

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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



Meeting Minutes

Monday, October 15, 2018

7:00 PM

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

City Council

CALL TO ORDER

Mayor Taylor called the meeting of the Ann Arbor City Council to order at 7:02 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: 10 - Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Chuck Warpehoski, Councilmember Jack Eaton, Mayor Christopher Taylor, Councilmember Julie Grand, Councilmember Kirk Westphal, Councilmember Zachary Ackerman, Councilmember Chip Smith and Councilmember Anne Bannister

Absent: 1 - Councilmember Graydon Krapohl

APPROVAL OF AGENDA

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

AC COMMUNICATIONS FROM THE CITY ADMINISTRATOR

City Administrator Howard Lazarus submitted the following reports for information of Council and reported on the following:

Thank you to Police, Fire, and Public Works for their efforts on the recent Saturday night game at Michigan Stadium.

Thank you Officer Joelle Peterson for her attendance at tonight's meeting.

November 6 is Election Day. Please visit www.a2gov.org/elections for more information and reminder that the Council meeting that week will be

Thursday, November 8.

Wednesday, October 31 is Halloween. Please be safe and watch for small children at dusk.

AC-1 [18-1746](#) Memorandum from City Administrator: 2019 Deer Management Plan
Received and Filed

AC-2 [18-1753](#) Memorandum from City Administrator: Scio Church Road Improvements Project Emergency Authorization - October 10, 2018
Received and Filed

AC-3 [18-1797](#) City Administrator's Report - October 15, 2018
Received and Filed

AC-4 [18-1798](#) Agenda Responses and eComments - October 15, 2018
Received and Filed

INT INTRODUCTIONS

INT-1 [18-1691](#) City of Ann Arbor Recognized as a Gold Certified Community through the Michigan Green Communities Program
Missy Stults, Sustainability Manager, accepted the MML's award for Gold Certified Community through the Michigan Green Communities Program.
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. Clark Charnetski - Ann Arbor Station Study (CA-12)**

Clark Charnetski, 2646 Traver Blvd., spoke in support of item CA-12, Amendment Number 3 to the PSA with URS Corporation Great Lakes, Inc. for the Ann Arbor Station Environmental Review.

2. John Mirsky - Climate Control Funding (CA-22)

John Mirsky, 505 Burson, spoke in support of CA-22, and additional funding for Climate Action plans.

3. Wayne Appleyard - Climate Change Resolution (CA-22)

Wayne Appleyard, Chair of Ann Arbor Energy Commission, spoke in support of CA-22 and the City's Climate Action plans.

4. Knute Nadelhoffer - Climate Change Resolution (CA-22)

Knute Nadelhoffer, 432 Burr Oak Drive, spoke in support of CA-22 and the City's Climate Action efforts.

5. Catherine Garton - Climate Change Resolution (CA-22)

Catherine Garton, 3080 Cedarbrook Road, spoke in support of CA-22 and expressed concern about the rate of climate change.

6. Glen Nelson - Budget Amendment for Sustainability Office (CA-22)

Glenn Nelson, 1323 S. Forest, spoke in opposition to CA-22, stating the City's mental health and public safety millage funds should be used for mental health support.

7. Henry Herskovitz - Palestine and the Holocaust

Henry Herskovitz, 250 Highlake, spoke about Palestine and the Holocaust.

8. Lisa Abrams - Ann Arbor Deer Management Program

Lisa Abrams, resident and member of FAAWN, spoke in opposition to the City's deer management program and the proposed culling that will take place near schools.

9. Robert McGee - Deer Culling

Robert McGee, president of Ann Arbor residents for non-lethal deer management, expressed concern about the City's response to

citizen-input regarding deer management. He stated the process is not transparent.

CC COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER KAILASAPATHY

Councilmember Kailasapathy asked the City Administrator regarding the deer culling taking place near school property and whether the AAPS was informed.

COUNCILMEMBER WARPEHOSKI

Councilmember Warpehoski stated he would be breaking the Council Rules regarding posting online during the meeting and he will be posting amendments to the following site online: [bit.ly./A2Council](http://bit.ly/A2Council).

