

**From:** [Wiedert](#)  
**To:** [Lumm, Jane](#); [REDACTED]  
**Subject:** Need to talk  
**Date:** Monday, February 4, 2019 5:03:21 PM

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Jane-

I need to talk to you about a few things: 1) Status update on Library Lot litigation (past and possibly future); 2) Annexation; and 3) Serious Postema issues. Can we find a time to get together?

Tom

**From:** [Wiedert](#)  
**To:** [Lazarus, Howard](#)  
**Cc:** [Postema, Stephen](#); [Eaton, Jack](#); [REDACTED]  
**Subject:** FOIA Nos. 1848 and 1852  
**Date:** Sunday, March 24, 2019 9:06:22 PM  
**Attachments:** [Resp to HL Appeal letters.pdf](#)

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See attached.

**THOMAS F. WIEDER**

**ATTORNEY AT LAW**

**ANN ARBOR, MICHIGAN 48103**

**TELEPHONE:**

**FAX:**

March 24, 2019

Mr. Howard Lazarus  
City Administrator  
100 N. Fifth Avenue  
Ann Arbor, MI 48104

Re: FOIA Request Number 1848 - Appeal

Dear Mr. Lazarus,

I am writing to you in response to your March 18, 2019 letter communicating your "denial" of Ms. Lesko's appeal regarding FOIA request No. 1848. There is no further action required, but I feel compelled to comment upon the letter.

You "deny" the appeal, but proceed to provide precisely the documents that the City withheld, which Ms. Lesko sought to obtain by way of the appeal.

You state that the records that the City provided initially "were responsive to that request." In the context of the FOIA, "responsive" means to provide all documents reasonably covered by the terms of the request, unless one of the statutory exemptions applies. Do you seriously suggest that the documents accompanying your denial letter are not "City Attorney Office staff time records" as described in the request? Clearly, they are, and they should have been provided initially.

You state that this form of record was provided pursuant to FOIA 1816, but not to Ms. Lesko, as the result of "a different query being used to pull the records from the database." Clearly, someone in the City chose the wrong query to use, requiring Ms. Lesko to file an appeal to obtain what she was entitled to receive initially.

And you have the chutzpah to say that you are providing those documents for her "convenience?" You should, instead, have apologized to Ms. Lesko for causing her the inconvenience of undertaking an appeal to obtain what she was entitled to receive.

Finally, you state that you were providing "the records already provided you in the form they were provided in the City's response to FOIA 1816." The records accompanying your March 18<sup>th</sup> letter were not the same records initially provided to Ms. Lesko, and you know it. The latter contain detailed listings of every period of time, by task, that each attorney spent on the matter. The former consisted only of total time spent by each attorney for the entire matter. These are not different "forms" of the same records; they are different records.

Page 2

It is truly amazing to what lengths of twisted language and dishonest statements the City will go to avoid admitting a mistake.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas F. Wieder". The signature is written in dark ink and is positioned above the printed name.

Thomas F. Wieder

TFW/ns

c. Stephen Postema

Patricia Lesko

Councilmember Jack Eaton



**THOMAS F. WIEDER**

**ATTORNEY AT LAW**

**ANN ARBOR, MICHIGAN 48103**

**TELEPHONE:**

**FAX:**

March 24, 2019

Mr. Howard Lazarus  
City Administrator  
100 N. Fifth Avenue  
Ann Arbor, MI 48104

Re: FOIA Request Number 1852 - Appeal

Dear Mr. Lazarus,

I am writing to you in response to your March 18, 2019 letter communicating your denial of major portions of Ms. Lesko's appeal regarding FOIA request No. 1852. The letter is problematic in several respects. Unless these issues can be resolved satisfactorily and promptly, Ms. Lesko has authorized me to file an action on her behalf against the City in Washtenaw County Circuit Court.

You mischaracterize our request for records, as contained in the request and in our appeal. Ms. Lesko requested all records regarding the subject of the request. This would include, without limitation, all correspondence, notes, memoranda, etc. created, sent or received by you or your office, as well by Mr. Postema or his office.

In our appeal, we noted the total absence, in the City's response, of communications between you or your office and any party. We also noted the total absence of records of communications between Mr. Postema or his office with members of the City Council.

As to Mr. Postema's communications with Council, we know for certain that such communications exist, as several have come into our possession. While we would expect any such documents to be heavily redacted, the City is still required to produce them in such form.

Upon further review of your original response to the request, we would note another possible problem. There are no documents reflecting any communication between the City and Ms. Rosati regarding retention of her services under the eventual contract regarding the Bannister litigation, including scope of work, financial terms, etc., prior to the draft contract becoming available for execution. There are no records reflecting any instruction to City staff regarding the preparation of the contract. Similarly, there is an absence of such documents regarding amendment of the original contract.

It seems unlikely that all of those actions were conducted entirely orally. In the absence of an explicit representation that that is the case, we should be provided with any documents reflecting those actions, even if the City claims an exemption with regard to them and provides them with redactions.

Page 2

In your March 18, 2019 letter, you state that two "documents reflecting communication with my office or with any members of the City Council...were found and are provided with this letter." No such documents were included with your letter. This must be corrected.

Additionally, the quoted language is confusing and unclear. We are seeking all documents reflecting communications between you and your office with any party – Council, other staff (including the Attorney), outside contractors, etc. The request applies, as well, to all other persons subject to a FOIA request submitted to the City.

Your March 18, 2019 letter references redactions of "personal phone numbers." From what documents were such redactions made? It is not clear that we have any documents which seem to be covered by this explanation.

Redactions were made from five emails dated August 28, 2018 which were included in the City's original response. No explanation of these has been provided.

I would like to clarify our position as it relates to the City's claim of an exemption, on the basis of attorney work product, for the work-performed descriptions in Ms. Rosati's billing statements. Even assuming, arguendo, that that the FOIA would protect attorney work product in these circumstances, it is our position that the redacted material does not constitute attorney work product.

Unless all of these issues can be resolved, we will commence litigation.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas F. Wieder".

Thomas F. Wieder

TFW/ns

c. Stephen Postema

Patricia Lesko

Councilmember Jack Eaton

**From:** [P. L.](#)  
**To:** [Postema, Stephen](#); [Lazarus, Howard](#)  
**Cc:** [Lumm, Jane](#); [Bannister, Anne](#); [Hayner, Jeff](#); [Griswold, Kathy](#); [Nelson, Elizabeth](#); [Ramlawi, Ali](#)  
**Subject:** Carol Rosati FOIA and City Attorney/City Administrator alleged statute violations  
**Date:** Saturday, April 13, 2019 5:20:36 PM  
**Attachments:** [1963 - FOIA EXTENSION.pdf](#)

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Hello,

The FOIA referenced in the attached letter from the City Clerk's office is number 1963. This FOIA asks for all documents, emails, and records associated with the hiring of Carol Rosati who advised Council at the request of the City Attorney and City Administrator.

The majority of the public records initially provided to me were almost entirely redacted time sheets from the City Attorney's Office, as well as an undated contract between the City and Ms. Rosati. Mr. Tom Wieder, on my behalf, appealed the FOIA as not completely responsive because, for instance, not a single email was returned in which Mr. Lazarus discusses with Mr. Postema Ms. Rosati's hiring, contract, etc... In addition, the appeal sought to have the time sheet redactions lifted and a dated contract provided.

As you all may know, the state FOIA statute contains very specific guidelines for both the requester and the public entity from which the records are sought. For instance, a FOIA may be granted, denied, granted in part, denied in part and held until a deposit is paid. FOIA appeals are, likewise, expected to be dealt with precisely on the part of the requester and the public entity. Appeals must be granted or denied.

Mr. Lazarus neither granted nor denied the appeal of FOIA 1963, but rather provided more redacted records that had been "overlooked." Mr. Postema in his response to Mr. Wieder's appeal sought to redefine the word "retain" as it was used in FOIA 1963, and promptly entered into a lengthy debate with Mr. Wieder. Debate is not an option within the FOIA statute. Public entities have only two tries to return all responsive records. The response to the original FOIA and in response to an appeal.

The statute doesn't allow Mr. Postema to either redefine the words within a submitted FOIA in order to withhold records, enter into a lengthy debate or as the attached letter shows, after an appeal, or ask for an extension of an appeal which has been neither approved or denied.

While I have a cordial relationship with Mr. Postema, the time and taxpayer money wasted would be silly if we all weren't footing his bill. I have no doubt he knows the FOIA statute better than most. So, he is well aware that the attached letter "extending" FOIA 1963 is meaningless. That ship sailed when Mr. Lazarus, in neither approving or denying the FOIA appeal, neglected to respond properly.

I know that many of you reading this are committed to improving the transparency of our city government, as am I. I also know that as a result of another recent FOIA both Mr. Postema and Mr. Lazarus have expended time and effort trying rather desperately to find out why I submitted that FOIA.

These two gentlemen, at the moment, are performing their jobs as if our local government exists to keep secrets for, or protect the possibly inappropriate actions of the people employed by our local government.

So, no, Mr. Postema and Mr. Lazarus, Michigan's FOIA statute does not permit you to "extend" FOIA 1963 based on the City Attorney's effort to reinterpret the word "retain." As Mr. Wieder has made clear, I have no desire to litigate, but the FOIA statute is what it is and our City is bound by it regardless of what responsive public records reveal.

Patricia Lesko



## CITY OF ANN ARBOR, MICHIGAN

301 E. Huron Street, P.O. Box 8647, Ann Arbor, Michigan 48107-8647

Phone (734)794-6140 Fax (734)994-8296

[www.a2gov.org](http://www.a2gov.org)

### City Clerk

April 12, 2019

Patricia Lesko

[REDACTED]

Ann Arbor, MI 48105

Via Email: [REDACTED]

Subject: Freedom of Information Act Request received April 09, 2019  
1963 Lesko

Dear Patricia Lesko:

This notice of extension is with regard to your attached Freedom of Information Act (FOIA) request, received April 09, 2019. Because of the time needed to process your request, the City hereby extends the time to respond for no more than 10 business days, as permitted by the FOIA. You may expect a response by 04/30/2019.

The City's FOIA Procedures and Guidelines and Written Public Summary are available online at [www.a2gov.org/FOIA](http://www.a2gov.org/FOIA).

If you have any questions concerning this response, please contact Jennifer Alexa, Deputy City Clerk, at (734) 794-6140, ext. 41404.

Sincerely,

Jacqueline Beaudry  
City Clerk

CC: Tom Wiedert



# FOIA Request - 1963 - Lesko

- (1) Material produced by Carol Rosati or her firm in the course of her representation of the City from July 1, 2018, except concerning the Trinitas case;
- (2) Records of any communication between Ms. Rosati or her firm with any agent or employee of the City regarding her activities engaged as part of her representation, except the Trinitas case; and
- (3) Records of any communication between any employees or agents of the City and other employees or agents of the City regarding Ms. Rosati or her firm's representation of the City, except with regard to the Trinitas case.

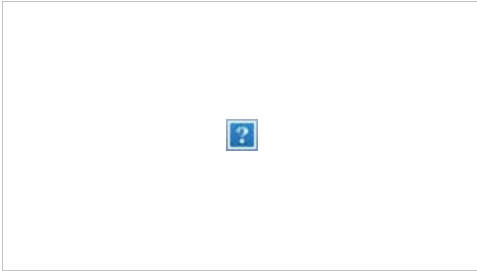


**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Hayner, Jeff](#)  
**Subject:** Water and Storm Sewer rates  
**Date:** Thursday, January 3, 2019 9:28:29 AM

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Did you see this?!

<https://www.freep.com/story/news/local/michigan/oakland/2018/10/08/lawsuits-sewer-storm-water-bills-michigan-detroit/1418087002/>



## Kickham Hanley law firm suing cities, townships over sewers

Law firm gets rich off sewer lawsuits against cities and townships. A Royal Oak lawn firm has won tens of millions of dollars in lawsuits against a growing list of metro Detroit communities.

[www.freep.com](http://www.freep.com)

**From:** [Tom Stulberg](#)  
**To:** [Hayner, Jeff](#)  
**Subject:** Re: Water and Storm Sewer rates  
**Date:** Thursday, January 3, 2019 10:02:43 AM

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Heck yea. I can see where the merit to all of these cases was. Our new tiered rates don't address that problem. So now is our chance to address the recent changes AND address the storm water rates together.

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**From:** Hayner, Jeff <JHayner@a2gov.org>  
**Sent:** Thursday, January 3, 2019 9:50 AM  
**To:** Tom Stulberg  
**Subject:** RE: Water and Storm Sewer rates

I am very aware of this, in fact, I had been asked a few years back to be the named plaintiff in a similar case against Ann Arbor, brought by another group, but I refused. I can only assume that we are on somebodies radar for this to happen.

Jeff

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**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Thursday, January 3, 2019 9:28 AM  
**To:** Bannister, Anne <ABannister@a2gov.org>; Hayner, Jeff <JHayner@a2gov.org>  
**Subject:** Water and Storm Sewer rates

Did you see this?!:

<https://www.freep.com/story/news/local/michigan/oakland/2018/10/08/lawsuits-sewer-storm-water-bills-michigan-detroit/1418087002/>

[Kickham Hanley law firm  
suing cities, townships over  
sewers](#)

Law firm gets rich off sewer lawsuits against cities and townships. A Royal Oak lawn firm has won tens of millions of dollars in lawsuits against a growing list of metro Detroit communities.

[www.freep.com](http://www.freep.com)

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: Water and Storm Sewer rates  
**Date:** Saturday, January 5, 2019 2:32:51 PM

---

Cool. Do you have office hours tomorrow?

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Saturday, January 5, 2019 2:28 PM  
**To:** Tom Stulberg  
**Cc:** Hayner, Jeff; Griswold, Kathy; Eaton, Jack; Lumm, Jane  
**Subject:** RE: Water and Storm Sewer rates

Tom, I'll include this in my Agenda Questions for Monday and ask whether the City of Ann Arbor has any risk exposure.

Excerpt:

"...many communities have violated Michigan's Headlee Amendment. The local governments imposed storm-water charges that were more like a tax than a fee — a violation of the late Richard Headlee's famous limit on taxation, as enshrined in the Michigan Constitution. Now, for better or worse, each community that has lost in court must revise how it bills customers."

Thanks so much,

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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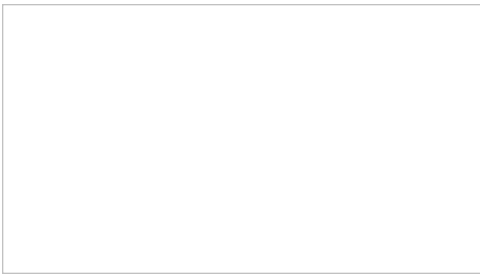
**From:** Tom Stulberg [REDACTED]  
**Sent:** Thursday, January 03, 2019 9:28 AM  
**To:** Bannister, Anne; Hayner, Jeff  
**Subject:** Water and Storm Sewer rates

Did you see this?!

<https://www.freep.com/story/news/local/michigan/oakland/2018/10/08/lawsuits-sewer-storm-water-bills-michigan-detroit/1418087002/>

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and townships. A Royal Oak lawn firm has won



tens of millions of dollars in lawsuits against a growing list of metro Detroit communities.

[www.freep.com](http://www.freep.com)

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: Water and Storm Sewer rates  
**Date:** Saturday, January 5, 2019 3:10:05 PM

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You sound busy! I don't need to meet. Just would drop in if you were holding court.

Neighbors on 1600 block of Traver trying to meet tomorrow. They are unhappy but not at all on the same page right now. Too many different ideas. This is a mess. I'll help sort it out if I can.

In my opinion they need to pull the grant application on this so that a better solution can be worked out without the restraints imposed by the grant. AAPS is driving this forward with NO financial burden to it. Liz Margolis is horribly uncooperative and unsuited for her position. So I don't see AAPS budging. I know Jeff H isn't happy with them over this.

I don't know what to tell council yet.

Sent from my iPhone

On Jan 5, 2019, at 3:03 PM, Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

I could meet in-person and do not have office hours scheduled. Jeff was going to do office hours Monday morning 8:30 - 10, but the Council work room hasn't been reserved yet.

I'm trying to draft a big letter to Council, asking them to bring back SRTS and vote no. I don't have clear direction from the neighbors, but am assuming they still want me to continue on this path. It would help to talk with you. Today I've got other plans until 8 p.m. on ward, if you'd rather talk tonight.

My email is full of urgent issues... from police oversight to water rates to library lot to SRTS and more.

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Tom Stulberg [REDACTED]  
**Sent:** Saturday, January 05, 2019 2:32 PM  
**To:** Bannister, Anne  
**Subject:** Re: Water and Storm Sewer rates

Cool. Do you have office hours tomorrow?

---

**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>  
**Sent:** Saturday, January 5, 2019 2:28 PM  
**To:** Tom Stulberg  
**Cc:** Hayner, Jeff; Griswold, Kathy; Eaton, Jack; Lumm, Jane  
**Subject:** RE: Water and Storm Sewer rates

Tom, I'll include this in my Agenda Questions for Monday and ask whether the City of Ann Arbor has any risk exposure.

Excerpt:

"...many communities have violated Michigan's Headlee Amendment. The local governments imposed storm-water charges that were more like a tax than a fee — a violation of the late Richard Headlee's famous limit on taxation, as enshrined in the Michigan Constitution. Now, for better or worse, each community that has lost in court must revise how it bills customers."

Thanks so much,

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

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**From:** Tom Stulberg [REDACTED]  
**Sent:** Thursday, January 03, 2019 9:28 AM  
**To:** Bannister, Anne; Hayner, Jeff  
**Subject:** Water and Storm Sewer rates

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[www.freep.com](http://www.freep.com)





**From:** [Tom Stulberg](#)  
**To:** [Lester Wyborny](#); [Bannister, Anne](#); [Hayner, Jeff](#)  
**Cc:** [Susan Presswood Wright](#); [EVERETT LAST\\_NAME](#); [Andrea Tom](#); [Jean Arnold](#); [Libby Brooks](#); [Chuck Marshall](#); [Chavasse, Amy](#); [Scott Newell](#)  
**Subject:** Re: transportation commission contact  
**Date:** Monday, January 7, 2019 12:30:09 AM

---

Lester, I'll see your code citation and raise you!

Ann Arbor, MI Code of Ordinances. Chapter 13 Special Assessments

1:290 - Objections to roll.

Any person aggrieved by the special assessment roll or the necessity of the improvement may file objections to the roll in writing with the Clerk prior to the close of the hearing. The written objections shall specify in what respect the person believes him or herself aggrieved. No original assessment roll shall be confirmed except by the affirmative vote of 8 members of the Council if prior to the confirmation written objections to the proposed improvement have been filed by the owners of the property which will be required to bear over 50% of the amount of the special assessment.

---

**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Monday, January 7, 2019 12:27 AM  
**To:** Bannister, Anne; Hayner, Jeff  
**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell; Tom Stulberg  
**Subject:** Re: transportation commission contact

Anne, after reading the City Charter, I don't agree with Jack's assessments about when a supermajority applies. According to 4.4. G of the City Charter:

The affirmative vote of at least six members of the Council, or of such greater number as may be required by this charter, or other provisions of law, Ann Arbor, Michigan City Charter 16 shall be required for the adoption or passage of any resolution or ordinance, or the taking of any official Council action. No office may be created or abolished, **nor any street, alley, or public ground vacated**, nor private property taken for public use, **unless by a concurring vote of at least eight members of the Council.**

The City is proposing to vacate a portion of the City street, which is used by City residents parking, for other purposes. I am not an attorney, nor am I a judge, but I have been involved in writing regulations for the last 30 years, and I think that we have a pretty strong case that when the City proposes to vacate a portion of the City street, that a super-majority would be required.

Lester

On Sun, Jan 6, 2019 at 7:51 PM Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:


I'm just leaving Jack Eaton's house now. We met with Ali, Kathy, and Elizabeth. Ali and Elizabeth remain unconvinced of the need to vote NO. But I'm going to proceed to email all of Council and the neighbors tonight anyway, or tomorrow at the latest, with my urgent request for a NO vote, just in case anything changes tomorrow with Ali and Elizabeth.

Right now we do not have the 6 votes needed, but let's continue to try and convince Council. We've got nothing to lose by doing so.


The neighborhood petition showing a lack of public support is still useful. I confirmed with Jack, however, that the 8 vote super majority only works for issues like budget amendments and rezoning requests (Kroger Lot), not this SRTS resolution.

Thanks,  
Anne

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On Sun, Jan 6, 2019 at 6:52 PM -0500, "Susan Presswood Wright" <> wrote:

**Thanks for this informative message! Could not agree more strongly about restoring community participation in processes affecting communities. We really had that in 2004 when the Broadway Bridges were replaced. Without the active community participation that we had then--with great support from Sabra Briere and others on the Council--we would be using a freeway-style bridge--with no pedestrian barrier today. (Yours truly did some work on precedents for pedestrian protection on Michigan bridges...). Plan to send a *brief* message on need for community participation this evening.**

On Sun, Jan 6, 2019 at 3:06 PM EVERETT LAST\_NAME <> wrote:

Anne -

I talked with Linda Feldt for a short minute. She likes Howard and his value set - kids, the environment, etc. So...

She put me in contact with Brad Parsons on the Transportation Commission. He is aware of our situation. I told him that most (90%+) of the homeowners in the 1600 block of Traver are opposed to sidewalks on both sides of the street, and that we want to confirm who it is that mandates dual sidewalks for the project. He said he had the same conversation with Nick Hutchinson in engineering, who could not unequivocally say two sidewalks are required or who requires them.

Brad did not have much time to talk, but he did say that our unpublished article is still useful. If not already included, we should add quotes and photos. Then the plan would be for a supportive city councilperson to release it. He's convinced it would not be overlooked if presented this way.

I forgot to ask if he knows of any surveys done by the city of homeowners post-sidewalk renovation.

His second quick thought was more long-term. He feels the story of our difficult relations with the city could be useful and instructive to get other city commissions to join together to get the city to engage in more inclusive and comprehensive planning.

Depends on how engaged we want to be, and for how long, I guess.

That's what I know.

Best -

Everett



**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Lester Wyborny](#); [Hayner, Jeff](#)  
**Cc:** [Susan Presswood Wright](#); [EVERETT LAST\\_NAME](#); [Andrea Tom](#); [Jean Arnold](#); [Libby Brooks](#); [Chuck Marshall](#); [Chavasse, Amy](#); [Scott Newell](#)  
**Subject:** Re: transportation commission contact  
**Date:** Monday, January 7, 2019 12:47:17 AM

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For clarity, the citation I gave applies to the vote on the next step in the process, which would be a public hearing at council in the spring. Only a simple majority is required for the recent vote/revote.

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**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Monday, January 7, 2019 12:41 AM  
**To:** Tom Stulberg; Lester Wyborny; Hayner, Jeff  
**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell  
**Subject:** RE: transportation commission contact

Okay, wow, great work! I'll add this to my "concise email," which is over 2 pages... I'd like to get it down to half a page, but we have so many strong objections that need to be included. -- Anne

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Tom Stulberg [REDACTED]  
**Sent:** Monday, January 07, 2019 12:30 AM  
**To:** Lester Wyborny; Bannister, Anne; Hayner, Jeff  
**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell  
**Subject:** Re: transportation commission contact

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**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell; Tom Stulberg  
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Anne

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On Sun, Jan 6, 2019 at 6:52 PM -0500, "Susan Presswood Wright" <[REDACTED]> wrote:



Thanks for this informative message! Could not agree more strongly about restoring community participation in processes affecting communities. We really had that in 2004 when the Broadway Bridges were replaced. Without the active community participation that we had then--with great support from Sabra Briere and others on the Council--we would be using a freeway-style bridge--with no pedestrian barrier today. (Yours truly did some work on precedents for pedestrian protection on Michigan bridges...). Plan to send a *brief* message on need for community participation this evening.

On Sun, Jan 6, 2019 at 3:06 PM EVERETT LAST\_NAME <[REDACTED]> wrote:

Anne -

I talked with Linda Feldt for a short minute. She likes Howard and his value set - kids, the environment, etc. So...

She put me in contact with Brad Parsons on the Transportation Commission. He is aware of our situation. I told him that most (90%+) of the homeowners in the 1600 block of Traver are opposed to sidewalks on both sides of the street, and that we want to confirm who it is that mandates dual sidewalks for the project. He said he had the same conversation with Nick Hutchinson in engineering, who could not unequivocally say two sidewalks are required or who requires them. Brad did not have much time to talk, but he did say that our unpublished article is still useful. If not already included, we should add quotes and photos. Then the plan would be for a supportive city councilperson to release it. He's convinced it would not be overlooked if presented this way.

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That's what I know.

Best -

Everett  
[REDACTED]

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Lester Wyborny](#)  
**Cc:** [Hayner, Jeff](#); [Susan Presswood Wright](#); [EVERETT LAST\\_NAME](#); [Andrea Tom](#); [Jean Arnold](#); [Libby Brooks](#); [Chuck Marshall](#); [Chavasse, Amy](#); [Scott Newell](#)  
**Subject:** Re: transportation commission contact  
**Date:** Monday, January 7, 2019 7:22:12 AM

---

Sorry Lester, it was not my intention to contradict your comments about the super majority requirement for the portion of the code you cited. My statement should just refer to the portion of the code I cited, but the way I stated it makes it look more broad than I intended.

---

**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>  
**Sent:** Monday, January 7, 2019 4:17 AM  
**To:** Lester Wyborny; Tom Stulberg  
**Cc:** Hayner, Jeff; Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell  
**Subject:** Re: transportation commission contact

I like your thinking, Lester, and will include this insight in my agenda questions!

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On Mon, Jan 7, 2019 at 3:46 AM -0500, "Lester Wyborny" <[REDACTED]> wrote:

While the final vote to apply the assessments is when the 8 vote majority applies for special assessments, an 8 vote supermajority may apply with these early votes since the City Council is essentially voting to vacate street parking.

A second vote is necessary because the City Council likely was not aware that they were vacating street parking (they likely were just voting to approve sidewalks) and vacating street parking is a much more significant vote which requires a supermajority.

Lester

On Mon, Jan 7, 2019 at 12:47 AM Tom Stulberg <[REDACTED]> wrote:

For clarity, the citation I gave applies to the vote on the next step in the process, which would be a public hearing at council in the spring. Only a simple majority is required for the recent vote/revote.

---

**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>  
**Sent:** Monday, January 7, 2019 12:41 AM  
**To:** Tom Stulberg; Lester Wyborny; Hayner, Jeff  
**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell

**Subject:** RE: transportation commission contact

Okay, wow, great work! I'll add this to my "concise email," which is over 2 pages... I'd like to get it down to half a page, but we have so many strong objections that need to be included. -- Anne

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---

**From:** Tom Stulberg [REDACTED]  
**Sent:** Monday, January 07, 2019 12:30 AM  
**To:** Lester Wyborny; Bannister, Anne; Hayner, Jeff  
**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell  
**Subject:** Re: transportation commission contact

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**Sent:** Monday, January 7, 2019 12:27 AM  
**To:** Bannister, Anne; Hayner, Jeff  
**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell; Tom Stulberg  
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Best -

Everett



**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Lester Wyborny](#); [Hayner, Jeff](#)  
**Cc:** [Susan Presswood Wright](#); [EVERETT LAST\\_NAME](#); [Andrea Tom](#); [Jean Arnold](#); [Libby Brooks](#); [Chuck Marshall](#); [Chavasse, Amy](#); [Scott Newell](#)  
**Subject:** List of speakers  
**Date:** Monday, January 7, 2019 3:59:41 PM

---

Tonight's list: 5,6,7,8 are 1600 block of Traver. Good luck!

1. Mozhgan Savabieasfahani - The Gelman Dioxane Clean Up (AC-2)
  2. Will Hathaway - Resolution Directing City Attorney to Settle Ann Arbor Central Park Ballot Committee Case (DC-2)
  3. Alan Haber - Resolution Directing City Attorney to Settle Ann Arbor Central Park Ballot Committee Case (DC-2)
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  7. Jean Arnold - Safe Routes to School
  8. Elizabeth Brooks - Safe Routes to School
  9. Lorraine Shapiro - City Priorities
  10. Lefiest Galimore - Prison Reform
- Alternates: 1. Lisa Abrams - Ann Arbor Deer Cull

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**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Monday, January 7, 2019 12:41 AM  
**To:** Tom Stulberg; Lester Wyborny; Hayner, Jeff  
**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell  
**Subject:** RE: transportation commission contact

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**Sent:** Monday, January 07, 2019 12:30 AM  
**To:** Lester Wyborny; Bannister, Anne; Hayner, Jeff  
**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell  
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Thanks,  
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Best -

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**To:** [Bannister, Anne](#); [Lester Wyborny](#); [Hayner, Jeff](#)  
**Cc:** [Susan Presswood Wright](#); [EVERETT LAST\\_NAME](#); [Andrea Tom](#); [Jean Arnold](#); [Libby Brooks](#); [Chuck Marshall](#); [Chavasse, Amy](#); [Scott Newell](#)  
**Subject:** Additional thoughts for speakers  
**Date:** Monday, January 7, 2019 5:27:52 PM

---

Additional thoughts. Speakers can mention them or not. Anne and Jeff FYI.

Rachael Toon at [REDACTED] (house and vacant lot) would like sidewalks and has spoken and written to that effect. Since the existing sidewalk on school property on Traver Street dead ends at her property, she can have sidewalks anytime she wants, with or without this program. Her cost is estimated at \$5,000, which she is not happy about. It might be less expensive for her to install her own sidewalks on her own property WITHOUT being included in the program and without the grant money. Being included in this program forces her to share in the higher average cost because of the expenses of the two solutions that have been proposed so far.

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I presume you all have thought out what you are going to say. Do with the above as you wish.

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Monday, January 7, 2019 4:24 PM  
**To:** Tom Stulberg; Lester Wyborny; Hayner, Jeff  
**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell  
**Subject:** Re: List of speakers

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**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell

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**From:** [Tom Stulberg](#)  
**To:** [Chuck Marshall](#)  
**Cc:** [Scott Newell](#); [Bannister, Anne](#); [Lester Wyborny](#); [Hayner, Jeff](#); [Susan Presswood Wright](#); [everett w armstrong](#); [Andrea Tom](#); [Jean Arnold](#); [Libby Brooks](#); [Amy Chavasse](#)  
**Subject:** Great job speakers  
**Date:** Monday, January 7, 2019 7:33:42 PM

---

Watching from home. You all were great!

Absolom Traver would be proud!

Sent from my iPhone

On Jan 7, 2019, at 6:23 PM, Chuck Marshall <[REDACTED]> wrote:

Hello Neighbors...

Good luck tonight. We can't make it, but are with you in spirit.

In case anyone needs it; here is the reference to city code which would allow the council to address the assessment on homeowners (contrary to statements by city admin and the mayor):

Chapter 12 - FINANCING LOCAL PUBLIC IMPROVEMENTS - 1:274. -  
Division of costs - item 3

"(3) In any case where the city council determines that the division of costs under subsection (2) does not accurately reflect the benefit to the city at large and the private benefit, such other division as shall be equitable may be adopted by the city council."

Thanks

Chuck

On Mon, Jan 7, 2019 at 5:39 PM Scott Newell <[REDACTED]> wrote:

Hi everyone,  
Thank you so much for your time on this issue. I feel very grateful to have such fantastic neighbors and council reps. I regret that I'm out of town until 15 Jan.  
Thanks again.  
Scott Newell

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**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>

**Sent:** Monday, January 7, 2019 12:41 AM

**To:** Tom Stulberg; Lester Wyborny; Hayner, Jeff

**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell

**Subject:** RE: transportation commission contact

Okay, wow, great work! I'll add this to my "concise email," which is over 2 pages... I'd like to get it down to half a page, but we have so many strong objections that need to be included. -- Anne

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**Sent:** Monday, January 07, 2019 12:30 AM

**To:** Lester Wyborny; Bannister, Anne; Hayner, Jeff

**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell

**Subject:** Re: transportation commission contact

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Get [Outlook for iOS](#)

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Everett



**From:** [Tom Stulberg](#)  
**To:** [Lester Wyborny](#)  
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**Subject:** Re: Additional thoughts for speakers  
**Date:** Monday, January 7, 2019 9:37:18 PM

---

Discussion now!

Smith and Grand voted no to reconsider but were outvoted so it is being reconsidered!  
Discussion starting with Jeff Hayner

Sent from my iPhone

On Jan 7, 2019, at 9:33 PM, Lester Wyborny <[REDACTED]> wrote:

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**Sent:** Monday, January 7, 2019 4:24 PM

**To:** Tom Stulberg; Lester Wyborny; Hayner, Jeff

**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell

**Subject:** Re: List of speakers



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**Cc:** [Amy Chavasse](#); [Bannister, Anne](#); [Chuck Marshall](#); [Hayner, Jeff](#); [Jean Arnold](#); [Libby Brooks](#); [Scott Newell](#); [Susan Presswood Wright](#); [everett w armstrong](#)  
**Subject:** Bad news good news  
**Date:** Monday, January 7, 2019 10:52:22 PM

---

It passed again. Boo. Lots of misinformation and misunderstanding of the facts.

Vote was 7-4. If the four hold fast, it fails in the spring when a super majority is needed.

Dos and don'ts: Do thank council members who voted our way and even those who might have if the facts were more clear (Nelson and maybe Lumm). Don't blast anyone with hate mail. It doesn't help, and this is not over. We want to be perceived as reasonable people who are willing to work towards a real solution to school pedestrian safety. I know we were inaccurately colored as anti-any-change by one or more council members, but let that go. We never were going to have their vote anyhow, and they aren't going to change their stripes.

---

**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Monday, January 7, 2019 9:32 PM  
**To:** Andrea Tom  
**Cc:** Amy Chavasse; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; Susan Presswood Wright; Tom Stulberg; everett w armstrong  
**Subject:** Re: Additional thoughts for speakers

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**Subject:** Re: Bad news good news  
**Date:** Monday, January 7, 2019 11:09:06 PM

---

Yes, good point. would be good to get that advice.

---

**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Monday, January 7, 2019 11:06 PM  
**To:** Tom Stulberg  
**Cc:** Andrea Tom; Amy Chavasse; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; Susan Presswood Wright; everett w armstrong  
**Subject:** Re: Bad news good news

Thanks for watching Tom.

I suggest we discuss with Joe Lloyd (attorney) whether the removal of street parking is considered vacating a street, or really a portion of a street. The reason why this is important is that if we are successful in having the court defining this as vacating, then a supermajority is needed to move the sidewalk project forward. Since there currently are 4 no votes, this would kill the project now and not allow it to go forward where all council members would be pressured to vote for it when the final design is done.

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**Sent:** Monday, January 7, 2019 9:32 PM  
**To:** Andrea Tom

**Cc:** Amy Chavasse; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; Susan Presswood Wright; Tom Stulberg; everett w armstrong

**Subject:** Re: Additional thoughts for speakers

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**Sent:** Monday, January 7, 2019 4:24 PM

**To:** Tom Stulberg; Lester Wyborny; Hayner, Jeff

**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell

**Subject:** Re: List of speakers

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Alternates: 1. Lisa Abrams - Ann Arbor Deer Cull

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**Subject:** RE: transportation commission contact

Okay, wow, great work! I'll add this to my "concise email," which is over 2 pages... I'd like to get it down to half a page, but we have so many strong objections that need to be included. -- Anne

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

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**Sent:** Monday, January 07, 2019 12:30 AM  
**To:** Lester Wyborny; Bannister, Anne; Hayner, Jeff  
**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell  
**Subject:** Re: transportation commission contact

Lester, I'll see your code citation and raise you!

Ann Arbor, MI Code of Ordinances. Chapter 13 Special Assessments

1:290 - Objections to roll.

Any person aggrieved by the special assessment roll or the necessity of the improvement may file objections to the roll in writing with the Clerk prior to the close of the hearing. The written objections shall specify in what respect the person believes him or herself aggrieved. No original assessment roll shall be confirmed except by the affirmative vote of 8 members of the Council if prior to the confirmation written objections to the proposed improvement have been filed by the owners of the property which will be required to bear over 50% of the amount of the special assessment.

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Anne, after reading the City Charter, I don't agree with Jack's assessments about when a supermajority applies. According to 4.4. G of the City Charter:

The affirmative vote of at least six members of the Council, or of such greater number as may be required by this charter, or other provisions of law, Ann Arbor, Michigan City Charter 16 shall be required for the adoption or passage of any resolution or ordinance, or the taking of any official Council action. No office may be created or abolished, **nor any street, alley, or public ground vacated**, nor private property taken for public use, **unless by a concurring vote of at least eight members of the Council.**

The City is proposing to vacate a portion of the City street, which is used by City residents parking, for other purposes. I am not an attorney, nor am I a judge, but I have been involved in writing regulations for the last 30 years, and I think that we have a pretty strong case that when the City proposes to vacate a portion of the City street, that a super-majority would be required.

Lester

On Sun, Jan 6, 2019 at 7:51 PM Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

I'm just leaving Jack Eaton's house now. We met with Ali, Kathy, and Elizabeth. Ali and Elizabeth remain unconvinced of the need to vote NO. But I'm going to proceed to email all of Council and the neighbors tonight anyway, or tomorrow at the latest, with my urgent request for a NO vote, just in case anything changes tomorrow with Ali and Elizabeth.

Right now we do not have the 6 votes needed, but let's continue to try and convince Council. We've got nothing to lose by doing so.

The neighborhood petition showing a lack of public support is still useful. I confirmed with Jack, however, that the 8 vote super majority only works for issues like budget amendments and rezoning requests (Kroger Lot), not this SRTS resolution.

Thanks,

Anne

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On Sun, Jan 6, 2019 at 6:52 PM -0500, "Susan Presswood Wright"

<[REDACTED]> wrote:

Thanks for this informative message! Could not agree more strongly about restoring community participation in processes affecting communities. We really had that in 2004 when the Broadway Bridges were replaced. Without the active community participation that we had then--with great support from Sabra Briere and others on the Council--we would be using a freeway-style bridge--with no pedestrian barrier today. (Yours truly did some work on precedents for pedestrian protection on Michigan bridges...). Plan to send a *brief* message on need for community participation this evening.

On Sun, Jan 6, 2019 at 3:06 PM EVERETT LAST\_NAME

<[REDACTED]> wrote:

Anne -

I talked with Linda Feldt for a short minute. She likes Howard and his value set - kids, the environment, etc. So...

She put me in contact with Brad Parsons on the Transportation Commission. He is aware of our situation. I told him that most (90%+) of the homeowners in the 1600 block of Traver are opposed to sidewalks on both sides of the street, and that we want to confirm who it is that mandates dual sidewalks for the project. He said he had the same conversation with Nick Hutchinson in engineering, who could not unequivocally say two sidewalks are required or who requires them.

Brad did not have much time to talk, but he did say that our unpublished article is still useful. If not already included, we should add quotes and photos. Then the plan would be for a supportive city councilperson to release it. He's convinced it would not be overlooked if presented this way. I forgot to ask if he knows of any surveys done by the city of homeowners post-sidewalk renovation.

His second quick thought was more long-term. He feels the story of our difficult relations with the city could be useful and instructive to get other city commissions to join together to get the city to engage in more inclusive and comprehensive planning. Depends on how engaged we want to be, and for how long, I guess.

That's what I know.

Best -



								Everett

**From:** [Tom Stulberg](#)  
**To:** [Susan Presswood Wright](#)  
**Cc:** [Lester Wyborny](#); [Andrea Tom](#); [Amy Chavassee](#); [Bannister, Anne](#); [Chuck Marshall](#); [Hayner, Jeff](#); [Jean Arnold](#); [Libby Brooks](#); [Scott Newell](#); [everett w armstrong](#)  
**Subject:** Re: Bad news good news  
**Date:** Tuesday, January 8, 2019 7:38:33 AM

---

Morning thoughts:

There were a lot of factual errors in last night's discussion. Make a list. Add that to the list of other factual errors in this process. Those lists will be helpful to compile now while it is fresh. They will be helpful in working with the grant people, future discussions with council members, and essential for a lawyer.

Vent away to your hearts delight, among ourselves, but keep that separate from an objective argument of facts.

Anne and Jeff: thank you so much for your help and representation. We should be drop you from any email distribution that involves talks with a lawyer.

I didn't think we would succeed at this step. Good cases have been made, and we are in the right, but I have seen some of these politicians and bureaucrats at work before. Getting six votes was not impossible and worth trying, but it was an uphill battle. Getting four votes might even have done the trick. There is plenty of time and chances to still succeed in getting this plan changed to something that is an effective and reasonable solution for school pedestrian safety.

---

**From:** Susan Presswood Wright <[REDACTED]>  
**Sent:** Monday, January 7, 2019 11:45 PM  
**To:** Tom Stulberg  
**Cc:** Lester Wyborny; Andrea Tom; Amy Chavassee; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; everett w armstrong  
**Subject:** Re: Bad news good news

**I hope it's fine with everyone that I will contact him since I know him and he has represented me in the past.**

**Susan**

On Mon, Jan 7, 2019 at 8:09 PM Tom Stulberg <[REDACTED]> wrote:  
Yes, good point. would be good to get that advice.

---

**From:** Lester Wyborny <[REDACTED]>

**Sent:** Monday, January 7, 2019 11:06 PM

**To:** Tom Stulberg

**Cc:** Andrea Tom; Amy Chavasse; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; Susan Presswood Wright; everett w armstrong

**Subject:** Re: Bad news good news

Thanks for watching Tom.

I suggest we discuss with Joe Lloyd (attorney) whether the removal of street parking is considered vacating a street, or really a portion of a street. The reason why this is important is that if we are successful in having the court defining this as vacating, then a supermajority is needed to move the sidewalk project forward. Since there currently are 4 no votes, this would kill the project now and not allow it to go forward where all council members would be pressured to vote for it when the final design is done.

