

Ann Arbor City Council Regular Session: October 1, 2018
Email Redactions List Pursuant to Council Resolution R-09-386

	A	B	C	D	E	F	G
	<u>Received</u>						
1	<u>Sent Time</u>	<u>Time</u>	<u>TO</u>	<u>From</u>	<u>CC</u>	<u>Redactions</u>	<u>Reason for Redaction</u>
2	8:10 PM		Anne Bannister	Jeff McNally		Email address	Privacy
3	8:14 PM		Zach Ackerman	Emily Roberts		Email address, phone number	Privacy
4	8:31 PM		Christopher Taylor	Fern MacDougal		Email address, phone number	Privacy
5	9:10 PM		Chip Smith, Christopher Taylor, Eli Cooper	Ann Eaton		Email Address, address, phone number	Privacy
6	9:37 PM		Chip Smith, Christopher Taylor, Eli Cooper	Kyle Lady		Email Address, address	Privacy
7	10:06 PM		Jacqueline Beaudry	Zach Ackerman			
8	10:41PM		Jane Lumm	David Hutchinson		Email addresses	Privacy
9	10:42PM		Eli Cooper	Loren Bondurant	Chip Smith, Christopher Taylor	Email address, address	Privacy
10	10:47 PM		Jane Lumm	David Hutchinson		Email addresses	Privacy
11	12:01 AM		Jacqueline Beaudry	Zach Ackerman			
12	12:01 AM		Jacqueline Beaudry	Chuck Warpehoski			
13	12:34 AM		Jacqueline Beaudry	Chuck Warpehoski			

Archive, Journal

From: Jeff McNally [REDACTED]
Sent: Monday, October 01, 2018 8:10 PM
To: Bannister, Anne
Subject: Annexation

Might you propose to Council to postpone any vote tonight and ask again for a special council session?

Archive, Journal

From: Emily Roberts [REDACTED]
Sent: Monday, October 01, 2018 8:14 PM
To: Ackerman, Zach
Subject: Police Oversight Task Force Ordinance

Hi Mr. Ackerman,

I am a constituent (registered to vote in 48104) writing to ask that you move forward with the Task Force Ordinance for police oversight - not the Mayor's proposal.

Thank you,
Emily Roberts

--

Emily Roberts
[REDACTED]

<http://linkedin.com/in/emirobweedabeeda.blogspot.com>

Archive, Journal

From: fern MacDougal [REDACTED]
Sent: Monday, October 01, 2018 8:31 PM
To: Taylor, Christopher (Mayor)
Subject: I support the Task Force's original proposal for police oversight

I have been following the discussion on police oversight since the creation of a task force months ago to look into the issue.

I support the Task Force's proposed ordinance for the formation of an independent police oversight commission as drafted. The task force put many hours of careful thought into this proposal and incorporated community feedback. The original language that the task force drafted contains a number of elements that I believe are critical for meaningful oversight, including ensuring adequate funding for the commission, a historical contextualization of the issue of racism in policing, support for those who bring forward complaints, among others.

I urge you to accept the Task Force's proposal without imposing modification.

Fern MacDougal

--

Fern MacDougal
M.S. Student, School of Natural Resources & Environment
University of Michigan
[REDACTED]

Archive, Journal

From: A Eaton [REDACTED]
Sent: Monday, October 01, 2018 9:10 PM
To: Cooper, Eli; Smith, Chip; Taylor, Christopher (Mayor)
Subject: vote for Quiet Zones !!

I'll lend my voice to those petitioning the city to create quiet zones.

To be honest, I never knew I (or the city) had a choice and could do something about stopping the train horns - why wouldn't we do something?!

I actually don't even live that close to the tracks, a few blocks away on the Old West Side, and I usually sleep with ear plugs. BUT if I have my windows open in the summer, which I usually do, the train horns even wake me up!!

Let's do something about it if we can - why wouldn't we?!

Thank you -
Ann Eaton

[REDACTED]
[REDACTED]
Ann Arbor MI
RPCV Benin 2012-14

Archive, Journal

From: Kyle Lady [REDACTED]
Sent: Monday, October 01, 2018 9:37 PM
To: Cooper, Eli; Smith, Chip; Taylor, Christopher (Mayor)
Subject: in support of FRA quiet zones

Hello Mayor Taylor, CM Smith, and Mr. Cooper,

I'm not likely going to be able to make it to the opening comment hearing re: the FRA quiet zone proposal. I live at [REDACTED], and it certainly seems as though the train schedule has gotten less consistent lately, with more late-night trains later into the evening. Regardless, it's increasingly interrupting my sleep, and I don't even live as close to the tracks as many folks. I support pursuing a quiet zone through the city and the investments needed to achieve the safety ratings of the crossings.

