

ROUGHLY EDITED TRANSCRIPT

CITY OF ANN ARBOR  
CITY COUNCIL MEETING  
APRIL 19, 2021  
6:30 P.M.

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>> Mayor Taylor: Good evening and welcome to the April 19 meeting of the Ann Arbor city council.

If you are able, we will have a moment of silence and the Pledge of Allegiance.

>> I pledge allegiance to the flag of the United States of America, and to the republic for which it stands: One nation under God, indivisible, with liberty and justice for all.

>> Mayor Taylor: Would our clerk please call the roll of council.

>> Clerk Beaudry: Councilmember Hayner.

>> Councilmember Hayner: Here.

>> Clerk Beaudry: Councilmember Disch.

>> Councilmember Disch: Here.

>> Clerk Beaudry: Councilmember Griswold.

>> Councilmember Griswold: Here.

>> Clerk Beaudry: Councilmember Song.

>> Councilmember Song: Here.

>> Clerk Beaudry: Councilmember Grand.

>> Councilmember Grand: Here.

>> Clerk Beaudry: Councilmember Radina.

>> Councilmember Radina: Here.

>> Clerk Beaudry: Mayor Taylor.

>> Mayor Taylor: Here.  
>> Clerk Beaudry: Councilmember Eyer.  
>> Councilmember Eyer: Here.  
>> Clerk Beaudry: Councilmember Nelson.  
>> Councilmember Nelson: Here.  
>> Clerk Beaudry: Councilmember Briggs.  
>> Councilmember Briggs:  
Here.  
>> Clerk Beaudry: Councilmember Ramlawi.  
>> Councilmember Ramlawi: present.  
>> Clerk Beaudry: We have a quorum.  
Thank you.  
May I have a motion to approve the agenda?  
Moved by Councilmember Song.  
Seconded by Radina.  
Discussion of the agenda.  
At the request of Dr. Stults, may I have motion, please to move DC-4 to just in front of the consent agenda, please?  
Moved by Councilmember Grand, seconded by Radina.  
Discussion?  
All in favor of that moment, please say aye.  
Opposed.  
The amendment approved.  
Further discussion of the agenda as amended.  
All in favor?  
Opposed?  
The addendum is approved.  
Do we have anything from the city administrator.  
>> City Admin. Crawford: There are a number of items, some of which came over the weekend and I highlight those for you.  
>> Mayor Taylor: Thank you very much.  
I'm delighted to have two introductions.  
First is a proclamation honoring city of Ann Arbor water plant employees.  
Normally --  
>> Councilmember Radina: Point of ordinary.  
Councilmember Disch is still in the waiting room.  
>> Mayor Taylor: Ms. Beaudry.  
>> Clerk Beaudry: I don't see her name.  
>> Councilmember Radina: I see her name in the attendees.  
>> Clerk Beaudry: Oh, there she is.  
>> Mayor Taylor: Councilmember Radina, thank you.  
As I was saying before I was quite properly interrupted.  
Normally, when we have proclamations, relating to the city of Ann Arbor employees, we like to trot them up and display them before the cameras, which probably pleases them and embarrasses them.

I would like to read this proclamation honoring:

Mike Culpepper, Pat Sturt, Adam Bolgos, Aaron Buza, Rikki Stropich, and Duane Weible.

WHEREAS, on Friday, March 26th, 2021, Mark MacArthur, temporary shift supervisor at the City of Ann Arbor Water Plant, experienced a medical emergency; and WHEREAS, due to past CPR/Defibrillator training and refresher sessions, Mark recognized the classic symptoms of an impending heart attack. After experiencing a heavy feeling in his chest, left arm pain and cold sweats, he took an aspirin and notified a co-worker; and

WHEREAS, Mike Culpepper promptly called 911 and answered the operator's questions, Pat Sturt, loosened Mark's clothing to help with blood circulation while trying to keep MacArthur calm and relaxed, Adam Bolgos retrieved the defibrillator and stood by, ready to put it to use; and

WHEREAS, Aaron Buza applied compresses to Mark's forehead and confirmed the aspirin dosage to the EMT's, Rikki Stropich helped to calm Mark and then continued monitoring water processes while others assisted MacArthur.

Duane Weible drove a truck to the delivery gate positioning it to prevent the gate from closing, while engaging the strobe light to mark the entrance for the ambulance and the fire truck; and

WHEREAS, Mark MacArthur wishes to commend the Ann Arbor Fire Department and the Huron Valley Ambulance crew for their professionalism; he extends his thanks to his coworkers whose names he could not recall while under duress; and

WHEREAS, the quick decision-making actions taken by this heroic group of individuals, along with their required CPR/Defibrillator training, provided the tools for his co-workers to saved Mr. MacArthur's life; and

WHEREAS, their actions are not only a testament to the character of the Ann Arbor community, but also to the high quality of training and the dedication demonstrated by our Water Plant staff on a regular basis.

NOW THEREFORE, I, Christopher Taylor, Mayor of Ann Arbor, Michigan, do hereby commend City of Ann Arbor employees: Mike Culpepper, Pat Sturt, Adam Bolgos, Aaron Buza, Rikki Stropich, and Duane Weible for their quick intervention and decisive actions that helped save the life of Mr. Mark MacArthur on Friday, March 26th, 2021.

Mr. Steglitz, do you want to say a word or have everybody go about their business?

>> I see mark is on.

You can see him in the corner.

Yes, it was -- there are no words for this.

You know this is your work family and to know that everyone rose to the occasion, and did what they did.

Mark is already back working.

It's nice to have him back.

It's one of these amazing life experiences that you will never forget.

Thank you for recognizing the team.

>> Mayor Taylor: Of course.

Thank you one and all.

Truly.

>> Now let's move on to the second proclamation, this is the Arab American heritage month proclamation.

This is at the initiative of Therese Jarjoura and Councilmember Ramlawi, Ann Arbor's first Arab American elected councilmember.

It's my pleasure on both of their requests to issue this proclamation.

WHEREAS, for over a century, Arab Americans have been making valuable contributions to virtually every aspect of American society: in medicine, law, business, education, technology, government, military service, culture; and WHEREAS, since migrating to America, men and women of Arab descent have shared their rich culture and traditions with neighbors and friends, while also setting fine examples of model citizens and public servants; and

WHEREAS, they brought with them to America their resilient family values, strong work ethic, dedication to education, and diversity in faith and creed that have added strength to our great democracy; and

WHEREAS, Arab Americans have also enriched our society by sharing in the entrepreneurial American spirit that makes our nation free and prosperous; and WHEREAS, the history of Arab Americans in the U.S. remains neglected or defaced by misconceptions, bigotry, and anti-Arab hate in the forms of crimes and speech; and

WHEREAS, Arab American issues, such as civil rights abuses, harmful stereotyping, and bullying must be combated in the forms of education and awareness; and

WHEREAS, they join all Americans in the desire to see a peaceful and diverse society, where every individual is treated equally and feels safe.

NOW THEREFORE, I, Christopher Taylor, Mayor of the City of Ann Arbor, declare April 2021, to be National Arab American Heritage Month in Ann Arbor, Michigan.

We celebrate the contributions Arab Americans have made to society and in helping to build a better nation.

We encourage our citizens to join us in this special observance.

Thank you very much, and we have with us, Ms. Jarjoura.

>> Hi, I would like to thank you all, mayor Christopher Taylor and all the others city council for granting us this great honor, especially the speed in which this all happened.

I appreciate everything and we are honored to be part of this community.

Thank you so much.

>> Mayor Taylor: Thank you so very much.

Councilmember Ramlawi?

>> Councilmember Ramlawi: I would like to echo those statements, Mayor Taylor and I appreciate you putting this on the agenda and it's a great honor to be here tonight to hear those words and be a part of this proclamation, and it just brings me -- it fills me with tremendous pride and joy, knowing that my father

migrated here over 60 years ago, because of the political and economic instability that continues to ravage the region and was able to come to America and start a new life and I'm here today as his son, on city council.

And so it's a great honor for me to have this introduced.

>> Mayor Taylor: Thank you very much, and thank you, Ms. Jarjoura.

>> Thank you all.

>> Mayor Taylor: Mr. Crawford, you have the com.

>> City Admin. Crawford: Thank you, mayor.

I will try to get my screen shared here.

Thank you, council.

Tonight, as I'm pulling this up, you recall this is the evening that we -- you receive the city administrator's recommended budget.

Is that visible, mayor?

>> Clerk Beaudry: It looks good, Tom.

>> City Admin. Crawford: Thank you.

So thank you.

It's been a long year or so here.

There's a fair bit to cover so I will be here for a couple of minutes.

This is intended to be the highlights of the city administrator's recommended budget for the next two years.

The years start this coming July and then you are going to be asked to adopt a budget for one year and we have included here a fiscal plan for the second year. So the city charter requires the budget be adopted at the second meeting in May. You are receiving this at the second meeting in April.

So you have a month to ask questions, receive additional input from the community and then consider the recommended budget at your May meeting. This particular budget was challenging to -- to pull together in light of the pandemic and all the other aspects that are going on from a financial perspective.

This is also challenging because the American Rescue Plan bill has -- we still don't know where that stands as far as the amount or that kind of thing.

So this document has been prepared without knowledge of what that amount is. And I will go into that in a little bit more detail.

For those watching online, we do have a website that has all of our detailed budget documents, all the presentations we have done in the past and we keep track of all the questions and answers that we get.

And you are able to access that on the city website and there's a link in this presentation.

As far as an overview of the budget, the pandemic was a hit.

The general fund, we'll give some extra attention to today, it has been impacted significantly and continues to be so.

As we projected forward for the general fund, we saw there was a \$3.2 million structural deficit.

We say structural deficit, that means we look at our recurring revenues and recurring expenditures and if there is a gap, that is a deficit.

So we had this kind of thing happen in the past.

Historically, though, with the two-year plan, when we see structural deficit like that, we make reductions in essence, \$3.2 million or so to eliminate that gap in the first year and that also provides us some one-time funds then in order to go through the two-year cycle.

In attempting to do so this year, we were unable to get the full gap closed.

We were able to make a net reduction of \$1.1 million, which after we incorporate the very requirements that we heard from you all, in the community, we ends up with a \$2.1 million deficit.

That's the \$1.1 million reduction I was referring to.

This is a difficult budget to prepare, because what the budget looks like as far as the pandemic is hard to accurately project.

However, in preparing this recommended budget, we really didn't try to go overly conservative or optimistic.

We did a midline scenario, what we think is a reasonable recovery, unfortunately, it continues to worsen.

We find ourselves in uncomfortable position and vulnerable.

How we deal with this is a real challenge.

One the things we do to deal with unexpected events is to maintain fund balances.

In this case, as what I consider a financially well-managed city, the city enters in with a healthy reserve.

24% is the way we look at in our policy.

So how would we get through something like this?

We can spend savings for a little bit but with the projections that we have, we either need to see materially better economic recovery, which I'm concerned about the likelihood of that or service reductions in the future beyond this next year's budget or additional revenues.

So I'm giving you this message today because what we have done in this budget is primarily use our savings and some other things to get through the next fiscal year.

This will give us time to get a better idea of what the recovery looks like.

In fact we will likely know here in a few months as things continue to open up.

But this is definitely an uncomfortable and vulnerable financial time for the city, one that I have not seen in the time that I have been here.

I -- so as we -- so as we go forward in this presentation, I wanted you to be aware.

There's a couple of opportunities for the federal government to provide some fundings to local.

First was through the cares act funding.

Those funds have been incorporated in this presentation.

It's the American rescue plan that has not.

So highlights of the general fund.

Our recurring revenues, the ones that are important to focus on are projected to go up .8% in fiscal '22 and 24% in fiscal '23.

The three things are property taxes, state-shared revenues and parking revenues.

Our property taxes for the typical residents are expected to go up 1.4%, which is associated with the Consumer Price Index.

That's the way the property tax law works.

In addition to that, we are expecting about 1.2% from expanding the tax base with new construction.

The state shared revenues, we -- under our existing practices we are holding it flat with any one-time monies as we grow into utilizing constitutional revenues for larger -- the bulk of our -- or the full amount of our recurring portion of state shared revenues and lastly, the parking revenues.

Parking as you heard from the D.D.A.'s presentation a few weeks back has been really challenged.

And as we look forward, this is where a lot of volatility and revenues has come from and we have some muted expectations as we look going forward.

On the general fund side, we have one-time revenues of 1.7 million, the largest portion of that is for the fire protection grant.

And then we also have some other items like statutory revenue sharing, the marijuana excise tax, et cetera.

Those items have been programmed, as you will see in a few minutes along with some other expenditures in order to move projects forward in the first year particularly.

Regarding the county public safety and community mental health millage rebate.

These unrestricted funds will continue to be allocated in the 40/40/20 manner that has existed in the past.

Lastly on the proposed utility rates, in order -- those are projected to go up 2.9% and 2.4% respectively.

That is if you combine water, sewer and stormwater together, so the full bill that a customer would receive, that would be 2.9% in '22 and 2.4% in '23.

Just an overview of the budget, total budget has an expenditure of \$470 million.

The bulk of that, \$118 million is in the general fund, a fund by itself.

A number of enterprise funds are combined.

These are the largest of which we are utility funds, for \$126 million, and we have our trust funds for the retirement system.

The fund balance that the city has remains within the policy guidelines, the general obligation bond rating is A.A. plus, and that is just one shy of the A.A.A.

We have been here for some time and that has reflects how we have been managed.

So what happens with this budget for our taxpayers, well, they would see an increase of \$21.42 per month.

This is the average residential taxpayer.

The bulk of this increase is really coming from the recent millages that were passed last November for affordable housing and filling in of sidewalk gaps.

And then on top of that, \$6.69 a month for utility costs.

We pulled together a few graphs to highlight some of the council priorities and

how your funding has trended over time and this highlights is some of the key takeaways from the financial picture of the city.

So the first one is Ann Arbor housing commission.

This upper left-hand graph shows how historically there was \$5 to \$6 million going in the housing commission.

You see a large increase in '22, and this is the millage funds primarily to -- rolled into the housing -- helping the housing commission.

And then that stabilizes thereafter to largely inflation rate into '23.

On climate, this -- you will see that in '20 and '21, it was going around \$2 million, and in a few moments, I will describe some more details of this, but about -- you can see on an ongoing basis, it trends up to three but there's a large increase in '22, up to \$5 million reflecting one-time investments in projects to move them forward.

On pavement repair, going to the bottom left.

One of the major goals, while the line goes down, through '22, this reflects the timing of funds, and approval of projects.

You will see that we are actually manning to spend, probably one of our largest years ever in '23, but we have to align all of our projects with the underground work as well.

And so as we work towards that end, over the next two years, '22 and '23, you will see million dollars in pavement repair and maintenance.

The pension and VEBA fund is where we took some savings -- I say savings but we did not do these expenses when the pandemic hit.

If you look at fiscal '19, you may recall that the city has a funding policy for a pension and VEBA which enables us to tie our contributions more towards revenue, rather than toward what is normally just a required minimum contribution.

So we are contributing about 7 merchandise prior to the pandemic a year towards paying down our unfunded liabilities of which it's roughly \$200 million.

When the pandemic hit, you can see in 2021, this was a major source of basically deferral of that need to pay those expenditures.

So we didn't make those supplemental contributions.

During these years we did make a required minimum contributions.

In fact, we always do that.

But with our policy, we wind to council and asked you for a waiver to drop this back down to the minimum.

And in '22 and '23, what you will see is we're trying to grow back into where the policy level was.

We were not able to get there with the level of recovery that we are projecting.

As I said, this is part of discomfort of the financial status of where we are because we're not making these payments that we really need to be making in order to pay down these liabilities.

A couple other charts, pedestrian safety, you see we run around \$1 million.

This had higher amount in '19 and '20.

I think largely reflecting some of the work that was done around the schools and



some other high priority projects.

We are continuing to fund that, but it does drop off a little bit as some of the one-time supplements were rolling off.

D.E.I. is diversity, equity and inclusion.

This was some funding.

There is a large increase planned in '22 and '23, you will see this in a moment in a presentation.

That increase reflects really the addition of one proposed program, which you will hear about at your work session next week this is taking a portion of the -- proposing to take a portion.

Marijuana excise tax and applying it to a diversion program.

So those who are not into the lines and graphs, I have some other things here.

This is the general fund budget and you can see the \$3.2 million negative.

This is our recurring revenues minus our recurring expenditures.

We have \$1.1 million of net reductions that the staff made to get it down to \$2.1 million.

That's the second bolded line.

In order to -- then in order to have a budget to work going forward.

We have the VEBA account again only this time we took \$1.5 million savings to fund the structural deficit.

While you see the recurring deficit going to \$1.6 million on the third bullet line, I would encourage you to think about it on the line above.

It's the 2.1, to \$2.4 million, that's the ongoing deficit.

The online -- this action that we are taking by not funding our retirement system is a temporary thing and should not be looked to as permanent.

The section below is nonrecurring revenues.

We try to use them to fund our nonrecurring expenditures.

Typically council has spent about \$3 million a year in these actions.

That was thrifted back.

So we have \$2.2 million net expenditures of nonrecurring items.

When you add that to the recurring surplus, you have a \$2.8 million use of fund balance projected, or 2.9 in the second year.

I mentioned earlier that the fund balance was around 24%.

But if you look at the bottom line, our policy, the undesignated reserves as a percent of adjusted expenditures which is the way your policy is defined, if you spent that \$2.8 million, you would be down to 21%.

And then if you did it in the second year, you would be down to 17.

So this is within our policy guidance of where the 15 to 20% that we typically talk about, however, the way that we are getting there is not comfortable because it's masking a structural deficit of \$2.1 million.

So I wanted to highlight some the things that you will see in the budget to reflect some of the actions that would be going on.

The negatives here represent savings or increases in revenue.

Both of those help your financial numbers and the positive numbers represent an increase in citizens.

So I wanted to share both of these for you.

It's not intended to be comprehensive, but it highlights some of the things that are typically talked about.

From a police perspective, there's a reduction of five officers, one community standards office and the addition of a street strategy executive.

Now the reduction of police officers is always a challenging topic to have.

We have a number of retirements that have been happening, and we -- that's -- we have anticipated this and we expect to have more over the next several years as a wave of employees hired 25 years ago or so are choosing to retire in the coming years.

I'm admittedly taking advantage of that some here to shrink the force but it's giving us an opportunity to hopefully bring this next budget year, a better idea of what the staffing level in the department needs to be.

As we think about community policing and what it requires from a staffing perspective, that's some of the work that we will be doing this year in order to come back and give you -- hopefully give you a better idea of what we think a long-term number should be.

I have added some incremental training funds above the ones that were originally planned for, adding a communications person and this person will be helping the police department as a public information officer.

One the things that you will see in this budget is a balancing of resources across the organization to deal with some of the challenges that we face.

And one the things that has come up with communicating with the public.

This is one of those positions.

We had a retirement in a fire inspector position.

We believe we can go down one position there.

On the marijuana excise tax, this shows it was about \$476 million.

This recognizes \$200,000 of that as recurring.

That's not something we would typically do, but given that it's -- this is not a recommended budget as an exception, because it's a modest portion of the total and we had identified program that would likely fit right into this and this is a diversion deflection program, which we will be seeing next week if that program is not approved, we can undo that, but right now, this is how we envision funding that program.

I will come back to the housing commission.

All of those FTEs are fully reimbursed to the city.

In the office of sustainability and innovation, three FTEs are added to advance, A2Zero.

This is the distinction here being that this is a small group growing into their mission, whereas we have other units that are more mature and are -- we are trying to be efficient at the mission that they already have.

That's supplemented with some legal work and energy improvements as well as some development and volunteer and coordination and benchmarking work.

The short-term rental S.T.U.s that you have been talking about, we increased the revenue for that, and that's a total of \$250,000 that we are projecting.

In case that doesn't come through -- well, I should say, what we have done there is also taken up our planning services support by \$99,000.

This will give us an opportunity to have resources to do some of the -- a lot of planning work that's being asked of the organization.

However, this is structured in a way that if the revenue doesn't come in, then we would not expend these planning support funds.

So those two go together.

The deer management plan was suspended last year this turns that suspension off.

The Barton and Superior Dams which have had -- these are the dams that are in the water fund.

They have had a number of regulatory compliance issues that have come up as all of these standards around dams have been increasing, as well as ongoing maintenance costs and these costs tend to come in in stair steps, some this year, and some next year.

What you see here is primarily \$200,000 structural increase in our ownership of these dams.

So we are anticipating these costs recurring.

In addition to these, you will see in a few minutes, we have some one-time costs.

Lastly in systems planning, I talked about needing to balance the organization some.

There's additional support that we need in community engagement, in order to really fulfill and move our organization into a more effective way of community engagement.

So we talked about one-time priorities.

I tried to tie these two together.

The first one is a fire protection grant.

\$1 million of what we consider one-time and we replace station four.

We have done this for the last couple of years.

So we actually are building up some fund balance for this building replacement which is sorely needed.

The marijuana excise tax that you saw on the recurring basis, this is the balance of the amounts of 276 for a total of 476 that we received.

This 276 of revenue we basically put in a program, for an unarmed public safety response.

You asked me to look at what it would take to have an unarmed public safety response.

If this funding here is approved, it would allow me to have some consultants or even start on a pilot program or whatever.

We don't have any idea of what that expenditure would be for the city but it provides some funding to get going.

On the state shared revenue we have \$476,000 at one time and there are a number of requests here.

Chief Kennedy had asked to replace some fire apparatus in the second year.

I mentioned some one-time needs the game.

They are in for 250 and 410.

The master plan was also suspended when we came into the pandemic.

What I'm proposing to do is start that up again with one-time funds.

It would break it into two pieces.

Staff feels in order to move effectively through the master planning process

there's a benefit to have a discussion on single family zoning.

That starts out with \$100,000 in fiscal '22 followed by master plan being fully funded and kicked off in '23.

The electrification of the city fleet is consistent with the A2Zero goals and there's some funding for that and sensors and building cauldrons and some other efficiencies that they are working on.

The large item on one-times is what we would do for building electrifying buildings and installing E.V. charging stations.

State has a program right now, for example, where charging stations can be obtained at a low cost because there's a high match to them.

And this would take advantage of some of that.

And what I put in was a use of \$1.8 million of one-time funds.

I would note here that the sustainability office took a fairly large reduction in their request, just because there were not enough funds available in.

Fiscal '22, they asked for 2.5 merchandise, I put in 1.8.

In '23, they asked for \$3.5 million, and I put in zero.

There's not enough funding to fulfill all the requirements we have going forward.

If I tried to summarize the staffing adjustments.

This is the charge that does that.

It breaks out many of the positions I already described.

It adds a few on the right-hand column for those outside of the general fund.

I want to draw your attention to the darker green line.

For the general fund in total, we are going 1.75 FTEs with a light increase in the other funds which they pay for through their own rates or other things.

You will see the total FTEs go up in the budget and you will see that because of that memo line.

The housing commission added five FTEs during this fiscal year for the addition of Lurie Terrace.

The budget request asks for three in the new millage fund in order to get the development going and utilize those funds effectively, as well as additional five reflecting all the work she's getting.

She's getting a significant amount for existing funds for vouchers and things.

There was a memo that was provided to you.

In the city administrator communication tonight that you can see on the agenda, where she describes all this in some detail.

I'm mentions this because all of these FTEs at the bottom, while it looks like our FTEs are going up, they are not all a financial obligation of the city, because these 13 are fully funded by the housing commission.

Lastly utility rates.

We talked earlier with utility rates and tonight you have stormwater rates on the

agenda.

The total rates would go up 2.4% overall.

The water rates are 6-point -- the sewer is zero and that mixes out to be the figures I give you at the beginning of this presentation.

So these are consistent with our long-term plans.

You will see that we take advantage of the rates being where they are.

The stormwater rates have continued within the plan that we had planned years ago.

That wraps up much of what I will share with this budget presentation.

I want to highlight a couple of things.

Now that you have the recommended budget, the next council meeting on May 3<sup>rd</sup>, we have a public hearing on the fees and the budget.

So any fee changes will be agenda items on that budget.

And then you will have a final vote on those, on May 17<sup>th</sup>.

If you have questions about any of these materials, and a hard copy of this has been provided to you in your council mailboxes, we will put a soft copy up on the web.

If you have any questions about any of that, please send them to Sarah Higgins with a cc to myself, marti and Kim Bulsemeier.

We are happy to work with you on budget amendments.

We would like to wrap those up by May 12<sup>th</sup>.

That would allow us to ensure that what you are proposing to do, we have the correct wording in place and then we will share that with everybody before the meeting.

And then of course, your night is May 17<sup>th</sup> and on that council agenda, we will try to keep that agenda fairly light for normal city business so you have time to focus on the budget situation.

Lastly, I will point out, all of this was prepared without the American rescue plan funds being known.

However, given the financial situation that we're in, you know, I think it's likely that those are funds -- staff may be recommending to you to hold on to until we can solve the structural deficit issue.

It's really important not to use one-time monies to solve structural problems.

We need to find a way to solve our structural problems, and I look forward to working with you on those.

>> Mayor Taylor: Thank you, Mr. Crawford.

>> City Admin. Crawford: Mayor, that's all I have.

>> Mayor Taylor: I'm sure that's first false thing you said to us today.

We now come to public comment reserve time.

Public comment reserve time is an opportunity for members of the public to speak to council and the community about matters of municipal interest to speak at public comment reserve time, one needs to sign up in advance by contacting the city clerk.

The speakers who wish -- who are signed up to speak at public comment reserve time, please enter the number on your screen, that is 877-853-5247.

Once you have entered -- once you are connected, please enter meeting I.D.94212732148.

Once you are connected, please press star nine to indicate that it is you.

What are the last three digits of your telephone number.

When it is your turn to speak, we will have three minutes in which to speak.

So please pay close attention to the time.

