

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

<http://a2gov.legistar.com/Calendar.aspx>



Meeting Minutes

Monday, October 1, 2018

7:00 PM

**Larcom City Hall, 301 E Huron St, Second floor, City Council
Chambers**

City Council

CALL TO ORDER

Mayor Christopher Taylor called the meeting of the Ann Arbor City Council to order at 7:03 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron Street.

MOMENT OF SILENCE

Council stood for a moment of silence.

PLEDGE OF ALLEGIANCE

Mayor Taylor led Council in the recitation of the Pledge of Allegiance.

ROLL CALL OF COUNCIL

Present: 9 - Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Zachary Ackerman, Councilmember Chip Smith and Councilmember Anne Bannister

Absent: 2 - Councilmember Graydon Krapohl and Councilmember Kirk Westphal

APPROVAL OF AGENDA

A motion was made by Councilmember Warpehoski, seconded by Councilmember Ackerman, that the Agenda be approved as presented. On a voice vote, the Mayor declared the motion carried.

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Howard S. Lazarus presented the following reports for information of Council and reported on the following:

The City is pleased to present a new benefit of paid parental leave to non-union employees.

Thank you to AAPD Officers Scott King and Jordan Elders for your attendance tonight.

AC-1 [18-1663](#) Memorandum from City Administrator: Staff Study on

Development/Disposition of Property at 350 S. Fifth Avenue (Y-Lot) -
September 21, 2018

Received and Filed

AC-2 [18-1664](#) Memorandum from City Administrator: Response to Resolution R-18-275 -
Resolution Regarding Citizen Input and Process for City Street-Related
Improvement Projects - September 24, 2018

Received and Filed

AC-3 [18-1687](#) Memorandum from City Administrator: Emergency Purchase Order for
Barton Dam Right Embankment Boil Repair to ET MacKenzie (\$30,000)
and Budget Allocation (\$72,000)

Received and Filed

AC-4 [18-1692](#) Memorandum from City Administrator: Utility Connection Requirements
Related to City-Initiated Annexation

Received and Filed

AC-5 [18-1696](#) Memorandum from City Administrator: Response to Resolution R-18-294 -
Downtown Design Review Evaluation

Received and Filed

AC-6 [18-1698](#) Memorandum from City Administrator - Response to Resolution R-18-291 -
Resolution to Support One Community Initiative and Ongoing Equity -
FY19Q1 Report - September 28, 2018

Received and Filed

AC-7 [18-1699](#) Agenda Response Memo and eComments - October 1, 2018

Received and Filed

AC-8 [18-1700](#) City Administrator's Report - October 1, 2018

Received and Filed

INT INTRODUCTIONS

INT-1 [18-1596](#) Proclamation for Fire Prevention Week 2018

Mayor Taylor read a proclamation proclaiming Fire Prevention Week 2018 and introduced Jeff and Chris Crockett who accepted the proclamation. Mr. and Mrs. Crockett shared a story regarding their own experience with a fire in their neighborhood last summer. Councilmember Bannister also recognized the two residents for their efforts to promote fire prevention.

Fire Chief Mike Kennedy reminded residents to check their smoke detectors.

A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed

INT-2 [18-1667](#) Proclamation for 2018 Counselor in Training Volunteers

Mayor Taylor read a proclamation honoring the Give 365 program's Counselors in Training. Members of the volunteer program were in attendance to receive their awards.

A copy of the proclamation is on file in the City Clerk's Office.

Received and Filed

INT-3 [18-1671](#) Proclamation for Co-op Month 2018

Mayor Taylor read a proclamation recognizing October as Co-Op month in Ann Arbor. Members of Ann Arbor's cooperative housing and businesses were present to accept the proclamation.

A copy of the proclamation is one file in the City Clerk's Office.

Received and Filed

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. Cathy Theisen - Chimney Swift Resolution (DC-3)

Cathy Theisen, 1421 McIntyre, a member of the Audubon Society, urged Council to support DC-3 and to protect the Chimney Swifts at 415 W. Washington.

2. Dwight Wilson - Police Oversight Commission Ordinances (C-2) & (C-3)

Dwight Wilson, 1115 Baldwin, spoke in support of the Police Oversight Commission Ordinance as written by the Task Force. He urged Council not to water down the ordinance, but to do it right.

3. Jeff Hayner - Police Oversight Commission Ordinances (C-2) & (C-3)

Jeff Hayner, First Ward Council candidate, spoke in support of the ordinance as presented by the Task Force.