MC COMMUNICATIONS FROM THE MAYOR

MC-1 [18-1673](#) Appointments - Confirmations

APPOINTMENTS APPROVED

Mayor Taylor requested confirmation of the following appointments that were presented to City Council at the October 1 Regular Session:

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*

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

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 in the DS (Staff) items section of the agenda:

CA-5 Resolution to Approve the Fuller Park Parking Lot Land Lease with the University of Michigan (8 Votes Required)

CA-12 Resolution to Approve Amendment No. 3 to the Professional Services Agreement with URS Corporation Great Lakes Inc., for the Ann Arbor Station Environmental Review (\$99,022.00)

CA-22 Resolution to Amend the Office of Sustainability and Innovations FY 2019 Budget and Appropriate Funds for New and the Scaling-Up of Existing Climate and Sustainability Programs in the City of Ann Arbor (8 Votes Required)

Resolution to Accept and Appropriate Michigan Supreme Court State Court Administrative Office Drug Court Grant Funds and Approve Grant Contract (\$150,000.00) **(8 Votes Required)**

CA-9 18-1660 Enactment No: R-18-409 Approved

Resolution to Accept and Allocate Michigan Supreme Court State Court Administrative Office Michigan Veterans Treatment Court Grant Award and Approve Grant Contract (\$43,000.00) **(8 Votes Required)**

CA-10 18-1595 Enactment No: R-18-410 Approved

Resolution to Approve the Purchase of the ONSSI Maintenance and Support from Washtenaw County through the Interagency Agreement for Collaborative Technology and Services "Schedule 25 Video Surveillance System (ONSSI System) Licensing" and Appropriate the Necessary Funds (\$35,856.82) **(8 Votes Required)**

CA-11 18-1540 Enactment No: R-18-411 Approved

Resolution to Accept and Appropriate Emergency Management Performance Grant Funds and Approve FY 2018 Emergency Management Performance Grant Agreement for Ann Arbor Emergency Management Program (\$41,222.00) **(8 Votes Required)**

CA-13 18-1538 Enactment No: R-18-412 Approved

Resolution to Approve the Purchase of Ice Control Salt through the Michigan Delivering Extended Agreements Locally (MIDEAL) from Compass Minerals America, Inc. for Early Fill (\$161,475.00)

CA-14 18-1539 Enactment No: R-18-413 Approved

Resolution to Approve the Purchase of Ice Control Salt through the Michigan Delivering Extended Agreements Locally (MIDEAL) from Detroit Salt Company for Seasonal Backup Supply (\$192,320.00) and to Appropriate \$119,970.00 from the Central Stores Fund Balance **(8 Votes Required)**

CA-15 18-1549 Enactment No: R-18-414 Approved

Resolution Authorizing a Purchase Order with Bell Equipment Company through the Michigan Delivering Extended Agreements Locally (MIDEAL) for the Rental of Two Elgin Pelican Street Sweepers (\$40,360.00)

CA-16 18-1645 Enactment No: R-18-415 Approved

Resolution to Approve the Professional Services Agreement with LG Design, Inc., for Professional Engineering Services for the Water Treatment Plant Interim UV Disinfection System Project (\$145,060.00)

CA-17 18-1683 Enactment No: R-18-416 Approved

Resolution to Ratify an Emergency Purchase Order to E.T. MacKenzie Co (\$30,000.00), and to Appropriate Funds of (\$72,000.00) for the Barton Dam Right Embankment Boil Repair. **(8 Votes Required)**

CA-18 18-1659 Enactment No: R-18-417 Approved

Resolution to Approve the Purchase of Electric Vehicles from Berger Chevrolet (MiDeal - \$98,337.00)

CA-19 18-1642 Enactment No: R-18-418 Approved

Resolution to Approve a Professional Service Agreement with Filmtools/VTP for the Community Television Network (CTN) Master Control Upgrade (\$105,815.00)

CA-20 18-1676 Enactment No: R-18-419 Approved

Resolution Authorizing General Obligation Capital Improvement Bonds (Downtown Development Project) and Amending the Budget by \$15,500,000 **(8 Votes Required)**

CA-21 18-1677 Enactment No: R-18-420 Approved

Resolution to Approve a Financing Contract with the Ann Arbor Downtown Development Authority for City of Ann Arbor Capital Improvement Bonds (Downtown Development Project)

CA-23 18-1707 Enactment No: R-18-421 Approved

Resolution Authorizing Summary Publication of Ordinance No. 18-20 - An Ordinance to Amend Section 5.27.1 and 5.28.4 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor (Special Exception Use as a Type I Citizen Participation Application)

CA-24 18-1708 Enactment No: R-18-422 Approved

Resolution Authorizing Summary Publication of Ordinance No. 18-22 - An Ordinance to Amend Section 5.15 (Table 5-15) and Section 5.37.2 Definitions of Chapter 55 (Unified Development Code) of Title V of the

Code of the City of Ann Arbor to define and add Marijuana-Infused Product Processor as a use.

