark Builders.

Also, I am sending you an article from the Ann Arbor Observer about Joe O'Neal for those who have not heard of Joe's strong reputation for honesty and expertise.

Sincerely,
Melanie Welch

Howard & Howard

law for business®

Ann Arbor

Chicago

Detroit

Las Vegas

Los Angeles

Peoria

direct dial: 248.723. 0472

Mark C. Vanneste

email: mv@h2law.com

October 9, 2020

Via First Class and Certified Mail

Joe O'Neal
O'Neal Construction
525 W. William St.
Ann Arbor, MI 48103

Re: Meadowlark Builders, LLC

Dear Mr. O'Neal:

This firm represents Meadowlark Builders, LLC ("Meadowlark"). Meadowlark asked us to reach out to you to discuss certain statements you made relating to Meadowlark and Ms. Melanie Welch and/or Ms. Emily Evans, including those statements made in an affidavit you executed on or about December 12, 2019.

Like O'Neal Construction, Meadowlark and its more than 45 employees have an excellent reputation in the construction industry and have expended substantial time and effort in cultivating its and their professional reputation and goodwill in the community. Many of your industry colleagues would attest to this.

Meadowlark has taken the high road to this point, keeping a professional demeanor despite experiencing repeated defamatory statements and provable outright falsehoods from Ms. Welch, which now number in the hundreds. Her actions, which include trespassing, theft and assault, have distressed and intimidated clients, subcontractors, and employees. Her relentless conduct has caused lockdowns and multiple police visits to Meadowlark's headquarters due to her unsettling, strange, and erratic behavior and have prompted the company to install security cameras on the premises.

We understand and are sensitive to the fact that, when making statements about Meadowlark, you likely relied on inaccurate or false information provided to you by Ms. Welch and/or Ms. Evans. Unfortunately, based on your reliance on the information provided to you, many of the statements you made are misleading or outright false.

These statements have and will continue to damage Meadowlark's reputation. In order to prevent further harm, Meadowlark respectfully requests that you, in writing, retract your

October 9, 2020

Page 2 of 2

affidavit and written statements regarding this matter. The retraction does not need to provide specific corrections. You can simply state that you did not have sufficient information when you made the statements and executed the affidavit and wish to retract them. Please forward the written retraction to me directly.

Meadowlark is currently reviewing potential claims against Ms. Welch for defamation, libel, fraud, and tortious interference. Given Ms. Welch's reliance on your personal reputation as "proof" of her demonstrably false and misleading statements, you may be drawn into any potential claims should we move forward with defending our client's hard-earned reputation, which is not our intent.

Accordingly, we respectfully request that, in addition to issuing the retraction, you refrain from taking any further action with Ms. Welch and/or Ms. Evans relating to Meadowlark, including making any further statements or comments about Meadowlark to any third party, either verbally or in writing.

We understand that you have taken the time to discuss this matter over the phone with Meadowlark's Co-Founder Doug Selby in 2017, who was given your contact information at the time by a mutual industry colleague, Mr. Mark Van Ingen. Doug remains available to answer any of your questions or to address any of your concerns should you like to discuss the matter with him further. He has great respect for you and your company and would appreciate the opportunity to share information and documentation with respect to this matter.

Please also feel free to contact me to discuss in more detail. Meadowlark reserves all claims, rights, and remedies.

Very truly yours,

HOWARD & HOWARD ATTORNEYS PLLC



Mark C. Vanneste

CC. Client (*via email only*)
Brandon J. Booth, Esq. (*via email only*)
Jeremy C. Kennedy, Esq. (*via email only*)

Ann Arbor Observer



Photo © Courtesy Joe O'Neal

Joe the Builder

How an OSU grad shaped Ann Arbor.

by Jan Schlain

From the December, 2012 issue

In 1961, Joe O'Neal worked on two construction projects. The first was a dam in Asia worth \$300-\$400 million. The second was a house in Ann Arbor that cost \$39,000.

In January of that year, the blond, fit Ohio native added a U-M law degree to the bachelor's and master's in civil engineering he'd earned at Ohio State. Turning down offers to teach at the U-M, O'Neal got a job with one of the world's largest contractors, Peter Kiewit.

"It was like a dream come true," says O'Neal. He was assigned to the New York City office. "My job was to work with the in-house lawyer/boss to get the bids they were doing in foreign countries in line with the laws of the country they were bidding in."

In 1961, Kiewit was taking the lead in a joint venture competing for the biggest construction project ever put out to bid: the Mangla Dam in Pakistan.

"It was a big, big opportunity, and a major, major project." But, O'Neal adds, "it was not to be, for me.

"At the end of two weeks they had a meeting of all the big leaders of this bid ... The night before this big meeting was to take place, I found a place in New York at which I could eat and afford it. It was down in the shadow of the United Nations building.

"Whatever I ate, I got the world's worst case of food poisoning. It was terrible. I got to that meeting, and I finally had to admit ... I needed help. They took me to the hospital, and I spent five days trying to get rid of this thing. And I said [to myself] in those five days, 'I want freedom. I want Ann Arbor. I want to build my own company.'"

O'Neal moved back to Ann Arbor and a much smaller project: that fall, he started a house for civil engineering prof Eugene Glysson and his family. He'd worked for Glysson at Camp Davis, the U-M's summer program in the Rocky Mountains, and "they trusted me," O'Neal says.

"I knew we needed a house, and I knew he was wanting to build one," Glysson recalls. "So we worked together and planned it, and he proceeded to build it, and he did a heck of a job."

O'Neal went on to build several more homes before landing his first two commercial projects in 1966--Northside Presbyterian Church (designed by the great modernist architect Glen Paulsen) and fire repairs on the Sigma Alpha Epsilon fraternity house.

Since then, O'Neal Construction, Inc., has worked on more than 1,000 projects. Its buildings are woven into the city's fabric. Everyone who's climbed the circular concrete stairs of the Power Center, admired the restored Michigan Theater, or browsed the locally owned shops at Kerrytown has been touched by an O'Neal project. O'Neal renovated the Hands-On Museum, the First National Building, and Burton Tower and built the city's main fire station. The condos at Sloan Plaza and Ashley Mews are OCI's work. And in the last few years, the company has reshaped Ann Arbor's vertical profile.

"Clearly the skyline has changed," O'Neal says, "and we helped it change." His company built the ten-story Zaragon Place and fourteen-story Zaragon West student high-rises and is at work on the Ann Arbor City Apartments at First and Washington. The firm didn't bid on any of those jobs: in every case, the developers came to O'Neal to manage their projects.

That doesn't surprise developer Bill Martin, who first met O'Neal when he was trying to get his first commercial building under way about forty years ago.

"I was very, very young at that time, just trying to launch a real estate career," Martin recalls. "I needed a builder to build a building on South U, and I got the quote from another builder, and it just wouldn't work ... Somebody just mentioned a guy that had an office out on North Main Street--a little old house that's since been torn down--Joe O'Neal.