Our clerk will notify you when 30 seconds are remaining and when your time is expired.

When your time has expired, please conclude your remarks and cede the floor.

The first speaker tonight is Eric Zechar.

>> Clerk Beaudry: Eric Zechar, you can unmute yourself.

>> Thank you, mayor and council.

I was calling in today to speak on quite a few things.

First of all, I will speak on CA-2 the money for bike lane maintenance.

As anybody would ride a bike around town can tell you, it's important to have the streets cleared of debris, like nails, broken glass, ice in the winter.

As we make more bike lanes and get people more comfortable for riding, I think it's important that we have the bikes more comfortable.

So the small amount of money to maintain the bike lanes is very, very important.

It helps us support vision zero and A2Zero.

And other items on the consent agenda, it's great to see the affordable housing to make it.

C1, making it better to build ADUs.

There were a lot of scared folks calling in that are afraid that investors will call in and build ADUs.

And I think it's fear mongering.

So a lot of these fears are really just a way to keep people who don't look right, quote/unquote, out.

Investors have easier and more profitable ways to make money.

The only people who will be using this process are people emotionally invested in the neighborhoods and it doesn't make sense from a capitalist point of view.

C-2 which is Valhalla, it's a much needed project.

It helps to meet the future goals.

It's great to see the new developments coming to the stage now and it will help with traffic too, believe it or not having more people downtown actually helps with traffic.

People can walk, take the bus, instead of driving 20 miles on the freeway.

It's great for freeway congestion.

I hear the community is not happy because of how close it is to the golf course but I don't think we should allow the university to tell us we can't house people on their own private amenities on lands they don't own.

>> Clerk Beaudry: 30 seconds.

>> And lastly, the resolution for Councilmember Hayner.

I won't go into it in a great deal.

I think it's within council's ability to strip him of his council appointments.

I think you should provide him with education, and you should not allow him to denigrate a whole community.

>> Mayor Taylor: Thank you.

Our next speaker is Anne Bannister.

>> Clerk Beaudry: Anne Bannister, you can unmute yourself and speak.

>> Hello, can you hear me now?

>> Mayor Taylor: Yes, we can.

>> Thank you very much.

Hello.

I'm calling in to praise Jeff Hayner and Kathy Griswold for their visionary leadership of the resolution declaring September -- the previous councilmembers in consultation with the Ann Arbor police Chief Cox and others unanimously made entheogenic the lowest priority.

Since that time, local, statewide and national leaders in the decriminalized nature movement have been working together and reaching out to researchers at eastern Michigan and public health departments and law enforcement agencies, and Indigenous groups and other municipalities and city council.

We have been working here in Michigan with state representatives and state senators to bring forth a bill for statewide decriminalization and we have an entheo show streaming live every other Friday afternoon.

Last week, one of our guests was Allie Savitt.

As you may recall, on January 12<sup>th</sup> of, 2021, due to the visionary leadership and action by our council, Allie adopted a similar policy for the county, precluding the growth and the possession across Washtenaw County.

So it recognizes that where substance abuse, addiction, post traumatic stress, grief, cluster headaches and other debilitating conditions are present in our community and the use of entheogenic plants and fungi, have been shown to be beneficial to the health and the well-being of a growing number of individuals --

>> Clerk Beaudry: 30 seconds.

>> Resolve to make September entheogenic plant life.

And especially Councilmember Hayner and Griswold, thank you.

And speaking from the heart for a moment, I'm very sad and upset to see the situation with Councilmember Hayner and DC-5 to remove him from his committees.

And that's not the Jeff I know and I hope you will condemn DC-5 and support Councilmember Griswold's DC-6 that would be much better for the community and less divisive.

Thank you very much.

>> Mayor Taylor: Thank you.

Our next speaker is Ron Suarez.

>> Clerk Beaudry: Caller with the phone number ending in 836.

Caller with the phone number ending in 836, if you press star six, you can unmute your phone.

Ron Suarez, 836.

If you press star six, you can unmute your phone and speak.

>> Councilmember Hayner: Mr. Mayor, I know that Mr. Suarez sometimes used assisted technology devices to do his technical -- he's in technology, from working with him on the center of the city projects and so perhaps there's something going on there.

I just don't know if we should pass over him to the bottom.

He's -- there's been tech difficulties in the past in communicating with Mr. Suarez.

>> Mayor Taylor: Thank you, councilmember.

Perhaps we could wait just a moment and pick him up on the flip side.

Thank you for letting us know.

Mr. Suarez, if you are able to hear -- since we are unable to hear you.

It would indicate that there are occasionally technical difficulties, we will put

you -- at the end of public comment, and move on to our next speaker.

So please do give it a try.

Our next speaker is Eric Lipson.

>> Good evening, Mr. Mayor and council.

My name is Eric Lipson.

I live on rosewood street.

Let me start by giving some credit for some of the great things that are going on in our city, because there are a lot of them, for example, you finally convinced Tom Crawford to accept the city administrator job.

Good job.

And the swift run affordable housing on state at Stimson and the one on the flat at Packard are beautiful pieces of work.

I think you should be congratulated for that.

The new pedestrian and flood control tunnel is long awaited and long overdue.

I think the city is on the right track with the revised healthy streets initiative.

I originally objected to it, but now the revised plan thanks to Raymond Hess for patiently explaining things in detail.

I appreciate his time and transparency.

I would also like to give a shout out to Mayor Taylor and Mr. Crawford for speaking out to the rotary.

I would like to -- and I think the city is on the right track with -- I said that with the revised healthy streets initiative.

Concerning the censor of Councilmember Hayner.

This appears to be little more than a dangerous political ploy, which violates charter and council rules.

What happened to due process?

DC-5 is the definition of an ultra vires.

Rewriting rules you have no authority to act.

The city attorney must be quietly going nuts over this because you are needlessly inviting a lawsuit from somebody like me or shutter, Tom weeder claiming, among other counts that you are robbing the first ward constituents of their representation without due process.

And this is a slippery slope.

If you censor Hayner, do you censor someone who said was a small business



owner.

>> Clerk Beaudry: 30 seconds.

>> Or a councilmember that they -- officials should be sneaky to avoid pushback of the transportation plan from the usual suspect.

Doesn't that sound like a violation of the fiduciary duty of transparency and truthfulness?

So I would pray that council comes together and ends this psycho drama and defeated this ill conceived, and stops the kindergarten politics and gets our city safer and more welcoming to all and improving the quality of life in Ann Arbor.

Thank you.

>> Mayor Taylor: Thank you.

Our next speaker is Sonia Schmerl.

>> Clerk Beaudry: Caller with the phone number ending in 581.

Press star six to unmute yourself.

>> Hello, can you hear me?

>> Mayor Taylor: Yes, we can.

>> I'm also -- I also would like to address agenda item DC-5, and DC-6.

It's very disturbing to me that in February, council adopted ethics Rule 12, which at the time was seen as a -- as a threat from free speech but now

Councilmember Hayner is being punished without anything that he is in the rule.

While I do not defend his action, council has duty to follow their own procedures and not act precipitously and out of anger.

There's a distraction from the business of council.

Councilmember Hayner is answerable to the people who elected him and not to fellow councilmembers his constituents will be the ultimate arbiters of his behavior.

I think spending \$20,000 on a consultant to monitor council behavior is not necessary.

I think the councilmembers should all, including -- including every one of them treat one another with respect and learn to talk to each other, and listen and not react to every little thing that they consider insulting.

Thanks very much.

>> Mayor Taylor: Thank you.

Our next speaker is Brian Chambers.

>> Clerk Beaudry: Caller with the phone number ending in 367, press star six to unmute yourself.

Go ahead.

Caller 367, you can go ahead.

Phone number 367, you are unmuted.

You can go ahead and speak.

>> Okay.

Good evening mayor and council.

Can you hear me now?

>> Mayor Taylor: Yes, we can.

>> Councilmember has a whole community of evidence.

The evidence is clear and is not in dispute.

Apologies, no how equivocal, do not remove one from material consequence. DC-6 is inconsequential to this matter since it's not an issue between councilmembers.

Such behaviors have much larger impact, certainly on LGBTQ people and the LGBTQ community.

This affects us all, parents, siblings and extended family are impacted so is everyone else who are treated as if they were of the LGBTQ community.

The community's culture and values do change over time.

Those Ann Arborites are of the post World War II era may not have recognized the Ann Arbor of 1985 with the incredible residential growth that occurred over that time.

I came here in the '80s and now approaching 40 years later, Ann Arbor continues to progress.

Change is constant, clearly.

The values of 1970 are not the values of today, regardless of the literary source. Back in 1970, I had just joined the Boy Scouts.

On the camp out, he didn't have a warm enough sleeping bag was and shivering and it made sense that we zip together.

And from that time I was forever ostracized.

The next summer, even that boy found a reason to knock me down with a fist to my face during a game of capture the flag.

The next summer I was cow whipped in the showers while camping in New Mexico.

And the next summer, my head was stomped on and was noted unconscious.

The scout master stuck his head out of his tent and told me to go back to sleep. I did not back down easily.

That fall I went out for football and weight lifting.

And eventually I was a bouncer at Dooley's.

I believe this coping mechanism is not the standard we should be setting for Ann Arbor.

And it is certainly not the standard we should accept of those on council.

We should not accept the values that were in place in our culture back in the Earl -- early '70s.

Severe deviations should be addressed directly.

>> Clerk Beaudry: 30 seconds.

>> Ann Arbor has been shamed by this behavior.

Councilmember Hayner has lost his honor.

Maybe he could have a remedy based on service.

Why not?

Without committee assignments he will have more time, all the way to December.

Will our values be reflected in council's action or inaction?

It is up to you now, isn't it?

Thank you for your time and consideration.

>> Mayor Taylor: Thank you.

Our next speaker is Jim Pyke.

>> Clerk Beaudry: Caller with the phone number ending in 403.

Press star six to unmute yourself.

>> Can you hear me now?

>> Mayor Taylor: Yes, we can.

>> Okay.

Great.

Thanks.

Some people have this past week been talking about different aspects of the city code, charter, and council rules that don't apply to the resolution being brought before council this evening to remove Councilmember Hayner from his board and commission seats.

When they say those things don't apply in this situation, they are 100% correct.

The reason that none of those things apply in this situation, is that when those things were adopted, no one probably imagined that an elected councilmember would publicly behave in such a problematic way.

None of that matters because something else is being applied here in the service a goal that is not written into the charter or council rules.

It shouldn't have to be.

This goal, as I see it is to send a message to Councilmember Hayner, and airing petty grievances is problematic and when an elected official to openly and encourage the degradation of local journalists and LGBTQ residents, there urgently must be consequences for that behavior.

None of this is political, except in the sense that this is unacceptable behavior for our political leaders.

There have to be consequences.

No one is trying to remove Councilmember Hayner from his seat on council.

No one is invoking the process for reprimand here.

The harm that Councilmember Hayner did and everyone with any sense of decency agrees that what he did was harmful to the community and falls without the range of what some people have been speculating about into thinking that the arguments against this resolution are sound in the misdirection and obfuscations, so here it is.

Under chapter organization of boards and commissions general provisions section is point 3, removal which reads, the appointing authority may remove any member of any board or commission for cause.

>> Clerk Beaudry: 30 seconds.

>> Like I said before, the only process required is for at pointing authority, the mayor, and a majority of councilmembers to decide that this is, indeed cause to remove Councilmember Hayner from his board and commission seats.

Simple.

I urge you to do the right thing and vote yes on this resolution and after you voted yes, I further urge everyone on council to get to work on representing your constituents and governing Ann Arbor.

Thank you.

>> Mayor Taylor: Thank you.

Our next speaker is Jonathan Levine.

>> Clerk Beaudry: Caller with the phone number ending in 235.

If you press star six, you can unmute yourself.

>> Can you hear me.

I'm calling to register my support for DC-5.

Councilmember Hayner, years ago you found us on the same side of an issue.

Asked you to refrain from attacking people who disagreed with us and stick to the issues.

Sadly, your ad hominem attacked were never elected.

As you were elected as my ward one representative, I genuinely hoped you would grow into the job and contribute to substantive public debate on the issues facing our city.

Your personal attacks continued, however, and now they have extended to disseminating language that deeply offends and even harms portions of your constituency, people who have already suffers discrimination and remorse.

In addition to changing one's behavior and continuing defiant statements a willingness to accept the consequences of one's actions.

A temporary suspension appears to be a mild consequence, indeed, and one that you and those who support you should readily agree to as a sign that your apology was genuine.

The arguments against DC-5 are procedural.

It does not cite a violation of council rules, unquote.

I searched council rules.

I could not find anything in hate language.

Then asserting that it must be limited to counseling and reprimands, does not solve the problem if this is in error, this council is barred from taking any action and that's an untenable.

The council needs to craft a proportionate response, a temporary suspension of committee assignments is one such response and should not be a matter of controversy.

Thank you.

>> Mayor Taylor: Thank you.

Our next speaker is John Smith.

>> Clerk Beaudry: Caller with the phone number ending in 236, press star six to unmute.

Caller with the phone number ending in 231, you have to press star six to unmute.

Go ahead.

>> Okay.

I pressed star six and it didn't go the first time.

Council and mayor, I'm calling in regard to DC-5.

I live in ward one.

Council of the commons, Huron River watershed council liaison and liquor license review committee, and Washtenaw -- what could Hayner have done that

would justify not only canceling and removing Jeff from the policy making bodies but his constituents as well and that's a key point, the constituents.

I am disgusted with the people supporting this because we are willing to harm innocent people in order no get their point across.

And I find that disgusting.

Let us not mince words here.

This is a political lynching of an opposition figure by an intolerance mayor who appears to be drunk on power and has little regard on how people can be and are affected by his power.

Let alone words.

This mayor has a my way or highway approach to the councilmembers with different prospectives and agendas and that clearly applies to Councilmember Hayner.

He has a unique viewpoint.

Jeff represents the ward that would be stripped of its right for representation in the city.

There is more to consider than simply councilmember Jeff Hayner.

My and other people in my ward, okay, some people voted against him.

Some people voted for him, but he's our representative and when you take away his representation on these boards, you are hamming this ward.

In a different context, time and place, people of African American heritage were denied public policy similar to what Mayor Taylor is doing.

And I would also add a was very disappointed by a statement by Councilmember Grand on April 9<sup>th</sup> saying these attempts to victimize her colleagues only results to harm survivors in our community, that was after the city manager had correctly released the FOIA documents.

There's some significant controversy there.

That is a hanging Chad that has yet to be addressed.

Is this council going to address that?

That statement where the council will say whether they support the city manager's decision or not?

You created a hostile environment for this guy.

Once again, actions instead of words, okay?

So I'm done speak here, I will yield the rest of my time.

Thank you.

Have a nice night.

>> Mayor Taylor: Thank you.

Our next speaker is Tonya Huffman.

>> Clerk Beaudry: Caller with the phone number 679, you can press star six to unmute yourself.

Go ahead.

>> Hello.

Hello, mayor and council, my name is Tonya Huffman.

I'm a resident of ward one.

I have been a longtime resident of ward one and I would like to speak in support

of resolution DC-5.

This morning, I was discussing with my husband and my daughter that I would be speaking at the city council meeting to the and my daughter asked me why I was speaking.

Because I always teach my daughter that the power of words are important, and how they can be hurtful, I thought this was a perfect example of the situation, realtime situation that I could explain to my daughter.

I explained to my daughter, in detail what councilman Hayner had said, and the words are a slur and it's hurtful to people in our community.

I don't think that I should be explaining to my child that the people who represent her think it's okay to use these type of terms in any manner.

Think it's completely appropriate to remove councilman Hayner from his appointments.

Quite frankly, he's not representing me appropriately, as a constituent.

I have seen him comment time and time again in social media, and other standards without any sort of concern for his constituents, and it's -- and I think it's time that something happens.

It's time that he's censured.

This is not the type of person that I want representing my dynamic ward, who is filled with -- lots of people that were very hurt and felt that the words that councilman Hayner used were not only inappropriate, but hurtful.

So I think it's very appropriate to support this resolution and I appreciate you taking the time to listen to my words and thoughts.

Thank you very much.

>> Mayor Taylor: Thank you.

Is Mr. Suarez on the line?

Mr. Suarez.

Is Mr. Suarez on the line?

>> Clerk Beaudry: Mr. Suarez, phone number 836.

Mr. Suarez, if you have a comment, you can unmute your phone.

>> Hello?

>> Clerk Beaudry: We can hear you.

>> Okay.

I pressed star six five times.

I only pressed it four times last one.

All right.

I'm a former first ward elected councilmember.

It was a stupid idea for Jeff Hayner to post what he did on social media, but instead of being contacted directly, Jeff learned of the attempts to strip him of his committee assignments from the media.

Our voice for the first ward is a shameless power grab by neoliberals who pretend to be progressive.

Historically, the first ward has been the most progressive ward of all the five wards of the city of Ann Arbor.

These progressive pretenders don't want you to look behind the curtain and see

the wealthy parties who are the ones pulling the strings as they employed their weapons of mass distraction to silence first ward.

What our concerns are the actions of our representatives.

Quoting an author is not.

Using your power to silence the first ward is.

To reiterate, yes, it was a stupid idea for Jeff Hayner to post what he did on social media.

Instead of being contacted directly, he learned of the attempt to strip him committee assignments, the way trump appointees received on tweets.

This is a shameless power grab by neoliberals who pretend only to be progressive.

Historically the first ward has been the most progressive of all of the five wards of the city of Ann Arbor.

These progressive pretenders don't want you to look behind the curtain and see the wealthy parties who are the ones really pulling the strings and they employ their weapons of mass distraction to silence the first ward.

What our concerns should be as citizens are the actions of our representatives.

Quoting a novelist is not an action.

Enabling practices that sexually harass women is.

You know who I'm talking about.

Using your power to attempt to silence the first ward is.

>> Clerk Beaudry: 30 seconds.

>> Thank you.

>> I'm done.

>> Mayor Taylor: Thank you.

Are there communications today from council?

Councilmember Hayner?

>> Councilmember Hayner: Well, thank you, Mr. Mayor.

In light of the folks who spoke tonight and since this is the first generally available public meeting I have attended, I think it's appropriate that I take a moment with your blessings to, again, state publicly the apology, my apology for a post I made on social media last week.

And this is what I have been sending to folks and I sent it to the media and -- and I sent it to the media and I have been responding to folks one-on-one with the same thing.

I acknowledge that the language I quoted is offensive and I recognize my poor judgment in using it and I sincerely apologize for the harm I caused the community.

I personally sought to advance the cause of the LGBTQ community in Ann Arbor as long as I had the opportunity to do so since the 1980s.

I'm reaffirming those efforts tonight and I assure anyone listening out there, especially our youth that you are welcomed in our community and you are a valued part of our community.

And while that offensive quote was posted outside and quite apart from this council chamber as your city council representative, I wanted to assure everyone

that you will be afforded equal consideration and equal service.

And thank you for the opportunity to speak.

>> Mayor Taylor: Councilmember Song?

>> Councilmember Song: A couple of things coming up in the community and I just wanted to alert folks to Wednesday, April 21<sup>st</sup>, there's an ADL book discussion on the color of law, forgotten history of how America segregated America.

It seems timely since we have master planning coming up.

That's from 6 to 7.

Next Wednesday, April 28<sup>th</sup> from 3 to 4, there's a virtual Q&A and presentation by the AAPD.

I have been hearing from a number of Asian American community members who are excited to participate in that, especially in light of last Thursday's with four Sikh American victims.

And Thursday, April 29<sup>th</sup> from 7 to 8:30 p.m., there's the town hall on banning the use of facial recognition software by government agencies.

That's 7 to 8:30.

You can find more information and I think you can register at [banthescan.com](http://banthescan.com).

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: I would like to thank the community members who volunteered to attend the rally in Lansing, the E.P.A. now rally.

That rally was not needed, because a letter was sent to the EPA from the state of Michigan on April 12<sup>th</sup>, to add the Gelman site to the national priority listing that's a very long, detailed process that could lead to it being designated a superfund site and allowing for federal cleanup.

I hope that we will be getting an announcement from the city officially recognizing that soon.

Second, I want to apologize to the community this evening for the divisive atmosphere that we have created yet again.

I have a resolution, DC-6 to improve council dynamics and to provide a path forward.

This may not cost \$20,000, but it is something that other governmental bodies in this -- in the local community have -- they have tried.

Sorry, I'm a bit upset right now.

But I am exhausted by the divisive attitude that our community and our councilmembers have to endure week after week.

I hope we can move forward in a collaborative way.

I hope we have hit bottom.

Thank you.

>> Mayor Taylor: Councilmember Radina.

>> Councilmember Radina: Thank you, Mr. mayor.

I just want to briefly call out some great work that was happening, the human rights commission, at their last meeting, passed an additional resolution in support of the Asian and Asian American and Pacific Islander community hear in Ann Arbor and condemned anti-Asian hate and sentiments and they wanted to



remind everyone that there's support here in the community and in any marginalized group feels discriminated against, a protected class per our nondiscrimination laws, you can file a complaint with the human rights commission.

And then, I also just wanted to applaud the work of our office of sustainability and innovations.

They had a really cool and innovative arbor day tree give away that they instituted for this month and within five days all trees were claimed.

For those of you who were upset that you missed out on this chance, please look forward to more opportunities in the future is what I have heard from the office.

So congrats to them for some really great work towards their goals.

>> Mayor Taylor: Councilmember Grand.

>> Councilmember Grand: Thank you.

I wasn't planning on speaking during council comment this evening, but I had some things happen today to me personally that I think it's important to speak out about because there's been a lot of hurt and pain in our community over the last few weeks and one of the things is about misogyny and today I was alerted to the fact that I was glad that some community members stood up for me.

While I appreciate that, I think it's important to stand up for oneself in this situation when there was a -- you know, a gendered remark that was made against me.

It's one thing when I use that language to describe myself, because that's reclaiming it.

When men use it against women, it's not okay.

So I just want to recognize that I see it.

I'm going to continue to call it out when I see it, because I don't want other women intimidated to serve and I think it's important as a female official to set that example.

To say that we won't be intimidated by that kind of language and not cared with men call us out by those names.

Honestly, it makes you look weak.

The second thing that happened to me, and some of my other colleagues today was I was sent a cartoon that just so happened to have a former councilmember that shares a religious identity with me.

That was not accidental.

It wasn't the first time that this community member has spread Anti-Semitism and it's someone with a Jewish identity who is part of this community, I just want to say that.

Also, not intimidated, but also it's important to call it, you know -- to call Anti-Semitism out when we see it.

So I saw it.

It's not acceptable.

I'm done.

Thanks.

>> Mayor Taylor: Thank you.

Councilmember Briggs.

>> Councilmember Briggs: And I'm sorry to hear that happened you to Councilmember Grand.

The own thing I wanted to mention was that tomorrow night there's a joint meeting the planning commission and transportation commission and if you are interested in learning more about the transportation plan, that would be a wonderful night to come and listen and share your thoughts.

Back with us.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you, mayor.

Good evening, everybody.

I wanted to touch briefly on some of the calls to end the street closures on the weekends in downtown, because of the rising numbers in COVID.

I think we are all surprised with the numbers that we are seeing this month, and I just want to people in the community to know that we did meet this last Thursday with Mr. Crawford and others involved in the street closure, discussed it and one of the issues that I feel and will share at the meeting is that it is safer for us to be outside dining outdoors rather than being ushered inside.

We don't like to see these numbers.

We are concerned for our loved ones and friends and businesses, but I think to send these street closures and force people inside more so would even cause a bigger danger.

So we are taking precautions.

And from what I understand when people dine, the business owners and the operators and the managers and the employees and customers for the most part are well behaved and really trying to do the right thing and be responsible.

So hopefully this last surge is the end of it.

But I just wanted to acknowledge that concern.

>> Mayor Taylor: Further communications from council.

Where are we?

DC-4, Resolution to Approve the Settlement Agreement in Michigan Public Service Commission Case Nos. U-20713 and U-20851 Regarding DTE's Voluntary Green Pricing Program and Approve the Memorandum of Understanding with DTE to Work Together to Explore Potential Landfill Solar Project.

Moved by Councilmember Grand.

Seconded by Councilmember Radina.

Discussion of DC-4.

Mr. Crawford?

>> City Admin. Crawford: Mayor, we have Dr. Stults here to answer a few questions before you consider this item.

>> Mayor Taylor: Thank you.

Dr. Stults, you have the com.

>> Sorry, the technology.

Thank you so much for the opportunity to share this.

Just very quickly, I want to acknowledge that this came late.

They were able to reach an agreement late on Friday night.

And we worked over the weekend and early last week to bring this to you.

We are excited, it's going to the judge potentially tomorrow morning.

Councilmember Hayner, I will read your questions and the response.

Are there any additional costs associated with this settlement outside of legal costs?

Does it compel us to act, build, survey land, engage planning staff, et cetera?

Response, the memorandum of understanding does agree we will pay for the interconnection agreement which we already have and undertake the environmental assessment work.

If we chose not to do the environmental assessment work, the agreement or -- and the project itself would simply cease.

So we are not compelled to do any of these items if we decide not to move forward.

Second question.

Can you share the legal costs associated with these cases to get them to this point?

Was the cost shared with other parties in the case?

There were 14 other parties.

Did each bring separate legal representation and associated costs or did Ann Arbor pick up the tab?

Response, all parties except Michigan MAUI, which is the Michigan Municipal Association on Utility Issues had their own costs.

Ann Arbor supported its specific concerns which were costs and the landfill and our carbon reduction offerings.

Other parties did testify about cost but no other party other than Michigan MAUI intervened to advance the other two items.

So Ann Arbor supported MAUI's intervention in exchange of MAUI identifying other municipal customers who helped this.

And that made the case for why it was necessary to move forward on this.

The additional costs were minimal as they made no filings separate from us, other than the written testimony.