4. Susan Priller - Police Oversight Commission Ordinances (C-2) & (C-3)

Susan Priller, 1356 Ravenwood, spoke in opposition to the historical treatment of minorities by the AAPD and current issues in the Department, including the death of Aura Rosser. She urged Council to support the Task Force proposal and not the Mayor's ordinance.

5. Julie Quiroz - Police Oversight Commission Ordinances (C-2) & (C-3)

Julie Quiroz, representing a member of Transforming Justice Washtenaw, read a statement regarding the treatment of undocumented members of the Ann Arbor community by the Ann Arbor Police.

6. Sargeant Donovan-Smith - Police Oversight Commission Ordinances (C-2) & C-3)

Sargeant Donovan-Smith, 332 E. William, spoke in support of the Task Force ordinance as presented. She urged Council to reject the Mayor's version and pass the Task Force version.

7. Elizabeth Nelson - Police Oversight Commission Ordinances (C-2) & (C-3)

Elizabeth Nelson, Ward Four Council candidate, spoke in support of the ordinance as proposed by the Task Force.

8. Robert McGee - Police Oversight Commission Ordinances (C-2) & (C-3)

Robert McGee, 2245 Placid Way, spoke about work he did as Mayor in

Ferndale regarding the Police and diversity. He objected to the proposed make-up of the Commission, stating it was designed to be anti-Police.

9. Brad Pritts - Traffic Calming Proposal (CA-12)

Brad Pritts, 3030 Lexington, spoke about the proposed Traffic Calming program changes. He stated staff is not responsive to citizen input.

10. Alice Elliott - Police Oversight Commission Ordinances (C-2) & (C-3)

Alice Elliott, Ypsilanti resident, spoke in support of the Task Force proposed ordinance and not the Mayor's version.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER ACKERMAN

Councilmember Ackerman spoke about the City's Traffic Calming program. He stated he served on the task force that addressed the program, and acknowledged that the scope of the project was only to look at neighbor-initiated traffic calming requests, not other projects.

COUNCILMEMBER LUMM

Councilmember Lumm also spoke about the Traffic Calming program and stated she will be removing this item from the Consent Agenda.

COUNCILMEMBER GRAND

Councilmember Grand thanked a group of students called We Listen, from the University of Michigan who spoke with her and Councilmember Lumm. She stated they are trying to bring civility back to civil discourse.

COUNCILMEMBER BANNISTER

Councilmember Bannister stated two events are coming up on Friday, October 5. She spoke about the Ann Arbor Community Center and stated Reverend Whiten has scheduled a public meeting at 5:00 p.m. There is also a Get Out the Vote effort for Women at the New Hope Baptist Church.

COUNCILMEMBER LUMM

Councilmember Lumm also spoke about the We Listen group at the University of Michigan.

MC COMMUNICATIONS FROM THE MAYOR

MC-1 [18-1673](#) Appointments and Nominations

REFERRED

Mayor Taylor presented the following appointments to Council for approval at a later date:

Ann Arbor Public Art Commission

Mary Thiefels -Partial Term

Mural Artist

1711 Dexter Avenue

Ann Arbor, MI 48103

Term: Ending May 31, 2021

Jonah Copi -Partial Term

225 Briarcrest Dr.

Ann Arbor, MI 48104

Term:Ending May 31, 2020

Downtown Area Citizen's Advisory Council

John Splitt -Partial Term

207 W. William

Ann Arbor, MI 48104

Term: Ending May 31, 2021

Housing and Human Services Advisory Board

Carrie Hammerman -Partial Term

Non-Profit Enterprise

1310 Granger Ave.

Ann Arbor, MI 48104

Term: Ending May 31, 2021

*Nicholas Yribar -Partial Term
Business Owner
1325 S. Maple Rd.
Ann Arbor, MI 48103
Term: Ending May 31, 2020*

Local Development Finance Authority

*Dave Koziol -Partial Term
Downtown Business Owner
2884 E. Eisenhower Parkway
Ann Arbor, MI 48108
Term: Ending June 30, 2021*

Referred to the City Council due back on 10/15/2018

**MC-2 [18-1703](#) Resolution to Appoint Kelly Burris to the Airport Advisory Committee (7
Votes Required)**

*Mayor Taylor presented a resolution of the following appointment for
approval at a later date:*

Airport Advisory Committee

*Kelly Burris-Partial Term
13 Devonshire Rd.
Pleasant Ridge, MI 48069
Term: Ending May 31, 2021*

Referred to the City Council due back on 10/15/2018

CA CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

*With unanimous consent of Council, the following Consent Agenda items
were removed from the Consent Agenda and placed at the end of same:*

CA-12 Resolution to Adopt an Updated Traffic Calming Program

Passed on consent agenda

**A motion was made by Councilmember Warpehoski, seconded by
Councilmember Smith, that the following Consent Agenda Items be**

approved as presented. On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirements of CA-1, CA-2, CA-3 and CA-4.