"I never heard of him, so I went to see him. I explained my situation. Would he like to make a proposal to build it? He said he certainly would. His number came in [much cheaper] and I almost fell out of my chair.

"And he said, 'Any savings below that number go to you.' I remember I got back a check from him for savings.

"That started our relationship that's lasted ... thirty-five, forty years. Some buildings he had built for us on a handshake. Not even a written contract. [He has] the highest ethical standards in the business world you could ask from anybody ... He's an American original."

"That is music to my ears," O'Neal says. He's not talking about Martin's praise--if he'd heard it, he'd blush--but the rumbling of concrete trucks lining First Street at the City Apartments construction site. Vibrators settling the pour add to the racket, and in another corner someone is welding. "Sixty years of it," says O'Neal. "That music has ruined my ears."

O'Neal is standing in the alley behind Downtown Home & Garden--outside the construction fence, no hard hat. He turned eighty this year and stepped back from day-to-day management a couple of years ago. The work here, as well as the shopping center OCI is building on Washtenaw across from Whole Foods, the remodeling of Barracuda Networks' new offices on Maynard, and a few dozen other ongoing projects, is overseen by OCI president Will Gordon. But at least once a day, O'Neal walks over from his office in the Argus Building on W. William to see how work here is progressing.

"One floor, two floor, three floor, fourth floor," he says, counting off the levels in the parking structure that will underlie the residential section. "The city runs the parking. Ann Arbor City Apartments own the apartments."

Even if the project were being built by someone else, O'Neal says, "I would be visiting it just about as many times as I do now." But because it's his, "I can have the joy of knowing that we're building that and watching the orchestration. That's a very current building, and everybody today is asking about it because we're klutzing up First"--the concrete trucks, lined up like New York taxicabs, have the street narrowed down to a single lane.

He's been hanging around construction sites since he was a boy in Marietta. His father, an accountant at Remington Rand, "was very helpful in being both a sidewalk superintendent and liking to watch other people build," O'Neal says with a twinkle in his deep blue eyes. "In those days, you could go right on the site. There were no fences. When they left at night it was wide open, and you could get up in the equipment. Many a day I played on the weekend on a construction site just like a playground."

A different kind of play brought him to Ann Arbor: the night before the 1953 Ohio State game, O'Neal and four other members of OSU's senior men's honorary society drove up from Columbus. Their intent was to paint an "O" in the middle of the field at Michigan Stadium.

"The prank never happened," he recalls. "It had rained quite hard, and the stadium was easily accessible at that time, but the tarp was on it." After getting a talking-to by the police in the pouring rain, he spent his very first night in Ann Arbor, wet, sleeping on the couch in front of the fireplace at the SAE frat house that he would someday renovate.

The next morning, he walked down South U to look at the town and campus. "I loved the city," he recalls. "I admired the university. And I applied [to law school] here."

"It was a life-changing event."

After his first year of law school, O'Neal spent the summer of 1958 teaching at Camp Davis, near Jackson Hole, Wyoming. After his second year, he took a two-year break to fulfill his commitment to the Air Force--"that should have started in '55, but they delayed it because of law school," he explains. "I decided to get that off my back." The Air Force assigned him to oversee a major housing project--610 homes, "one being built practically every four hours ... I wasn't the superintendent, but I was in charge of the contractor--representing the owner--

getting those houses done and getting them done right."

He asked for an early discharge so he could teach at Camp Davis again before returning to law school. If the Air Force had refused, he says, "my life would have been different ... it was at the second visit to Camp Davis that I met Karen."

"I was the only female student," recalls Karen Koykka O'Neal. "Joe was teaching--Joe is nine years older than [I am] ... I knew right away [that I was going to marry him]."

They married in 1963, living first on Sunnyside, then on Scottwood. Daughters Heidi and Heather and son Andrew attended Burns Park elementary--until they moved to Oklahoma, where their father was building a dam.

O'Neal has always loved working with water--as a boy, he says, "I would dam up every stream around Marietta." But building the Mountain Park Dam nearly sank his company. "There were some pretty dark days," O'Neal admits. "We had so many big storms--we had three five-hundred-year floods in the course of the project. Everything--you name it--started going wrong."

"I was really down at one particular point, when we lost control of the river. One of the guys said, 'If we go backwards we can only lose everything; we can gain and maybe hold our own if we go forward.'"

"It helps to have a tiger chasing you--no question," O'Neal says. "We were bankrupt at one point." But they finished the dam, and a successful auction of their used equipment saved them from insolvency.

It was O'Neal's first stab at heavy construction, and his last. "I didn't become Peter Kiewit," he says. "The Oklahoma experience brought me back to earth."

Oklahoma was the worst moment in his career--but the recession that started with the 2008 financial crisis was tough, too. "The bottom really dropped out" of construction, O'Neal recalls. When contracts stop coming in, "we try every way to inch by with the people we have doing the smallest possible work and hoping something comes along. We've even had people from the field come in and do estimating. In the hardest part of all, we lay people off. That's the worst thing."

What came along this time was rental housing downtown. Four high-rise apartments have opened in the past three years, and two more are under construction. OCI was hired to manage construction on three of them.

Manage is the key word. Unlike the early years, when OCI's own employees poured concrete, pounded nails, and hung drywall, most building is now done by specialized subcontractors. OCI provides coordination and oversight--a role O'Neal likens to an

orchestra conductor's. "If everyone followed the plans and did exactly what they are supposed to do in our contract, we really are not needed," O'Neal says. "But they don't, so we're needed."

Since he stepped back from daily operations, O'Neal says, "Will [Gordon] worries about the construction, and Andrew worries about all the properties." As president of parent company O'Neal Inc., Andrew oversees OCI, Kerrytown, and several other buildings. All three of Joe and Karen's children have worked in the family business, but only Andrew remains active. Heidi and her husband, both MBAs, live in Paris with their three daughters, Britton, Austen, and Nella. Heather, who co-owns the Himalayan Bazaar on Main Street, is married and has a toddler, Kenneth. Andrew, who's divorced, has one boy, Joe.

O'Neal says that he and Andrew work well together--though Karen points out that there is no question who's boss. While Joe no longer sits in on every meeting, he says, "I keep my eyes on the dials and gauges."

Whatever comes next, retirement is not part of the O'Neal plan--Karen refers to Florida as "the 'F' word."

"I never want to be out of Ann Arbor," says Joe. "I'm happy here."

One of the ways he's filled his new free time is thinking about the city's future. O'Neal is "more than a builder," Bill Martin says. "He's one of those city fathers. He's always putting the city's interest first."

O'Neal was the founding chair of the Friends of the Ann Arbor Greenway, a group that advocates building parks and paths along the buried course of Allen Creek. "Fingerle's property, [the parking lot at] First and William, [the former city garages at] 415 West Washington [and] 721 N. Main. I can name you every property along there--I've talked with all of them."