Also the law group, they provided a quarter of total cost of our litigation as pro bono and that easily exceeded the funds in terms of this.

What costs will we have moving forward as the SCM, will that be addressed via another settlement negotiation?

The city doesn't plan to file testimony on the SCM as it will be covered by other parties in the intervention.

So we will have no other additional costs related to this item.

More specifically, the SCM will not go to the landfill solar project.

It's not directly relevant for us and we are not agreeing to any costs at the landfill at this point.

So it's a moot point.

This only provides the framework if the city chooses to move forward.

So we are not giving any rate in terms of we must do this project.

We just have the offerings available to us.

Thank you for your questions.

>> City Atty. Postema: And I would like to thank outside counsel, Valerie Brader who is on the line and who you have met with regarding this unique regulatory issue.

Thank you.

>> Mayor Taylor: Thank you.

Councilmember Hayner?

You are on mute.

>> Councilmember Hayner: I appreciate you coming down and answering those questions and I'm sorry to hold you up there.

I think it's perfectly appropriate sometimes when a city like Ann Arbor who has the means to help carry the weight and guide the path for other communities who may or may not have the resources that we have.

We're trying to get the sense that if the work is paying off for other communities.

I hope that it is.

And it's time to get a sense of scale of what we undertake when we lead on issues like this.

And so I don't think it's -- you know, I don't think the cause is outrageous.

I think it will come back and pay off.

I was trying to get a sense of it when I saw how many other parties were a part of this and I was thinking, you know this could really be a long drawn out thing or not.

I appreciate you coming down and I support moving this forward.

It's a great place for solar and I wish -- I mean people write me all the time, why aren't you doing this and why aren't you doing that?

And this is something that we are doing and I'm glad to point back to it.

So thank you.

>> Mayor Taylor: Further discussion.

Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you, Mayor Taylor and appreciate you being here Dr. Stults to succinctly explain this really technical and difficult subject matter to us.

There has been some asks in the community about the legal scholarships surrounding this work.

Would it be publicly accessible or I know you just talked about 14 different municipalities joining in on this.

I'm wondering if any of that is available from public consumption or are they confidential legal documents?

>> All of our testimony is public and it's live now.

I'm happy to show you can find all the testimony we have submitted documents are public as part of the package and so they can be shared and feel free to jump in on this one.

My understanding is tomorrow we will be filing with the administrative law judge

and that's another public filing.

So all of this should be available.

>> Councilmember Ramlawi: Great.

Thank you.

>> Mayor Taylor: Further discussion by council?

Councilmember Ramlawi.

>> Councilmember Ramlawi: Just a big congratulations to everyone who has been working on this.

Kudos to everyone who has been involved.

What a great achievement.

Thank you.

>> Thank you.

>> Mayor Taylor: Further discussion?

I would like to echo that.

I'm glad we are moving it forward.

It's a testament to the great work done by OSI, our internal attorneys and the external attorneys.

We have the opportunity to join others in this case and intervene in this case before the public service commission and obtain movement from DTE that would not have been possible otherwise.

This is, you know, an excellent step for us to move forward with -- move forward to -- you know, to the implementation of A2Zero and I'm delighted to staff and others who made it so.

Further discussion?

All in favor?

Opposed.

It is approved.

Thank you.

We now have before us the consent agenda.

May I have a motion to approve the consent agenda?

Moved by Ramlawi and seconded by Disch.

Discussion of the consent agenda.

Councilmember Ramlawi.

>> Councilmember Ramlawi: I would like to pull CA-2 out, as well as CA-4.

>> Mayor Taylor: Further discussion of the consent agenda?

>> Councilmember Grand: I don't want to pull it out.

I want to say that ward four is looking forward to new neighbors.

>> Mayor Taylor: Although in favor with the exception of CA-2 and CA-4.

All in favor.

Opposed?

It is approved.

Discussion of CA-2, Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you.

This is an item that puts forth competing funds, interests priorities I asked some council questions and I was taken aback by some of the percentages and figures

we were looking at.

Currently nearly 80% for this type of maintenance goes towards just 1% of our total bike lanes in the city of Ann Arbor.

It costs 20 times as much to maintain one of these protected bike lane miles than it does an unprotected bike lane mile and I understand the value and the importance of these protected bike lanes.

But I also know that we have a whole lot of other unfunded C.I.P. projects that are delayed because of past years and -- and not enough -- not enough money for that matter.

You know, I feel this money could be spent to repair the pavements, including bike lanes, the pavement on bike lanes on the arterials, as was done on Miller avenue last year, that 3 or 4 feet from the curb.

That was a major improvement to our network.

I cycle thousands of miles every year.

So I know the dangers that dirty and debris in bike lanes will cause, but taking \$100,000 away from other projects that that are desperately needed in order to have such a high level of service for projected bike lanes, I can't believe I can support, especially when we face structural deficits for the foreseeable future.

I don't really receive any emails come plaining of the conditions of the protected bike lanes.

I do receive many emails describing the poor conditions of our arterials.

So the D.D.A. has constructed these to the -- to a major extent.

I think that the D.D.A. should help pay for the ongoing maintenance as it's needed going forward.

And I will reserve the rest of my time.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: Will this project include bike lanes on -- that are painted on streets but will not include the side of streets where cyclists are riding that do not have painted lines?

Is that correct?

>> That is correct.

But do keep in mind that all the streets are swept, four times a year.

>> Councilmember Griswold: Right.

>> Yeah.

>> Councilmember Griswold: Oh, okay.

Yeah, I'm not opposing that.

I just wanted to better understand it and I also have a concern and I know that's not part of this resolution, regarding the shoulders of roads where cyclists have to ride or sometimes cyclists have to move off the pavement and there's not a place for them to go, due to overgrown vegetation or other items that are in the roadway.

So -- and this is not going to address anything like that, just cleaning the surface of the road?

>> Correct.

>> Okay.

I will bring that up separately then.

Thank you.

>> Mayor Taylor: Councilmember Briggs.

>> Councilmember Briggs: Thanks.

I am assumed excited to see this on our agenda tonight, recognition from staff about what is appropriate to maintain our facilities at an appropriate level.

I do have one question is the higher cost for protected bike lanes right now related at all that we have fewer of these.

Would we estimate that the cost per mile might decrease as we add more of these into our community and -- I just don't know if that's accurate or not.

>> It may.

I would say that we're -- right now we're in an evaluation period.

We are just starting to get them and understand what our maintenance needs are.

And so we are looking at continual evaluation and adjustments to make sure that we get the right mix between protected and unprotected of maintenance to make sure that they are clear of debris.

>> Councilmember Briggs: Okay.

>> I would say we are in the learning phase of how best to maintain and sweep them and plow.

>> Councilmember Briggs: That makes sense.

It's a big growth curve for our community.

I guess, I will just state some of the stats from our mobility, because think it's important to recognize how much work we have been doing as a community in terms of adding facilities in.

Since 2007, Ann Arbor has nearly doubled the total mileage of bike routes, installing 77 miles of bike lanes and shared use paths.

The result of that is people biking, two grew from 39% from 2009 to 2019.

And people biking has grown 266% between Packard.

27% of all people crashes.

These bike lanes are serving a purpose in our community.

And I think all of us around the table believe in basic services and one the basic services is to make sure that they are clean and safe and accessible.

And so I'm really glad to see the city take a proactive approach and figure out how we maintain these.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: Well, councilwoman Briggs maybe you can forward that over to me.

I would love to see that.

I assume they -- Packard and State and Hill, that's a block, and that's where they set up to count them or something?

I guess -- I guess a quick question.

A resolution speaks to once per month on major street bike lanes.

What do they mean, like Pontiac trail?

Is that major street bike lane?

Will we see increased sweeping.

>> Anywhere where there is a bike lane, where it's striped or a buffered bike lane.

A.

>> Councilmember Hayner: So that's Pontiac Trail and Packard, just what you think of as major sweeps and that will increase the sweeping.

We have one on both sides.

It's not center lane miles, right?

>> That's correct.

>> Councilmember Hayner: And then councilman Ramlawi did mention, and it had occurred to me that as these projects are, you know, initiated and fund and side in the downtown area, I wonder why we are pulling from the public service operations fund budget and not holding our hat out to the D.E.A.

I know they are hurting because of parking.

Is there a way that they can't split the cost with us with the alternative transportation fund?

Must these funds come from that -- those act or could it be but forward by the D.D.A., that they want to take some responsibility for what they created in their area?

I don't know who that --

>> I will start off with it.

>> Councilmember Hayner: Thank you.

>> Traditionally, the D.D.A. has not performed any maintenance on the capital they installed.

We have started discussions with the D.D.A. about that.

I don't know what at this point, I don't know the restrictions on expenditure funds for maintenance.

>> Councilmember Hayner: Okay.

I'm glad to hear that you are having that conversation.

I met with Ms. Thompson and we were talking about wide ranging conversations and that came up and she said we are only responsible for what they call -- I can't remember what she said exactly but it's basically not the sidewalk.

It's this little sliver, the amenity between the curb and -- I thought, wow, that's really something.

And yet they have radically reconfigured some of these streets for protected bike lanes.

I just wonder if we need to -- and we move forward to future budgets and this year's budget process, we need to make that consideration, like we should be sharing these costs if, you know, you can't drop this on the city and say, hey, this is -- it's good for the city, yes, but it doesn't mean the city should wholly pick up the bill, I guess is my point.

I'm on the fence about this I understand the need for it and I appreciate that it's not just the bikes that benefit from increased street sweeping maintenance.

That's appropriate.

Thank you.



>> Mayor Taylor: Councilmember Nelson?

>> Councilmember Nelson: Thank you.

I just wanted to acknowledge Councilmember Ramlawi's concerns.

I got some flat tires based on the conditions of the roads.

I see this as a relatively small amount of money.

I was at first skeptical of this because we are already investing a high percentage of this act 51 money on infrastructure like this and I appreciate that we value it in our community but some of the shared space, the maintenance of that shared space -- that road space, those have spillover benefits to cyclists.

I will vote yes on this.

And I share the future hope that maybe we figure out a way to share costs in terms of infrastructure that's installed and then requires additional cost to maintain.

Thanks.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Yeah, hi.

Thanks.

I have a question and isn't there a limit on how much we can take from this act 51.

Is it a 5% max or is that just our policy?

>> That is -- there is -- I don't want to say there is no limit, but the 5% is our internal policy.

There is a minimum that we have to take set by state, and we are exceeding the minimum.

But there is no max that I'm aware of.

>> Councilmember Ramlawi: I appreciate that.

You know, just -- I know that we need maintenance in our infrastructure.

We need to wall it with all the other interests and needs we have.

And with only 1.3% of our bike lanes protected, it's costing us a lot of money and frankly they are in great shape.

It's the safest part of Ann Arbor when there's a snowstorm.

It's better than the sidewalks and crosswalks and streets.

It's the cleanest part of our network.

Here this past winter.

I feel we need to put money no you're neighborhood streets.

All of these streets are reminiscent of third world nations and those are traveled by bikes as well.

You will get a flat tire or bent rim or fall off your bike on any one of those streets and they are delayed and maintenance we are behind our goals of 80% of good or better, and it's just taking more money away from these other parts our infrastructure on something I don't think reaches the level that it -- that would require this action to be taken and transferred.

>> Mayor Taylor: Councilmember Briggs.

>> Councilmember Briggs: I guess I want to stress the importance of this type of work in achieving our goals we have set up a very ambitious 2030 sustainability

and carbon neutrality goal.

We need to reduce our auto tripped by 5% by then.

What we will be seeing is major investments to get there.

We will see major investments in bicycling.

The reality is as we start at this frat into our community and we are learning how to do it better and the costs will probably increase and we can investments in our roads that mapped in the next couple of years and the budge that the was presented.

We need to make investments in this infrastructure.

That will come at accost.

We can see it makes investments.

In Portland, they made investments many decades before us.

And what they have been able to see is that in areas instead of seeing congestion increasing and having to add more capacity, that -- what's happened is bicycle mode share has increased exponentially.

According to the U.S. Census Bureau, 6% of the workers regularly commute by bicycle by 11% in 2019 and that's from 1% in 1990.

And the daily traffic is by bike.

As we build this, as we maintain it, we are making investments in our future and we will be saving ourselves money.

But it is -- you know, we've got to build it.

We've got to maintain it.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: I want to speak generally to this notion since we are full on to the budget cycle.

We did just have a presentation that spoke to a structural deficit, an ongoing problem with the way that we at this body have set up our priorities and our use of dollars and so when we talk -- when we talk about investing in something, that is, you know, I think people would agree is somewhat worthy investment, it's something that has no revenue function.

It generates no revenue.

It has other benefits, tangible, intangible, but it generates no revenue and we have to really think and it's not to shoot this down and it's not necessary, but what -- what are we going to balance this?

How do we add this into this structure where we say, hey, we will need another 100 grand a year here and 100 grand a year there.

And pretty soon you are talking real money when we are \$4 million in the hole.

I urge everyone to reevaluate our priorities and take a look and see what do you think we can give up and what do we give to get?

That's where we are at.

That's what a budget is.

And so it's hard for me to say yes to \$100,000 on an eight vote budget amendment after seeing those slides from Mr. Crawford.

I don't know if it will be a flip of the coin.

It will likely pass whatever I say, but I encourage my colleagues to really seek

balance in our pending and since anything that doesn't bring revenue directly is -- is someone unaccounted for.

I just wanted to put that out there.

>> Mayor Taylor: Councilmember Eyer.

>> Councilmember Eyer: The structural budget deficit, we have something that's going to be on the agenda later this evening that will very much help with our structural budget deficit, and that is the -- that is the development in the fourth ward, new development brings new tax dollars and it's a big one.

So if councilmembers are concerned about the structural budget deficit and the lack of ability to pay for things like protected bike lanes and multimodal transportation, then, you know, we can vote for new developments that will bring in those tax dollars that will allow us to fund our priorities.

>> Mayor Taylor: Further discussion?

Roll call vote, please.

Starting with Councilmember Song?

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.

>> Councilmember Radina: Yes.

>> Mayor Taylor: Yes.

>> Councilmember Eyer: Yes.

>> Councilmember Nelson: Yes.

>> Councilmember Briggs: Yes.

>> Councilmember Ramlawi: No.

>> Councilmember Hayner:

[ silence ]

>> Councilmember Ramlawi: We didn't hear you.

>> Councilmember Hayner: I'm sorry.

I'm having trouble with my controls.

No.

>> Councilmember Disch: Yes.

>> Councilmember Griswold: Yes.

>> Clerk Beaudry: Motion carries.

>> Mayor Taylor: CA-4, resolution to direct the Ann Arbor housing commission and its affiliated legal entities to develop 353 south main as affordable housing.

Moved by Councilmember Eyer and seconded by Nelson.

Discussion of CA-4, I'm sorry.

Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you.

I'm not sure if Jennifer hall is here tonight.

I don't have too many questions.

I would like to ask the time frame.

I knew there was an introduction and a piece on our agenda that went through all the properties we had you study.

I thought we would go through that one by one but apparently that's not part of the plan.

We are talking about 353.

What's the plan for engagement?

There are many stakeholders in the area who are concerned about this with all the ongoing activity on main street.

We have the standard being built.

We have water replacement on main street in fiscal year '23.

And the loss of parking here, coupled with everything else going on, is causing consternation with business owners and others.

What will the process be in engaging those stakeholders in this development as we go forward to make sure that those concerns are addressed and alleviated if possible.

>> Ms. Hall?

>> Councilmember Ramlawi, we met with a lot of the stakeholders in that area as part of our pre-community engagement process, sort of the predevelopment process prior to getting here.

We would plan on fining to have those conversations and addressing concerns. I wouldn't say this is expected to be immediately developed.

Ahead of this is 350 south 5<sup>th</sup> and 121 Catherine and this would probably be right behind those two properties as far as a time line in the development process.

It would still have to go through all the city requirements if it needs rezoning and site plan approval and all the normal requirements and the normal community engagement processes required doing a site plan approval.

And people know where we are.

They contact us.

We will absolutely have conversations with, you know main street area association businesses, or anyone else in that neighborhood about the timing.

We have -- we're very cognizant of these various construction projects that are happening right now in the downtown, and we're concerned about them as well in how we would fit into that process.

So I think that's a totally legitimate concern.

>> Councilmember Ramlawi: I appreciate you being here and explaining that being sensitive to those issues.

There is quite a bit happening and just want to be there just to kind of remind us to really be sensitive to those issues that those folks down there obviously have been going through a lot in a year and a half now and will continue to be going through a lot going forward.

And so I know these things take many years from where we are at now, to actually being constructed but I appreciate you being here and explaining that.

Thank you.

>> Mayor Taylor: Councilmember Grand.

>> Councilmember Grand: I want to give high praise for az3.

If anyone wants to see really phenomenal info graphics on some of these projects, it's ingestible, and it's an easy read and speaks to why we are moving forward on so many of these projects.

And I also want to point out that to my memory at least.

This was one of the first community engagement projects that we had that got a fairly even distribution of age within the city.

And I think we saw its results around the value of housing that came from getting just a range of ages, all the way from people in their late teens and on up.

So thank you for making those extra efforts to reach out not only to those -- [ No audio ]

>> Mayor Taylor: All in favor?

All opposed?

Approved.

Ms. Hall, thank you.

We now come to a set of public hearings.

It's an opportunity for public to speak about matters of community interest with specificity to the subject matter of the public hearing.

To speak at public hearing, you need not sign up in advance but the speech must be related to the public hearing, that is the item on the agenda.

To speak at a public hearing, please enter the number on your screen, that is 877-853-5247.

Once you have connected, please enter 94212732148.

942127321478.

Once you are connected and it is time for the public hearing, please enter star nine.

Star nine to indicate that you wish to speak.

When it is your turn to speak, our clerk will identify you by the last three digits of your telephone number.

At that time, you have three minutes in which to speak.

And our clerk will notify you when you have 30 seconds and when your time is expired.

Public hearing number one.

An Ordinance to Amend Chapter 55 (Unified Development Code), Zoning of 1.2 Acres from PUD (Planned Unit Development) to R4C (Multiple-Family Dwelling), Near North Rezoning, 700 North Main Street.

Is there anyone who would like to speak at this public hearing?

>> Clerk Beaudry: Caller with the phone number ending in 534, do you have a comment?

>> Good evening, this is Tom Stulberg calling from Lowertown in Ann Arbor.

I'm one of the owners of a couple of properties that are adjacent to this development.

And have a little bit of history I can share.

We have been given an option on our properties to a prior development.

I'm a bit aware of what preceded this and where that PUD came from.

I was a hail Mary long shot for the owner of the property trying to get out of some big losses in a tough time and required partnering with a nonprofit and required some pretty dicey financing and so it was not likely to happen.

We did give an option to them but we did not expect them to -- for that project to succeed for those reasons, financial reasons.

The current project is a fine project in my opinion.

I have no objections to it.

It is reasonable density for the area.

I am not a fan of planned project modifications and I have spoke on that before.

I will not dwell on this now.

I believe the planning commission is already through with their changes and it's a much better solution to achieve those goals and we'll be coming to you hopefully fairly soon.

This developer did make an attempt, a successful attempt at matching pretty darn close what the new replacements for planned project modifications are.

So from that standpoint, I prefer nobody uses the planned project modifications but they are on the books and they did the best job they could in meeting what planning commission has in mind for replacement for that.

So as a neighbor of the property, I support this proposal.

Thank you.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 766, do you have a comment?

Press star six to unmute yourself.

>> Hi, it's Michelle Hughes and I'm calling to say that I am excited to see something happening at site.

I walk my dog around there all the time, and I'm tired of it being an empty lot.

So yeah, I will be excited to see this happen and I will be excited to see what new neighbors we get out of this.

Thank you very much.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Mayor, I don't see any other callers with their hands up.

>> Mayor Taylor: Seeing no one, the public hearing is closed.

Public hearing number two.

Resolution to Approve Near North Site Plan with Planned Project Modifications and Development Agreement, 700 North Main Street.

Sorry.

Is there anyone who would like to speak at this public hearing?

>> Clerk Beaudry: Mayor, I don't see any callers on the line for this hearing.

>> Mayor Taylor: Seeing no one, we this public hearing is closed.

We have before us, the regular session meeting minutes of April 5, 2021.

Moved and seconded by Ramlawi.

Discussion, please of the minutes.

All in favor?

Opposed?

Minutes are approved.

An Ordinance to Amend Chapter 55 (Unified Development Code), Zoning of 1.2 Acres from PUD (Planned Unit Development) to R4C (Multiple-Family Dwelling), Near North Rezoning, 700 North Main Street.

Moved by Councilmember Ramlawi, seconded by Councilmember Disch.

Discussion of b-1.

Councilmember Ramlawi.

>> Councilmember Ramlawi: I would second could some of the statements that have been made that it is a relief and welcome news to see this part of town re-energized and bring in the new construction dollars to offset some of our structural deficits.

So definitely good development in the part of town that could use it.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: Yes thanks mayor, because the way it went through the process back and forth with the neighbors, I think it's appropriate.

Normally, I wouldn't be so hot on letting a PUD go by, but I think this kind of is what it is.

It's not my style of architecture but it's not for me to decide.

I'm glad something is going in there.

They could have been providing temporary housing and support for people in our community who don't have any housing at all.

It's been sitting empty.

We need to have a running housing inventory in our community to refer to.

We would have felt the hit much more on the inventory lift with those many, many bedrooms when the first project kind of fizzled on us I'm glad to see this happening.

I wish there was more affordability happening in it, but that's not where people are building for or where the profit is.

We will see market rate and that's great but we shouldn't -- we shouldn't fool ourselves to think this is increasing affordability and it's increasing housing.

I will support this tonight thank you.

>> Mayor Taylor: Further discussion?

All in favor?

All opposed?

It's approved.

DB-1, Resolution to Approve Near North Site Plan with Planned Project Modifications and Development Agreement, 700 North Main Street.

Moved by Councilmember Disch, seconded by Councilmember Radina.

Discussion of DB-1.

Councilmember Hayner.

>> Councilmember Hayner: I want to point out that this is a situation where planned project modifications were necessary to allow the developer to get the type of building that they wanted.

It hasn't always been the case and I'm looking forward to seeing revisions to planned project modifications come back to council.

Thank you.

>> Mayor Taylor: Further discussion?

All in favor?

Opposed?

It is approved.

C-1, An Ordinance to Amend Section 5.15 (Table 5-15-2) and Section 5.16.6 of Chapter 55 (Unified Development Code) of Title V of the Code of the City Of Ann Arbor.

Accessory dwelling units.

Moved by Councilmember Grand and seconded by Disch.

Discussion, please of c-1.

>> City Admin. Crawford: Mayor, we have --

>> Mayor Taylor: Yes, Mr. Crawford.

>> City Admin. Crawford: We received some comments from --

>> Mayor Taylor: Yes, my apologies.

>> City Admin. Crawford: Tonight we have our planning manager Brent Lenart available to answer your questions.

>> Good morning -- good morning?

Or good evening mayor and council.

A couple of questions came in that I will address and certainly happy to answer any other questions.

How will accessory dwelling units under these proposed changes be regulated under the building fire code?

These changes would have no change.

They are and they would continue to be under the Michigan residential code that applies to residential structures throughout the city.

And the other question with proposed setback requirements of only 3 feet, will ADUs which could then possibly be less than 10 feet apart from each other be subject to increased fire protection to those units by our fire code ordinances? That same building code does require fire rated construction for any exterior wall of a structure that is built within 5 feet of a property line.

So in those circumstances where that distance is 10 feet or less because of that five, they are 5 feet proximity to the property line, it would require a fire rated construction method.

>> Mayor Taylor: Thank you.

Councilmember Hayner.

>> Councilmember Hayner: I wonder if I could ask Mr. Lenart a follow-up.

That's an interesting question and answer there.

Is that any resident structure so like would an accessory structure like a garage have to have the same fire rating within 5 feet of the property line?

I'm not familiar with that part of our code?

>> Yes, any structure that requires a building permit.

There's some small types of construction, under 200 square feet wouldn't require that but anything that is constructed within 5 feet of the property line, regardless of the use has to be constructed to a fire rated construction.

>> Councilmember Hayner: And obviously, there's old houses in the Old Fourth Ward and so on that are close to go and they were long ago.

This is new construction we are talking about?

>> Yes, this is how we do construction today.

Any rehabilitation or renovation of those structures today.



>> Councilmember Hayner: Okay.  
Thank you.

>> Mayor Taylor: Councilmember Disch.

>> Councilmember Disch: So I just wanted to say I'm very excited to see this coming forward for us, and I wanted to address some of the concerns that have been raised in the communicated that we have received and in what we have heard.

First, I want to address what we are trying to accomplish with ADUs.

They can increase the supply of rental housing in desirable residential neighborhoods that lock out lower earning workers who can't afford to buy in those areas, but they could rent.

We don't have much rental income.

Growth by ADU is the opposite of sprawl.

It's smart growth, because you can bring in new neighbors without having to construct new infrastructure.

So that said, I don't want to over promise and we shouldn't exaggerate how big of a change these ordinances are likely to have.

This is not a rezoning.

It is not like a rezoning.

Our ordinance allows approximately 15,600 properties to host ADUs.

Under these amendments these properties -- these existing allowed properties will have greater flexibility and approximately 6,700 properties will become newly eligible.

That's one-third increase in the number of properties that are eligible.

Now the total eligible properties for building ADUs is 21,000 as many people have mentioned.

And given construction costs, you are not going to see 21,000 people rushing to construct ADUs.

It's more likely to be 1 or 2% of that over the next five to ten years.

As to the concern that we are moving the owner occupied requirement from our current ADU ordinance, we will give investors an even greater incentive to buy up lower end properties in Ann Arbor, and add an ADU.

Let ago be clear, investors are making cash offers on lower cost housing.