CA-1 18-1529 Enactment No: R-18-387 Approved

Resolution to Accept an Easement for Public Right-of-Way at 2840 South Main Street from Ann Arbor Senior Living Owner, LLC **(8 Votes Required)**

CA-2 18-1531 Enactment No: R-18-388 Approved

Resolution to Accept a Sanitary Sewer Easement at 2840 South Main Street from Ann Arbor Senior Living Owner, LLC **(8 Votes Required)**

CA-3 18-1532 Enactment No: R-18-389 Approved

Resolution to Accept a Water Main Easement at 2840 South Main Street from Ann Arbor Senior Living Owner, LLC **(8 Votes Required)**

CA-4 18-1590 Enactment No: R-18-390 Approved

Resolution to Accept a Sanitary Sewer Easement at 630 Geddes Ridge Avenue from Bank of Ann Arbor **(8 Votes Required)**

CA-5 18-1639 Enactment No: R-18-391 Approved

Resolution to Approve an Amendment to the Pharmacy Benefit Management Agreement with Express Scripts Inc. (\$8,597,509.00 for 2018 and \$9,157,472.00 for 2019)

CA-6 18-1640 Enactment No: R-18-392 Approved

Resolution to Approve Purchase Orders to Ultimate Software Group, Inc. for the Annual UltiPro System Software Maintenance and License Agreement for our Retiree Population through October 31, 2020 (\$108,900.00)

CA-7 18-1490 Enactment No: R-18-393 Approved

Resolution to Approve a First Renewal of a Professional Services Agreement with CalAmp, Inc. and a corresponding Purchase Order for Tracking Fees and Annual Maintenance and Support of the Automated Vehicle Locator (AVL) Units for FY2019 and FY2020 (\$107,568.00)

CA-8 18-1528 Enactment No: R-18-394 Approved

Resolution Levying Certain Delinquent Water Utility, Board Up, Clean Up, Vacant Property Inspection Fees, Housing Inspection Fees, and Fire Inspection Fees as Special Assessments and Ordering Collection Thereof

CA-9 18-1451 Enactment No: R-18-395 Approved

Resolution to Approve the Purchase of Hot Mix Asphalt (HMA) and Emulsion from Cadillac Asphalt, LLC (\$387,580.00/\$193,790.00 annually; ITB-4547)

CA-10 18-1461 Enactment No: R-18-396 Approved

Resolution to Approve a Purchase Order with Trojan Technologies for Replacement Parts at the Wastewater Treatment Plant (\$103,000.00)

CA-11 18-1597 Enactment No: R-18-397 Approved

Resolution to Approve Amendment No. 1 to the Professional Services Agreement with TTL Associates, Inc. for Construction Materials Testing on the Crest, Buena Vista, Washington Water Main Project (up to \$20,001.00)

CA-13 18-1586 Enactment No: R-18-398 Approved

Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Stantec Consulting Michigan, Inc. for Construction Inspection Services (up to \$450,000.00)

CA-12 18-1488 Enactment No:

A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the Resolution be approved.

Resolution to Adopt an Updated Traffic Calming Program

18-1488 Enactment No: Postponed

A motion was made by Councilmember Eaton, seconded by Councilmember Lumm, that the Resolution be postponed to the City Council, due back on 11/19/2018. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 5 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton, Mayor Taylor and Councilmember Bannister

Nays: 4 - Councilmember Warpehoski, Councilmember Grand, Councilmember Ackerman and Councilmember Smith

Absent: 2 - Councilmember Krapohl and Councilmember Westphal
 Resolution to Adopt an Updated Traffic Calming Program

18-1488 Enactment No: **Approved**

The question being, a motion made by Councilmember Ackerman, seconded by Councilmember Grand, that the Resolution be approved, on a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 5 - Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Ackerman and Councilmember Smith

Nays: 4 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister

Absent: 2 - Councilmember Krapohl and Councilmember Westphal
 Resolution to Adopt an Updated Traffic Calming Program

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 [18-1536](#) An Ordinance to Amend Section 2:42.3 of Chapter 28 (Building Sewers for Accessory Dwelling Units) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-18-28)

A public hearing was conducted on the proposed amendment to Section 2:42.3 of Chapter 28 (Building Sewers for Accessory Dwelling Units) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-18-28). Notice of public hearing was published September 20, 2018.