Thank you,
Kyle

Archive, Journal

From: Ackerman, Zach
Sent: Monday, October 01, 2018 10:06 PM
To: Beaudry, Jacqueline
Subject: C-2 Amendments - Ackerman

Amendment 1:

(2) Recruitment Process. To recruit applications community-wide for initial membership on the Commission, the HRC will do publicity and outreach to organizations that represent diverse populations. The HRC, in conjunction with diverse representatives of the community, will plan multiple ways to inform the community about the Commission and the role and expectations of Commissioners and its advisors. An application form shall be posted online (and made available in multiple languages), and hard copies shall be made available in all places where the Commission's Complaint forms are made available, pursuant to §1:213(1)(b). Applicants may also choose to apply by interview, completed by HRC. Failure to apply shall not disqualify a person from being eligible for appointment. The Mayor, HRC, and community organizations shall solicit recommendations for nominations from the community. The Mayor, City Council, and the City Administrator will pass on to the HRC all the applications that they may receive.

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.

Amendment 1: 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 Commission with approval of the full City Council.

Amendment 2:

(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. Addition.

Amendment 2: 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.

Amendment 3:

(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.

Amendment 3: 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.

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.

Amendment 4: The Commission shall only pursue subpoena should the Commission and City reach an impasse in the processes described above in §1:214.10 (a).

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).

Archive, Journal

From: David Hutchinson [REDACTED]
Sent: Monday, October 01, 2018 10:41 PM
To: Lumm, Jane
Subject: RE: Agenda Responses October 1 - Part 1

Thanks for your efforts, Jane. It seems to me that the staff (and the mayoral cabal) are determined to let staff make every decision so that they are not BOTHERED by we mere citizens. I know you can't do everything, but you remain our only true voice.

From: Lumm, Jane <JLumm@a2gov.org>
Sent: Monday, October 1, 2018 5:52 PM
To: Kathy Ann Moilanen [REDACTED]; David Hutchinson [REDACTED]; Cathy Tsadis [REDACTED]
[REDACTED]


Cc: K Griswold [REDACTED]
Subject: FW: Agenda Responses October 1 - Part 1

Friends, Copying you on the responses to the agenda Q's. Q/A re: the revised Traffic Calming Program (item CA-12) appear on pp. 2-6 I do not intend to support the revised program as it removes council members' ability to weigh-in on and approve/not approve traffic calming recommendations. (e.g., For the Bluett/Antietam bump-out, a councilmember can no longer represent your interests/concerns vis a vis staff.) -Jane

From: Higgins, Sara
Sent: Monday, October 1, 2018 4:58 PM
To: *City Council Members (All) <CityCouncilMembersAll@a2gov.org>
Cc: Lazarus, Howard <HLazarus@a2gov.org>; Hutchinson, Nicholas <NHutchinson@a2gov.org>; Harrison, Venita <VHarrison@a2gov.org>; Hupy, Craig <CHupy@a2gov.org>; Hess, Raymond <RHess@a2gov.org>; Pfannes, Robert <RPfannes@a2gov.org>; Forsberg, Jason <JForsberg@a2gov.org>; Stults, Missy <MStults@a2gov.org>; Wilkerson, Robyn <RWilkerson@a2gov.org>; Hull, Jessica <JHull@a2gov.org>; Postema, Stephen <SPostema@a2gov.org>; Radabaugh, Margaret <MRadabaugh@a2gov.org>; Niemela, Nancy <NNiemela@a2gov.org>; Frost, Christopher <CFrost@a2gov.org>; Elias, Abigail <AElias@a2gov.org>; Slay, Arianne <ASlay@a2gov.org>; Fournier, John <JFournier@a2gov.org>; Kahan, Jeffrey <JKahan@a2gov.org>; Coleman, Kayla <KColeman@a2gov.org>; Delacourt, Derek <DDelacourt@a2gov.org>; Yanga, Michele <MYanga@a2gov.org>; Rechtien, Matthew <MRechtien@a2gov.org>; Williams, Debra <DeWilliams@a2gov.org>; Baughman, Troy <TBaughman@a2gov.org>
Subject: Agenda Responses October 1 - Part 1

Mayor and Council,
Attached are staff responses to October 1 Council Agenda questions – Part 1. The referenced attachment is at the end of the document. Agenda Response Memo – Part 2 will include responses to questions regarding item DS-1 (Annexations) and will be sent separately.