In his vision, people could walk or bike along the Ann Arbor Railroad tracks from Stadium Boulevard to the Huron River, "and never cross a street and never cross the railroad. And it's possible, and it's doable, *if you're confident*. You have to have a vision, and you have to be confident you can carry it out."

He's also a strong supporter of the Ann Arbor School for the Performing Arts. He says, modestly, that he thinks that a little of that passion "comes from when I tried to play the cornet in high school and found out I'm not a musician. Karen and her family are very much in the arts." Karen owns Out of Hand Papermaking Studio, where she makes art papers from natural fibers and teaches.

His third passion is a historic mill in Macon, south of Saline, that was once owned by Henry Ford. There, at least, he's still a hands-on builder--he's just moved, rebuilt, and rewired a shed Ford built. He's also built a dam that's not just a tribute to his boyhood fascination with water--it's an exact re-creation, in miniature, of the Mountain Park Dam.

"I can't wait in the morning to get to work," he says as he turns out the lights in the shed Ford built. "I can't wait until it's time to go running. I can't wait until it's time to come here. I can't wait to have dinner with Karen, and I can't wait to go to bed." He adds, pointing to his still fit, sturdy, eighty-year-old frame, "I ask quite a bit of this thing."

As for his very first project, the Glyssons lived in their home until this past summer, when they sold it (for \$315,000, not \$39,000) and moved to Glacier Hills.

"We're sorry we had to give it up," Eugene Glysson says. "You get to the point where you can't take care of the yard and that sort of thing ... you just do what you have to do."

"It didn't take long to sell. It was a very sellable house!"

The following Calls & letters item appeared in the January 2013 Ann Arbor Observer:

Greenway groups

To the Observer:

The [December] article on Joe O'Neal by Jan Schlain was a pleasure for me to read. As clarification, Joe and I currently serve together with others on the Board of the Allen Creek Greenway Conservancy. Joe was Board President when the Conservancy was established as a 501(c)(3). The Friends of the Ann Arbor Greenway, mentioned in Jan's article, is a complementary grass roots group established earlier by others. The Friends continue to support and work toward the creation of the Greenway. More is available about the Greenway, the Friends and the Conservancy at acgreenwayconservancy.org and other searchable online resources.

Sincerely,

Alice Ralph **AAO**

[Originally published in December, 2012.]

Journal Archive

From: MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@a2gov.onmicrosoft.com on behalf of Lumm, Jane
Sent: Monday, October 19, 2020 7:38 PM
To: Ryan J Stanton
Subject: Fwd: Gelman settlement issue - UV vs ozone - performance
Attachments: Fwd: Gelman settlement issue - UV vs ozone - performance

Sender: JLumm@a2gov.org
Subject: Fwd: Gelman settlement issue - UV vs ozone - performance
Message-Id: <36BD395E-07DC-44D1-89F9-B76B8D789283@a2gov.org>
To: RStanton@mlive.com

Journal Archive

From: Lumm, Jane
Sent: Monday, October 19, 2020 8:00 PM
To: Beaudry, Jacqueline
Cc: Ramlawi, Ali; Crawford, Tom; Lumm, Jane
Subject: DC-2 Substitute Resolution
Attachments: Draft Resolution to Extend Downtown Street Closures to Nov 30 REV 10-19-20.docx

Jackie, can you forward to council when this comes up? Thanks! Jane Ali, you can introduce and I'll second.

..Title

Resolution to Extend Approvals of Downtown Street Closures for Restaurant and Retail Use During the Time of Mandated Physical Distancing Contained in the Prior Resolutions R-20-194, R-20-302, and R-20-371, Until November 30, 2020 ~~January 4, 2021~~

..Memorandum

Due to the COVID-19 pandemic, Governor Whitmer, Washtenaw County Public Health, and the Michigan Department of Health and Human Services have issued Orders aimed at safeguarding public safety. These include mandates requiring minimal physical distancing. A set of strategies and programs have been set forward outlining how downtown Ann Arbor streets, sidewalks, and public parking lots can be utilized during this pandemic period to support economic recovery and build a more resilient community, including supporting physical distancing, encouraging patronage of downtown businesses, and reinforcing core values of safety, mobility, equity, and downtown vitality. The four downtown area associations provided detailed plans for the street blocks in their area they wish to see completely or partially closed for periods of time to create more space for pedestrians and businesses whose seating or sales capacity has been restricted by state and county mandates.

..Staff

Prepared by: Tom Crawford, Interim City Administrator

..Body

Whereas, Council approved Resolution R-20-194 – Resolution to Approve Downtown Street Closures for Restaurant and Retail Use During the Time of Mandated Physical Distancing on June 1, 2020, effective as early as Friday, June 12, 2020, until August 23, 2020 <http://a2gov.legistar.com/LegislationDetail.aspx?ID=4548513&GUID=DD182A75-FA00-4807-8A59-83D12F7F76CE&Options=ID%7CText%7C&Search=healthy+streets&FullText=1;>

Whereas, Given the continued need for public health and safety related to the COVID-19 crisis and benefit of increased social distancing opportunities for businesses to continue to operate, City Council approved Resolution R-20-302 on August 6, 2020 to Extend the Closing of the Streets approved in R-20-194 until September 21, 2020;
<http://a2gov.legistar.com/LegislationDetail.aspx?ID=4606611&GUID=1FC6A2A7-A75A-4A7D-BD62-5930348AA89C&Options=ID%7CText%7C&Search=R-20-302&FullText=1;>

Whereas, Given the continued need for public health and safety related to the COVID-19 crisis and benefit of increased social distancing opportunities for businesses to continue to operate, City Council approved Resolution R-20-371 on September 21, 2020 to Extend the Closing of the Streets approved in R-20-302 until November 1, 2020;
<https://a2gov.legistar.com/LegislationDetail.aspx?ID=4639044&GUID=A524E13D-7D88-4B1D-8451-CF95D11DEC56&Options=&Search=; and>

Whereas, Due to the continued need for public health and safety related to the COVID-19 crisis and benefit of increased social distancing opportunities for businesses to operation, it is desirable to extend R-20-371 until November 30, 2020 subject to week to

week implementation; January 4, 2021;

Whereas, It is desirable to end the seven-day partial closure of the 300 block of Maynard Street by noon on November 2, 2020; and

Whereas, The northern end of Maynard Street between the parking structure entrance and Liberty Street may be part of the extended weekend closures (Friday – Sunday) ending on November 30, 2020; and

RESOLVED, That City Council extend Resolutions R-20-194, R-20-302, and R-20-371 to approve the closing of the streets identified in the Map until the date when the number of people allowed to gather in bars, restaurants or retail stores is no longer reduced by orders issued by any state or county authority for public health and safety reasons related to the COVID-19 crisis, or until ~~January 4, 2021~~November 30, 2020; and

RESOLVED, That the seven-day partial closure of the 300 block of Maynard Street end by noon on November 2, 2020; and

RESOLVED, The northern end of Maynard Street between the parking structure entrance and Liberty Street may be part of the extended weekend closures (Friday – Sunday) ending on November 30, 2020; and

RESOLVED, That all other approved conditions of City Council R-20-194, R-20-302, and R-20-371 remain in place.