There being no one present for comment, the Mayor declared the hearing closed.

Held and Closed

PH-2 **18-1482** **Enactment No:** **Held and Closed**

Held and Closed

Resolution to Petition the State of Michigan Boundary Commission to Annex Various Parcels from the Charter Township of Ann Arbor, the Charter Township of Pittsfield, and Scio Township

A public hearing was conducted on the proposed Resolution to Petition

the State of Michigan Boundary Commission to Annex Various Parcels from the Charter Township of Ann Arbor, the Charter Township of Pittsfield, and Scio Township. Notice of public hearing was published September 27, 2018.

The following persons were present to speak at the public hearing, in opposition to the proposed resolution:

Carrie Brown, 630 Hampstead Lane, spoke in opposition to the annexation of her property, stating her family cannot afford the utility connection fees and increased taxes.

Rachel Portnoy, 1439 Warrington Road, spoke in opposition.

Bill Dawson spoke on behalf of his parents who are Ann Arbor Township residents, stating their opposition to annexation.

Michael Porath, 1451 Warrington

Albert Vegter, 2581 Esch, owner of 2080 S. State Street, spoke in opposition to his business being annexed to the City.

Greg Peterson, Ann Arbor Township resident

Tom Atkins, 2580 Newport Road, expressed concerns about the City's water quality.

Adam Eichner, 1439 Warrington Road, urged Council to postpone action and talk to the affected residents.

Jeff McNally, 2318 Newport Road, urged Council to give the issue more time.

Sam Copi, City resident, questioned if the resolution was in regards to township islands.

A resident on Hampstead Lane stated they are happy with their rural street and do not desire additional City services.

Bob Zipp, 2540 Newport Road, expressed concern about connecting to the City's sewer.

A Ward One resident stated the common theme is that the City is not listening to residents. He urged Council not to make this decision as lame ducks.

The resident at 418 Barber Road stated she owns two township islands that are vacant land. She stated she will not be able to keep them if annexed into the City.

Randolph Perry, Ann Arbor Township Trustee, urged Council to listen to his residents and consider the hardships.

There being no further comment, the Mayor declared the hearing closed.

A APPROVAL OF COUNCIL MINUTES

- A-1** [18-1649](#) Regular Session Meeting Minutes of September 17, 2018

A motion was made by Councilmember Grand, seconded by Councilmember Ackerman, that the Regular Session Meeting Minutes of September 17, 2018 be approved. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

- B-1** [18-1536](#) An Ordinance to Amend Section 2:42.3 of Chapter 28 (Building Sewers for Accessory Dwelling Units) of Title II of the Code of the City of Ann Arbor (Ordinance No. ORD-18-28)

(The complete copy of the text of Ordinance No. ORD-18-28 is on file in the City Clerk's Office.)

A motion was made by Councilmember Warpehoski, seconded by Councilmember Smith, that the Ordinance be adopted on Second Reading. On a voice vote, the Mayor declared the motion carried.

C ORDINANCES - FIRST READING**C New Business - Staff:**

- C-1** [18-1598](#) An Ordinance to Amend Section 8:413 of Chapter 103 (Historic Preservation) of the Code of the City of Ann Arbor Regarding Extension of Authorization for Work in Historic Districts (Ordinance No. ORD-18-29)

(The complete copy of the text of Ordinance No. ORD-18-29 is on file in the City Clerk's Office.)

A motion was made by Councilmember Warpehoski, seconded by Councilmember Smith, that the Ordinance be approved on First Reading to the City Council and should be returned by 10/15/2018. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-18-29

RECESS

Mayor Taylor called a recess at 9:06 p.m. and reconvened the meeting at 9:27 p.m.

OPEN THE AGENDA

A motion was made by Councilmember Warpehoski, seconded by Councilmember Ackerman, that the Agenda be re-opened. On a voice vote, the Mayor declared the motion carried.

AMEND THE AGENDA

A motion was made by Councilmember Warpehoski, seconded by Councilmember Smith, that the Agenda be amended as follows:

Move DS-1 after C-1.

On a voice vote, the Mayor declared the motion carried.