OPEN THE AGENDA

Councilmember Grand moved, supported by Councilmember Lumm, that the Agenda be re-opened. On a voice vote, the Mayor declared the motion carried.

Councilmember Grand moved, supported by Councilmember Warpehoski, that Items CA-5, CA-12 and CA-22 be moved on the agenda to just before the public hearings. On a voice vote, the Mayor declared the motion carried.

CA-5 18-1647 Enactment No:

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

Resolution to Approve the Fuller Park Parking Lot Land Lease with the University of Michigan (**8 Votes Required**)

18-1647 Enactment No: **Postponed**

A motion was made by Councilmember Eaton, seconded by Councilmember Bannister, that the Resolution be postponed to the City Council, due back on 12/3/2018. On a roll call, the vote was as follows with the Mayor declaring the motion defeated:

Yeas: 3 - Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister

Nays: 7 - Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Absent: 1 - Councilmember Krapohl

Resolution to Approve the Fuller Park Parking Lot Land Lease with the University of Michigan (**8 Votes Required**)

18-1647 Enactment No: **Amended**

The amendment, as further amended, was considered friendly by the Body.

Resolution to Approve the Fuller Park Parking Lot Land Lease with the

Agreement with URS Corporation Great Lakes Inc., for the Ann Arbor Station Environmental Review (\$99,022.00)

CA-22 18-1638 Enactment No:

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

Resolution to Amend the Office of Sustainability and Innovations FY 2019 Budget and Appropriate Funds for New and the Scaling-Up of Existing Climate and Sustainability Programs in the City of Ann Arbor **(8 Votes Required)**

18-1638 Enactment No:

Postponed

A motion was made by Councilmember Smith, seconded by Councilmember Grand, that the Resolution be postponed until 11/19/2018. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

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

Resolution to Amend the Office of Sustainability and Innovations FY 2019 Budget and Appropriate Funds for New and the Scaling-Up of Existing Climate and Sustainability Programs in the City of Ann Arbor **(8 Votes Required)**

Councilmember Lumm requested that A2Open City Hall be used to query the public on the proposed budget amendment for the Office of Sustainability and Innovations (CA-22).

RECESS

Mayor Taylor called a recess at 9:49 p.m. and reconvened the meeting at 10:05 p.m.

PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)

PH-1 18-1591 Enactment No:

Held and Closed

Independent Community Police Oversight Commission (Ordinance No. ORD-18-30). Notice of public hearing was published October 11, 2018.

The following persons were present to speak at the hearing:

Helen Fox, former chair of the Human Rights Commission, expressed concern with how the AAPD interacts with minority communities in Ann Arbor.

Karen Connor, resident, stated Ann Arbor serves only white, affluent families, including neighborhoods, schools, and police interaction.

Ben Hansen, Ward 3, asked for changes to the proposed ordinance regarding outside legal counsel, stating it should be required, not optional.

Maria Abreara, Ypsilanti resident, spoke in opposition to the Mayor's ordinance.

Richard Friedman, Task Force co-chair, stated it is unfortunate if the public perception is negative. He stated one good change to the draft ordinance would be to allow anonymous complaints to be filed directly with the Commission.

Sargeant Donovan-Smith, Reforming Justice Washtenaw, urged Council to move the ordinance more toward what the Task Force requested, including youth membership.

An Ann Arbor resident spoke about the history of this issue in Ann Arbor, including the Police shooting of Aura Rosser.

Another resident urged Council to pass the Task Force's version of the ordinance.

A Ward 3 resident urged Council to amend the ordinance and include a youth voting member.

Eric Ferguson, City resident, expressed concern about the POAM letter and the Police Union's objections to the proposed ordinance.

Adam Nash, Ward 5, spoke in opposition to the process.

A legal secretary at Hooper Hathaway urged Council to be anti-racist.

Etta Hisler, Ward 4, urged Council to breakdown racist systems. She expressed frustration at the process.

An unidentified resident criticized Council for not leading and directing the Task Force and then rejecting their proposal.

David Silkworth, Ward 5 resident, urged Council to listen to the public.

Dwight Wilson, Task Force member, spoke about the process.