Is the prospect of being able to slap an ADU likely to accelerate it?

Only if the developer has another wad of cash to build the ADU.

Banks do not finance them.

ADUs are a poor return on investment.

The caller earlier this evening mentioned that.

They are not like a kitchen or a bathroom renovation where you increase the value of your property by almost as you put in.

You are lucky if you see almost as half the value as you lay out as an increase to your property value.

The financial incentives just are not there to make this a big, you know, real gambling opportunity.

So -- real estate gambling opportunity.

I hope we can all not exaggerate the benefits or the disadvantages of this ordinance amendment, and pass it because it's a best practice.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you.

I had a question.

I had a constituent talk about a prohibition of music studios in these ADUs.

Will they be allowed in these ADUs.

>> I think your constituent is conflating two proposed ordinance amendments that are being considered right now.

The planning commission is also looking at some proposed home occupation regulations and that is under continuing consideration.

We received several notes regarding the recording studios being one of those, accessory dwelling unit doesn't have any relation to the home occupation.

>> Councilmember Ramlawi: Thank you for clearing that up.

I'm not here to exaggerate the concerns that people in our community have.

These are real concerns.

These are concerns we see in other areas.

We have seen our neighboring communities, Chelsea and Dexter recently adopt new ordinances to bring in more housing stock and both of these communities require owner occupancy of at least one of those units on that property.

I do feel that the intensity on the lower end homes will only increase with cash offers and investors with tens of millions of dollars coming from coast, coming from out of country for that matter, we are not talking about small-time investors.

We are talking about big-time bucks.

And that being said, I would like to put forward a motion to amend this, if it's parliamentary appropriate, to put in an amendment to require at least one of these dwellings to be owner occupied.

I had sent it to Ms. Beaudry earlier tonight.

I had gotten it late today.

So I apologize if it's not complete, but I did not want to have to slow this down and revert to first reading if this was to pass tonight without this change made.

If it's possible if the body does find it acceptable.

>> Mayor Taylor: It has been delivered.

Seconded by Councilmember Nelson.

Discussion, please of the amendment.

Councilmember Ramlawi, you have floor on the amendment.

>> Councilmember Ramlawi: I appreciate that.

We are seeing these changes occur nearby.

And both of these communities have put in those requirements.

We do welcome we want more people here who can afford to be here, but as was said earlier, these are not affordable.

These are not going to be affordable housing.

These will be expensive to build and people who build them are not looking for a return on their profit if they are owner occupied.

If not, then I fear the worst.

That being said, it is pretty straightforward.

And Kevin McDonald helped me put this together late today and hopefully he's here to answer any questions that I can't or that come up.

Thanks.

>> Mayor Taylor: Councilmember Hayner, on his amendment.

>> Councilmember Hayner: Thank you, Mr. mayor.

I think it's completely appropriate to reconsider the notion that an accessory dwelling unit which is an accessory to an existing unit would have owner occupancy.

And removing the owner occupancy is one of the concerns that people have.

Not because renters make bad neighbors but because rent speculation has not really been shown to drive down affordability -- to drive down prices, rents here in the city, and so I think it's perfectly appropriate that we do this.

I'm not completely clear on what role the deed restriction would play in this.

I'm not completely familiar with the limits on deed restrictions and so on, but I think it's appropriate that we put back some type of owner occupancy.

Otherwise, we are essentially opening up 21,000 parcels in the city, especially with the restriction -- with the removal of the lot size -- the lot area requirements, to construction of small rental properties and I have got nothing wrong with tiny houses and so on, but, you know, is it -- is it the type of thing that people expect when we're talking about ADUs?

You know, are we -- are we hiding intentions underneath the banner of an ADU.

I think it's perfectly appropriate to have owner occupancy and restrictions to follow these and I will support this.

>> Mayor Taylor: Councilmember Grand.

>> Councilmember Grand: Thank you.

When Councilmember Disch and Briggs and I were meeting with staff to talk about these changes coming forward that went on to planning commission, we had a really great discussion about what problem we were trying to solve.

And this was the kind of juiciest part of that discussion.

And I -- you know, what I do know is that we have made ADUs incredibly restrictive and no one is building them.

If we look to communities -- and I -- you know, nothing against Dexter and Chelsea, but these aren't really the peer communities I'm looking to this terms of ordinance for ADUs.

That's great that they are wanting to get started with that.

But when we look to other peer communities, and their experiences and see that at the most, you know, in the best case scenario, we are looking at 1 to 2%.

The idea of this is to try to build housing.

So if it's an additional rental unit, adjacent to another rental unit, fine.

If it's a rental unit adjacent to an owner occupied home, also fine.

You know, these changes require us to think differently, and change I understand can be difficult for some people, but I won't be supporting this amendment.

I think we need to recognize that we were way too restrictive and that resulted in no one building ADUs.

I think our community wants to see these built.

If it becomes a problem, we can always change it again.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: I support the idea of ADUs and more housing and more forwardable house -- affordable housing, however, listening to my constituents, I support a phased implementation.

I would rather take a medium step forward, reassess, and then take another medium step forward and that's what I'm hearing from my constituents in the second ward.

So I will be supporting this resolution.

And at some future time, I would supportive of lifting the owner occupancy requirement, but not tonight.

Thank you.

>> Mayor Taylor: Councilmember Song?

>> Councilmember Song: I have been leaning on a lot of the AARP's work on ADUs, and one of -- one of the -- the -- a lost reports actually point to owner occupancy requirements making financing difficult.

Just as it would for single family homes.

And it's been challenged in the courts and Oregon, more than two-thirds of the properties with ADUs are owner occupied even without an owner occupancy mandate.

I hear a demand for this.

I hear demand for those trying to find housing for their senior parents who are on wait lists to have them close to home during the pandemic, I hear this during a child care crisis where adult children, where they could be bringing them closer to grandparents.

And I hear a demand for this for adult children who are struggling to find jobs and need a space to be home.

So I would like forward to ADUs being built.

I don't see the owner occupancy requirement being helpful given that we are in a housing crisis.

>> Mayor Taylor: Councilmember Nelson.

>> Councilmember Nelson: I want to comment that just vaguely saying some people don't like change is not a really substantive remark on the nuance that we are actually debating.

So I want to echo some of what Councilmember Griswold pointed out in terms of how you make a big step forward and -- and the difference between making a large step versus a medium step.

So I guess the reduction in the lot size is meaningful to me if you actually look at what Ann Arbor looks like.

Some of the smaller lots.

A lot of the smaller lots that are opening up for building of ADUs that are a lot closer to the center of the city, which is probably where you want ADUs to be going anyway.

And so I will support Councilmember Ramlawi's amendment.

I was going to propose it myself if he didn't already.

Just because we don't actually know what a meaningful change that would be in terms of promoting more ADUs.

As a first step, I think there is quite a cluster of amendments in this proposal, the setbacks that are strivingly small to some people and the reduction in lot size minimums.

That's ail huge change.

The smaller lot sizes is closer to the center of the city and it's to incentivize building ADUs that are already higher value for being that much closer to downtown.

I support Councilmember Ramlawi's amendment and I appreciate him putting it forward because I think it's just a measured approach.

Thank you.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you, mayor.

I have been serving on the affordable housing equity leadership housing task force for the last several years and we were meeting recently again after a pause and we are tackling this issue, housing issue as a regional approach.

We are not tackling it just as an Ann Arbor thing and Ypsi.

We need to tackle this regionally.

We are not going to tackle it with cities in -- in Oregon right now.

We are taking a lot of big steps here.

We are reducing the lot size.

The parking requirements the preexisting structure that was constructed before 2016.

Setbacks.

We are taking away a lot of hurdles and things that maybe have kept people from building them.

But this owner occupancy will help protect the homes on the lower end of the pricing spectrum and we can revisit that if we feel that these other changes have not moved the needle far enough.

I think we need to do this in a measured responsible way so we don't put even more pressure on those big lot sizes that have a 900 square foot home, but they come with a third of an acre.

Those people are going to be the first ones that get -- that feel the effects of this policy if it goes forward without the protections of owner occupancy with the ADU.

We will unleash the value that's trapped in that land and where is that land the most affordable for these folks?

It's in areas of our town where the home prices are around 300 or \$400,000.

No one will buy a \$700,000 or \$800,000 house for speculative in ADUs.

If we are at 1%, we are talking about 200 ADUs in our whole city.

>> Mayor Taylor: Councilmember?

Councilmember Radina.

>> Councilmember Radina: I hope you can hear me throughout.

I'm having some connection issues tonight.

This is one of those issues that I studied a lot as I was considering this as well. I think this was one of the things I heard about and I heard people share concerns about, but I really do want to go back to something that Councilmember Grand said, which is ultimately grounded me in my thinking on this, what is our goal here?

And our goal is to really make sure that we are addressing the problem of a lack of housing in this community.

If our goal is to increase our housing supply, I guess I'm struggling, I guess to hear what the concern is around -- you know, if we take this step too quickly, are we worried that we are going to have too much extra housing?

My concern here is that we're looking past some of the real goals and the real crises here in the city that need to be addressed and I also, I guess would refer back to something Councilmember Song has also said.

I looked to the AARP a lot on this because they have a lot of information out there and are big advocate because it impacts the community that they represent so much.

And that is to say that even in places where there isn't an owner occupancy requirement, the vast majority of these ADUs are still being built by people who own their homes.

And so I'm not really interested at this stage in leaving another hurdle in place to getting this process started and I look forward to more housing here in our community.

Whether those new neighbors happen to be homeowners or happen to be renters, is not necessarily super concerning to me.

>> Mayor Taylor: Councilmember Briggs?

>> Councilmember Briggs: Thank you.

Yeah, I wanted to acknowledge that this is the provision that I struggled with the most.

I'm glad that folks are asking questions and raising these points.

I think this is a really good policy debate for us to be having.

I think we have a tension around kind of this policy question of is our goal to increase rental housing supply or is it to be making homeownership in Ann Arbor more affordable?

And that's sort of tension that we are -- this -- what we are debating to some degree in terms of what will be the impact of this -- this provision.

For me, I haven't yet seen anybody present data -- I have seen a lot of speculation that it's going to unleash the value and it will cause a lot of problems but I haven't seen any data come in on this.

I have been looking around for it.

I'm happen figure there is more information on this point around this making really skyrocketing housing in other communities that have allowed for this provision, I welcome seeing that data and I would take that into consideration.

But I -- I think we -- what we do know is that this is like -- this will modestly increase our housing supply in our community and that is a real goal for our

community, and so I'm -- that seems like a very beneficial piece for me in terms of why we should be releasing -- you know, removing that provision and as everybody is pointing to the AARP, sort of piece of this, obviously that's a group that is issued.

This is a red flag that they are raising in their publication and it's something I would point out in that.

And then finally, I think there's -- kind of buried under this, there's almost an unstated -- I'm not accusing anybody at this virtual table of suggesting this at least, but this feeling that if there's a home next to you that is owner occupied, and they add on an ADU, that's okay, but if it's a rental property and there's an ADU added on to that, that's less -- that's less seemly somehow, and from my perspective, I don't really care if the person is renting or owning.

Many times I'm currently unaware but in the past I haven't always been so aware. Just my thoughts on the matter and I'm glad we are discussing this issue.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: Our goal is increasing the housing supply but we were elected to serve our constituents as well, and so I think we need to listen to our constituents.

Later, we will discuss DC-6, and I want to point out that this discussion tonight has had all kinds of hidden messages, discounting people, accusing people of other motives, and I hope that we can have some training so that our mayor can bring us together on an issue rather than bringing out the worst in us.

So this has been a bizarre conversation when you talk about effective problem solving.

There's so many opportunities for improvement, and I -- I look forward to some of those.

Thank you.

>> Mayor Taylor: Councilmember Disch?

>> Councilmember Disch: Just to throw in a little bit of data into our, I think really substantive deliberation, rightly places us on different positions.

It's interesting to look at who ADUs serve.

And it's difficult to do this.

There isn't a lot of research on this, because there -- most cities just don't have very many ADUs, but Vancouver, British Columbia, has most -- the highest percentage of ADUs as a proportion of its housing stock.

And in Vancouver, one-third of ADU occupants had incomes between one half and two-thirds of the median household income for that city.

So ADUs are enabling people who cannot afford to buy a house in a desirable residential neighborhood to rent a small house in that desirable residential neighborhood and benefit from its amenities, including possibly proximity to jobs. So just a little -- and, again that is from the AARP report that folks are citing and I want to underscore that Seattle, Portland and Sacramento do not have owner occupancy requirements.

They removed them in order to encourage more construction of ADUs and that is according to the AARP, a best practice.

It's part of their model ordinance.

>> Mayor Taylor: Further discussion.

>> Councilmember Nelson: Excuse me, we're voting on the amendment, correct?

>> Mayor Taylor: Further discussion on the amendment.

Voting on the amendment.

That is to remove -- or to reinsert an owner occupied requirement.

>> Councilmember Song: No.

>> Councilmember Grand: No.

>> Councilmember Radina: No.

>> Mayor Taylor: No.

>> Councilmember Eyer: No.

>> Councilmember Nelson: Yes.

>> Councilmember Briggs: No.

>> Councilmember Ramlawi: Yes.

>> Councilmember Hayner: Yes.

>> Councilmember Disch: No.

>> Councilmember Griswold: Yes.

>> Clerk Beaudry: Motion fails.

>> Mayor Taylor: Further discussion of the main motion.

Councilmember Hayner.

>> Councilmember Hayner: I will speak generally to this.

We will just move on here.

I just want to address a couple of things that were said and the notion of this being a best practice.

Well, we have a situation here that affects 21,000 households in our city.

A best practice could create a situation that is essentially but even in some ways for our tree canopy, worse than the triplex.

And so we have ordinance that is creating a by right situation.

It will allow two buildings potentially on a parcel where potentially one building stood before on over 21,000 lots.

Well, we can argue the merits of that if we want, but a best practice would be to know that our community wants to see these built, through having this not come from an ordinance revision, but come from a comprehensive land use or master planning process, revisiting that.

Because effectively, it is -- isn't a rezoning but effectively it is very much like a rezoning.

I don't -- I can't imagine why we would be moving forward with something that affects 21,000 parcels and not consider that it's a masterful or a large-scale consideration for the city and that it should happen through an ordinance revision and not a comprehensive land use review.

And I know Mr. Delacourt, I won't make him answer a question or ask him to answer a question.

I appreciate that he's put \$100,000 into -- as a place holder in the budget and I also thank Mr. Crawford for putting the 700,000 in fiscal year '23, which I asked



for, for the comprehensive land use review.

That will be a moot point if we create a situation where by right single -- single lots, parcels that only have a current one structure, one home, one family on them, are effectively allowed by right to have two.

And so it is effectively doing away with single family zoning.

The name remains but the structures will -- may or may not.

I guess my big concern with this is a process concern.

You know, I have always felt that accessory dwelling unit.

An accessory it's something that you wear on your risk and accessory dwelling unit has been attached to the existing structure and we are way away from that.

And so I just -- it will go to a public hearing at the next -- next week if it passes here -- or next meeting if it passes here.

I think it will be good to hear from the public on all considerations around this issue.

And the thing about residential lenders and people not having positive cash flow. Residential lenders won't for an ADU, loan for an addition to a house or adding a garage.

I reject the notion that money is not liquid around building especially in a hot real estate market like Ann Arbor.

Face it, that's what we are looking at here.

We are opening up a hot real estate market, and, you know, for good or I will.

We are creating by right situations.

It's difficult to back away from those.

[ No audio ]

>> Councilmember Song: Not only just expand our housing options but welcome some create solutions.

And not have the cookie cutter legislation that we see in, you know the developments that are popping up now.

So I often -- I mean, I hear folks who are really struggling to find housing for elderly parents, who are on wait lists, multiyear wait lists.

They are so expensive.

It's more cost effective to house a senior, and where you have multigenerational households, I can tell you that this is something that people would personally welcome in a city like Ann Arbor.

Thanks.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Disappointed the prior motion failed.

We are not going to see thousands of these being developed and all of a sudden hundreds more available units overnight.

This process has been talked about already.

I feel with the effects it has possibly on the 6500 lots.

I know there's many other lots that are currently eligible but this opens up the possibility of the other 6500 without going through the master plan process, without going through a notification of notifying everybody who is going to be affected by it.

You know, it's going to put a lot of pressure on the -- the lower end segment of the market, that's where investors are going to look first.

It's going to put pressure on the working class, the poor, works class.

I saw this same promise being made with d1 and d2 and how we would uncap the height restrictions in downtown, it would usher in affordability and diversity and homes and everything was going to be great after 20 years of it.

Well, as I look out my window now, I don't see any of that.

I see a downtown that is expensive.

It's got a lot of vacancies now.

It's a homogenous, you see it right now.

It's a one pony trick down here.

And I see this, we will unlock the capacity in the larger land lots, and investors will come and scoop them up and fewer people will be in homeownership.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: At what point in the process was the owner occupancy requirement dropped?

It's a question for staff.

>> I don't know specifically, somewhere through the ordinance revision through 2021.

>> Councilmember Griswold: Wasn't it after all the community engagement sessions?

>> No, no, it was included at that time.

>> Councilmember Griswold: As an option?

>> Yep.

>> Councilmember Griswold: Okay.

Thank you.

>> Mayor Taylor: Councilmember Nelson?

>> Councilmember Nelson: I plan to support this because it's first reading and I look forward to the public hearing, but I just can't help commenting that listening to this discussion, it feels like there's a pingpong ball bouncing back and forth depending on what concern is being raised.

Either so expensive and not cost effective that they will not be built or they are so cost effective that it's going to be a wonderful thing for housing supply, and we don't need owner occupancy, but you know why we need them is to house elderly relatives that need family nearby.

Like I said, I will support this at first reading because I look forward to the public hearing on this topic.

I would encourage all of us to think about logical consistency and how we are reasoning this out.

I appreciate this is aimed at a goal and a lot of our discussion has been what is the likely consequence going to be?

I would urge us to think about the opposite thing that was just said five minutes before, thank you.

>> Mayor Taylor: Councilmember Briggs.

>> Councilmember Briggs: Good conversation, Councilmember Nelson.

I guess just one final thought in terms of the most recent point that Councilmember Ramlawi raised.

Just in terms of if you are right, you know, your kind of concern around this is that -- that we are going to lose homes that are owner occupied into our community and we have more rental property in our community.

But more rental property that has additional kind of more diversity housing on that site.

Is that a bad outcome for our community?

For me -- because I hadn't really thought -- I was thinking through this during the conversation.

For me, I don't know that it is.

If in the end, we have more rental property in our community and more folks that can live closer to work and where they are going to, you know, school and all that, that's a good thing in my book: I understand the idea of -- the benefits of homeownership, but ultimately, I -- anyway.

>> Mayor Taylor: Further discussion?

Roll call vote, please, starting with Councilmember Song.

>> Councilmember Song: Yes.

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.

>> Councilmember Radina: Yes.

>> Mayor Taylor: Yes.

>> Councilmember Eyer: Yes.

>> Councilmember Nelson: Yes.

>> Councilmember Briggs: Yes.

>> Councilmember Ramlawi: Yes.

>> Councilmember Hayner: Yes.

>> Councilmember Disch: Yes.

>> Councilmember Griswold: Yes.

>> Clerk Beaudry: Motion carries.

>> Mayor Taylor: 9:48.

Let's take a short break and meet back in ten minutes.

9:58.

[ Break ]

>> Mayor Taylor: We are here after a short break.

My apologies for not having the agenda.

C-2, an Ordinance to Amend Chapter 55 (Unified Development Code) Rezoning of 9.8 Acres from TWP(Township), R1C (Single-Family) and R1A (Single-Family) to R4E With Conditions (Multiple-Family Dwelling District with Conditions), Valhalla Ann Arbor Conditional Rezoning, 31, 50, 57, 77, 97, 98, 107, 145, 147, 151, 155, 159, 163 Valhalla Drive and 2065 and 2099 South Main Street.

Moved by Councilmember Eyer.

Seconded by Councilmember Disch.

Discussion, please, of c-2.

Councilmember Hayner.

>> Councilmember Hayner: Thank you, Mr. Mayor.

I see -- oh, this he is.

I see Mr. Lenart may or may not be with us.

I had a quick question for you, Mr. Lenart.

This is a conditional zoning before us here and as you are well aware, we received correspondence from various neighbor groups who had various concerns over the conditions that were associated with this.

And it's -- because we're speaking to the rezoning, I think this is the appropriate time to ask this.

So is -- what -- and I also point out to the public that attached to the agenda are those letters from the university and so on.

So is the situation here where we have something conditional and is it like when we -- is it like a -- a legal framework where it's like an agreement, like -- is it -- is it something we -- we put down, pass down as a council, like they ask for these conditions and we allow it, even if not everyone agrees with it?

How do we enforce the conditions of the conditional zoning.

I think you get where I'm going.

If university says we agree to these conditions but it's not clear to us that they will be met.

Then what recourse would they have in the future.

Do we say, step away for two weeks and work your conditions out that they will be met and honored and we can move on this project?

I know that was a long question.

I appreciate your tolerance of that question.

>> So the conditional zoning is a legal framework.

It is provided in state law that a petitioner can initiate voluntarily additional restrictions pertinent to a rezoning.

So the petitioner is requesting a rezoning and they are voluntarily applying additional questions to that zoning as an offer to the city.

They have to -- in this legal framework, they have to voluntarily provide that.

We'll note the conditions reflected are not without dialogue with the city.

For example, since the didn't an earlier draft of those, they have, for example, made a more clear commitment to the project being fully electrified, an earlier version, for example, made a commitment to E.V. parking, which has now been removed as that is now required under our ordinance.

So that's not really an additional restriction.

So upon the city's acceptance of those conditions as part of the rezoning, they become part of the zoning of the property.

As far as enforceability, that is why it's important for the city to consider those and consider what's there, because by putting them in the conditional zoning statement, they are required for in the only this particular site plan, for example, but should any site plan in the future be proposed under the zoning, those same conditions are going to apply because they are memorialized in the base zoning for the district.

So from an enforceability, it would be very similar to any other zoning

enforcement, and they -- as -- as you will see in a month, approximately, they have presented a site plan that's consistent with our site plan review standards.

>> Mayor Taylor: Thank you.

Councilmember Nelson?

>> Councilmember Nelson: Thank you.

This has been quite a topic of conversation in the fourth ward and I have been learning about this project since 2019, at least.

The details of it are really tricky.

My biggest concerns having lived in this vicinity since I lived in Ann Arbor, is the fact that it's not going to line up with the traffic signal.

And it's legitimately true that this parcel is wildly under used.

It's wild that we had this parcel with nine structures on it.

I would look to the planning staff to put 48 units there and -- 84 units and 84 would be a significantly helpful jump in making better use of this property and we are talking about 454 units.

This is just a bridge too far.

And I -- I was quite astonished to see the response from University of Michigan, because I know that everybody at this virtual table is aware of what excellent responsive communication we have with our liaison Michael rain and in conversation with him, I did not see this coming at all.

It is not worthy that we are hearing from the university.

It is remarkable that they are poking their nose in.

I does -- like I said, I did not expect this as much as the residents were begging the university to publicly make known their reservations.

I did not expect it to happen.

I am not going to support this, not because I don't support density on that lot, I do.

But 454 units is not -- is not a reasonable plan for that particular parcel.

Anyone who lives in the neighborhoods just across the way, from south main, anybody who has seen what is going on in that area of town, growth that is in the -- in the near future, it's just not sensible for that many units to be crammed in there.

And so I appreciate arguments around revenue, but if everything is about getting tax revenue, then that would justify just about any development.

In the same way that previous arguments around a handful of affordable units could justify any development.

So I'm really glad that we don't have to feel desperate about the handful of the 15 units on this development because we have created a pipeline for funding and we do have serious plans for intentional affordable housing in locations that centrally located.

So I certainly hope not to see this framed as primarily an issue of affordable housing because it's clearly not that, but in the interest of ward four residents who I think would be impacted in a negative way by 454 units on that particular location, I do not plan to support this, even at first reading.

Thank you.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you, mayor.

I appreciate those concerns that were raised by the ward four rep pertaining to this property.

As we know, they met with all of us, except for one, I believe.

They have been very organized and very good with communicating their concerns to council and have been for quite some time.

I'm very perplexed as to the reversal by staff between June of 2020 and July of 2020, and the 31 days between the two reports that are attached to this.

We have one that staff recommends denial because it's not consistent with the master planned use.

And it does not demonstrate how it would be advantageous to the city.

What happened in those 31 days for planning staff to do a 180 on this in had just 31 days between the first denial and then the subsequent report and then I have another question.

>> Good evening, council.

I can speak to that, Matt Kowalski, city planner.

So really, the difference between those three.

Staff made an initial recommendation based on the information that was submitted to us at that time, with the planning commission and with the reviews.

Staff did not actually update that -- that recommendation as it went forward.

This was new information that was continually presented because as a result of the deliberations between planning conditions, and discussions, the petitioner had revised their project and increased certain aspects of that project.

I believe they had increased a couple of the affordable units.

They increased some solar allotment, as well as other items and planning commission asked for full electrification of the project.

There were numerous items that were updated between that first meeting and that second as a result of some commission discussion.

>> Councilmember Ramlawi: I understand there were some changes made around the edges but it doesn't seem like it fulfilled the initial concern that it doesn't fall in with the master land use.

I will move on from that, just a couple of issues here.

One is the concerns of the University of Michigan that have been brought forward where they have threatened litigation because of their issues seem unresolved or resolved to an unsatisfactory level.]

That has us concerned.

They are a community partner.

I think we should be very sensitive to their issues, which we play golf or not, I think we have a very big interest in maintaining that relationship with our partner. And then I have a question in my second time to talk.

My point is I would like to make a motion to delay this for at least two weeks so we can address some of these unresolved issues.

>> Mayor Taylor: Is there a second to the motion to postpone?