DS-1 18-1482 Enactment No:

A motion was made by Councilmember Warpehoski, seconded by Councilmember Ackerman, that the Resolution be approved.

Resolution to Petition the State of Michigan Boundary Commission to Annex Various Parcels from the Charter Township of Ann Arbor, the Charter Township of Pittsfield, and Scio Township

18-1482 Enactment No:**Postponed**

A motion was made by Councilmember Warpehoski, seconded by Councilmember Ackerman, that the Resolution be postponed to the City Council and should be returned by 12/3/2018. On a voice vote, the Mayor declared the motion carried.

Resolution to Petition the State of Michigan Boundary Commission to Annex Various Parcels from the Charter Township of Ann Arbor, the Charter Township of Pittsfield, and Scio Township

Councilmember Bannister suggested that a Work Session dedicated to annexations be held prior to the item returning to City Council.

C-2 [18-1689](#) An Ordinance to Create the Independent Community Police Oversight Commission

(The complete copy of the text of this ordinance is on file in the City Clerk's Office.)

A motion was made by Councilmember Eaton, seconded by Councilmember Kailasapathy, that the Ordinance be approved at

First Reading.

A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the Ordinance be amended as follows:

...At least three months before the expiration of the term of any Member of the Commission, the Commission shall initiate a community-wide effort to recruit new applicants. The Commission will state to the HRC, the Commission's network of community organizations, and City Council the skills it believes Commission members should ideally have, but such skills shall not be deemed requirements for membership. [All applications will be collected by the Commission, reviewed by HRC and the Commission, who consolidate a slate of nominations, which is then submitted to City Council.]...

ALL APPLICATIONS WILL BE COLLECTED BY THE COMMISSION, REVIEWED BY HRC AND THE COMMISSION, WHO SHALL CONSOLIDATE A SLATE OF RECOMMENDATIONS. FINAL APPOINTMENTS SHALL COME FROM CITY COUNCIL LIAISONS TO THE HRC [OR] AND COMMISSION WITH APPROVAL OF THE FULL CITY COUNCIL.

A friendly amendment changed OR to AND.

[Brackets] indicate deleted language.

ALL CAPS indicate new language.

On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 7 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Ackerman and Councilmember Bannister

Nays: 2 - Councilmember Eaton and Councilmember Smith

Absent: 2 - Councilmember Krapohl and Councilmember Westphal

A motion was made by Councilmember Ackerman, seconded by Councilmember Kailasapathy, that the Ordinance be amended as follows:

...(4) Counsel. It is crucial for the functional independence, and thus for the success, of the Commission that it has its own legal counsel. The Commission shall therefore select one or more attorneys to advise it on a continuing basis. The City Council shall take such actions as may be necessary under the Charter to ensure that the Commission has counsel of its choice. **AT THE BEGINNING OF EACH FISCAL YEAR, THE COMMISSION SHALL SUBMIT A LIST OF PREFERRED LEGAL FIRMS OR INDIVIDUAL ATTORNEYS TO CITY COUNCIL FOR CITY COUNCIL APPROVAL. THE COMMISSION SHALL ONLY SELECT INDEPENDENT COUNSEL FROM THE LIST APPROVED BY CITY COUNCIL. ...**

ALL CAPS indicate new language.

On a voice vote, the Mayor declared the motion carried.

A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the Ordinance be amended as follows:

...(5) Funding and Budget. [The Commission shall prepare an annual budget for its operations and submit a work plan to the City. Unless the Commission requests less, beginning with the fiscal year 2020 budget, the City shall appropriate each year, for the use of the Commission, no less than 1.17% of the amount appropriated in that year for the AAPD. Any unexpended funds shall be held in reserve for the use of the Commission.]

THE COMMISSION SHALL ADOPT AN ANNUAL WORK PLAN, WHICH SHALL INCLUDE A DESCRIPTION OF THE BASIS FOR ANY FUNDS THAT THE COMMISSION REQUESTS BE INCLUDED IN THE CITY BUDGET FOR COMMISSION PURPOSES. THE WORK PLAN MUST BE SUBMITTED TO THE CITY ADMINISTRATOR FOR CONSIDERATION IN ACCORDANCE WITH THE 12 TIMELINES FOR THE CITY'S BUDGETING PROCESS. THE WORK PLAN MAY BE INCLUDED AS PART OF THE COMMISSION'S ANNUAL REPORT. ...

[Brackets] indicate deleted language.

ALL CAPS indicate new language.