Lauren Tatarsky, Task Force member, read the youth Task Force member's statement and said that lack of funding will be the downfall of the Commission.

An unidentified speaker spoke about the POAM letter and their misleading statement that Police racism doesn't exist.

Vivian Chang, Human Rights Commission member, spoke in opposition to the Mayor's proposed ordinance.

A graduate student at UM spoke about racism in Ann Arbor and civilian oversight.

Lauren Tatarsky, Task Force co-chair, spoke in opposition to the Mayor's version of the ordinance and urged Council to pass the Task Force version. She also expressed surprise that the Attorney and Administrator never provided guidance when the ordinance was being drafted.

Shirley Beckley, Township resident, stated she has long advocated for justice. She stated she has a right to be angry.

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

Held and Closed

A APPROVAL OF COUNCIL MINUTES

- A-1** [18-1748](#) Work Session of September 13 and Regular Session Meeting Minutes of October 1, 2018

A motion was made by Councilmember Ackerman, seconded by Councilmember Grand, that the Minutes of the Work Session of September 13 and Regular Session of October 1, 2018 be approved. On a voice vote, the Mayor declared the motion carried.

B ORDINANCES - SECOND READING

- B-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)

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

- B-2** [18-1690](#) An Ordinance to Create the Independent Community Police Oversight Commission (Ordinance No. ORD-18-30)

A motion was made by Councilmember Lumm, seconded by Councilmember Grand, that the Ordinance be adopted on Second Reading.

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

1:214(1) Membership. The Commission shall consist of 11 voting members, one of which [may] SHALL be a youth member, to be appointed by one or more of the City Council liaisons to the Human Rights Commission or LIAISONS TO the Commission with the approval of the City Council. In making appointments of members to the Commission, City Council liaisons to the Human Rights Commission and the Commission shall appoint persons who, insofar as possible, represent the City's 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.

The word SHALL was considered friendly. The vote was to add the words LIASIONS TO.

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

Yeas: 7 - Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Nays: 3 - Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister

Absent: 1 - Councilmember Krapohl

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

1:215(3) Complaint Procedure.

(a) Upon receipt of a complaint, the Commission will review the complaint and provide a copy of the complaint to the Department's Professional Standards Section. To the extent the complaint or inquiry concerns conduct of the Police Chief, the matter shall be referred to the City Administrator. **IF A COMPLAINT DOES NOT ALLEGE OFFICER MISCONDUCT, BUT RELATES ONLY TO POLICE-RELATED POLICY, THE COMMISSION MAY REVIEW THE**

COMPLAINT IN ACCORDANCE WITH SECTION 1:216 WITHOUT IMMEDIATE REFERRAL TO THE DEPARTMENT.

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

Councilmember Ackerman moved the following amendment, supported by Councilmember Smith:

1:215(7) Disputes Concerning Production. Any disputes concerning the production of information and materials may be resolved through a request to the City Administrator or via MUTUALLY AGREED UPON ALTERNATIVE DISPUTE RESOLUTION PROCESS [a third-party mediator hired in accordance with Section 1:219 of the Ordinance.]

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

The amendment was considered friendly by the Body.

Amended

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

1:214 (1) Membership

Amend last two sentences of Paragraph 1:

.[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.] PERSONS WHO ARE CURRENT EMPLOYEES OF THE CITY OR WHO HAVE BEEN EMPLOYED BY THE CITY, INCLUDING ACTIVE OR FORMER POLICE OFFICERS, WITHIN FIVE YEARS OF NOMINATION SHALL NOT BE ELIGIBLE FOR APPOINTMENT.

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

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

- Yeas:** 9 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Bannister
- Nays:** 1 - Mayor Taylor
- Absent:** 1 - Councilmember Krapohl

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

1:215. - Incident Review

(f) A person who wishes to [transmit information to the Commission or City, but does not wish to file a complaint or contact the Commission or City directly, may contact a community liaison designated by the Commission under the Ordinance.] FILE A COMPLAINT WITH THE COMMISSION WITHOUT INVOKING THE POLICE DEPARTMENT INTERNAL REVIEW PROCESS MAY DO SO IF THE COMPLAINANT PROVIDES A WRITTEN STATEMENT TO THE COMMISSION THAT THE COMPLAINANT WOULD NOT FILE ANY COMPLAINT IF IT REQUIRED INVOLVEMENT OF THE POLICE DEPARTMENT. THE COMPLAINANT MAY REQUEST ANONYMITY.