Seconded by Councilmember Griswold.

Discussion postponement?

>> Councilmember Ramlawi: Thank you, Mayor Taylor.

I feel it would be prudent and responsible for us to just take a step back and look at the issues that were raised by the neighboring property owner, the University of Michigan, and making sure that we have a more comfortable arrangement and satisfactory answers to the concerns before we move forward with this development.

There are a lot of issues and that's just one.

>> Mayor Taylor: On postponement, Councilmember Disch.

>> Councilmember Disch: Does staff have any clarification on the issues raised by University of Michigan.

I was frankly very surprised to see the letter from them, because I had spoken with the developer who had reached out to me to brief me on the project, knowing that I was new to planning.

And a developer mentioned the problem of the nets and said we don't think there's any angle, you know, that there can be a trajectory that would interfere between the golf course and this project.

The drainage seems to be an improvement with this project here, and the fence is something that the developer already agreed to install.

So.

>> Mayor Taylor: Mr. Lenart and Mr. Kowalski.

>> I will jump in really quick and Matt if you want to add anything else.

We did at the university's request, we set up a meeting with the petitioner and the university to talk about the project.

As evidenced by the letter, I don't think all of those concerns were addressed to the university's perspective.

However, I think council member Disch is accurate that the development as conceived meets all the same development standards that we would apply to any project, neighboring any property and, in fact, do.

So I think that -- that is what led us to the circumstances of the letter and I think the response that was provided by the petitioners to the university is also included in your pack eliminate as well.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: Speaking to the postponement, I think it's extremely important that we work with the university of Michigan.

We have know the University of Michigan has deep pockets, and they have a tendency to buy up property.

I would hate to see that happen here as opposed to getting some housing.

If I look at the two goals of additional housing and also our vision zero goals, which are articulated in the transportation plan that we spent half a million dollars on, during this postponement period, I would like more information on traffic flow, and what is the collateral damage?

If we are to get X. number of additional houses, and we have an extremely irregular road geometry, what does staff expect the crash rate to be, based on other areas?

I mean this is not standard road geometry at all, and we are doing this across from the high school.

So I would really like to see owner occupied units being that we could sell them rather than rental.

And we address this issue of an increased risk of crashes very near a high school.

Thank you.

>> Mayor Taylor: Councilmember Eyer on postponement.

>> Councilmember Eyer: Did we want to get an answer on the crash data first?

>> Mayor Taylor: I'm sorry, I did not interpret that as a -- thank you very much. Is there an answer to --

>> Yes, in short that would be better directed to our transportation engineer as part of the site plan, however, I will say that the site plan for this project did a traffic -- a traffic study was conducted.

You will note from the agenda, questions this evening that there are proposed changes required as part of this development to minimize some of the safety concerns of that safety study and the adjacent right-of-way.

>> Councilmember Griswold: And I was speaking to the postponement with the postponement allowing time for more clarification regarding the road geometry.

>> Mayor Taylor: I forget who that was.

Councilmember Eyer.

>> Councilmember Eyer: Yes, I was really disappointed to see the letter from the university.

I think that -- you know, I too had a conversation with Michael Rein months ago and we discussed all of those concerns and it very much seemed and it has been confirmed tonight that those concerns have been addressed.

I mean the concern about wanting the developer to put up a fence.

Frankly, if I want people to stay off of my property for any reason, it's my responsibility to put up a fence and I thought it was really out of bounds for the university to be asking the developer to do that, but they did.

And so it really seemed like they have gone above and beyond to address university's concerns.

I think you know, we're talking about a golf course here instead of housing, to address a housing concern we have in this city.

If I had my druthers, I might put housing on the golf course as well.

But I don't have a say in that.

I will vote to not postpone this, and move on with it tonight.

>> Mayor Taylor: Councilmember Song.

>> Councilmember Song: It would be nice if the university would be able to bring housing to an affordable level for their staff and employees, but maybe that's a discussion that we will have at this meeting.

My question to staff is, how dissimilar is this project compared to north oaks which brought 470 units here on the northeast side?

I mean, we -- and that also required the Dhu Varren.

Are there things that you can share with us?



>> So generally, the tub of units is probably comparable but the geography and the type of units, you are looking at different trip patterns based on this location's proximity to commercial uses and to campus and to job centers is probably -- it would probably result in a little bit different mode share of the total trips, but I think your point is relevant that, you know, a certain number of units results in a certain number of trips.

Furthermore, however, apartments are calculated at a different rate versus through national data that we utilize, versus detached product or even townhome product, I believe.

The end -- and as far as the roundabouts at Nixon versus what is being proposed here, I do think that the sort of current carrying capacity of those roads is different.

This is based on our study and analysis of this one.

There is some work to be done that is necessary in order to make sure that this development operates at a safe level.

I don't think the same concerns exist for impact to the existing intersections that are going to serve the traffic better.

They already are and any impact or addition of this traffic to those.

If council has more specific questions, though, we can certainly address those, on the as the cycling comes to make sure you get any information.

>> So we do have processes to work with developers, with large projects like this?

>> Yes.

>> Councilmember Song: T route traffic and figure out the impact with neighbors and having that outreach?

>> Yes, that is the nature of the traffic study.

We project how this project, if realized will function in the context of our transportation system.

And so it considers that impact, both on the very localized, its intersection with the transportation network but also how it affects the larger transportation.

>> Councilmember Song: Also, that's my favorite roundabout in sound, Nixon and Dhu Varren, the best.

Thank you.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you.

I will just say that the letter that we received from the University of Michigan was dated April 16<sup>th</sup>, three days ago.

I haven't had the opportunity to speak with the representatives of the University of Michigan to see if their concerns were resolved.

I think we need to be patient and do this very thoughtfully and methodically and carefully.

I know we are eager to add more house, and achieve our sustainability goals but I think we need to be respectful of all the interested parties as we go into those points.

We frankly, I have not had the opportunity to speak to the University of Michigan

regarding their concerns.

And frankly, the netting is probably the least concerning, and it's the other issues that deal with the basin spillway and the retaining walls and the sanitary sewer and it's in the letter and it's only been a few days.

I personally haven't had a chance to talk to them and find out what can be done to mitigate their concerns.

I think it's extremely important that we are sensitive to all the other people that we have within our city.

I think we can't just rush like a bull in a China store so get to our goals.

I think we need to be careful and considerate.

>> Mayor Taylor: Councilmember Briggs.

>> Councilmember Briggs: Thank you.

I do feel like I would like to see some more information on the detention, the basin spillway, but regardless of the answers those are -- they are not raising concerns for me regarding the basic -- I think this is an appropriate site for us to be considering increased density of this nature, given the other benefits that were coming along with the project.

There's a lot to support the increased density there.

We very rarely -- in fact, I don't think anywhere in the city have we seen increased density come in that has so many support services nearby that would enable folks to live a car-free or car-light lifestyle if folks can walk to a grocery store or ride on a bus line and they are close to downtown for those that do have a car and they are relatively close to the highway there, they are close to shopping.

This really supports -- there is a high school there that the -- the kids can walk to easily.

This is exactly the type of site that we should want to see increased density in our community.

And I -- I also talked to residents in the area and understand their concerns for the project and some of them were surrounding issues of, you know, what might this mean for other sites.

Those questions have been answered and that this is not necessarily in the ground work for the entire area to move to r4e.

There are different considerations for each site in terms of traffic.

This has been given extensive consideration.

We have traffic engineers that tell us whether this is safe or not.

Because none of us are traffic engineers.

And I'm comfortable with the r4e rezoning.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: I -- and we're still speaking to the postponement.

>> Mayor Taylor: Thank you.

>> Councilmember Hayner: I will support this because I think the questions I need to have answered will not necessarily be answered.

What is the man for the sidewalks on the east side of main street?

Will the university come in and put the sidewalk in to the stadium, just because

this thing is plopped down in there all of a sudden?

Any understanding is this a right in and right International Space Station, which has been a consideration -- that's been a -- my brief experience here on council, right in right out means there's too much traffic and that's the only solution.

I don't know how that will get resolved.

Just to sum it up.

We'll see how it goes support the postponement, because it's not adding up for me, especially when I look at the staff recommendation.

>> Mayor Taylor: Councilmember Radina.

>> Councilmember Radina: I have a couple of questions for the planning staff. Since most of this is around the University of Michigan's concerns that have been raised, but I have also heard at this table that many of those concerns have already been addressed.

I more interested in hearing from planning staff that those concerns have been considered and addressed in some capacity than I am hearing from the university potentially.

But I wonder to the extent -- I assume you both have seen the letter.

Are there major concerns in that that have not been considered or addressed yet that could potentially add more information or shed some light on?

>> I can add a little bit to that.

So many of the issues, we did see the letter and we looked through it.

So speaking on one particular issue say stormwater and the basin and the outflow.

This was reviewed under the jurisdiction of the county water resources commissioner.

They did the review and the approval of that plan.

We can certainly follow up with them, and, you know, after tonight, but assuming it -- they did issue their preliminary approval of the plan.

So by that I'm assuming that their concerns are addressed and it meets their codes.

Similar to -- regarding we have also looked into issues -- well, the fencing again is not necessarily a code type of issue.

You know, it wasn't -- there was some fencing that was added to the plan.

Again, there's no code that requires it either way.

So that would be consistent.

And again, similar to some of the concerns they didn't mention regarding the lists for sanitary and storm.

There's questions around those but they have been reviewed by our staff and they feel confident going forward with that analysis.

So I'm not sure.

We will certainly follow up on the questions, but I'm not sure additional, what information staff could add to those questions.

>> Councilmember Radina: Thank you.

Appreciate that.

Hearing that, I -- sorry, Brent do you have something else to add?

I'm happy to cede the floor.

>> Sorry.

I didn't mean to interrupt but I wanted to follow up on the question about the sidewalk connectivity as part of the east side of the sidewalk proposed project would be extending the sidewalks from -- if the project event to the south and the city has a capital improvement project for main street from Ann Arbor Salim to the stadium and that's schedules for 2024-25 and part of that is figuring out how to improve the non-motorized use of that area.

So I wanted to provide that.

>> Councilmember Radina: Thank you.

And I will conclude by saying, hearing Matt's answer, I don't think that I will be supporting postponement here.

I think it sounds like our staff has been aware of these issues and have been working on them and have answered that meet our standards and I don't think that we can always expect that the university will be 100% happy with everything that we do and I don't think that's our standard for moving forward.

So I will not be supporting postponement.

Thanks.

>> Mayor Taylor: Thank you.

Further discussion of the postponement?

I will be voting against postponement.

We have second reading after this.

And the university has not taken a formal position one way or another on the project.

Further discussion postponement.

Roll call vote, please, starting with Councilmember Song.

>> Councilmember Song: No.

>> Councilmember Grand: No.

>> Councilmember Radina: No.

>> Mayor Taylor: No.

>> Councilmember Eyer: No.

>> Councilmember Nelson: Yes.

>> Councilmember Briggs: No.

>> Councilmember Ramlawi: Yes.

>> Councilmember Hayner: Yes.

>> Councilmember Disch: No.

>> Councilmember Griswold: Yes.

>> Clerk Beaudry: Motion fails.

>> Mayor Taylor: Further discussion of the main motion?

Councilmember Hayner.

>> Councilmember Hayner: Sorry about that.

I'm having a heck of a time with the mute here.

I would like to read something and I want to make sure I'm reading from the latest and greatest version.

Staff recommendation is that the r4e zoning district be denied.

Staff recommends that the Valhalla and does not adequately address other elements of the master plan and affordable housing.

I know that change has been made to say all electrification and I would presume that we strike that sustainability notion.

So am I reading latest and greatest?

Does staff think that r4e is not advantageous to the city or am I missing something here?

>> I can address that.

So this is sort of referential to the previous question that the city planner Kowalski mentioned.

Staff made a recommendation.

That's our responsibility.

The recommendation he just reflected in the staff report, once we presented that recommendation planning commission started that dialogue with the petitioner. We didn't go and validate whether our -- we did not change our recommendation. At that point, the planning commission has taken over their role which is the advising body to the city council.

So what you have here is a project that the planning commission disagreed with staff's recommendation.

They did find that the proposed rezoning with conditions does meet the sister's master planning goal around sustainability and affordability, that's the recommendation that is being presented to you.

We are -- as staff, we start and present our recommendations but once that dialogue similarly, as you are taking, this we are not going to insert ourselves at this point.

The recommendation or at this point, the decision is in your hands of city council. We have our recommendation to planning commission.

Once they took over deliberation and consideration of it, that's why you see that reflected in the staff report, the planning commission did not agree with the staff recommendation.

>> Councilmember Hayner: Okay.

I think that we know on the other side of the street here that there's three large parcels aggregated and as soon as this goes through, they will say we get r4e. Doing it one place is essentially a spot zoning which we have been warned against and that's what we are creating here.

>> Mayor Taylor: I think this was your second go around.

>> Councilmember Hayner: So I don't support this.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: I have a question for staff.

I want to clarify their answer.

When I brought up issues with the regular road geometry, I believe staff said that the transportation department is still working on this.

Is that correct?

>> Yes, we have a concept plan but it will have public input.

>> Councilmember Griswold: I would like to clarify if we are working in a

collaborative spirit, the comments of Councilmember Briggs, which was really just a canned statement that she frequently raises regarding my safety concerns was not necessary this evening and did not add to the conversation.

>> Mayor Taylor: Councilmember Eyer.

>> Councilmember Eyer: Man, that was really unnecessary.

But I will just move on.

I had a lot of conversations with residents in the fourth ward about this particular development as mentioned before, I have spoken with Michael Rein from u of m. I answered a lot of questions.

I hunted down answers to a lot of questions and concerns, and everything -- every certain that's been raised to my -- to my notion has been satisfactorily answered.

You know, concerns about traffic, concerns about drainage.

Concerns about this, that and the other thing has been addressed.

For me, what this comes down to is this -- this will bring a lot of good to our community, in terms of our A2Zero goals and in terms of bringing housing to our community, while we are in the midst of a housing shortage.

In terms of even -- even in terms of traffic, you know, folks talk about this being an increase in traffic, well, frankly, the folks who are living here are -- well, the folks who will live there are probably already contributing to our traffic and in some way.

They are probably commuting in from elsewhere.

And, you know, maybe even using the same roads.

The fact is we haven't seen -- I haven't seen any data that would show that this is going to create new problems for us.

Our city traffic engineers approved the traffic study that was done.

The developer will address that intersection and frankly, I will circle back to the conversation we had at the beginning of this meeting, talking about our structural budget deficit.

You know, without new developments and their associated property tax revenue, we will continue to have a structural budget deficit.

And so until there's a change in how the cities are funded at the state level.

We have to either continue adding new developments that add to new tax revenue or cut services or raise taxes and fees on residents.

I prefer to address the concerns and like is being done here and we can fund our priorities as a city.

>> Mayor Taylor: Councilmember Grand.

>> Councilmember Grand: Thank you.

Now that I have a child who attends pioneer through athletics, I have been spending a lot of time driving to and from that area and I have been thinking through some of the concerns I heard about traffic, but also really seeing how many people in the community take advantage of the amenities that are nearby, not only in terms of shopping, but also in terms of tennis courts and trucks and natural areas and there's -- it really is an area that is on a transit line that has sustainable elements to this project.

There's so many excellent things, including density of rental housing, and we really do need rental housing that's close to so many amenities.

I would be remiss and I promised myself I was going to try to not go down a bunch of rabbit holes this evening unless I really felt that there was a line that was crossed, and I think we just heard it.

If we're going to talk about having constructive dialogue and respecting other people's opinions, calling someone's response canned when they clearly have, in my opinion, amongst the councilmembers more expertise in this area than anyone else who sits at this table, would is not a staff member, is truly --

>> Councilmember Ramlawi: Point of order.

Come on.

Come on.

>> Councilmember Grand: How many times have I spoken tonight.

>> Councilmember Ramlawi: Can you just talk to the resolution?

>> Councilmember Grand: It is about the resolution, because it's about the comments about the traffic and I think instead of accusing staff of collateral damage, there was an attack on a colleague and I think it's important to sometimes take a beat and just stand up for that, if the goal is really to be collaborative, let's start with our own behavior.

>> Mayor Taylor: Council member Briggs.

>> Councilmember Briggs: Since I was on planning commission last summer when this was being discussed, I thought I would share a little bit -- obviously when this first came to planning commission with the staff recommendation of denial, we did not just pass it that night and recommended it for approval. There was a lot of discussion around what were some of the deficiencies of this project.

What did we want to see?

When we think about rezoning, there needs to be justification, in master plan documents about why that was appropriate.

And one of the pieces for planning commission that was really compelling and we pushed the developer on was this move to being all electric.

That was a huge, huge piece for the city.

And that is -- that was not present when it first came as was the additional solar on that.

Than was a huge piece when it came back to justify that there were other lengthy descriptions.

That perhaps increased my comfort with this.

So a little bit of additional information since I was there last summer.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: I appreciate that this helps to check some boxes, but I think we should be doing more than just checking boxes.

I think we should be reviewing these developments and being considerate of everybody involved, not just one above all areas.

One-third of 1%.

One-third of 1%.

I do have concerns about the technical feasibility to 450 units and how guaranteed that can be in delivering power to those homes and units, as well as the existing residents and businesses in that area.

And the conversations that we have had, we understand our grid cannot support this all electrification effort that we are going to be pursuing in ten years.

And I want to know from staff if we can get written communication from DTE saying this is technological feasible and will not disrupt any power reliability to the neighboring residents and businesses.

Is there some agreement that we can get in writing to state that?

>> I can certainly follow up with DTE.

I did have some conversation -- or a brief conversation over email with the representative for the area.

He said they have no problem serving full electricity to serve this.

They can get something more formal from them in writing in the project moves fast tonight.

I would deeply appreciate that.

Because DTE will tell you something and unfortunately not fulfill on it.

>> Mayor Taylor: Further discussion?

Roll call vote, please.

Starting with -- did I miss somebody?

Roll call vote, starting with Councilmember Song.

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.

>> Councilmember Radina: Yes.

>> Mayor Taylor: Yes.

>> Councilmember Eyer: Yes.

>> Councilmember Nelson: No.

>> Councilmember Briggs: Yes.

>> Councilmember Ramlawi: Yes.

>> Councilmember Hayner: No.

>> Councilmember Disch: Yes.

>> Councilmember Griswold: No.

>> Clerk Beaudry: Motion carries.

>> Mayor Taylor: Mr. Crawford?

>> City Admin. Crawford: Mayor, both of these items c1 and c2 would normally seconded for a second reading on May 17<sup>th</sup>, since that's our budget meeting, I assumed you would indulge staff and looking into whether that what needs to be heard that day, to moving to the 1<sup>st</sup> of June.

>> Mayor Taylor: I'm comfortable with staff making that adjustment.

Thank you for asking. mag thank you.

>> Mayor Taylor: C-3, An Ordinance to Amend Section 2:69 of Chapter 29 (Stormwater Rates) of Title II of the Code of the City of Ann Arbor.

Moved by Councilmember Disch, seconded by Councilmember Ramlawi.

Discussion, please of c-3.

Councilmember Ramlawi.



>> Councilmember Ramlawi: Thank you, mayor.

That was a pleasant surprise, I suppose in terms of keeping the rate near the rate of inflation.

That we would see rate increases of double and triple and quadruple the rate of inflation in order to deliver exceptional services with our water system.

Now we are seeing this change in direction in the inflationary increases to either no increases or barely above the rate of inflation.

It's perplexing because in years prior, the sky was falling if we didn't pass double inflationary rate increases.

Now we are passing more modest ones which is more welcomed news.

I have a question for staff.

If this is going to impair or impede our ability to do some major water and sewer line replacements, particularly in lower town, on state street and on main street, among all the other ones and I want to make sure that we are not asking too little right now in overcorrecting what was an overcorrection prior to this.

We were seeing some wild swings.

And I would like to see something more predictable, I guess.

>> If I can speak to that, this is a stormwater rate.

And this is a rate that we planned for back in 2018.

At that time, on the 2018 plan, we were looking at an FY-22 being at 4.9% and FY-21 at 10%.

So this is following the rate plan that we had set in '18, and that was based upon our capital improvement plans for stormwater.

>> Councilmember Ramlawi: I apologize.

I'm a little flustered here.

Looking at the storm, I think I was also looking at sewer somewhere, where I was conflating those.

I apologize on that.

I guess as we are talking about stormwater, we are not putting anything aside.

We will be able to handle what is on our C.I.P. right now without, I guess, it's redundant but I want to make sure that when we go forward with projects we are not going to be trapped for cash.

>> This is following the rate plan and it's taking the C.I.P. into account.

>> Councilmember Ramlawi: Thank you, Mr. Hupy.

>> Mayor Taylor: Further discussion.

Councilmember Hayner.

>> Councilmember Hayner: Thanks.

I want to thank Mr. Crawford or whoever it was who gave us the table that I asked for of the stormwater rate increases for the last decade.

So if all things staying the same from a customers' perspective, if my stormwater bill -- you know, in other words, it didn't add to my impervious surface or whatever.

If my stormwater bill in fiscal year 2012 was \$100 and ten years later in fiscal 2022, it will be \$250.

So we know that like 6% increase over nine years effectively doubles the initial

sum or billing amount in this case and we had some higher and some lower.  
We had some three and a half.  
We had some sixes and some 28s and 14 and so on.  
And so I just -- what I get as a representative of the people is folks asking me -- everybody says the taxes are too high, of course.  
But people say that's not what is killing them and driving them out of the city and making it difficult to live here is not the lack of affordable housing but the lack of affordable lifestyle, you might say, the lack of affordable living.  
And so when you are here a decade and your stormwater bill is two and a half times what it was ten years ago.  
That's well in excess of inflation, of course.  
And so the consideration is what can we do as a council and municipal provider of these services to try and slow this down.  
Because it's quite a bit.  
It's quite shocking to run the math on that and I just want to express a concern with my council colleagues that we are not helping.  
We are making it very expensive to live here in Ann Arbor.  
I understand we have needs and I understand those needs are accelerating as climate change accelerates and so on.  
I want to put it out there.  
They are finding it very difficult to stay in their homes especially people on fixed income.  
Maybe that's part of a plan.  
Maybe that's something that we want to shuffle them out to put a couple of ADUs on there and that's something that this body will decide.  
It's unfortunate to look at a bill that's two and a half times what it was ten years ago.  
And that's what I want to say about that.  
It's sort of shocking.  
I won't support a stormwater rate increase.  
>> Mayor Taylor: Further discussion?  
Roll call vote starting with Councilmember Song.  
>> Councilmember Song: Yes.  
>> Councilmember Grand: Yes.  
>> Councilmember Radina: Yes.  
>> Mayor Taylor: Yes.  
>> Councilmember Eyer: Yes.  
>> Councilmember Nelson: Yes.  
>> Councilmember Briggs: Yes.  
>> Councilmember Ramlawi: Yes.  
>> Councilmember Hayner: No.  
>> Councilmember Disch: Yes.  
>> Councilmember Griswold: Yes.  
>> Clerk Beaudry: Motion carries.  
>> Mayor Taylor: DC-1, Resolution to Appoint Deaver Armstrong to the

Greenbelt Advisory Commission.  
Moved by grand and seconded by Briggs.

Discussion of DC-1.

All in favor?

Opposed?

Approved.

DC-2, resolution to Recommend Approval of Issuance of a Downtown  
Development District Liquor License to Kouzina Ann Arbor, LLC.

Moved by Councilmember Disch and seconded by Councilmember Hayner.

Discussion, please, of DC-2.

Councilmember Hayner.

>> Councilmember Hayner: This is another D.D.A. downtown liquor license,  
it's -- you know, it's just a typical thing.

They are adding liquor license to their operation down there and they meet all the  
requirements of the liquor license review board and I recommend that we all  
encourage and approve this.

By such means licenses are different than they used to be, used to be a difficult  
situation, licenses were held and sold and bought and traded and all of that and  
now with this D.D.A., there's effectively in meeting a minimum set of  
requirements an unlimited amount of liquor licenses that are available.

And, you know, for good or ill, that's how it works but it does bring business to the  
community and it helps the businesses to survive.

The margins on the liquor is higher than the food service alone.

As long as everyone imbibed in a manner that's responsible, there shouldn't be a  
problem with this.

So thank you for your support.

>> Mayor Taylor: Further discussion?

All in favor?

Opposed?

Approved.

DC-3, resolution Declaring April 2021 Ethenogenic Therapy Awareness Month in  
Ann Arbor, Michigan.

Moved by Hayner and Griswold.

Discussion of DC-3.

Councilmember Hayner.

>> Councilmember Hayner: Well, this is an unusual situation we have going  
here.

I had a gentleman reach out to me from garden grove, California, who works with  
a group out there who is trying to connect patients with the needs, and when we  
earlier or last year in September, when we moved to decriminalize the  
entheogenic plants, I was happy to see it.

There was some confusion around April being the month versus September  
being the month.

And we want to work with our and right now they exist -- without taking up any  
more of this time.

I will move that we postpone this, because it's really something that doesn't happen until September, but though April is recognized in many communities as the entheogenic therapy month.

We are doing ours in September is what the experts on this issue are telling me:

I would like to postpone this to June.

I know we typically do a date certain.

I could table it and bring it back, whatever the body prefers but that's what I will do because there's too much confusion around this resolution before us right now and I don't think it would be appropriate to move forward without speaking further with the sponsors.

So.

I don't know if table is appropriate, because I don't have a date to bring it back.

I will move to table it.

>> Mayor Taylor: Is there a second?

Griswold.

Is there debate on tabling?

All in favor of tabling?

Opposed?

Tabled.

DC-5, Resolution to Remove Councilmember Hayner from Current Appointments.

Moved by grand and seconded by Disch.

Discussion of DC-5.

Mr. Crawford?