Sponsored by: Councilmembers Lumm and Ramlawi

Journal Archive

From: Ramlawi, Ali
Sent: Monday, October 19, 2020 8:12 PM
To: Lumm, Jane
Cc: Beaudry, Jacqueline; Crawford, Tom
Subject: Re: DC-2 Substitute Resolution

Thank you CM Lumm for taking the lead in providing this corrected resolution.

Ali

Sent from my iPad

On Oct 19, 2020, at 7:59 PM, Lumm, Jane <JLumm@a2gov.org> wrote:

Jackie, can you forward to council when this comes up? Thanks! Jane Ali, you can introduce and I'll second.

<Draft Resolution to Extend Downtown Street Closures to Nov 30 REV 10-19-20.docx>

Journal Archive

From: Mirsky, John
Sent: Monday, October 19, 2020 8:22 PM
To: Bannister, Anne; Griswold, Kathy
Cc: Crawford, Tom; Lumm, Jane; Linh Song
Subject: A2 Pavement Asset Management Metrics

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Hi Kathy and Anne,

In pursuit of improved performance management, I hope the following is helpful.

While surfing the City of A2's website in an attempt to find something else, I came across this 2020 update to A2's Asset Management Plan for Pavement submitted to MDOT:
<file:///C:/Users/jmirs/Downloads/Final%202020%20Asset%20Management%20Plan%20Complete.pdf>
(Note: I couldn't find the exact date in the document; in any case, it's recent since it includes a copy of the December 8, 2019 pavement report to City Council as exhibit G.)

The PASER metrics for pavement condition are good but the trend is declining and not portrayed in a manner that simply and transparently conveys how A2 is performing vs. its targets and the past.

If you look at PASER ratings peppered throughout the MDOT report, it is easy to recognize the following negative trend for roads meeting a PASER rating of 7 and above:

- (Spring) 2014 (page 26 of 261 of the MDOT report)
 - Local Roads = 39%
 - Major Roads = 45%
- 2017 (pages 145 & 146 of 261)
 - Local Roads = 29%
 - Major Roads = 49%
- 2019 (page 19 of 261)
 - Local Roads = 26%
 - Major Roads = 35%

vs.

- 2025 Staff Targets endorsed by Council (set in 2014 / '15; page 26 of 261)
 - Local Roads = 80%
 - Major Roads = 80%

I don't understand why council, MDOT and residents are not provided the city's performance in a simple trend chart** showing historical performance and the 2025 targets as well as a year-by-year, street-by-street, mile-by-mile projection of how the city's CIP for roads stepwise closes and achieves the target - - *or falls short and by how much*. Indeed, there is no explicit statement that I could find in the the December 2019 report to Council or the MDOT report, not even in the Introduction or the Summary, that the 2025 targets will be achieved and the preconditions for this to happen, for example

by executing the FY2020-FY2025 CIP Street Construction Plan (Exhibit L, pages 186 - 189 of the MDOT report). The only commentary in this regard is on page 25 of 261 of the MDOT report where it is "Acknowledged was that this Target Level of Service represents an aggressive goal and is contingent upon availability of funds as projected" (referring to the presentation to Council on December 8). The information on the City's Performance Measures webpage for Public Services, <https://www.a2gov.org/departments/public-services/Pages/Statistics---Working-For-You.aspx>, is less helpful; only (almost meaningless) snap-shot data is provided. Why not be transparent with all stakeholders? Only then can good decisions be made.

Presumably road - and hopefully bike lane (you both know I and many others often commute by bike and bike lane condition is often worse than the adjacent roadbed) - conditions will be presented and discussed again at the upcoming Council strategy session / retreat in December. Kathy, I urge you and your colleagues to demand improved reporting going forward.

John

** See my Framework for Excellence slide deck for good generic examples of trend charts, including a recent addition on how infrastructure condition trends can be simply displayed.

Journal Archive

From: Mirsky, John
Sent: Monday, October 19, 2020 8:34 PM
To: Lumm, Jane
Cc: Bannister, Anne; Griswold, Kathy; Crawford, Tom; Hutchinson, Nicholas; Hupy, Craig
Subject: Re: A2 Pavement Asset Management Metrics

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

All recent reports are attached as exhibits to the MDOT report.

On Monday, October 19, 2020, 08:28:52 PM EDT, Lumm, Jane <jlumm@a2gov.org> wrote:

And, we receive an annual presentation and update on this report.

Sent from my iPhone

On Oct 19, 2020, at 8:26 PM, Lumm, Jane <JLumm@a2gov.org> wrote:

John, The City Engineers utilize and reference these PAMPlan metrics on an ongoing/routine basis.

Jane

Sent from my iPhone

On Oct 19, 2020, at 8:21 PM, John Mirsky [REDACTED] wrote:

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Hi Kathy and Anne,

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John

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Journal Archive

From: Rita Mitchell [REDACTED]
Sent: Monday, October 19, 2020 9:09 PM
To: Graham, Christopher (U of M)
Cc: Bannister, Anne; Borneman, Dave; Nystuen, Gwen (PAC); Eaton, Jack; Hancock, Jerry; Mirsky, John; Karie Slavik; Giacobazzi, Tiffany; Carman Wendy
Subject: Re:

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Unanimously approved by Council tonight. Thank you, Councilmember Bannister!

Rita

On Oct 19, 2020, at 3:30 PM, Christopher Graham [REDACTED] wrote:

EC Resolution

--

Christopher Graham, ASLA

[REDACTED]
<http://www.oakarbor.net>

<EC ResSEASProposal2.docx>

Journal Archive

From: Beaudry, Jacqueline
Sent: Monday, October 19, 2020 9:15 PM
To: *City Council Members (All); Crawford, Tom; Postema, Stephen
Cc: Gerhart, Stephen
Subject: FW: DC-2 Substitute Resolution
Attachments: Draft Resolution to Extend Downtown Street Closures to Nov 30 REV 10-19-20.docx

Jacqueline Beaudry, City Clerk

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jbeaudry@a2gov.org | www.a2gov.org



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From: Lumm, Jane <JLumm@a2gov.org>
Sent: Monday, October 19, 2020 8:00 PM
To: Beaudry, Jacqueline <JBeaudry@a2gov.org>
Cc: Ramlawi, Ali <ARamlawi@a2gov.org>; Crawford, Tom <TCrawford@a2gov.org>; Lumm, Jane <JLumm@a2gov.org>
Subject: DC-2 Substitute Resolution

Jackie, can you forward to council when this comes up? Thanks! Jane Ali, you can introduce and I'll second.