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

- Yeas:** 4 - Councilmember Lumm, Mayor Taylor, Councilmember Grand and Councilmember Ackerman
- Nays:** 5 - Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Councilmember Smith and Councilmember Bannister
- Absent:** 2 - Councilmember Krapohl and Councilmember Westphal

A motion was made by Councilmember Ackerman, seconded by Councilmember Smith, that the Ordinance be amended as follows:

Amendment 4:

...(10) Dispute Resolution. If the Commission and an officer or agency of the City disagree about the meaning or implementation of this ordinance, they shall have at their disposal, but shall not be limited to, the following tools, to be used at their discretion

(b) Subpoena. If the dispute concerns the failure of an officer or agent of the City to (a) produce documents or other materials, or (b) appear before or make a statement to the Commission or its representatives, the Commission may issue a subpoena to compel the production, appearance, or statement. [This power is in addition to subpoena powers provided by the Uniform Arbitration Act; provided that, if the Commission issues such a subpoena, then no arbitration shall be held.] THE COMMISSION SHALL ONLY PURSUE SUBPOENA SHOULD THE COMMISSION AND CITY REACH AN IMPASSE IN THE PROCESSES DESCRIBED ABOVE IN §1:214.10

(A). ...

[Brackets] indicate deleted language.
ALL CAPS indicate new language.

On a roll call, the vote was as follows with the Mayor declaring the motion carried:

- Yeas:** 7 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Ackerman and Councilmember Bannister
- Nays:** 2 - Councilmember Eaton and Councilmember Smith
- Absent:** 2 - Councilmember Krapohl and Councilmember Westphal

The question being, a motion made by Councilmember Eaton,

seconded by Councilmember Kailasapathy, that the Ordinance be approved as amended, on a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 5 - Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Councilmember Ackerman and Councilmember Bannister

Nays: 4 - Councilmember Lumm, Mayor Taylor, Councilmember Grand and Councilmember Smith

Absent: 2 - Councilmember Krapohl and Councilmember Westphal

Enactment No:

C-3 [18-1690](#)

An Ordinance to Create the Independent Community Police Oversight Commission (Ordinance No. ORD-18-30)

(The complete copy of the text of Ordinance No. ORD-18-30 is on file in the City Clerk's Office.)

A motion was made by Councilmember Lumm, seconded by Councilmember Ackerman, that the Ordinance be approved on First Reading.

A motion was made by Councilmember Ackerman, seconded by Councilmember Smith, that the Ordinance be amended as follows:

...1:214. Same—Composition of the Commission

(1) Membership. The Commission shall consist of 11 voting members, one of which may be a youth member, to be appointed by [the Mayor] ONE OR MORE OF THE CITY COUNCIL LIAISONS TO THE HUMAN RIGHTS COMMISSION OR THE COMMISSION with the approval of the full City Council. In making appointments of members to the Commission, [the Mayor] CITY COUNCIL LIAISONS TO THE HUMAN RIGHTS COMMISSION AND THE COMMISSION shall appoint persons who, insofar as possible, represent the City's [diverse population and are committed] DIVERSE POPULATION - ESPECIALLY THOSE WHO TEND TO HAVE SIGNIFICANT NEGATIVE INTERACTIONS WITH THE POLICE AND ARE COMMITTED to improving police and community relations. No active-duty police officer shall serve as a voting member of the Commission. No City employee shall serve as a voting member of the Commission.

[Brackets] indicate deleted language.

ALL CAPS indicate new language.

On a voice vote, the Mayor declared the motion carried.

A motion was made by Councilmember Warpehoski, seconded by Councilmember Grand, that the Ordinance be amended as follows:

Membership: 1:214 (1) Membership. The Commission shall consist of 11 voting members, one of which may be a youth member, to be appointed by the Mayor with the approval of the City Council. In making appointments of members to the Commission, the Mayor shall appoint persons who, insofar as possible, represent the City's diverse population and are committed to improving police and community relations. NO PERSON WHO IS A CURRENT SWORN LAW ENFORCEMENT PROFESSIONAL SHALL BE ELIGIBLE TO SERVE ON THE COMMISSION. FORMER SWORN LAW ENFORCEMENT PROFESSIONALS SHALL ONLY BE ELIGIBLE TO SERVE BY UNANIMOUS CONSENT OF BOTH THE COMMISSION AND CITY COUNCIL.

ALL CAPS indicate new language.

Councilmember Grand moved an amendment to change the word UNANIMOUS to SUPER MAJORITY. The amendment was supported by Councilmember Warpehoski.