Lester

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Best -

Everett  
[REDACTED]

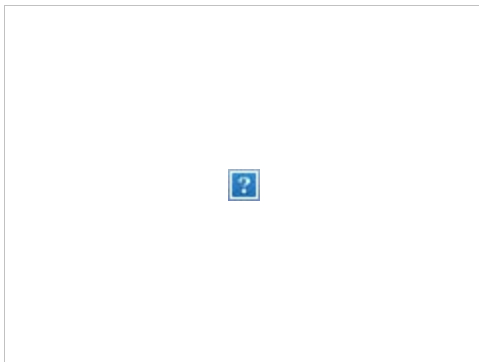


**From:** [Tom Stulberg](#)  
**To:** [Susan Presswood Wright](#); [Lester Wyborny](#)  
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**Subject:** MLIVE article  
**Date:** Wednesday, January 9, 2019 6:51:45 PM

---

Read. And and comments. Don't let the trolls own the comment section. Everyone write something and also vote each other up and the trolls down (none there yet).

<https://www.mlive.com/news/ann-arbor/2019/01/ann-arbors-1m-sidewalk-gap-project-to-move-forward-after-reconsideration.html>



## Ann Arbor's \$1M sidewalk gap project to move forward after reconsideration | mlive.com

ANN ARBOR, MI - The city is moving forward with a \$1 million sidewalk project that was opposed by some residents concerned over the potential loss of trees and street parking. The Northside STEAM ...

[www.mlive.com](http://www.mlive.com)

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**Subject:** Re: MLIVE article  
**Date:** Wednesday, January 9, 2019 11:09:03 PM

---

I learned from other people re other issues: get on top of this and post a lot. This is our new "Op Ed". I've been typing away.

---

**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Wednesday, January 9, 2019 11:06 PM  
**To:** Tom Stulberg  
**Cc:** Susan Presswood Wright; Andrea Tom; Amy Chavasse; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; everett w armstrong  
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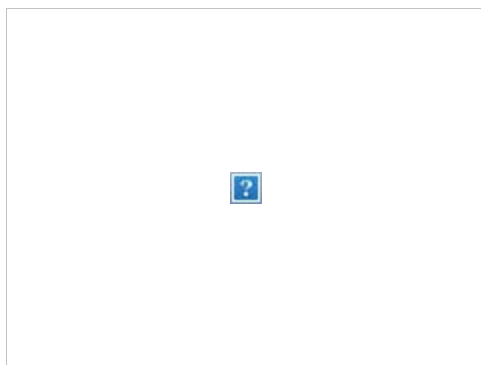
Thanks for finding that Tom. I provided a comment - cutting the op-ed way down. I encourage others to post as well.

Lester

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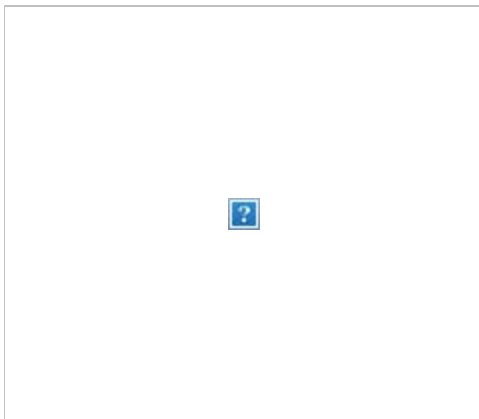
**From:** [Tom Stulberg](#)  
**To:** [Hayner, Jeff](#)  
**Subject:** Chip Smith and Greenbelt  
**Date:** Friday, January 11, 2019 3:51:13 PM

---

I wasn't watching the council meeting at this moment. wtf is Chip Smith talking about. He is 180 degrees wrong.

Agree or disagree, it appears that other CMs have a reasoned logic behind their votes regarding other governments kicking in. Smith is off the rails. I'm going to have to watch the video.

<https://www.mlive.com/news/ann-arbor/2019/01/ann-arbor-council-rejects-75-acre-greenbelt-purchase-in-7-4-vote.html>



## Ann Arbor council rejects 75-acre greenbelt purchase in 7-4 vote | mlive.com

ANN ARBOR, MI – For the first time that city officials can recall, the Ann Arbor City Council has voted down a greenbelt purchase, deciding not to permanently protect a 75-acre farm north of the ...

[www.mlive.com](http://www.mlive.com)

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Mary Munderwood](#); [Laura Strowe](#)  
**Cc:** [Griswold, Kathy](#); [Hayner, Jeff](#)  
**Subject:** Re: Lower Town Mobility Study - Proposed Resolution with OHM  
**Date:** Thursday, January 17, 2019 8:30:41 AM

---

Anne,

I am not sure what you are suggesting. No study? Or which contractor to go with? I do like that we are scrutinizing bids and that council is being given choices.

I think we are going to need this study to at least provide data to then figure out how to un-mess up this area. By the time this study is done, the DTE. Roxbury sight might be approved, along with more development on Pontiac Trail including the resolution of the Barton Green Trinitas site. The Glen will start construction this year. The new U of M parking lot will start this year. That lot presumably will bring more people to LowerTown during peak commute times in the morning and evening.

The study will not be done soon enough to impact approvals of development in the area. At best it will lead to solutions for relief from what is about to go from a busy choke point for traffic during peak hours to a very much worse traffic situation.

1000 new residents are coming to the Morningside LowerTown site with only 550 parking spaces and no net new commercial for years, maybe never. (3500 square feet were converted from Manna Asian Market to the condo sales office, 4500 sq ft are in the plan for phase three of the development, but despite the site plan being tied to the zoning, they are not required to provide ANY commercial whatsoever.) Where will those new people park? Without commercial at the site and already very little commercial in the immediate area, they will need to travel for their needs and entertainment.

Lots of new residents coming into town on Pontiac Trail from Northsky, the Barton Green site whatever gets built, the 70 new condos applied for, and the large vacant parcel - that flows to Swift and Broadway and then to downtown or back around to Wall and Maiden Lane and to the Med Center. The DTE/ Roxbury site has one ingress/egress point and it is nearly at that same spot. Outbound in the evening, it is the Broadway/Plymouth/Maiden Lane/ Moore intersection that takes all the commuter traffic, new and old, away from downtown and the Med Center. The Morningside LowerTown development will have ingress/egress onto Maiden Lane, but its design will encourage heavy cut through traffic up the residential Broadway hill (and McKinley's apartment complex will cut through Morningside's site and up the hill too). Morningside's roundabout will further encourage this cut through for both developments.

So, yes, this we know without a consultant's study. Will the consultant's study lead to solutions?! If so, it is worth it. If not, it's a paperweight (pun intended).

Tom

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**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Thursday, January 17, 2019 7:43 AM  
**To:** Mary Munderwood; Tom Stulberg; Laura Strowe  
**Cc:** Griswold, Kathy; Hayner, Jeff  
**Subject:** Fwd: Lower Town Mobility Study - Proposed Resolution with OHM

Hello — Do you have any suggestions on this? I'm thinking that we already know the answers, and staff has enough known problems to work on, that another study is a luxury we don't need? Thanks, Anne

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----- Forwarded message -----

From: "**Higgins, Sara**" <[SHiggins@a2gov.org](mailto:SHiggins@a2gov.org)>  
Date: Wed, Jan 16, 2019 at 12:26 PM -0500  
Subject: Lower Town Mobility Study - Proposed Resolution with OHM  
To: "\*City Council Members (All)" <[CityCouncilMembersAll@a2gov.org](mailto:CityCouncilMembersAll@a2gov.org)>  
Cc: "Lazarus, Howard" <[HLazarus@a2gov.org](mailto:HLazarus@a2gov.org)>, "Fournier, John" <[JFournier@a2gov.org](mailto:JFournier@a2gov.org)>, "Hupy, Craig" <[CHupy@a2gov.org](mailto:CHupy@a2gov.org)>, "Hess, Raymond" <[RHess@a2gov.org](mailto:RHess@a2gov.org)>, "Hutchinson, Nicholas" <[NHutchinson@a2gov.org](mailto:NHutchinson@a2gov.org)>, "Harrison, Venita" <[VHarrison@a2gov.org](mailto:VHarrison@a2gov.org)>, "Praschan, Marti" <[MPraschan@a2gov.org](mailto:MPraschan@a2gov.org)>

Mayor and Council,

Attached is a memo from the City Administrator regarding the proposed Resolution to Authorize a Professional Services Agreement with Orchard, Hiltz & McCliment, Inc. (OHM) for the Lower Town Mobility Study that was postponed at the November 19, 2018 Council meeting to January 22, 2019. This memo will be attached to Legistar File [18-1331](#).

**Sara Higgins, Strategic Planning Coordinator**

Ann Arbor City Administrator's Office | Guy C. Larcom City Hall|301 E. Huron, 3rd Floor · Ann Arbor · MI · 48104  
734.794.6110 (O) · 734.994.8296 (F) | Internal Extension 41102  
[shiggins@a2gov.org](mailto:shiggins@a2gov.org) | [www.a2gov.org](http://www.a2gov.org)



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[a2gov.org/A2BeSafe](http://a2gov.org/A2BeSafe)

**From:** [Tom Stulberg](#)  
**To:** [Lester Wyborny](#)  
**Cc:** [Susan Presswood Wright](#); [Andrea Tom](#); [Amy Chavasse](#); [Bannister, Anne](#); [Chuck Marshall](#); [Hayner, Jeff](#); [Jean Arnold](#); [Libby Brooks](#); [Scott Newell](#); [everett w armstrong](#)  
**Subject:** Another related MLIVE article  
**Date:** Thursday, January 17, 2019 6:06:37 PM

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<https://www.mlive.com/news/ann-arbor/2019/01/extra-2m-could-make-ann-arbor-crosswalks-safer-council-member-says.html>



## Extra \$2M could make Ann Arbor crosswalks safer, council member says | mlive.com

ANN ARBOR, MI – Seeing a fellow student struck by a car and nearly killed isn't something Emma Aboukasm will soon forget. "It was so scary," she said. "The whole thing was a shock ...

[www.mlive.com](http://www.mlive.com)

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**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Wednesday, January 9, 2019 11:06 PM  
**To:** Tom Stulberg  
**Cc:** Susan Presswood Wright; Andrea Tom; Amy Chavasse; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; everett w armstrong  
**Subject:** Re: MLIVE article

Thanks for finding that Tom. I provided a comment - cutting the op-ed way down. I encourage others to post as well.

Lester

On Wed, Jan 9, 2019 at 6:51 PM Tom Stulberg <[REDACTED]> wrote:  
Read. And and comments. Don't let the trolls own the comment section. Everyone write something and also vote each other up and the trolls down (none there yet).

<https://www.mlive.com/news/ann-arbor/2019/01/ann-arbors-1m-sidewalk-gap-project-to-move-forward-after-reconsideration.html>

Ann Arbor's \$1M sidewalk gap project to move forward after



## reconsideration | [mlive.com](http://mlive.com)

ANN ARBOR, MI - The city is moving forward with a \$1 million sidewalk project that was opposed by some residents concerned over the potential loss of trees and street parking. The Northside STEAM ...

[www.mlive.com](http://www.mlive.com)

**From:** [Tom Stulberg](#)  
**To:** [Amy Chavasse](#)  
**Cc:** [Lester Wyborny](#); [Bannister, Anne](#); [Griswold, Kathy](#); [Susan Presswood Wright](#); [Andrea Tom](#); [Chuck Marshall](#); [Hayner, Jeff](#); [Jean Arnold](#); [Libby Brooks](#); [Scott Newell](#); [everett w armstrong](#)  
**Subject:** Re: Another related MLIVE article  
**Date:** Sunday, January 20, 2019 6:41:17 AM

---

I am too.

Sent from my iPhone

On Jan 19, 2019, at 10:32 PM, Amy Chavasse <[REDACTED]> wrote:

I'm still fully in favor of pursuing one sidewalk.  
And highlighting complete lack of transparency and resident involvement.  
Amy

On Sat, Jan 19, 2019, 22:09 Lester Wyborny <[REDACTED]> wrote:

I am a furloughed federal worker, so I have time to go to Lansing for a meeting with the SRTS folks. I originally envisioned a meeting with the SRTS folks solely about sidewalks on one side of the street vs both sides of Traver street, but we can go through the various arguments in favor of sidewalks on one side of the street to leave room for a discussion on other issues. We certainly should bring up with the SRTS folks about informing the local residents about potential projects much earlier in the process. At the last City Council meeting, Jack shared about how another SRTS project in his neighborhood was moving forward, and he was not informed about it.

I finally did track my neighbor down who works at MDOT to see if he know who at MDOT we should speak to. He does not work in Lansing, so he does not know who specifically in Lansing we should speak to. I can call Bryan Armstrong (or you can) Tuesday to set up a meeting sometime next week. When would you be available sometime toward the end of next week to make a trek to Lansing?

In my previous e-mail, I presented my theory that you, Jeff, Kathy and Jack are prepared to vote no for the STEAM sidewalk special assessments which, if the City moves forward with the sidewalks and we are against the sidewalk project, means that the residents would not be charged for the sidewalks. If we do nothing more, this might be our future, although sticking us with almost no street parking. I also presented an option to our group to press the SRTS folks hard to capitulate on the two sidewalk requirement for Traver. I wanted our group to weigh in so that we can move forward as a group. But there was almost no discussion of these options. I think our group is somewhat resigned after the last City Council vote. I intend to touch base with a couple of our Traver folks to get a sense of where they are at.

Lester

On Thu, Jan 17, 2019 at 11:01 PM Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>



wrote:

Do you mean the email about meeting with Bryan Armstrong from MDOT, and Colleen and Kathy from Michigan Fitness Foundation?  
CM Kathy Griswold and I are willing to go to with you to Lansing and meet with them. Is there a delegation that wants to go?

The agenda could include how we want pedestrian/cyclist safety, and the grant money is fine, but there are alternatives that have not been considered, like sidewalks on one side and high priority crosswalks, etc.  
We're not professional engineers, but I see no harm in asking for a meeting to describe the situation to them.  
— Anne

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**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Thursday, January 17, 2019 10:34 PM  
**To:** Tom Stulberg  
**Cc:** Susan Presswood Wright; Andrea Tom; Amy Chavasse; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; everett w armstrong  
**Subject:** Re: Another related MLIVE article

Thanks, I put some comments in there.

Note that I have not heard any feedback on my past e-mail. Is there not interest nor fight left for this project?

On Thu, Jan 17, 2019 at 6:06 PM Tom Stulberg <[REDACTED]>  
wrote:

<https://www.mlive.com/news/ann-arbor/2019/01/extra-2m-could-make-ann-arbor-crosswalks-safer-council-member-says.html>



Extra \$2M could  
make Ann Arbor  
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ANN ARBOR, MI – Seeing a fellow student struck by a car and nearly killed isn't something Emma Aboukasm will soon forget. "It was so scary," she said. "The whole

[www.mlive.com](https://www.mlive.com)

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**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Wednesday, January 9, 2019 11:06 PM  
**To:** Tom Stulberg  
**Cc:** Susan Presswood Wright; Andrea Tom; Amy Chavasse; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; everett w armstrong  
**Subject:** Re: MLIVE article

Thanks for finding that Tom. I provided a comment - cutting the op-ed way down. I encourage others to post as well.

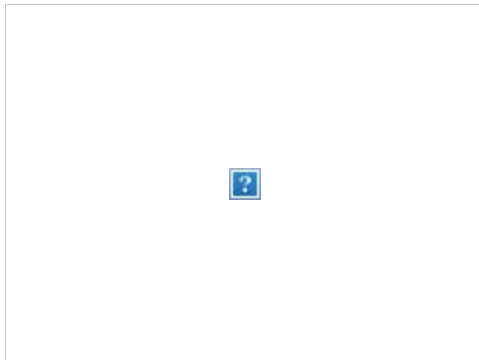
Lester

On Wed, Jan 9, 2019 at 6:51 PM Tom Stulberg

<[REDACTED]> wrote:

Read. And and comments. Don't let the trolls own the comment section. Everyone write something and also vote each other up and the trolls down (none there yet).

<https://www.mlive.com/news/ann-arbor/2019/01/ann-arbors-1m-sidewalk-gap-project-to-move-forward-after-reconsideration.html>



Ann Arbor's \$1M  
sidewalk gap  
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reconsideration |  
[mlive.com](https://www.mlive.com)

ANN ARBOR, MI - The city is moving forward with a \$1 million sidewalk project that was opposed by some residents concerned over the potential loss of

[www.mlive.com](https://www.mlive.com)

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Cc:** [Chuck Marshall](#); [Amy Chavasse](#); [Jean Arnold](#); [Susan Presswood Wright](#); [Scott Newell](#); [Lester Wyborny](#); [Griswold, Kathy](#); [Andrea Tom](#); [Hayner, Jeff](#); [Libby Brooks](#); [everett w armstrong](#); [Brenda Sodt Foster](#); [Po Hu](#);  
**Subject:** Whoa  
**Date:** Tuesday, January 22, 2019 5:11:46 PM

---

May I modify that suggestion.

I think the meaning gets lost in a flood of communication. Multiple emails with partial and overlapping messages confuses the recipients as to what the issues are, what solution is desired, and how to proceed.

A concise coordinated message should be crafted and communicated. Until meetings in Lansing are held, it may be better to hold off.

If the first message is confusing, the next one doesn't get the attention it needs.

Sent from my iPhone

On Jan 22, 2019, at 5:03 PM, Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

Hello Everyone -- Rather than just sharing these concerns amongst neighbors, I might recommend you send your ideas to the other "stakeholders" as appropriate, such as:

- [citycouncil@a2gov.org](mailto:citycouncil@a2gov.org)
- Jane Allen: [jallen2@a2gov.org](mailto:jallen2@a2gov.org)
- Craig Hupy: [chupy@a2gov.org](mailto:chupy@a2gov.org)
- Howard Lazarus: [hlazarus@a2gov.org](mailto:hlazarus@a2gov.org)
- John Fournier: [JFournier@a2gov.org](mailto:JFournier@a2gov.org)
- SRTS A2STEAM: [srtsa2steam@gmail.com](mailto:srtsa2steam@gmail.com)
- Tina Carmichael: [christina.carmichael@gmail.com](mailto:christina.carmichael@gmail.com)
- Liz Margolis: [margolisl@aaps.k12.mi.us](mailto:margolisl@aaps.k12.mi.us)
- Jeanice Swift: [swift@aaps.k12.mi.us](mailto:swift@aaps.k12.mi.us)
- Colleen Synk : [CSynk@michiganfitness.org](mailto:CSynk@michiganfitness.org)
- Katie Alexander : [kalexander@michiganfitness.org](mailto:kalexander@michiganfitness.org)
- Bryan Armstrong: [armstrongb@michigan.gov](mailto:armstrongb@michigan.gov)
- Our State Representatives:
  - [DonnaLasinski@house.mi.gov](mailto:DonnaLasinski@house.mi.gov)
  - [YousefRabhi@house.mi.gov](mailto:YousefRabhi@house.mi.gov)
  - [RonniePeterson@house.mi.gov](mailto:RonniePeterson@house.mi.gov)
  - [RebekahWarren@house.mi.gov](mailto:RebekahWarren@house.mi.gov)

Lester, Kathy Griswold, and I are in the process of scheduling our visit to Lansing to meet with the MDOT and Michigan Fitness Foundation representatives. We are hoping to go this Thursday, or one day next week, if we can get an appointment.

Thanks,  
Anne

Anne Bannister  
Ward One Councilmember

cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Chuck Marshall [REDACTED]  
**Sent:** Tuesday, January 22, 2019 2:39 PM  
**To:** Amy Chavasse  
**Cc:** Jean Arnold; Susan Presswood Wright; Scott Newell; Lester Wyborny; Bannister, Anne; Tom Stulberg; Griswold, Kathy; Andrea Tom; Hayner, Jeff; Libby Brooks; everett w armstrong; Brenda Sodt Foster; Po Hu; [REDACTED]  
**Subject:** Re: Another related MLIVE article

Hi,

Brenda and I haven't fallen off the end of the Earth :) Just been swamped since the New Year. The bottom line is that we are ok with sidewalks as long as the big trees and retaining walls are left alone (or at least as many trees saved as possible and not hitting retain walls). That said, the biggest issue for us is the cost. Secondly, it is upsetting the fabrication of need for safety when improvements to the crossing at Traver/John A Woods would provide immediate safety benefits. Ideally, it seems that cost could be contained by having a single side-walk which would also make the overall project more palatable to everyone.

Chuck

On Tue, Jan 22, 2019 at 12:45 PM Amy Chavasse <[REDACTED]> wrote:

It was curious to read that the AME parking lot is being promoted, with renewed vigor, as a drop off spot with "snacks and coffee". At the same time, parking of both sides of Traver and the intersection of Barton will remain an important piece of the plan, even as no parking will be allowed farther up Traver (with the mandatory 2 sidewalks that SRTS wants). This morning, parents continue to park right up to the intersection, cars turn in and out of Traver into that busy and congested rush hour traffic flow, and students cross into this traffic to walk up the hill. With the constant chant of CHILDREN'S SAFETY FIRST, I don't see how these two conditions fit.

On Mon, Jan 21, 2019 at 10:01 AM Jean Arnold <[REDACTED]> wrote:

I am still interested in a maximum of one sidewalk for our block of Traver. I appreciate the on-going efforts!! Thank you! Thank you!

On Sun, Jan 20, 2019 at 10:52 PM Susan Presswood Wright

<[REDACTED]> wrote:

Scott--thanks for your message. I notice that some people have been dropped from the thread, so I'm adding them back on, together with a response I sent to Les earlier today--below.

[Sent 1/20, afternoon]

I thought earlier that the plan to arrange a meeting in Lansing was good and that it was going ahead. I suggested Max Fulkerson at the Michigan Fitness Foundation as a participant. When I spoke to him by phone last fall, he seemed open to at least thinking about circumstances where two sidewalks would not be feasible or desirable as a sidewalk solution. It would be great if Anne and Kathy Griswold can go as well, and if possible one other person from our block.

I also want to mention that the email addresses of some members of our block are not always included. I've added three to this message (Po Hu, Matt Peterson, and Brenda Foster's addresses). If we want to find out how everyone is thinking about two versus one sidewalk, we need to include everyone. My own sense is that I would like to see what emerges from a Lansing mtg, if it's possible to arrange one. If a Lansing meeting doesn't materialize, I would support working with the planners to modify the two-sidewalks-in-the-road plan somewhat to provide a few more parking spaces for those who would like them--but definitely not modifications that take out major trees or require major regrading. (I think there could be some further parking spaces at the North-west end of the block--not right at the end, but further in.) Everyone should be contacted, either by email or house-to-house--whatever works.

On Sun, Jan 20, 2019 at 7:27 PM Scott Newell <[REDACTED]> wrote:

Hi Lester and all,

I am very much in support of fighting this project. I'm super appreciative of the work everyone has done on our behalf. Please advise, and thank you so much.

Scott Newell

[REDACTED] cell

On Sat, Jan 19, 2019, 10:09 PM Lester Wyborny <[REDACTED]> wrote:

I am a furloughed federal worker, so I have time to go to Lansing for a meeting with the SRTS folks. I originally envisioned a meeting with the SRTS folks solely about sidewalks on one side of the street vs both sides of Traver street, but we can go through the various arguments in favor of sidewalks on one side of the street to leave room for a discussion on other issues. We certainly should bring up with the SRTS folks about informing the local residents about potential projects much earlier in the process. At the last City Council meeting, Jack shared about how another SRTS project in his neighborhood was moving forward, and he was not informed about it.

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Lester

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<[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

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We're not professional engineers, but I see no harm in asking for a meeting to describe the situation to them.

— Anne

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**Sent:** Thursday, January 17, 2019 10:34 PM  
**To:** Tom Stulberg  
**Cc:** Susan Presswood Wright; Andrea Tom; Amy Chavassee; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; everett w armstrong  
**Subject:** Re: Another related MLIVE article

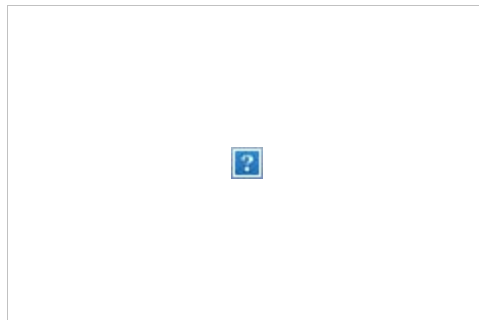
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On Thu, Jan 17, 2019 at 6:06 PM Tom Stulberg

<[REDACTED]> wrote:

<https://www.mlive.com/news/ann-arbor/2019/01/extra-2m-could-make-ann-arbor-crosswalks-safer-council-member-says.html>



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| [mlive.com](https://www.mlive.com)

ANN ARBOR, MI –  
Seeing a fellow  
student struck by a  
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Emma Aboukasm

[www.mlive.com](https://www.mlive.com)

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**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Wednesday, January 9, 2019 11:06 PM  
**To:** Tom Stulberg  
**Cc:** Susan Presswood Wright; Andrea Tom; Amy Chavassee; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; everett w armstrong  
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Thanks for finding that Tom. I provided a comment - cutting the op-ed way down. I encourage others to post as well.

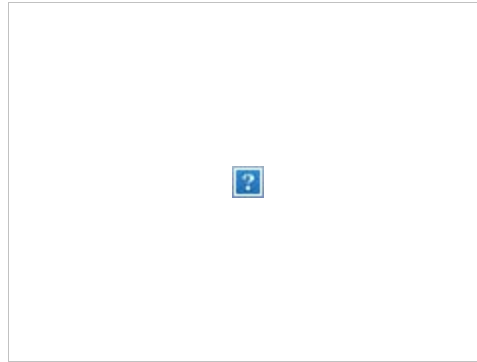
Lester

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Read. And and comments. Don't let the trolls own the comment section. Everyone write something and also vote each other up and the trolls down (none there yet).

<https://www.mlive.com/news/ann-arbor/2019/01/ann-arbors-1m-sidewalk-gap-project-to-move-forward-after-reconsideration.html>



Ann Arbor's  
\$1M sidewalk  
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[www.mlive.com](http://www.mlive.com)

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*Amy Chavasse*  
*Professor- School of Music Theatre & Dance*  
*University of Michigan*  
*Artistic Director- ChavasseDance&Performance*  
[www.chavassedanceandperformance.com](http://www.chavassedanceandperformance.com)



**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Cc:** [REDACTED] [Laura Strowe](#); [Griswold, Kathy](#); [Hayner, Jeff](#); [Eaton, Jack](#)  
**Subject:** Re: Agenda Response Memo - January 22, 2019  
**Date:** Tuesday, January 22, 2019 6:11:48 PM

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Not very illuminating. But Thanks for asking the questions Anne.

The study and report will take two years. By then we are going to need real solutions to what will be a very busy area. Will this report lead to solutions - I can't say. Do we need to address this area - yes. Is it worth the money - in my opinion yes, if the study leads to solutions. We all will have to make that happen I guess. We will have to have faith that the intent of this study is to lead to solutions, and not simply to push the problem down the road two years. Or challenge that if you think otherwise.

Thank you for making this and other tough decisions on behalf of us citizens. If you have any specific questions for me, just ask.

Tom

Sent from my iPhone

On Jan 22, 2019, at 5:19 PM, Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

Hi Tom, Mary, and Laura,

The staff Responses to our questions about the Lower Town study are on pages 13 - 15 of the attached memo, and cut & pasted here:

**DS – 1- Resolution to Authorize a Professional Services Agreements with Orchard, Hiltz & McCliment, Inc. (OHM) for the Lower Town Area Mobility Study (RFP No. 18- 21) (\$579,478.00) and Appropriate Funding from the Major Street Fund Balance (\$649,478.00) (8 Votes Required)**

**Question:** What specific solutions does staff intend to receive from this study? (Councilmember Bannister)

**Response:** Staff is unable to identify specific solutions prior to the findings of the study being complete. The study process, including technical analysis and public engagement, will identify solutions and test their feasibility. Generally speaking, the study is meant to conduct a comprehensive mobility study centered in the City's Lower Town Area. The study must address the mobility needs for users of all means of transportation, including pedestrians, bicyclists, transit riders, and drivers and passengers of motorized vehicles.

**Question:** Which of these solutions would staff consider implementing? Please include the range of cost estimates and timeline. (Councilmember Bannister)

**Response:** Staff is unable to identify specific solutions, including their cost or timeline, prior to the findings of the study being complete.

**Question:** What thoughts does staff already have about the known traffic problems in the area? (Councilmember Bannister)

**Response:** Staff's understanding of the transportation issues are identified in the scope of services as follows: "Development in the northern areas of the City can reasonably be expected to add demand to the City's mobility network. The confluence of Pontiac Trail, Broadway, Plymouth Road, Moore Street, Wall Street, and Maiden Lane (also known as Lower Town) has the potential to become a mobility chokepoint. City Council desires to mitigate the potential impacts of development on the City's quality of life. In December 2017, City Council passed a resolution requesting City Staff to review and update of previous studies of vehicular, transit, bicycle, and pedestrian movements leading to, and traveling through, the Lower Town area."

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**Response:**

AM Peak Hour	Pedestrian Trips	Bicyclist Trips	Trips by Transit	Vehicular Trips
1140 Broadway	55	20	40	239
Roxbury Broadway Park (under review/revision)				125
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UM Parking Structure	Similar amount to vehicular trips			354
Glen Hotel				155
North Sky				144

Bristol Ridge				34
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Data from traffic impact studies will be inputs into the analysis performed by the consultant

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14 Agenda Response Memo– January 22, 2019

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Thanks,  
Anne

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

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---

**From:** Higgins, Sara  
**Sent:** Tuesday, January 22, 2019 4:14 PM  
**To:** \*City Council Members (All)  
**Cc:** Lazarus, Howard; Blake, Betsy; Crawford, Tom; Pfannes, Robert; Kennedy, Mike; Wilkerson, Robyn; Koch, Heather; Bennett, Kimberly; Hull, Jessica; Radabaugh, Margaret; Postema, Stephen; Hupy, Craig; Harrison, Venita; Hutchinson, Nicholas; Hess, Raymond; Praschan, Marti; Rechtien, Matthew; Slay, Arianne; Williams, Debra; Delacourt, Derek; Lenart, Brett; Cheng, Christopher; Kowalski, Matthew; Fournier, John; Frost, Christopher; Forsberg, Jason  
**Subject:** Agenda Response Memo - January 22, 2019

Mayor and Council,  
Attached are staff responses to January 22, 2019 Council Agenda questions. This memo will be included as a written communication from the City Administrator on the January 22, 2019 Council Agenda.

Thank you,

**Sara Higgins, Strategic Planning Coordinator**

Ann Arbor City Administrator's Office | Guy C. Larcom City Hall|301 E. Huron, 3rd Floor · Ann Arbor · MI · 48104

734.794.6110 (O) · 734.994.8296 (F) | Internal Extension 41102

[shiggins@a2gov.org](mailto:shiggins@a2gov.org) | [www.a2gov.org](http://www.a2gov.org)



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<Agenda Responses 1-22-19 Final.pdf>

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [REDACTED] [Laura Strowe](#)  
**Cc:** [Griswold, Kathy](#); [Hayner, Jeff](#); [Eaton, Jack](#)  
**Subject:** LowerTown Mobility study  
**Date:** Wednesday, January 23, 2019 12:59:51 PM

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Anne, Jeff, Kathy, and Jack,

Thank you all for your comments and debate last night. I watched from home.

I am of two minds on this. We need something DONE sooner than two years from now, and we do not need another document to throw on the trash heap like we did the LowerTown Master Plan. Us citizens that participated in that Master Plan process, and ended up with a very good plan that was NOT followed by the Morningside development, now will participate in the citizen meetings with the new consultant if the study is approved. It is hard to get citizens to participate in the process when they rightly feel it may just be a waste of their time. I will participate because I am a die hard optimist who believes we have to keep trying even when there is not a great success rate. I know some of my neighbors won't because they have lost faith, and I can't blame them.

I honestly don't know what to do here, but I am open to having conversations over the next month with you all and others on whether to proceed with this study or not.

As for the mayor counting votes and not wanting to lose, and thus postponing to a future meeting...he was not hiding anything. He was very clear that he thinks he will get the result that he wants in a month and that he wouldn't have if the vote was held last night. Thank you for calling that out Jeff.

On the settlement of Anne and Sumi's lawsuit: Jeff, Jack, and Ali all had good comments. I see Jeff's point, but I think Jack is right that we would not get that question answered if the lawsuit went forward. So I am glad Jeff spoke up, but happy for the result and the settlement.

Hope the roads weren't nasty for you getting home,

Tom

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Tuesday, January 22, 2019 5:18 PM  
**To:** Tom Stulberg; [REDACTED] Laura Strowe  
**Cc:** Griswold, Kathy; Hayner, Jeff; Eaton, Jack  
**Subject:** FW: Agenda Response Memo - January 22, 2019

Hi Tom, Mary, and Laura,

The staff Responses to our questions about the Lower Town study are on pages 13 - 15 of the attached memo, and cut & pasted here:

**DS – 1- Resolution to Authorize a Professional Services Agreements with Orchard, Hiltz & McCliment, Inc. (OHM) for the Lower Town Area Mobility Study (RFP No. 18- 21) (\$579,478.00) and Appropriate Funding from the Major Street Fund Balance (\$649,478.00) (8 Votes Required)**

**Question:** What specific solutions does staff intend to receive from this study?  
(Councilmember Bannister)

**Response:** Staff is unable to identify specific solutions prior to the findings of the study being complete. The study process, including technical analysis and public engagement, will identify solutions and test their feasibility. Generally speaking, the study is meant to conduct a comprehensive mobility study centered in the City's Lower Town Area. The study must address the mobility needs for users of all means of transportation, including pedestrians, bicyclists, transit riders, and drivers and passengers of motorized vehicles.

**Question:** Which of these solutions would staff consider implementing? Please include the range of cost estimates and timeline. (Councilmember Bannister)

**Response:** Staff is unable to identify specific solutions, including their cost or timeline, prior to the findings of the study being complete.

**Question:** What thoughts does staff already have about the known traffic problems in the area? (Councilmember Bannister)

**Response:** Staff's understanding of the transportation issues are identified in the scope of services as follows: "Development in the northern areas of the City can reasonably be expected to add demand to the City's mobility network. The confluence of Pontiac Trail, Broadway, Plymouth Road, Moore Street, Wall Street, and Maiden Lane (also known as Lower Town) has the potential to become a mobility chokepoint. City Council desires to mitigate the potential impacts of development on the City's quality of life. In December 2017, City Council passed a resolution requesting City Staff to review and update of previous studies of vehicular, transit, bicycle, and pedestrian movements leading to, and traveling through, the Lower Town area."

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14 Agenda Response Memo– January 22, 2019

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Thanks,  
Anne

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

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**From:** Higgins, Sara  
**Sent:** Tuesday, January 22, 2019 4:14 PM  
**To:** \*City Council Members (All)  
**Cc:** Lazarus, Howard; Blake, Betsy; Crawford, Tom; Pfannes, Robert; Kennedy, Mike; Wilkerson, Robyn; Koch, Heather; Bennett, Kimberly; Hull, Jessica; Radabaugh, Margaret; Postema, Stephen; Hupy, Craig; Harrison, Venita; Hutchinson, Nicholas; Hess, Raymond; Praschan, Marti; Rechtien, Matthew; Slay, Arianne; Williams, Debra; Delacourt, Derek; Lenart, Brett; Cheng, Christopher; Kowalski, Matthew; Fournier, John; Frost, Christopher; Forsberg, Jason  
**Subject:** Agenda Response Memo - January 22, 2019

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Thank you,

**Sara Higgins, Strategic Planning Coordinator**

Ann Arbor City Administrator's Office | Guy C. Larcom City Hall | 301 E. Huron, 3rd Floor · Ann Arbor · MI · 48104  
734.794.6110 (O) · 734.994.8296 (F) | Internal Extension 41102  
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**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Eaton, Jack](#)  
**Cc:** [Hayner, Jeff](#)  
**Subject:** Re: Resolution proposing a moratorium on project approval  
**Date:** Thursday, January 24, 2019 3:28:56 PM

---

I was watching and caught that. Lots to talk about if people want to chat in person.

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Thursday, January 24, 2019 3:20 PM  
**To:** Tom Stulberg; Eaton, Jack  
**Cc:** Hayner, Jeff  
**Subject:** FW: Resolution proposing a moratorium on project approval

Hi Tom and Jack -- In case you missed this idea from the tail end of Tuesday night's meeting...a 2-year moratorium on all project approvals for new construction within the boundaries of the Lower Town Area Mobility Study.

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Beaudry, Jacqueline  
**Sent:** Tuesday, January 22, 2019 10:20 PM  
**To:** \*City Council Members (All)  
**Cc:** Postema, Stephen; Lazarus, Howard  
**Subject:** FW: Resolution proposing a moratorium on project approval

---

**From:** Hayner, Jeff <JHayner@a2gov.org>  
**Sent:** Tuesday, January 22, 2019 10:04 PM  
**To:** Beaudry, Jacqueline <JBeaudry@a2gov.org>  
**Subject:** Resolution proposing a moratorium on project approval

Whereas the city of Ann Arbor is undertaking a comprehensive mobility study "Lower Town Area Mobility Study" and;  
Whereas the results of this study will not be known for 2 years and;  
Whereas the results of this study are critical to inform the planning decisions made in the north side neighborhoods for the safety of residents;  
Resolved, the City of Ann Arbor declares a 2-year moratorium on all project approvals for new construction within the boundaries of the Lower Town Area Mobility Study.

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: Review of SRTS Grant Process for Ann Arbor STEAM School  
**Date:** Thursday, January 24, 2019 8:05:29 PM

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Anne,

Please ask what the four property addresses are.

Thanks,

Tom

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Thursday, January 24, 2019 6:58 PM  
**To:** Susan Presswood Wright  
**Cc:** Lester Wyborny; Chuck Marshall; Amy Chavasse; Jean Arnold; Scott Newell; Tom Stulberg; Griswold, Kathy; Andrea Tom; Hayner, Jeff; Libby Brooks; everett w armstrong; Brenda Sodt Foster; Po Hu; [REDACTED]  
**Subject:** RE: Review of SRTS Grant Process for Ann Arbor STEAM School

If possible, I'd prefer to have the outreach to our State Representatives and State Senator come from the group, in part because of my schedule and also because it may be more powerful to have you all as their constituents reach out for help. Would it be possible for others to take the lead with this outreach to the elected officials?

I'll ask Mr. Lazarus to send us an update on the plan. This is the most current update I have, from January 16 when Janet Holloway from Brookside inquired:

CM Bannister, staff shares a final response for your review.

Final plans and specifications are scheduled to be submitted to MDOT before the end of January 2019. Before the funding can be obligated, and the SRTS Grant awarded, the City must possess all necessary easements and temporary grading permits (TGP) necessary to do the work described in the plans. There are no permanent easements required for this project, as all sidewalks will be installed in the public right-of-way. However, four (4) properties remain in the project limits where the sidewalk will be close to the property line. At these locations, requests for temporary grading permits were made to provide the best results to the adjacent home owners with regard to transitioning the grade of the sidewalk to their yards and driveways. If the TGPs are not returned to the City prior to our deadline to secure the funding, we will revise the plans to stop all grading at the right-of-way line before we submit to MDOT, but the grading transition will not be as smooth as it could had TGP been granted.

Thanks,

Anne Bannister  
Ward One Council Member

[REDACTED]

Messages to and from me regarding City matters are subject to disclosure under the Michigan Freedom of Information Act.

**From:** Susan Presswood Wright <[REDACTED]>  
**Sent:** Thursday, January 24, 2019 5:49 PM  
**To:** Bannister, Anne <ABannister@a2gov.org>  
**Cc:** Lester Wyborny <[REDACTED]> Chuck Marshall <[REDACTED]> Amy Chavasse <[REDACTED]> Jean Arnold <[REDACTED]> Scott Newell <[REDACTED]> Tom Stulberg <[REDACTED]> Griswold, Kathy <KGriswold@a2gov.org>; Andrea Tom <[REDACTED]> Hayner, Jeff <JHayner@a2gov.org>; Libby Brooks <[REDACTED]> everett w armstrong <[REDACTED]> Brenda Sodt Foster <[REDACTED]> Po Hu <[REDACTED]>  
**Subject:** Re: Review of SRTS Grant Process for Ann Arbor STEAM School

Anne, thanks for your and Kathy's queries on our behalf. I agree that it would be great if we can develop a coherent block position, but at the moment, there may be a sense of waiting to see how initiatives like the one you propose turns out. We would likely all agree on a one sidewalk solution *if* it turned out to be possible—but the prospects for that don't look great at this point.

The question I would have for our State representatives would be whether they would want to try to overrule a) the MDOT position supporting two sidewalks; and b) a decision by their Democratic colleagues on the City Council. Is it possible for you and Kathy to find out?

Meanwhile, what is the status of the SRTS plan in City Hall?

The Vision Zero Initiative sounds like a source of good arguments against parents' using the southeastern end of our block for drop-off/pick-up. Here's a description from MLive:

[https://www.mlive.com/news/ann-arbor/index.ssf/2015/10/ann\\_arbor\\_adopts\\_pedestrian\\_sa.html](https://www.mlive.com/news/ann-arbor/index.ssf/2015/10/ann_arbor_adopts_pedestrian_sa.html)

On Thu, Jan 24, 2019 at 12:16 PM Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

Thanks for the update. I had a brief call with CM Kathy Griswold and our "two cents" (although I don't speak for Kathy!) is that we should continue with the plan to reach out to our State Representatives and Senator Jeff Irwin, and that a student drop-off on Traver may not be in compliance with Vision Zero.

I've already described the situation to Jeff Irwin and Yousef Rabhi, and they seemed open to learning

more about it and what we'd like them to do.

As Tom mentioned earlier this week, a coordinated communication from the neighborhood would be preferable to piecemeal.

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

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---

**From:** Susan Presswood Wright [REDACTED]  
**Sent:** Wednesday, January 23, 2019 3:51 PM  
**To:** Lester Wyborny  
**Cc:** Bannister, Anne; Chuck Marshall; Amy Chavasse; Jean Arnold; Scott Newell; Tom Stulberg; Griswold, Kathy; Andrea Tom; Hayner, Jeff; Libby Brooks; everett w armstrong; Brenda Sodt Foster; Po Hu; [REDACTED]  
**Subject:** Re: Review of SRTS Grant Process for Ann Arbor STEAM School

First of all, a big thankyou to Les for exploring the one sidewalk possibility. My sense—just thinking about how bureaucracies work-- is that folks above Bryan Armstrong would be reluctant to interfere with an established policy. Doing that tends to make the higher-ups extremely unpopular!