[Brackets] indicated 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 Kailasapathy, Councilmember Warpehoski, Councilmember Eaton and Councilmember Bannister
- Nays:** 6 - Councilmember Lumm, Mayor Taylor, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith
- Absent:** 1 - Councilmember Krapohl

A motion was made by Councilmember Eaton, seconded by

Councilmember Kailasapathy, that the Ordinance be amended as follows:

Replace Section 1:217 (1) with:

1:217 – Community Relations.

(1) Building Community Relations. For the Department to be able to perform its vital function in a way that is both effective and equitable to all segments of the community, especially those segments of the community that are vulnerable and marginalized, it is crucial that there be increased understanding of the needs of those particular community groups by the Department. The Commission shall be proactive in discharging its responsibilities of fostering better communications and understanding between the Department and community, and of ensuring that its complaint procedure is known to the community as open and accessible to the public. The Commission may take any action not prohibited by law that, in its discretion, it believes will help it do so. Such actions may include, without limitation, convening advisory boards, host listening sessions, discussion circles, and educational sessions with community groups and with the community at large, with or without police participation, based on the preferences of each community group. In conducting these actions, the Commission:

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

Yeas: 8 - Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman and Councilmember Bannister

Nays: 2 - Councilmember Lumm and Councilmember Smith

Absent: 1 - Councilmember Krapohl

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

Replace 1:217(1)(c) as follows:

(c) SHALL, THROUGH THE YOUTH LIAISON, WORK WITH THE YOUTH COMMISSION MEMBER AND EITHER AN EXISTING OR COMMISSION-CREATED YOUTH COUNCIL TO INCORPORATE A

YOUTH PERSPECTIVE INTO THE COMMISSION'S DECISIONS AND RECOMMENDATIONS, ORGANIZE EVENTS THAT ARE YOUTH-ORIENTED, AND SECURE THE PARTICIPATION OF YOUTH IN OTHER EVENTS AS APPROPRIATE;

Friendly amendment to change MAY to SHALL.

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

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

1:219

Add New Language as follows:

(6) 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 1.15% OF THE AMOUNT APPROPRIATED IN THAT YEAR FOR THE AAPD. ANY UNEXPENDED FUNDS SHALL BE RETURNED TO THE CITY'S GENERAL FUND.

Friendly amendment by Mayor Taylor to add after "...amount appropriated in that year for the AAPD, unless the Commission's work plan requires less."

ALL CAPS indicates new language.

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

Yeas: 3 - Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister

Nays: 7 - Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

Absent: 1 - Councilmember Krapohl

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

Add new language:

1:219

(6) ADDITIONAL PROCEDURES AND RULES OF OPERATION. AS PROVIDED IN TITLE I, CH. 8, § 1.171(4) OF THE CITY CODE, THE COMMISSION SHALL HAVE THE POWER TO MAKE RULES AND REGULATIONS CONCERNING THE ADMINISTRATION OF ITS AFFAIRS AS SHALL NOT BE INCONSISTENT WITH LAWS, THE CITY CHARTER, OR THE CITY CODE – INCLUDING, AS EXAMPLES, RULES ON THE CONDUCT OF THE COMMISSION’S MEETINGS, GOVERNING WHETHER REMOTE ELECTRONIC PARTICIPATION SHALL BE ALLOWED, AND THE MAINTENANCE BY THE COMMISSION OF ITS OWN MEANS OF COMMUNICATION, SUCH AS A WEBSITE AND FACEBOOK PAGE.

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

Yeas: 3 - Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister

Nays: 8 - Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Krapohl, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

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

1:220. – Dispute Resolution

Current language:

[Any disputes concerning the Ordinance may be resolved through a request to the City

Administrator or via a third-party mediator hired in accordance with Section 1:219 of the