>> City Atty. Postema: I think there were a number of questions that came up and I was asked to address these by various councilmembers at the start, if that would be --

>> Mayor Taylor: Please.

>> City Atty. Postema: That as I understand the procedure and I believe what the city administrator was about to tell you.

So I will start with Councilmember Hayner as a courtesy to him, with his questions.

His question one was, point out in our council rules charter or other location where the authority is given to the council to take these actions.

These actions certainly within the charter, the powers of the city are in Section 3, powers of the council, Section 41b, all powers on the council to act.

As far as boards and commissions, it would be in Chapter 8, and that would be certainly the removal provision.

That would be 1.171 and that's paren 3.

And the so those are generally, including case law that are out there that I will be putting together for the council and I will put a memo to you on this issue.

But that the power to remove inherent in the power to appoint.

And that goes to DC-5.

And the definition of cause and three.

Cause is generally any nonarbitrary reason that is not prohibited by law.

And I will provide -- in this memo, I will provide a cite to that.

Question three is the resolution such as this considered a binding act of the government.

The resolution if approved would constitute the decision of the city council.

So I'm not sure the binding act of government.

It would be a decision of the council.

Is there any mechanism for appealing this action?

The answer is no.

Councilmember Hayner term of service extends I don't know the removal.

Should this include language for re-instatement.

You can appoint or reappoint Councilmember Hayner at any time.

Question six if the resolution passes or Councilmember Hayner's appointments terminate immediately even though the seat will remain vacant until another is appointed?

Yes.

The council of the commons was created via separate resolution and mechanism.

Is this resolution consistent with that action?

Generally, yes.

The appointment to the center of the city was in the same resolution as the others are r20438.

Was this resolution introduced by the administration committee or individual councilmembers?

The interesting aspect of this, it did not have to go through.

There's discussions about certainly Rule 12 and council Rule 12 which involves rep reprimand and so on.

It was brought up at the administration committee by various people to discuss, I believe, just to get that out.

So it did not have to come from the administration committee.

That's different than the reprimand section.

And it was discussed as far as procedurally, it was brought up.

It was added to the agenda last Tuesday.

It was brought up and so it brought by the -- there was a resolution at the council admin committee and in the end, we're not -- two people were not listed as sponsors because they did not support it.

So it was brought by the admin committee in that sense, but it did not need to be.

If one sought to protect the rights of the voters, Councilmember Hayner represents from having their representation removed, what resource do they have?

The decision is within the purview of the city council.

Again appointments and removals, there seems to be a great deal of misunderstanding about this.

The appointment and removals, that is -- that's not for anyone else to decide, except for -- that's within the purview of the council itself.

Those are generally council member Hayner's questions.

There's some follow-up from other councilmembers.

I will take these I believe from Councilmember Nelson.

And she asked for a timeline when in the proposal was put in writing, when it was put before the admin committee, when the administrative committee voted on DC-4, and when the written text was shared with the whole council.

On Tuesday the admin committee voted to bring this forward with a resolution and Thursday Councilmember Ramlawi with true his support.

A draft was presented to the admin committee for review, either on Thursday night or Friday morning.

And three members were listed as sponsors.

As far as informing councilmember, I don't know if anyone from the admin committee informed him.

Did I discuss with him -- I did discuss with him, on Wednesday or Thursday, he had a question whether he was being removed from -- he heard from somebody that he was removed from the council and I told him that that was incorrect.

As far as Radina tried to file a formal complaint.

I'm not sure what that means.

A formal complaint with the admin committee because removal from committees and commissions is not necessarily part of the admin -- there's no rule to that effect for admin.

I don't have any knowledge of that complaint.

Was the admin committee regarding the appropriateness of this action in compliance with our rules.

We discussed this at the admin committee when it was added on, but, again, it was not part -- something that had to come through admin.

At any point was the administrative committee notified to alternative responses?

I'm not sure if that refers to alternative things such as, again, counseling or reprimand.

Ethics Rule 12 is specific, that that covers, and it does not cover things outside of the ethics rule, the administrative rule state law, et cetera, et cetera.

So it would not be given as an option.

I would like an explanation of any past precedent.

The best I could come up with.

I know Councilmember Ackerman was removed from ICPOC and replaced with Councilmember Ramlawi by resolution 19-211 open May 6<sup>th</sup>, 2019.

It was done -- councilmember -- Zach Ackerman was also a sponsor of that, although I don't think he contested the authority of the council to do that.

Was administrative committee advised about the process for reprimanded of a councilmember.

Please advise that process.

I have gone through that counseling and reprimand deals with certain things and it would not include conduct or other things outside of those specific things limited to council Rule 12.

Is DC-5 a more serious or less serious between than reprimand at council described in Rule 12.

That's not a determination that I can make.

It's not counseling or -- it's certainly not removal of somebody.

In the ordinance and in the charter, this is removal of a councilmember from the council that that is a serious thing.

Whether or not this is more or less serious, you know, my understand is that there were reasons for this based on concern about the community and that's -- that's where we are at.

I would like staff's comparison of the DC-5 and reprimanded counseling in Rule 12.

Again, Rule 12 involves a -- a number of procedures that are but in there.

I don't have it in front of me, but it's simply a different procedure and the process involves complaint, timing, time to review it, and it would -- there would be an appeal process but it would go through the admin process and ultimately go to the council.

Excuse me.

I'm told that DC-5 is allowable because the positions are mayoral appointment.

Well, I would like to backtrack on that a minute.

Well, the question is, I would like a clear explanation of the circumstances when a mayor to unilaterally to remove someone from appointed responsibilities.

I think there's three different things here.

One is council mayoral appointments to council committees, that's one thing.

The other is boards and commissions.

And that is another thing and then there's external terms and conditions.

The mayor can remove from council committees without approval of the council, as he has the sole ability to remove from the body.

But the other ones that Councilmember Hayner would be on require a majority vote of the council.

There's a question about a previous version of council rules that seem to limit the mayoral appointments prior to the amendment the rules included Section 12.12, and please share the history of who served on the rules committee who voted to recommend those changes, removing 12.12 and share the councilmembers who would approve the amendments.

However the cited language mirrors the city charter 12-12b.

So I'm not sure what happened on that.

But I can find out.

So that would be from Councilmember Nelson.

Councilmember Ramlawi, again, is the complaint I filed materially different than the complaint filed against Hayner.

The complaint that Councilmember Ramlawi brought up was at least in my understanding was a complaint brought about a text or something from the mayor.

The -- I suppose different in some ways, or the codified process, I sent him information about -- I understood in discussing with him that the complaint would be for some sort of reprimand and then the process is different.

To the extent that Councilmember Ramlawi would be interested in this same

procedure about removal, than council committees.

It would follow the same resolution by the council or by approval.

Councilmember Griswold has asked please explain why the language on DC-5 on Legistar it was tried to mirror the narrow language that was given, obviously we didn't have something in writing.

I was asked to go ahead and prepare this.

And so that's why it was drafted as it was.

This was not based on a written complaint.

I answered where the councilmember's written response to the complaint.

Why was it not presented?

Again because the procedure that is in Rule 12 for reprimand is not what we are talking about here.

It did not have to come from the admin committee and that's why there's no response.

Did any admin committee member contact Councilmember Hayner?

I don't know.

And was he informed of this action before the admin committee today?

I don't know.

I don't know what that question is.

This question should be directed to the member of the admin committee.

What is the legal justification.

I have already gone through that.

And so you know, basically the issue is there has been a lot of concerns on the admin committee, whether that was proper and the ABC is yes, ultimately, it should come to the council.

It didn't have to go to the admin committee.

As far as the power to eventually effectuate removal.

I listed that.

That doesn't change.

The council has the ultimate ability to do that.

And I guess the other thing that each year you vote on it, there's no right to be assigned to committees.

That takes place against by the council.

So the right to be named to particular committee, that would be incorrect.

Having said all of that, I'm still looking at and I think from a process standpoint, I was out of commission, no relation to boards and commissions, for 48 hours this weekend.

I would like to get a memo out to you on all of this, so it can be public.

I'm still looking at some issues that don't affect the ultimate power of the council to do this or whether there's additional steps between making this vote and I therefore recommend we postpone this for two weeks so you can have this and I can make that -- I can make that public before the two-week period so everybody will be on the same page.

I understand there's a desire to do something contemporaneously, but I think in this instance my recommendation is to wait until you get the full memo so that I



will be able to identify any further steps that might need to be done, and I think given the importance of this, I think that the appropriate thing to do.

So with that, that's a lot of questions, but in any case.

>> Mayor Taylor: So to restate what you hear you saying is the consideration, the administration committee was within its authority, that the process is articulated in Rule 12 are here not applicable, that it's within council inherent authority, and would you recommend for us to postpone for two weeks and some intermediate steps.

>> City Atty. Postema: Yeah, because I usually have a memo to you.

It's sometimes privileged and in this instance, I'm not anticipating with council's direction it would not be a privileged memo so it would be transparent to the community and I think that that would help the -- that would help the process but it would also ensure that I'm not missing any steps that may need to be taken, but, again, the power is in my view clear, and so -- but I do think given the number of questions we have had and also the number of -- we're still looking at one or two things.

This is the first time that we have done -- to my knowledge done this in a setting where the person complained of did not agree to this or agree to sponsor the removal of himself from the committee.

And I think it's important that we do it the way I suggest.

>> Councilmember Griswold: If someone came to me with a complaint about this type of language and I wanted to protect our community, I wanted to protect all members of the community, the first thing I would do is contact Councilmember Hayner and discuss this with him quietly, in private and try to get corrective action, be that counseling or whatever.

But what we did is what many of our communicate members said we did.

We exploited this for political advantage and in the process harmed many of our community members by repeating it over and over again.

A few months ago, I mentioned in an admin committee that democracy is based on the principle of majority rules, minority rights.

The mayor said, I don't know what that means.

What it means is that we don't do things like DC-5.

We're in the minority, but we still have some rights to human decency, to due process so that things are not done behind our backs.

I want to again apologize to our community.

Our community deserves better.

They deserve a democratic process and we have failed them as well as our LGBTQ community, and also Councilmember Hayner.

>> Mayor Taylor: Councilmember Radina.

>> Councilmember Radina: As a gay man, I have been subject to homophobia. I have been called the f word more times than I can consider.

A derogatory to gay people is seen as worst insult imaginable.

It's in part because of these experiences and sentiments I stayed in the closet as long as I did.

It's why at a particularly low moment in my youth, I briefly considered hurting

myself.

I code switch, depending on the company I'm in.

I heard have countless LGBTQ members and parents sharing similar stories.

Our words matter.

So to see the sentiment actively shared by an elected community member, and for the same person to not immediately acknowledge the harm it can cause to others, both hurt and angered me.

This weekend, the fallout against our LGBTQ community continued.

I and at least one other LGBTQ leader who spoke out received threatening homophobic mail sent to our homes.

I have received and witnessed messages calling into question the sincerity of mine and other's pain and outrage and our motives questioned.

I know firsthand the power that word has and the pain it can cause.

And when used it can push another child deeper into the closet, or closer to self-loathing and self-harm or to deny or hate who they are.

And I do not believe that children growing up in 2021 should have to deal with the same casual homophobia that I have experienced for most of my life.

I do believe Councilmember Hayner's eventual apology was sincere.

I believe he recognized the harm caused to the LGBTQ community when it's used particularly to demean and attack but I also believe that we as a body have a responsibility to speak loudly and with one voice that this incident was unacceptable, not representative of our city's values and that hate speech has no place in our government.

In this case, yes, that should remove from commissions and committees for cause.

This would signal that the acceptability of this language remains a debatability proposition, even in Ann Arbor.

We have seen examples from Congress, to the u of m board of regents to the Lansing city council in just the past few months, when similar action has been taken in response to speech other behavior that is incompatible with our values and the values of our respective bodies.

Now the public's eyes are on us.

What is our response on behalf of the LGBTQ constituents?

I encourage my colleagues to support this resolution tonight, but want to end my comments by speaking directly to those LGBTQ residents most impacted by this debate.

Regardless of how this debate goes, this vote goes, this language is, in fact, unacceptable.

You are still welcome here.

You are still loved.

You are valued.

Your life matters.

Please be true to yourselves.

Be proud of who you are and stay involved.

We need you in Ann Arbor.

Thank you.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: I would like to thank Mr. Postema for putting that together.

I certainly didn't expect the consideration that we would delay this anymore.

I have to agree with my colleague Councilman Radina that, like, it's out here.

Let's talk about, it you know?

Absolutely.

I want to make it clear that I have not violated any ethics rules, administrative rules or any state laws.

Yes, there's no rights to be assigned to boards and commissions when I lost several seats on boards I had asked for and no deference was given to seniority which is a break from decades of council practice.

So there is a pattern here.

I issued an apology at the start of this meeting and I agree and, of course, you know, comments that have been made -- Councilman Radina summed it up in an excellent manner and I appreciate the consideration that he thought that my apology was heartfelt because indeed it was.

And there's no test for -- no test is allowed to prove that you are not a bigot or a homophob and I have been called all of those things and many more in the last week and treating my gay and trans family and friends with respect and dignity for 35 years is not good enough for everybody.

Marching with the act up crowd in the '80s trying to get condoms into the health service at the university, in the middle of the AIDS crisis, and deejaying funerals. I don't want to use foul language again, but one it's o crap out does a lot of attaboys and that's truth.

This overshadowed all kinds of good work that we have done and for that and to this body, I apologize also.

I just assume we deal with this tonight.

The words are dangerous.

And the harm they caused to the community are real but I feel it's inappropriate solution.

I don't see how my quoting someone's foul language that was requoted ad infinitum on social media and councilmember's websites makes us less able to steward our parks or read a liquor license report or read a brownfield report.

And that's about all I got left.

So I think it's wholly inappropriate.

I don't think that the council has authority to do this, despite what Mr. Postema said.

Like when we cut our time from three minutes to two minutes to speak, you weren't cutting off Jeff Hayner and we were not voting to cut ourselves off.

We were cutting off the voices of our constituents.

I won't defend this too much, but to say I'm most interested in seeing who feels that this punishment fits the crime because I certainly don't.

And to further that it won't allow me time to sit home to think about my

transgressions.

I will be fully responsible to attend those meetings even as a guest to make sure I know what is going on, the 25,000 people that I represent and the 8,000 people would voted for me, even though the claims are out there that they should have known better.

They deserve me to stay in touch and so I won't be sitting down to ruminate on this.

I don't believe those words define me and they certainly don't define anyone in our community and I apologize for using them in an inappropriate way but this is not the solution.

I will say that this is the not the solution.

This is dangerous.

This is a dangerous path we head down here.

A dangerous path of partisanship.

Entirely inappropriate for this body, not a healing path.

>> Mayor Taylor: Councilman.

>> Councilmember Hayner: It simply isn't.

>> Mayor Taylor: Councilmember Grand.

>> Councilmember Grand: Thank you.

When this happened, I really dug into our rules and had conversations and one of the factors that helped me come to the conclusion that I think this was the right decision as a council and the right action to do for our community is one, listening to a lot of community members and the hurt this caused.

But also the question was posed, did -- why didn't we reach out?

And it's because -- because my work colleague reached out, because I had talked to other elected officials and other people in the community who had reached out and the initial response and the response for sometime was to double do you remember.

To triple down to not take responsibility for the action, and the hurt that it caused, but to amplify that hurt, to be dismissive of those concerns.

And to me, that was just as problematic as the original act itself.

There was just denial -- oh, it got taken down right away.

No, it didn't.

Oh, and even if just, you know, criticizing for -- there were a lot of problems.

It wasn't just the initial piece that -- there's just clearly no place for that, and -- and no way that it can be justified and no way that it's ever excusable.

But we have even heard tonight and from people in the community they're like, well, you should sweep this under the rug, right?

And that would be wrong.

That won be, I think, upholding my responsibility and I don't want to talk about what has been done or what wasn't done in past with other councilmembers because I think we could really play that on both sides and I don't want to go there.

This is not fun!

To do this.

There's been so much hurt in the last couple of weeks and so much nastiness. Because this is within the power of what we can do as a council, it seems to be the most appropriate course of action and I -- as much as I appreciate the advice of Mr. Postema in making sure -- you know, if Councilmember Hayner wants to vote on it tonight, I'm perfectly comfortable with doing so.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Wow.

I know this is a very charged issue and many are painting this narrative that is not the intent, purpose or thoughts that not supporting DC-5 is condoning the behavior and the actions of Councilmember Hayner.

I think there's unanimous consensus that his behavior was abhorrent.

It's not becoming of a councilmember or elected official of a city like Ann Arbor. That is undeniable.

And that's not what I'm here to discuss.

Because that's universally understood and accepted.

What I'm here to talk about more is defending our responsibilities and the due process in a democracy.

I was at the admin meeting.

I went into that meeting unprepared to discuss this issue.

It was not brought up until ten minutes after our meeting began.

And then it was introduced as new business.

And then all within an hour was deliberated and voted on without anything from Councilmember Hayner or others, having a special meeting to talk about it, more be deliberative, inclusive.

It was a rush to judgment.

Yes, we know it needed action and it should.

And it will.

But I think how we get there is just as important.

I would much rather see this body tonight vote 11-0 or 10-0 on an action when it comes to this.

Not be split, not be divisive and decisive.

We were promised -- this community was promised that new council would come in and be collaborators and get away from the toxicity that we were accused of, of being.

And in my six months, it's more toxic, more vindictive, and more toxic and less considerate.

We have been described as an embarrassment.

That word has been used over and over again by people I look up to in our community.

We are an embarrassment.

This process is an embarrassment.

Just because we can do it doesn't mean we ought to do it this way.

There should have been a process.

>> Mayor Taylor: Councilmember.

>> Councilmember Ramlawi: I will be back to talk more.

>> Mayor Taylor: Councilmember Briggs.

>> Councilmember Briggs: Thanks.

I'm prepared to vote yes tonight on this resolution, but my affirmative vote doesn't bring me any joy.

I don't think this vote makes anyone happy.

I would like to explain why, clearly, however, I believe it's necessary.

And especially in the light of Councilmember Hayner's initial response after he posted, kind of what we heard in Michigan daily as he initially reflected on that and then also in terms of what we have heard within the result.

Councilmember Hayner's online conduct has been suspect.

Councilmember Radina has spoken eloquently on that matter but I will share a few additional thoughts that helped me evaluate why it crossed a line.

It was in response to an Mlive editorial urging for greater online civility.

And letting the community know about the harassment of staff in response to Mlive and in response, Councilmember Hayner, posted a quote.

This can be safely presumed to embolden harassment of the press.

It had the potential to physically harm members of our own community.

Secondly, while I do not believe the intent of the post was to target the LGBTQ community, it did place a target on them.

The use of homophobic, by a leader, normalizes it.

I believe one of the core values we hold dear is Ann Arbor should be a safe and welcoming community to all.

The statement did the opposite.

We had the responsibility to act.

Each of us as a democrat, we may occasionally have policy differences but we should be united in affirming our norms.

>> Mayor Taylor: Councilmember Disch.

>> Councilmember Disch: So I fully believe that Councilmember Hayner did not intend to do harm.

And I think his apology was and is tonight and earlier sincere, but that's not at issue.

What we are talking about is an act of speech.

And when we deal with an act of speech, we need to think about the words and we need to think about the person who is speaking and the position from which they speak.

The position from which they speak.

So there are words that carry a charge, regardless of the intent of the speaker.

Certain words have acquired to do harm, because the violence, erasure and harassment against dominative and nonnormative populations.

So that's the -- that's the words.

The position of the one who speaks, especially as Councilmember Briggs has just nicely retold the story, it was an act of public discourse.

It was about a debate about journalist and the relationship to the community.

When any of us speaks publicly, wherever we speak, on the floor of council or in social media, we are speaking not just as a person, and as a person who might

have a great history of supporting gay rights but we are supporting as a representative.

We model appropriate speech for others.

When we use speech that's inappropriate, we are endorsing it.

And that has consequences.

I mean, literal physical harm as we have seen in the -- harm as we have seen in the last four years.

Not that I'm making any comparison between Councilmember Hayner and the former person in the White House.

We are speaking in place of our constituents when we speak as a representative.

And in this case, it's extremely important that we counter the speech act that is as Councilmember Hayner himself said, hanging out there.

It's important that we counter it with a forceful public response, and it's important that we do it tonight.

>> Mayor Taylor: Councilmember Nelson.

>> Councilmember Nelson: Thank you.

I have been taking notes on something that has stunned me.

Something that is more serious and more urgent and swifter response is basically opposite to the procedure that we accept as part of our institutions.

We criticize when people rush to judgment, or not just rush to judgment but rush to consequences.

This is part of our system of the rights that we recognize that people have.

I understand that -- I heard an accusation that the acceptability of this language is under debate, if we don't pass DC-5.

I strongly disagree with that.

There are any number of resolutions that we could have passed tonight that would have made absolutely clear that we could have voted 11-0 on, to make absolutely clear that the acceptability of this language is not under debate.

That wasn't an option before us.

I heard a suggestion that people are accused of telling us that we should just sweep this under the rug.

I have not heard that from anybody.

I'm not interested in sweeping this under the rug.

You know, part of the speed in this process is sweeping it under the rug.

It's making a statement that we really -- we have the brute force and the number of votes to impose something so quickly that we are not even going to dwell on a discussion about the significance of the language.

I appreciate how awful this is.

I appreciate how awful the words are and the time that we have been able to listen to council Radina's personal experience of this.

And I have writing to everybody to clarify conversations that I want to initiate about procedural issues is about slowing down a conversation so we can have more of that.

We need to hear more about this.

Not because we need to be convinced that it was wrong.

Not because we are throw to be persuaded that it was wrong, but this is worthy of a conversation.

This is worth about a community conversation about, no, it's not okay to just shove this in a quote.

No, it's not okay to take this word so casually, it wasn't my word and so it doesn't have power.

These are conversations we are skipping.

And we are skipping it because I think we are arguing that it's so completely obvious that we shouldn't even bother to have them.

I mean, it's disturbing to me.

I would argue, this is not about majority/minority, it's a little bit about that, but it's mostly about any power that people have over others.

And how that power is regulates.

We have a lot of issues at play.

We all have positions that we were voted into.

I appreciate Ali pointing out just because you can, you should.

We talked about affirming norms.

You know, for me I was shocked when I realized you can print a lie and send it all over town, to win a political campaign.

I found that shocking.

I found out -- there's actually first amendment protections for send me out things with like lies in them.

We're not having any of the conversations.

I would like no move to postpone it for two weeks as advised by Mr. Postema.

>> Councilmember Ramlawi: Second.

>> Mayor Taylor: Seconded by Councilmember Ramlawi.

>> City Atty. Postema: And I will say I advised this so I can actually -- and I understand with all due respect, you know that I like to have you have the full issued that are covered on everything.

And I believe that should be in front of you and I'm still reviewing some things.

So that would be helpful, yes.

>> Mayor Taylor: Discussion of postponement?

>> I have song, Radina in the queue for postponement.

I will stick with that.

Councilmember Song.

>> Councilmember Song: Councilmember Radina spoke to his own experience.

I hope we can consider that and the nearly 100 comments and notes from ozone house and the Jim toy center.

We are lucky to have an LGBTQ representative.

We have a diverse group.

Look at our screen.

We should have more LGBTQ reps.

We should be open to understand this pain.

And we forget that Ann Arbor is a safe haven for folks.

This is a city of choice because people -- there are folks in the community who



have no other home.

Their expectations of this city are to keep them safe and understand would they are.

You know, we say we appreciate Councilmember Radina's words.

These are not just words but they are experiences.

That he shared and we heard this over and over again from the community and, it's impossible to ignore.

I mean we -- if we can pretend that this is as important to us as any other issue that comes before this body, I would love to see that same level of enthusiasm.

There are people who can't, that reached out to us individually, and said, you know, we just don't feel safe contacting Councilmember Hayner now.

We don't -- and I think that's a serious issue and that's unfortunate.

We still have to work together.

We have time together.

We have multiple ways to work with each other, regardless of whether or not Councilmember Hayner is on the commissions.

We know there are issues that are important to him.

The work will continue.

We have to figure out how to work together but I hope we listen carefully to the community that really went out of its way to express some serious concerns and also to think of all the folks that are missing from the table here and then from those we haven't heard from yet.

I appreciate the community to rally and be sincere and share that pain.

We're supposed to be alleviating pain.

And giving comfort.

So feel the need to postpone it tonight.

Councilmember Hayner said he's ready to vote on this.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: I will disagree with what has been said.

The pain that this is causing.

It's causing a lot of pain and it's continuing to cause pain and I think the approach is increasing that pain and mistrust in government.

We should slow down a little bit and understand what we are do, because these consequences are not just for Councilmember Hayner, but for all councilmembers going forward.

We are going to get a precedent here and we are going to put the bar to the reflecting that says, we can do it.

Because we can.

We are going to do it because we can.

We will not go through the due process.

We are not going to be methodical.

We are not going to give comfort to the community who would like us to have those conversations that Councilmember Nelson described.

We are not trying to keep this under the rug.

This is not a debate about what Councilmember Hayner said was proper or not.

That is not the debate.

The debate is the process.

We don't even fully understand what we are do.

I couldn't barely understand what Mr. Postema was saying there.

And if you guys all did.

I'm shocked.

It didn't really make full sense.

There were parts that had gaps in it.

I think we should throw counsel before we make a decision that has consequences that goes far beyond the actions of Councilmember Hayner.

I'm horrified the precedent.

Can we come back and vote 10-0 an the right thing of things and done the right way?

What is the rush?

The rush to judgment?

This seems so punitive.

In fact, the conversation on Tuesday focused on punitive measures until I brought up the idea that there should be sensitivity training and education.

And I saw that before the Jim toy letter, which said that's what we should be focused on.

This should be a learning lesson.

Not a shaming one.

Not a punitive one.