Sara Higgins, Strategic Planning Coordinator
Ann Arbor City Administrator's Office | Guy C. Larcom City Hall|301 E. Huron, 3rd Floor · Ann Arbor · MI · 48104
734.794.6110 (O) · 734.994.8296 (F) |
shiggins@a2gov.org | www.a2gov.org

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Archive, Journal

From: Loren Bondurant [REDACTED]
Sent: Monday, October 01, 2018 10:42 PM
To: Cooper, Eli
Cc: Smith, Chip; Taylor, Christopher (Mayor)
Subject: Re: Disrupting train noise

Dear Mr. Cooper,

I write about the frequent sleep-disrupting train noise in my neighborhood.

I moved to town last month and have learned to brace myself for nighttime train horns, often for extended periods of time.

Please:

- apply for Federal Railroad Administration "Quiet Zone" status for all 11 street crossings in Ann Arbor.
- invest in railroad gates to protect pedestrians and vehicles from crossing active tracks as trains approach.
- apply for matching state and federal funds to help offset costs.

I look forward to Ann Arbor's Open Comment Hearing on Wednesday, where I will reinforce my support of your taking these steps.

I understand that the City government has been aware of this issue for its residents since the 1990s, at least. It is time to act.

Respectfully,
Loren Bondurant
[REDACTED]

Archive, Journal

From: David Hutchinson [REDACTED]
Sent: Monday, October 01, 2018 10:47 PM
To: Lumm, Jane
Subject: RE: Agenda Responses October 1 - Part 1

Mr. Lazarus may have grown up with Judge Kavanaugh. He seems to be unable to answer simple direct questions, especially questions he does not like and knows others will not like the answers to.

From: Lumm, Jane <JLumm@a2gov.org>
Sent: Monday, October 1, 2018 5:52 PM
To: Kathy Ann Moilanen [REDACTED] David Hutchinson [REDACTED] Cathy [REDACTED]


Cc: K Griswold [REDACTED]
Subject: FW: Agenda Responses October 1 - Part 1

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Cc: Lazarus, Howard <HLazarus@a2gov.org>; Hutchinson, Nicholas <NHutchinson@a2gov.org>; Harrison, Venita <VHarrison@a2gov.org>; Hupy, Craig <CHupy@a2gov.org>; Hess, Raymond <RHess@a2gov.org>; Pfannes, Robert <RPfannes@a2gov.org>; Forsberg, Jason <JForsberg@a2gov.org>; Stults, Missy <MStults@a2gov.org>; Wilkerson, Robyn <RWilkerson@a2gov.org>; Hull, Jessica <JHull@a2gov.org>; Postema, Stephen <SPostema@a2gov.org>; Radabaugh, Margaret <MRadabaugh@a2gov.org>; Niemela, Nancy <NNiemela@a2gov.org>; Frost, Christopher <CFrost@a2gov.org>; Elias, Abigail <AElias@a2gov.org>; Slay, Arianne <ASlay@a2gov.org>; Fournier, John <JFournier@a2gov.org>; Kahan, Jeffrey <JKahan@a2gov.org>; Coleman, Kayla <KColeman@a2gov.org>; Delacourt, Derek <DDelacourt@a2gov.org>; Yanga, Michele <MYanga@a2gov.org>; Rehtien, Matthew <MRehtien@a2gov.org>; Williams, Debra <DeWilliams@a2gov.org>; Baughman, Troy <TBaughman@a2gov.org>
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Archive, Journal

From: Ackerman, Zach
Sent: Tuesday, October 02, 2018 12:01 AM
To: Beaudry, Jacqueline
Subject: C-3 Amendments - Ackerman

I may move

Amendment 1:

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 (1) with the approval of the full City Council. In making appointments of members to the Commission, the Mayor (2) shall appoint persons who, insofar as possible, represent the City's diverse population and are committed (3) 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.