Ordinance.] **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 PROCESSES, TO BE USED AT THEIR DISCRETION. THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY, AND THE COMMISSION SHALL AGREE ON THE SELECTION OF A SINGLE ARBITRATOR, WHO SHALL SERVE FOR A ONE-YEAR TERM, WHICH MAY BE RENEWED BY MUTUAL AGREEMENT. ON THE REQUEST OF EITHER PARTY, THE ARBITRATOR SHALL MAKE A PROMPT ATTEMPT TO RESOLVE THE MATTER BY MEDIATION. IF AT ANY TIME EITHER PARTY DETERMINES THAT THE DISCUSSIONS HAVE REACHED AN IMPASSE, THEY MAY CALL FOR ARBITRATION. UPON A CALL FOR ARBITRATION, THE ARBITRATOR SHALL RESOLVE THE DISPUTE AS PROMPTLY AS REASONABLY POSSIBLE. THE UNIFORM ARBITRATION ACT, ACT 371 OF 2012, SHALL BE DEEMED TO APPLY TO ARBITRATIONS HELD UNDER THIS PROVISION AS IF THIS PROVISION WERE AN AGREEMENT TO ARBITRATE. EXCEPT TO THE EXTENT NECESSARY TO PROTECT CONFIDENTIAL INFORMATION, ANY HEARING THAT IS PART OF THE ARBITRATION PROCESS SHALL BE OPEN TO THE PUBLIC. A third-party ARBITRATOR USED UNDER THIS SECTION will be hired in accordance with Section 1:219 of the Ordinance.

[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 Kailasapathy, Councilmember Warpehoski, Councilmember Eaton and Councilmember Bannister
- Nays:** 6 - Councilmember Lumm, Mayor Taylor, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith
- Absent:** 1 - Councilmember Krapohl

RECESS

Mayor Taylor declared a recess at 1:08 a.m. and reconvened the meeting at 1:14 a.m.

[18-1690](#)

An Ordinance to Create the Independent Community Police Oversight

Commission (Ordinance No. ORD-18-30)

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

1:219. – Same—Operations and Support

(3) Counsel. [The Commission may request outside counsel and the City Council may retain outside counsel to assist the Commission] THE COMMISSION SHALL SELECT ONE OR MORE ATTORNEYS TO ADVISE IT ON A CONTINUING BASIS, pursuant to the City Charter. The counsel, contract terms, and the scope of services to be performed must be approved in accordance with City procurement procedures. The scope of services may provide that outside counsel provide advice on a specific matter or on an ongoing basis for matters within the scope of the contract and the approved contract amount.

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

- Yeas:** 4 - Councilmember Kailasapathy, Councilmember Eaton, Councilmember Ackerman and Councilmember Bannister
- Nays:** 6 - Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Westphal and Councilmember Smith
- Absent:** 1 - Councilmember Krapohl

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

1:216 – Same—Reports and Recommendations Concerning Policies, Practices, and Compliance.

(2) Access to Information and Materials.

(c) Without Need for Request. The Department shall report to the Commission EVERY THREE MONTHS [on a periodic basis] (a) any [significant] developments bearing on the Department's performance of its functions, including any significant changes in policies or procedures (including without limitation in training or discipline), staffing, or budgetary needs, (b) any external complaints filed with the Department, including the substance of the complaint and the process and substance of the Department's response to it, and (C) DATA ON FIELD OPERATIONS DISAGGREGATED BY RACE

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

Add at the end of (c) as follows:
TO THE MAXIMUM EXTENT FEASIBLE.

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

- Yeas:** 7 - Councilmember Lumm, Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith
- Nays:** 3 - Councilmember Kailasapathy, Councilmember Eaton and Councilmember Bannister
- Absent:** 1 - Councilmember Krapohl

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

1:216 – Same—Reports and Recommendations Concerning Policies, Practices, and Compliance.

(2) Access to Information and Materials.

(c) Without Need for Request. The Department shall report to the Commission EVERY THREE MONTHS [on a periodic basis] (a) any [significant] developments bearing on the Department's performance of its functions, including any significant changes in policies or procedures (including without limitation in training or discipline), staffing, or budgetary needs, (b) any external complaints filed with the Department, including the substance of the complaint and the process and substance of the Department's response to it, and (C) data on field operations DISAGGREGATED BY RACE TO THE MAXIMUM EXTENT FEASIBLE.

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

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

1:210 DELETE the Preamble to the Ordinance.

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

Yeas: 5 - Councilmember Lumm, Mayor Taylor, Councilmember Grand, Councilmember Westphal and Councilmember Smith

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

Absent: 1 - Councilmember Krapohl

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

1:215 (3) Complaint Procedure

(a) Upon receipt of a complaint, the Commission will review the complaint and TIMELY provide...

ALL CAPS indicates new language.

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

Councilmember Warpehoski moved the following amendments, supported by Councilmember Smith:

*1:215 – Incident Review**(2) Filing a Complaint.*

(a) Any individual, whether or not involved in the incident in question and without respect to citizenship or residence, may file a complaint with the Commission or the Department. The Commission shall not inquire about any complainant's immigration status or GENDER Identity [legal identity.]