I think we should discuss how to proceed. My sense is that litigation would be lengthy, expensive, and almost certainly beyond my means, even as a collective effort. I would support accepting the two-sidewalks-in-the-road plan but exploring modification for increased parking for those who feel they need it and also exploring reduction of the assessment. I'm fine with no parking outside my place but recognize that others feel differently. The north-western end of the block—outside the unoccupied and decaying house at Traver and John Woods—there is about 96 ft of frontage. Exploring whether part of that could be used for parking--in addition to the 10 spaces at the northeastern end-- could be part of our approach to the planners.

On the positive side, at least we managed to eliminate the first plan, which would have changed our block dramatically, would have encouraged greater traffic speeds, and made it a more dangerous street. In contrast, putting our block on a "road diet" should generate a quieter and safer street, especially if part of our negotiation is ensuring that the School develops a plan for parents to park in designated places that are *not* on our block!

On Wed, Jan 23, 2019 at 12:01 PM Lester Wyborny <[REDACTED]> wrote:

Bryan Alexander just returned my call saying that he will not meet with us because MDOT will not consider changing the two sidewalk requirement for any reason, at least any of the reasons I provided to him. I essentially went through the arguments I laid out in my presentation, but he said that as long as it involves the distribution of federal grant

money, they require sidewalks on both sides of residential streets, period. I was amazed that when I explained that the SRTS report did not identify closing sidewalk gaps as a priority, and that Traver is not a route for students use to walk to school, he did pause at first and did not have a good answer, but he faithfully went back to his two sidewalk requirement and said that it is between us and the City. In a previous e-mail, he said that if the City wants to pursue a sidewalk solely one side of the street, that the City should have pulled the street from the grant application, and then it could do whatever it wanted to.

We could try speaking with his supervisor, who is Mike Kapp, although I feel that speaking to others at MDOT probably would not make a difference. The next step forward in fighting this could be to get our elected officials to weigh in, as Kathy Griswold has suggested, or maybe meet with the Governor's office, although I sort of doubt that the Governor's office would want to force the MDOT to reverse their position on this. But, getting our elected officials to weigh in would provide more weight behind our concerns.

I did not ask about modifying the latest design that the City came up with to try to provide more street parking. If that is what we want to do, and I suspect that some may want to reduce the no parking problem, then we should do so as it seems more likely that we will be stuck with the no parking plan.

Of course we could sue... But I am a little skeptical that this would work, and would cost \$.

Thoughts?

Lester

**From:** [Tom Stulberg](#)  
**To:** [Lester Wyborny](#); [Bannister, Anne](#)  
**Cc:** [Susan Presswood Wright](#); [Chuck Marshall](#); [Amy Chavasse](#); [Jean Arnold](#); [Scott Newell](#); [Griswold, Kathy](#); [Andrea Tom](#); [Hayner, Jeff](#); [Libby Brooks](#); [everett w armstrong](#); [Brenda Sodr Foster](#); [Po Hu](#); [REDACTED]  
**Subject:** Another neighborhood fights the city  
**Date:** Friday, January 25, 2019 7:21:03 AM

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FYI, this is another neighborhood fighting to protect their rights. It is worth reading to understand that we are not alone. Citizens fighting to retain their quality of life vs. something that sounds good on paper.

There is a rezoning request to change a parcel zoned for single family homes to put in a senior housing building. It is surrounded by single family homes and parkland. The parkland is rare in that it contains the only natural lakes (Three Sisters) in Ann Arbor. They are in the heart of the dioxane plume with monitoring wells on this vacant parcel.

Hi Everyone,

The Lockwood Public Hearing and City Council meeting is scheduled for Feb 19th (Tues due to President's Day) at 7:00 pm. at City Hall 2nd Floor.

Now we can prepare to complete our fight against Lockwood.

I think our strategy should be to get about 25-35 good speakers who spoke before and want to do one of their speeches again to cover all the important points we want our Councilmembers and Mayor to hear.

And to get AS MANY OTHER neighbors to come in support, filling the chambers with supporters of US and opposition to the development and REZONE.

**So, whoever can speak again on the 19th, please email me and I will note the topic, etc. We had such great speeches throughout this past year, WE still really need you.**

Anyone who has not spoken but wants to. thats great too.

Here are some updates that have happened since my last email to all 130 of us on the core group of emails. (We are so strong together and I thank every one of you EVERYDAY).

We got 175 signatures on the editorial Cheryl wrote. Thanks again Cheryl.

Washtenaw Housing Alliance sent a letter to [citycouncil@a2gov.org](mailto:citycouncil@a2gov.org) endorsing Lockwood,

[WHA Letter to AA City Council re Lockwood, 01.16.19.pdf \(705K\)](#)

so I sent a rebuttal letter (enclosing the editorial and Master Plan excerpt) to all the city council and WHA stating that we are not against affordable housing or senior living facilities, however we are against rezoning a single family plot etc.....

Roger Rayle is amazing with his citizenry and dioxane research for over 25 years. He will be speaking at the Council meeting and explaining his visuals and research. He sent a rebuttal letter to City Council about all the inaccuracies at the last Planning Commission meeting that City Staff and MDEQ stated, and again showing the possible communication with two of the plumes from Lockwood's infiltration system. FYI, at the last CARD meeting DEQ informed us that one of the West Park monitoring wells MW103S readings are 88 ppb, above the minimum standard for the first time. Very disturbing.

As Roger says, Lockwood is one of the pieces of the puzzle that we should be paying attention to with this plume.

In addition to the Wetlands protection that City and Lockwood are ignoring, I have found some Natural Features ordinances about Steep Slopes and how NO runoff should be directed down them during or after construction. We will be focusing on this too now.

We have our protest signatures, which will call for a supermajority vote to approve this rezone (8 votes needed).....I really believe the Council Members will do the right thing and disapprove. We then will try to fight to get this bought with Greenbelt monies or Park extension to protect all these natural features and groundwater contamination.

Everyone can and should email our CM's telling them that you hope they will not approve this rezone of the Master Plan and PUD development which is commercial in nature, could effect the dioxane plume, WILL harm the precious wetlands and First Sister Lake, and will diminish our quality of life and cause a significant traffic nightmare.

[ARamlawi@a2gov.org](mailto:ARamlawi@a2gov.org)

[ChSmith@a2gov.org](mailto:ChSmith@a2gov.org)

[citycouncil@a2gov.org](mailto:citycouncil@a2gov.org) will also send your email to the whole City Council and Mayor. Please CC this one for sure, and CC me too if you can.

In the past year, I have picked up at least 8 large bags of trash along this stretch of Jackson Rd, while tending to the protest signs (hopefully they can be gone soon). It is amazing how people still litter and this dark stretch of road is where they throw stuff out of windows. I started noticing the low area between Lockwood and Parklake where trash collects, etc. I was trying to get our Sister Lakes to "adopt a road" but that is a county program, not city.....then I got an email about the "\$10,000 Sustainability Grant Contest" from Dr Missy Stults with the City of Ann Arbor, and think that we as a neighborhood should try to get this \$10,000 grant to do a clean up project and natural plantings on this area. A mini rain garden? Maybe plant some butterfly plantings on the Parklake park side too?

Anyway, lets fight Lockwood first, and then see if we have an interest in this project to enhance our neighborhood and the environment. Email me if you have an interest in this.

I do hope that we prevail at City Council, can move on and continue to protect our neighborhood and quality of life. Then we can do other great things as a group. The Sister Lakes Association used to be strong and active and I want to try to do this again.

***Again, I can't thank everyone enough. I know I say it all the time, but really mean it,  
Sincerely,  
Beth***



**From:** [Tom Stulberg](#)  
**To:** [Lester Wyborny](#); [Susan Presswood Wright](#); [Chuck Marshall](#); [Amy Chavasse](#); [Jean Arnold](#); [Scott Newell](#); [Griswold, Kathy](#); [Andrea Tom](#); [Libby Brooks](#); [everett w armstrong](#); [Brenda Sodt Foster](#); [Po Hu](#); [REDACTED]  
**Subject:** Re: Hardship for Traver Homeowners by Proposed Sidewalk Plan  
**Date:** Friday, January 25, 2019 5:49:51 PM

---

Awesome Lester!

---

**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Friday, January 25, 2019 4:32 PM  
**To:** Susan Presswood Wright; Chuck Marshall; Amy Chavasse; Jean Arnold; Scott Newell; Tom Stulberg; Griswold, Kathy; Andrea Tom; Libby Brooks; everett w armstrong; Brenda Sodt Foster; Po Hu; [REDACTED]  
**Subject:** Fwd: Hardship for Traver Homeowners by Proposed Sidewalk Plan

Earlier today I called and introduced the sidewalk issue to the offices of Jeff Irwin and Rebekah Warren. I just sent off the attached e-mail to them which includes the power point presentation I drafted for MDOT (modified somewhat) and some additional description in the body of the e-mail. The individuals I spoke to in both of those offices seemed sympathetic and indicated that both Jeff Irwin and Rebekah Warren would likely meet with us sometime in early February, perhaps at the same meeting. I will pass on any communications from their offices. We don't know if this will make any difference, but there is always a chance.

Lester

----- Forwarded message -----

**From:** Lester Wyborny <[REDACTED]>  
**Date:** Fri, Jan 25, 2019 at 4:24 PM  
**Subject:** Hardship for Traver Homeowners by Proposed Sidewalk Plan  
**To:** <[rebekahwarren@house.mi.gov](mailto:rebekahwarren@house.mi.gov)>, <[senjirwin@senate.michigan.gov](mailto:senjirwin@senate.michigan.gov)>  
**Cc:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>, Griswold, Kathy <[KGriswold@a2gov.org](mailto:KGriswold@a2gov.org)>, Hayner, Jeff <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>

Jeff Irwin and Rebekah Warren,

I am following up on phone calls I made to your offices about proposed sidewalks for our street which will create significant hardship for the homeowners of the street. We would like to sit down with you to work with you to figure out how to ease this burden, although we think that weighing in with MDOT might be the best way forward. I attached a power point presentation and provide some additional background in this e-mail.

The City applied for a Safe Routes to School grant and received initial approval for grant funding for the installation of sidewalks for our street, and a couple other streets, due to its proximity to the STEAM school on Barton Road. The total project cost is estimated to be \$1 million, and the grant would cover about \$400k of that.

The homeowners pushed back against the project when it became apparent that the installation

of the sidewalks would cause the cutting down of many trees, including several very large trees which would require many decades to be replaced. The City developed another plan which will install two sidewalks mostly in the street on each side of the roadway, and remove almost all street parking. The homeowners rejected this option as well. Anne Bannister led a process to review the City's proposal and collect ideas for coming up with the least burdensome option. But the City abruptly put the sidewalk project up for a vote, and approved it to move forward, ignoring the objections of the homeowners.

Early on, the Homeowners proposed another plan for a single sidewalk installed in the street, which would maintain street parking on the opposite side of the street, and not cause the cutting down of trees. This one sidewalk idea is supported by the Institute of Transportation Engineers recommendations which would require only one sidewalk for a street with a low density of houses that Traver has. Also, Traver is not a primary route for students for commuting to school.

The City claimed that Safe Routes to School (SRTS) requires two sidewalks and thus would not consider our one sidewalk option, and refused to remove Traver from the grant application arguing that the City could lose this SRTS grant and future grant money. The homeowners contacted the MDOT SRTS coordinator (Bryan Armstrong) and he confirmed the two sidewalk requirement, although the two sidewalk requirement can be waived in certain cases. He said that MI SRTS would not waive the two sidewalk requirement for this case (note that federal SRTS does not require two sidewalks). Note that Bryan Armstrong is not the decision maker for this, it likely is Michael Kapp, Bryan's supervisor. But we felt that our elected officials might have a greater ability to affect MDOT policy than us homeowners.

Several homeowners and several City Council members look forward to sitting down with you to further describe this issue, gain your support, and hopefully identify a way to prevent a burdensome sidewalk project on us homeowners.

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Traver sidewalks  
**Date:** Tuesday, January 29, 2019 4:01:04 PM

---

Have we ever seen the total project cost IF the sidewalks on Traver are dropped from the SRTS proposed scope of work? I don't think so.

I really want to know, though I expect pushback on getting an answer. This is not a hypothetical situation. This is a real possibility - though the city administrator's office and engineering might not agree.

I see no harm in them producing the answer to that question. And I really want to know the answer.

Sent from my iPhone

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: Traver sidewalks  
**Date:** Tuesday, January 29, 2019 4:30:10 PM

---

Sorry. I should have said please :)

Stay warm

Sent from my iPhone

> On Jan 29, 2019, at 4:00 PM, Tom Stulberg <[REDACTED]> wrote:

>

> Have we ever seen the total project cost IF the sidewalks on Traver are dropped from the SRTS proposed scope of work? I don't think so.

>

> I really want to know, though I expect pushback on getting an answer. This is not a hypothetical situation. This is a real possibility - though the city administrator's office and engineering might not agree.

>

> I see no harm in them producing the answer to that question. And I really want to know the answer.

>

> Sent from my iPhone

**From:** [Tom Stulberg](#)  
**To:** [Lester Wyborny](#)  
**Cc:** [Susan Presswood Wright](#); [Chuck Marshall](#); [Amy Chavasse](#); [Jean Arnold](#); [Scott Newell](#); [Griswold, Kathy](#); [Andrea Tom](#); [Libby Brooks](#); [everett w armstrong](#); [Brenda Sodt Foster](#); [Po Hu](#); [REDACTED] [Bannister, Anne](#); [Hayner, Jeff](#)  
**Subject:** Re: Hardship for Traver Homeowners by Proposed Sidewalk Plan  
**Date:** Wednesday, January 30, 2019 1:32:28 PM

---

I can attend.

Sent from my iPhone

On Jan 30, 2019, at 1:19 PM, Lester Wyborny <[REDACTED]> wrote:

We received an invitation to meet with State Senator Jeff Irwin on Monday Feb. 11 at 1 pm about the sidewalk issue here in Ann Arbor. Can others meet at this time? We need to locate a convenient location near to us. One option is the public library on Traverwood Drive.

Lester

----- Forwarded message -----

**From:** **Annie Somerville** <[ASomerville@senate.michigan.gov](mailto:ASomerville@senate.michigan.gov)>

**Date:** Tue, Jan 29, 2019 at 11:12 AM

**Subject:** RE: Hardship for Traver Homeowners by Proposed Sidewalk Plan

**To:** Lester Wyborny <[REDACTED]>

Hi Lester,

Thank you for sharing this information with us. Are you available to meet with Senator Irwin on Monday, February 11<sup>th</sup> at 1:00 PM? And is there a convenient coffee shop near your location? Also, could you please provide me with a good contact phone number.

Annie Somerville

Legislative Aide

Senator Jeff Irwin

Office: 517-373-2406

Cell: [REDACTED]

**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Friday, January 25, 2019 4:25 PM  
**To:** [rebekahwarren@house.mi.gov](mailto:rebekahwarren@house.mi.gov); The Office of Senator Irwin  
<[SenJIrwin@senate.michigan.gov](mailto:SenJIrwin@senate.michigan.gov)>  
**Cc:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>; Griswold, Kathy  
<[KGriswold@a2gov.org](mailto:KGriswold@a2gov.org)>; Hayner, Jeff <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>  
**Subject:** Hardship for Traver Homeowners by Proposed Sidewalk Plan

Jeff Irwin and Rebekah Warren,

I am following up on phone calls I made to your offices about proposed sidewalks for our street which will create significant hardship for the homeowners of the street. We would like to sit down with you to work with you to figure out how to ease this burden, although we think that weighing in with MDOT might be the best way forward. I attached a power point presentation and provide some additional background in this e-mail.

The City applied for a Safe Routes to School grant and received initial approval for grant funding for the installation of sidewalks for our street, and a couple other streets, due to its proximity to the STEAM school on Barton Road. The total project cost is estimated to be \$1 million, and the grant would cover about \$400k of that.

The homeowners pushed back against the project when it became apparent that the installation of the sidewalks would cause the cutting down of many trees, including several very large trees which would require many decades to be replaced. The City developed another plan which will install two sidewalks mostly in the street on each side of the roadway, and remove almost all street parking. The homeowners rejected this option as well. Anne Bannister led a process to review the City's proposal and collect ideas for coming up with the least burdensome option. But the City abruptly put the sidewalk project up for a vote, and approved it to move forward, ignoring the objections of the homeowners.

Early on, the Homeowners proposed another plan for a single sidewalk installed in the street, which would maintain street parking on the opposite side of the street, and not cause the cutting down of trees. This one sidewalk idea is

supported by the Institute of Transportation Engineers recommendations which would require only one sidewalk for a street with a low density of houses that Traver has. Also, Traver is not a primary route for students for commuting to school.

The City claimed that Safe Routes to School (SRTS) requires two sidewalks and thus would not consider our one sidewalk option, and refused to remove Traver from the grant application arguing that the City could lose this SRTS grant and future grant money. The homeowners contacted the MDOT SRTS coordinator (Bryan Armstrong) and he confirmed the two sidewalk requirement, although the two sidewalk requirement can be waived in certain cases. He said that MI SRTS would not waive the two sidewalk requirement for this case (note that federal SRTS does not require two sidewalks). Note that Bryan Armstrong is not the decision maker for this, it likely is Michael Kapp, Bryan's supervisor. But we felt that our elected officials might have a greater ability to affect MDOT policy than us homeowners.

Several homeowners and several City Council members look forward to sitting down with you to further describe this issue, gain your support, and hopefully identify a way to prevent a burdensome sidewalk project on us homeowners.

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: Traver sidewalks  
**Date:** Saturday, February 2, 2019 8:46:09 AM

---

Let's talk today.

I don't trust HL. Who knows what he would say to those folks and even poison the well for the residents.

I'd like to go to both meeting Sunday. Depends on how my son does on homework before then. [REDACTED].

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Friday, February 1, 2019 6:10 AM  
**To:** Tom Stulberg  
**Subject:** RE: Traver sidewalks

I was hoping to share a spot of good news with the Traver and Brookside residents, that Mr. Lazarus had agreed last Friday a week ago to contact Paul Ajegba, the new head of MDOT, and Debbie Dingell, two people Mr. Lazarus had suggested, but he and I are still wrangling over the message. He has reached out to them and I've asked for an update. I'll let you know when I have more news.

If you'd like to talk by phone, I'm free later today and Saturday. On Sunday there's the Library Green meeting at 1:30 and the Ward One meeting at Rebecca Arrend's home from 3 - 5. Sunday night is supposed to be the reinstatement of Council Caucus in Council Chambers from 7 - 9, but it hasn't been confirmed yet.

Thanks,  
Anne

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Bannister, Anne  
**Sent:** Tuesday, January 29, 2019 6:28 PM  
**To:** Tom Stulberg  
**Subject:** Re: Traver sidewalks

Okay! I'm at City Hall now in the Audit Committee meeting. I have a spot of good news on SRTS and will call u later today or tomorrow. ... will find out the cost question too.

Get [Outlook for iOS](#)



On Tue, Jan 29, 2019 at 4:30 PM -0500, "Tom Stulberg" <[REDACTED]> wrote:

Sorry. I should have said please :)

Stay warm

Sent from my iPhone

> On Jan 29, 2019, at 4:00 PM, Tom Stulberg wrote:

>

> Have we ever seen the total project cost IF the sidewalks on Traver are dropped from the SRTS proposed scope of work? I don't think so.

>

> I really want to know, though I expect pushback on getting an answer. This is not a hypothetical situation. This is a real possibility - though the city administrator's office and engineering might not agree.

>

> I see no harm in them producing the answer to that question. And I really want to know the answer.

>

> Sent from my iPhone

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: Accessory Dwelling Unit Resolution R-18-446 Status  
**Date:** Sunday, February 3, 2019 2:36:44 PM

---

I and many others do not like the use of Jessica Letaw's document as a resource document for the city's actions. We feel it should be removed from any official recognition and proper community meetings be held to develop any official report. Jessica Letaw's report can be treated like any unofficial communication sent to the city council, planning commission, planning department, or other office.

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Sunday, February 3, 2019 10:06 AM  
**To:** Tom Stulberg  
**Subject:** FW: Accessory Dwelling Unit Resolution R-18-446 Status

FYI

---

**From:** Higgins, Sara  
**Sent:** Friday, February 01, 2019 10:35 AM  
**To:** \*City Council Members (All)  
**Cc:** Lazarus, Howard; Fournier, John; Delacourt, Derek; Lenart, Brett; Postema, Stephen; McDonald, Kevin  
**Subject:** Accessory Dwelling Unit Resolution R-18-446 Status

Mayor and Council:

Attached is an update regarding Council Resolution [R-18-446](#) – Resolution Directing Planning Commission and City Administrator Review of Accessory Dwelling Unit Ordinance Amendments. This will be included as a written communication from the City Administrator on the February 4 Council Agenda.

**Sara Higgins, Strategic Planning Coordinator**

Ann Arbor City Administrator's Office | Guy C. Larcom City Hall | 301 E. Huron, 3rd Floor · Ann Arbor · MI · 48104  
734.794.6110 (O) · 734.994.8296 (F) | Internal Extension 41102  
[shiggins@a2gov.org](mailto:shiggins@a2gov.org) | [www.a2gov.org](http://www.a2gov.org)



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**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: Accessory Dwelling Unit Resolution R-18-446 Status  
**Date:** Sunday, February 3, 2019 10:18:09 PM

---

Thank you

Sent from my iPhone

On Feb 3, 2019, at 9:27 PM, Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

FYI

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**From:** Bannister, Anne  
**Sent:** Sunday, February 3, 2019 9:05 PM  
**To:** Howard Lazarus ([HLazarus@a2gov.org](mailto:HLazarus@a2gov.org)) <[HLazarus@a2gov.org](mailto:HLazarus@a2gov.org)>  
**Cc:** Sara Higgins ([SHiggins@a2gov.org](mailto:SHiggins@a2gov.org)) <[SHiggins@a2gov.org](mailto:SHiggins@a2gov.org)>; Hayner, Jeff <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>; Jack Eaton ([JEaton@a2gov.org](mailto:JEaton@a2gov.org)) <[JEaton@a2gov.org](mailto:JEaton@a2gov.org)>; Griswold, Kathy <[KGriswold@a2gov.org](mailto:KGriswold@a2gov.org)>  
**Subject:** FW: Accessory Dwelling Unit Resolution R-18-446 Status

Dear Mr. Lazarus,

Would it be possible to remove Jessica Letaw's report as a resource document for the city's actions, and instead treat it like any other unofficial communication sent to Council, Planning Commission, Planning Department, etc.?

I've heard concerns and complaints from residents who believe her document should be removed from any official recognition, until such time as community meetings were held to develop an official report.

Thanks,

Anne Bannister  
Ward One Council Member



Messages to and from me regarding City matters are subject to disclosure under the Michigan Freedom of Information Act.

**From:** Higgins, Sara  
**Sent:** Friday, February 01, 2019 10:35 AM  
**To:** \*City Council Members (All)  
**Cc:** Lazarus, Howard; Fournier, John; Delacourt, Derek; Lenart, Brett; Postema, Stephen; McDonald, Kevin  
**Subject:** Accessory Dwelling Unit Resolution R-18-446 Status

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**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: Accessory Dwelling Unit Resolution R-18-446 Status  
**Date:** Monday, February 4, 2019 7:41:14 AM

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Slight correction: please strike the "until such time as community meetings were held to develop an official report. " We do not want her report to be treated as official **at any time**. Should there be an official report aimed at gathering and representing the interest of the public, that report should be properly held and noticed.

(JL's meetings were held by her to further her personal agenda of upzoning neighborhoods under the guise of ADU revisions. And Her recommendations go way too far for ADUs.)

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Sunday, February 3, 2019 9:27 PM  
**To:** Tom Stulberg  
**Subject:** FW: Accessory Dwelling Unit Resolution R-18-446 Status

FYI

---

**From:** Bannister, Anne  
**Sent:** Sunday, February 3, 2019 9:05 PM  
**To:** Howard Lazarus (HLazarus@a2gov.org) <HLazarus@a2gov.org>  
**Cc:** Sara Higgins (SHiggins@a2gov.org) <SHiggins@a2gov.org>; Hayner, Jeff <JHayner@a2gov.org>; Jack Eaton (JEaton@a2gov.org) <JEaton@a2gov.org>; Griswold, Kathy <KGriswold@a2gov.org>  
**Subject:** FW: Accessory Dwelling Unit Resolution R-18-446 Status

Dear Mr. Lazarus,

Would it be possible to remove Jessica Letaw's report as a resource document for the city's actions, and instead treat it like any other unofficial communication sent to Council, Planning Commission, Planning Department, etc.?

I've heard concerns and complaints from residents who believe her document should be removed from any official recognition, until such time as community meetings were held to develop an official report.

Thanks,

Anne Bannister  
Ward One Council Member



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**From:** Higgins, Sara

**Sent:** Friday, February 01, 2019 10:35 AM

**To:** \*City Council Members (All)

**Cc:** Lazarus, Howard; Fournier, John; Delacourt, Derek; Lenart, Brett; Postema, Stephen; McDonald, Kevin

**Subject:** Accessory Dwelling Unit Resolution R-18-446 Status

Mayor and Council:

Attached is an update regarding Council Resolution [R-18-446](#) – Resolution Directing Planning Commission and City Administrator Review of Accessory Dwelling Unit Ordinance Amendments. This will be included as a written communication from the City Administrator on the February 4 Council Agenda.

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**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Fwd: [A2NA] ADUs on Council Agenda tonight  
**Date:** Monday, February 4, 2019 8:19:34 AM

---

FYI

Sent from my iPhone

Begin forwarded message:

**From:** Tom Stulberg <[REDACTED]>  
**Date:** February 4, 2019 at 8:17:40 AM EST  
**To:** Peter Nagourney <[REDACTED]> "[a2na@googlegroups.com](mailto:a2na@googlegroups.com)"  
<[a2na@googlegroups.com](mailto:a2na@googlegroups.com)>  
**Subject:** Re: [A2NA] ADUs on Council Agenda tonight  
**Reply-To:** [a2na@googlegroups.com](mailto:a2na@googlegroups.com)

Anne Bannister is asking for Jessica Letaw's UNOFFICIAL report to be removed as a resource document for evaluating changes to the Accessory Dwellings Ordinance.

This document was attached to the resolution R-18-446 passed 11/18/2018 by council directing planning to come up with the proposed amendments that are before council now: <http://a2gov.legistar.com/LegislationDetail.aspx?ID=3716609&GUID=5D6AC405-7434-47AF-B97B-37A6B49E0758&Options=ID|Text|&Search=R-18-446>.

The document is not directly referenced now, but has become "embedded" in this process. The current memo states: "Resolution R-18-446, enacted by City Council on November 8, 2018 directed action on three items"... Parts of the review are ongoing, so this unofficial report keeps tagging along for the ride and is given an appearance of official recognition as part of this ongoing process.

Please ask your council members to support CM Bannister's request.

See our original comments below.

---

**From:** [a2na@googlegroups.com](mailto:a2na@googlegroups.com) <[a2na@googlegroups.com](mailto:a2na@googlegroups.com)> on behalf of Peter Nagourney <[REDACTED]>  
**Sent:** Monday, November 26, 2018 9:40 AM  
**To:** [a2na@googlegroups.com](mailto:a2na@googlegroups.com)  
**Subject:** Re: [A2NA] ADUs on Planning Commission Agenda this Tuesday

I attended one of Jessica Letaw's meetings on ADUs; her preferences were pretty obvious, but the meeting was purely informational, and attendees who asked questions wanted specific details about current ordinances. The list of suggestions Letaw subsequently published was outrageous, and had nothing to do with anything presented in the meetings; it certainly did not reflect any preferences by those present. If her suggestions are taken seriously they will be a large step toward destroying the character of Ann Arbor's single-family neighborhoods. Lots of problems and issues here.

Peter Nagourney

On Sun, Nov 25, 2018 at 9:16 PM Tom Stulberg <[REDACTED]> wrote:

Here is the link to the documents: <http://a2gov.legistar.com/LegislationDetail.aspx?ID=3761163&GUID=AA2C92DC-1473-4E55-8118-AF2A372D7D27>

The proposed changes need some serious thought, and the process has problems. Jessica Letaw's meetings were not published as community meetings intended to get input from the public to then be the basis for policy and zoning code changes. I did not go to any of those meetings which seemed intended for education and discussion for those who wanted to know more, NOT as the beginning of a formal process from the city. Her report is highly problematic and should not serve as the basis for changes to our zoning ordinance. The proper procedures should be followed to produce any report that is to be relied upon by the Planning Department, The Planning Commission, and City Council.

If the city desires to get input properly, I would definitely intend such a meeting. I specifically did not attend the other meetings because of who was presenting, my perception of that person's bias, and the fact that they were not part of a formal process.

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To post to this group, send email to [a2na@googlegroups.com](mailto:a2na@googlegroups.com).

For more options, visit <https://groups.google.com/d/optout>.

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Lester Wyborny](#)  
**Subject:** Re: Question on  
**Date:** Monday, February 4, 2019 10:13:11 AM

---

Thank you Anne.

Just a note that I mistakenly put the words "per square foot" in one place where it should just have read "per foot" or per lineal foot.

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Monday, February 4, 2019 10:03 AM  
**To:** Lester Wyborny; Tom Stulberg  
**Subject:** FW: Question on

FYI -- Persisting!

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Bannister, Anne  
**Sent:** Monday, February 04, 2019 9:53 AM  
**To:** Lazarus, Howard; Fournier, John; Hupy, Craig  
**Cc:** Hayner, Jeff; Hutchinson, Nicholas; Allen, Jane (Engineering); Higgins, Sara; Eaton, Jack; Griswold, Kathy; Lumm, Jane  
**Subject:** RE: Question on

Mr. Lazarus -- City Council and the larger community are going to need transparency today on the cost of the total project, divided by the linear feet of new sidewalk constructed – regardless of where it is in the neighborhood.

I will be providing an update at the meeting tonight during Communications from Council.

If you continue to refuse to provide "any detail," as I requested, and persist with giving me the run around, then I will use these calculations: \$971,972.59 leading to gross cost per foot \$383.72. If PE and CE are added, we have \$425.25 per square foot.

Again, I urge you to provide any and all detail on the project cost, and confirm if the calculations above are correct.

---

**From:** Harrison, Venita  
**Sent:** Monday, February 04, 2019 8:59 AM  
**To:** Bannister, Anne; Lazarus, Howard; Fournier, John; Hupy, Craig

**Cc:** Hayner, Jeff; Hutchinson, Nicholas; Allen, Jane (Engineering); Harrison, Venita; Higgins, Sara  
**Subject:** RE: Question on

Councilmember Bannister,

The costs for this project have not been broken down on a street-by-street basis, therefore the requested information is not available.

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Wednesday, January 30, 2019 4:33 PM  
**To:** Request For Information Craig Hupy <RFIPublicServices@a2gov.org>  
**Cc:** Hupy, Craig <CHupy@a2gov.org>; Harrison, Venita <VHarrison@a2gov.org>; Lazarus, Howard <HLazarus@a2gov.org>; Higgins, Sara <SHiggins@a2gov.org>; Allen, Jane (Engineering) <JAllen2@a2gov.org>; Hayner, Jeff <JHayner@a2gov.org>  
**Subject:** Question on

Dear Mr. Hupy,

I've received a request to know the total project cost of the Northside STEAM SRTS project if the sidewalks on Traver and/or Brookside were dropped from the proposed scope of work.

Any detail you could provide about the project cost with and without these streets would be most useful.

Thank you,

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Lester Wyborny](#)  
**Subject:** Re: Question on  
**Date:** Monday, February 4, 2019 10:31:55 AM

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To put this in perspective, we are debating whether to spend \$700,000 on the LowerTown Mobility Study which if effective would benefit a lot of people. The city is paying \$600,000 of the \$1.1 Million gold plated Traver sidewalks which children who currently walk to school won't even use because it makes for a longer and hillier route than already available routes.

Thanks for persisting.

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**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Monday, February 4, 2019 10:03 AM  
**To:** Lester Wyborny; Tom Stulberg  
**Subject:** FW: Question on

FYI -- Persisting!

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Bannister, Anne  
**Sent:** Monday, February 04, 2019 9:53 AM  
**To:** Lazarus, Howard; Fournier, John; Hupy, Craig  
**Cc:** Hayner, Jeff; Hutchinson, Nicholas; Allen, Jane (Engineering); Higgins, Sara; Eaton, Jack; Griswold, Kathy; Lumm, Jane  
**Subject:** RE: Question on

Mr. Lazarus -- City Council and the larger community are going to need transparency today on the cost of the total project, divided by the linear feet of new sidewalk constructed – regardless of where it is in the neighborhood.

I will be providing an update at the meeting tonight during Communications from Council.

If you continue to refuse to provide "any detail," as I requested, and persist with giving me the run around, then I will use these calculations: \$971,972.59 leading to gross cost per foot \$383.72. If PE and CE are added, we have \$425.25 per square foot.

Again, I urge you to provide any and all detail on the project cost, and confirm if the calculations above are correct.

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**From:** Harrison, Venita  
**Sent:** Monday, February 04, 2019 8:59 AM  
**To:** Bannister, Anne; Lazarus, Howard; Fournier, John; Hupy, Craig  
**Cc:** Hayner, Jeff; Hutchinson, Nicholas; Allen, Jane (Engineering); Harrison, Venita; Higgins, Sara  
**Subject:** RE: Question on

Councilmember Bannister,

The costs for this project have not been broken down on a street-by-street basis, therefore the requested information is not available.

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**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Wednesday, January 30, 2019 4:33 PM  
**To:** Request For Information Craig Hupy <RFIPublicServices@a2gov.org>  
**Cc:** Hupy, Craig <CHupy@a2gov.org>; Harrison, Venita <VHarrison@a2gov.org>; Lazarus, Howard <HLazarus@a2gov.org>; Higgins, Sara <SHiggins@a2gov.org>; Allen, Jane (Engineering) <JAllen2@a2gov.org>; Hayner, Jeff <JHayner@a2gov.org>  
**Subject:** Question on

Dear Mr. Hupy,

I've received a request to know the total project cost of the Northside STEAM SRTS project if the sidewalks on Traver and/or Brookside were dropped from the proposed scope of work.

Any detail you could provide about the project cost with and without these streets would be most useful.

Thank you,

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

**From:** [Tom Stulberg](#)  
**To:** [Lumm, Jane](#); [Peter Nagourney](#); [Wendy Carman](#); [Christine Crockett](#)  
**Subject:** Re: New MIT study suggests the Yimby narrative on housing is wrong  
**Date:** Monday, February 4, 2019 5:03:59 PM

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I have been observing the Ann Arbor YIMBY community through their facebook page. This movement is looking to upzone single family residential neighborhoods (and areas with duplex zoning too). They try to paint the traditional homeowner as exclusionary. They try to look like they are pro-affordable (lower income) housing. What they really seem to be are young professionals that are employed and predominately NOT minorities who cannot afford to live in the pricey downtown condos and apartments and near downtown neighborhoods. They want to create a much greater supply in hopes that it will put downward pressure on pricing. For themselves. They are backed by development interests who recognize the profits to be made from increasing density.

When I was 27 and earning a decent living yet still paying student loans off, I bought a fixer-upper with a friend close to downtown Royal Oak before it was the hot place to live. We sold that after a few years and I bought a triplex in need of work in the Old West Side with two friends. A couple years later I bought my house and the rental next door (duplexes) with one of those friends, both in need of a lot of work. I worked the equivalent of two jobs, lived modestly, and put every penny I had into improving these properties. I transitioned from new residential development and made my career buying, renovating, and leasing older homes (with my business partner of over 20 years now who is one of those friends I first started buying with).

Sorry if this sounds too pat-myself-on-the-back, but what I want to say is: I got to live in near downtown neighborhoods in both Royal Oak and in Ann Arbor and am grateful for it. And I got to make a business out of it. But I didn't do it by changing the rules of the game. I did it with hard work and frugal living. And I did it by being respectful of the existing neighborhoods. This YIMBY movement wants to be disruptive to the neighborhoods that people have made what they are: communities.

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**From:** Lumm, Jane <JLumm@a2gov.org>  
**Sent:** Monday, February 4, 2019 4:27 PM  
**To:** Peter Nagourney; Wendy Carman; Tom Stulberg; Christine Crockett  
**Subject:** FW: New MIT study suggests the Yimby narrative on housing is wrong

[Jessica Letaw](#) is a local Yimby movement leader.

---

**From:** Lumm, Jane  
**Sent:** Monday, February 4, 2019 4:25 PM  
**To:** CityCouncil <CityCouncil@a2gov.org>

**Cc:** Lazarus, Howard <HLazarus@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>; Delacourt, Derek <DDelacourt@a2gov.org>

**Subject:** FW: New MIT study suggests the Yimby narrative on housing is wrong

Friends, Forwarding an article that was provided me. –Jane

Subject: New MIT study suggests the Yimby narrative on housing is wrong

<https://48hills.org/2019/01/yimby-narrative-wrong/?fbclid=IwAR1lihevzR-BARMTT0o0YG-tHUasTv6c2LOiBvaU8XFk0BoxEcX0oJO4L-4>

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Hayner, Jeff](#)  
**Subject:** Re: a needed solution  
**Date:** Wednesday, February 6, 2019 9:44:12 AM

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Anne,

I call BS.

1. The point that keeps being pivoted from is the GROSS cost of the sidewalks, not just the net assessed cost. \$400 per foot sidewalks are indeed gold plated sidewalks and a squandering of tax payer funds, not just the assessed residents but all city taxpayers, and those funds could be more wisely spent on more EFFECTIVE safety measures identified for Northside STEAM pedestrians.
2. At the last council meeting, CMs learned that the city is now going to pay not one but two consultants to review the water data that we own on the model that we paid for already. What will we have to pay on the back end of the LowerTown mobility study? How many consultants will we need to manipulate the model that we are buying? OHM is a fine firm (I have old developer history with OHM), so I mean nothing disparaging about them in my comments, but the questions needs to be asked of all consultant studies: What value are we getting? What will it cost us in the long run to use the models and data? Will the study lead to solutions, or just gather dust?
3. The LowerTown development by Morningside was not By-Right and does not meet the Master Plan. Many citizens of the area participated in that Master Plan process. We had a very detailed and very good Master Plan for that site. It is still the official Master Plan, but the property was rezoned and we do not have a mixed use urban village as called for in the Master Plan, rather we have an over-sized residential development with an undersized possible commercial accessory use in the final phase. The PUD zoning permitted development that would meet the Master Plan. There was no need to rezone the property to achieve the Master Plan. (There was no need to rezone the property to achieve the approved project either!) Many other aspects of the Master Plan are also not incorporated into the development that was approved by council. Many of us repeatedly raised these issues, and other problems with this development, yet we were ignored, as was our Master Plan.

You can count on me to continue to participate in community meetings, but I am hearing a weariness from other neighbors about participating and being disappointed yet one more time. You have my permission to distribute my response, but we can be polite and drop the first line.

---

**From:** Bannister, Anne <ABannister@a2gov.org>



**Sent:** Wednesday, February 6, 2019 9:05 AM

**To:** Tom Stulberg

**Subject:** FW: a needed solution

My apologies that you somehow got removed from this chain...

Anne Bannister

Ward One Councilmember

cell: [REDACTED]

abannister@a2gov.org

Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Lazarus, Howard

**Sent:** Wednesday, February 06, 2019 7:53 AM

**To:** Bannister, Anne

**Cc:** CityCouncil; Hess, Raymond; Higgins, Sara; [REDACTED] Harrison, Venita; Fournier, John; Laura Strowe; Delacourt, Derek; Hupy, Craig

**Subject:** RE: a needed solution

Councilmember Bannister:

Thank you for providing the concerns identified below. Kindly consider the following responses:

**Q: Is spending \$1M for the Traver Road sidewalks out of proportion with the \$700K Lower Town mobility study, which appears to have a greater impact on more people? The money from both of those projects may be better spent on fixing known problems. Many residents don't think \$1M on Traver SRTS sidewalks is a prudent use of limited funding for mobility and safety ("gold plated sidewalks").**

A: Per the e-mail I sent earlier today, the cost per square foot (SF) that is projected to be assessed to the residents is about \$5.60/SF - well below the average national cost. The total cost of \$9.75/SF is also within the national range (with the caution that actual costs are not known until a bid is hand), so there is no "gold-plating" of the project. When other costs (e.g. design, project supervision, site restoration and landscaping, traffic control, driveways, markings, signage, and others) are added in projects can the result can be a bit of "sticker shock," but is important to have a true "apples-to-apples" comparison. Please also bear in mind that costs also vary based upon the site conditions, the competitive state of the market, the City's requirements for indemnification, and other factors.

**Would aggregating the existing traffic studies from all of the developments in the area substitute for the modeling in the \$700K study, in light of the end result on traffic congestion 2 years from now?**

Staff has provided the proposed contract for the Lowertown Mobility Study in response to a Council request, so it is up to Council as a whole to determine whether or not to go forward. The concept of the study is to look at current and projected "loads" on the avenues of approach (primarily Plymouth Road, Pontiac Trail, and Maiden Lane from the north and Division Street from the south) to the area generally at the foot of the Broadway bridge. The contract will result in a corridors model the City can use to evaluate the impacts of development (incorporating the traffic studies from the development along the feeding corridors) as well as proposed solutions that may be considered. Given that any mobility improvement projects that may be considered in the future are likely to

carry large price tags and have impacts on neighborhood quality of life, expending effort on the development of a model and community engagement seems to be a prudent action to take. However, it is ultimately up to Council to determine whether or not to pursue the Lowertown Mobility Study.

**What can be said to residents who are reluctant to participate in expensive and time-consuming meetings for the Lower Town study, when their input has been disregarded in the past?**

Resident input has always been considered and addressed in City projects and in the development process in accordance with City land development code requirements. As we've discussed, land use within approved zoning or plans is "by-right," and as long as developers stay within the associated parameters they have the right to build as they deem appropriate. The impacts on City right of way and other public benefits are considered as part of the approval process as allowed under City code. Staff continually seeks to find the best solution for all parties involved, although we all can acknowledge that there are situations where unanimity cannot be reached.

City Council always and appropriately challenges staff to pursue robust community and neighborhood engagement strategies. Our elected officials are best positioned to make this process a positive one for the residents of the area, especially when Council as a whole has acted to approve a project or a development.

