

**Ann Arbor City Council Regular Session: April 3, 2017  
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	7:01 PM		Chip Smith, Chuck Warpehoski	Larry & Mary Machacek		Email address	Privacy
3	8:16 PM		Hugh Garton	Mark Clevey	J. Mirsky, Chip Smith, Jason Frenzel, Chuck Warpehoski, Julie Grand, Zach Ackerman	Email address, cell Phone number	Privacy
4	8:30 PM		Jack Eaton	Jacqueline Beaudry			
5	8:43 PM		Zach Ackerman	Dirk Mayhew		Email address	Privacy
6	9:06 PM		Jane Lumm	Lynn Borset	Jack Eaton, Sumi Kailasapathy, Colin Smith	Email address	Privacy
7	11:10 PM		City Council	Kevin McDonald	Jacqueline Beaudry, Stephen Postema, Howard Lazarus		

## Archive, Journal

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**From:** [REDACTED]  
**Sent:** Monday, April 03, 2017 7:01 PM  
**To:** Smith, Chip; Warpehoski, Chuck  
**Subject:** 312 Glendale Development Proposal

We moved to Ann Arbor in October 2016 and have become aware of the development proposal at the corner of our street. We have concerns based on our understanding of ownership issues that may skirt stormwater codes and the standard of detention system being proposed vs. the 100 year storm event standard. We recognize the need for neighborhood development and generating tax revenue and are not experts on storm water issues or development code legalities but we do know that the proposed location and scale of the proposed development is not consistent with the character of the neighborhood we chose to make a major investment in.

We are unable to attend tonight's City Council meeting but based on our understanding of the issues, we recommend a 'NO' vote on this development proposal.

Larry & Mary Machacek  
1707 Orchard St.

## Archive, Journal

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**From:** Clevey, Mark  
**Sent:** Monday, April 03, 2017 8:16 PM  
**To:** Hugh Garton  
**Cc:** Mirsky, J; Smith, Chip; Frenzel, Jason; Warpehoski, Chuck; Grand, Julie; Ackerman, Zach  
**Subject:** GREAT JOB AT CITY COUNCIL!!!!

Dr. Garton (aka Solar Patriot):

You did **GREAT** in your solar taxation testimony at City Council tonight. Bulls Eye! I can't tell you how important it was for them to hear this from **you**.

You are right, the City Assessor is off the reservation on solar taxation and no one has an interest in reining him in! He invented Ann Arbor's failed "method" for assessing solar installations and the city council needs to recognize and acknowledge that **his and the City Administrators** experiment is a total and abject **FAILURE** which has cost tax payers real money, undermined Ann Arbor's Climate Action Plan, hurt small businesses, made it harder for solar patriots to create a healthy and vibrant community in which to raise our families, made us less safe in our homes and increased emission-related health and welfare problems. The way the City Council and Administrator lets the City Assessor do his job is out of phase with ALL OTHER MICHIGAN CITIES and a complete insult to tax payers.

In light of the lack of clarity and consistency with how solar installation assessment is addressed by cities all across Michigan, questions regarding the way Ann Arbor interprets the Michigan Property Tax Law with regard to solar energy, and the negative impacts of solar assessment on Ann Arbor's Climate Action Plan, health, welfare, security and economy of the community the City of Ann Arbor should implement an **immediate moratorium** on the assessment and tax of solar installations.

The City should not lift the Moratorium until a *fair, transparent, uniformly applicable and economically sound method* has been developed for assessing and taxing solar installations that is has gone through a *public-hearing process* and can be deemed to be beneficial to Ann Arbor's CAP and related solar goals and the related health, welfare, economic and security interests of Ann Arbor. When such an assessment is created, it should, at a minimum, include the following conditions:


- a. The solar assessment should *encourage behaviors* that result in increased solar installations commensurate with Ann Arbor's Climate Action Plan emission reduction goals;
- b. Solar panels added to an existing grid-tied home in Ann Arbor henceforth be deemed "Personal Property" and taxed as such under state law.
- c. Any solar tax assessment shall be completed at the *time of resale* of the home, assuming the panels remain and the solar array shall be Market Valued by the Assessor with Market and Taxable Values adjusted on the tax roles for the parcel based on the sale price of the residence tax.
- d. Any solar tax *must include a formula that takes into consideration the value of emissions reductions that results in a solar tax equal to \$0.0.*

So far, no City Council action has been taken on solar taxation other than to **buck-pass** the issue to the City Assessor, City Administrator, City Attorney and State Government. **It's a good thing the elections for City Council are taking place!**

**Please send me your written testimony so I can include it in the next issue of A2W Sun Rising.**

Again, great, great job!