*1:215 – Incident Review**(2) Filing a Complaint.*

(c) The complainant may choose to file the complaint anonymously. If filed anonymously, the Commission shall not attempt to determine the identity of the 5 complainant, and shall attempt to communicate with the complainant only if it can do so without learning the complainant's identity. If a complaint is made without revealing the identity of the complainant, the Commission shall treat the complaint as being filed anonymously. A complainant who files anonymously may decide at a

later time to reveal the complainant's identity. THE FACT THAT A COMPLAINANT'S IDENTITY IS KNOWN TO A COMMISSION MEMBER SHALL NOT PREVENT THE COMPLAINANT FROM FILING THE COMPLAINT ANONYMOUSLY.

1:219.(2) Facilities and Staff Support. The City shall provide the Commission with suitable facilities for the conduct of its meetings and other business. The City shall also provide the Commission with the services of an administrative liaison consistent with other City boards and commissions. The City Administrator, Police Chief, and City Attorney shall provide staff liaisons to the Commission with appropriate expertise to support the Commission. Within the Commission's designated budget, the Commission may seek additional professional services, to the extent the contract for those services is approved in accordance with City procurement procedures. THE COMMISSION SHALL HAVE THE OPPORTUNITY TO PROVIDE INPUT REGARDING SELECTION OF SUCH CONTRACTORS, INCLUDING LEGAL COUNSEL, AND TO MAKE RECOMMENDATIONS REGARDING PROPOSED CONTRACTORS AND LEGAL COUNSEL. The City Administrator shall ensure that such contracts are properly entered into, in compliance with the City Charter and City hiring and procurement policies, and maintained (with respect to such matters as payment, tax withholding and reporting, and record-keeping for freedom-of-information purposes). THE CITY ADMINISTRATOR SHALL ENSURE THAT THE COMMISSION HAS ACCESS TO THE CONTRACTED SERVICES IN ORDER TO FULFILL THE PURPOSE OF THE CONTRACT.

The amendments were considered friendly by the Body.

Amended

The question being, the motion made by Councilmember Lumm, seconded by Councilmember Grand, that the Ordinance be adopted as amended on Second Reading, on a voice vote, the Mayor declared the motion carried.

C ORDINANCES - FIRST READING

- C-1** [18-1789](#) An Ordinance to Amend Section 9:38 and 9:42 of Chapter 107 (Animals) of the Code of the City of Ann Arbor Regarding the Addition of Ducks to the Referenced Sections (Ordinance No. ORD-18-31)

A motion was made by Councilmember Warpehoski, seconded by

Councilmember Ackerman, that the Ordinance be approved on First Reading to the City Council and should be returned by 11/8/2018. On a voice vote, the Mayor declared the motion carried.

Enactment No: ORD-18-31

D MOTIONS AND RESOLUTIONS

DC Unfinished Business - Council:

DC-1 18-1694 Enactment No:

A motion was made by Councilmember Warpehoski, seconded by Councilmember Ackerman, 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: Amended

Amended

Resolution to Increase the FY19 General Fund Budget of the Ann Arbor Police Department by \$50,000.00 (*as amended*) to Provide for the Independent Community Police Oversight Commission **(8 Votes Required)**

Councilmember Warpehoski moved, seconded by Councilmember Ackerman, that the following amendment be approved:

Replace RESOLVED Clause as follows:

RESOLVED, City Council approves an increase in the FY19 General Fund budget for Ann Arbor Police Department of \$30,000 for a staff liaison to provide administrative support on a contractual basis and \$20,000 for professional services as described in section 1:219 (2) and (3) with a use of fund balance;

The amendment was considered friendly by the Body.

18-1694 Enactment No: R-18-425 Approved as Amended

The question being, a motion made by Councilmember Warpehoski, seconded by Councilmember Ackerman, that the Resolution be

approved as amended, on a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 10 - Councilmember Lumm, Councilmember Kailasapathy, Councilmember Warpehoski, Councilmember Eaton, Mayor Taylor, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman, Councilmember Smith and Councilmember Bannister

Nays: 0

Absent: 1 - Councilmember Krapohl

Resolution to Increase the FY19 General Fund Budget of the Ann Arbor Police Department by \$50,000.00 (*as amended*) to Provide for the Independent Community Police Oversight Commission **(8 Votes Required)**

DC-2 18-1695 Enactment No:

A motion was made by Councilmember Smith, seconded by Councilmember Warpehoski, 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 Eaton, seconded by Councilmember Grand, that the Resolution be postponed to the City Council and should be returned by 11/8/2018. On a voice vote, the Mayor declared the motion carried.