Please let me know if I can be of further assistance on this or any other matter.

**Howard S. Lazarus**

City Administrator  
City of Ann Arbor  
301 E. Huron Street  
Ann Arbor, MI 48104  
T: 734-794-6110 ext41102  
E: [hlazarus@a2gov.org](mailto:hlazarus@a2gov.org)  
[www.a2gov.org](http://www.a2gov.org)



**EVERYWHERE • EVERYONE • EVERY DAY.**  
[a2gov.org/A2BeSafe](http://a2gov.org/A2BeSafe)

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**From:** Bannister, Anne <ABannister@a2gov.org>

**Sent:** Tuesday, February 5, 2019 12:25 PM

**To:** Harrison, Venita <VHarrison@a2gov.org>; Lazarus, Howard <HLazarus@a2gov.org>; Fournier, John <JFournier@a2gov.org>; Hupy, Craig <CHupy@a2gov.org>; Delacourt, Derek <DDelacourt@a2gov.org>; Laura Strowe <[REDACTED]>

**Cc:** Hayner, Jeff <JHayner@a2gov.org>; Hess, Raymond <RHess@a2gov.org>; Higgins, Sara <SHiggins@a2gov.org>; [REDACTED] Eaton, Jack <JEaton@a2gov.org>; Griswold, Kathy <KGriswold@a2gov.org>

**Subject:** RE: a needed solution

Thanks to staff for preparing your response below. I've re-included the neighborhood leaders.

Best wishes to staff as they implement the new resolution from last night to vigorously seek coordination with UM and others on funding and in-kind planning expertise for this area. I hope you will include a report on those activities in future communications.

These are some questions I've been hearing from residents:

1. Is spending \$1M for the Traver Road sidewalks out of proportion with the \$700K Lower Town mobility study, which appears to have a greater impact on more people? The money from both of those projects may be better spent on fixing known problems. Many residents don't think \$1M on Traver SRTS sidewalks is a prudent use of limited funding for mobility and safety ("gold plated sidewalks").
2. Would aggregating the existing traffic studies from all of the developments in the area substitute for the modeling in the \$700K study, in light of the end result on traffic congestion 2 years from now?
3. What can be said to residents who are reluctant to participate in expensive and time-consuming meetings for the Lower Town study, when their input has been disregarded in the past?

I hope that feedback is helpful.

Thanks,

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

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**From:** Harrison, Venita  
**Sent:** Tuesday, February 05, 2019 11:19 AM  
**To:** Bannister, Anne; Lazarus, Howard; Fournier, John; Hupy, Craig; Delacourt, Derek  
**Cc:** Hayner, Jeff; Hess, Raymond; Higgins, Sara; Harrison, Venita  
**Subject:** RE: a needed solution

Councilmember Bannister,

Thank you for sharing thoughts on the operation of the intersection of Maiden and Plymouth. Staff has looked at signal timing in this area and has made tweaks over time and will look at signal optimization at this intersection to see if further refinements can be made. Please keep in mind that adjustments to improve movement in one direction may adversely affect flow in other directions and that staff tries to maximize the system from a network perspective. This area is difficult to manage due to the complexity of travel patterns, the volume of traffic, and the network constraints into and out of the area. It is staff's understanding that this is why Council instructed staff to conduct the Lower Town Area Mobility Study in the hopes of finding solutions that work for the area as a whole.

As for additional signage, staff does not believe that "do not block the intersection" signs will lead to changes in behavior. It should be common knowledge among motorists that blocking the intersection is illegal. Additionally, staff tries to strike a balance of deploying regulatory and warning signs to inform motorists without oversaturating the right-of-way with signs which may distract drivers.

Please let staff know if you need anything further.

**Venita Harrison**

Public Services Administration | City of Ann Arbor | Guy C. Larcom City Hall | 301 E. Huron, 6th Floor · Ann Arbor · MI · 48104  
734.794.6310 (O) · 734.994-1816 (F) | Internal Extension 43102  
[vharrison@a2gov.org](mailto:vharrison@a2gov.org) | [www.a2gov.org](http://www.a2gov.org)

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**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>  
**Sent:** Tuesday, January 29, 2019 3:43 PM  
**To:** Request For Information Craig Hupy <[RFIPublicServices@a2gov.org](mailto:RFIPublicServices@a2gov.org)>; Hupy, Craig <[CHupy@a2gov.org](mailto:CHupy@a2gov.org)>  
**Cc:** Hayner, Jeff <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>; Tom Stulberg <[REDACTED]>  
[REDACTED] Laura Strowe <[REDACTED]> Delacourt, Derek <[DDelacourt@a2gov.org](mailto:DDelacourt@a2gov.org)>  
**Subject:** RE: a needed solution

Dear Mr. Hupy -- Please see request below that was routed to Mr. Delacourt in error.

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

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---

**From:** Bannister, Anne  
**Sent:** Tuesday, January 29, 2019 3:14 PM  
**To:** Request For Information Derek Delacourt; Delacourt, Derek  
**Cc:** Hayner, Jeff; Tom Stulberg; [REDACTED] Laura Strowe  
**Subject:** RE: a needed solution

Dear Mr. Delacourt,

Please kindly copy all of us and respond to Ms. Strowe's suggestions for the LowerTown area, such as adjusting the timing on the traffic light and additional signage. Are those viable options, or are there other solutions?

Thanks for your insight.

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

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**From:** Anne Bannister [REDACTED]  
**Sent:** Monday, January 28, 2019 11:59 AM  
**To:** Laura Strowe; Bannister, Anne; Hayner, Jeff  
**Subject:** Re: a needed solution

Yes, thanks for sending it and I'll forward it to staff for follow-up. Stay tuned!

On Mon, Jan 28, 2019 at 11:56 AM Laura Strowe <[REDACTED]> wrote:

Dear Jeff and Anne,

Almost every time I go out in the car heading south I think of this, but then, by the time I get home I forget. As you might or might not know, cars heading for downtown along Plymouth Rd are stopped at the light at Maiden Lane....and often pile up as far as the Broadway intersection, especially cars in the turn lane to Maiden Lane. So when the light turns green for the cars waiting on Broadway, they have difficulty making the turn onto Plymouth Road because cars are blocking the intersection in the turn lane for Maiden Lane.

I hope I explained it well enough!

This is a problem sporadically throughout the day, at unpredictable times, not just at rush hour.

There are several solutions. Having a longer turn light so that cars don't pile up in the turn lane on Plymouth Road would help, but since that would have to be timed and the times that are a problem are unpredictable, that might not work.

It might help if there was a sign on Plymouth Road before the intersection with Broadway that said "Do not block the intersection." I'm sure some people would ignore it, but it might alleviate the long lines that block traffic coming out of Broadway.

Can you bring this to the attention of the appropriate department?

Thanks!

Laura

--

Anne Bannister

[REDACTED]

**From:** [Tom Stulberg](#)  
**To:** [Lester Wyborny](#); [Susan Presswood Wright](#)  
**Cc:** [Libby Brooks](#); [Amy Chavasse](#); [Chuck Marshall](#); [Jean Arnold](#); [Scott Newell](#); [Griswold, Kathy](#); [Andrea Tom](#); [everett w armstrong](#); [Brenda Sodt Foster](#); [Po Hu](#); [REDACTED]  
**Subject:** Watch out for email distribution list changes please  
**Date:** Wednesday, February 6, 2019 9:53:30 AM

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Rather than using the recent distribution list, I am using this earlier one for email addresses. Following is a related item I just responded to Anne:

I call BS.

1. The point that keeps being pivoted from is the GROSS cost of the sidewalks, not just the net assessed cost. \$400 per foot sidewalks are indeed gold plated sidewalks and a squandering of tax payer funds, not just the assessed residents but all city taxpayers, and those funds could be more wisely spent on more EFFECTIVE safety measures identified for Northside STEAM pedestrians.
2. At the last council meeting, CMs learned that the city is now going to pay not one but two consultants to review the water data that we own on the model that we paid for already. What will we have to pay on the back end of the LowerTown mobility study? How many consultants will we need to manipulate the model that we are buying? OHM is a fine firm (I have old developer history with OHM), so I mean nothing disparaging about them in my comments, but the questions needs to be asked of all consultant studies: What value are we getting? What will it cost us in the long run to use the models and data? Will the study lead to solutions, or just gather dust?
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You can count on me to continue to participate in community meetings, but I am hearing a weariness from other neighbors about participating and being disappointed yet one more time. You have my permission to distribute my response, but we can be polite and drop the first line.

---

**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>  
**Sent:** Wednesday, February 6, 2019 9:05 AM  
**To:** Tom Stulberg  
**Subject:** FW: a needed solution

My apologies that you somehow got removed from this chain...

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

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---

**From:** Lazarus, Howard  
**Sent:** Wednesday, February 06, 2019 7:53 AM  
**To:** Bannister, Anne  
**Cc:** CityCouncil; Hess, Raymond; Higgins, Sara; [REDACTED] Harrison, Venita; Fournier, John; Laura Strowe; Delacourt, Derek; Hupy, Craig  
**Subject:** RE: a needed solution

Councilmember Bannister:

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**Q: Is spending \$1M for the Traver Road sidewalks out of proportion with the \$700K Lower Town mobility study, which appears to have a greater impact on more people? The money from both of those projects may be better spent on fixing known problems. Many residents don't think \$1M on Traver SRTS sidewalks is a prudent use of limited funding for mobility and safety ("gold plated sidewalks").**

A: Per the e-mail I sent earlier today, the cost per square foot (\$F) that is projected to be assessed to the residents is about \$5.60/\$F - well below the average national cost. The total cost of \$9.75/\$F is also within the national range (with the caution that actual costs are not known until a bid is hand), so there is no "gold-plating" of the project. When other costs (e.g. design, project supervision, site restoration and landscaping, traffic control, driveways, markings, signage, and others) are added in projects can the result can be a bit of "sticker shock," but is important to have a true "apples-to-apples" comparison. Please also bear in mind that costs also vary based upon the site conditions, the competitive state of the market, the City's requirements for indemnification, and other factors.

**Would aggregating the existing traffic studies from all of the developments in the area substitute for the modeling in the \$700K study, in light of the end result on traffic congestion 2 years from now?**

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Pontiac Trail, and Maiden Lane from the north and Division Street from the south) to the area generally at the foot of the Broadway bridge. The contract will result in a corridors model the City can use to evaluate the impacts of development (incorporating the traffic studies from the development along the feeding corridors) as well as proposed solutions that may be considered. Given that any mobility improvement projects that may be considered in the future are likely to carry large price tags and have impacts on neighborhood quality of life, expending effort on the development of a model and community engagement seems to be a prudent action to take. However, it is ultimately up to Council to determine whether or not to pursue the Lowertown Mobility Study.

**What can be said to residents who are reluctant to participate in expensive and time-consuming meetings for the Lower Town study, when their input has been disregarded in the past?**

Resident input has always been considered and addressed in City projects and in the development process in accordance with City land development code requirements. As we've discussed, land use within approved zoning or plans is "by-right," and as long as developers stay within the associated parameters they have the right to build as they deem appropriate. The impacts on City right of way and other public benefits are considered as part of the approval process as allowed under City code. Staff continually seeks to find the best solution for all parties involved, although we all can acknowledge that there are situations where unanimity cannot be reached.

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Please let me know if I can be of further assistance on this or any other matter.

**Howard S. Lazarus**

City Administrator  
City of Ann Arbor  
301 E. Huron Street  
Ann Arbor, MI 48104  
T: 734-794-6110 ext41102  
E: [hlazarus@a2gov.org](mailto:hlazarus@a2gov.org)

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**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Saturday, February 2, 2019 1:52 PM  
**To:** Susan Presswood Wright  
**Cc:** Libby Brooks; Amy Chavasse; Chuck Marshall; Jean Arnold; Scott Newell; Tom Stulberg; Griswold, Kathy; Andrea Tom; everett w armstrong; Brenda Sodt Foster; Po Hu; [REDACTED] Bannister, Anne; Hayner, Jeff  
**Subject:** Re: Hardship for Traver Homeowners by Proposed Sidewalk Plan

I think that Libby and Tex are having the sidewalk on their easement, thus allowing some parking in front of their house. This would provide some parking for Amy too. I would consider allowing the sidewalk on my easement as well to allow even more parking in front of my house, but I am working toward the one sidewalk option. The other people who feel that parking is critical are Scott and Andrea. But that would require that you, Susan, allow for parking in front of your house. But I don't think that you are amenable to that, are you?

On Sat, Feb 2, 2019 at 2:10 AM Susan Presswood Wright <[REDACTED]> wrote:

I understand, Les, that your focus on one sidewalk precludes doing much else, but I suppose what I'm asking everyone is whether we should allow the two-sidewalk deadline for comments to slip by without proposing modifications.

I also feel that going beyond the City is a long shot: it would be great if it works but we should bear in mind that politicians and the state and federal levels have many huge issues to deal like attempting to head off another shutdown....or dealing with it if it happens...

A tricky problem.

On Fri, Feb 1, 2019 at 9:49 PM Lester Wyborny <[REDACTED]> wrote:

I called Rebekah Warren today and she will not attend the meeting on the 11th.

I just sent an e-mail to Rep. Dingell's chief of staff to see if Dingell might want to get involved. Maybe someone from Dingell's office can attend the meeting on the 11th. I have met with Dingell many times, and with her chief of staff many more times when he was her legislative director, on poverty issues, so I have a good relationship with her office.

Susan, I understand the issues you are referring to. I am still focused on getting to one sidewalk.

Lester

On Fri, Feb 1, 2019 at 6:14 PM Susan Presswood Wright <[REDACTED]> wrote:

I'm replying to Anne's latest message and in response to Jane Allen's latest message to our block because Anne and Jane Allen are sending to groups outside our block.

First of all, many thanks to Les and all for getting together with our state reps on Feb 10 to press for our preferred one-sidewalk solution. I hope they are responsive. However, if they're not, the City is posting a deadline of Feb 6 for proposals to

modify the two sidewalk plan--which I assume we might want to propose if the one-sidewalk plan falls through. This feels like a double-bind to me. In other words, if we propose modifications to the two-sidewalk plan, doesn't this imply that we accept it? If we don't do this and we don't get the onesidewalk plan, we may be stuck with less parking that some see as desirable. Perhaps this is less of a problem than I sense, but I think we need to discuss it.

I hope the Big Flip in the temperature is already on its way!  
Susan

On Thu, Jan 31, 2019 at 8:34 AM Lester Wyborny <[REDACTED]> wrote:

I booked the meeting room at Bank of Ann Arbor, which is on Plymouth Road at the shopping center at Nixon Road. There is a Krogers there at that shopping center, which might help you know where it is. The room is quite large has a fairly large table with 13 chairs. It also has a monitor that we can show the power point presentation on, and a phone that I believe we can tie people into. The good news is that it is free and can be booked by anyone, even those who don't have an account at the bank. I think that this is a good option. I will also check the Community Center behind the STEAM school for availability and cost, but the Parks and Rec people are not working today.

Lester

On Thu, Jan 31, 2019 at 9:27 AM Libby Brooks <[REDACTED]> wrote:

It sounds like we have a good coalition going. If it would be helpful to have I more, I can make it, too. But I don't want to crowd the room, those meeting spaces at the library are not large. I have lots of faith in ya'll.  
Just let me know if you need me last minute as a sub.  
best,  
Libby

On Wed, Jan 30, 2019 at 7:44 PM Amy Chavasse <[REDACTED]> wrote:

I am available on Feb 1. The library sounds good.

Amy

On Wed, Jan 30, 2019 at 1:19 PM Lester Wyborny <[REDACTED]> wrote:

We received an invitation to meet with State Senator Jeff Irwin on Monday Feb. 11 at 1 pm about the sidewalk issue here in Ann Arbor. Can others meet at this time? We need to locate a convenient location near to us. One option is the public library on Traverwood Drive.

Lester

----- Forwarded message -----

From: **Annie Somerville** <[ASomerville@senate.michigan.gov](mailto:ASomerville@senate.michigan.gov)>  
Date: Tue, Jan 29, 2019 at 11:12 AM  
Subject: RE: Hardship for Traver Homeowners by Proposed Sidewalk Plan  
To: Lester Wyborny <[REDACTED]>

Hi Lester,

Thank you for sharing this information with us. Are you available to meet with Senator Irwin on Monday, February 11<sup>th</sup> at 1:00 PM? And is there a convenient coffee shop near your location? Also, could you please provide me with a good contact phone number.

Annie Somerville  
Legislative Aide  
Senator Jeff Irwin  
Office: 517-373-2406  
Cell: [REDACTED]

**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Friday, January 25, 2019 4:25 PM  
**To:** [rebekahwarren@house.mi.gov](mailto:rebekahwarren@house.mi.gov); The Office of Senator Irwin <[SenIrwin@senate.michigan.gov](mailto:SenIrwin@senate.michigan.gov)>  
**Cc:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>; Griswold, Kathy <[KGriswold@a2gov.org](mailto:KGriswold@a2gov.org)>; Hayner, Jeff <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>  
**Subject:** Hardship for Traver Homeowners by Proposed Sidewalk Plan

Jeff Irwin and Rebekah Warren,

I am following up on phone calls I made to your offices about proposed sidewalks for our street which will create significant hardship for the homeowners of the street. We would like to sit down with you to work with you to figure out how to ease this burden, although we think that weighing in with MDOT might be the best way forward. I attached a power point presentation and provide some additional background in this e-mail.

The City applied for a Safe Routes to School grant and received initial approval for grant funding for the installation of sidewalks



for our street, and a couple other streets, due to its proximity to the STEAM school on Barton Road. The total project cost is estimated to be \$1 million, and the grant would cover about \$400k of that.

The homeowners pushed back against the project when it became apparent that the installation of the sidewalks would cause the cutting down of many trees, including several very large trees which would require many decades to be replaced. The City developed another plan which will install two sidewalks mostly in the street on each side of the roadway, and remove almost all street parking. The homeowners rejected this option as well. Anne Bannister led a process to review the City's proposal and collect ideas for coming up with the least burdensome option. But the City abruptly put the sidewalk project up for a vote, and approved it to move forward, ignoring the objections of the homeowners.

Early on, the Homeowners proposed another plan for a single sidewalk installed in the street, which would maintain street parking on the opposite side of the street, and not cause the cutting down of trees. This one sidewalk idea is supported by the Institute of Transportation Engineers recommendations which would require only one sidewalk for a street with a low density of houses that Traver has. Also, Traver is not a primary route for students for commuting to school.

The City claimed that Safe Routes to School (SRTS) requires two sidewalks and thus would not consider our one sidewalk option, and refused to remove Traver from the grant application arguing that the City could lose this SRTS grant and future grant money. The homeowners contacted the MDOT SRTS coordinator (Bryan Armstrong) and he confirmed the two sidewalk requirement, although the two sidewalk requirement can be waived in certain cases. He said that MI SRTS would not waive the two sidewalk requirement for this case (note that federal SRTS does not require two sidewalks). Note that Bryan Armstrong is not the decision maker for this, it likely is Michael Kapp, Bryan's supervisor. But we felt that our elected officials might have a greater ability to affect MDOT policy than us homeowners.

Several homeowners and several City Council members look forward to sitting down with you to further describe this issue, gain your support, and hopefully identify a way to prevent a burdensome sidewalk project on us homeowners.

--

*Amy Chavasse*  
*Professor- School of Music Theatre & Dance*  
*University of Michigan*  
*Artistic Director- ChavasseDance&Performance*  
[www.chavassedanceandperformance.com](http://www.chavassedanceandperformance.com)

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Griswold, Kathy](#)  
**Cc:** [Lester Wyborny](#)  
**Subject:** Re: Crosswalk improvements at John A Woods  
**Date:** Saturday, February 9, 2019 2:06:49 PM

---

This intersection should be a high priority for Northside STEAM SRTS. Note that the vacant lot across Traver from John A Woods's dead end has been approved for four splits that will have a shared drive right at that intersection. The builder (I am in contact with him) indicated a willingness to work with the city on creative solutions, including possibly giving some extra land (think traffic/pedestrian island or mini-round-about or something else). He will have to do mass grading anyhow, so more attention should be paid to this intersection which has bad sight lines because of the hill cresting there.

Jane Allen was very dismissive of this. When addressing the fact that the builder will be assessed several thousand dollars for sidewalks that will then be destroyed when the road is cut in and the houses built, she merely responded that he would have to pay again to replace them. Here is a guy willing to work with the city and just gets the answer: no thank you and that he will have to pay twice.

Even if this intersection improvement might go beyond a SRTS program/grant, it should be addressed and coordinated with the SRTS program. Safety should count first, not chasing grant money.

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Saturday, February 9, 2019 1:08 PM  
**To:** Griswold, Kathy  
**Cc:** Tom Stulberg; Lester Wyborny  
**Subject:** Fwd: Crosswalk improvements

Kathy, do you think the crosswalk design Lester found below is in the future plans beyond/after SRTS sidewalks? I don't think it's in the current plan but I'd have to ask staff to confirm. Would this crosswalk strengthen the case that we don't need two sidewalks?

---

**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Saturday, February 9, 2019 10:05 AM  
**To:** Bannister, Anne; Tom Stulberg  
**Subject:** Crosswalk improvements

I found this plan for an improvement in the John A Woods crosswalk at Traver, which includes a raised crosswalk that would slow traffic at the top of Traver Rd. Do we know if this is included in the current plan? If not, it would be a strong reason for not requiring a second sidewalk for Traver. If it and other crosswalk improvements in the report are included, it weakens our case.

Lester

image.png



**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Cc:** [Griswold, Kathy](#); [Lester Wyborny](#)  
**Subject:** Re: Crosswalk improvements at John A Woods  
**Date:** Monday, February 11, 2019 6:33:28 AM

---

I'll be there at 1pm.

Any chance of finding specifications for a pedestrian traffic island from some other area? I'd like to push for one at Traver and John A Woods.

Sent from my iPhone

On Feb 11, 2019, at 5:14 AM, Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

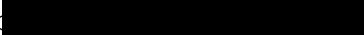
Kathy and I saw Jeff Irwin's staff member Annie Somerville on Sunday and she said Jeff is personally joining us today at 1 pm!

We exchanged business cards because there maybe last minute changes to schedules due to the various services today and tomorrow for John Dingell.

For now, Kathy and I are still planning on meeting you at the bank at 1 pm.

Anne

On Sat, Feb 9, 2019 at 2:06 PM -0500, "Tom Stulberg"

< wrote:

This intersection should be a high priority for Northside STEAM SRTS. Note that the vacant lot across Traver from John A Woods's dead end has been approved for four splits that will have a shared drive right at that intersection. The builder (I am in contact with him) indicated a willingness to work with the city on creative solutions, including possibly giving some extra land (think traffic/pedestrian island or mini-round-about or something else). He will have to do mass grading anyhow, so more attention should be paid to this intersection which has bad sight lines because of the hill cresting there.

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**Sent:** Saturday, February 9, 2019 1:08 PM

**To:** Griswold, Kathy

**Cc:** Tom Stulberg; Lester Wyborny

**Subject:** Fwd: Crosswalk improvements

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---

**From:** Lester Wyborny <[REDACTED]>

**Sent:** Saturday, February 9, 2019 10:05 AM


**To:** Bannister, Anne; Tom Stulberg

**Subject:** Crosswalk improvements

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Lester

image.png



**From:** [Tom Stulberg](#)  
**To:** [Hayner, Jeff](#); [Bannister, Anne](#); [Nelson, Elizabeth](#); [Eaton, Jack](#)  
**Subject:** Tuesday 7pm Planning Commission Working session in basement  
**Date:** Monday, February 11, 2019 3:48:45 PM  
**Attachments:** [Agenda \(80\).pdf](#)

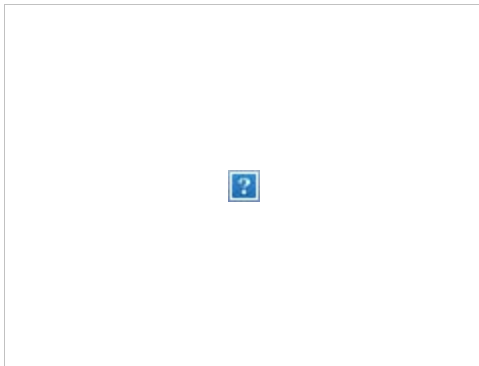
---

Tuesday 7pm Planning Commission Working session in basement. I'm going. See attached agenda. Looks important.

Let's have a viewing party to watch a prior ZBA meeting re Parking Variance. I have one in mind. A development that just got approved by Planning Commission will come to you soon (see article below), but will also be going to the ZBA for a parking variance. I can explain about the ZBA and Ann Arbor's unique parking variance ordinance.

I didn't include all of council because I can't be inviting too many otherwise its an open meetings act thing. Others would be welcome.

<https://www.mlive.com/news/ann-arbor/2019/02/84m-condo-development-on-pontiac-trail-gets-initial-ok.html>



### [\\$8.4M condo development on Pontiac Trail gets initial OK | mlive.com](#)

ANN ARBOR, MI – An \$8.4 million condo development on Ann Arbor's north side is headed to the City Council for approval. The city's Planning Commission voted this week to recommend approval ...

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# City of Ann Arbor

301 E. Huron St.  
Ann Arbor, MI 48104  
<http://a2gov.legistar.com/Calendar.aspx>

## Meeting Agenda City Planning Commission

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Tuesday, February 12, 2019

7:00 PM

Larcom City Hall, 301 E Huron St, Basement,  
conference room

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### Working Session

- 1      **Call to Order**
  
- 2      [19-0257](#)      Proposed Accessory Dwelling Units UDC Amendments  
                 **Attachments:**    ADUs Amendments Summary Memo to CPC.pdf, DRAFT ADU  
   Amendments 2-7-19 excerpt.pdf
  
- 3      [19-0258](#)      Review of draft Transit Oriented Zoning Districts and proposed community  
   engagement plan  
                 **Attachments:**    MEMO to Planning Commission 2-12-19 (2).pdf
  
- 4      [19-0260](#)      Discussion/Review of proposed amendments to the R4C Zoning District  
                 **Attachments:**    R4C-ACFinal-12-15-13.pdf
  
- 5      [19-0261](#)      UDC Parking Requirements  
                 **Attachments:**    Parking.pdf
  
- 6      **Audience Participation (Persons may speak for three minutes on any item.)**
  
- 7      **Adjournment**

Alex Milshteyn, Chairperson  
/mg



**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: Broadway Park PUD Zoning District Review - ZONING - 841 BROADWAY ST  
**Date:** Wednesday, February 13, 2019 2:38:31 PM

---

Hard to tell what the update is. The link just sent me to a blank etrakit screen.

I'll give an update on planning commission meeting soon

Sent from my iPhone

On Feb 13, 2019, at 1:43 PM, Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

I'm sorry I couldn't attend the PC meeting last night; I'm finishing up my evaluation of Postema.  
Tonight at Arrowwood is still "on," although attendance may be light due to weather.

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** City of Ann Arbor, MI [[annarbor@service.govdelivery.com](mailto:annarbor@service.govdelivery.com)]  
**Sent:** Tuesday, February 12, 2019 4:21 PM  
**To:** Bannister, Anne  
**Subject:** Broadway Park PUD Zoning District Review - ZONING - 841 BROADWAY ST

[City of Ann Arbor Update](#)



You are subscribed to Planning Petitions Under Review for City of Ann Arbor, MI. This information has recently

been updated, and is [now available](#).

If you have any questions or comments, please contact the [City of Ann Arbor planning staff](#).

**[Broadway Park PUD Zoning District Review - ZONING - 841 BROADWAY ST](#)**

*10/18/2018 08:00 PM EDT*

(10/22/2018 11:36 AM MK) A PUD Concept Plan proposal to rezone the parcel from M1 (Light Industrial) to PUD (Planned Unit Development) and construct a mixed use development. The Concept Plan proposes 104 residential units, parking garage, restaurant and a hotel. Public open space is proposed including recreational amenities: canoe launch, outdoor pavilion, open space and river access.



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QUESTIONS FOR THE CITY OF ANN ARBOR?

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---

This email was sent to [abannister@a2gov.org](mailto:abannister@a2gov.org) using GovDelivery Communications Cloud on  
behalf of: City of Ann Arbor, MI • 301 E. Huron St. • Ann Arbor, MI 48104 • 734.794.6000



**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Cc:** [Hayner, Jeff](#); [Nelson, Elizabeth](#); [Eaton, Jack](#)  
**Subject:** Variance viewing party maybe Saturday?  
**Date:** Thursday, February 14, 2019 8:18:24 AM

---

I am free all day Saturday. [REDACTED] Does anytime then work for you all?

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Wednesday, February 13, 2019 1:32 PM  
**To:** Tom Stulberg  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** RE: Tuesday 7pm Planning Commission Working session in basement

Thanks, Tom. I'd like to attend a ZBA viewing party and learn more about the unique parking variance ordinance.

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Tom Stulberg [REDACTED]  
**Sent:** Monday, February 11, 2019 3:48 PM  
**To:** Hayner, Jeff; Bannister, Anne; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Tuesday 7pm Planning Commission Working session in basement

Tuesday 7pm Planning Commission Working session in basement. I'm going. See attached agenda. Looks important.

Let's have a viewing party to watch a prior ZBA meeting re Parking Variance. I have one in mind. A development that just got approved by Planning Commission will come to you soon (see article below), but will also be going to the ZBA for a parking variance. I can explain about the ZBA and Ann Arbor's unique parking variance ordinance.

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[www.mlive.com](http://www.mlive.com)

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Cc:** [Hayner, Jeff](#); [Nelson, Elizabeth](#); [Eaton, Jack](#)  
**Subject:** Re: Variance viewing party maybe Saturday?  
**Date:** Friday, February 15, 2019 10:07:26 AM

---

2 or 3 is fine by me. That's two of us. Any more?

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Thursday, February 14, 2019 10:06 PM  
**To:** Tom Stulberg  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Re: Variance viewing party maybe Saturday?

2 or 3 is good for me....

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Thursday, February 14, 2019 8:18 AM  
**To:** Bannister, Anne  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Variance viewing party maybe Saturday?

I am free all day Saturday. [REDACTED] Does anytime then work for you all?

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---

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**Sent:** Monday, February 11, 2019 3:48 PM  
**To:** Hayner, Jeff; Bannister, Anne; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Tuesday 7pm Planning Commission Working session in basement

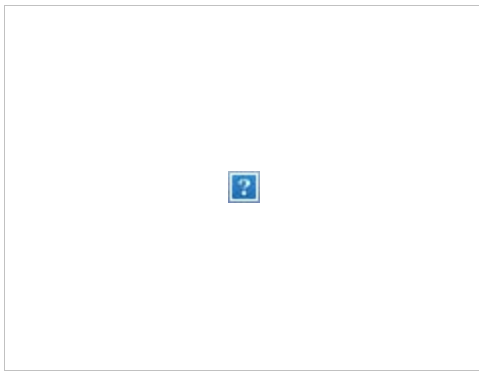
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[www.mlive.com](https://www.mlive.com)

**From:** [Tom Stulberg](#)  
**To:** [Christine Crockett](#); [Bannister, Anne](#)  
**Cc:** [Julie Ritter](#)  
**Subject:** Re: FW: Proposed Lockwood development  
**Date:** Friday, February 15, 2019 1:12:51 PM

---

The short version: It is a rezoning request. Currently zoned single family and surrounded by single family and parkland. The Park is Three Sisters Lakes, the only natural lakes in Ann Arbor. The development would be a senior housing facility in a three story structure with a peaked roof that will be the height of a four story structure. The lot sits high above the adjacent property and fronts Jackson Road near Webers. They are seeking a PUD.

The developer seems to be a reputable developer of senior housing facilities and has said it will house a variety of income levels in this one. Does this good use outweigh the impact on the neighbors who are fighting to keep the property single family zoning? Should this parcel be bought with the Green Belt funds, one third of which are supposed to be spent inside the city but that hasn't been happening so the money should be there?

I'm trying to be unbiased in this brief presentation and not offer an answer.

---

**From:** Christine Crockett <[REDACTED]>  
**Sent:** Friday, February 15, 2019 12:49 PM  
**To:** Bannister, Anne  
**Cc:** Julie Ritter; Tom Stulberg  
**Subject:** Re: FW: Proposed Lockwood development

Thanks, Anne. I'll look up this development to see what it looks like.

Chris

On Fri, Feb 15, 2019 at 11:52 AM Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:  
FYI

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** J. Letaw [REDACTED]  
**Sent:** Friday, February 15, 2019 11:28 AM  
**To:** CityCouncil  
**Subject:** Proposed Lockwood development

Good morning, City Council representatives:  
I'm writing to express my enthusiastic report for the Lockwood development. It is an excellent example of a private company providing a public good, in this case over three dozen units of affordable housing for seniors, in addition to a senior community in an excellent neighborhood and highly accessible location in the city. As a Ward 5 resident, I am proud to imagine this new development in my Ward, and hope you will consider

supporting it as well.

Thank you for your consideration and all your hard work.

Cheers,

Jessica Letaw



**From:** [Tom Stulberg](#)  
**To:** [Christine Crockett](#)  
**Cc:** [Bannister, Anne](#); [Julie Ritter](#)  
**Subject:** Re: FW: Proposed Lockwood development  
**Date:** Friday, February 15, 2019 1:32:54 PM

---

Anecdotal from the development community in Oakland County: the demand has softened for these type of developments. Lots were built but older people aren't moving into them at the expected rate.

Maybe we are too healthy?! Or maybe we are hanging on to our houses to deliberately exclude those young whipper snappers who insult us on social media?!

---

**From:** Christine Crockett <[REDACTED]>  
**Sent:** Friday, February 15, 2019 1:28 PM  
**To:** Tom Stulberg  
**Cc:** Bannister, Anne; Julie Ritter  
**Subject:** Re: FW: Proposed Lockwood development

I just read through two articles about the Lockwood development. I've linked them below. Thanks, for the summary, Tom. I need some time to think this through. I read some of the comments and found those to be very interesting. And what part does the Gelman plume play on this sight? What are the compelling reasons for rezoning? The fact that this is what the developer is asking for doesn't seem to be a compelling reason. I don't like segregating people by age and income, either. The rents don't look affordable to me. What's the definition of affordable anyway? These apartments are pretty expensive. Also, this development proposes 95 units with 65 parking places. Living that far out, most seniors would want a car to get around, even if they are in their eighties. There is also staff whose parking needs to be accommodated. We need to consider this proposal very carefully. Lockwood has also proposed a similar development in Whitmore Lake. ( <https://www.whmi.com/news/article/northfield-north-village-whitmore-lake-lockwood> ) It looks very similar, but it isn't designated senior housing.

There's still a lot to discuss with this development.

Chris

[https://www.mlive.com/news/ann-arbor/index.ssf/2017/11/ann\\_arbor\\_neighbors\\_fighting\\_3.html](https://www.mlive.com/news/ann-arbor/index.ssf/2017/11/ann_arbor_neighbors_fighting_3.html)

[https://www.mlive.com/news/ann-arbor/index.ssf/2018/05/ann\\_arbor\\_neighbors\\_criticize.html](https://www.mlive.com/news/ann-arbor/index.ssf/2018/05/ann_arbor_neighbors_criticize.html)

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The short version: It is a rezoning request. Currently zoned single family and surrounded by single family and parkland. The Park is Three Sisters Lakes, the only natural lakes in Ann Arbor. The development would be a senior housing facility in a three story structure with a

peaked roof that will be the height of a four story structure. The lot sits high above the adjacent property and fronts Jackson Road near Webers. They are seeking a PUD.

The developer seems to be a reputable developer of senior housing facilities and has said it will house a variety of income levels in this one. Does this good use outweigh the impact on the neighbors who are fighting to keep the property single family zoning? Should this parcel be bought with the Green Belt funds, one third of which are supposed to be spent inside the city but that hasn't been happening so the money should be there?

I'm trying to be unbiased in this brief presentation and not offer an answer.

---

**From:** Christine Crockett <[REDACTED]>  
**Sent:** Friday, February 15, 2019 12:49 PM  
**To:** Bannister, Anne  
**Cc:** Julie Ritter; Tom Stulberg  
**Subject:** Re: FW: Proposed Lockwood development

Thanks, Anne. I'll look up this development to see what it looks like.

Chris

On Fri, Feb 15, 2019 at 11:52 AM Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:  
FYI

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** J. Letaw [REDACTED]  
**Sent:** Friday, February 15, 2019 11:28 AM  
**To:** CityCouncil  
**Subject:** Proposed Lockwood development

Good morning, City Council representatives:

I'm writing to express my enthusiastic report for the Lockwood development. It is an excellent example of a private company providing a public good, in this case over three dozen units of affordable housing for seniors, in addition to a senior community in an excellent neighborhood and highly accessible location in the city. As a Ward 5 resident, I am proud to imagine this new development in my Ward, and hope you will consider supporting it as well.

Thank you for your consideration and all your hard work.

Cheers,

Jessica Letaw

**From:** [Tom Stulberg](#)  
**To:** [Eaton, Jack](#)  
**Cc:** [Bannister, Anne](#); [Hayner, Jeff](#); [Nelson, Elizabeth](#)  
**Subject:** Re: Variance viewing party Saturday 2pm at Hathaway's Hideaway  
**Date:** Friday, February 15, 2019 9:50:41 PM

---

We are set at Hathaway's hideaway at 2pm Saturday. Can someone bring a lap top? I'm such a Luddite that I don't own one.

Invite or Bring others keeping the open meetings act in mind.

Sent from my iPhone

On Feb 15, 2019, at 10:11 AM, Eaton, Jack <[JEaton@a2gov.org](mailto:JEaton@a2gov.org)> wrote:

I am available on Saturday at 2 or 3. Where?

Jack

On Feb 15, 2019, at 10:07 AM, Tom Stulberg <[REDACTED]> wrote:

2 or 3 is fine by me. That's two of us. Any more?

---

**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>  
**Sent:** Thursday, February 14, 2019 10:06 PM  
**To:** Tom Stulberg  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Re: Variance viewing party maybe Saturday?

2 or 3 is good for me....

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Thursday, February 14, 2019 8:18 AM  
**To:** Bannister, Anne  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Variance viewing party maybe Saturday?

I am free all day Saturday. [REDACTED] Does anytime then work for you all?

---

**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>  
**Sent:** Wednesday, February 13, 2019 1:32 PM  
**To:** Tom Stulberg  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** RE: Tuesday 7pm Planning Commission Working session in basement

Thanks, Tom. I'd like to attend a ZBA viewing party and learn more about the unique parking variance ordinance.

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**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Monday, February 11, 2019 3:48 PM  
**To:** Hayner, Jeff; Bannister, Anne; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Tuesday 7pm Planning Commission Working session in basement

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Let's have a viewing party to watch a prior ZBA meeting re Parking Variance. I have one in mind. A development that just got approved by Planning Commission will come to you soon (see article below), but will also be going to the ZBA for a parking variance. I can explain about the ZBA and Ann Arbor's unique parking variance ordinance.

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<https://www.mlive.com/news/ann-arbor/2019/02/84m-condo-development-on-pontiac-trail-gets-initial-ok.html>

	<p><a href="#">\$8.4M condo development on Pontiac Trail gets initial OK   mlive.com</a></p>
	<p>ANN ARBOR, MI – An \$8.4 million condo development on Ann Arbor's north side is headed to the City Council for approval. The city's Planning Commission voted this week to recommend approval ...</p> <p><a href="http://www.mlive.com">www.mlive.com</a></p>

Jack Eaton  
Ward 4 Council member  
[jeaton@a2gov.org](mailto:jeaton@a2gov.org)  
[REDACTED]

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**From:** [Tom Stulberg](#)  
**To:** [Nelson, Elizabeth](#); [Bannister, Anne](#); [Eaton, Jack](#)  
**Cc:** [Hayner, Jeff](#); [REDACTED]  
**Subject:** Re: Variance viewing party Saturday 2pm at Hathaway's Hideaway  
**Date:** Saturday, February 16, 2019 11:58:17 AM

---

Will will be there. (kind of fun to say)

Jack and Anne will too. Elizabeth is busy, and she is our ZBA rep, so I will hope to share this with her another time.

I haven't heard from Jeff.

See you at 2pm.

---

**From:** Nelson, Elizabeth <ENelson@a2gov.org>  
**Sent:** Saturday, February 16, 2019 8:57 AM  
**To:** Bannister, Anne; Tom Stulberg; Eaton, Jack  
**Cc:** Hayner, Jeff  
**Subject:** RE: Variance viewing party Saturday 2pm at Hathaway's Hideaway

I'd come but I'm committed to volunteer from 1-4 ! Next time...

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Friday, February 15, 2019 9:59 PM  
**To:** Tom Stulberg <[REDACTED]> Eaton, Jack <JEaton@a2gov.org>  
**Cc:** Hayner, Jeff <JHayner@a2gov.org>; Nelson, Elizabeth <ENelson@a2gov.org>  
**Subject:** Re: Variance viewing party Saturday 2pm at Hathaway's Hideaway

Okay. I'll bring my 13" laptop.