**Mark H. Clevey, MPA (Retired)**

- Specialist in Energy Efficiency and Renewable Energy (40+ years)
  - Veteran, US *Air Force* (1967-1972)
  - Vice Chair, Energy Commission, Member Renewable Energy Committee.
  - Board Member, Great Lakes Renewable Energy Association
  - Co-Founder & Former Treasurer, Michigan Interfaith Power and Light
  - Founder/Organizer Ann Arbor Solar Users Network
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"Nowhere is humankind's mix of vision and tunnel vision more apparent than in how we're planning for a warmed world"  
- McKenzie Funk, *Windfall*.

"If we want things to stay as they are, things will have to change" - *The Leopard*

## Archive, Journal

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**From:** Beaudry, Jacqueline  
**Sent:** Monday, April 03, 2017 8:30 PM  
**To:** Eaton, Jack  
**Subject:** FW: Legistar File 17-0257 Chapter 120, Solicitation of Immigrant Status  
**Attachments:** Chapter 120 Solicitation of Immigrant Status Revised Eaton Proposed Amendment.docx

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**From:** Fales, Mary Joan  
**Sent:** Monday, April 3, 2017 4:07 PM  
**To:** Eaton, Jack <JEaton@a2gov.org>  
**Cc:** Postema, Stephen <SPostema@a2gov.org>; Baird, James <JBaird@a2gov.org>; Beaudry, Jacqueline <JBeaudry@a2gov.org>; Lazarus, Howard <HLazarus@a2gov.org>  
**Subject:** Legistar File 17-0257 Chapter 120, Solicitation of Immigrant Status

CM Eaton –

Following up on our email exchange of March 23, 2017. Thank you for your willingness to move to amend the Ordinance to address availability of the ordinance through the City website as the primary source for the document.

The City Clerk will enter the requested changes as proposed amendments into Legistar. During Council the required motion to adopt these proposed changes would be:

Move to delete Section 9:410 and Section 9:411 in their entirety and to insert a new Section 9:410 to read as stated below:

**~~9:410. Copies to be available.~~**

~~Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website.~~

**~~9.411. Publication and Effective Date.~~**

~~————The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record.—~~

**9.410. Publication and Effective Date.**

A complete copy of the ordinance is also available for inspection on the City's website. This Ordinance shall take effect ten days after passage and publication.

Let me know if I can be of further assistance.  
Mary Joan

Mary Joan Fales  
Senior Assistant City Attorney  
City of Ann Arbor, 301 E. Huron St., PO Box 8647, Ann Arbor, MI 48107-8647

Direct Line: (734) 794-6187 / Office Phone: (734) 794-6170 Ext. 41887 / Fax: (734) 994-4954

Email: [mfales@a2gov.org](mailto:mfales@a2gov.org)

*Please note that I cannot send or receive emails in excess of 25MB. If you send me an email >25MB, you will get a bounce notice but I will not. If you need to send me an email with a large attachment or if you get a bounce notice for one you sent, please contact me to arrange for you to get the attachment(s) to me.*

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ORDINANCE NO. ORD-17-02

First Reading: March 6, 2017  
Public Hearing: April 3, 2017

Approved:  
Published:  
Effective:

SOLICITATION OF IMMIGRANT STATUS

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ANN ARBOR BY ADDING A NEW CHAPTER WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 120 OF TITLE IX OF SAID CODE

The City of Ann Arbor Ordains:

Section 1. That Title IX of the Code of the City of Ann Arbor be amended by adding a Chapter 120, Solicitation of Immigrant Status, which shall read as follows:

CHAPTER 120  
SOLICITATION OF IMMIGRANT STATUS

**9:400. Title**

This chapter shall be known and may be cited and may be cited as the Solicitation of Immigrant Status Ordinance.