Resolution to Approve Bylaws of the Independent Community Police Oversight Commission

DC-3 18-1703 Enactment No: R-18-426

Approved

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

Resolution to Appoint Kelly Burriss to the Airport Advisory Committee **(7 Votes Required)**

DC New Business - Council:

DC-4 18-1754 Enactment No: R-18-427 Approved

A motion was made by Councilmember Ackerman, seconded by Councilmember Westphal, that the Resolution be approved. On a roll call, the vote was as follows with the Mayor declaring the motion carried:

Yeas: 6 - Councilmember Warpehoski, Mayor Taylor, Councilmember Grand, Councilmember Westphal, Councilmember Ackerman and Councilmember Smith

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

Absent: 1 - Councilmember Krapohl

Resolution to Approve the Master Deed for the Collective on Fifth Condominium at 319 S. Fifth Avenue

DC-5 18-1777 Enactment No: R-18-428 Approved

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

Resolution Authorizing the City of Ann Arbor to be Listed as a Supporting Municipality in an Amicus Brief to be filed with the Michigan Court of Appeals in *RPF Oil Co v Genesee County and Genesee County Health Dep't* (Ct App Docket No. 344735)

DB New Business - Boards and Commissions:

DB-1 18-1591 Enactment No: R-18-429 Approved

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

Resolution to Approve the 1448 Warrington Drive Annexation, 2.25 Acres (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

DB-2 18-1630 Enactment No: R-18-430 Approved

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

Resolution to Approve the Dantzler Annexation, 0.96 Acre, 2861 Stone

School Road (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

DS New Business - Staff:

E COMMUNICATIONS FROM THE CITY ATTORNEY

None.

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 Grand, 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 [18-1612](#) Ann Arbor Public Art Commission 2017-2018 Year-end Report

F-2 [18-1725](#) Resignation of Sarah Paleg from the Energy Commission

F-3 [18-1738](#) Communication from the State of Michigan Public Service Commission regarding Public Hearing Notice to Customers of DTE Electric Company in Case No. U-20284, scheduled for October 16, 2018 - City Attorney, Energy (Systems Planning, City Attorney)

F-4 [18-1747](#) Resignation of Roger Sutton from the Cable Communications Commission

G The following minutes were received for filing:

G-1 [18-1082](#) June 5, 2018 City Planning Commission Meeting Minutes

G-2 [18-1391](#) Minutes of the May 10, 2018, HDC Meeting

G-3 [18-1392](#) Minutes of the June 14, 2018, HDC Meeting

- G-4** [18-1393](#) Minutes of the July12, 2018, HDC Meeting
- G-5** [18-1555](#) Transportation Commission Meeting Minutes 8-15-2018
- G-6** [18-1609](#) LDFA Board Meeting Minutes - July 17, 2018
- G-7** [18-1617](#) Airport Advisory Committee Minutes - July 18, 2018
- G-8** [18-1705](#) Insurance Board Meeting Minutes - September 27, 2018
- G-9** [18-1756](#) Administrative Committee Meeting Minutes - August 29, 2018
- G-10** [18-1757](#) Administrative Committee Meeting Minutes - September 17, 2018

PUBLIC COMMENT - GENERAL (3 MINUTES EACH)

Richard Friedman, Task Force Chair, thanked Council for the approval of the Police Oversight Commission Ordinance.

Ali Ramlawi, Ward 5 Council candidate, spoke about the Police Oversight Commission and the process that went into creating the Commission. He stated he hopes the Commission can succeed and that it is properly funded.

Sargeant Donovan-Smith, resident, questioned the Police Department expenditures. She urged City Administrator Howard Lazarus to share those outcomes with the public.

Kai Petainen, resident, spoke about the Council's debate over climate action.

COMMUNICATIONS FROM COUNCIL

None.

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 Westphal, seconded by Councilmember Lumm, that the meeting adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 2:54 a.m.

COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:

LIVE: MONDAY, OCTOBER 15, 2018 @ 7:00 P.M.

REPLAYS: WEDNESDAY, OCTOBER 17, 2018 @ 8:00 A.M. AND FRIDAY, OCTOBER 19, 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.