Get [Outlook for iOS](#)

On Fri, Feb 15, 2019 at 9:50 PM -0500, "Tom Stulberg" <[REDACTED]> wrote:

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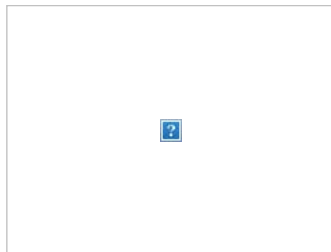
**From:** Tom Stulberg [REDACTED]  
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[www.mlive.com](http://www.mlive.com)

Jack Eaton  
Ward 4 Council member  
[jeaton@a2gov.org](mailto:jeaton@a2gov.org)  
[REDACTED]

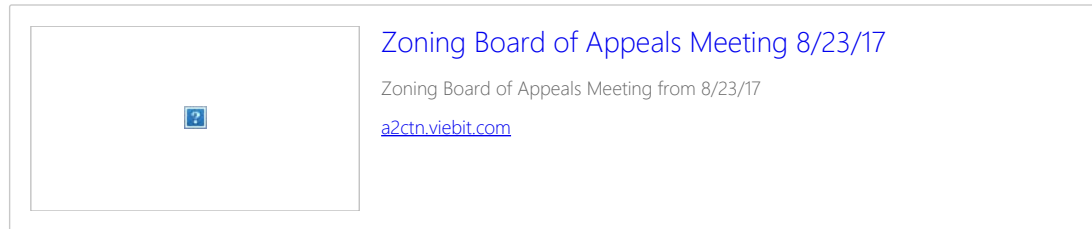
**Messages to and from me regarding City matters are subject to disclosure under the Michigan Freedom of Information Act**

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Cc:** [REDACTED]  
**Subject:** Link to ZBA video  
**Date:** Saturday, February 16, 2019 11:59:02 AM

---

For the laptop and screen:

<https://a2ctn.viebit.com/player.php?hash=9nOsS3mrkFs>



---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Saturday, February 16, 2019 11:57 AM  
**To:** Nelson, Elizabeth; Bannister, Anne; Eaton, Jack  
**Cc:** Hayner, Jeff; [REDACTED]  
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**Subject:** RE: Tuesday 7pm Planning Commission Working session in basement

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Jack Eaton  
Ward 4 Council member  
[jeaton@a2gov.org](mailto:jeaton@a2gov.org)  
[REDACTED]

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**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Hayner, Jeff](#)  
**Subject:** Fw: Train horn study and survey  
**Date:** Sunday, February 17, 2019 5:47:39 PM

---

I read the consultant report. How much did that cost us?!

I will be strongly opposing these measures. For me personally, this could mean a median in front of my house restricting me to RIRO, right turns in and right turns out only. Same for Mary and Taya and Francine across the street. That means if I want to head downtown, I have to go the opposite direction down the block to Pear, zig zag onto Apple then left onto Pontiac Trail. Not the end of the world if this were an important safety issue, but... why?! It might also mean closing Bowen. In the winter Bowen is essential to use as a safe driving route for the steep Traver Hill.

If both these changes happened, my business partner can't drive from his house at [REDACTED] to mine at [REDACTED] to make a left into our office. He would have to go to Pontiac Trail, then all the way to Swift, make a left at that long light next to the DTE station, then left at the next light onto Moore and right up Traver. Again, we would survive if this was important for health, safety, and welfare of our neighbors. But it isn't.

And we will have gates and lights and sounds anyhow. For millions of dollars.

My two cents.

Tom

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Sunday, February 17, 2019 5:33 PM  
**To:** Mary Underwood; T Hub  
**Cc:** Francine Banner-Hubbard; Caitlin Breakey; Andy Hosford  
**Subject:** Train horn study and survey

This article might interest you since it has to do with the AA RR that runs in our neighborhood. Imbedded in the article is a link to a city survey asking for feedback. I responded to keep the horns. The alternatives are to possibly close Bowen and to possibly have gates and medians. Look at the drawings on page 32 of the study showing three of our driveways being restricted to RIRO = Right turns only in and out.

New high-end condos and apartments have been built along the tracks on the west edge of downtown. They don't like the noise.

Link to the study: <https://www.a2gov.org/departments/systems-planning/planning-areas/transportation/Documents/Ann%20Arbor%20Quiet%20Zone%20Assessment%20DRAFT%20FINAL%20Report%202019-02-07.pdf>

### Ann Arbor, Michigan Quiet Zone Assessment

Ann Arbor, Michigan Quiet Zone Assessment DRAFT FINAL City of Ann Arbor, Michigan February 2019 SRF No. 11295

[www.a2gov.org](https://www.a2gov.org)

Link to the article which has a link to the survey:

<https://www.mlive.com/news/ann-arbor/2019/02/heres-what-it-would-take-to-make-ann-arbor-a-train-horn-quiet-zone.html>

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Zach has no clue what he is talking about  
**Date:** Wednesday, February 20, 2019 8:48:48 PM

---

Sorry, Zach is rude to you. Zach has no clue what he is talking about. I went back and looked at the first CPC meeting. He was then and is still now stuck on the previous Strathmore PUD plan which expired a long time ago. He has never figured out that a new PUD plan was possible and that no one is referring to the old expired one except him.

I watched the rest of the meeting at home last night and again this morning. Some sparks flying at council.

**From:** [Tom Stulberg](#)  
**To:** [Julie Ritter](#); [Bannister, Anne](#); [Bethany Osborne](#); [Christine Crockett](#); [David Kennedy](#); [Eleanor Crown](#); [Ilene Tyler](#); [Jeff Crockett](#); [Lars Bjorn](#); [Nick Coquillard](#); [Tyler, Norm \(DGT\)](#); [Detter, Ray](#); [Steve Kaplan](#); [Susan Wineberg](#); [REDACTED]  
**Subject:** Re: Statewide rent control Oregon. Wow  
**Date:** Friday, February 22, 2019 8:31:13 AM

---

My main job is being a landlord. I've been doing that for over twenty years. I will go out on a limb and say: I would entertain discussions about rent control as one piece of a broad solution to affordability issues. I will also express that other things that I want included in that discussion are: stagnant wage growth for the past four decades, increasing education costs, and the increasing health care cost burden on individual workers.

The middle and working class people of our country need to earn enough to afford a decent place to live, to get a decent education, to get decent health care, and to raise a family without living pay check to pay check.

PS, great Story Corps today that is sort of related: <https://storycorps.org/>

---

**From:** Julie Ritter <[REDACTED]>  
**Sent:** Thursday, February 21, 2019 11:23 PM  
**To:** ABannister@a2gov.org; Bethany Osborne; Christine Crockett; David Kennedy; Eleanor Crown; Ilene Tyler; Jeff Crockett; Lars Bjorn; Nick Coquillard; Norm Tyler; Ray Detter; Steve Kaplan; Susan Wineberg; [REDACTED]; [REDACTED]  
**Subject:** Statewide rent control Oregon. Wow

<https://thehill.com/homenews/state-watch/431084-oregon-set-to-become-first-state-with-mandatory-rent-controls-to-address>

Shared via the [Google app](#)

All beings are our relatives. Lakota saying

Sent from my phone named Edwin

--

Sent from my phone named Edwin

All beings are our relatives. Lakota saying

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: Statewide rent control Oregon. Wow  
**Date:** Saturday, February 23, 2019 3:58:06 PM

---

Open the link if you can. Then play and listen to “the keeper of the temple of knowledge”. It is so worth three minutes.

Sent from my iPhone

On Feb 23, 2019, at 3:54 PM, Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

Thanks you two. I was able to read Julie’s article about prohibiting rent increases over 7% plus inflation, and no evicting after 12 months of residency. I wasn’t able to open Tom’s article, but no worries... working through a pile of reading material. Thx -- Anne

Anne Bannister  
Ward One Council Member  
[REDACTED]

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---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Friday, February 22, 2019 8:31 AM  
**To:** Julie Ritter <[REDACTED]> Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>; Bethany Osborne <[bosborneusa@gmail.com](mailto:bosborneusa@gmail.com)>; Christine Crockett <[REDACTED]> David Kennedy <[REDACTED]> Eleanor Crown <[REDACTED]> Ilene Tyler <[REDACTED]> Jeff Crockett <[REDACTED]> Lars Bjorn <[REDACTED]> Nick Coquillard <[REDACTED]> Tyler, Norm (DGT) <[REDACTED]> Detter, Ray <[REDACTED]> Steve Kaplan <[REDACTED]> Susan Wineberg <[REDACTED]>  
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Sent from my phone named Edwin

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**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: Near North  
**Date:** Monday, February 25, 2019 5:36:04 PM

---

Thanks

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Monday, February 25, 2019 5:27 PM  
**To:** Tom Stulberg  
**Subject:** Fwd: Near North

FYI — another set of variances...

----- Forwarded message -----

**From:** "brucemich@gmail.com" <[brucemich@gmail.com](mailto:brucemich@gmail.com)>  
**Date:** Mon, Feb 25, 2019 at 12:46 PM -0500  
**Subject:** RE: Near North  
**To:** "Bannister, Anne" <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>

Staff has recommended that we undo the PUD and go back to the underlying R4C zoning. We are also asking for a planned project as our rear and one side setback doesn't meet the minimum and our building height is slightly too high depending on where you measure the building height

**Bruce Michael**  
**Odawa Development**  
**248.703.4653**  
**<http://www.threeoakscommunities.com>**



---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Monday, February 25, 2019 7:28 AM  
**To:** Bruce Michael <brucemich@gmail.com>  
**Subject:** Re: Near North

Thanks for sending, and for the tutorial on how to use etrakit! Your transparency and

communication is noticed and appreciated. Are you requesting any changes to zoning?

Thanks,  
Anne

Get [Outlook for iOS](#)

On Mon, Feb 25, 2019 at 7:10 AM -0500, "Bruce Michael" <[brucemich@gmail.com](mailto:brucemich@gmail.com)> wrote:

Modifications per City staff comments and some of your comments have been resubmitted to the City for review.

You can access the newest information on the City etrakit website

<http://etrakit.a2gov.org/etrakit3/>

go to Projects Search

Change the Search by function from address to Project Name

In the blank type in: Near North

A list of project names and numbers will pop up. Click on the one that says:

SP18-033                      Near North Townhomes at 700 North Main Street

Updated documents are labeled with the date of 02-20-19

Bruce Michael

**Odawa Development**

248.703.4653

<http://www.threeoakscommunities.com/>

[brucemich@gmail.com](mailto:brucemich@gmail.com)

Ojibway O





**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Cc:** [Hayner, Jeff](#); [Lester Wyborny](#); [Eaton, Jack](#); [Griswold, Kathy](#); [Chuck Marshall](#); [Amy Chavasse](#); [Susan Presswood Wright](#); [Scott Newell](#); [EVERETT LAST\\_NAME](#); [Jean Arnold](#); [Libby Brooks](#); [Janet Holloway](#); [Po Hu](#); [Brenda Sodt Foster](#); [Williamson, John](#)  
**Subject:** Re: Follow-Up on Discussions on Sidewalk Assessments  
**Date:** Tuesday, February 26, 2019 9:35:52 AM

---

I have dropped city employees from this email list.

I do not think this is the right way to pursue this matter. This path is just giving the city options to "compromise" like making the payment term longer. The best case of this resolution (the city pays for it all and the residents pay nothing) does not address the simple fact that this particular project is unwise to construct, wasting a large sum of tax payer money not just the residents' money, on a "solution" that addresses low priority safety items in this location while leaving more important safety items unaddressed.

As for the supermajority vote at the next step: Yes, eight votes are required if the residents properly object then, which they will. So, if there are four NO votes, what does the city do after that? Does it proceed with the project? Does the money have to be approved in order to do that? Does the project get scrapped? Revised? What approvals need to occur? Or does it just die? What does that do to the grant? These questions should be answered, but I don't think asking the city administrator's office is the wisest way to ask this. That office keeps working against the interests of the residents.

My two cents,

Tom

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**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Tuesday, February 26, 2019 9:17 AM  
**To:** Lazarus, Howard; Fournier, John; Allen, Jane (Engineering)  
**Cc:** Hayner, Jeff; Higgins, Sara; Lester Wyborny; Eaton, Jack; Griswold, Kathy; Tom Stulberg; Chuck Marshall; Amy Chavasse; Susan Presswood Wright; Scott Newell; EVERETT LAST\_NAME; Jean Arnold; Libby Brooks; Janet Holloway; Po Hu; Brenda Sodt Foster; Williamson, John  
**Subject:** FW: Follow-Up on Discussions on Sidewalk Assessments

Dear Mr. Lazarus and Mr. Fournier and Ms. Allen,

Thanks for sending the attached draft resolution.

While I would like to proceed with a resolution to ask Council to waive special assessments for priority sidewalk gaps, the draft does not fit with what I had in mind.

Please explain how it would require **250 staff hours** and/or third party consultants? Plus, would the due date of Sept. 2019 be too late to waive the special assessments for Traver and Brookside?

An involuntary special assessment runs contrary to Council's numerous discussions and written statements about a strong desire to protect affordability for residents.

Involuntary special assessments can have a big impact on a personal household budget, and a relatively small impact on the City budget as a whole.

Do we have a staff member who could pull together some ballpark figures on our citywide priority sidewalk gaps, and estimate a range of costs for waiving the special assessments?

These are some related webpages that might help them get started:

- <https://www.a2gov.org/departments/engineering/Pages/Street-and-Sidewalk-Millage.aspx>
- <https://www.a2gov.org/departments/engineering/Pages/New-Sidewalks-FAQ.aspx>

Please also send us an update on the project as a whole as it currently stands, and update the designated webpage: <https://www.a2gov.org/departments/engineering/Pages/Northside-STEAM-Sidewalk-Gap-Project.aspx>

From the neighborhood perspective, they still have an almost unanimous opposition to the project plan as it was last reported. Would that lack of public support trigger an 8-vote requirement for the third and fourth resolutions? If those resolutions were to fail, what would that mean for the City's relationship with MDOT and the grant program going forward?

As Council went through the budget working session last night, it was duly noted that \$1M goes much further toward improving public safety and safe routes to school when it is spent on priority locations and lighting, rather than over-spending on sidewalks for the limited area of Brookside and the 1600 block of Traver. Please see these itemized expenses to understand how costly it is to taxpayers to cut into hillsides and remove trees, etc: <https://www.a2gov.org/departments/engineering/Documents/Estimate.pdf>

Thanks,

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Bannister, Anne  
**Sent:** Thursday, February 07, 2019 11:43 AM  
**To:** Lester Wyborny; Tom Stulberg; Chuck Marshall; Amy Chavasse; [REDACTED] Scott Newell; EVERETT LAST\_NAME; Jean Arnold; Libby Brooks; Janet Holloway; Po Hu; Brenda Sadt Foster  
**Cc:** Hayner, Jeff  
**Subject:** FW: Follow-Up on Discussions on Sidewalk Assessments

FYI -- I hope I haven't missed anyone!

A quick summary of Mr. Lazarus' email below:

- The first paragraph says Council has the ability to extend the period of time for taxpayers to pay for the sidewalks.
- The second paragraph is about the draft resolution to ask Council to authorize staff time to research other ways to pay for sidewalks. I remain committed to taxpayers not having to pay for sidewalk gaps; it's a small cost for the City and a big impact on the affordability for households, etc...

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Lazarus, Howard

**Sent:** Thursday, February 07, 2019 6:45 AM

**To:** Bannister, Anne

**Cc:** Ackerman, Zach; Eaton, Jack; Grand, Julie; Griswold, Kathy; Hayner, Jeff; Lumm, Jane; Nelson, Elizabeth; Ramlawi, Ali; Smith, Chip; Taylor, Christopher (Mayor); Rechtien, Matthew; Hupy, Craig; Higgins, Sara

**Subject:** Follow-Up on Discussions on Sidewalk Assessments

Councilmember Bannister:

I am writing to follow-up on our discussions about cost allocations for special assessment districts for sidewalks. Both Public Services staff and the City Attorney's Office have provided feedback to you that informs you under City code that Council has the ability to set the payment terms for these assessments, and to divide the costs in an "equitable manner," specifically in cases when a "100% of the costs of the improvements will be borne by the owners of properties specially benefitting from them, does not accurately reflect the benefit to the city at large and the private benefit. (Chapter 12, Section 1:274(3) of the City Code of Ordinances)." As a matter of precedent, Council has not waived from the 100% allocation in the past, and the circumstances on Traver Street do not differ from past instances Council has considered. Notwithstanding, you may choose to offer an amendment to the special assessment resolution (Resolution No. 4) when it is presented to Council.

We have also discussed your desire to have staff research other options to fund sidewalk gaps. Doing appropriate research will require an investment of staff time, so I have indicated to you I would like direction from Council as a whole to pursue this path. I've attached a draft resolution for you to consider per our conversation. Kindly review and let me know if you would like to sponsor it for the February 19<sup>th</sup> Council meeting.

As always, please do not hesitate to contact me if I can be of further assistance.

- "City Council exercises its authority in Chapter 12, Section 1:274(3) of the Code of Ordinances, to divide the costs in the following, equitable manner

\_\_\_\_\_."

**Howard S. Lazarus**

City Administrator

City of Ann Arbor

301 E. Huron Street

Ann Arbor, MI 48104

T: 734-794-6110 ext41102

E: [hlazarus@a2gov.org](mailto:hlazarus@a2gov.org)

[www.a2gov.org](http://www.a2gov.org)



**EVERYWHERE • EVERYONE • EVERY DAY.**  
[a2gov.org/A2BeSafe](http://a2gov.org/A2BeSafe)

From: Tom Stulberg  
To: Bannister, Anne  
Subject: Re: YIMBY -- Another look  
Date: Thursday, February 28, 2019 6:12:42 AM

I am going to the Crockett's instead of the Library Green. We can share notes. Not sure if I can make Sunday night. Probably not. Sunday night is a [REDACTED] Finals

Sent from my iPhone

On Feb 28, 2019, at 6:07 AM, Bannister, Anne <ABannister@a2gov.org> wrote:

My apologies but I have already accepted another invitation for Sunday at 2 p.m. (it's the Library Green Conservancy at Hathaway's Hideaway). CM Griswold, Eaton, and I and others are also hosting office hours at City Hall, second floor, on March 3 from 7 p.m. - 9 p.m. This is the Facebook announcement: <https://www.facebook.com/events/2031814480201047/>

About the senior housing development called Lockwood in Ward 5, some of the most compelling reason against it in this location include:

- The developers are calling for a zoning change which is contrary to the Master Plan for this area.
- The impact of the proposed project on the dioxane plume is uncertain.

I prefer the QIMBY label over the other variations, too, and feel it captures the intent of the city's residents better than the other versions.

Thanks everyone,  
Anne

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).

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From: Susan Wineberg [REDACTED]  
Sent: Thursday, February 28, 2019 12:29 AM  
To: Jeff Crockett  
Cc: Ilene Tyler; Tom Stulberg; Detter, Ray; Eleanor Crown; Julie Ritter; Bethany Osborne; Christine Crockett; David Kennedy; Lars Bjorn; Nick Coquillard; Steve Kaplan; Jeffrey Hayner; Bannister, Anne  
Subject: Re: YIMBY -- Another look

In case you missed this.

[http://www.secondwavemedia.com/concentrate/features/yimbyannarbor0451.aspx?](http://www.secondwavemedia.com/concentrate/features/yimbyannarbor0451.aspx?utm_source=Emma&utm_medium=Email&utm_term=Yes+in+my+backyard%3a+New+Ann+Arbor+group+takes+proactive+stance+toward+development&utm_content=Newsletter&utm_campaign=Our+most+popular+stories+of+18)

[utm\\_source=Emma&utm\\_medium=Email&utm\\_term=Yes+in+my+backyard%3a+New+Ann+Arbor+group+takes+proactive+stance+toward+development&utm\\_content=Newsletter&utm\\_campaign=Our+most+popular+stories+of+18](http://www.secondwavemedia.com/concentrate/features/yimbyannarbor0451.aspx?utm_source=Emma&utm_medium=Email&utm_term=Yes+in+my+backyard%3a+New+Ann+Arbor+group+takes+proactive+stance+toward+development&utm_content=Newsletter&utm_campaign=Our+most+popular+stories+of+18)

On Wednesday, February 27, 2019, Jeff Crockett <[REDACTED]> wrote:

Tom,

Could you please summarize your objection for Ilene? From the article, it appears the majority on Council feels that the location is ill-suited for the development, but I am not sure of the arguments why. Jeff and Anne, could you please clarify?

Thanks, Jeff

On Wed, Feb 27, 2019 at 9:11 PM Ilene Tyler <[REDACTED]> wrote:

I love the QIMBY name for speaking out! Let's go with that!

On another note, I am not sure what the problem is with the proposed project at its proposed location. Enlighten me! The site is largely commercial and would have no impact on the residential neighborhood to the west. As for the residents, they would have no amenities with the site, other than buying cars, and it may be unhealthy due to the Gelman plume. Am I missing something crucial?

Ilene R. Tyler, FAIA, FAPT, LEED AP  
Preservation Architect  
[REDACTED]  
m /34-417-3730

On Feb 27, 2019, at 12:32 PM, Tom Stulberg <[REDACTED]> wrote:

My take on it:

I was witnessing the mocking of a resident with a video clip, and of a council person (Jane Lumm). At least I moved the conversation from that to one of substance. There was some decent interaction for a while. I was adding some business experience details to a topic where the process is a bit esoteric. There were some good exchanges, and someone posted a decent article as part of the exchange. It was going OK until the moderator joined in. That is the sad/funny part. It's his page I guess.

Thanks for defending me Jeff,

Tom

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From: Jeff Crockett <[REDACTED]>  
Sent: Wednesday, February 27, 2019 5:13 PM  
To: Raymond Detter  
Cc: Tom Stulberg; Eleanor Crown; Ilene Tyler; Julie Ritter; Bethany Osborne; Christine Crockett; David Kennedy; Lars Bjorn; Nick Coquillard; Steve Kaplan; Susan Wineberg; Jeffrey Hayner; Anne Bannister  
Subject: Re: YIMBY -- Another look

FYI, Tom is my personal hero in that he just got kicked off the YIMBY FB for stating his mind. The issue was the proposal to build affordable senior citizen housing on Jackson Rd. See: [https://www.mlive.com/news/ann-arbor/2019/02/ann-arbor-council-unlikely-to-ok-plans-for-affordable-senior-housing.html?fbclid=IwAR10HC05AewcOju6Zs\\_zUzslKccwsK6bSMiMom3UmRW\\_NtlCQsRgRsKjAM](https://www.mlive.com/news/ann-arbor/2019/02/ann-arbor-council-unlikely-to-ok-plans-for-affordable-senior-housing.html?fbclid=IwAR10HC05AewcOju6Zs_zUzslKccwsK6bSMiMom3UmRW_NtlCQsRgRsKjAM) The YIMBYs have been skewering the council reps who are considering a vote against it, including Jeff and Ann.

The following is what may be my last post on YIMBY. Jeff

Tom Stulberg is a friend of mine. He and I have disagreed on a number of development issues, but we respect each other's opinion. As an Administrator, Jaime has every right to kick anyone out he pleases, including Tom and me. But, I am disappointed in this decision and believe it's short-sighted. This group needs to decide whether it's going to remain a fringe group or expand its base. By kicking dissenters out, you remain pure but you risk being known around town as an exclusionary group. Ann Arborites reject any group supporting exclusionary practices. On the other hand, if this forum becomes known for its spirited debates, you will draw a crowd and get name recognition. That will be a good thing. I joined the A2 Townies -- Development group on Jaime's suggestion. But, in my view, this is where the action is. My suggestion is to go beyond the simple YIMBY/NIMBY dichotomy. The impression I get from these discussions is that YIMBYs are GOOD and NIMBYs are BAD. That might work in Trump country. But, my bet is that it won't resonate in A2. Recognize that most people are far more nuanced than YIMBY or NIMBY. There are many factors that influence whether someone is in favor of or disapproves of a development. It's not just about density. For me, it's more about quality. There you have it. Full disclosure. I am a QIMBY.

On Wed, Feb 27, 2019 at 2:47 PM Raymond Detter <[REDACTED]> wrote:

I will be there to listen.

Ray

On Feb 27, 2019, at 6:55 AM, Tom Stulberg <[REDACTED]> wrote:

I'm in. I won't be able to stay too long [REDACTED], but let's get the ball rolling.

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From: Eleanor Crown [REDACTED]  
Sent: Tuesday, February 26, 2019 6:59 PM  
To: Ilene Tyler  
Cc: Jeff Crockett; Julie Ritter; Tom Stulberg; Bethany Osborne; Christine Crockett; David Kennedy; Lars Bjorn; Nick Coquillard; Ray Detter; Steve Kaplan; Susan Wineberg  
Subject: Re: YIMBY -- Another look

Sunday at 2:00 is good for me.

On Tuesday, February 26, 2019, Ilene Tyler <[REDACTED]> wrote:  
We'll not be back yet, but go ahead without us, if enough can make it...

Ilene R. Tyler, FAIA, FAPT, LEED AP  
Preservation Architect  
[REDACTED]  
m /34-417-3730

On Feb 26, 2019, at 1:31 PM, Jeff Crockett <[REDACTED]> wrote:

Chris and I would be happy to host a meeting this Sunday at 2 PM to talk about the YIMBY movement in Ann Arbor and the threat it poses to Historic preservation. Who can make it?

Jeff

On Tue, Feb 26, 2019 at 8:23 AM Eleanor Crown <[REDACTED]> wrote:

Good idea, Jeff. I've been buried under Phi Beta Kappa work for the last month or so, but I'm ready to crawl back out and join in other pursuits again.

On Tuesday, February 26, 2019, Julie Ritter <[REDACTED]> wrote:

Let me know when the meeting is scheduled. I have a ton to report from the affordable housing conference at the University. None of that included market forces for affordable housing

On Tue, Feb 26, 2019 at 7:24 AM Tom Stulberg <[REDACTED]> wrote:

I agree. Ready to meet soon.

I have found myself in the position of helping out on multiple issues around town. Currently there is a neighborhood being demonized by not only YIMBYs but by council members as well. I will report on it to you.

Sent from my iPhone

On Feb 26, 2019, at 1:18 AM, Ilene Tyler <[REDACTED]> wrote:

I agree with your take on this article, Jeff. Would rather discuss in person than in email...makes me sad.

Ilene R. Tyler, FAIA, FAPT, LEED AP  
Preservation Architect  
[REDACTED]

tn 734-417-3730

On Feb 25, 2019, at 5:09 PM, Jeff Crockett <[REDACTED]> wrote:

The YIMBY movement has gained a foothold in A2. It's a movement we need to learn more about because it has its crosshairs set on historic preservation. But, in my opinion, it's not enough to oppose YIMBY. We need to understand its origins and what is driving it. I have had some contact with the YIMBY proponents on the YIMBY FB page. What concerned me was not what they proposed. Instead, what concerned me is that they discouraged dissent. When I disputed a pro development article on YIMBY, I was told that questioning and/or critical posts were not welcome. I was told by the YIMBY administrator, Jamie Magiera, to refrain from making negative comments or I would get blocked. Those that know me well understand that telling me to shut up is not a good ideal.

The way I usually deal with a contrary point of view is to first research the issue. So, I am researching the YIMBY movement to find out more about it. On the surface, YIMBY seems to have a good goal...to increase affordable housing. But, it's clear to me that increasing affordable workforce housing is not the primary motive driving YIMBY. To me, YIMBY is primarily serving the interests of developers and real estate investors. But, you may think differently. Therefore, I think it would be a good idea for us to have a conversation about YIMBY. Toward that end, please read this article.

[http://inthesetimes.com/features/yimbys\\_activists\\_san\\_francisco\\_housing\\_crisis.html](http://inthesetimes.com/features/yimbys_activists_san_francisco_housing_crisis.html)

Thanks, Jeff

--

Sent from my phone named Edwin

All beings are our relatives. Lakota saying

--

Eleanor H. Crown, Ph.D.  
Secretary, Alpha of Michigan Chapter, Phi Beta Kappa  
LSA Honors  
1330 Mason Hall  
University of Michigan  
Ann Arbor, MI 48109-1027  
Voice [REDACTED] (please leave voicemail)  
Fax: 734-763-6553

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Fax: 734-763-6553

**From:** [Tom Stulberg](#)  
**To:** [Jeff Crockett](#); [Bethany Osborne](#); [Christine Crockett](#); [David Kennedy](#); [Elleanor Crown](#); [Ilene R. Tyler](#); [Julie Ritter](#); [Lars Bjorn](#); [Nick Coquillard](#); [Detter, Ray](#); [Steve Kaplan](#); [Susan Wineberg](#); [Tyler, Norm \(DGT\)](#); [Bannister, Anne](#); [Jeffrey Hayner](#)  
**Subject:** Re: Change in YIMBY meeting time  
**Date:** Thursday, February 28, 2019 5:31:33 PM

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I can make that new date and time.

This is a very serious issue and is worse than you can imagine if you aren't yet in the know. We do need to address it ASAP because though they are a minority, they are organized and their interests align with other powerful interests. They have already impacted development decisions in Ann Arbor and are putting forth multiple initiatives. I will come to the meeting with details.

The YIMBY goal is to increase density in any manner possible including but not limited to the elimination of all single family zoning. SF homeowners are all guilty of being exclusionary in the minds of this movement, and they feel that legitimizes their by-any-means-necessary mentality. They will support ANY development and will demonize any dissenters as NIMBYs that should be dismissed. They are using affordable housing as a cover for what is primarily market rate increased development - anywhere and everywhere. And as little parking as possible, because that reduces the net density.

My two cents,

Tom

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**From:** Jeff Crockett <[REDACTED]>  
**Sent:** Thursday, February 28, 2019 4:57 PM  
**To:** Bethany Osborne; Christine Crockett; David Kennedy; Elleanor Crown; Ilene R. Tyler; Julie Ritter; Lars Bjorn; Nick Coquillard; Ray Detter; Steve Kaplan; Susan Wineberg; Tom Stulberg; Norm Tyler; Anne Bannister; Jeffrey Hayner  
**Subject:** Change in YIMBY meeting time

Chris and I felt it would be best to wait until Norm and Ilene returned from their trip to meet on the YIMBY group. Saturday, 1 PM, March 9, works for the four of us. How does it work for all of you?

I'd like to emphasize that we do need to be aware of YIMBY intentions and prepare ourselves. Many in the YIMBY FB group have expressed open contempt for historic districts and want to increase density as quickly as possible in A2. I would encourage all of you to attempt to join the YIMBY FB page, not necessarily to comment but at least to observe. The Lockwood proposal on Jackson Rd will be interesting to watch as it gets reconsidered by Council on March 18. The intensity of this group reminds me of the anti-deer cull group.

I don't quite understand yet is what is behind their passion. There is a libertarian undercurrent to some of this. It could be new folks in town trying to exert their influence over A2 townies. They adamantly believe that this is a market-driven problem and that all that is needed is to increase the supply of housing to lower housing costs. Historic districts, single-family zoning and the current master plan are viewed as obstacles to their goal. Absent from these discussions is their consideration for design and quality of materials.

Looking forward to this discussion,

Jeff



**From:** [Tom Stulberg](#)  
**To:** [Nelson, Elizabeth](#)  
**Subject:** ZBA for Pontiac Trail parking reduction  
**Date:** Wednesday, March 6, 2019 7:45:21 PM

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I watched from home. Also watched City Council and Planning Commission from home this week.

I have some impressions from the ZBA meeting, the most concerning of which is not the outcome but a bit of process applied to arrive at the outcome.

Essentially, "we" are acknowledging that tandem spots don't count per the code, but deciding that "we" should change the code some time in the future to allow them to count, thus "we" should go ahead and treat them as if they count. Let's just skip any public engagement about possible code changes, skip a formal proposal, skip public hearings, skip voting on it by the proper bodies, and just act as if it is code now. "We" is not the right "we". "We" was not even a unanimous vote by the ZBA, though that vote count really doesn't make a difference. There is a bigger "we" in our city, and our codes provide for a process to have that "we" make this decision.

Btw, the development only has 34 tandem garage spaces, so to get the 44 space reduction, that's 10 driveway spaces that are also being counted, which kid of just slipped through.

As for the justification that this reduces impact on the natural features and reduces the impervious surface, that is not wholly accurate. First off the natural features are recognized as not high quality and at the far end of the site beyond the retention pond. Second, they are maxing out the site's 10 units per acre density and could simply build a handful (maybe a couple more than that) less units and meet the two spots per unit parking requirement without impacting the natural features or adding (much) impervious surface.

In my opinion, this variance amounts to a windfall for the developer, with no added benefit to the community (other than a few/several more precious market rate condos). There is no hardship. It does not meet the existing code. This will have relatively little impact to us, so that is why I am not so hung up on the outcome. But the process is troubling to me. In addition to kind of changing the code on the fly or in advance of a seemingly predestined outcome, the more variances we grant, the more that will be asked for. The presenters were all local pros. They watch all the developments (I did when I was doing it for a living). They see what they can push, and then take a shot at it. I am not demonizing them in any way; it is what I would have done.

So ask ourselves why we have an application for a planned project modification for extra height above the D1 limit, and conditional zoning requests, and PUD requests to achieve

upzoning... Because they are watching and then they are asking and more and more will too.

**From:** [Tom Stulberg](#)  
**To:** [Julie Ritter](#)  
**Cc:** [Bethany Osborne](#); [Christine Crockett](#); [David Kennedy](#); [Eleanor Crown](#); [Ilene Tyler](#); [Jeff Crockett](#); [Lars](#); [Nick Coquillard](#); [Detter, Ray](#); [Steve Kaplan](#); [Susan Wineberg](#); [Tyler, Norm \(DGT\)](#); [Bannister, Anne](#); [Eaton, Jack](#); [Hayner, Jeff](#); [Rita Rita](#)  
**Subject:** Re: Today's Meeting  
**Date:** Saturday, March 9, 2019 10:09:01 AM

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Thank you for relaying this information. And keeping us focused on finding positive paths.

Sent from my iPhone

On Mar 9, 2019, at 9:56 AM, Julie Ritter <[REDACTED]> wrote:

Hello Everyone

Have a great meeting, sorry I can't be there! I hope that before you all leave today you schedule another one! This can be a very exciting process! We don't need to be defensive, we need to take an offensive position with the City and get the changes needed to make Ann Arbor the fabulous place it can be for everyone!

Norm Tyler sent around an article about a new process that they are trying in Kalamazoo. Hooray! This is part of what was discussed at the Building Better Futures Conference but only one part of it.

The conference was dense with information. Every presentation could be worth days of investigation and understanding. I am trying to comb through things in order to distill and crystallize the main points. It's not easy because there are many. So far:

The conference started with the statements

- Real estate is a way to renegotiate social relationships and mitigate inequality
- Equitable, inclusive, sustainable, socially just, community focused, development in the public interest is in direct opposition to market force development (that we have here).

Planning and development are not neutral

Community led development (Kalamazoo, Orton Foundation, City of Detroit etc)

Community is the client

Total transparency every step of the way

Respect and protection for

- Historic Preservation
- Long Term Residents
- Civic Identity/Neighborhoods

Innovation! Innovation! Innovation!

Innovative funding bundles

Innovative ownership models

Innovative corporate formation models

Innovative laws, ordinances, rules and regulations

Central role of design

- Graphic design
- Landscape design
- Architectural design
- Infrastructure design
- and many more

Landscape and Urban design LEAD before architectural design which starts only after the community has been involved and context is incorporated.

The community is planned by its design, not by politics or economics

Placemaking is for all residents:

- Long term
- Historic
- Short term
- Affordable
- Renters

Public transit was key also

In these new models the relationships between City, developer and community are relationships of recognition, mutuality, respect, teamwork not adversarial aggravation.

Traditional development models DO. NOT. WORK. to create affordable housing at scale. Trickle down affordable housing development, that we have here, only incentivizes wealth and developers.

It is the role of the City to push back against the economic pressure from developers in the traditional, 1950's model (like we have here) and create the container for adequate or at scale affordable housing development by using the tools above, and more. These are being used successfully across the country.

There is so much more, so many ideas, suggestions, examples, etc that came out of that conference. I wish more people had been there. I'm trying to organize this info.

It was incredible to see large amounts of affordable housing being provided with new economic, planning, political, financial, incorporation etc models. I can't think of enough superlatives to give to the conference. It is an entirely new way of thinking about and carrying out planning and development. And lots of FUN for EVERYONE INVOLVED! That was embedded in every presentation. Yes there were challenges but people enjoyed the process!

One of the many takeaways that I am still processing is that if the City of Ann Arbor

- adopts as many of these innovative measures as possible, and as soon as possible
- continues to push for adopting more and more of them
- partners with Umich in productive ways to share information, discover, innovate and test
- partners with the City of Detroit (Mr. Cox, Head of Planning, is a fountain of information, positive energy, wisdom, knowledge, etc. He is politically astute and at the same time not jaded. Well worth talking to!!!) to learn and continue to innovate

then there would be ZERO CONFLICT between the Nimby, Yimby and Quimby forces.

It is the City of Ann Arbor's outdated, outmoded development process itself that is creating this conflict. New models of planning and development allow for historic and neighborhood preservation, character/identity, etc and also for development that delivers affordable units en masse compared to what we have now.

Plus, climate change mitigation can be thrown into the mix from the very start.

We need the political will to make these changes. Maybe getting together with other people may be helpful? If all sides in this discussion suddenly coalesced around trying these innovations, and started to pressure City Council to make them, I wonder what would happen?

Would it be worth proposing a council of people from all these different perspectives to see if we can find common ground to work together?

Just curious. Good luck. Keep me posted!

Julie

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Have the courage to make your life a blessing - The Siddur

**From:** [Tom Stulberg](#)  
**To:** [Francine Banner](#)  
**Cc:** [Bannister, Anne](#); [Hayner, Jeff](#)  
**Subject:** Re: Quiet Zone Assessment  
**Date:** Monday, March 11, 2019 10:33:49 AM

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WUOM is going to run a piece on this tomorrow morning during Morning edition. I heard a promo for it on the radio this morning. That's all the info I have.

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**From:** Francine Banner [REDACTED]  
**Sent:** Monday, February 25, 2019 8:27 AM  
**To:** Anne Bannister  
**Cc:** Bannister, Anne; JHayner@a2gov.org; Tom Stulberg  
**Subject:** Re: Quiet Zone Assessment

Anne--

We are glad to hear this! I think a small group meeting is a great idea. We will circle with Tom and our other immediate neighbors and get back in touch with a few suggestions for dates to meet.

Thanks for your quick response.

Francine & Taya

Francine Banner, JD, PhD  
Associate Professor, Sociology  
Director, Women in Learning and Leadership  
Affiliate Faculty, Women's and Gender Studies  
University of Michigan-Dearborn

On Sun, Feb 24, 2019 at 11:43 PM Anne Bannister <[REDACTED]> wrote:  
Dear Dr. Banner,

Yea, I share your concerns and am ready to represent your voices! This study was approved by Council last year when other neighbors raised the issue of too much noise. The report is just a report, and would have to go through a rigorous public process before action would be approved by Council.

Would you like to schedule a small group meeting, perhaps at one of your houses, for CM Hayner and me to meet and discuss it in detail? If so, please send some dates for later in March. We could also talk on the phone later this week, if you would like.

Thanks for sharing your valuable input.  
Anne

PS: I hope it's okay I copied Tom Stulberg who also sent his thoughts on this matter.

On Sat, Feb 23, 2019 at 7:03 PM Francine Banner <[REDACTED]> wrote:  
Anne and Jeff--

We have met you both at several neighborhood events in the Northside and are hoping you can clarify some questions about the proposed quiet zone that directly impacts our property and neighborhood. At [REDACTED] we are in the unique position of owning property that sits at the intersection of two (of 19) proposed new Public Crossing locations, yet, we first were notified of this proposed potentially \$7 million plan by a neighbor one week ago.

As you know, the Northside is one of the oldest neighborhoods in Ann Arbor. Our house, the Horace Church house, dates to 1845. Across Traver is the oldest standing school house in Ann Arbor, and at the other side of these potential crossings is the first Ann Arbor school principal's home, recently lovingly restored (with two doors for principal and guest teacher). This neighborhood is not only historical; it is central to the underground railroad, is home to many former African American cemeteries and gardens, and soon will be the home of the African American history museum on Pontiac Trail. It is also the location of the very successful STEAM School.

Personally, we are not at the outset opposed to losing additional property to the rail lines, to taking on even more noise pollution, or to making sacrifices about where we can and cannot travel based on governmental decisions (i.e. no access to Traver in the downtown direction or Bowen at all). However, the fact that the residents of one of the most--perhaps THE MOST--historic and least enfranchised neighborhoods in Ann Arbor (not to mention three of the most historic properties) have not been consulted regarding a decision that so significantly impacts us is very disappointing and a failure of due process. We are especially concerned that the import of "quiet zones" for others will yet again inconvenience a neighborhood whose significance is under appreciated. We are particularly dismayed that our neighbors with a driveway on Bowen, one of the few longstanding African American families in Ann Arbor, have yet to be informed that their ability to travel may be impacted.

We hope you are both ready to represent our and our neighbors' interests and to make sure we are heard. We would like to receive specific information as to how this proposed crossing plan will impact to only noise but parking and aesthetics surrounding our homes. We also request that you personally discuss the plans and potential impact of these quiet zones in a commonsense manner with all of those directly affected.

That what appears to be a multi-million dollar plan has proceeded so far with so little concern for both those directly affected and for the historical impact on Ann Arbor is extremely disappointing and concerning. We look forward to our and our neighbors being included asap in this important decision making process.

Thanks, and regards,

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Director, Women in Learning and Leadership  
Affiliate Faculty, Women's and Gender Studies  
University of Michigan-Dearborn

--

Anne Bannister





**From:** [Tom Stulberg](#)  
**To:** [Francine Banner](#)  
**Cc:** [Bannister, Anne](#); [Hayner, Jeff](#)  
**Subject:** Re: Quiet Zone Assessment part two  
**Date:** Monday, March 11, 2019 10:54:23 AM

---

75% of the 521 survey responses say do nothing. The survey closes Friday. We can peak at what happens on the survey after the radio piece airs and if MLive covers the radio piece.

I am curious who/how/why this is getting coverage.

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Monday, March 11, 2019 10:33 AM  
**To:** Francine Banner  
**Cc:** Bannister, Anne; JHayner@a2gov.org  
**Subject:** Re: Quiet Zone Assessment

WUOM is going to run a piece on this tomorrow morning during Morning edition. I heard a promo for it on the radio this morning. That's all the info I have.

---

**From:** Francine Banner <[REDACTED]>  
**Sent:** Monday, February 25, 2019 8:27 AM  
**To:** Anne Bannister  
**Cc:** Bannister, Anne; JHayner@a2gov.org; Tom Stulberg  
**Subject:** Re: Quiet Zone Assessment

Anne--

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University of Michigan-Dearborn

--

Anne Bannister



**From:** [Tom Stulberg](#)  
**To:** [Francine Banner](#)  
**Cc:** [Bannister, Anne](#); [Hayner, Jeff](#)  
**Subject:** Re: Quiet Zone Assessment part three  
**Date:** Tuesday, March 12, 2019 9:48:44 AM

---

Horribly one sided radio piece this morning. Well done if someone is trying to influence the results of the survey before it closes Friday.

I'm afraid to publicly complain because that might just help them get the attention they want to change the survey outcome. So I'll be quiet I think.