..Title

Resolution to Extend Approvals of Downtown Street Closures for Restaurant and Retail Use During the Time of Mandated Physical Distancing Contained in the Prior Resolutions R-20-194, R-20-302, and R-20-371, Until November 30, 2020~~January 4, 2021~~

..Memorandum

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..Staff

Prepared by: Tom Crawford, Interim City Administrator

..Body

Whereas, Council approved Resolution R-20-194 – Resolution to Approve Downtown Street Closures for Restaurant and Retail Use During the Time of Mandated Physical Distancing on June 1, 2020, effective as early as Friday, June 12, 2020, until August 23, 2020 <http://a2gov.legistar.com/LegislationDetail.aspx?ID=4548513&GUID=DD182A75-FA00-4807-8A59-83D12F7F76CE&Options=ID%7CText%7C&Search=healthy+streets&FullText=1;>

Whereas, Given the continued need for public health and safety related to the COVID-19 crisis and benefit of increased social distancing opportunities for businesses to continue to operate, City Council approved Resolution R-20-302 on August 6, 2020 to Extend the Closing of the Streets approved in R-20-194 until September 21, 2020;
<http://a2gov.legistar.com/LegislationDetail.aspx?ID=4606611&GUID=1FC6A2A7-A75A-4A7D-BD62-5930348AA89C&Options=ID%7CText%7C&Search=R-20-302&FullText=1;>

Whereas, Given the continued need for public health and safety related to the COVID-19 crisis and benefit of increased social distancing opportunities for businesses to continue to operate, City Council approved Resolution R-20-371 on September 21, 2020 to Extend the Closing of the Streets approved in R-20-302 until November 1, 2020;
<https://a2gov.legistar.com/LegislationDetail.aspx?ID=4639044&GUID=A524E13D-7D88-4B1D-8451-CF95D11DEC56&Options=&Search=;> and

Whereas, Due to the continued need for public health and safety related to the COVID-19 crisis and benefit of increased social distancing opportunities for businesses to operation, it is desirable to extend R-20-371 until November 30, 2020 subject to week to

week implementation; ~~January 4, 2021~~;

Whereas, It is desirable to end the seven-day partial closure of the 300 block of Maynard Street by noon on November 2, 2020; and

Whereas, The northern end of Maynard Street between the parking structure entrance and Liberty Street may be part of the extended weekend closures (Friday – Sunday) ending on November 30, 2020; and

RESOLVED, That City Council extend Resolutions R-20-194, R-20-302, and R-20-371 to approve the closing of the streets identified in the Map until the date when the number of people allowed to gather in bars, restaurants or retail stores is no longer reduced by orders issued by any state or county authority for public health and safety reasons related to the COVID-19 crisis, or until ~~January 4, 2021~~November 30, 2020; and

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RESOLVED, That all other approved conditions of City Council R-20-194, R-20-302, and R-20-371 remain in place.

Sponsored by: Councilmembers Lumm and Ramlawi

Journal Archive

From: Beaudry, Jacqueline
Sent: Monday, October 19, 2020 9:16 PM
To: Ackerman, Zach
Cc: Taylor, Christopher (Mayor); Grand, Julie
Subject: RE: Co-Sponsor DC-1

Yes!

Jacqueline Beaudry, City Clerk

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jbeaudry@a2gov.org | www.a2gov.org



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From: Ackerman, Zach <ZAckerman@a2gov.org>
Sent: Monday, October 19, 2020 7:26 PM
To: Beaudry, Jacqueline <JBeaudry@a2gov.org>
Cc: Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Grand, Julie <JGrand@a2gov.org>
Subject: Co-Sponsor DC-1

Hi Jackie,

Can you please add me as a cosponsor?

Resolution to Rename Rose White Park Graydon Park in Honor of Graydon Krapohl

Best,
Zach

Zachary Ackerman

Ann Arbor City Council

Ward 3

Emails sent to or from this address could be subject to public disclosure under the Freedom of Information Act (FOIA).

From: Ramlawi, Ali
Sent: Monday, October 19, 2020 9:34 PM
To: Beaudry, Jacqueline
Subject: Amendment to DC-3

Title
Resolution Regarding Water Rate Structure
Body

Whereas, Effective July 1, 2018, Ann Arbor's water rates were re-structured including establishing a new multi-family customer class, adding a fourth volume-based tier to single-family residential rates and eliminating the sub-classifications in the Non-Residential customer class; and

Whereas, The decision in 2018 to re-structure water rates was not unanimous and there continues to be strong concern regarding the re-structuring both among Council Members and in the community; and

Whereas, The re-structuring was revenue-neutral in total, but shifted approximately \$1.7M annually in cost to single-family residential customers and substantially increased the cost premiums paid by higher volume single-family residential water users including customers with large families; and

Whereas, The primary beneficiaries of the cost shifting to single-family residential customers were landlords, commercial customers, and the University of Michigan, and it is not clear whether the lower rates to landlords have been passed on to tenants; and

Whereas, Within the residential customer class, the per gallon rate is now 8 times higher for Tier 4 usage than Tier 1 usage, and prior to the July 2018 re-structuring, the range from high to low was 3.8 times. In FY19, after the re-structuring was implemented, Tier 4 accounted for 25% of the residential revenue collected, but only 6% of the usage; and

Whereas, In December 2018, council adopted a resolution to obtain a "second opinion" on the restructuring, and in March 2019, Arcadis Inc. presented to council feasible and legal water rate structure tiering alternatives for residential (four alternatives) and non-residential customers (two alternatives) that were revenue neutral to the city; and

Whereas, Arcadis concurred with the addition of the multi-family customer class, but indicated that Ann Arbor's high to low range of rates within the residential customer class were much wider than are typically used and "may warrant additional consideration"; and

Whereas, On June 1, 2020, City Council approved a resolution directing City Staff to review the rate structure alternatives presented by Arcadis and present to Council a recommended structure that is feasible, legal and addresses Council's concerns regarding:(1) the wide range of per gallon charges in Ann Arbor's residential customer class,(2) the lack of tiering or any mechanism in the commercial customer class rate structure to incentivize conservation and to reflect the system costs associated with peaking,(3) the validity of the cost of service study results given the actual usage experience subsequent to the re-structuring; and

Whereas, City Staff continue to support the water rate structure adopted in 2018; and

Whereas, Arcadis Residential Option 4 would revert to three residential tiers (same as before the re-structuring) and re-sets the tiers on a logical basis (Tier 1 = average indoor use; Tier 2 = average outdoor use; Tier 3 = above average outdoor use); and

Whereas, The high-to-low range of residential per gallon rates under Arcadis Residential Option 4 would be a more reasonable 4.1 times - close to the 3.8 times prior to the re-structuring - and in their pros and cons Arcadis indicated no substantive cons and several pros in Residential Option 4 including:

- ☐ Is cost based and meets the cost of service objective
- ☐ Is a tier design that's correlated with customer usage
- ☐ Maintains a strong conservation signal/incentive
- ☐ Eliminates the high 4th Tier rate

Whereas, A fundamental premise underlying the re-structuring proposal was that volume peaking drives costs, yet the re-structuring proposal was internally inconsistent in its application of that logic. The re-structuring expanded volume-based price tiering for single-family residential, but eliminated the sub-classifications in the non-residential customer class where the peaking impact on the system (on both a percentage and absolute basis) was even greater; and

Whereas, City Council believes adopting Arcadis Residential Option 4.