Amendment 1: (1) ... one or more of the City Council liaisons to the Human Rights Commission or the Commission

(2) City Council liaisons to the Human Rights Commission or the Commission

(3) diverse population – especially those who tend to have significant negative interactions with the police

Zachary Ackerman

Ann Arbor City Council

Ward 3

(734) 883-8391

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Archive, Journal

From: Warpehoski, Chuck
Sent: Tuesday, October 02, 2018 12:01 AM
To: Beaudry, Jacqueline
Subject: C3 AMENDMENTS
Attachments: C3 AMENDMNETS.pdf

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

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

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

- Policing Commission

- **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. The Commission or the Human Rights Commission may support the nomination process through publicity and outreach and by proposing nominees to the Mayor. All such nominations shall be disclosed to City Council. 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.
- **On background:** 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. Complaints on background may be used by the Commission for contextual information for review of Police-related Policies.
- **Confidential:** 1:215 (9)(c) Confidential Information. The Commission and the Department shall take all lawful measures to protect the identity of individuals involved in a Complaint. The Commission shall ~~take care not to disclose~~ confidential information (including, where applicable, the name of the complainant) in a report. The Commission's reports should ordinarily avoid identifying police officers by name.
- **Closed session: 1:213. - Same—Nature of the Commission.** The Commission is created by the City with the authority stated under City Charter Sections 5.17(a) and (b). The Commission will exercise its authority and judgment independent of City administration under the Ordinance. The Commission shall provide advice, through reports and recommendations, to the Police Chief, the City Administrator, and the City Council with respect to matters concerning the Department consistent with the authority in Section 5.17(a) of the City Charter. The Commission shall take other actions as are prescribed by the City Council pursuant to Section 5.17(b) of the City Charter. The creation and operation of the Commission shall not impair the authority and responsibility of the Police Chief, the City Administrator, and the Council, as provided in the City Charter. Reports, recommendations, conclusions, and findings produced by or for the Commission are not binding, factually or legally, on the City or any part thereof, including the

Department, the City Administrator, the City Attorney, and the City Council. As such, the Commission shall not be a public body for purposes of the Michigan Open Meetings Act and shall be permitted to go into closed session for the purpose of discussing complaints, written legal advice, or other confidential or sensitive information.

- **Support staff** :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. City Council shall appropriate a a budget adequate to fund the Commission's administrative liaison and additional services consistent with the Commission Work Plan, but not less that 0.4% of the amount appropriated for the Department. 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 approve relevant bid documents, contracts, and work plans. 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 not interfere with the Commission's ability to direct such contracted services except to ensure compliance with the contract, budget, and relevant laws and policies.
- **Counsel**: 1:219(3) Counsel. The Commission may request outside counsel and the City Council may retain outside counsel to assist the Commission 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 and with agreement by the Commission..:
- **Arbitration: 1:220 -- Dispute Resolution.**
Arbitration. 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

- **Disaggregated data:** Without Need for Request. The Department shall report to the Commission 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 when possible.

Archive, Journal

From: Warpehoski, Chuck
Sent: Tuesday, October 02, 2018 12:34 AM
To: Beaudry, Jacqueline
Subject: RE: C3 AMENDMENTS
Attachments: 2017-2018 City Council Notes.docx

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

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From: Beaudry, Jacqueline
Sent: Tuesday, October 2, 2018 12:24 AM
To: Warpehoski, Chuck <CWarpehoski@a2gov.org>
Subject: RE: C3 AMENDMENTS

When you have a minute, can you send me a Word version?

From: Warpehoski, Chuck
Sent: Tuesday, October 2, 2018 12:01 AM
To: Beaudry, Jacqueline <JBeaudry@a2gov.org>
Subject: C3 AMENDMENTS

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

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- **On background:** 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.

- **Confidential:** 1:215 (9)(c) Confidential Information. The Commission and the Department shall take all lawful measures to protect the identity of individuals involved in a Complaint. The Commission shall take care not to disclose confidential information (including, where applicable, the name of the complainant) in a report. The Commission's reports should ordinarily avoid identifying police officers by name.
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purpose of discussing complaints, written legal advice, or other confidential or sensitive information.

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- **Counsel:** 1:219(3) Counsel. The Commission may request outside counsel and the City Council may retain outside counsel to assist the Commission 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 and with agreement by the Commission.
- **Arbitration: 1:220 -- Dispute Resolution.**
Arbitration. 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
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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 when possible.