Sent from my iPhone

On Mar 11, 2019, at 10:54 AM, Tom Stulberg <[REDACTED]> wrote:

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**Sent:** Monday, March 11, 2019 10:33 AM  
**To:** Francine Banner  
**Cc:** Bannister, Anne; [JHayner@a2gov.org](mailto:JHayner@a2gov.org)  
**Subject:** Re: Quiet Zone Assessment

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**Sent:** Monday, February 25, 2019 8:27 AM  
**To:** Anne Bannister  
**Cc:** Bannister, Anne; [JHayner@a2gov.org](mailto:JHayner@a2gov.org); Tom Stulberg  
**Subject:** Re: Quiet Zone Assessment

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--

Anne Bannister



**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Scott Newell](#); [Lester Wyborny](#)  
**Cc:** [Hayner, Jeff](#)  
**Subject:** Re: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"  
**Date:** Friday, March 15, 2019 11:28:28 AM

---

Thanks for sharing. Reading all of the way to the end brings more light to problems with the Northside STEAM SRS process. And why again does Apple not have to have sidewalks?

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Friday, March 15, 2019 10:54 AM  
**To:** Tom Stulberg; Scott Newell; Lester Wyborny  
**Cc:** Hayner, Jeff  
**Subject:** FW: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"

FYI -- Give Evan Pratt a hug next time you see him! He wrote an email about how Leaird and Broadway can use some new sidewalks... (his sketch attached).

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Bannister, Anne  
**Sent:** Thursday, March 14, 2019 7:48 PM  
**To:** Higgins, Sara  
**Cc:** Lazarus, Howard; Hupy, Craig; Hutchinson, Nicholas; Hayner, Jeff; Eaton, Jack; Griswold, Kathy  
**Subject:** RE: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"

Dear Ms Higgins and all,

Thanks for sending the draft resolution. Would it be possible to remove the part about 250 staff hours or third party consultants to research how peer cities pay for sidewalks?

I was thinking of a resolution more along the lines of what Evan Pratt shared. The general concepts that I'd like to focus on would be soliciting and analyzing the data from SeeClickFix, the AAPD traffic enforcement data, and other sources of public input, about what the resident's identify as low and high priority areas, from a public safety standpoint. Then staff could prepare a range of estimated prices to fix those. I've attached the 2018 Sidewalks Gap map, and suggest we refer back to how that map was created.

Then once we have a ballpark estimate, we could look for funding from the millages or other sources. If you know of a list of possible funding sources already, please share those with me.

I'd also like to suggest the resolution talk about inclusivity and including the public in the process of planning new sidewalks from the beginning. A public resolution of support for all sidewalks should be obtained, and not the type that was used on the SRTS project (2 years old, approved by Council, not the public).

Would the Sept. 15, 2019 date be too late for the Brookside/Traver Road sidewalks with Northside STEAM SRTS project? Let's talk further (again) about how the fourth resolution, about the special assessments, might not have the 8 votes needed to pass, and what that means overall.

Thanks,



Anne

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Higgins, Sara  
**Sent:** Thursday, March 14, 2019 4:36 PM  
**To:** Bannister, Anne  
**Cc:** Lazarus, Howard; Hupy, Craig; Hutchinson, Nicholas  
**Subject:** RE: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"

Councilmember Bannister,

Attached is a draft resolution for your review. Please let us know if you have any questions and if you would like this added to the March 18 Council agenda, sponsored by you.

I thought this request was an RFI and didn't realize that a request for drafting a resolution was included until late today, so thank you for your patience. It's helpful if we receive resolution requests separately so that we can be sure to handle them promptly due to the time-sensitive nature of adding items to the Council Agenda.

Thank you,

**Sara Higgins, Strategic Planning Coordinator**

Ann Arbor City Administrator's Office | Guy C. Larcom City Hall | 301 E. Huron, 3rd Floor · Ann Arbor · MI · 48104

734.794.6110 (O) · 734.994.8296 (F) | Internal Extension 41102

[shiggins@a2gov.org](mailto:shiggins@a2gov.org) | [www.a2gov.org](http://www.a2gov.org)



Think Green! Please don't print this e-mail unless absolutely necessary.

**A2 Be Safe. Everywhere. Everyone. Every day.**

[a2gov.org/A2BeSafe](http://a2gov.org/A2BeSafe)

---

**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>  
**Sent:** Wednesday, March 13, 2019 4:06 PM  
**To:** Evan Pratt <[REDACTED]> Request For Information Craig Hupy <[RFIPublicServices@a2gov.org](mailto:RFIPublicServices@a2gov.org)>; Lazarus, Howard <[HLazarus@a2gov.org](mailto:HLazarus@a2gov.org)>  
**Cc:** julie dybdahl <[REDACTED]> Hayner, Jeff <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>; Griswold, Kathy <[KGriswold@a2gov.org](mailto:KGriswold@a2gov.org)>; Hupy, Craig <[CHupy@a2gov.org](mailto:CHupy@a2gov.org)>; Fournier, John <[JFournier@a2gov.org](mailto:JFournier@a2gov.org)>; Higgins, Sara <[SHiggins@a2gov.org](mailto:SHiggins@a2gov.org)>; Eaton, Jack <[JEaton@a2gov.org](mailto:JEaton@a2gov.org)>  
**Subject:** RE: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"

Dear Evan Pratt, Craig Hupy, and Howard Lazarus,

Thank you, Mr. Pratt, for sending these useful suggestions.

Mr. Hupy and Mr. Lazarus, please respond to the details outlined below (see also attachment).

This is a brief summary, not meant to replace the information shared by Mr. Pratt:

1. Please help identify a City department responsible for rehabilitation and maintenance of the connection between Leiard St and Plymouth Road.
2. Please consider funding a City-wide sidewalk gap program that addresses areas meeting certain criteria. (Mr. Lazarus, please prepare the draft resolution to bring this question before Council for the March 18 meeting. Based on our previous discussions, perhaps a draft including the 250 hours staff time, etc., is already prepared).
3. May we have an inventory of the citywide sidewalk gaps, including scoping them into "low cost" vs. "major project" issues, ideally based on resident feedback?
4. Please update us on the Broadway sidewalk gaps, including outreach to UM for their long stretch of land in the area, and AAATA.
5. With regard to the SRTS grants, particularly for Northside STEAM, is there a way the City can work with MDOT/Fitness Foundation to let them know that we have a situation where the Brookside/Traver Road neighbors don't want all of the features of the grant proposal, while residents in a nearby neighborhood would be pleased to support rehabilitation of the Leiard ROW?

Thank you,

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

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---

**From:** Evan Pratt [REDACTED]  
**Sent:** Wednesday, March 13, 2019 2:56 PM  
**To:** Bannister, Anne  
**Cc:** julie dybdahl; Hayner, Jeff; Griswold, Kathy  
**Subject:** Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"

Hi

I am following up based on our conversation earlier this year about two related items that are occasionally a topic of concern and conversation in the general area of the Broadway neighborhood, and likely analagous to situations around the City.

I understand that for my second item, there is currently a property owner obligation that the City should not completely absorb. But I keep wondering if there might be a way to identify criteria and a threshold where the overall benefit to the non-motorized system drives strategic investment.

1. Please help identify a City department to be responsible for rehabilitation and maintenance of the connection between Leiard St and Plymouth Road. This was a smooth, safe walking and biking corridor for decades but has been steadily becoming a greater liability to the City each year - this is not a property owner obligation. This corridor provides access for an average-sized neighborhood to the bus stop(s) at Plymouth and Barton as well as STEAM at Northside.

2. Please consider funding a City-wide sidewalk gap program that addresses areas meeting certain criteria. Perhaps a stakeholder group can identify that criteria. I note three different situations of ownership and diminishing likelihood of private investment in each.

Neither of these issues represent major funding commitments, and would represent provision of more direct, safe pedestrian access that is currently not available to the neighborhood. On the first item, the current alternative is to walk over a mile in one direction or the other to get to the bus stop at Barton and Plymouth. On the second item, a high volume of pedestrians walk on Broadway Street at the gap locations, particularly problematic at night and near the top of a hill with limited sight distance for drivers.

Both of these items are eligible for federal transportation funding, though it would likely require a partnership of the City and the AAATA. Pedestrian access within 1/2 mile of bus stops are eligible for federal aid transportation funding that is open only to transit agencies.

There doesn't appear to be a program/department/budget keeping inventory of all the gaps and scoping them into "low cost" vs. "major project" issues, or whatever categories are appropriate. Wondering if there could be a program similar to the residential street resurfacing program but for sidewalk gaps.

Regardless of the amount dedicated to such a program, defining the problem allows one to fill the gaps that matter most the soonest, representing a great benefit to residents small and tall.

### **Broadway gaps:**

You will see on the document that the sidewalk gaps are of 3 types. The largest is on U of M property. A short section is in front of two residential multiple properties and another short section is along the rear of a commercial parcel. From my understanding, the current strategy is to wait for the property owner to put in the sidewalk. This may be appropriate in some situations, but I believe that zero funding is not in the City's best interest. These different situations should be evaluated based on the benefit to in the City system, the estimated cost, and the likelihood that the property owner would voluntarily "fill the gap" within a defined timeframe, maybe 10 years.

### **Leiard Road background:**

When Leiard Road was "cut off" from Plymouth quite some time ago, the right of way was truly abandoned - to the point where trees grow on the former road surface, and the remaining road surface has steadily deteriorated. However, this corridor has continued to be an important and reasonably "busy" path, including for neighborhood students walking to school. Unfortunately, it seems that no department at the City is responsible for it's upkeep and it has slowly deteriorated into what could be considered a safety liability.

While a long range goal might be to also provide an ADA compliant pathway, in the short term it would be relatively easy to rehabilitate the existing steep pathway so it no longer has the gullies, roots, loose stones, and vegetation that are trip hazards for pedestrians. Staff could likely determine if the steep terrain in this area would allow for a formal ADA exemption if necessary for the near term improvement though I'm sure we'd all agree that safe, direct access for all would be desirable to strive for in the long term.

For several years I have attempted to determine the right staff member to bring this up to, but have been unsuccessful, possibly because these issues do not fit with existing defined programs and/or funding evaluations. As I mentioned verbally, I'm sure the example I provide is not unique to the Broadway area. I have included the item in different surveys about City services over the past 8-10 years and spoken to multiple Planning Directors in that timeframe (since the CIP recommendations are a responsibility of Planning) but the issue hasn't found a home. Again, I'm sure others have this issue.

I also responded during the stakeholder outreach process for the Safe Routes to School project at STEAM, probably 18-24 months ago, specifically to suggest rehabilitation of the Leiard right-of-way, but was told in an email that the SRTS budget could not address the issue by the volunteer who reached out. I can't speak to that but if there is a place where funds have been obtained and residents are not interested in a sidewalk, people in the neighborhood would be pleased to support consideration for rehabilitation of the Leaird ROW.

Thank you

Evan Pratt



**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Hayner, Jeff](#)  
**Subject:** Train Study cost  
**Date:** Friday, March 15, 2019 11:33:11 AM

---

How much did the train quiet zone consultant report cost?

There were a lot more responses after the one sided radio piece, but the Do Nothing option only went down from 75% to 73%. The survey closes at 5pm today. This issue should die now, and we should not spend anymore money on it.

Please and thank you,

Tom

**From:** [Tom Shuberg](#)  
**To:** [Bannister, Anne](#)  
**Cc:** [Hayner, Jeff](#)  
**Subject:** Re: Robertson Lot Split  
**Date:** Sunday, March 17, 2019 7:27:24 AM

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In 1980 I bussed tables at the Whiffle Tree restaurant, which burned down some years later. The owner was Rob Babcock. I wonder if there is any relationship to these Babcocks.

I know where this street is as can totally picture their dilemma.

Here is the main question to ask of planning: is this totally controlled by the Michigan Land Division Act? The city actually must approve a land division if it meets the existing zoning of the parcel. It's a state controlled issue not city IF it meets all the requirements of the RIC zoning, which the survey seems to indicate it might. Scrutiny of the easement might show something different, but I don't know. If this is the case, the Babcocks are truly out of luck. It may not come through well in writing, but I say this with empathy, because the character of their neighborhood will be lost, and I feel for them and the helplessness that individual homeowners are experiencing as Ann Arbor changes.

Sent from my iPhone

> On Mar 16, 2019, at 5:30 PM, Bannister, Anne <ABannister@a2gov.org> wrote:  
>  
> FYI -- Feel free to comment.  
>  
> Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).  
>  
>  
>  
> From: Bannister, Anne  
> Sent: Saturday, March 16, 2019 5:18 PM  
> To: DONNA BABCOCK; Lenart, Brett; Request For Information Derek Delacourt  
> Cc: Hayner, Jeff; [REDACTED]; [REDACTED] Griswold, Kathy; Eaton, Jack  
> Subject: RE: Robertson Lot Split  
>  
> Dear Brett Lenart, Donna and Herb Babcock, and Peggy, Cecelia, Steve, Jim and everyone,  
>  
> Thank you, Donna and Herb, for preparing this history and organizing your questions (attached) about 1918 Upland Drive, including the wholistic question about who benefits, the neighborhood or the developer.  
>  
> This is an excerpted summary of the questions you raised, that I hope Brett Lenart will respond to:  
>  
> "We strongly object to the 4-parcel property split.  
>  
> • Why ignore the character of the street and create something completely out of context with the neighborhood?  
> • Why not refuse the ¼ split and offer a 1/2 split of the Robertson lot to be consistent with the surrounding properties?  
> • Why increase the density of the street so drastically?  
> • Why would we, specifically, wish our single home and yard to being squeezed between 4 new houses on the left and 4 new houses on the right?  
> • Why dramatically increase the density of the street when there is an issue of ingress and egress?"  
>  
> For reference, here is the Robertson Lot Split on ETRAKIT:  
> https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fetrakit.a2gov.org%2Fetrakit3%2FviewAttachment.aspx%3FGroup%3DPROJECT%26ActivityNo%3DLD19-001%26key%3DDMK%253a1902280831188021&data=02%7C01%7C%7C389f3470c9843ca98ec08d6aa567698%7C84df9e7fe9f640afb435aaaaaaa%7C1%7C0%7C636883686582498799&data=3ngjeTwh2fBIsnPmups2%2F0BWRjUPeunEXPUnnOqpkE%3D&reserved=0  
> and  
> https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fetrakit.a2gov.org%2Fetrakit3%2FviewAttachment.aspx%3FGroup%3DPROJECT%26ActivityNo%3DLD19-001%26key%3DDMK%253a1902280831188022&data=02%7C01%7C%7C389f3470c9843ca98ec08d6aa567698%7C84df9e7fe9f640afb435aaaaaaa%7C1%7C0%7C636883686582498799&data=LxnAZWspct55fQSURGnrJpRKnyUjGrNh7jN0m8i0Y%3D&reserved=0  
>  
> Thank you,  
> Anne  
>  
> Anne Bannister  
> Ward One Councilmember  
> cell: [REDACTED]  
> abannister@a2gov.org  
> Term Nov. 2017 - Nov. 2020  
>  
> Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).  
>  
>  
>  
>  
> From: DONNA BABCOCK [REDACTED]  
> Sent: Saturday, March 16, 2019 2:30 PM  
> To: Lenart, Brett  
> Cc: Bannister, Anne; Hayner, Jeff; pdr481@gmail.com; ceceliaober@yahoo.com; sdownen@sbcglobal.net; jim.jimbuck.back@gmail.com  
> Subject: Robertson Lot Split  
>  
> Sorry for the tenor of our letter.  
>  
> Donna and Herb Babcock  
> <Upland%20Property%20Split.docx>

**From:** [Tom Stulberg](#)  
**To:** [Eaton, Jack](#); [Lumm, Jane](#); [Bannister, Anne](#); [Hayner, Jeff](#); [Nelson, Elizabeth](#); [Ramlawi, Ali](#); [Griswold, Kathy](#)  
**Subject:** Tuesday CPC Public Hearing on ADU changes  
**Date:** Sunday, March 17, 2019 2:25:36 PM

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It does not look much different than the working session proposal to me. See what you see: <http://a2gov.legistar.com/LegislationDetail.aspx?ID=3889319&GUID=9980B543-21D1-4BE6-B930-91A3DFBABE4F>

I do not think we should allow newly built structures to be ADUs unless they are subjected to some form of design review. Historic Districts would have a review of the structure's design by the HDC. All other neighborhoods would not get that. So someone could build the ugliest cheapest totally out of character or whatever they want in their yard and negatively impact their neighbors. If you wanted to build a garden shed or dog house in many modern subdivisions, you would have to go through the scrutiny of that homeowner association. The purpose of that is to assure owners that their neighbor won't build something horrible. Staggering comparison.

Process question: Who should get a formal notice for this Public Hearing? I'm guessing no one got noticed. Ponder this please. It impacts a whole lot of people across the city. Allowing a second new structure on a single family or duplex lot, even though restricted by size and owner occupancy of one of the two structures... This is not an insignificant change to our zoning code.

I cannot make office hours or caucus today, otherwise I would enjoy discussing this with you at that time. I know this isn't on your agenda yet, but I am concerned about this getting too far while still under the radar from the vast majority of citizens.

Thanks,

Tom

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Nelson, Elizabeth](#); [Lester Wyborny](#)  
**Cc:** [Evan Pratt](#); [Hayner, Jeff](#); [Eaton, Jack](#); [Griswold, Kathy](#)  
**Subject:** Re: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"  
**Date:** Monday, March 18, 2019 1:54:17 PM

---

I don't rely solely on anecdotal evidence, but I'll toss my experience of this morning onto the fire.

I drove my son to Northside STEAM to catch the bus to Skyline, as he does every morning. The front lot is open at this time of day, long before the STEAM students arrive. While waiting to turn right out of the lot onto Barton I could see a girl waiting at the cross walk on the far side of Barton. Six cars went past without a single one slowing or stopping. Then when it was clear she crossed. There is general lighting there, but not sufficient or not the right type in my opinion. There is a crossing guard there when the STEAM K-8 students are arriving or departing, but not for the high school students earlier in the morning when it is often dark.

Of course on my drive there not a single student was walking on Traver. One might claim it is because there are not sidewalks, but that would not be a valid claim. As all of the students in the area know, if there were sidewalks on Traver between John A Woods and Barton (as proposed), the students would not use them to go to school because it would be a longer distance route and have more up and down elevation as well. They will continue to do what they currently do and walk the various routes to Taylor Street and around to the front of the school to get the bus, or the reverse to come home. (Or enter into the multiple back entrances if they are current STEAM students.)

My fourteen year old son thinks this whole thing is "stupid". As a grown up I won't use that word, but we both know how many hundreds of times we walked to or from school in his four years there (and now for the Skyline bus), and we know we would have still used the routes to the Taylor Street side of the school even if there had been sidewalks on Traver.

**The sadness is that there are pedestrian safety issues that need to be addressed for students walking to Northside STEAM that are going unaddressed while we are maybe going to waste over a million dollars on a (insert a word other than stupid here) "solution".**

Thank you for your continued attention to this matter.

Tom

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**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Monday, March 18, 2019 12:39 PM  
**To:** Nelson, Elizabeth; Tom Stulberg; Lester Wyborny



**Cc:** Evan Pratt; Hayner, Jeff; Eaton, Jack; Griswold, Kathy

**Subject:** Fwd: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"

Hello — I'm disappointed but not surprised at these "half answers." So much work to be done to get both staff and residents (and Council) on the same page about fiscal responsibility and using limited dollars where we have the greatest need.

(Councilmember Nelson, I'm copying you as my 5th Councilmember without violating OMA).

Thanks,

Anne

----- Forwarded message -----

From: "**Harrison, Venita**" <[VHarrison@a2gov.org](mailto:VHarrison@a2gov.org)>

Date: Mon, Mar 18, 2019 at 12:18 PM -0400

Subject: RE: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"

To: "Bannister, Anne" <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>, "Lazarus, Howard"

<[HLazarus@a2gov.org](mailto:HLazarus@a2gov.org)>, "Fournier, John" <[JFournier@a2gov.org](mailto:JFournier@a2gov.org)>, "Hupy, Craig"

<[CHupy@a2gov.org](mailto:CHupy@a2gov.org)>, "[REDACTED]" <[REDACTED]>

Cc: "Hayner, Jeff" <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>, "Griswold, Kathy" <[KGriswold@a2gov.org](mailto:KGriswold@a2gov.org)>, "Eaton, Jack" <[JEaton@a2gov.org](mailto:JEaton@a2gov.org)>, "Hutchinson, Nicholas" <[NHutchinson@a2gov.org](mailto:NHutchinson@a2gov.org)>, "Higgins, Sara" <[SHiggins@a2gov.org](mailto:SHiggins@a2gov.org)>

Councilmember Bannister,

Staff shares the following response for your review and final sharing.

1. Please help identify a City department responsible for rehabilitation and maintenance of the connection between Leaird St and Plymouth Road. **Response:** The Engineering Unit would be the responsible department for executing repairs on this path. This location was not previously on our inventory of sidewalks/connector walks, and thus had not been evaluated for repairs. It has now been added to the inventory, and will be evaluated and programmed accordingly.
2. Please consider funding a City-wide sidewalk gap program that addresses areas meeting certain criteria. (Mr. Lazarus, please prepare the draft resolution to bring this question before Council for the March 18 meeting. Based on our previous discussions, perhaps a draft including the 250 hours staff time, etc., is already prepared). **Response:** A proposed resolution was sent on March 14, 2019 in response.
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This analysis has not been done for all the sidewalk gaps in the City, as it would require a significant amount of staff time and is currently not budgeted. Staff intends to continue this effort gradually as the higher priority gap locations get constructed.

4. Please update us on the Broadway sidewalk gaps, including outreach to UM for their long stretch of land in the area, and AAATA. **Response:** The sidewalk gaps along Broadway have not yet risen to the top of the priority list, and have not yet been programmed as a project in the CIP. At this time, the City has not had any contact with the University of Michigan about the gaps adjacent to their property.
5. With regard to the SRTS grants, particularly for Northside STEAM, is there a way the City can work with MDOT/Fitness Foundation to let them know that we have a situation where the Brookside/Traver Road neighbors don't want all of the features of the grant proposal, while residents in a nearby neighborhood would be pleased to support rehabilitation of the Leaird ROW? **Response:** MDOT and the Michigan Fitness Foundation are aware of the dissatisfaction of some residents regarding the STEAM Safe Routes to School (SRTS) Project. The rehabilitation of the connection from Leaird Road is not part of the current grant, and could not be funded by the current grant. Furthermore, SRTS grants need to originate from school groups, not the City.

**Venita Harrison**

Public Services Administration | City of Ann Arbor | Guy C. Larcom City Hall | 301 E. Huron, 6th Floor · Ann Arbor · MI · 48104  
734.794.6310 (O) · 734.994-1816 (F) | Internal Extension 43102  
[vharrison@a2gov.org](mailto:vharrison@a2gov.org) | [www.a2gov.org](http://www.a2gov.org)

---

**From:** Bannister, Anne <ABannister@a2gov.org>

**Sent:** Wednesday, March 13, 2019 4:06 PM

**To:** Evan Pratt <[REDACTED]> Request For Information Craig Hupy  
<RFIPublicServices@a2gov.org>; Lazarus, Howard <HLazarus@a2gov.org>

**Cc:** julie dybdahl <[REDACTED]> Hayner, Jeff <JHayner@a2gov.org>; Griswold, Kathy <KGriswold@a2gov.org>; Hupy, Craig <CHupy@a2gov.org>; Fournier, John <JFournier@a2gov.org>; Higgins, Sara <SHiggins@a2gov.org>; Eaton, Jack <JEaton@a2gov.org>

**Subject:** RE: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"

Dear Evan Pratt, Craig Hupy, and Howard Lazarus,

Thank you, Mr. Pratt, for sending these useful suggestions.

Mr. Hupy and Mr. Lazarus, please respond to the details outlined below (see also attachment).

This is a brief summary, not meant to replace the information shared by Mr. Pratt:

1. Please help identify a City department responsible for rehabilitation and maintenance of the connection between Leaird St and Plymouth Road.
2. Please consider funding a City-wide sidewalk gap program that addresses areas meeting certain criteria. (Mr. Lazarus, please prepare the draft resolution to bring this question before Council for the March 18 meeting. Based on our previous discussions, perhaps a draft including the 250 hours staff time, etc., is already prepared).
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"major project" issues, ideally based on resident feedback?

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Thank you,

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

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**From:** Evan Pratt [REDACTED]  
**Sent:** Wednesday, March 13, 2019 2:56 PM  
**To:** Bannister, Anne  
**Cc:** julie dybdahl; Hayner, Jeff; Griswold, Kathy  
**Subject:** Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"

Hi

I am following up based on our conversation earlier this year about two related items that are occasionally a topic of concern and conversation in the general area of the Broadway neighborhood, and likely analagous to situations around the City.

I understand that for my second item, there is currently a property owner obligation that the City should not completely absorb. But I keep wondering if there might be a way to identify criteria and a threshold where the overall benefit to the non-motorized system drives strategic investment.

1. Please help identify a City department to be responsible for rehabilitation and maintenance of the connection between Leiard St and Plymouth Road. This was a smooth, safe walking and biking corridor for decades but has been steadily becoming a greater liability to the City each year - this is not a property owner obligation. This corridor provides access for an average-sized neighborhood to the bus stop(s) at Plymouth and Barton as well as STEAM at Northside.
2. Please consider funding a City-wide sidewalk gap program that addresses areas meeting certain criteria. Perhaps a stakeholder group can identify that criteria. I note three different situations of ownership and diminishing likelihood of private investment in each.

Neither of these issues represent major funding commitments, and would represent provision of more direct, safe pedestrian access that is currently not available to the neighborhood. On the first item, the current alternative is to walk over a mile in one direction or the other to get to the bus stop at Barton and Plymouth. On the second item, a high volume of pedestrians walk on Broadway Street at the gap locations, particularly problematic at night and near the

top of a hill with limited sight distance for drivers.

Both of these items are eligible for federal transportation funding, though it would likely require a partnership of the City and the AAATA. Pedestrian access within 1/2 mile of bus stops are eligible for federal aid transportation funding that is open only to transit agencies.

There doesn't appear to be a program/department/budget keeping inventory of all the gaps and scoping them into "low cost" vs. "major project" issues, or whatever categories are appropriate. Wondering if there could be a program similar to the residential street resurfacing program but for sidewalk gaps.

Regardless of the amount dedicated to such a program, defining the problem allows one to fill the gaps that matter most the soonest, representing a great benefit to residents small and tall.

### **Broadway gaps:**

You will see on the document that the sidewalk gaps are of 3 types. The largest is on U of M property. A short section is in front of two residential multiple properties and another short section is along the rear of a commercial parcel. From my understanding, the current strategy is to wait for the property owner to put in the sidewalk. This may be appropriate in some situations, but I believe that zero funding is not in the City's best interest. These different situations should be evaluated based on the benefit to in the City system, the estimated cost, and the likelihood that the property owner would voluntarily "fill the gap" within a defined timeframe, maybe 10 years.

### **Leiard Road background:**

When Leiard Road was "cut off" from Plymouth quite some time ago, the right of way was truly abandoned - to the point where trees grow on the former road surface, and the remaining road surface has steadily deteriorated. However, this corridor has continued to be an important and reasonably "busy" path, including for neighborhood students walking to school. Unfortunately, it seems that no department at the City is responsible for it's upkeep and it has slowly deteriorated into what could be considered a safety liability.

While a long range goal might be to also provide an ADA compliant pathway, in the short term it would be relatively easy to rehabilitate the existing steep pathway so it no longer has the gullies, roots, loose stones, and vegetation that are trip hazards for pedestrians. Staff could likely determine if the steep terrain in this area would allow for a formal ADA exemption if necessary for the near term improvement though I'm sure we'd all agree that safe, direct access for all would be desirable to strive for in the long term.

For several years I have attempted to determine the right staff member to bring this up to, but have been unsuccessful, possibly because these issues do not fit with existing defined programs and/or funding evaluations. As I mentioned verbally, I'm sure the example I provide is not unique to the Broadway area. I have included the item in different surveys about City services over the past 8-10 years and spoken to multiple Planning Directors in that timeframe (since the CIP recommendations are a responsibility of Planning) but the issue hasn't found a home. Again, I'm sure others have this issue.

I also responded during the stakeholder outreach process for the Safe Routes to School project

at STEAM, probably 18-24 months ago, specifically to suggest rehabilitation of the Leiard right-of-way, but was told in an email that the SRTS budget could not address the issue by the volunteer who reached out. I can't speak to that but if there is a place where funds have been obtained and residents are not interested in a sidewalk, people in the neighborhood would be pleased to support consideration for rehabilitation of the Leaird ROW.

Thank you

Evan Pratt



**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"  
**Date:** Monday, March 18, 2019 2:10:57 PM

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See you tonight. I called in but they haven't posted the speakers yet. I can't stay for the shouting match over Lockwood but I'll watch from home while my [REDACTED] and I do tax returns that I extended.

Sent from my iPhone

On Mar 18, 2019, at 1:59 PM, Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

Thank you for all you do!

On Mon, Mar 18, 2019 at 1:54 PM -0400, "Tom Stulberg"

<[REDACTED]> wrote:

I don't rely solely on anecdotal evidence, but I'll toss my experience of this morning onto the fire.

I drove my son to Northside STEAM to catch the bus to Skyline, as he does every morning. The front lot is open at this time of day, long before the STEAM students arrive. While waiting to turn right out of the lot onto Barton I could see a girl waiting at the cross walk on the far side of Barton. Six cars went past without a single one slowing or stopping. Then when it was clear she crossed. There is general lighting there, but not sufficient or not the right type in my opinion. There is a crossing guard there when the STEAM K-8 students are arriving or departing, but not for the high school students earlier in the morning when it is often dark.

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won't use that word, but we both know how many hundreds of times we walked to or from school in his four years there (and now for the Skyline bus), and we know we would have still used the routes to the Taylor Street side of the school even if there had been sidewalks on Traver.

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Thank you for your continued attention to this matter.

Tom

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**Sent:** Monday, March 18, 2019 12:39 PM  
**To:** Nelson, Elizabeth; Tom Stulberg; Lester Wyborny  
**Cc:** Evan Pratt; Hayner, Jeff; Eaton, Jack; Griswold, Kathy  
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(Councilmember Nelson, I'm copying you as my 5th Councilmember without violating OMA).

Thanks,  
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**Date:** Mon, Mar 18, 2019 at 12:18 PM -0400  
**Subject:** RE: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"  
**To:** "Bannister, Anne" <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>, "Lazarus, Howard" <[HLazarus@a2gov.org](mailto:HLazarus@a2gov.org)>, "Fournier, John" <[JFournier@a2gov.org](mailto:JFournier@a2gov.org)>, "Hupy, Craig" <[CHupy@a2gov.org](mailto:CHupy@a2gov.org)>, "[REDACTED]" <[REDACTED]>  
**Cc:** "Hayner, Jeff" <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>, "Griswold, Kathy" <[KGriswold@a2gov.org](mailto:KGriswold@a2gov.org)>, "Eaton, Jack" <[JEaton@a2gov.org](mailto:JEaton@a2gov.org)>, "Hutchinson, Nicholas" <[NHutchinson@a2gov.org](mailto:NHutchinson@a2gov.org)>, "Higgins, Sara"

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**Venita Harrison**

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**Cc:** julie dybdahl <[REDACTED]> Hayner, Jeff <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>;  
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Fournier, John <[JFournier@a2gov.org](mailto:JFournier@a2gov.org)>; Higgins, Sara <[SHiggins@a2gov.org](mailto:SHiggins@a2gov.org)>; Eaton,  
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Ward One Councilmember  
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Term Nov. 2017 - Nov. 2020

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**Sent:** Wednesday, March 13, 2019 2:56 PM  
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2. Please consider funding a City-wide sidewalk gap program that addresses areas meeting certain criteria. Perhaps a stakeholder group can identify that criteria. I note three different situations of ownership and diminishing likelihood of private investment in each.

Neither of these issues represent major funding commitments, and would represent provision of more direct, safe pedestrian access that is currently not available to the neighborhood. On the first item, the current alternative is to walk over a mile in one direction or the other to get to the bus stop at Barton and Plymouth. On the second item, a high volume of pedestrians walk on Broadway Street at the gap locations, particularly problematic at night and near the top of a hill with limited sight distance for drivers.

Both of these items are eligible for federal transportation funding, though it would likely require a partnership of the City and the AAATA. Pedestrian access within 1/2 mile of bus stops are eligible for federal aid transportation funding that is open only to transit agencies.

There doesn't appear to be a program/department/budget keeping inventory of

all the gaps and scoping them into "low cost" vs. "major project" issues, or whatever categories are appropriate. Wondering if there could be a program similar to the residential street resurfacing program but for sidewalk gaps.

Regardless of the amount dedicated to such a program, defining the problem allows one to fill the gaps that matter most the soonest, representing a great benefit to residents small and tall.

### **Broadway gaps:**

You will see on the document that the sidewalk gaps are of 3 types. The largest is on U of M property. A short section is in front of two residential multiple properties and another short section is along the rear of a commercial parcel. From my understanding, the current strategy is to wait for the property owner to put in the sidewalk. This may be appropriate in some situations, but I believe that zero funding is not in the City's best interest. These different situations should be evaluated based on the benefit to in the City system, the estimated cost, and the likelihood that the property owner would voluntarily "fill the gap" within a defined timeframe, maybe 10 years.

### **Leiard Road background:**

When Leiard Road was "cut off" from Plymouth quite some time ago, the right of way was truly abandoned - to the point where trees grow on the former road surface, and the remaining road surface has steadily deteriorated. However, this corridor has continued to be an important and reasonably "busy" path, including for neighborhood students walking to school. Unfortunately, it seems that no department at the City is responsible for it's upkeep and it has slowly deteriorated into what could be considered a safety liability.

While a long range goal might be to also provide an ADA compliant pathway, in the short term it would be relatively easy to rehabilitate the existing steep pathway so it no longer has the gullies, roots, loose stones, and vegetation that are trip hazards for pedestrians. Staff could likely determine if the steep terrain in this area would allow for a formal ADA exemption if necessary for the near term improvement though I'm sure we'd all agree that safe, direct access for all would be desirable to strive for in the long term.

For several years I have attempted to determine the right staff member to bring this up to, but have been unsuccessful, possibly because these issues do not fit with existing defined programs and/or funding evaluations. As I mentioned verbally, I'm sure the example I provide is not unique to the Broadway area. I have included the item in different surveys about City services over the past 8-10 years and spoken to multiple Planning Directors in that timeframe (since the CIP recommendations are a responsibility of Planning) but the issue hasn't found a home. Again, I'm sure others have this issue.

I also responded during the stakeholder outreach process for the Safe Routes to School project at STEAM, probably 18-24 months ago, specifically to suggest rehabilitation of the Leiard right-of-way, but was told in an email that the SRTS

budget could not address the issue by the volunteer who reached out. I can't speak to that but if there is a place where funds have been obtained and residents are not interested in a sidewalk, people in the neighborhood would be pleased to support consideration for rehabilitation of the Leaird ROW.

Thank you

Evan Pratt



**From:** [Tom Stulberg](#)  
**To:** [Lester Wyborny](#); [Susan Presswood Wright](#)  
**Cc:** [Libby Brooks](#); [tom & sue maguire](#); [Chuck Marshall](#); [Brenda Sodt Foster](#); [Andrea Tom](#); [Jean Arnold](#); [everett w armstrong](#); [Amy Chavasse](#); [Scott Newell](#); [REDACTED] [Po Hu](#); [Bannister, Anne](#);  
**Subject:** Re: Sidewalk Status?  
**Date:** Sunday, March 31, 2019 12:20:30 PM

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I do recommend hiring an attorney, whether or not that results in a lawsuit. I liken it to trying to do a complex home improvement project. You can do some of it on your own, but at some point it makes sense to hire an experienced plumber or electrician, etc. I see attorneys as a professional with experience in navigating in a system foreign to most of us.

A circular logic has been created here. At this point It is really up to the city to back out of the SRTS grant if a waiver of their sidewalks on both side rule won't be granted. Theoretically, only Traver needed to be dropped and the SRTS grant could have proceeded with other items, but when the local SRTS group eliminated Pear and Apple, leaving mostly just Traver, it created a condition where there isn't enough left in the sidewalk construction to proceed (in their opinion). With council's last vote to proceed with the application as currently designed, that pretty much locks things into an all or nothing situation (unless the both sides waiver can be obtained). So... the project proceeds, with Lester trying to get traction on this waiver. If that doesn't happen, and if the council doesn't get the super majority it needs at the next vote, then what happens? That only defeats the Special Assessment funding. What happens next should be confirmed, and not by asking the city administrator or city attorney who are not unbiased in this matter. The city has to choose to fund the citizen's \$100,000 out of some budget, which would require a vote? And then a lawsuit might be necessary to stop it? Or the city cancels the project, not accepting the grant?

If city hall knows that the super majority vote is likely to fail, and that you have hired an attorney and are willing to sue if necessary, would the city (administrator) be willing to contemplate some alternative? Perhaps finding a way to accept SRTS funding for other improvements than sidewalks, resubmitting and dropping the Traver sidewalks from the grant request (maybe adding the Laird/ Harbal connection - see Evan Pratt's e-mail). Would finding the right attorney who could have this conversation with the city be prudent?

I am not the person to make this decision for your block. I offer my suggestions and support, and will join you in a meeting, but it is your decision.

Tom

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**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Saturday, March 30, 2019 12:05 PM  
**To:** Susan Presswood Wright

**Cc:** Libby Brooks; tom & sue maguire; Chuck Marshall; Brenda Sodt Foster; Andrea Tom; Jean Arnold; everett w armstrong; Amy Chavasse; Scott Newell; [REDACTED] Po Hu; Tom Stulberg; Bannister, Anne; [REDACTED]  
**Subject:** Re: Sidewalk Status?

I contacted Senator Irwin's office a few days ago for an update and so far he found out that MDOT does not require two sidewalks for SRTS - that policy is established by a third party. I am pretty sure that it would be the Michigan Fitness Foundation. My focus is now with Katie Alexander with the Michigan Fitness Foundation. I sent an e-mail to Katie and copied Bryan Armstrong and Senator Irwin's office. Bryan Armstrong responded (Katie did not), trying to sidestep the issue, by arguing forcefully that we need to convince the City of Ann Arbor to remove Traver from the SRTS grant process. What was encouraging, perhaps with the involvement of Senator Irwin, is that Bryan copied his boss, Michael Kapp and the MDOT legislative liaison on the e-mail.

I was thinking about this last night and I think I should respond to Bryan's e-mail saying that the City of Ann Arbor feels like they have to move forward with this project, regardless of the issues involved, to preserve their grant funding options for future SRTS projects. Thus, trying to convince the City of anything is a lost cause. I will try to set up a meeting with Katie and the Michigan Fitness Foundation.

I copied in below my messages to Katie, Bryan's response and my response back to Bryan.

I asked in a previous e-mail to this group suggesting that we should get together and discuss where we are at and discuss all our options. I got no response, so the group seems somewhat resigned right now, or maybe hoping that Senator Irwin can come through for us. Tom responded flat out that we should sue. I think that this is a strategy that we should consider. There are several compelling reasons to do so - removing all street parking is one reason, the refusal of MDOT to meet with us is another - MDOT is not fulfilling their duty as public servants, the abrupt ending of the negotiations between the City and City Council/citizens after the City promised to not move forward with the project until a resolution was reached.

Lester

"Katie, we attempted to meet with MDOT about the two sidewalk "requirement" for our Safe Routes to School project and they refused to meet with us. So we met with State Senator Jeff Irwin to explain our situation. He contacted MDOT, and it seems that MDOT claims that they do not establish the policy that requires two sidewalks for SRTS projects. If that is the case, did Michigan Fitness Foundation set that restriction?"

"Hello Again Lester,

As I explained previously, sidewalk on both sides when land use is residential on both sides is a Michigan Safe Routes to School program requirement. And, I am confident this has been communicated to you in multiple emails and conversations.

What MDOT has tried to communicate to you recently, in conjunction with declining additional conversation with you, is that Ann Arbor's participation in the SRTS grant program is voluntary and that choice includes acceptance of both the grant funding (awarded on a competitive basis) and the state and federal constraints associated with use of those funds. Any further discussions about this project are appropriately between you and the city of Ann

Arbor.

Thank you,  
Bryan Armstrong  
SRTS Program Manager"

My response to Bryan:

"Senator Irwin spoke to your office (legislative liaison), Bryan, and your office explained to him that it is not MDOT's requirement that there be two sidewalks for SRTS projects. If that is the case, who's requirement is it? If it is not MDOT's requirement, then I assumed that it must be Michigan Fitness Foundation's requirement which is why I e-mailed Katie.

As I communicated to you earlier, there are aspects of this project which cause extensive hardship to the homeowners on our street. Additionally, installing sidewalks on Traver is very expensive (estimated to be \$450/foot) plus engineering costs. In past communications with Katie Alexander, she has said that the two sidewalk requirement can be waived in certain circumstances. We would like to make the case why we believe that our street deserves a waiver, but we cannot even find out whose "requirement" it is that there must be two sidewalks (apparently, there is no law which establishes this requirement), and your office has refused to even meet with us. I am a federal worker, so I have a pretty good understanding that it is the responsibility of public workers to be responsive to its stakeholders and the citizens you represent. I am dismayed at your unwillingness to fulfill your public duty."

On Fri, Mar 29, 2019 at 11:53 PM Susan Presswood Wright <[REDACTED]> wrote:

Hi Everyone,

I'm wondering if I've missed something in previous emails--I was away and mainly off email for a week. Would someone let me know where things stand? Les's questions about the Federal SRTS legislation? Questions about reducing assessments? Public hearing? City Council? City administration?

I feel in the dark--but perhaps everyone is!

Best,  
Susan

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Cc:** [Lester Wyborny](#); [Scott Newell](#); [Libby Brooks](#); [everett w armstrong](#); [Susan Presswood Wright](#); [Williamson, John](#); [Hayner, Jeff](#)  
**Subject:** Re: 4/1/19 Packet Updates  
**Date:** Sunday, March 31, 2019 8:15:00 PM

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It is on the consent agenda to set it for a May 6th public hearing. Everyone will this be properly noticed for that hearing. That meeting is where the super majority would be required if a sufficient number of the impacted citizens file an objection with the city clerk, which will be done.