**9:401. Statement of purpose.**

It is the policy of the City of Ann Arbor to respect the rights of, and provide equal services to, all persons regardless of appearance, ethnicity, immigration status, manner of dress, national origin, physical characteristics, race, religious beliefs, sexual orientation, or gender identity or expression; to ensure the enforcement of rights under the United States Constitution, including due process and equal protection; to promote community safety; to encourage victims of crime and witnesses to cooperate with law enforcement authority without regard to immigration status; and to promote acceptance. In order to permit members of immigrant communities to access services that are provided by the City of Ann Arbor government to which they are entitled; and to ensure that city public servants are acting consistent with federal law regarding local governments cooperating with federal immigration authorities, the City of Ann Arbor enacts this ordinance as an effective way to guide city public servants in adhering to rights under the United States Constitution, including due process and equal protection, and under federal law, while protecting the safety and health of all members of the Ann Arbor community.

**9:402. Definitions**

The following definitions shall be used in the interpretation of this chapter:

- (1) "Public servant" means the mayor, members of the city council, the city clerk, any member of any city agency, board, commission, or other voting body that is established by the Ann Arbor City Charter or by this Code, and any appointee, any employee, or any individual who provides services to the City of Ann Arbor within or outside of its offices or facilities pursuant to a personal services contract

**9:403. Solicitation of immigration status by public servants, prohibited; exceptions.**

- (1) **Prohibited.** A public servant, while acting within the scope of public service employment and/or authority shall not:
  - (a) solicit information concerning immigration status for the purpose of ascertaining a person's compliance with federal immigration law; or
  - (b) solicit information for the purpose of determining immigration status from a person who is seeking police services, or is a victim, or is a witness; or
  - (c) inquire into the immigration status of any person, or engage in activities for the purpose of ascertaining the immigration status of any person.
- (2) **Exceptions.** Notwithstanding the prohibitions set forth in subsection (a) of this section, public servants, are expressly permitted to engage in the following activities, which shall not constitute a violation of this article:
  - (a) Solicitation of information concerning immigration status from the subject of an investigation only when relevant to the investigation or prosecution of a criminal offense;
  - (b) Solicitation of information concerning immigration status when attempting to determine the identity of an individual suspected of committing a crime punishable by 93 days or more in jail. Such solicitation may be solely for the purposes of determining the identity of the individual or assessing the individual's flight risk;
  - (c) Determination if consular notification is required or should be offered under the Vienna Convention on Consular Relations for individuals detained or arrested by the Ann Arbor Police Department or who have deceased within the City of Ann Arbor;



- (d) Solicitation of immigration information to comply with any and all legal obligations of validly issued judicial warrants;
- (e) Solicitation of information concerning immigration status where specifically required by any federal, state, or city law or program as a condition of eligibility for the service sought; or
- (f) Solicitation of information concerning immigration status for the purpose of completing I-9 Forms, and, when relevant, in making hiring and payroll withholding decisions, including, but not limited to, completing I-9 Forms, questioning a person to complete the I-9 Form, obtaining documents that support the I-9 Form, and allowing federal authorities to audit an I-9 Form in accordance with law; or
- (g) Solicitation of information concerning immigration status for a subpoena issued in a criminal proceeding, civil litigation, or an administrative proceeding for the production of City documents or for testimony of a public servant, including where related to immigration issues or other security issues.
- (h) Nothing in this Chapter shall be construed to prohibit, or in any way restrict, any public servant from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual as required by 8 U.S.C. Sec. 1373.

#### **9:404. Reporting and Enforcement**

Where a public servant, other than an elected official, is alleged to have violated this chapter the matter shall be referred, as appropriate, to the city administrator, for review, investigation, and disposition. Allegations concerning an elected official shall be referred to the Mayor for disposition under the rules the Council has established concerning its members. Any disciplinary action shall be carried out in accordance with the provisions of the Ann Arbor City Charter and other laws, city personnel rules, civil service rules, union contracts, or other departmental or agency rules and regulations.

The City Administrator shall provide an annual report to City Council of all violation complaints of this ordinance and their disposition. The requirement for the annual report shall expire four years from the date of ordinance adoption unless extended by an act of Council.

#### **9:405. Private Cause of Action; Liability of the City**

Nothing in this ordinance is intended to create or form the basis for liability, against the City, or its officers, employees, or agents.

#### **9:406. Indemnification Policy**

It is the policy of the City, as previously set forth in Ann Arbor City Council Resolution R-

Ordinance No. ORD-17-02 Cont.