RESOLVED, That City Council directs the City Administrator to implement the Arcadis Residential Option 4 structure with the next change in City of Ann Arbor water rates;

RESOLVED, That City Council directs the City Administrator to report to Council as soon as it is known what the specific residential and commercial rates would be under Arcadis Residential Option 4

Sponsored by: Councilmembers Lumm and Eaton
Revised October 14, 2020

Sent from my iPad

Journal Archive

From: Beaudry, Jacqueline
Sent: Monday, October 19, 2020 9:41 PM
To: *City Council Members (All); Postema, Stephen; Wilhelm, Tim; Crawford, Tom
Cc: Hupy, Craig; Praschan, Marti; Chaimowitz, Lynne
Subject: FW: Amendment to DC-3

Jacqueline Beaudry, City Clerk

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From: Ramlawi, Ali <ARamlawi@a2gov.org>
Sent: Monday, October 19, 2020 9:34 PM
To: Beaudry, Jacqueline <JBeaudry@a2gov.org>
Subject: Amendment to DC-3

Title

Resolution Regarding Water Rate Structure

Body

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Sponsored by: Councilmembers Lumm and Eaton

Revised October 14, 2020

Sent from my iPad

Journal Archive

From: Beaudry, Jacqueline
Sent: Monday, October 19, 2020 10:56 PM
To: *City Council Members (All)
Cc: Postema, Stephen; Elias, Abigail; Crawford, Tom
Subject: FW: Proposed amendments to DC-8 (Gelman) - and change in court date
Attachments: Amendment to CJ & SA to redirect Parklake discharge.docx; Amendment to settlement Agr - penalty.docx; Amendment to Order - FAM decisions.docx

Importance: High

Jacqueline Beaudry, City Clerk

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

From: Elias, Abigail <AElias@a2gov.org>
Sent: Monday, October 19, 2020 5:24 PM
To: *City Council Members (All) <CityCouncilMembersAll@a2gov.org>
Cc: Postema, Stephen <SPostema@a2gov.org>; Crawford, Tom <TCrawford@a2gov.org>; Beaudry, Jacqueline <JBeaudry@a2gov.org>; Steglitz, Brian <BSteglitz@a2gov.org>; Hupy, Craig <CHupy@a2gov.org>; Dindoffer, Frederick <FDindoffer@bodmanlaw.com>
Subject: Proposed amendments to DC-8 (Gelman) - and change in court date
Importance: High

Attached are 3 proposed amendments that the mayor and/or one or more councilmembers have requested and may bring forward tonight.

Although Councilmember Lumm listed other possible amendments in an email she sent to you last Friday, the remainder of the ones outlined in her email are not being pursued now.

ALSO: please note that **the court has moved the status conference date from October 22 to November 5 at 9AM** because Scio Township and Washtenaw County will not be voting on the proposed settlement documents until next week, so would have nothing to report on October 22.

Please note that my office hours generally are 10:00-4:00, Monday through Wednesday, and also Friday. Please contact me to arrange a time to talk outside those times.

Abigail Elias, Attorney | City Attorney's Office | City of Ann Arbor, Michigan | <mailto:aelias@a2gov.org> |
Telephone numbers: Office: (734) 794-6170 ext. 41888 | Direct: (734) 794-6188 | Internal extension: 41888 |
Fax: (734) 994-4954 | Cell: (734) 320-7953 | address: 301 E. Huron Street, Ann Arbor, MI 48104 | mail
address: P.O. Box 8647, Ann Arbor, MI 48107-8647.

CONFIDENTIALITY NOTICE: The information in this transaction is intended only for the individual or entity named above. It may be legally privileged and confidential. If you have received this information in error, please notify me immediately and delete this transmission and any other documents, files and information transmitted herewith. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited.

I move to amend the second and fourth RESOLVED clauses to read as follows:

Second Resolved Clause:

RESOLVED, That City Council authorizes and directs the City Attorney and the City's Outside Counsel, Fredrick Dindoffer, to advise the court of City Council's approval of the Fourth Amended and Restated Consent Judgment, including Attachments A through L, with said approval conditioned on the following amendments being made, to recommend that the court provide an opportunity for public comment to the court, and to take whatever steps the court requires to assist the court in its decision regarding entry of the Fourth Amended and Restated Consent Judgment;

(1) That Section V.A.3.e.ii of the Fourth Amended and Restated Consent Judgment be amended as follows:

ii. Subject to V.A.3.g., below, Defendant shall install an additional groundwater extraction well (the "Parklake Well") and associated infrastructure in the parcel owned by the City of Ann Arbor bounded by Parklake Avenue and Jackson Road as designated on Attachment G (the "City of Ann Arbor-owned parcel"), and in road rights-of-way as needed. The exact location of the Parklake Well within the City of Ann Arbor-owned parcel will be based on an evaluation of relevant geologic conditions, water quality, and other relevant factors, including access. Terms of access to the City of Ann Arbor-owned parcel and road rights-of-way shall be governed by an access or license agreement between Defendant and the City of Ann Arbor and other unit(s) of government having jurisdiction over road rights-of-way to be used, and Defendant's obligation to install and operate the Parklake Well shall be conditioned on negotiation of a mutually acceptable agreement with the City of Ann Arbor.

(2) That Section V.A.3.g of the Fourth Amended and Restated Consent Judgment be amended as follows:

g. Prerequisites for Parklake Well. Notwithstanding anything else in this Consent Judgment, Defendant shall not be obligated to install and operate the Parklake Well unless and until EGLE issues Defendant an NPDES permit with effluent limitations, discharge limits (other than volume) and other conditions no more restrictive than those included in Defendant's NPDES Permit No. MI-0048453 dated October 1, 2014 ("2014 NPDES Permit") that authorizes discharge of groundwater extracted by the Parklake Well to First Sister Lake at the Gelman Property, or at another location approved by EGLE, as provided in Section V.A.8.g, following treatment with ozone/hydrogen peroxide technology.