This could be the opportunity to pull it from the consent agenda and require a discussion Monday night, and as part of that discussion confirm with the city attorney that a super majority will be needed May 6th AND to confirm what will or will not happen if that May 6th vote fails.

The question is whether it is politically savvy to do it that way or determine that more quietly.

Sent from my iPhone

On Mar 31, 2019, at 8:00 PM, Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

Hello Everyone — I'm in Council Caucus tonight and SRTS Resolution 3 is on the agenda (page 4), CA-14, 19-0567.

I will be urging Councilmembers to vote NO on it.

Please help spread the word to neighbors who may be interested in public commentary, etc. I'm in the Caucus meeting right now and need to return to the conversation about climate action and mental health!

Thanks,  
Anne

----- Forwarded message -----

**From:** "**Gerhart, Stephen**" <[SGerhart@a2gov.org](mailto:SGerhart@a2gov.org)>  
**Date:** Fri, Mar 29, 2019 at 4:54 PM -0400  
**Subject:** 4/1/19 Packet Updates  
**To:** "\*City Council Members (All)" <[CityCouncilMembersAll@a2gov.org](mailto:CityCouncilMembersAll@a2gov.org)>, "Alexa, Jennifer" <[JAlexa@a2gov.org](mailto:JAlexa@a2gov.org)>, "Beattie, Kelly" <[KBeattie@a2gov.org](mailto:KBeattie@a2gov.org)>, "Beaudry, Jacqueline" <[JBeaudry@a2gov.org](mailto:JBeaudry@a2gov.org)>, "Bowden, Anissa" <[ABowden@a2gov.org](mailto:ABowden@a2gov.org)>, "Crawford, Tom" <[TCrawford@a2gov.org](mailto:TCrawford@a2gov.org)>, "Delacourt, Derek" <[DDelacourt@a2gov.org](mailto:DDelacourt@a2gov.org)>, "Fournier, John" <[JFournier@a2gov.org](mailto:JFournier@a2gov.org)>, "Harris, David" <[DHarris@a2gov.org](mailto:DHarris@a2gov.org)>, "Higgins, Sara" <[SHiggins@a2gov.org](mailto:SHiggins@a2gov.org)>, "Lazarus, Howard" <[HLazarus@a2gov.org](mailto:HLazarus@a2gov.org)>, "McDonald, Gregory" <[GMcDonald@a2gov.org](mailto:GMcDonald@a2gov.org)>, "Michailuk, Greg" <[GMichailuk@a2gov.org](mailto:GMichailuk@a2gov.org)>,



"Orcutt, Wendy" <[WOrcutt@a2gov.org](mailto:WOrcutt@a2gov.org)>, "Postema, Stephen" <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)>, "Satterlee, Joanna" <[JESatterlee@a2gov.org](mailto:JESatterlee@a2gov.org)>, "Schopieray, Christine" <[CSchopieray@a2gov.org](mailto:CSchopieray@a2gov.org)>, "Wondrash, Lisa" <[LWondrash@a2gov.org](mailto:LWondrash@a2gov.org)>

The packet has been updated as follows

Added 3/29/19: AC-2 – Memorandum from City Administrator – Response to Resolution R-18-291 – Resolution to Support One Community Initiative and Ongoing Equity – FY 19Q3 – March 29, 2019

AC-3 – Memorandum from City Administrator – Water Rate Alternatives – Revenue Requirements

Added 3/28/19 – DC-6 – Resolution Regarding Community Engagement and Approval Processes for City Related Improvement Projects

The agenda is attached for your convenience.

Enjoy your weekend!

**Steve Gerhart, Deputy City Clerk - Elections**

Ann Arbor City Clerk's Office | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor · Ann Arbor · MI · 48104

Direct dial (734) 794-6140 Ext. 41406

[sgerhart@a2gov.org](mailto:sgerhart@a2gov.org) | [www.a2gov.org](http://www.a2gov.org)

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<04-01-19 Agenda.pdf>

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#); [Susan Presswood Wright](#)  
**Cc:** [Lester Wyborny](#); [Scott Newell](#); [Libby Brooks](#); [everett w armstrong](#); [Williamson, John](#); [Hayner, Jeff](#); [Jean Arnold](#); [Po Hu](#); [REDACTED] [tom & sue maguire](#); [Chuck Marshall](#); [Brenda Sodt Foster](#); [Andrea Tom](#); [Hayner, Jeff](#)  
**Subject:** Re: 4/1/19 Packet Updates  
**Date:** Monday, April 1, 2019 9:52:42 AM

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Thanks Anne

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**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Monday, April 1, 2019 9:45 AM  
**To:** Susan Presswood Wright; Tom Stulberg  
**Cc:** Lester Wyborny; Scott Newell; Libby Brooks; everett w armstrong; Williamson, John; Hayner, Jeff; Jean Arnold; Po Hu; [REDACTED] tom & sue maguire; Chuck Marshall; Brenda Sodt Foster; Andrea Tom; Hayner, Jeff  
**Subject:** RE: 4/1/19 Packet Updates

This is the Agenda Question I've submitted for tonight's Council meeting:

1. CA-14, 19-0567 -- Northside STEAM SRTS Resolution No. 3 -- Why was this being on the April 1 agenda not mentioned/discussed by Mr. Lazarus and Mr. Hupy when we met on March 27? Please keep everyone (residents and Councilmembers) better informed about "What's Happening?", not only with the MI Fitness Foundation/MDOT process, but also with the City Council process in the face of a nearly unanimous objection to the project as written. Please confirm the process for the residents to file an objection with the City Clerk, and whether a super majority of 8 votes on Council will then be required at May 6th. What will or will not happen if the April 1 and May 6 vote fails? I believe I've asked for this information many times, but as a reminder, please voluntarily share any and all information you think Councilmembers and residents would like or need to know about this project, given the strong objection to it by the impacted residents.

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Susan Presswood Wright [REDACTED]  
**Sent:** Sunday, March 31, 2019 8:56 PM  
**To:** Tom Stulberg  
**Cc:** Bannister, Anne; Lester Wyborny; Scott Newell; Libby Brooks; everett w armstrong; Williamson, John; Hayner, Jeff; Jean Arnold; Po Hu; [REDACTED] tom & sue maguire; Chuck Marshall; Brenda Sodt Foster; Andrea Tom  
**Subject:** Re: 4/1/19 Packet Updates

I think these are good questions to ask. Anne and Jeff: what is your sense of which option is preferable: the agenda as is on Monday night versus

addressing the super majority question on Monday night?

Susan

On Sun, Mar 31, 2019 at 5:14 PM Tom Stulberg <[REDACTED]> wrote:

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Please help spread the word to neighbors who may be interested in public commentary, etc. I'm in the Caucus meeting right now and need to return to the conversation about climate action and mental health!

Thanks,  
Anne

----- Forwarded message -----

From: "**Gerhart, Stephen**" <[SGerhart@a2gov.org](mailto:SGerhart@a2gov.org)>

Date: Fri, Mar 29, 2019 at 4:54 PM -0400

Subject: 4/1/19 Packet Updates

To: "\*City Council Members (All)" <[CityCouncilMembersAll@a2gov.org](mailto:CityCouncilMembersAll@a2gov.org)>,

"Alexa, Jennifer" <[JAlexa@a2gov.org](mailto:JAlexa@a2gov.org)>, "Beattie, Kelly"

<[KBeattie@a2gov.org](mailto:KBeattie@a2gov.org)>, "Beaudry, Jacqueline" <[JBeaudry@a2gov.org](mailto:JBeaudry@a2gov.org)>,

"Bowden, Anissa" <[ABowden@a2gov.org](mailto:ABowden@a2gov.org)>, "Crawford, Tom"

<[TCrawford@a2gov.org](mailto:TCrawford@a2gov.org)>, "Delacourt, Derek" <[DDelacourt@a2gov.org](mailto:DDelacourt@a2gov.org)>,

"Fournier, John" <[JFournier@a2gov.org](mailto:JFournier@a2gov.org)>, "Harris, David"

<[DHarris@a2gov.org](mailto:DHarris@a2gov.org)>, "Higgins, Sara" <[SHiggins@a2gov.org](mailto:SHiggins@a2gov.org)>, "Lazarus,

Howard" <[HLazarus@a2gov.org](mailto:HLazarus@a2gov.org)>, "McDonald, Gregory"

<[GMcDonald@a2gov.org](mailto:GMcDonald@a2gov.org)>, "Michailuk, Greg" <[GMichailuk@a2gov.org](mailto:GMichailuk@a2gov.org)>, "Orcutt, Wendy" <[WOrcutt@a2gov.org](mailto:WOrcutt@a2gov.org)>, "Postema, Stephen" <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)>, "Satterlee, Joanna" <[JESatterlee@a2gov.org](mailto:JESatterlee@a2gov.org)>, "Schopieray, Christine" <[CSchopieray@a2gov.org](mailto:CSchopieray@a2gov.org)>, "Wondrash, Lisa" <[LWondrash@a2gov.org](mailto:LWondrash@a2gov.org)>

The packet has been updated as follows

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Added 3/28/19 – DC-6 – Resolution Regarding Community Engagement and Approval Processes for City Related Improvement Projects

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Enjoy your weekend!

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<04-01-19 Agenda.pdf>

**From:** [Tom Stulberg](#)  
**To:** [CityCouncil](#)  
**Subject:** Please Vote Yes to Establish the Center of the City Task Force  
**Date:** Monday, April 1, 2019 3:25:42 PM

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Please Vote Yes to Establish the Center of the City Task Force.

Thank you.

**From:** [Tom Stulberg](#)  
**To:** [a2na@googlegroups.com](mailto:a2na@googlegroups.com)  
**Cc:** [CityCouncil](#)  
**Subject:** Please Vote Yes to Establish the Center of the City Task Force.  
**Date:** Monday, April 1, 2019 3:28:36 PM

---

I wrote an email to [CityCouncil@a2gov.org](mailto:CityCouncil@a2gov.org) with the subject line: Please Vote Yes to Establish the Center of the City Task Force.

That is all I said besides Thank you.

It is on tonight's agenda. Please consider emailing them. the full resolution text is:

**Title**

Resolution Establishing Center of the City Task Force

**Staff**

Prepared by: Councilmember Eaton

**Body**

Whereas, On November 6, 2018, electors approved Proposal A to amend the City Charter, which, in relevant part, states that City-owned land bounded by Fifth Avenue, and William, Division and Liberty Streets, including Liberty Plaza, the surface of the Library Lane parking structure and Library Lane itself, “shall be retained in public ownership, in perpetuity, and developed as an urban central park and civic center commons known as the ‘Center of the City;’”

Whereas, A “commons” is a traditional form of shared space based on mutual benefit, mutual responsibility and mutual respect, conveying a culture of sustainability now and for the generations to come;

Whereas, The Center of the City will draw on earlier community visioning for the downtown including the call from Ann Arbor’s 2006 Calthorpe Report to “Encourage the creation of new public spaces within the Downtown and rehabilitation of existing spaces: Pursue and design a Town Square or central civic area that incorporates an outdoor meeting Place;”

Whereas, On April 7, 2014, City Council approved by a vote of 7-4, a resolution R-14-091, related to the creation of a public park on the Library Lot, which resolution, in relevant part, provides guidance for a planning process that actively engages multiple stakeholders and the public at large and includes recommendations for specific actions that will encourage and support the redevelopment of adjacent properties;

Whereas, The Library Block is home to a variety of stakeholders: residential property owners/tenants, small businesses, large businesses and organizations; city-owned properties and two downtown historic districts protecting a total of 13 structures; and

Whereas, City Council is taking action to implement the Center of the City Charter Amendment as approved by the voters on November 6, 2018;

RESOLVED, That City Council will establish a Citizen Task Force to engage citizens in visioning, long term planning, and immediate and intermittent uses, building toward the final vision for the Center of the City on the Library Block;

RESOLVED, That the Task Force will consist of 9 members, each of whom represents one or more of these categories, (1) immediate residential and business neighbors; (2) other downtown business and residential neighbors and commuters; (3) supporters of the concept of a Center of the City; (4) planners with experience designing public open spaces; (5) those citizens throughout the wider community who will participate in the events and use the public space(s) of the site; and (6) members of historically underrepresented groups in planning processes, such as youth, minorities, and people with disabilities;

RESOLVED, That members of the Task Force will be appointed by City Council after reviewing a recommended pool of candidates identified by the two Council Members serving on the Parks Advisory Commission. The City Council will also designate a Task Force chairperson and appoint two members of City Council to serve as advisory members of the Task Force;

RESOLVED, That this Task Force will convene with the goal of facilitating a shared vision of the Center of the City. The process will encourage public participation and result in written recommendations to City Council;

RESOLVED, That City Council will use the Task Force recommendations to help determine the next steps to advance the development of central park and civic center commons known as the Center of the City;

RESOLVED, That the City Council directs the City Administrator to provide assistance to the Citizen Task Force in the following ways:

- Provide a Community Engagement Specialist to support the work of the Task Force. This staff person will help with facilitation tasks and will be empowered to reach across organizational lines and bring the necessary staff expertise to the table. The staff person will provide other logistical support and assist with internal and external communications to create and maintain transparency and ensure compliance with the open meetings act.
- Ensure a multi-discipline resource team comprised of staff members with expertise in planning/urban design, engineering, community engagement, historic preservation, sustainability, and water resources is available to prepare a document that provides baseline data. This resource team may also be utilized throughout the process to provide guidance on technical questions.
- Provide data and resources to address the following:
  1. The evolution of the site's development including prior public input and proposals for public use.
  2. The design of successful central commons in other communities, their

management models and funding sources.

3. The limits of the site including zoning, positive and negative attributes; weight bearing capacity of the existing parking structure roof, central down-up ramps, and peripheral foundations along Library Lane.

4. A list of potential civic center structures and functions to be part of the plan.

5. An inventory of the public and private structures and vacant lots on the block including factors that might serve as incentives for their renovation, restoration or future redevelopment with an orientation to the public spaces, and an assessment of their potential for easements to facilitate pedestrian access.

- Assist the task force in generating multiple use and design ideas for the site derived from prior public input and proposals as well as those gathered during new constituent interviews and larger community meetings.
- Provide support to the task force in analyzing all use and design ideas to find agreement; conduct cost-benefit analysis, triple bottom-line (social, financial and environmental) analysis; and prioritize elements of the vision.
- Coordinate with a working group of volunteers who will help to complete the work of the Task Force. The working group will be open to people who attend the Task Force meetings and may work on projects and assignments as defined by the Task Force chairperson.

RESOLVED, That the task force will submit its report and recommendations to Council by February 28, 2020, or earlier; and

RESOLVED, That City Council requests that the City Administrator include in his budget proposal the funding adequate to pay for the costs of the Center of the City Task Force public engagement process and that the City Administrator acquire additional support from the Downtown Development Authority as appropriate to the specific elements of the project.

Sponsored by: Councilmembers Eaton and Bannister



**From:** [Tom Stulberg](#)  
**To:** [Lester Wyborny](#)  
**Cc:** [Susan Presswood Wright](#); [Libby Brooks](#); [tom & sue maguire](#); [Chuck Marshall](#); [Brenda Sodt Foster](#); [Andrea Tom](#); [Jean Arnold](#); [everett w armstrong](#); [Amy Chavasse](#); [Scott Newell](#); [REDACTED] [Po Hu](#); [Bannister, Anne](#);  
**Subject:** Sidewalk public hearing postponed!  
**Date:** Tuesday, April 2, 2019 8:41:14 AM

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For those not watching last night, our Council Member Anne Bannister pulled the item from the consent agenda (where there is no discussion) to the regular agenda. CM Kathy Griswold asked Anne if a postponement would be OK. Anne said yes. Eventually the vote was held and it narrowly passed. It will be postponed for two meetings.

There was a discussion, including questions asked of Craig Hupy who is the city staff person in charge. He indicated that postponing it would make it problematic to meet the city's bid schedule (if it passes), and though he didn't say it, that might mean that it pushes the project out of this year's construction cycle. If so, taking the urgency out of the approval might help if a compromise is to be reached. If the final engineering of a compromise doesn't have to be rushed, it opens up more design possibilities.

Since a public hearing must follow certain notice deadlines, this cannot be rushed. And this vote postpones for two meetings the discussion and vote of setting of the public hearing, So, at the May 6th council meeting they will vote to set the public hearing for likely June 3rd. So lots of time to keep working on this!

Thank you Anne, Kathy, and Jeff. Others voting for the postponement were Jack Eaton, Elizabeth Nelson, and Ali Ramlawi.

I think the message can and should be tightened. I have ideas, but for now I will just be your reporter.

Tom

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**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Monday, April 1, 2019 10:35 AM  
**To:** Tom Stulberg  
**Cc:** Susan Presswood Wright; Libby Brooks; tom & sue maguire; Chuck Marshall; Brenda Sodt Foster; Andrea Tom; Jean Arnold; everett w armstrong; Amy Chavasse; Scott Newell; [REDACTED] [Po Hu](#); [Bannister, Anne](#); [REDACTED]  
**Subject:** Re: Sidewalk Status?

There is another alternative path forward. The State may eventually capitulate on the two sidewalk requirement if the vote at City Council fails. They are also in a bind since they could lose future federal SRTS funding if they don't spend it all, and this SRTS project entails two

SRTS grants because the STEAM school is both an elementary school and a middle school. Senator Irwin's discussions with them and my relentless obnoxious inquiries and mindbending arguments could actually make a difference. I am not sure that we should rely on that possibility though.

I think that we should put pressure on the Governor's office too, since Whitmer is their boss. This is where Rebekah Warren could be useful because someone told me that she has a close relationship with the Governor.

Lester

On Sun, Mar 31, 2019 at 12:20 PM Tom Stulberg <[REDACTED]> wrote:

I do recommend hiring an attorney, whether or not that results in a lawsuit. I liken it to trying to do a complex home improvement project. You can do some of it on your own, but at some point it makes sense to hire an experienced plumber or electrician, etc. I see attorneys as a professional with experience in navigating in a system foreign to most of us.

A circular logic has been created here. At this point It is really up to the city to back out of the SRTS grant if a waiver of their sidewalks on both side rule won't be granted.

Theoretically, only Traver needed to be dropped and the SRTS grant could have proceeded with other items, but when the local SRTS group eliminated Pear and Apple, leaving mostly just Traver, it created a condition where there isn't enough left in the sidewalk construction to proceed (in their opinion). With council's last vote to proceed with the application as currently designed, that pretty much locks things into an all or nothing situation (unless the both sides waiver can be obtained). So... the project proceeds, with Lester trying to get traction on this waiver. If that doesn't happen, and if the council doesn't get the super majority it needs at the next vote, then what happens? That only defeats the Special Assessment funding. What happens next should be confirmed, and not by asking the city administrator or city attorney who are not unbiased in this matter. The city has to choose to fund the citizen's \$100,000 out of some budget, which would require a vote? And then a lawsuit might be necessary to stop it? Or the city cancels the project, not accepting the grant?

If city hall knows that the super majority vote is likely to fail, and that you have hired an attorney and are willing to sue if necessary, would the city (administrator) be willing to contemplate some alternative? Perhaps finding a way to accept SRTS funding for other improvements than sidewalks, resubmitting and dropping the Traver sidewalks from the grant request (maybe adding the Laird/ Harbal connection - see Evan Pratt's e-mail). Would finding the right attorney who could have this conversation with the city be prudent?

I am not the person to make this decision for your block. I offer my suggestions and support, and will join you in a meeting, but it is your decision.

Tom

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**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Saturday, March 30, 2019 12:05 PM  
**To:** Susan Presswood Wright  
**Cc:** Libby Brooks; tom & sue maguire; Chuck Marshall; Brenda Sodt Foster; Andrea Tom; Jean Arnold; everett w armstrong; Amy Chavasse; Scott Newell; [REDACTED] Po Hu; Tom Stulberg; Bannister, Anne; [REDACTED]  
**Subject:** Re: Sidewalk Status?

I contacted Senator Irwin's office a few days ago for an update and so far he found out that MDOT does not require two sidewalks for SRTS - that policy is established by a third party. I am pretty sure that it would be the Michigan Fitness Foundation. My focus is now with Katie Alexander with the Michigan Fitness Foundation. I sent an e-mail to Katie and copied Bryan Armstrong and Senator Irwin's office. Bryan Armstrong responded (Katie did not), trying to sidestep the issue, by arguing forcefully that we need to convince the City of Ann Arbor to remove Traver from the SRTS grant process. What was encouraging, perhaps with the involvement of Senator Irwin, is that Bryan copied his boss, Michael Kapp and the MDOT legislative liaison on the e-mail.

I was thinking about this last night and I think I should respond to Bryan's e-mail saying that the City of Ann Arbor feels like they have to move forward with this project, regardless of the issues involved, to preserve their grant funding options for future SRTS projects. Thus, trying to convince the City of anything is a lost cause. I will try to set up a meeting with Katie and the Michigan Fitness Foundation.

I copied in below my messages to Katie, Bryan's response and my response back to Bryan.

I asked in a previous e-mail to this group suggesting that we should get together and discuss where we are at and discuss all our options. I got no response, so the group seems somewhat resigned right now, or maybe hoping that Senator Irwin can come through for us. Tom responded flat out that we should sue. I think that this is a strategy that we should consider. There are several compelling reasons to do so - removing all street parking is one reason, the refusal of MDOT to meet with us is another - MDOT is not fulfilling their duty as public servants, the abrupt ending of the negotiations between the City and City Council/citizens after the City promised to not move forward with the project until a resolution was reached.

Lester

"Katie, we attempted to meet with MDOT about the two sidewalk "requirement" for our Safe Routes to School project and they refused to meet with us. So we met with State Senator Jeff Irwin to explain our situation. He contacted MDOT, and it seems that MDOT claims that they do not establish the policy that requires two sidewalks for SRTS projects. If that is the case, did Michigan Fitness Foundation set that restriction?"

"Hello Again Lester,  
As I explained previously, sidewalk on both sides when land use is residential on both sides

is a Michigan Safe Routes to School program requirement. And, I am confident this has been communicated to you in multiple emails and conversations.

What MDOT has tried to communicate to you recently, in conjunction with declining additional conversation with you, is that Ann Arbor's participation in the SRTS grant program is voluntary and that choice includes acceptance of both the grant funding (awarded on a competitive basis) and the state and federal constraints associated with use of those funds. Any further discussions about this project are appropriately between you and the city of Ann Arbor.

Thank you,  
Bryan Armstrong  
SRTS Program Manager"

My response to Bryan:

"Senator Irwin spoke to your office (legislative liaison), Bryan, and your office explained to him that it is not MDOT's requirement that there be two sidewalks for SRTS projects. If that is the case, who's requirement is it? If it is not MDOT's requirement, then I assumed that it must be Michigan Fitness Foundation's requirement which is why I e-mailed Katie.

As I communicated to you earlier, there are aspects of this project which cause extensive hardship to the homeowners on our street. Additionally, installing sidewalks on Traver is very expensive (estimated to be \$450/foot) plus engineering costs. In past communications with Katie Alexander, she has said that the two sidewalk requirement can be waived in certain circumstances. We would like to make the case why we believe that our street deserves a waiver, but we cannot even find out whose "requirement" it is that there must be two sidewalks (apparently, there is no law which establishes this requirement), and your office has refused to even meet with us. I am a federal worker, so I have a pretty good understanding that it is the responsibility of public workers to be responsive to its stakeholders and the citizens you represent. I am dismayed at your unwillingness to fulfill your public duty."

On Fri, Mar 29, 2019 at 11:53 PM Susan Presswood Wright <[REDACTED]> wrote:

Hi Everyone,  
I'm wondering if I've missed something in previous emails--I was away and mainly off email for a week. Would someone let me know where things stand? Les's questions about the Federal SRTS legislation? Questions about reducing assessments? Public hearing? City Council? City administration?

I feel in the dark--but perhaps everyone is!

Best,  
Susan

**From:** [Bannister, Anne](#)  
**To:** [Brian Smith](#); [Tom Stulberg](#); [Laura Strowe](#); [REDACTED] [kengarber@prodigy.net](mailto:kengarber@prodigy.net); [Lester Wyborny](#); [Jeff Crockett](#); [Beth Collins](#); [Christine Crockett](#)  
**Cc:** [Juliet Pressel](#); [Peter Avram](#); [Angie Smith](#); [Rosemary Bogdan](#); [Lumm, Jane](#); [Eaton, Jack](#); [Nelson, Elizabeth](#); [Hayner, Jeff](#); [Griswold, Kathy](#)  
**Subject:** RE: Brightdawn Village Project - Meeting Request  
**Date:** Wednesday, April 10, 2019 12:00:08 AM

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Dear Brian and all,

I wanted to e-introduce a small sampling of the neighborhood leaders who have organized their neighborhoods on other projects, in hopes that we all might be aware of recurring problems and themes, and consider lending our support. The informal list includes:

- Brian Smith -- Brightdawn Village Project in Ward 3 (Midwestern Consulting)
- Tom Stulberg, Laura Strowe, and Mary Underwood -- 1140 Broadway in Ward 1 (Morningside)
- Ken Garber -- Cottages at Barton Green in Ward 1 (Trinitas)
- Lester Wyborny -- Northside STEAM Safe Routes to School in Ward 1 (sidewalks)
- Beth Collins -- Lockwood Senior Living Facility in Ward 5
- Jeff and Chris Crockett -- Old Fourth Ward Association in Ward 1

Everyone is invited to this meeting on Tuesday, April 23, from 7 - 9 PM in the little chapel at St. Andrews Church, 306 N. Division Street:

The April 23rd meeting of the Old Fourth Ward Neighborhood Association will be an informative conversation on planning in Ann Arbor. A discussion panel will include Brett Lenart, Ann Arbor's Planning Manager, Derek Delacourt, the Community Services Administrator, and Alex Milshteyn, a local realtor who is currently serving as Chair of the City Planning Commission. Association member Norm Tyler will moderate this "community conversation."

Panel members first will give their thoughts on the role of planning as a city service, and then participate in an open conversation with the audience. We hope this will be a first step in encouraging residents to have greater engagement in the master planning process.

Thanks everyone for your service to our city.

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Lumm, Jane  
**Sent:** Tuesday, April 09, 2019 5:57 PM  
**To:** Brian Smith; Eaton, Jack; Bannister, Anne; Nelson, Elizabeth  
**Cc:** Juliet Pressel; Peter Avram; Angie Smith; Rosemary Bogdan  
**Subject:** RE: Brightdawn Village Project - Meeting Request

Good afternoon to you, as well, Brian, and thank you for, again, helpfully reaching out.

It was gracious of you and your Forestbrooke neighbors to take the time to meet with us to enlighten us to your concerns, and know we all appreciate your time.

Appreciate the clarification of your position and concerns with regard to the rezoning, and that the change in the affordability terms do not reduce the proposed # of units/increased density/up-zoning so your previous concerns stand. I do not support the rezoning for the reasons you have so helpfully and clearly articulated.

Thanks so much again for all your and your neighbors' helpful input, and all best, Jane

---

**From:** Brian Smith <[REDACTED]>  
**Sent:** Tuesday, April 9, 2019 4:07 PM  
**To:** Eaton, Jack <JEaton@a2gov.org>; Bannister, Anne <ABannister@a2gov.org>; Nelson, Elizabeth <ENelson@a2gov.org>; Lumm, Jane <JLumm@a2gov.org>  
**Cc:** Juliet Pressel <[REDACTED]> Peter Avram <[REDACTED]> Angie Smith <[REDACTED]> Rosemary Bogdan <[REDACTED]>  
**Subject:** Fw: Brightdawn Village Project - Meeting Request

Good afternoon all,

I hope this email finds you well. I am reaching back out to you to update you on what I know regarding the Brightdawn Project, which each of you have so graciously met with the Forestbrooke neighbors in the last few months. It is my understanding from Chris (see the email exchange below), that this matter will now not come before City Council until early June. Furthermore, after the Planning Commission meeting, where PC voted (based on recommendations from City Staff) to unanimously recommend to City Council to reject the proposed rezoning on Burton Road, the Developer has modified its position on its affordable housing commitments to what you see below. However, City Staff, and many of those on Planning Commission did not vote to deny rezoning based upon the Project's affordable housing commitment, but because rezoning was in contradiction to the Master Plan (which calls for the property to be down zoned back from R4B to R1C, not up-zoned to R4D), and was an unreasonable burden on the existing neighborhood.

As we have repeatedly voiced when we have met with each of you individually, our primary concern here is not with the affordable housing commitments but the increased density and its impacts on the existing neighborhood, including traffic. The neighbors determination to seek denial of rezoning, is unchanged. We are hoping to continue to convey this message to all of you, as well as the other City Council members. If this proposed change from the Developer in any way changes your thoughts on the Project, all we would ask is that you let us, the impacted neighbors, know so that we may continue the conversation with you. Otherwise I know you are all very busy. Thanks again for your time and hope to see you all soon.

All the best,

Brian Smith  
[REDACTED]

----- Forwarded Message -----

**From:** Cheng, Christopher <CCheng@a2gov.org>  
**To:** 'Brian Smith' <[REDACTED]>  
**Cc:** Peter Avram <[REDACTED]> Juliet Pressel <[REDACTED]> Angie Smith <[REDACTED]>  
**Sent:** Wednesday, April 3, 2019, 5:06:20 PM EDT  
**Subject:** RE: Brightdawn Village Project - Meeting Request

Hi Brian,

This item will not be heard at the 4/15 City Council Meeting due to timing issues. At the earliest it will be in May. Feel free to contact me for updates on this project. Tom Covert proposed the following for the affordable housing:

20 units restricted to 60% AMI for a term of 99 years

20 units restricted to 80% AMI for a term of 99 years

There are not changes proposed to the number of units or layout of the site. Let me know if you have any questions.

Chris Cheng, AICP

301 E. Huron Street

Ann Arbor, MI 48107

ccheng@a2gov.org

734-794-6000 x 42616

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**From:** Brian Smith <[REDACTED]>  
**Sent:** Thursday, March 28, 2019 2:50 PM  
**To:** Cheng, Christopher <CCheng@a2gov.org>  
**Cc:** Peter Avram <[REDACTED]> Juliet Pressel <[REDACTED]> Angie Smith <[REDACTED]>  
**Subject:** Fw: Brightdawn Village Project - Meeting Request

Good afternoon Chris, I hope this note find your well. I was surprised to get the email below from Tom Covert @ Midwestern. Has something changed in the project that you are aware of that I should know

about? I have been operating under the impression that Brightdawn would be headed to City Council (with the recommendation from Staff and Planning Commission to deny the rezoning request) around April 15th for a first reading. Not sure what the developers intent is here, but would be interested in any insight you may have before I respond to Tom.

Thanks in advance. Brian Smith

----- Forwarded Message -----

**From:** Tom J. Covert <[tjc@midwesternconsulting.com](mailto:tjc@midwesternconsulting.com)>

**To:** Brian Smith <[REDACTED]>

**Cc:** Tom J. Covert <[tjc@midwesternconsulting.com](mailto:tjc@midwesternconsulting.com)>; Haim Schwartz <[haim@c-s-i-c.com](mailto:haim@c-s-i-c.com)>

**Sent:** Thursday, March 28, 2019, 11:25:02 AM EDT

**Subject:** Brightdawn Village Project - Meeting Request

Brian –

Good morning.

The Schwartz Family would like to know if you and a small group of the neighbors would be interested in meeting again to discuss the project. The meeting goal would be to review ideas for making a better project with the understanding that there is full intent to realize a project at the site.

We would like to consider meeting the evening of April 24<sup>th</sup>?

Please advise if you and a small group would be interested in this meeting here at the Midwestern Consulting offices?

Thank you for your consideration

Tom



**Thomas (Tom) Covert, RLA, AICP, LEED AP**

*Senior Associate / Senior Project Manager | c 734.389.5303*

## **MIDWESTERN CONSULTING**

3815 Plaza Drive | Ann Arbor, MI 48108 | 734.995.0200

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: Rezoning West Hoover and West Davis - Vote Yes  
**Date:** Wednesday, April 10, 2019 4:49:39 PM

---

I see the value in making a non-conforming area conforming, which reduces headaches for the owners. A change from 13% to 78% in conformance is a big improvement.

I will remain silent for now on the highly problematic proposed changes to the ADU ordinance that passed CPC and are headed to you, but the Crocketts and me and some others will have a lot to say about that soon.

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Wednesday, April 10, 2019 4:41 PM  
**To:** Tom Stulberg  
**Subject:** FW: Rezoning West Hoover and West Davis - Vote Yes

FYI -- This down zoning seems to be universally a YES.

---

**From:** [REDACTED]  
**Sent:** Wednesday, April 10, 2019 3:46 PM  
**To:** Bannister, Anne  
**Subject:** Rezoning West Hoover and West Davis - Vote Yes

Ann Arbor City Council Member Anne Bannister –

My wife and I are residents of Ann Arbor. We have lived at [REDACTED] since January 2005. We are asking you to support the City of Ann Arbor Planning & Development Staff Report for rezoning West Hoover Avenue, West Davis Avenue, Wilder Place, Edgewood Place and South Main Street from R4C to R1D or R1E.

Noted in the Staff Report: Ann Arbor Master Plan for Land Use and Development specifically calls for our neighborhood to be rezoned from its current R4C zoning.

Of the 70 lots included in the study 9 of the 70 lots (13%) are currently conforming lots. Said another way 87% of the lots are nonconforming lots. Rezoning this neighborhood per the staff's recommendations 78% of the lots would become conforming lots.

Also, important to note: R4C zoning does not allow for accessory dwelling units. R1D does allow for accessory dwelling units. There will be 45 lots zoned R1D which could host an accessory dwelling unit. Thus the area could still increase in density in a way that preserves existing character.

We love our neighborhood and believe rezoning it to something that makes sense (in accordance with Planning and Developments recommendations) will only improve our neighborhood. Please let us know what we can do to assist Ann Arbor City Council to pass the resolution to rezone our neighborhood and fix what the Ann Arbor Master Plan and tax paying residents of the neighborhood view as a problem.

Concerned Residents of Ann Arbor,

Joseph Hubert & Nicole Hubert

[REDACTED]  
Ann Arbor, MI 48103  
[REDACTED]

**From:** Tom Stulberg  
**To:** Bannister, Anne  
**Cc:** Hayner, Jeff; Eaton, Jack; Nelson, Elizabeth  
**Subject:** Re: April 15 Council Meeting: ORD-19-06 - S. ASHLEY STREET ZONING  
**Date:** Wednesday, April 10, 2019 4:57:44 PM

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I agree with staff that retaining the current zoning is more likely to get this cleaned up than if it is rezoned to R2A. That clean up would be dependent upon a new development that would be out of character with the neighborhood. For that reason, it is important to get the input from the neighbors of that immediate area, such as Mr. Rowe.

I dropped Mr. Rowe from my recipient list, since he doesn't know who the heck I am, but my thoughts are free to be shared.

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Wednesday, April 10, 2019 4:38 PM  
**To:** trfarm@yahoo.com  
**Cc:** Hayner, Jeff; Eaton, Jack; Nelson, Elizabeth; Tom Stulberg  
**Subject:** FW: April 15 Council Meeting: ORD-19-06 - S. ASHLEY STREET ZONING

Dear Richard Rowe,

Please provide further detail on your email below about opposition to the rezoning from C2B to R2A.

I see in Legistar that staff also recommends denial: <https://eur04.safelinks.protection.outlook.com/?url=http%3A%2F%2Fa2gov.legistar.com%2FlegislationDetail.aspx%3FID%3D3878331%26GUID%3D3409F79A-B87A-45EE-AEF8-B1EB8D772AC1A%26objname%3DDID%7CText%7C%26Search%3D19%0006&data=02%7C01%7C%7C5161b5e74138433d04eb08d6bd48dd3%7C84d9e7fe9f640afb35aaaaaaaaaa%7C1%7C0%7C636905255377523276&data=0r7Qsi4N254rANuPYIOori3%2FTsoehvJ4SNgaFwSgow%3D&reserved=0>

Thanks,

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).

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**From:** Beaudry, Jacqueline  
**Sent:** Wednesday, April 10, 2019 4:30 PM  
**To:** \*City Council Members (All)  
**Subject:** FW: April 15 Council Meeting: ORD-19-06 - S. ASHLEY STREET ZONING

FYI

Jacqueline Beaudry, City Clerk  
Ann Arbor City Clerk's Office | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor - Ann Arbor - MI - 48104  
734.794.6140 (O) - 734.994.8296 (F) |  
jbeaudry@a2gov.org | <https://eur04.safelinks.protection.outlook.com/?url=www.a2gov.org&data=02%7C01%7C%7C5161b5e74138433d04eb08d6bd48dd3%7C84d9e7fe9f640afb35aaaaaaaaaa%7C1%7C0%7C636905255377523276&data=p8FYRkuTTYCRBAtdk2T7yzKpuRCjyOmS00CNuqIRTU0%3D&reserved=0>  
Think Green! Please don't print this e-mail unless absolutely necessary.

-----Original Message-----  
**From:** Kahan, Jeffrey <JKahan@a2gov.org>  
**Sent:** Wednesday, April 10, 2019 3:14 PM  
**To:** Beaudry, Jacqueline <JBeaudry@a2gov.org>  
**Cc:** Lenart, Brett <BLenart@a2gov.org>; Kahan, Jeffrey <JKahan@a2gov.org>  
**Subject:** April 15 Council Meeting: ORD-19-06 - S. ASHLEY STREET ZONING

For Monday's Council meeting....

-----Original Message-----  
**From:** Richard Rowe <[REDACTED]>  
**Sent:** Wednesday, April 10, 2019 1:06 PM  
**To:** Kahan, Jeffrey <JKahan@a2gov.org>  
**Cc:** trfarm@yahoo.com  
**Subject:** ORD-19-06 - S. ASHLEY STREET ZONING

**TO:**  
Mr. Jeff Kahan  
City Planner

I am writing regarding the proposed S. Ashley Street Zoning change.

I am owner of [REDACTED], Ann Arbor and I respectfully submit that I am opposed to the zoning change from C2B to R2A.

Thank you for your consideration is this matter.

Yours truly,

J. Richard Rowe  
[REDACTED]

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Cc:** [Hayner, Jeff](#)  
**Subject:** ADUs  
**Date:** Wednesday, April 10, 2019 5:26:39 PM

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IMHO, the process for the ADU changes is invalid for the following reason: improper notice for the Public Hearing at the CPC. And the city isn't gearing up for proper notice and engagement before this hits council.

There was a lot of public engagement when ADUs were first contemplated and the ordinance was passed. However, there is very little public engagement and notice now that the ordinance changes are being proposed. If these were minor "tweeks", like the last change that permitted not having a separate sewer and water line for the ADU, that could be reasonable.

These changes impact the vast majority of homeowners in the city. One of the proposed changes permits newly built structures up to 800 square feet built in the rear setback of single family and duplex lots. This would have no design restrictions, unless in a historic district. None whatsoever. Sure, anyone could build a garage that size in that location now, as one CPC mention when I raised this. But few would. Regulating design would be really hard, but that doesn't mean we should just blow it off, as the CPC seems to think we should. Too hard to regulate, so just let anybody do anything they want in their yard regardless of the impact to the neighbors. Unique architecture could be cool, or it could be a nightmare. What if the both parcels on either side of you, and the three behind you and your two neighbors all built 800 square foot ADUs in the rear setbacks?! It will be by right and you will have no right to do anything. Is this what people think ADU "tweeks" are? No, people are not aware. And they are not being given notice, nor is there a reasonable attempt at public engagement.

This is a change to the zoning code. For a rezoning, if 20% of the neighbors within 100 feet object, a super majority is required. Does that apply hear? How do we measure it? Pick any one lot in the city, if a couple of the neighbors formally object, does that trigger the super majority requirement. This is a purely academic exercise to demonstrate that we do things without properly understanding them. We apply personal logic to matters that require a legal definition, not "seems ok to me".

I strongly believe that the changes proposed are significant to warrant substantial public engagement and an examination of how to legally notice the citizens of Ann Arbor.

Thanks for listening.

---

**From:** Bannister, Anne <ABannister@a2gov.org>

**Sent:** Wednesday, April 10, 2019 5:00 PM  
**To:** Tom Stulberg  
**Cc:** Hayner, Jeff  
**Subject:** RE: Rezoning West Hoover and West Davis - Vote Yes

I went to bat big time to remove the Jessica Letaw report on the CM Warpehoski resolution from before the Nov. 8 election, but was met with full resistance from the Attorney's Office.  
I'm sorry to hear there are highly problematic proposed changes to the ADU ordinance from CPC and look forward to your clarifications.

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Tom Stulberg [REDACTED]  
**Sent:** Wednesday, April 10, 2019 4:49 PM  
**To:** Bannister, Anne  
**Subject:** Re: Rezoning West Hoover and West Davis - Vote Yes

I see the value in making a non-conforming area conforming, which reduces headaches for the owners. A change from 13% to 78% in conformance is a big improvement.

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---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Wednesday, April 10, 2019 4:41 PM  
**To:** Tom Stulberg  
**Subject:** FW: Rezoning West Hoover and West Davis - Vote Yes

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**From:** [REDACTED]  
**Sent:** Wednesday, April 10, 2019 3:46 PM  
**To:** Bannister, Anne  
**Subject:** Rezoning West Hoover and West Davis - Vote Yes

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Noted in the Staff Report: Ann Arbor Master Plan for Land Use and Development specifically calls for our neighborhood to be rezoned from its current R4C zoning.  
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Also, important to note: R4C zoning does not allow for accessory dwelling units. R1D does allow for

accessory dwelling units. There will be 45 lots zoned R1D which could host an accessory dwelling unit. Thus the area could still increase in density in a way that preserves existing character.

We love our neighborhood and believe rezoning it to something that makes sense (in accordance with Planning and Developments recommendations) will only improve our neighborhood. Please let us know what we can do to assist Ann Arbor City Council to pass the resolution to rezone our neighborhood and fix what the Ann Arbor Master Plan and tax paying residents of the neighborhood view as a problem.

Concerned Residents of Ann Arbor,

Joseph Hubert & Nicole Hubert

[REDACTED]

Ann Arbor, MI 48103

[REDACTED]

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Cc:** [Hayner, Jeff](#)  
**Subject:** Re: ADUs  
**Date:** Wednesday, April 10, 2019 5:42:32 PM

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Hold off on sending anything. I would like to coordinate the message with the Crocketts and others.