NO PERSON WHO IS A CURRENT SWORN LAW ENFORCEMENT PROFESSIONAL SHALL BE ELIGIBLE TO SERVE ON THE COMMISSION. FORMER SWORN LAW ENFORCEMENT PROFESSIONALS SHALL ONLY BE ELIGIBLE TO SERVE BY UNANIMOUS CONSENT OF BOTH THE COMMISSION AND CITY COUNCIL.

(The vote was considered a second time due to confusion regarding the amendment to the amendment.)

The question being, a motion made by Councilmember Grand, seconded by Councilmember Warpehoski, that the proposed amendment be further amended to change "unanimous" to "super majority." On a roll call, the vote was as follows with the Mayor declaring the motion carried:

- Yeas:** 6 - Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Ackerman and Councilmember Smith
- Nays:** 3 - Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister
- Absent:** 2 - Councilmember Krapohl and Councilmember Westphal

The question being, the motion made by Councilmember Warpehoski, seconded by Councilmember Grand, that the Ordinance be amended as follows:

Membership: 1:214 (1) Membership. The Commission shall consist of 11 voting members, one of which may be a youth member, to be appointed by the Mayor with the approval of the City Council. In making appointments of members to the Commission, the Mayor shall appoint persons who, insofar as possible, represent the City's diverse population and are committed to improving police and community relations. NO PERSON WHO IS A CURRENT SWORN LAW ENFORCEMENT PROFESSIONAL SHALL BE ELIGIBLE TO SERVE ON THE COMMISSION. FORMER SWORN LAW ENFORCEMENT PROFESSIONALS SHALL ONLY BE ELIGIBLE TO SERVE BY A SUPER MAJORITY VOTE OF BOTH THE COMMISSION AND CITY COUNCIL.

ALL CAPS indicate new language.

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

- Yeas:** 3 - Councilmember Warpehoski, Councilmember Grand and Councilmember Ackerman
- Nays:** 6 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton, Mayor Taylor, Councilmember Smith and Councilmember Bannister
- Absent:** 2 - Councilmember Krapohl and Councilmember Westphal

A motion was made by Councilmember Warpehoski, seconded by Councilmember Ackerman, that the Ordinance be amended as follows:

Replace 1:215 (2)(F) with the following language:

1:215 (2)(F) A COMPLAINANT MAY CHOOSE TO FILE A COMPLAINT “ON BACKGROUND.” IN CASES WHERE:

- (1) THE COMPLAINANT DOES NOT ALLEGE CONDUCT BY AN OFFICER THAT WOULD MERIT CRIMINAL PROSECUTION OR SIGNIFICANT DISCIPLINARY ACTION
- (2) THE COMPLAINANT DOES NOT SEEK DISCIPLINARY ACTION OR CRIMINAL PROSECUTION OF OFFICERS INVOLVED. THE COMMISSION SHALL NOT FORWARD INFORMATION ABOUT COMPLAINTS ON BACKGROUND TO THE DEPARTMENT’S PROFESSIONAL STANDARDS SECTION THAT WOULD DISCLOSE THE IDENTITY OF THE COMPLAINANT EXCEPT AS REQUIRED BY LAW. COMPLAINTS ON BACKGROUND MAY BE USED BY THE COMMISSION FOR CONTEXTUAL INFORMATION FOR REVIEW OF POLICE-RELATED POLICIES.

On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

- Yeas:** 2 - Councilmember Warpehoski and Councilmember Ackerman
- Nays:** 7 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Smith and Councilmember Bannister
- Absent:** 2 - Councilmember Krapohl and Councilmember Westphal

The question being, the motion made by Councilmember Lumm, seconded by Councilmember Ackerman, that the Ordinance be approved as amended on First Reading, due back on 10/15/2018. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

- Yeas:** 8 - Councilmember Lumm, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Ackerman, Councilmember Smith and Councilmember Bannister
- Nays:** 1 - Councilmember Kailasapathy
- Absent:** 2 - Councilmember Krapohl and Councilmember Westphal

Enactment No: ORD-18-30

D MOTIONS AND RESOLUTIONS

DC New Business - Council:

DC-1 18-1580 Enactment No: R-18-399 Approved

A motion was made by Councilmember Eaton, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Resolution to Support the Energy Commission's Resolution of Support for the Michigan House of Representatives' Michigan Energy Freedom Package (House Bill Nos. 5861-5865)

DC-2 18-1180 Enactment No: R-18-400 Approved

A motion was made by Councilmember Grand, seconded by Councilmember Smith, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Resolution in Support of the Existing EPA Passenger Car Corporate Fuel Economy Standards (CAFÉ Standards)

DC-3 18-1688 Enactment No: R-18-401 Approved

A motion was made by Councilmember Bannister, seconded by Councilmember Eaton, that the Resolution be approved. On a voice vote, the Mayor declared the motion carried.