It's been my experience thus far in this conversation that that's where the focus has been.

It's not about restorative justice.

It's not about -- it's going to cause us more harm in our community as a whole, taking it this route, than doing it the proper way, with the due process.

We'll get to the same conclusion, but in a more respectful, admirable and proper way.

I simply have not heard of a good excuse other than we have the power and we can do it.

>> Mayor Taylor: Councilmember.

>> Mayor Taylor: Councilmember Radina.

>> Councilmember Radina: There's a cull of things that I think I want to -- a couple of things that I think I want to try to address.

I think as we continue to have this conversation, we are actually centering the conversation around the impact that the victims had experienced of this incident. And I think, you know, we're talking a lot about the need with which this process is going forward or the fact that there needs to be more conversation around exactly how we as a body respond to this incident when in really, I think a lot of individual community members who have spoken up and would felt personally victimized were quite clear in their answers to that.

I think that's important.

I also want to address the slippery slope precedent argument that I hear being

made both here at this table and some of the conversations we heard because I actually think this precedent has already been set by a previous council majority when in 2019, they were part of a council decision to reject several citizen volunteers from nominations to boards and commissions specifically citing comments that were posted on social media.

I went back and watched that meeting this welcome and at the time, Councilmember Ramlawi said, and I quote, you do have to be careful what you say when you work on a board or commission.

It was like when I got my varsity letter in wrestling, when I walked around with my varsity coach, I represented my high school.

Same thing when you sit on a board or commission, you represent the city, up don't go on social media and flame rhetoric.

At the time, Councilmember Griswold said while reading a Facebook post, if I found something like this by a fellow councilmember, I would bring it to the mayor's attention.

Is it appropriate or professional to refer to one of our legislators as most more ironic.

I believe a person who worked in any major corporation in the United States made this kind of statement there would be disciplinary action.

In responding to Councilmember Griswold, Councilmember Hayner himself said that is a legitimate concern.

I'm a big '80s rap guy.

Freedom of speech, just watch what you say.

That's the truth.

They serve the residents of this community by proxy.

All three of those councilmembers along with Councilmember Nelson went on to vote against reappointing citizen volunteers to hold them accountable for things being said on social media.

Things that in my view or extremely less problematic than the speech in question today.

So I ask this body how can we take ourselves seriously if we hold volunteer appointees to boards and commissions to a higher standard than we are willing no hold ourselves?

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: Thank you for bringing that up.

I think council woman Griswold was correct that she would bring it to the mayor's attention and we should follow a due process to have that considered and there has been a starving lack of due process in this case but also all too typical lack of communication.

You know when I found out that instead of, you know, someone -- it's I made several phone calls.

The mayor doesn't want to take my phone calls.

Mr. Radina, you didn't answer my first two phone calls.

And, you know, that's fine.

So there's no communication.

Great.

Well, aren't we a great body moving forward.

You know, it's one thing to discuss the -- I won't dwell on issue, there's a big difference between someone installed by the voters and a citizen volunteer.

The context is unusual.

Let me speak to the point.

I don't care if we vote tonight.

All this does is give the media an opportunity to write another series of articles on it, drag it out and increase the hate in my opinion, and the hurt, rather, than, that's not going to be held helpful.

I certainly appreciate Mr. Postema's suggestion and I don't think he would do it unless he had a good reason.

I'm willing to move forward tonight.

There's a weird power dynamic that goes on between the media, or the press and elected officials and regular old citizens.

The media is the most powerful entity on earth.

And this is a quote and you can look it up.

They have the power to make the innocent guilty, and the guilty innocent.

When you are on the wrong end of that power dynamic, by the media, quote/unquote journalists, you have to react to that sort of thing.

When I have a local reporter who covers politics, and they text me and tell me I'm mentally ill and I should seek help, that's a abuse of a power dynamic.

Nobody is asking me why I said those things.

I read that quote I just said about the same time I read this book for the first time in my 20s and I have been suspicious of the media ever since then.

That's my problem with the media there's a power dynamic there.

To deny that, is what makes our democracy tip in many ways and that's the ability to control people's minds and manipulate the people for good or ill.

I'm happy to vote on this now.

I'm not going to support it because if I said that, it would be saying to the folks who voted for me and would I represent that I'm perfectly willing to let them go without representation and I'm not -- it doesn't have to do with the appropriateness, how I feel about the language, none of that.

It has to do with my responsibility that will continue to my residents and my voters and constituents to stay informed about what is going on and do my best to represent them and that's what I will vote for in this case.

It has nothing to do with what I said.

Hundreds of people and the apologies I made, in my case, it's machine my vote is trying to uphold their representation in this body.

Because you are taking it away from me, sure, and you are taking it away from them, doubly sure.

And so make your justifications for however you want to vote.

I respect Councilmember Nelson's motion to delay, but I'm not going to support it.

Let's get on with it.

>> Mayor Taylor: Councilmember Griswold.

>> Councilmember Griswold: This council has exponentially done more to harm our community than a single post on Facebook.

While I don't condone that post on Facebook, it doesn't justify what I consider to be immoral, unethical behavior on the part of council and what I observed in the admin committee.

We are very intelligent councilmembers, but some sometimes they restate facts and inaccurately.

When we -- when I had an issue with a behavior of someone on a commission, and I went to the mayor, he told me to wait until the reappointment process because reappointment was optional.

People are not just automatically reappointed.

That is what I did.

When someone called one of our state representatives moronic, it was our only African American state representative.

So it wasn't just a term moronic, and there were other sanctions against the person for doing that.

I hope we don't recreate history to fit our own desires.

And I'm sorry about the impact on our victims but different people are impacted in different ways.

I had foster children who had terrible, terrible early life experiences and they were some of the most resilient children I ever met.

So I don't think that the impact on the victim can be factored into the punishment.

We need to look at what the act was, and be objective.

Thank you.

>> Mayor Taylor: Councilmember Grand? This is on postponement.

>> Councilmember Grand: I understand.

I will take 10 seconds.

I don't think the impact can be factored in.

I will just respectfully disagree.

You know, it's pretty rare that I go against a recommendation from our -- from our attorney's office.

This will be one of those cases based on both what Councilmember Hayner said and also just that the fact that it -- that I have heard very clearly tonight in an explanation that was incredibly clear to me that this is within the bounds of our ability to act and that the outcome is not going to change.

And I just think that there's been too much hurt.

Where this conversation has centered has disturbed me and I really don't want to go back to rehashing that two weeks from now about who was -- who was most harmed.

I will agree with my colleague from the third ward, the response was incredibly uniform in terms of what members of the this community wanted to see done and I even went and looked up clarification from the Jim Toy Center today because they were concerned that they asked for something they want their words to be -- this should be a short conversation.

It should be so easy and it's something that's unifying.

So you know, we can hurl insults about divisiveness and embarrassment and all you want.

This should actually -- this should be such an easy one.

You know, it's not permanent.

It's -- I think it's appropriate.

I'm not going to vote for postponement.

I'm going to support this tonight.

>> Mayor Taylor: Councilmember Briggs.

>> Councilmember Briggs: Thanks.

Mr. Postema, I'm struggling to understand what information -- it sounds -- it sounds like what you would like to bring back to us in two weeks is sort of what you presented to us just a little bit more formally, more eloquently, something for the community to be able to see, something that makes it very clear about the process, and -- and -- and what enables an act like this.

It sounds like the information substantively, the information would not shift from what you presented tonight -- is that correct?

>> City Atty. Postema: That's true.

As you know, I usually provide a fairly thorough written analysis so that, the nuances and the issues to go through.

I have given a summary of it.

I think everybody would benefit from that, but, again, that's your call and that is an issue for me, and that's my recommendation.

And I think that it would be useful, but in some ways, you can judge the usefulness of it.

And so my recommendation remains the same, but you can take it or leave it.

>> Councilmember Briggs: Thank you.

I appreciate it.

>> City Atty. Postema: I will be providing the written analysis after the fact anyway.

>> Councilmember Briggs: Okay.

Thank you.

And that what I was going to suggest.

For myself, anyway, I do see merit for the community to have that.

I think it's an important -- this is -- this is an impactful move but I -- you know, I agree.

I think that conversations like this around the table are challenging in many ways for this body.

For our relationships for one another and the perceptions we take away from this. But we're here today ultimately to serve our community.

And to take the actions that we believe is appropriate in addressing an action like this when it happens.

I have already stated why I think it's appropriate and I won't be supporting postponement I would say I continue to have concerns that elements of what I here and Councilmember Hayner's sincere apology to the LGBT community.

I think another norm of our community is not encouraging harassment of any

group and I don't hear that in the apology or the reflection about what has happened.

I think that's the repetitive behavior we have seen.

>> Mayor Taylor: Councilmember.

>> Councilmember Briggs: Thank you.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: I wanted to clarify a couple of things that were said in terms of precedent.

This is unprecedented.

The actions of Councilmember Ackerman, taken around his D.U.I., I approached him in private.

I talked with him personally.

I worked with the city attorney's office in confidentiality.

It took five weeks in a very respectful manner that he agreed that it probably wasn't best for him to be the police oversight commission while going through what he was going through.

And it was done in a respectful way.

Whether you are talking about volunteers to the boards and commissions, that's a completely different -- it has a whole different ramifications.

We are elected officials.

As Councilmember Hayner has spoken, he represents 20,000 people.

Those constituents, we're going to strip those folks of their political voice.

And this should be easy.

I agree this has gone on too long, this conversation tonight.

But I want to make it clear that it's real easy to condemn that language and that behavior and it's not becoming an elected official.

But we need to do it -- so we don't cause more harm than we are trying to alleviate.

And from what I can tell, from all the emails I'm getting.

We are inflicting more harm on our community and an embarrassment of a high-functioning body with how this process is unfolding.

It's unfortunate, because it should be 10-0, 11-0, when it's done in a proper way.

But the precedent that this sets --

>> Mayor Taylor: Councilmember.

>> Councilmember Ramlawi: It's horrifying.

>> Mayor Taylor: Councilmember Nelson and perhaps we can close out the queue on postponement.

>> Councilmember Nelson: Thank you.

I want to push back on something that Councilmember Ramlawi said.

I don't have any interest in making a process that is respectful to Councilmember Hayner.

That is actually the least important part of all of this.

We all should be focused on what is respectful of our -- our positions in these offices and respectful of the responsibilities that we have.

And unfortunately, we have muddled quite a few things when I have seen some

people be very dismissive of pulling out past incidents and say, this is just what about-ism, our whole legal system is based on a very elaborate system of what about-ism.

To understand what came before and to understand that every decision we make has an impact on what comes after, the things that happened before have an impact on what is happening now.

And I want to point out to Mr. Postema, because he said that he didn't have time to research it this afternoon.

I actually had time to research it this afternoon.

And so I actually have some information.

I have a copy of the rules from 2016, before they were amended.

And there's a section in there that very specifically describes almost exactly DC-5.

It was intentionally and purposefully amended out of the rules because that council didn't want this to happen.

They didn't want a majority to be targeting in this way without any process, without any procedure, without any serious discussion.

And that council, that rules committee -- that rules committee that supported those amendments, at the time was Mayor Taylor, for a time Jason Frezzel, and Jack Eaton.

And so we have members hat this table tonight who actually voted to remove something like this as part of our toolkit for how to interact with each other and how to regulate our body.

I think that's slightly relevant information.

I believe it's too late for me to withdraw my postponement because I see there's no support for it and at this point, this issue has been framed so grotesquely as any questioning of our process is a rebuke of -- members of our community who are valued.

Any questioning of this process, any slowing of it down is somehow an endorsement of this language.

Of course I can't vote for a postponement and I can't question this in any way.

I wish we were smarter than this, to be perfectly honest.

I just wish we were smarter than this.

>> Mayor Taylor: Further discussion of the postponement.

Roll call vote, please.

Starting with Councilmember Song.

>> Councilmember Song: No.

>> Councilmember Grand: No.

>> Councilmember Radina: No.

>> Mayor Taylor: No.

>> Councilmember Eyer: No.

>> Councilmember Nelson: No.

>> Councilmember Briggs: No.

>> Councilmember Ramlawi: Yes.

>> Councilmember Hayner: No.



>> Councilmember Disch: No.  
>> Councilmember Griswold: No.  
>> Clerk Beaudry: Motion fails.  
>> Mayor Taylor: Further discussion of the main motion.  
Councilmember Griswold.  
>> Councilmember Griswold: I would like to offer an amendment to DC-5 that we strike out the language regarding removing Councilmember Hayner from current assignments.  
Leave the part that we do not condone that language.  
>> Mayor Taylor: Is there a second.  
>> Councilmember Griswold: And leave --  
>> Mayor Taylor: I'm sorry, councilmember, please proceed.  
>> Councilmember Griswold: That's fine.  
>> Mayor Taylor: Is there a second?  
Seconded by Councilmember Hayner.  
Councilmember Griswold, you have the floor.  
Discussion of the amendment?  
Councilmember Radina.  
>> Councilmember Radina: Thank you.  
I'm sorry, I will be voting no on this.  
I have to say, I'm frankly quite exhausted with this conversation.  
It's a conversation that's been going on for a week in our community.  
It is a conversation that if I'm feeling exhausted as an elected member of this body, charged with responding to it, I can only begin to imagine how our community members are feeling.  
And frankly, I just -- I wish that we were willing to take as severe an approach -- I wish we were willing to condemn with as much passion and, frankly, effort, that is being taken right now to protect against the removal or against a consequence or any meaningful consequence for this action.  
I wish we were willing to condemn the initial act with as much passion.  
I'm just so frustrated and so exhausted.  
The folks on this body have said this should be easy.  
You are absolutely right.  
This is frankly really the bare minimum that we should be willing to do when this type of language is used by a leader in our community, and the impact that it has had on the community and I'm sorry that I'm losing my patience a bit with this conversation, but the fact this is going on and on, I am sorry to the LGBTQ community members who have to continue to hear the passion with which we are defending committee assignments but we basically state -- of course I condemn the comments but now I'm really, really angry about everything else that's being said.  
Frankly, the people at this table are not the people that I'm that concerned about tonight.  
So thank you and I will not be supporting this Edmonton.  
>> Mayor Taylor: Councilmember Griswold on the amendment.

>> Councilmember Griswold: I want to condemn this to the absolute maximum amount possible but that does not justify treating someone else in an unethical manner.

Otherwise, it's simply a stone for a stone, and that's not what we stand for.

So I'm -- I'm sorry that some people believe that the end justifies the means and people are going to think that I'm overstating something, but what's been on my mind for the last few days is that government at the federal level has been compared to government in Germany following World War I.

I'm old enough to have talked to any great uncles who fought in World War I.

We are following history when we think that we can do anything and that just because we are right, we can take the rights away from other people.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: I apologize.

I knew this was going to be a long one.

I have been thinking about this all weekend.

Unfortunately this resolution is all punitive.

There's not a restorative component.

We can't force Councilmember Hayner to take sensitivity training courses.

We should all be taking that course.

We should all try to lead by example and get some -- get some training quite frankly.

We are dysfunctional.

And this is going to lead us to more dysfunction.

And, you know, it's just all -- it's all punitive.

And I keep going back to it.

You know, an eye for an eye makes the world go blind.

And I think that's the direction we are heading here.

And it's unfortunate.

I think that we are better than that.

We are definitely not acting like it.

>> Mayor Taylor: Councilmember Song.

>> Councilmember Song: I don't think an appropriate response to over 100 people writing to us about their concerns about our actions.

I don't think a response would be they should toughen up.

You know, that -- that we would rather not hear from them, because that's the message that is being promoted right here.

When we respond to these folks, what are we going to say to them?

That we spent more time making sure a councilmember has his time on the committee or can we make sure we can all make this commitment and hear folks out?

We can do antibias training.

The library board did it, and the library board did it.

How do we respond to the folks who reach out to us in the meantime.

This will be in the news tomorrow but people will be worried.

They want to know what will we actually commit to collectively and I hope we can

figure that out too.

This shouldn't come up to the body again.

Figure this out and we can decide and it should be easy and we should be able to come back together in two weeks and continue the work of what most residents want to hear in how do we make this a more welcoming community.

This discussion is not it.

>> Mayor Taylor: Councilmember Disch and then Hayner.

Let me suggest that we can move on from the amendment and get back to the main motion?

Councilmember Disch?

>> Councilmember Disch: Yes, I will just be very quick.

I wanted to endorse the idea of us all doing bias training and I did want to point out that though Councilmember Hayner will not be is serve on boards and commissions for seven months, he will be a voting member of this body and I will treat him with every respect and I hope everybody else will as well.

So it is not as if ward one is being denied half of its representation.

That would be the case if -- if Councilmember Hayner were no longer allowed to vote on anything.

>> Mayor Taylor: Councilmember Hayner.

>> Councilmember Hayner: I appreciate what councilwoman Griswold is trying to do here, because the heart of question is: Really no one has managed the heart of this question in tries to remove that in my opinion, is no one has managed to articulate how this penalty that you are seeking to impose on me, for my transgressive speech outside of this body, is going to solve the problem. In what way do you expect that -- shall I be sitting around at home and ruminating?

Shall I continue my letter writing campaign to folks in the community to make amends?

What -- no one -- I mean the reason this is even being asked about is no one has articulated how they think that will somehow make this better.

Besides the punishment and I will -- you know, that's the problem.

That's why we are still talking about this.

Because no one has articulated how this is going to do anything but act as a penalty and hope that those who were harmed by my behavior, which I fully own up to, and apologize again for, are going to heal from knowing I have been punished.

And there's a bit of a disconnect there.

I think that's why it's going on.

You know, let's just please vote on this.

You know, let's just vote on this.

I have suffered quite a bit.

I haven't suffered as much as everyone in the community, perhaps, you think.

But, you know, I have been -- I have -- the community has been poisoned against me by this, and -- and it -- you know, it's horrible.

I lost work.

I have lost jobs over this.

That's not enough.

Take away the boards and commissions.

Go ahead.

I think it's a dangerous precedent and I wouldn't do it to others but feel free.

>> Mayor Taylor: Councilmember Grand.

>> Councilmember Grand: I will take a quick stab at that.

Part of this is about accountability, that we have heard from people in the community who are most hurt, that they want some accountability.

The fact that so much of this conversation has been me, me, me, me, one of the first lessons I learned in even campaigning, it's not about you.

It's about the community.

And so -- so in part, the fact that this is not restorative and punitive, punitive is okay, because it's a synonym for accountability.

>> Councilmember Ramlawi: May I call the question.

>> Councilmember Grand: Yes, we can call the question.

To hang it out there and cause more harm, is not okay.

>> Mayor Taylor: Further discussion of the amendment.

>> Councilmember Ramlawi: Weren't we discussing the main motion?

>> Mayor Taylor: Nope.

>> Councilmember Song: No.

>> Councilmember Grand: No.

>> Councilmember Radina: No.

>> Mayor Taylor: No.

>> Councilmember Eyer: No.

>> Councilmember Nelson: No.

>> Councilmember Briggs: No.

>> Councilmember Ramlawi: No.

>> Councilmember Hayner: No.

>> Councilmember Disch: No.

>> Councilmember Griswold: Yes.

>> Clerk Beaudry: Motion fails.

>> Mayor Taylor: Further discussion of the main motion?

I have not yet spoken about this, and if we are going to close it out, I would like to say one or two words.

I don't view this action as punitive and I don't view the action as focused on councilmember -- on the councilmember.

I have heard multiple apologies here at the table, and for -- and I have heard emotional apologies at the table and I have heard the councilmembers, to his credit, his internal pain -- he feels deeply about that and I appreciate that.

But in my view, that is not analytically material.

In the course of the post, councilmember, used incredibly offensive homophobic slur front and center.

And what that did in public, in our society, by a sitting official, created a permission structure of degradation that hurts members of our community.

It distances the LGBT community -- the LGBTQ community from their government by virtue of this position.

And that creates real harm.

And it is, I believe, the purpose of this resolution to help field that harm as a performative statement on part of this council that -- that that language is not proper, that it is offensive and is unacceptable and that we do not accept it.

And that although we may be individually and personally generous with the councilmember and his apology, that -- as an elected official on the body that, we do not accept it.

And that we therefore take action.

And I believe that that action is measured.

It's measured.

And so I think it's appropriate.

Councilmember Hayner.

>> Councilmember Hayner: Well, thank you for indulging me.

I haven't broken any ethical rules.

So I -- I'm going to ask -- I'm going to ask to be recused from this because I'm materially affected by the vote.

It's a vote about me and my behavior and I don't believe I should vote on this.

I think it's a strange situation, and I don't know what Mr. Postema would say about this, but unlike the other situations where I haven't been able to vote on rezoning or such type things because I had an actual material interest in the parcels and I have willingly recused myself from that.

I find I have a material interest in the outcome of this and I feel similarly that I should perhaps be recused.

So I'm asking the body to recuse me from voting on this.

It's -- it's a strange situation we have created here and I don't know how else to respond to, it but I don't think I -- you know, it's -- you get what I'm saying.

It just seems unusual.

>> Mayor Taylor: Mr. Postema, are we permitted to cede to the request.

>> City Atty. Postema: You are.

It's not under the financial interest.

It's under a separate provision is whether or not there's a conflicting duties in the vote, and he's asking for your permission to not vote for that reason.

>> Mayor Taylor: Moved by Councilmember Disch and seconded by song.

Discussion?

All in favor?

Opposed?

You are recused.

You may recuse yourself, councilman.

Further discussion of the main motion?

Roll call vote, starting with Councilmember Song.

>> Councilmember Song: Yes.

>> Councilmember Grand: Yes.

>> Councilmember Radina: Yes.

>> Mayor Taylor: Yes.  
>> Councilmember Eyer: Yes.  
>> Councilmember Nelson: Yes.  
>> Councilmember Briggs: Yes.  
>> Councilmember Ramlawi: No.  
>> Councilmember Disch: Yes.  
>> Councilmember Griswold: No.  
>> Clerk Beaudry: Motion carries.  
>> Mayor Taylor: DC-6, Resolution to Improve Council Effectiveness, Performance and Communications for Professional Services in the Amount of \$20,000.  
Moved by Griswold, seconded by Disch.  
Discussion, please, of DC-6, Councilmember Griswold.  
>> Councilmember Griswold: I would like to move to postpone DC-6. I received some information from another local community about how this could be done either pro bono or for a reduced rate, and I would like to the opportunity to revise this and bring it back at the next meeting.  
>> Mayor Taylor: Seconded by Councilmember Radina.  
>> Mayor Taylor: Discussion?  
All in favor?  
Opposed?  
It is approved.  
Do we have a closed session?  
>> City Atty. Postema: No.  
We have the clerk's report of communications, petitions and referrals.  
Moved by Disch and seconded by Hayner.  
Discussion of the clerk's report?  
All in favor?  
Opposed?  
The clerk's report is approved.  
Do we have communications today from our city attorney?  
>> City Atty. Postema: No, mayor, except that I did want concurrence from this council that my plan to follow up with a written description of the process because there's been a lot of issues out there, and I have given sort of the overview, but there are nuanced things.  
And oftentimes I give this in a privileged fashion but I'm happy to do that in a way that can be useful and public.  
So I leave it up to you but that's what I suggest.  
>> Mayor Taylor: Understanding you will give us a privileged document. Do you need a council vote in order to present in addition a non-privileged document?  
Mr. Postema?  
>> City Atty. Postema: I can do both.  
>> Mayor Taylor: Do you require that we vote to -- for you to put together a public memo that is not privileged?

>> City Atty. Postema: You have done this in past and I have done both for you related to the first amendment.

So -- and you did it in advance, I believe.

>> Mayor Taylor: Do you need us to vote now?

>> City Atty. Postema: Yes, you can do that.

>> Mayor Taylor: Can be do that by acquiescence?

>> City Atty. Postema: Yes.

>> Mayor Taylor: Does anyone object to Mr. Postema putting together a public memo according to the issue he just described?

Is there is any objection to that?

I will wait.

There is no objection.

And by that I infer there is unanimous consent to release -- the draft and the release of the public memo, in addition to whatever privileged information he chooses to deliver.

>> City Atty. Postema: Right.

>> Mayor Taylor: Thank you.

We now come to public comment general time.

It's an opportunity for members of the public to speak to council and the community about matters of municipal interest.

To speak at public comment general time one need not have signed up in advance.

Speakers should dial 877-853-5247.

877-853-5247.

Once you are connected please enter meeting I.D.94212732148.

94212732148.

Once you are connected further, please enter star nine.

Star nine to indicate that you wish to speak.

When it is your turn to speak, our clerk will identify you by the last three digits of the telephone number.

And then it will be your turn to speak.

When you speak you will have three minutes in which to speak.

So please pay close attention to the time.

Our clerk will notify you when there are 30 seconds remaining when your time has expired.

When your time has expired, please conclude your remarks and cede the floor.

Is there anyone who would like to speak at public comment?

>> Clerk Beaudry: Caller with the phone number ending in 941, please press star six to unmute yourself.

>> Can you hear me?

>> Mayor Taylor: Yes, we can.

>> Mr. Mayor, Mayor Taylor, you are a liar, and you are a hypocrite.

And I will tell you why.

None of you have publicly stood up for human rights across the board, except for Jeff Hayner.

Jeff Hayner publicly fought for gay rights and publicly stood for Palestinian human rights.

You didn't.

He did.

Your own council rules don't allow you to strip anyone of their committee assignments.

Jeff keeps apologizing for stupid posting, but I don't hear Jen Eyer apologizing for her lies.

Jen Eyer was accused by many women of enabling sexual harassment against them in Lansing.

I believe those women.

I don't believe you or Ms. Eyer.

Eyer took campaign contributions from the accused sexual harasser and eyer lied about being a small business owner.

She lied about it!

In 2013, yet you have done nothing to reprimand Ms. Eyer.

Nothing Mr. Mayor Taylor, you hypocrite liar.