(3) That Section V.A.8.g of the Fourth Amended and Restated Consent Judgment be amended as follows:

g. ~~Surface Water Discharge to First Sister Lake~~from the Parklake Well. Treated Groundwater ~~groundwater~~ extracted from the Parklake Well may be discharged ~~to First Sister Lake~~at the Gelman Property, or at another location

approved by EGLE, provided the other location is not a discharge to First Sister Lake, and does not include either a conveyance pipeline across or a discharge to any location within the Dolph Park boundaries without approval by the City of (i) the location of the discharge and (ii) the location and manner of construction of the conveyance pipeline from the mobile treatment unit to the point of discharge, conditioned on EGLE's issuance of an NPDES permit with effluent limitations, discharge limits (other than volume), and other conditions no more restrictive than those included in Defendant's 2014 NPDES Permit that authorizes discharge of groundwater to ~~First Sister Lake~~ from the Parklake Well following treatment with ozone/hydrogen peroxide technology. Defendant shall submit a protocol to EGLE and the appropriate local authority(ies) for their review and approval, a protocol under which the Parklake Well shall be temporarily shut down during storm events or ~~high water levels in First Sister Lake~~ other conditions as necessary to avoid flooding or other adverse impact on flora and fauna. Defendant shall not be under any obligation to operate the Parklake Well unless the protocol for temporary shutdown is approved by all necessary authorities. Following approval of the protocol, Defendant shall operate the Parklake Well in accordance with the approved protocol.

(4) That Section VII.D.2 of the Fourth Amended and Restated Consent Judgment be amended as follows:

2. An NPDES Permit that authorizes the discharge of treated groundwater to ~~First Sister Lake~~ as provided in Section V.A.8.g in connection with operation of the Parklake Well following treatment with ozone/hydrogen peroxide technology that has effluent limitations, discharge limits (other than volume), and other conditions no more restrictive than those included in Defendant's 2014 NPDES Permit.

Fourth Resolved Clause:

RESOLVED, That City Council authorizes and directs the Mayor, City Clerk, City Attorney and the City's Outside Counsel, Fredrick Dindoffer, to execute the Settlement Agreement between Gelman Sciences, Inc., and the City, as revised on October 15, 2020, with said authorization and direction conditioned on the following amendment being made;

That Paragraph V.A of the Settlement Agreement between Gelman Sciences, Inc., and the City, as revised on October 15, 2020, be amended as follows:

A. Access. Pursuant to license and access agreements that will be attached as Exhibit 4, when finalized after engineering design and good faith negotiations between the City and Gelman are completed, the City shall, at no cost to Gelman, provide Gelman with access to the Parklake Parcel and City rights-of-way to locate, install, operate and maintain the Parklake Extraction Well (including one or more soil borings to determine proper location for the Parklake Extraction Well) described in Section V.A.3.e.ii and f.ii of the Consent Judgment and to locate, operate, and maintain the Mobile Treatment Unit, and related

infrastructure, for purposes of treating the groundwater extracted by the Parklake Extraction Well and conveyance of the treated groundwater before discharge to the First Sister Lake pursuant to an NPDES permit, including all reasonably necessary rights of ingress and egress. The City will not charge Gelman annual license fees, but will charge and Gelman agrees to pay the City's applicable license application and review fees, which cover necessary Engineering review, and will obtain and pay for all other permits required for installation and operation of the Parklake Extraction Well and Mobile Treatment Unit.

I move to amend the fourth RESOLVED clause to read as follows:

RESOLVED, That City Council authorizes and directs the Mayor, City Clerk, City Attorney and the City's Outside Counsel, Fredrick Dindoffer, to execute the Settlement Agreement between Gelman Sciences, Inc., and the City, as revised on October 15, 2020, with said authorization and direction conditioned on the following amendment being made;

(1) That Paragraph V.E of the Settlement Agreement between Gelman Sciences, Inc., and the City, as revised on October 15, 2020, be amended to delete the \$1,000,000.00 penalty as follows:

- E. Solicitation of USEPA. If the City, contrary to Paragraph V.C, above, solicits USEPA and/or the Governor to ask USEPA to take a role with regard to the Gelman Sciences Site and/or to have the Site listed on the National Priorities List, the City's Continuing Rights shall terminate as provided in the Order of Dismissal, ~~and, to the extent the Contingent Payment described in Section VI.B of the 2006 City Settlement Agreement is ever triggered, the Contingent Payment shall be reduced by One Million Dollars (\$1,000,000.00) and the reduced amount shall be used to determine the Escalator Payment/Amount under Paragraph VI.B.3.~~

Journal Archive

From: Hayner, Jeff
Sent: Monday, October 19, 2020 11:41 PM
To: Beaudry, Jacqueline
Subject: dc8

I move to amend the fourth RESOLVED clause to read as follows:

RESOLVED, That City Council authorizes and directs the Mayor, City Clerk, City Attorney and the City's Outside Counsel, Fredrick Dindoffer, to execute the Settlement Agreement between Gelman Sciences, Inc., and the City, as revised on October 15, 2020, with said authorization and direction conditioned on the following amendment being made;

(1) That Paragraph V.E of the Settlement Agreement between Gelman Sciences, Inc., and the City, as revised on October 15, 2020, be deleted.

Sincerely,

Jeff Hayner
Ward 1 City Council

Journal Archive

From: Beaudry, Jacqueline
Sent: Monday, October 19, 2020 11:42 PM
To: *City Council Members (All); Postema, Stephen; Elias, Abigail; Crawford, Tom
Subject: FW: dc8

Jacqueline Beaudry, City Clerk

Ann Arbor 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) | Internal Extension 41401
jbeaudry@a2gov.org | www.a2gov.org



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

From: Hayner, Jeff <JHayner@a2gov.org>
Sent: Monday, October 19, 2020 11:41 PM
To: Beaudry, Jacqueline <JBeaudry@a2gov.org>
Subject: dc8

I move to amend the fourth RESOLVED clause to read as follows:

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(1) That Paragraph V.E of the Settlement Agreement between Gelman Sciences, Inc., and the City, as revised on October 15, 2020, be deleted.

Sincerely,

Jeff Hayner
Ward 1 City Council

Journal Archive

From: Hayner, Jeff
Sent: Tuesday, October 20, 2020 12:06 AM
To: Beaudry, Jacqueline
Subject: Amendment to proposed settlement documents dc8

Please modify the third resolved clause to say :

“

RESOLVED, That City Council authorizes and directs the City Attorney and the City's outside counsel, Fredrick Dindoffer, to execute and take all other steps necessary for entry by the court of the Stipulated Order that, among other things, dismisses the intervenors as parties, imposes obligations on EGLE, and reserves continuing rights for the Local Government Intervenors, with said authorization and direction conditioned on the following amendment being made;

- (1) That section C be removed from the Order in its entirety.