407-7-89, adopted July 10, 1989, and codified here below, that the City will indemnify, defend and hold harmless city officers and employees regarding liability claims arising out of holding a city office or city employment. The City Council may, in its discretion, refuse to indemnify, defend or hold harmless an officer or employee in the following circumstances:

- (1) If the claim arises out of alleged criminal activity;
- (2) The claim arises out of activity where the officer or employee is charged with profiting or attempting to profit at the City's expense (other than through approved compensation);
- (3) The claim arises out of activity under which disciplinary action was imposed on an employee; and
- (4) The officer or employee fails or refuses to assist in the defense of the claim.

This provision shall not apply to employees covered by a collective bargaining agreement which provides for indemnification.

**9:407. Severability.**

If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**9:408. Repeal.**

All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**9:409. Savings Clause.**

The balance of the Code of Ordinances, City of Ann Arbor, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**9:410. ~~Copies to be available~~Publication and Effective Date.**

~~Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website.~~ A complete copy of the ordinance is also available for inspection on the City's website. This Ordinance shall take effect ten days after passage and publication.

**9.411. ~~Publication and Effective Date.~~**

~~The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the publication of record.~~

Section 2. This Ordinance shall take effect ten days after passage and legal publication.

**As Amended by Ann Arbor City Council at First Reading on March 6, 2017**

## Archive, Journal

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**From:** mr mayhew [REDACTED]  
**Sent:** Monday, April 03, 2017 8:43 PM  
**To:** Ackerman, Zach  
**Subject:** Re: thank you in advance for your support Chapter 120

And in case nobody says it, thanks for letting citizens speak.

I'm sure its boring for ya'll, and (like I said) I figure you guys would do the right thing, regardless.

On 04/03/2017 10:06 AM, Ackerman, Zach wrote:

> Hi Dirk,  
>  
> Thanks so much for the note. I look forward to supporting the ordinance this evening. I'll pass along your suggestion for a roll-call vote to the Mayor. We rarely mine data on our own voting records, so good perspective.  
>  
> Best,  
> Zach  
> \_\_\_\_\_  
>  
> Zachary Ackerman  
>  
> Ann Arbor City Council  
>  
> Ward 3  
>  
> (734) 883-8391  
>  
>  
> Emails sent to or from this address could be subject to public disclosure under the Freedom of Information Act (FOIA).  
>  
> \_\_\_\_\_  
> From: mr mayhew [REDACTED]  
> Sent: Monday, April 03, 2017 7:28 AM  
> To: Grand, Julie; Ackerman, Zach  
> Subject: thank you in advance for your support Chapter 120  
>  
> Hi Ms Grand and Mr Ackerman  
>  
> Thank you in advance for your continued support for Chapter 120.  
>  
> I have a request:  
>  
> Please encourage vote records at all times, even when the vote is unanimous.  
> I suspect this is a relatively easy request for the council, and it  
> makes data mining much easier later on.  
>  
> thanks!  
>  
> - Dirk Mayhew, fairly happy 3rd ward resident

## Archive, Journal

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**From:** Borset, Lynn  
**Sent:** Monday, April 03, 2017, 9:06 PM  
**To:** [REDACTED] Lumm, Jane  
**Cc:** Jack Eaton; Kailasapathy, Sumi; Smith, Colin  
**Subject:** Jane: Imp. clarification re Glendale!

Jane,  
I referenced this quote solely in terms of the 312 Glendale site!  
"City Codes do require site planning of the entire site even if only a portion of the site is being developed." It seems City Code should guide over County rule.  
The 2 houses, garage, etc. are part of the parcel, but they are NOT being included in the stormwater management!  
The quote is from the City Staff report for Planning Commission. I asked staff for the specific reference, but did not receive an answer.  
I sincerely hope you see this before the vote.  
Thanks, Lynn

--  
[REDACTED]

## Archive, Journal

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**From:** McDonald, Kevin  
**Sent:** Monday, April 03, 2017 11:10 PM  
**To:** \*City Council Members (All)  
**Cc:** Beaudry, Jacqueline; Postema, Stephen; Lazarus, Howard  
**Subject:** Resolution amendment

(Add after date in first resolved clause) ..conditioned on the addition of two catch basins at the end of the Glendale driveway to be piped into the underground detention system on site, subject to the approval of the washtenaw county water resources commissioner in consultation with city staff.

Sent from my iPhone