In 2013, Al McWilliams called councilman a violent obscenity referring to a woman's vagina.

He also posted a picture of Millie Cyrus' bottom.

After all of that degrading imagery against women, you, Chris Taylor voted to appoint this obscene man to the downtown development authority.

What a tasty little morsel to throw at him!

You lying hypocrite mayor, mayor Chris Taylor.

You praised him for his ironic -- you lying hypocrite.

Julie grand threatened councilmembers that she would become a seek and destroy missile.

You said nothing about that.

You lying hypocrite, Mr. Taylor!

Chris Taylor has rewarded all of these people eyer, grand and McWilliams, and he wanted to punish Jeff.

Taylor has joined eyer and grand in their crusade to strip Councilmember Hayner of his assignments.

What do you think would happen to the city in court if it torched its own rules to strip a councilmember of its whole job on the city council?

Let us not forget how Mr. Mayor was more than kind to Councilmember Ackerman when he too lied.

He was caught lying.

>> Clerk Beaudry: Time.

>> Being criminally charged.

>> Mayor Taylor: Thank you.

>> Yet nothing.

Nothing.

Our mayor did nothing about that.

You lying criminal!



>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 677, do you have a comment?

>> Michelle Hughes.

This has been an exhausting week for me, emotionally, because, you know, I'm a member of the affected community.

I'm an LGBT person, and I have known a lot of people who have been, you know, shunned by their families, kicked out of their homes.

They have been -- they have been fired from their jobs.

They have been -- they have quit their jobs due to transphobic harassment and this is all just because of their identities.

And so, you know, and it's transphobia, you know, brings trans people -- almost 42% of trans people have attempted suicide at some point.

And I myself have considered suicide at one point in my past, because I couldn't bring myself to transition in such a transphobic world.

And so when Hayner used this bigoted language, the specific harm done to me was that I had to relive these things.

I had to think through them.

You know, it wasn't something that I could ignore, because it was something that was in my city council.

And it's not reasonable to expect me to not pay attention to the city council and to the things that my city councilmembers do and say.

It's not reasonable to expect the LGBT community to not pay attention to the things that their city councilmembers do and say because they might be hurt by them.

And so what's this -- the -- the reparations that this resolution did tonight, is that I don't feel that Hayner can adequately represent me on any of these committees right now.

I certainly won't talk to him and I don't feel like he would listen to me if I did talk to him because I don't feel he respects me or my community.

And so taking him off of those committees will mean that I once again have representation on those committees.

I'm a ward one resident and I would rather have someone else on those committees, and someone I feel safe talking to.

These are other LGBT members who wanted to come forward but didn't feel comfortable in the course of my advocacy this week I was called a liar and a bully.

And nobody wants to face that.

Thank you for taking this action tonight.

I wish it would have been unanimous.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 323, do you have a comment?

>> Hello, can you hear me?

>> Mayor Taylor: Yes, we can.

>> Oh, good evening.

Good morning.

Whatever that we can call it now, councilmembers and Mayor Taylor.

My name is Devin Myer.

I'm a student at the University of Michigan.

I have introduced myself before.

You have probably heard me before as well.

I always start all of my public commentary as I'm a white middle class who was born in high-class.

I think it's important to acknowledge that before I speak on anything that I want to bring up in the city council meetings.

Furthermore, I'm here to speak on survivors speak.

I try to amplify the voices of those who experience injustice.

I wanted to spend on Jeff Hayner's actions and the appalling lack of action by Mayor Taylor.

There's been a motion to remove Mr. Hayner from council appointment.

In light of recent social media posts from Councilmember Hayner and the derogatory slur directed at the LGBTQ+ community.

My first question why only prohibit him from appointments.

Jeff Hayner's underlying bias and discriminatory posts are not a part of the community that Ann Arbor chooses to be.

You say this is drastic, but to me, it seems like he cannot own up to his actions in full.

He might be attending diversity and antiracism training and we talked about that as well tonight.

It is not indicative of would he truly is.

This is a position of heart and how you are seen by the people who you represent as you heard from the previous statement.

He could be removed from any form of council, there's enough sanctioning power for that to happen.

It's no the whether you broke a rule, Mr. Hayner.

It's again, a position of heart and how you are seen.

However, I hope to bring attention to something bigger than this.

I'm glad that this motion is being put forward to sanction some of his actions.

My question is why now?

Have we spoken in a derogatory way, to Councilmember Eyer, which she had a sugar daddy.

More than that, didn't Jeff Hayner repost a Facebook post of a black woman and her three kids on a bike saying how did they manage without a bike lane?

Why now are actions being made towards Jeff Hayner?

Why now is he being sanctioned by his actions?

>> Clerk Beaudry: 30 seconds.

>> Please don't misconstrue my words.

I'm so sorry that this was the straw that broke the camel's back but what about all the groups of people.

What about the black community that is ignored by Mayor Taylor.

Why do you pass for antiaging hate, but it's a white man who comes into the council to think about reparations.

The recent motions put forward showily how deeply racist and white dominated this council is.

Everyone must feel that discomfort and address their own internal biased if we are ever to truly change.

Thank you.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller ending in the phone number 534, do you have a comment?

>> Good evening, this is Tom Stulberg calling from lower town.

I wanted to talk about the a.

D.U. ordinance revisions.

These are very major revisions.

It's unfortunate that they are called an ADU ordinance revision, which technically they are, but they are in effect much more than that.

Every time somebody downplays the impact of this, that person is doing an injustice to their constituents.

We can have a debate, a conversation about the pros and cons of ax D.U.s, of these changes, but it is ingenuous to downplay the impact.

We don't have many ADUs, maybe two dozen right now.

I am for and have advocated actually worked towards changing things so we might get more of them.

The changes that are proposed are not the right way to go.

We are impacting, significantly impacting over 20,000 lots.

Even though they claim there's something, lower than that is disingenuous.

Detached houses of 600 or 800 square feet in their rear yard up to a few feet from the lot line, where they were not permitted before is a significant change, whether you are in favor it or not, you cannot deny that specific change.

Removing the owner occupancy requirement, whether you like it or not is a significant change.

It does, indeed change the math.

It does indeed change the evaluation of the investment community.

I have done buyer agent work for 20 years or more.

I'm a former developer of subdivisions.

This change, the combination of these changes will have cash investors buying model -- the most modest houses, denying cash options for the low end of our mark and driving those homeowners to buy in subdivisions, greenfield developments in the townships.

We will induce additional sprawl and greenfield development for those people to commute into work because they will not be able to buy a home in town.

The prices will be driven up, and this will be counterproductive to what our goals are.

I hope to continue this debate and talk to all of about you this further.

Please do to the downplay the significant impact of these changes.

Thank you.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 326, do you have a comment.

>> Hi, this is Jamie Lagaira, calling you from ward three and I wanted to point out that it's timely that the resolution was brought forward in terms of recognizing psychedelic therapies today was bicycle day, the day in which Albert Hoffman, two days after discovering the psychedelic properties accidentally discovered the psychedelic properties of LSD decided to dose himself and ended up bicycling home and having a tremendously important live changing experience which he conveyed to others and ended up changing the world in a lot of ways.

One of the things about psychedelics that is really important is they help people apply a microscope to themselves.

And what I want to do is step away from some of the commentary that has been impugning, pointing fingers and saying things about what others should have done.

The only thing I will say is people have been talking about the value of therapy, of change, of improving the lives of those around us.

It's really helpful to apply that microscope to oneself and understand how one's actions and one's words can hurt other people.

They may not be intentional.

There's a variety of reasons why people can be impacted negatively by the things that we do and say.

I would just encourage folks to use a microscope of whatever is best for you, to look at yourself to understand how your actions and your words can impact other people.

And I think the more that people do this and I include myself in this, the more that we do this, the more supportive, society that we can have.

So I'm -- I'm really sorry about all the bitterness and the hurtfulness that's been coming from council lately, and the language and I hope folks can turn the microscope on to themselves and work on being more empathic and understanding with ex-other.

Thank you -- with each other.

Thank you.

Have a good night.

>> Mayor Taylor: Thank you.

Clerk caller ending in the phone number 764, do you have a comment?

>> Hello.

John Floyd, 519 sunset road.

I look forward to Councilmember Grand considering her position and the words she uses when she speaks.

I look forward to hearing her acknowledge that she is accountable for the things she says, and acknowledge that her threatening speech and violent metaphor is unbecoming of a councilmember.

I look forward to her not normalizing violent language in the community.  
I look forward to her not sweeping her own inappropriate words and behavior under the rug.  
I look forward to hearing her acknowledge that it is acceptable for others to hold her accountable for her behavior and words.  
I look forward to hearing Councilmember Grand acknowledge that her violent metaphor and attack dog manner is inappropriate for children.  
I look forward to Councilmember Grand apologizing for her inappropriate and mean-spirited behavior.  
I look forward to councilwoman grand living up to the standard that she has set for Councilmember Hayner.  
I look forward to a council that really is collaborative.  
I look forward to a council that is not divisive.  
I look forward to a council that is not petty, but instead is thoughtful, considered and measured.  
I look forward to a council that lives up to its own rhetoric.  
Thank you and I wait this day eagerly.  
>> Mayor Taylor: Thank you will.  
>> Clerk Beaudry: Caller ending in 556.  
>> Go ahead.  
Hi, this is Ralph McKee, 1116 red oak.  
Can you hear me okay?  
>> Mayor Taylor: Yes, we can.  
>> There are many inconsistencies, logical and otherwise, that were displayed or demonstrated at this meeting tonight.  
I could never get through them in three minutes I think on the ADU ones because they were pretty basic.  
Let's start with the DC-5 debate.  
I would start with Councilmember Briggs.  
You emphasized not only the slur and the damage to the LGBTQ community, but also that it was an attack on the press.  
Let's examine other attacks on the press.  
Mayor Taylor recently called a routine FOIA request from Mlive voyeuristic and beneath contempt.  
That's roughly equivalent to Donald Trump's enemy of the people speech, and what was that FOIA request?  
It was a request coming from Ryan Stanton at Mlive to find -- to investigate whether there were incidents that were directed at all councilmembers and that FOIA request would have covered the domestic incident at the eyer household.  
It wasn't directed to get that.  
Mayor Taylor, did he bother to distinguish that?  
No.  
Voyeuristic and beneath attempt.  
Did we hear about it?  
No.

Let's talk about the Vanguard incident.

When this was mentioned by first public commenter at the end here -- that the accusations are being described by that commenter and I watched Councilmember Song and grand shaking their heads.

Those were victims, real victims.

It was not one, not two, but at least three and each of them said credibly to a respected publication that they went to Jen Eyer with their complaints about T.J. Buckholtz and she gaslit them.

Is there any discussion about anything at this council about that?

No.

Let's focus on what Jeff Hayner did and let's ignore everything else.

Those were real people, real victims.

Aren't they -- do you aren't you disrespecting them?

That's all I have tonight.

Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 469, do you have a comment?

Caller with the phone number ending in 469, please press star six.

>> Hi.

>> Mayor Taylor: We can hear you but can you turn off your media device.

>> Yes, my name is Petal Sandcastle.

I'm a ward one resident and a Ann Arbor business owner which I'm officially offering up to facilitate collective art therapy, family counseling, and group facilitation, but a real genuine look at ex-other because it is my estimation that really witnessing each other, I'm talking about really going in with a scalpel and see where the differences sprout.

I think it's to address the growing polarity.

I think that we are all afraid of Naziism and there can be woke Naziism, brute force is what it is.

It's brute force.

The man was voted in and nearly 80 million people voted for Donald Trump and those folks are not going any place.

So at some point we are going to have to look at a much larger conversation and we would like to facilitate that conversation publicly.

We could live stream it.

Council can come together on a less stressful situation and you can play on drums and instruments and while also talking and processing where are the actual differences in the way we are viewing reality, because when I hear Councilmember Nelson speak, your mind is so beautiful and eloquent, but you land on the opposite side of the fence from the one that I do.

So I think that we can -- we owe it to ourselves and the community and to planet earth to maybe really try something different because 130 people kill themselves in this nation every day and 7 in 10 are men and thousands of anti-depression prescriptions are written for babies.

This trial that is about to unfold, I think shit is going to get wild and we cannot

ignore the tidal wave and let us crash it to the rocks but we can ride this thing with elegance and rational playfulness and it's starved for elevated realtime conversation, not pundits barking at us.

I think --

>> Clerk Beaudry: 30 seconds.

>> I think a better countrywide and conclusion, I feel like I'm in fifth grade doing my five paragraph essay.

I think a better countrywide conversation is possible and rumblings of a Civil War are brewing and we are on the cusp of this civilization, next black swan.

I think Hayner, Councilmember Hayner has a lot of growing to do, to sort of set down a little bit and it's not just you, but there's a white old rich mail streak, fascist, thing that -- lunar feminine energy can take over, even though I'm screaming at you.

Thank you very much.

You are wonderful people.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 936, do you have a comment?

>> Hello.

Vilin Monster.

January 4<sup>th</sup>, I believe -- no, I probably called in the next meeting.

But January 4<sup>th</sup>, I called in to council and said a four-letter f word, and I was asking for Hayner's resignation then.

Tonight being I'm asking the community to recall Hayner.

I'm -- the last couple of days, I have been going around to local businesses and asking them to issue a statement about this.

And Hayner has repeatedly attacked journalists and he went into rants again tonight attacking journalists and attacking the media.

In the wider context of everything that's been going on in our country, I think we can -- that is gravely serious for me.

Out on the street, what I do out there is the first amendment all day long.

And I have a special -- I'm very fond of it, and I think now I -- I'm seeing signs that enough has shifted that there is a momentum to recall Hayner.

I see it as -- you know, I'm glad that council took the steps tonight to remove him from committees but as a community, we can recall him and remove him from office, and send a stronger message and really say who we are as a community and back it up.

You know, you go back to white supremacy and Hayner and Ramlawi failing to condemn that in no uncertain terms.

All types of hateful violence and we need to stand to go.

Let's recall Hayner, remove him from office so he can no longer harm us.

>> Clerk Beaudry: Time.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller ending in 867.

>> This is Blaine Coleman.

Now what we have heard almost from the entire city council is the primacy and the extreme importance of the LGBTQ community's feelings, and he is very important to act quickly, to protect the LGBTQ community for sure.

In fact the city council and jumped within a week to take extreme action to protect the feelings of the LGBTQ community.

And, you know, people still kill themselves because they are gay.

So the feelings of the LGBTQ community are extremely important as everyone has said.

However, over 20 years, the city council has done the opposite for the feelings of Arab Americans in general, and Palestinian Americans in particular.

For 20 years, the city council has broadcast in every way imaginable that they don't value the feelings of the Arab community or the Palestinian community at all.

In fact, the city council has done almost everything to communicate for 20 years now that they don't believe that Arabs or Palestinians have feelings at all.

The city has done everything is in their power that it seems like they believe that Arabs and Palestinians are not even human beings, let alone that they have feelings.

This is the message the city council has broadcast loud and clear for over 20 years now.

How hard would it be 20 years ago when they were asked.

How hard would it be for the city council to pass a seven word resolution, saying we are against military -- [ No audio ]

To give Israel \$38 billion in military aid.

To keep --

>> Clerk Beaudry: 30 seconds.

>> To keep gunning down Palestinians?

[ No audio ]

And yet that is the message that this city council is still giving out.

So I advise city council that Palestinians have feelings.

The Arab American community has feelings.

You should act like it and speak like it.

Stop the military aid to Israel.

>> Clerk Beaudry: Time.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 205, do you have a comment?

>> Hi, this is Joe Spalding.

I'm going to talk about Israeli and Palestine for just a second and I will see if I can do it without calling the mayor or a hypocrite.

We will see how it goes.

So I was in college 2011, senior year, and I went to Occupy Wall Street and Zuccotti Park in October.

I remember being sad and I missed Judith butler the week after.

I got to see Noam Chomsky speak and he was talking about the Israeli and the



Palestinian situation.

What I think about that situation is apartheid and that's really what is going on and it's certainly anti-democratic at a very minimum.

But anyway, he -- fairly aggressively, you know -- phrased questions.

And he handled it with really, really good poise.

And he's in New York City, and he gets a lot of questions that are fairly tilted in favor of Israel and the situation trying to frame things a little bit different than him and he handles it extremely well.

He gets personally attacked.

He doesn't bite back.

The one thing I know for certain if Noam Chomsky was paying attention to the situation here, Jeff Hayner would make the bile come up in the back of his neck. That's for certain.

And we loved "Fear and Loathing" when we were in high school and we thought that was a great, a great movie.

I want to say it's very disappointing to again see some folks on council focus so much on process when we know that's a cover and it's awful that the decision was not unanimous and my last little bit here was Mr. Hayner did realize that he needed to recuse himself after he had already spoke.

And I think that speaks volumes that Councilmember Radina and every LGBTQ member resident in Ann Arbor had to sit there and list tone Jeff Hayner reassert his excuses for his behavior.

Trying to reframe it.

He does apologize but then he goes on and says but or however and just like all of his defenders, nothing before the word "but" or "however" means anything.

It doesn't matter.

Thank you for giving me my three minutes.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 006.

>> Thank you.

I would like to speak as a 9 year renter in Ann Arbor.

I'm in ward three.

I think that the demonizations of renters in high density housing is completely ridiculous as it only decreases the good that can be done through a community through various communications just based on liquid assets, but that's not really the main reason I'm calling.

What I really want to say is thank you to all.

Those who are showing their commitment to the constituents not through process, but through action.

It's the coward's way out to hide behind technicality and whatever else you may to bring up.

The black panther party in America was repeatedly, repeatedly demonstrated through schools and assembly as radical terrorists when really, their actions brought the most change, gave us free school lunches, gave us things.

This is showing the active listening skills that are, you know, applied readily to

second graders in Zoom classes.

As we sit, you know, until 1:30 in the morning on the calls, it's abundantly clear who is not listening based on their ability to respond based on when they are called out and the reflections in their glasses.

Thank you to all of you fighting the good fight.

I think there's some positivity that needs to be brought to these meetings and this is my attempt to do that.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 684, do you have a comment?

>> Hello.

This is Eric Sturgis from the first ward.

My heart grows out to the LGBTQ today for having to suffer through that long discussion.

My heart also goes out to Councilmember Grand for what she experienced today.

I know she has to get to work early in the morning.

So I won't keep her too long as she's mentioned before.

We've had councilmembers talking about being sneaky when they were on a commission.

They apologized and were forgiven.

We had councilmembers talk about being seek and destroy missiles.

He with haven't heard from the mayor and certain councilmembers when it comes to supporting our African American community.

A FOIA request shows that Mayor Taylor was disrespectful to Lisa Jackson and the third member applied for it who was African American.

And it doesn't seem like his two council reps were too caring that he was excluded.

I think we can all be mad, but let's be consistently mad about the injustices that occur every day.

Let's worry about people that suffer discrimination.

That are victims of sexual harassment, or to say don't shake your head at me or comparing constituent comments, like talking to their children, that's offensive.

But one of the most offensive things to me, and a lot of people in this community, I have had a good friend of mine suffer being killed by a drunk driver.

That's offense to me.

It's against the law, and to sit there and have one of our councilmembers show that I will never remove them.

So that shows where they stand on justice.

I will finish tonight by saying that this act of having this long discussion about DC-5.

Great discussion.

The result is the result.

I'm totally expecting to see other people removed from their committees when they say comments that are very hurtful to the community and they refuse to

apologize.

>> Clerk Beaudry: Time.

Clerk caller with the phone number ending in 828, do you have a comment?

>> My name is Kathy Tracken.

I would like to talk about the budget.

I live in ward one that Mr. Crawford presented an overview tonight and we all have household budgets, and a responsible person generally doesn't spend money they don't have.

You might want to update a working bathroom but if you are having trouble putting food on the table or clothes on your back, you don't do it.

And so I was rather alarmed when I saw the line about, well, we can't -- or we are not going to be paying -- I don't remember what it was, whether it was retirement or something like that, you are not going to be paying what you should be paying because of all the budget shortfalls.

I would like to suggest that as a council, you seriously look at what is really necessary and what is nice and maybe sort of on the fluffy, warm and fuzzy side. I mean, it's so easy to spend other people's money.

And that other person's money that you are spending is mine.

I would like you not to cut essential services and I would like to really look critically at the things that nice but necessary.

One the things I would like to use the healthy streets.

You spent \$40,000 on a consultant to tell you about that.

And on your results, I see that you got almost 1,000 responses, 457 in support and 393 in opposition and 111 were other.

I'm not sure what that means.

It's not really an overwhelming support and I -- what that means.

It's not really an overwhelming support.

And I think money that you are spending on that.

It's a nice thing and I don't think it's necessary and I don't think it's essential and I would ask you, as you review the budget this next month, to please critically look at what is essential and think of it as spending your money.

If this was your household budget and you had to make the budget be balanced, what would you go without for a year or two and maybe for a year or two, we don't do things.

We are dealing with the results of this pandemic, and I think we have to take action to -- maybe we can't get everything done that we want to I think it's important to look at what is critical and in my opinion, one the things that is not important is healthy streets.

We have blown \$40,000 but let's not spend more on that particular item and I'm sure there's other things in the budget as well.

Thank you very much for your time.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: Caller with the phone number ending in 736, do you have a comment?

Caller 736, go ahead.

Caller 736, you need to unmute your phone by pressing star six.

Go ahead.

Caller 736, do you have a comment?

>> Hello?

>> Clerk Beaudry: Hi, go ahead.

>> This is Trisha Duckworth from survivors speak.

Good morning to you all.

This meeting has been absolutely painful to sit through.

I know everyone came tonight, a lot of people came tonight to speak again

Councilmember Hayner.

We believe a lot of things that he has been done are despicable, there are other actions on this council.

Nobody gets along.

There's arguing.

It's 1:18 in the morning!

You know?

Mayor Taylor, I came to you, and -- a couple of times doing something about councilperson Hayner's behavior, you said the voters voted for him, and there's nothing I can do.

But all of a sudden, lo and behold, there's something you can do.

I came to you before about stepping in and speaking up about the racial harm that happens in the public schools.

I can't do it.

It's my jurisdiction.

But lo and behold, your children were represented by this council and members who wrote letters on their behalf.

We are seeing so many disparities.

You approve an Arab American heritage month.

What about African Americans?

We asked for a Juneteenth?

Where is the resolution in that.

I would say everyone needs train.

Antiracism training.

I recommend legacy leadership academy, who deals directly with antiracism training.

Everyone needs it to the privilege can be checked.

So decisions can be made across the board and it be fairness for all.

You opened up Mayor Taylor and say liberty and justice for all, but do you believe it because you pass a resolution for our Asian brothers and sisters and siblings, but then you ignore an email about ending qualified immunity which would benefit our black and brown brothers and sisters because they are harmed by the justice system.

It's ridiculous.

I thank councilwoman Briggs and eyer for answering the email.

Everyone else did no.

Look in the mirror.

You all need antiracism work.

Thank you.

>> Mayor Taylor: Thank you.

>> Clerk Beaudry: There are just a couple of callers on the line who have not spoken but they do not have their hand raised.

>> Mayor Taylor: If anyone wishes to speak, please press star nine now.

Seeing no one, public comment is closed.

Are there communications today from council?

Councilmember Griswold.

>> Councilmember Griswold: Once again I would like to apologize to the community but especially to the LGBTQ community that has had to endure this divisive conversation.

We could have handled the complaint with respect and dignity and saved the embarrassment of this evening, but we chose not to.

And I don't know what the motive was, but, again, I apologize.

I also want to restate something that I said earlier tonight that Councilmember Grand misstated.

And that is when I talked about what the collateral -- I think I set collateral damage.

Anyway, I was referring to a risk analysis which is very common when roads are designed and that is we know that roads are designed for the desired behavior and we also know that based on the road design, it may be riskier for drivers or it may be riskier for pedestrians and that risk analysis is what I was referring to, and questioning were we willing to accept a certain crash rate for the density of that building?

And we need to know going in, what those numbers are.

Thank you.

>> Mayor Taylor: Further communication from council?

>> Councilmember Disch: It looks like we lost Councilmember Radina.

>> Mayor Taylor: Councilmember Briggs.

>> Councilmember Briggs: I would just like to thank Councilmember Radina.

I know he's been probably having a lot more conversations with members the community than any of us this week, while also having to kind of process a lot for himself as well.

In light of, obviously, not only what happened earlier, and the letter he received in the mail.

So I just wanted to thank him for his leadership and those who reached out to us in the community.

I learned a lot from those who shared stories with us, and I appreciate that.

And I also want to say, to Councilmember Hayner that I appreciate what a very difficult night this was for him too, to sit through.

And appreciate his apologies and I will leave it at that.

>> Mayor Taylor: Councilmember Ramlawi.

>> Councilmember Ramlawi: Thank you.

I really hope this is the low point for this council.  
I don't think we have any class.  
The discussions that were had here should have occurred prior to tonight's meeting.  
For respect for so many people, and so many institutions, we have zero class.  
I think we need a lot of training.  
We are dysfunctional.  
We use buzz words, talking points, rhetoric.  
We don't back any of it up.  
And you are only fooling yourselves if you really think that people are buying it.  
No one is buying it.  
They are watching us.  
They are listening to us.  
And we are hearing it from all sides.  
And I hope that our city administrator will do something about it.  
I will hope he will get us the help that we need to we can become a higher functioning executive board.  
Because we are doing a great disservice to our community.  
I spent the better half of my week on DC-5 because it was not handled properly and that's not to say that punishment would have been any different, but we would have gotten there in a more cohesive, respectful and dignified way.  
I don't know where we go from here.  
This is more than embarrassing.  
This is classless.  
>> Mayor Taylor: Councilmember?  
Further communication from council.  
May I have a motion to adjourn.  
Moved by Radina and seconded by Griswold.  
All in favor?  
Opposed?  
We are adjourned.