”

Sincerely,

Jeff Hayner
Ward 1 City Council

Journal Archive

From: Beaudry, Jacqueline
Sent: Tuesday, October 20, 2020 12:07 AM
To: *City Council Members (All); Postema, Stephen; Elias, Abigail; Crawford, Tom
Subject: FW: Amendment to proposed settlement documents dc8

Jacqueline Beaudry, City Clerk

Ann Arbor 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) | Internal Extension 41401
jbeaudry@a2gov.org | www.a2gov.org



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

From: Hayner, Jeff <JHayner@a2gov.org>
Sent: Tuesday, October 20, 2020 12:06 AM
To: Beaudry, Jacqueline <JBeaudry@a2gov.org>
Subject: Amendment to proposed settlement documents dc8

Please modify the third resolved clause to say :

“

RESOLVED, That City Council authorizes and directs the City Attorney and the City's outside counsel, Fredrick Dindoffer, to execute and take all other steps necessary for entry by the court of the Stipulated Order that, among other things, dismisses the intervenors as parties, imposes obligations on EGLE, and reserves continuing rights for the Local Government Intervenors, with said authorization and direction conditioned on the following amendment being made;

(1) That section C be removed from the Order in its entirety.

“

Sincerely,

Jeff Hayner
Ward 1 City Council

Journal Archive

From: Hayner, Jeff
Sent: Tuesday, October 20, 2020 12:21 AM
To: Smith, Chip
Subject: Gelman mods

Thanks for supporting these attempts to amend our resolution DC-8, obviously I think it was worth a try to put forward improvements to the parts as we could. Going around and around in circles about this is frustrating to be sure.

Sincerely,

Jeff Hayner
Ward 1 City Council

Journal Archive

From: Eaton, Jack
Sent: Tuesday, October 20, 2020 12:58 AM
To: Beaudry, Jacqueline
Subject: File #19-1887
Attachments: File 19-1887.pdf

Ms. Beaudry,

Please circulate the attached document. It is File #: 19-1887, item DC-1 from the July 6, 2020 Council meeting. This resolution was tabled and I intend to move to remove the resolution from the table after the discussion of DC-8.

Thank you,
Jack

Jack Eaton
Ward 4 Council member
jeaton@a2gov.org
734-662-6083

Messages to and from me regarding City matters are subject to disclosure under the Michigan Freedom of Information Act (FOIA) without regard to what email account they are sent or received.



Legislation Text

File #: 19-1887, Version: 1

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

The City and its residents have worked for decades to require Gelman to delineate and clean up City ground water contaminated by 1,4-dioxane that originated at the Gelman Sciences Wagner Road facility, and to protect City ground water from further spreading of the Contamination. As part of that effort, the City sued Gelman in state and federal court more than 10 years ago, before agreeing to settle the lawsuit. Separately, the State has for decades litigated against, and otherwise regulated, Gelman to enforce State environmental laws that apply to the Contamination. Those parties have operated under various versions of a consent judgment over the years.

Following the State's recent tightening of its standards for dioxane groundwater pollution, the City, with others, intervened in the State's ongoing lawsuit against Gelman pending in Washtenaw County Trial Court. Since its intervention was allowed in 2017, the City has engaged in settlement negotiations over a potential new consent judgment. Those negotiations aside, however, the City is simply not satisfied with the progress of the delineation, containment and remediation of the contamination. The City believes that delineation, containment and remediation will be bolstered by EPA's active involvement and enforcement of the Superfund law at this site. At this time, the EPA has a single employee assigned to closely monitor this situation and work with the State. Unless the EPA's involvement moves beyond the preliminary assessment that it's completed, that employee may be reassigned.

Prepared by: Councilmember Griswold

Whereas, The City and its residents have worked for decades to require Gelman to delineate, and clean up City ground water contaminated by 1,4-dioxane ("Dioxane") that originated at the Gelman Sciences ("Gelman") Wagner Road facility (the "Contamination"), and to protect City ground water from further spreading of the Contamination;

Whereas, As part of that work, The City sued Gelman in state and federal court more than 10 years ago, and ultimately agreed to settle that lawsuit;

Whereas, The State of Michigan ("State") has for decades separately litigated against, and otherwise regulated, Gelman to enforce State environmental laws that apply to the Contamination;

Whereas, Following the State's recent tightening of its standards for Dioxane groundwater pollution, as part of the City's continuing efforts, it, along with others, intervened in the State's ongoing lawsuit against Gelman pending in Washtenaw County Trial Court;

Whereas, Since its intervention was allowed in 2017, the City has engaged in settlement negotiations over a potential new consent judgment;

Whereas, Negotiations aside, the City is not satisfied with the progress of the delineation, containment and remediation of the Contamination; and

Whereas, The City believes that delineation, containment and remediation of the Contamination will be bolstered by the United States Environmental Protection Agency's ("EPA") active involvement and enforcement of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), the "Superfund" Act, as it applies to the Contamination;

RESOLVED, That the City Council supports EPA's active involvement, as the lead agency, and enforcement of CERCLA, the "Superfund" Act, as it applies to the Contamination;

RESOLVED, That the City Council encourages the EPA to list the site of the Contamination a "Superfund" site on the National Priorities List under CERCLA;

RESOLVED, That the City Council direct the City Administrator to write to the Governor enclosing this resolution and soliciting a Concurrence Letter to USEPA in support of making the Gelman Site into a National Priorities List site;

RESOLVED, That the City Council direct the City Administrator to send this resolution and any such State concurrence to the Washtenaw County delegation to the Michigan Legislature, the Director of the Michigan Department of Environment, Great Lakes, and Energy, and Congresswoman Debbie Dingell; and

RESOLVED, That the City Council authorize the City Administrator to take such further actions that are consistent with the purposes of this resolution.

Sponsored by: Councilmembers Griswold, Hayner, Bannister, Eaton and Ramlawi

Journal Archive

From: Hayner, Jeff
Sent: Tuesday, October 20, 2020 1:55 AM
To: Taylor, Christopher (Mayor)
Cc: Crawford, Tom
Subject: Points of order

Dear Mayor Taylor,

Again, your refusal to direct the conversation towards the topic before us, and to repeatedly let certain council members insult others, swear, put words in others mouths, misquote or outright lie about what others have said, and any number of violations of council rule 10, point 2, as well as rule 7, is creating an environment that is frankly hostile to those of us on the receiving end of such rule violations. Consider this a formal complaint – these threats and behaviors must end. Only you have the power to end this. Use your power responsibly – unless of course you condone these behaviors.

Sincerely,

Jeff Hayner
Ward 1 City Council

Journal Archive

From: Hayner, Jeff
Sent: Tuesday, October 20, 2020 2:23 AM
To: Beaudry, Jacqueline
Subject: Typo in old resolution I sponsored

Dear Ms. Beaudry,

In reading through some previous resolutions I sponsored, I found a typo. In resolution 20-1478, enacted as R-20-397 amended and approved on October 5, 2020, the final resolved clause misspells "Conservancy" as "Conversancy". Since this is a published resolution I hope that you can go back in when you get the chance and correct this typo which came from my hand but went unnoticed until now.

Thanks for you assistance in this matter.

Sincerely,

Jeff Hayner
Ward 1 City Council