Resolution to Direct the City Administrator to Evaluate Preservation of the Chimney Swift Roost at 415 West Washington Street

DC-4 18-1694 Enactment No:

A motion was made by Councilmember Warpehoski, seconded by Councilmember Smith, that the Resolution be approved.

Resolution to Increase the FY19 General Fund Budget of the Ann Arbor Police Department by \$30,000.00 to Provide for the Independent Community Police Oversight Commission (**8 Votes Required**)

18-1694 Enactment No: Postponed

A motion was made by Councilmember Warpehoski, seconded by Councilmember Eaton, that the Resolution be postponed until 10/15/2018. On a voice vote, the Mayor declared the motion carried.

Resolution to Increase the FY19 General Fund Budget of the Ann Arbor

Police Department by \$30,000.00 to Provide for the Independent Community Police Oversight Commission **(8 Votes Required)**

DC-5 18-1695 Enactment No:

A motion was made by Councilmember Warpehoski, seconded by Councilmember Smith, that the Resolution be approved.

Resolution to Approve Bylaws of the Independent Community Police Oversight Commission

18-1695 Enactment No:

Postponed

A motion was made by Councilmember Warpehoski, seconded by Councilmember Eaton, that the Resolution be postponed until 10/15/2018. On a voice vote, the Mayor declared the motion carried.

Resolution to Approve Bylaws of the Independent Community Police Oversight Commission

DB New Business - Boards and Commissions:

DS New Business - Staff:

E COMMUNICATIONS FROM THE CITY ATTORNEY

None.

E-1 [18-1697](#) Public Memo on Legal Issues Concerning Policing Commission

Received and Filed

F & G CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

F The following communications were referred as indicated:

Passed on consent agenda

A motion was made by Councilmember Ackerman, seconded by Councilmember Lumm, that the Clerk's Report of Communications, Petitions and Referrals be approved as presented. On a voice vote, the Mayor declared the motion carried.

- F-1 [18-1427](#) Traffic Calming Program Update Materials
- F-2 [18-1656](#) Ann Arbor Housing Commission Resignation From Audrey Wojtkowiak
- F-3 [18-1674](#) LDFA Michigan SmartZone Annual Report FY2018
- G **The following minutes were received for filing:**
- G-1 [18-1537](#) Downtown Development Authority Board and Executive, Partnerships, Capital Improvements, Operations and Finance Committees Minutes of July 2018
- G-2 [18-1567](#) Downtown Area Citizens Advisory Council Meeting Minutes for September 4, 2018
- G-3 [18-1585](#) Ann Arbor Public Art Commission Meeting Minutes - May 2018
- G-4 [18-1653](#) Employees' Retirement System Board Meeting Minutes of August 16, 2018
- G-5 [18-1654](#) Retiree Health Care Benefit Plan & Trust Board Meeting Minutes of August 16, 2018

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Richard Friedman, a member of the Police Oversight Task Force, spoke about the deliberation this evening regarding the two proposed ordinances to establish a Police Oversight Commission.

Adam Nash, Ward 5, spoke about Council's deliberation on the Police Oversight Commission. He said Council was obligated to support the public.

Kai Petainen, resident, spoke about the Police Oversight Commission debate. He spoke about the national tone regarding the criminal justice system.

COMMUNICATIONS FROM COUNCIL*COUNCILMEMBER SMITH*

Councilmember Smith announced that a public information session was scheduled for Wednesday regarding a proposed train quiet zone in Ann Arbor.

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).

None.

ADJOURNMENT

A motion was made by Councilmember Smith, seconded by Councilmember Lumm, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 12:55 a.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, OCTOBER 1, 2018 @ 7:00 P.M.

REPLAYS: WEDNESDAY, OCTOBER 3, 2018 @ 8:00 A.M. AND FRIDAY, OCTOBER 5, 2018 @ 8:00 P.M.

REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE

CTN's Government Channel live televised public meetings can be viewed in a variety of ways:

Live Web streaming or Video on Demand: <https://a2ctn.viebit.com>

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

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.