Sent from my iPhone

On Apr 10, 2019, at 5:40 PM, Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

Got it. I'll convert this into a shorter version, or I could use yours as written, and send it to Council and Postema/Lazarus for their consideration.

Thanks for labeling what otherwise was muddled. Looking forward to the April 23 OFW meeting about these issues.

---

**From:** Tom Stulberg [REDACTED]  
**Sent:** Wednesday, April 10, 2019 5:26 PM  
**To:** Bannister, Anne  
**Cc:** Hayner, Jeff  
**Subject:** ADUs

IMHO, the process for the ADU changes is invalid for the following reason:  
improper notice for the Public Hearing at the CPC. And the city isn't gearing up for proper notice and engagement before this hits council.

There was a lot of public engagement when ADUs were first contemplated and the ordinance was passed. However, there is very little public engagement and notice now that the ordinance changes are being proposed. If these were minor "tweaks", like the last change that permitted not having a separate sewer and water line for the ADU, that could be reasonable.

These changes impact the vast majority of homeowners in the city. One of the proposed changes permits newly built structures up to 800 square feet built in the rear setback of single family and duplex lots. This would have no design restrictions, unless in a historic district. None whatsoever. Sure, anyone could build a garage that size in that location now, as one CPC mention when I raised this. But few would. Regulating design would be really hard, but that doesn't mean we should just blow it off, as the CPC seems to think we should. Too hard to regulate, so just let anybody do anything they want in their yard regardless of the impact to the neighbors. Unique architecture could be cool, or it could be a nightmare. What if the both parcels on either side of you, and the three behind you and your two neighbors all built 800 square foot ADUs in the rear setbacks?! It will be by right and you will have no right to do anything. Is this what people

think ADU "tweaks" are? No, people are not aware. And they are not being given notice, nor is there a reasonable attempt at public engagement.

This is a change to the zoning code. For a rezoning, if 20% of the neighbors within 100 feet object, a super majority is required. Does that apply here? How do we measure it? Pick any one lot in the city, if a couple of the neighbors formally object, does that trigger the super majority requirement. This is a purely academic exercise to demonstrate that we do things without properly understanding them. We apply personal logic to matters that require a legal definition, not "seems ok to me".

I strongly believe that the changes proposed are significant to warrant substantial public engagement and an examination of how to legally notice the citizens of Ann Arbor.

Thanks for listening.

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**Sent:** Wednesday, April 10, 2019 5:00 PM  
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**Cc:** Hayner, Jeff  
**Subject:** RE: Rezoning West Hoover and West Davis - Vote Yes

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**From:** Tom Stulberg [REDACTED]  
**Sent:** Wednesday, April 10, 2019 4:49 PM  
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**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>  
**Sent:** Wednesday, April 10, 2019 4:41 PM  
**To:** Tom Stulberg  
**Subject:** FW: Rezoning West Hoover and West Davis - Vote Yes

FYI -- This down zoning seems to be universally a YES.

---

**From:** [REDACTED]  
**Sent:** Wednesday, April 10, 2019 3:46 PM  
**To:** Bannister, Anne  
**Subject:** Rezoning West Hoover and West Davis - Vote Yes

Ann Arbor City Council Member Anne Bannister –  
My wife and I are residents of Ann Arbor. We have lived at [REDACTED] since January 2005. We are asking you to support the City of Ann Arbor Planning & Development Staff Report for rezoning West Hoover Avenue, West Davis Avenue, Wilder Place, Edgewood Place and South Main Street from R4C to R1D or R1E.  
Noted in the Staff Report: Ann Arbor Master Plan for Land Use and Development specifically calls for our neighborhood to be rezoned from its current R4C zoning. Of the 70 lots included in the study 9 of the 70 lots (13%) are currently conforming lots. Said another way 87% of the lots are nonconforming lots. Rezoning this neighborhood per the staff's recommendations 78% of the lots would become conforming lots.  
Also, important to note: R4C zoning does not allow for accessory dwelling units. R1D does allow for accessory dwelling units. There will be 45 lots zoned R1D which could host an accessory dwelling unit. Thus the area could still increase in density in a way that preserves existing character.  
We love our neighborhood and believe rezoning it to something that makes sense (in accordance with Planning and Developments recommendations) will only improve our neighborhood. Please let us know what we can do to assist Ann Arbor City Council to pass the resolution to rezone our neighborhood and fix what the Ann Arbor Master Plan and tax paying residents of the neighborhood view as a problem.  
Concerned Residents of Ann Arbor,  
Joseph Hubert & Nicole Hubert  
[REDACTED]  
Ann Arbor, MI 48103  
[REDACTED]

**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: ADUs  
**Date:** Wednesday, April 10, 2019 6:02:36 PM

---

Do you mind if I share this thread as is with the Crocketts?

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Wednesday, April 10, 2019 5:42 PM  
**To:** Bannister, Anne  
**Cc:** Hayner, Jeff  
**Subject:** Re: ADUs

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Joseph Hubert & Nicole Hubert

[REDACTED]  
Ann Arbor, MI 48103  
[REDACTED]

**From:** Tom Stulberg  
**To:** Lester Wyborny; Chuck Marshall  
**Cc:** Bannister, Anne; Susan Presswood Wright; Libby Brooks; Scott Newell; tom & sue maguire; Brenda Sodt Foster; Andrea Tom; Jean Arnold; everett w armstrong; Amy Chavasse; [REDACTED] Po Hu; Hayner, Jeff  
**Subject:** Re: Safe Routes to School Grant  
**Date:** Thursday, April 11, 2019 3:45:07 PM  
**Attachments:** image002.png  
image003.png

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There is a legal argument to be made that the citizens should not have to pay for this at all. The language in the state act that enables cities to create special assessments seems to say so, as does the language in the city ordinance which refers to "the cost of the improvement by special assessment upon the property especially benefited in proportion to the benefits to the property". (Easy to parse, eh? Read it a few times.) It says that the city cannot charge you for something that does not benefit YOU specifically, not the general population. Any charge must be proportionate to the benefit, not the cost. The current plan does not meet the ordinance.

---

**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Thursday, April 11, 2019 3:28 PM  
**To:** Chuck Marshall  
**Cc:** Bannister, Anne; Susan Presswood Wright; Lester Wyborny; Libby Brooks; Scott Newell; Tom Stulberg; tom & sue maguire; Brenda Sodt Foster; Andrea Tom; Jean Arnold; everett w armstrong; Amy Chavasse; [REDACTED] Po Hu; Hayner, Jeff  
**Subject:** Re: Safe Routes to School Grant

Thanks for finding this Chuck.

One thing I was wondering is whether the City can move forward with the project if the special assessments are not approved because 8 votes cannot be secured. This shows that if they cannot get the 8 votes needed, they can simply vote to waive the special assessments (it only takes a simple majority requiring only 6 votes), fund the homeowner share, and, although we won't have to pay the special assessments, we would still be stuck with the sidewalks and no street parking. Also, they could increase our taxes instead of the special assessment to get their money back that way.

Would someone be willing to get the signatures needed? I have been doing a lot of other research and would really like someone else to help out.

Lester

On Thu, Apr 11, 2019 at 3:08 PM Chuck Marshall <[REDACTED]> wrote:

Hello,

Apologies for radio silence from 1602 Traver. We were out of town for quite a bit and have been scrambling with work ever since (which includes a major upgrade this weekend, so little free time).

That said, please let me know if we have a petition that needs our signature and I'll make arrangements to sign

I also want to point out that city code provide council with an option to waive the assessment:

Chapter 12 - FINANCING LOCAL PUBLIC IMPROVEMENTS - 1:274. - Division of costs - item 3

"(3) In any case where the city council determines that the division of costs under subsection (2) does not accurately reflect the benefit to the city at large and the private benefit, such other division as shall be equitable may be adopted by the city council."

The overwhelming and clear benefit of the sidewalks is for Ann Arbor public schools and students OUTSIDE of the neighborhood. Clearly the drop-off situation at Traver/Barton started the movement for sidewalks and the continued benefit of the sidewalks is for those OUTSIDE of Traver. That said, this isn't about an improvement for the benefit of the homeowners. We need to show council that the benefit is clearly for the school district. Given this, the city/school district should absorb the assessment as it is not equitable.

Unfortunately, I have to be at work at 5am each day next week, so I'm not sure I can make the city council meeting on 4/15.

Chuck

On Thu, Apr 11, 2019 at 2:40 PM Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

Jane Allen appears to have sent "everyone" an email update today about the timeline for the Council votes on the project. If you don't receive it, please let CM Hayner and me know.

I sent a follow-up email to Jane asking:

Do the petition signatures from Oct. 4, 2018 have any bearing on the current effort to require 8 votes? The signatures are on the STEAM webpage here (scroll down): <https://www.a2gov.org/departments/engineering/Documents/Northside%20STEAM%20SRTS%20Emails%20and%20Responses%20and%20Petitions.pdf>

Maybe they could be used by staff to start calculating whether the 8 votes will be required? The neighbors are wondering how far and wide they have to collect signatures. If you have a list of the homes that we should get signatures for, that would be really helpful.

Let's not wait for her to respond to start gathering new signatures. I'll let you know when I hear from Jane.

Thanks,

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Susan Presswood Wright [REDACTED]  
**Sent:** Thursday, April 11, 2019 1:39 PM  
**To:** Bannister, Anne  
**Cc:** Lester Wyborny; Libby Brooks; Scott Newell; Tom Stulberg; tom & sue maguire; Chuck Marshall; Brenda Sodt Foster; Andrea Tom; Jean Arnold; everett w armstrong; Amy Chavasse; [REDACTED] Po Hu; [REDACTED] Susan Presswood Wright

**Subject:** Re: Safe Routes to School Grant

Anne--Many thanks for all you're doing to support the cause! These assessments are punitive--to say the least!--and it would be great to collect signatures asap. Last fall, I collected signatures from everyone on our block except the person at the NE end by going door-to-door. I think we also need to contact neighbors on other streets that are part of the special assessment [?] Many can probably do it by email but I suggest phone or door-to-door for anyone not responding by email.

Susan

On Thu, Apr 11, 2019 at 6:21 AM Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

I think the sooner the better for the petition signatures. I asked Mr. Lazarus for a deadline yesterday and haven't heard back yet (I'll let you know). Resolution 3 is back on the Council Agenda for Monday night. The list of proposed special assessments for your properties is through this link: <http://a2gov.legistar.com/LegislationDetail.aspx?ID=3895284&GUID=35A5675E-1759-4898-B73D-220CCD3AFE6E>

Council members are also hosting Council Caucus again this Sunday night at 7 PM on the second floor of City Hall. This would be a good opportunity to speak during Public Comment and let Councilmembers know why you oppose the project (again).

You could also call the City Clerk on Monday morning at 8 AM and sign up to be on Public Comment for up to 3 minutes at Monday night's meeting. The phone number is 734.794.6140. This is the link to more details: <https://www.a2gov.org/departments/city-council/Pages/CityCouncilMeetings.aspx>

I've also continued to ask Mr. Lazarus for official written documentation of MDOT's requirement of two-sidewalks, and "proof" that city staff has fully informed MDOT of our opposition to the project as it stands, and our numerous additional suggestions for improvement.

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Lester Wyborny [REDACTED]  
**Sent:** Thursday, April 11, 2019 3:04 AM  
**To:** Libby Brooks  
**Cc:** Scott Newell; Bannister, Anne; Tom Stulberg; tom & sue maguire; Chuck Marshall; Brenda Sodt Foster; Andrea Tom; Jean Arnold; everett w armstrong; Amy Chavasse; [REDACTED] Po Hu; [REDACTED] Susan Presswood Wright  
**Subject:** Re: Safe Routes to School Grant

Oops, I meant to say "representing more than 50% of the total assessed cost."

On Thu, Apr 11, 2019 at 3:02 AM Lester Wyborny <[REDACTED]> wrote:

The City code requires at least 50% of us (representing more than 50% of the total project cost) to object if we want to force a supermajority vote for the project by the City Council. We must provide a reason why we feel "aggrieved" or else the objection is not valid (see the city code below).

We should meet to begin to fulfill this requirement and to figure out any other strategy moving forward.

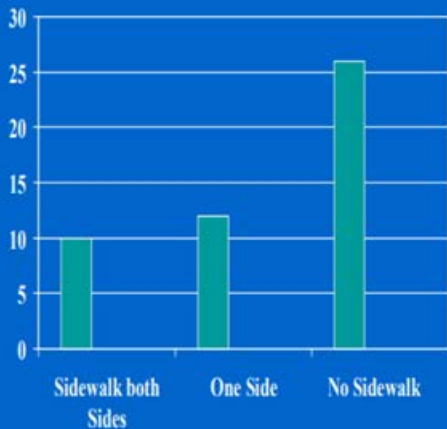
Lester

[SHARE LINK TO SECTIONPRINT](#)  
[SECTIONDOWNLOAD \(DOCX\) OF](#)  
[SECTIONEMAIL SECTION](#)  
[COMPARE VERSIONS](#)

**1:290. - Objections to roll.**

<div class="x\_gmail-m\_-6520765226441386207gmail-m\_-6854697143408393002gmail-m\_-3144005337084777319gmail-m\_3259294888615976164gmail-m\_-7878941

# Sidewalks make streets safer



2.6 times  
greater on  
streets  
without  
sidewalks

1.2 times as  
great on  
streets with  
sidewalks on  
one side

Source: Federal Highway  
Administration

## Chance of Pedestrian Auto Crash

Planning for Sidewalks on Local Streets

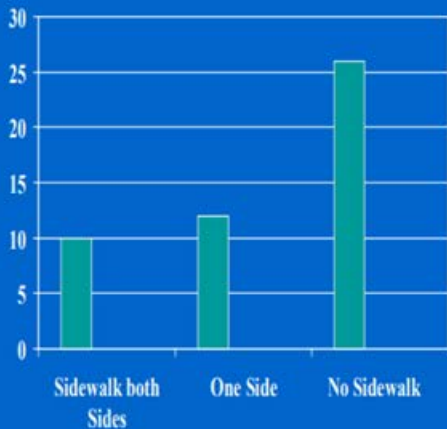
# Guidelines for Installing Sidewalks

Land-Use/Roadway Functional Classification/ and Dwelling Unit	New Urban and Suburban Streets	Existing Urban and Suburban Streets
Commercial and Industrial (All Streets)	Both sides.	Both sides. Every effort should be made to add sidewalks where they do not exist and complete missing links.
Residential (Major Arterials)	Both sides.	Multifamily-both sides.
		Single family dwellings-prefer both sides; require at least one side.
Residential (Collectors)	Both sides.	Multifamily-both sides.
		Single family dwellings-prefer both sides; require at least one side.
Residential (Local Streets) More than 4 Units Per Acre	Both sides.	Prefer both sides; require at least one side.
1 to 4 Units per Acre	Prefer both sides; require at least one side.	At least 4-feet shoulder on both sides required.
Less than 1 Unit per Acre	One side preferred; shoulder on both sides required.	One side preferred, at least 4-feet shoulder on both sides required.





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**From:** [Tom Stulberg](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Drawings of sidewalk plan  
**Date:** Saturday, April 13, 2019 11:55:36 AM

---

I'd like to review the detailed plans again. Do you have a link convenient?

Sent from my iPhone

**From:** [Tom Stulberg](#)  
**To:** [Nelson, Elizabeth](#); [Griswold, Kathy](#)  
**Subject:** I made a mistake about Ashley Street  
**Date:** Saturday, April 13, 2019 9:35:34 PM

---

Ashley Street is currently zoned C2B and proposed to be rezoned to R2A.

Forget what I said. My logic was based on thinking it was zoned R2A now and the request was to rezone it to C2B. I agree with staff and CPC to leave it zoned the way it is currently.

Feel free to ask me more about this. Sorry for the mistake.

Tom

From: Tom Stulberg [REDACTED]  
Subject: Re: Agenda Response Memo - January 22, 2019  
Date: January 22, 2019 at 6:11 PM  
To: Bannister, Anne ABannister@a2gov.org  
Cc: [REDACTED] Laura Strowe [REDACTED] Griswold, Kathy KGriswold@a2gov.org, Hayner, Jeff JHayner@a2gov.org, Eaton, Jack JEaton@a2gov.org

TS

Not very illuminating. But Thanks for asking the questions Anne.

The study and report will take two years. By then we are going to need real solutions to what will be a very busy area. Will this report lead to solutions - I can't say. Do we need to address this area - yes. Is it worth the money - in my opinion yes, if the study leads to solutions. We all will have to make that happen I guess. We will have to have faith that the intent of this study is to lead to solutions, and not simply to push the problem down the road two years. Or challenge that if you think otherwise.

Thank you for making this and other tough decisions on behalf of us citizens. If you have any specific questions for me, just ask.

Tom

Sent from my iPhone

On Jan 22, 2019, at 5:19 PM, Bannister, Anne <ABannister@a2gov.org> wrote:

Hi Tom, Mary, and Laura,

The staff Responses to our questions about the Lower Town study are on pages 13 - 15 of the attached memo, and cut & pasted here:

**DS – 1- Resolution to Authorize a Professional Services Agreements with Orchard, Hiltz & McCliment, Inc. (OHM) for the Lower Town Area Mobility Study (RFP No. 18- 21) (\$579,478.00) and Appropriate Funding from the Major Street Fund Balance (\$649,478.00) (8 Votes Required)**

**Question:** What specific solutions does staff intend to receive from this study? (Councilmember Bannister)

**Response:** Staff is unable to identify specific solutions prior to the findings of the study being complete. The study process, including technical analysis and public engagement, will identify solutions and test their feasibility. Generally speaking, the study is meant to conduct a comprehensive mobility study centered in the City's Lower Town Area. The study must address the mobility needs for users of all means of transportation, including pedestrians, bicyclists, transit riders, and drivers and passengers of motorized vehicles.

**Question:** Which of these solutions would staff consider implementing? Please include the range of cost estimates and timeline. (Councilmember Bannister)

**Response:** Staff is unable to identify specific solutions, including their cost or timeline, prior to the findings of the study being complete.

**Question:** What thoughts does staff already have about the known traffic problems in the area? (Councilmember Bannister)

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**Response:** Staff's understanding of the transportation issues are identified in the scope of services as follows: "Development in the northern areas of the City can reasonably be expected to add demand to the City's mobility network. The confluence of Pontiac Trail, Broadway, Plymouth Road, Moore Street, Wall Street, and Maiden Lane (also known as Lower Town) has the potential to become a mobility chokepoint. City Council desires to mitigate the potential impacts of development on the City's quality of life. In December 2017, City Council passed a resolution requesting City Staff to review and update of previous studies of vehicular, transit, bicycle, and pedestrian movements leading to, and traveling through, the Lower Town area."

**Question:** How many new pedestrians, bicycles, and automobiles are expected from the developments in the area, including 1140 Broadway, Broadway Park (DTE), Cottages at Barton Green (Trinitas), The Glen Hotel, the new UM parking structure, and Northsky, the 70 new condos, and the large vacant lot, etc.? Please break it down by peak rush hours in the mornings and afternoons.  
(Councilmember Bannister)

**Response:**

AM Peak Hour	Pedestrian Trips	Bicyclist Trips	Trips by Transit	Vehicular Trips
1140 Broadway	55	20	40	239
Roxbury Broadway Park (under review/revision)				125
Cottages at Barton Green	2	6	62	149
UM Parking Structure	Similar amount to vehicular trips			354
Glen Hotel				155
North Sky				144
Bristol Ridge				34
PM Peak Hour	Pedestrian Trips	Bicyclist Trips	Trips by Transit	Vehicular Trips
1140 Broadway	76	28	56	309
Roxbury Broadway Park (under review/revision)				143
Cottages at Barton Green	3	11	93	212

UM Parking Structure	Similar amount to vehicular trips			325
Glen Hotel				185
North Sky				184
Bristol Ridge				42

Data from traffic impact studies will be inputs into the analysis performed by the consultant

**Question:** Given that 1140 Broadway is adding 1000 new residents with only 550 parking spaces and basically no commercial for them to shop, where does staff anticipate the new people will park? (Councilmember Bannister)

14 Agenda Response Memo— January 22, 2019

**Response:** This study will not address the parking availability of the 1140 Broadway project.  
It will consider the transportation demands based on the uses at this location and others in the area.

**Question:** For the traffic flows on Swift and Broadway, and then to downtown or back around to Wall and Maiden Lane and to the Med Center, how much traffic gridlock is anticipated and what grade level might this be? (Councilmember Bannister)

**Response:** Based on the analysis tools available to us today, this area is expected to perform at LOS (level of service) C or D during the morning commute peak, and LOS E or F during the afternoon peak.

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**Response:** The purpose of the study is to perform a sub-area analysis of transportation challenges and strategies to address them for the Lower Town area. The intent of the study is not to analyze site specific improvements that are part of a development approved by the Planning Commission and City Council.

Thanks,  
Anne

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Higgins, Sara  
**Sent:** Tuesday, January 22, 2019 4:14 PM  
**To:** \*City Council Members (All)  
**Cc:** Lazarus, Howard; Blake, Betsy; Crawford, Tom; Pfannes, Robert; Kennedy, Mike; Wilkerson, Robyn; Koch, Heather; Bennett, Kimberly; Hull, Jessica; Radabaugh, Margaret; Postema, Stephen; Hupy, Craig; Harrison, Venita; Hutchinson, Nicholas; Hess, Raymond; Praschan, Marti; Rechten, Matthew; Slay, Arianne; Williams, Debra; Delacourt, Derek; Lenart, Brett; Cheng, Christopher; Kowalski, Matthew; Fournier, John; Frost, Christopher; Forsberg, Jason  
**Subject:** Agenda Response Memo - January 22, 2019

Mayor and Council,  
Attached are staff responses to January 22, 2019 Council Agenda questions. This memo will be included as a written communication from the City Administrator on the January 22, 2019 Council Agenda.

Thank you,

**Sara Higgins, Strategic Planning Coordinator**

Ann Arbor City Administrator's Office | Guy C. Larcom City Hall | 301 E. Huron, 3rd Floor · Ann Arbor · MI · 48104  
734.794.6110 (O) · 734.994.8296 (F) | Internal Extension 41102  
[shiggins@a2gov.org](mailto:shiggins@a2gov.org) | [www.a2gov.org](http://www.a2gov.org)



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[a2gov.org/A2BeSafe](http://a2gov.org/A2BeSafe)

<Agenda Responses 1-22-19 Final.pdf>



From: Tom Stulberg [REDACTED]  
Subject: LowerTown Mobility study  
Date: January 23, 2019 at 12:59 PM  
To: Bannister, Anne ABannister@a2gov.org, [REDACTED] Laura Strowe [REDACTED]  
Cc: Griswold, Kathy KGriswold@a2gov.org, Hayner, Jeff JHayner@a2gov.org, Eaton, Jack JEaton@a2gov.org

TS

Anne, Jeff, Kathy, and Jack,

Thank you all for your comments and debate last night. I watched from home.

I am of two minds on this. We need something DONE sooner than two years from now, and we do not need another document to throw on the trash heap like we did the LowerTown Master Plan. Us citizens that participated in that Master Plan process, and ended up with a very good plan that was NOT followed by the Morningside development, now will participate in the citizen meetings with the new consultant if the study is approved. It is hard to get citizens to participate in the process when they rightly feel it may just be a waste of their time. I will participate because I am a die hard optimist who believes we have to keep trying even when there is not a great success rate. I know some of my neighbors won't because they have lost faith, and I can't blame them.

I honestly don't know what to do here, but I am open to having conversations over the next month with you all and others on whether to proceed with this study or not.

As for the mayor counting votes and not wanting to lose, and thus postponing to a future meeting...he was not hiding anything. He was very clear that he thinks he will get the result that he wants in a month and that he wouldn't have if the vote was held last night. Thank you for calling that out Jeff.

On the settlement of Anne and Sumi's lawsuit: Jeff, Jack, and Ali all had good comments. I see Jeff's point, but I think Jack is right that we would not get that question answered if the lawsuit went forward. So I am glad Jeff spoke up, but happy for the result and the settlement.

Hope the roads weren't nasty for you getting home,

Tom

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Tuesday, January 22, 2019 5:18 PM  
**To:** Tom Stulberg; [REDACTED] Laura Strowe  
**Cc:** Griswold, Kathy; Hayner, Jeff; Eaton, Jack  
**Subject:** FW: Agenda Response Memo - January 22, 2019

Hi Tom, Mary, and Laura,

The staff Responses to our questions about the Lower Town study are on pages 13 - 15 of the attached memo, and cut & pasted here:

**DS – 1- Resolution to Authorize a Professional Services Agreements with**

**Orchard, Hiltz & McCliment, Inc. (OHM) for the Lower Town Area Mobility Study (RFP No. 18- 21) (\$579,478.00) and Appropriate Funding from the Major Street Fund Balance (\$649,478.00) (8 Votes Required)**

**Question:** What specific solutions does staff intend to receive from this study? (Councilmember Bannister)

**Response:** Staff is unable to identify specific solutions prior to the findings of the study being complete. The study process, including technical analysis and public engagement, will identify solutions and test their feasibility. Generally speaking, the study is meant to conduct a comprehensive mobility study centered in the City's Lower Town Area. The study must address the mobility needs for users of all means of transportation, including pedestrians, bicyclists, transit riders, and drivers and passengers of motorized vehicles.

**Question:** Which of these solutions would staff consider implementing? Please include the range of cost estimates and timeline. (Councilmember Bannister)

**Response:** Staff is unable to identify specific solutions, including their cost or timeline, prior to the findings of the study being complete.

**Question:** What thoughts does staff already have about the known traffic problems in the area? (Councilmember Bannister)

**Response:** Staff's understanding of the transportation issues are identified in the scope of services as follows: "Development in the northern areas of the City can reasonably be expected to add demand to the City's mobility network. The confluence of Pontiac Trail, Broadway, Plymouth Road, Moore Street, Wall Street, and Maiden Lane (also known as Lower Town) has the potential to become a mobility chokepoint. City Council desires to mitigate the potential impacts of development on the City's quality of life. In December 2017, City Council passed a resolution requesting City Staff to review and update of previous studies of vehicular, transit, bicycle, and pedestrian movements leading to, and traveling through, the Lower Town area."

**Question:** How many new pedestrians, bicycles, and automobiles are expected from the developments in the area, including 1140 Broadway, Broadway Park (DTE), Cottages at Barton Green (Trinitas), The Glen Hotel, the new UM parking structure, and Northsky, the 70 new condos, and the large vacant lot, etc.? Please break it down by peak rush hours in the mornings and afternoons. (Councilmember Bannister)

**Response:**

AM Peak Hour	Pedestrian Trips	Bicyclist Trips	Trips by Transit	Vehicular Trips
1140 Broadway	55	20	40	239
Roxbury Broadway Park (under review/revision)				125
Cottages at Barton Green	2	6	62	149
UM Parking Structure	Similar amount to vehicular trips			354

	vehicular trips			
Glen Hotel				155
North Sky				144
Bristol Ridge				34
PM Peak Hour	Pedestrian Trips	Bicyclist Trips	Trips by Transit	Vehicular Trips
1140 Broadway	76	28	56	309
Roxbury Broadway Park (under review/revision)				143
Cottages at Barton Green	3	11	93	212
UM Parking Structure	Similar amount to vehicular trips			325
Glen Hotel				185
North Sky				184
Bristol Ridge				42

Data from traffic impact studies will be inputs into the analysis performed by the consultant

**Question:** Given that 1140 Broadway is adding 1000 new residents with only 550 parking spaces and basically no commercial for them to shop, where does staff anticipate the new people will park? (Councilmember Bannister)

14 Agenda Response Memo– January 22, 2019

**Response:** This study will not address the parking availability of the 1140 Broadway project.

It will consider the transportation demands based on the uses at this location and others in the area.

**Question:** For the traffic flows on Swift and Broadway, and then to downtown or back around to Wall and Maiden Lane and to the Med Center, how much traffic gridlock is anticipated and what grade level might this be? (Councilmember Bannister)

**Response:** Based on the analysis tools available to us today, this area is expected to perform at LOS (level of service) C or D during the morning commute peak, and LOS E or F during the afternoon peak.

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**Response:** The purpose of the study is to perform a sub-area analysis of

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Thanks,  
Anne

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

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---

**From:** Higgins, Sara  
**Sent:** Tuesday, January 22, 2019 4:14 PM  
**To:** \*City Council Members (All)  
**Cc:** Lazarus, Howard; Blake, Betsy; Crawford, Tom; Pfannes, Robert; Kennedy, Mike; Wilkerson, Robyn; Koch, Heather; Bennett, Kimberly; Hull, Jessica; Radabaugh, Margaret; Postema, Stephen; Hupy, Craig; Harrison, Venita; Hutchinson, Nicholas; Hess, Raymond; Praschan, Marti; Rechten, Matthew; Slay, Arianne; Williams, Debra; Delacourt, Derek; Lenart, Brett; Cheng, Christopher; Kowalski, Matthew; Fournier, John; Frost, Christopher; Forsberg, Jason  
**Subject:** Agenda Response Memo - January 22, 2019

Mayor and Council,  
Attached are staff responses to January 22, 2019 Council Agenda questions. This memo will be included as a written communication from the City Administrator on the January 22, 2019 Council Agenda.

Thank you,

**Sara Higgins, Strategic Planning Coordinator**

Ann Arbor City Administrator's Office | Guy C. Larcom City Hall|301 E. Huron, 3rd Floor · Ann Arbor · MI · 48104  
734.794.6110 (O) · 734.994.8296 (F) | Internal Extension 41102  
[shiggins@a2gov.org](mailto:shiggins@a2gov.org) | [www.a2gov.org](http://www.a2gov.org)



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[a2gov.org/A2BeSafe](http://a2gov.org/A2BeSafe)

**From:** Tom Stulberg [REDACTED]  
**Subject:** Re: Resolution proposing a moratorium on project approval  
**Date:** January 24, 2019 at 3:28 PM  
**To:** Bannister, Anne ABannister@a2gov.org, Eaton, Jack JEaton@a2gov.org  
**Cc:** Hayner, Jeff JHayner@a2gov.org

TS

I was watching and caught that. Lots to talk about if people want to chat in person.

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Thursday, January 24, 2019 3:20 PM  
**To:** Tom Stulberg; Eaton, Jack  
**Cc:** Hayner, Jeff  
**Subject:** FW: Resolution proposing a moratorium on project approval

Hi Tom and Jack -- In case you missed this idea from the tail end of Tuesday night's meeting...a 2-year moratorium on all project approvals for new construction within the boundaries of the Lower Town Area Mobility Study.

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Beaudry, Jacqueline  
**Sent:** Tuesday, January 22, 2019 10:20 PM  
**To:** \*City Council Members (All)  
**Cc:** Postema, Stephen; Lazarus, Howard  
**Subject:** FW: Resolution proposing a moratorium on project approval

---

**From:** Hayner, Jeff <JHayner@a2gov.org>  
**Sent:** Tuesday, January 22, 2019 10:04 PM  
**To:** Beaudry, Jacqueline <JBeaudry@a2gov.org>  
**Subject:** Resolution proposing a moratorium on project approval

Whereas the city of Ann Arbor is undertaking a comprehensive mobility study "Lower Town Area Mobility Study" and;  
Whereas the results of this study will not be known for 2 years and;  
Whereas the results of this study are critical to inform the planning decisions made in the north side neighborhoods for the safety of residents;  
Resolved, the City of Ann Arbor declares a 2-year moratorium on all project approvals for new construction within the boundaries of the Lower Town Area Mobility Study.

**From:** wiedert [REDACTED]  
**Subject:** P.S.  
**Date:** January 30, 2019 at 12:06 PM  
**To:** Jack Eaton [REDACTED]


---



Rosati's firm is Rosati, Schultz, Joppich, et al.

Sent from my Verizon, Samsung Galaxy smartphone



From: Wiedert [REDACTED]   
Subject: City Attorney  
Date: February 13, 2019 at 6:08 PM  
To: [REDACTED]  
Cc: [REDACTED]



Ali, Anne, Elizabeth, Jack, Jane, Jeff and Kathy-

Attached is a Memorandum that I prepared about action that you might consider taking with regard to the City Attorney. I know that a lot of questions have been raised about what the new majority might do, if anything, about continuing Steve Postema as the Attorney.

I strongly believe that it would be in the best interests of both you and the city to hire a new attorney.

I apologize for the length of the Memorandum; I know that you are somewhat inundated with paperwork. With regard to the Attorney's handling of particular matters, the devil is in the details. To evaluate his performance, it is necessary to know these details.

The Attorney is one of the two direct-hires that you have, and he is a position to significantly affect outcomes. Based on the record, it's time for a change.

Although I have dealt with Steve on a number of matters over the years, this is not personal. He is very annoying and frustrating to deal with, but he has never done anything that has hurt me. In matters involving the city, my clients have almost always achieved good results.

I hope that I have anticipated questions that you might have, but if not, I'm happy to discuss any of this with you.

I would appreciate it if you would confirm receipt of this email and attachment.

Thanks,

Tom Wieder

[REDACTED] (H)

[REDACTED] (C)



MEMORANDUM  
Atty.docx

## **MEMORANDUM**

To: Anne, Jeff, Jane, Kathy, Jack, Elizabeth and Ali  
From: Tom Wieder  
Date: February 13, 2019  
Subject: Why you should have your "own" City Attorney.

### **Asking the right questions:**

You have probably all heard or raised some variants of the following questions: Should Steve Postema be fired as City Attorney? Will the new Council get rid of Postema? Should I support getting rid of Postema?

I suggest that these are the wrong questions. The more appropriate ones run along these lines: Is Postema the attorney which I/we would choose to have? Do I/we have the confidence that Postema will energetically support our choices about City matters? Would it be beneficial to have a fresh start in the Attorney's office with someone who has less history with previous Councils and administrative staff?

### **Each Council has the right to choose its own attorney.**

Like every client, whether an individual or an institution, the Council has the right to select an attorney of its own choosing. There is no requirement that a new Council demonstrate the inadequacies or errors of the incumbent Attorney. The "default position" isn't that the incumbent Attorney stays on indefinitely, unless proven unfit; each new Council may view this as a blank slate, as if the position were vacant. After all, if there has been any change in the membership of Council, there is a new "client."

In the "old" days, it was almost a given that, when Council control changed hands, a new Attorney would be hired. Of course, in those days, a change in Council control would mean switching from one party to the other, and that doesn't happen anymore.

Under the Charter, there is nothing over which the Council has more unfettered discretion than in selecting an Attorney. The only things that the Council may do which aren't subject to a Mayoral veto are the hiring and firing of the Administrator and the Attorney. Both are "at-will" employees.

### **Problems with a long-tenured Attorney.**

There are problems with an Attorney staying for a long period of time, and these can be observed with Postema. He has been in office during the tenures of two Mayors, three City Administrators and 35 Councilmembers. They come and go; he stays as the most senior person in city government. It is not surprising that someone in that position begins to see himself as the possessor of the greatest experience and wisdom regarding the affairs of the city - and acts consistent with that view. He comes to have his own agenda, his own status to protect. Postema gets to play the card of being a full-time, licensed professional dealing with part-time "amateur" bosses.

For the past 15 years, Postema has advocated the positions and perspectives of Hieftje and Taylor and their supporters on Council. He has relationships, good and bad, with various city bureaucrats. He has developed his own ideas about how City business should be conducted. That is a lot of baggage.

What he doesn't have is any allegiance or loyalty to you. Are you truly confident that Postema will set aside all of this baggage and be an enthusiastic advocate for you? If you have any doubts about that, it is time to hire your own attorney, not to drift along with the choice that a different Council made more than 15 years ago.

Some may argue that Postema can reform his behavior to what is desired by the new Council. Perhaps, an old dog can be taught new tricks. Sometimes, however, it is better to get a new puppy and train it to your style.

Being the Attorney is not a lifetime position. Since the City Attorney position became a full-time employee position (as opposed to outside, private counsel) in 1956, there have been 8 "regular" Attorneys. (There were interim attorneys for a total of 5 years.) The average tenure for those 8 has been 7.25 years. This average includes 15 years for Bruce Laidlaw, and Postema is now in his 16<sup>th</sup> year. (For the other 6, the average was 4.5 years.)

Of the seven Attorneys prior to Postema, at least five were replaced by Council, rather than choosing to leave on their own. Notable was Laidlaw, the longest-serving. Liz Brater and the new Democratic Council majority decided to replace him. It wasn't his party affiliation; he was, at least nominally, a Democrat. The concern was that Laidlaw had stayed too long, that he had his own agenda and his own power base in City Hall. He was not perceived as being likely to be responsive to his new bosses.

In summary, it has been the rule, rather than the exception, for 60 years, that Council hires its "own" attorney, especially when there has been a significant change in the complexion and values of a new Council.

In my view, this reasoning alone should justify getting a new Attorney. But just in case...

### **The Case against Steve Postema.**

I don't pretend to have a full perspective on Postema's performance. I haven't monitored all of his actions for the 15+ years that he has been in the office. Veteran Councilmembers probably have examples that I can't address, but I am familiar with the facts involving some of the more salient legal issues. I present them below in reverse chronological order.

Some of the things that seem to characterize Postema's behavior: 1) He makes some important decisions without even consulting his client – the Council. 2) When he does take matters to Council, he primarily advocates for the particular course of action that he prefers. The proper approach for an attorney is to present available options as objectively as possible and let the client decide. If the client wants a recommendation, it asks for one. 3) He has seriously mishandled major matters, resulting in losses to the city in dollars, respect and legitimacy. 4) He has shown insufficient respect for civil rights and liberties. 5) He has withheld important information from Council and actively misrepresented things to Council.

### **The Library Lot**

I don't think that I need to convince most, or any, of you that the "contract" with Core Spaces was not valid. One would hope that the Attorney would have given objective and reasonable advice about the contractual authority of the Council, but he did nothing of the kind. Instead, he drafted a resolution

giving himself the authority to determine both the form, and substance, of the contract. This was a gross abuse of his role. Instead of fostering proper compliance with the Charter, he abetted the undermining of it, improperly giving him more power and control.

The April 2017 Resolution and accompanying documents came nowhere near constituting a valid real estate contract. It lacked such essential items as a property description, the nature of the rights being sold, even the identity of the purchaser, and many more. I've detailed these before.

The notion that a contract was formed in 2017, but that it took 13½ months to come up with a document to sign, a document that was about 14,000 words long and contained dozens of important provisions, is untenable. In real estate transactions, the document is the contract. Until there was a document at the time of the Resolution, there was no contract; there was no deal.

It was clear in April 2017 that eight of the then-Councilmembers wanted a contract to be entered into with Core Spaces. Why did this not happen until May 2018? There are several factors, but one was certainly the inability of the Attorney to get it done. In this case, we might be happy that he didn't get it done, but an attorney is supposed to deliver for the client.

When Anne won the primary in August 2017, it became obvious that there would soon not be eight votes to approve a contract with Core. As far as I can tell, this did not set off any alarm bells in the Attorney's office.

A prudent Attorney would have advised Council that the April 2017 Resolution might not be found to have created a valid contract. If he didn't recognize this possibility, it shows little competence. If he did, but didn't alert Council to that possibility, he was irresponsible. Once it became clear that eight votes wouldn't be there after Anne took office, he should have been doing everything possible to get an actual contract resolved and executed before then. That is what his client at the time wanted.

One of Postema's most egregious actions was that he did not show the finished document to Councilmembers before execution. (Or, at least, not all of them. Obviously, Taylor saw it before execution, because he signed it. Were selective other Councilmembers, but not all, given a chance to review it?)

What was the sudden rush to conclude this greatly attenuated process? Even if there had been no bad motive (doubtful), not giving your client full opportunity to review such a document and ask questions about it is a breach of professional responsibility, in the extreme.

When Anne and Sumi filed their lawsuit, it created a significant conflict situation for Postema, which he chose to ignore. Sumi was his client when the Resolution was approved and until after the document was signed. Anne was his client after the Resolution, but before and after the document was signed. They were both his clients when the lawsuit was filed. I believe that continuing to represent the City in this matter was a clear violation of Michigan Rules of Professional Conduct (for attorneys) 1.7 and 1.9 regarding conflicts of Interest. Had the cases gone on longer, I would have moved for the disqualification of the Attorney's office.

But the problem was even greater. As part of the defense to Sumi and Anne's suit, Postema criticized what they did regarding Core Spaces before the suit was filed, at a time when they were still

represented by him! He attacked them for allegedly previously voting for “contracts” in similar situations. He said that this precluded them from challenging the Core “contract.”

Postema faulted them for not asking for an additional vote on the Core deal – the Agreement of Sale document. They couldn’t do that, because they didn’t know that it existed until after it was signed. Postema, Lazarus and Taylor hid that existence from them.

Postema went even further. Prior to November 1, 2017 (before Anne came onto council), some Councilmembers had asked if “the agreement” would come back to Council. In an attorney-client privileged email to all Councilmembers, his Senior Assistant City Attorney stated that the agreement would not come back to council for any further consideration.

When Sumi and Anne filed their lawsuit, the Attorney’s office reproduced this privileged email in its public court filings. It said that their claim should be rejected because they hadn’t challenged the advice given to them by their own lawyer at the time – the City Attorney. Of course, they were still clients of the Attorney’s office when they filed the suit. The multiple layers of inappropriate and unethical behavior by the Attorney are truly mindboggling.

There is another basic problem with what Postema did in this case. Sumi and Anne claimed that the Council has no authority under the Charter to delegate its contractual authority to anyone else. The Attorney argued unconvincingly to the contrary. But even if it had that authority, its delegation would have expired before the Agreement of Sale was executed.

A party (Council) might have the authority to give an agent (the Attorney) the power to act in its behalf. But the agent can’t have any more power than the principal has. In this case, the authority of the Council that voted for the Resolution expired when the new Council took over after the November 2017 election.

While we tend to think of “the Council” as a permanent, ongoing entity, it really isn’t. There is a series of “Councils,” each of which consists of the eleven members elected at the two previous elections. That “Council” ceases to exist when the next election comes along. The Council that passed the April 2017 Resolution had no legal authority after the November 2017 election. The Attorney, therefore, had no authority, based on that Resolution, to approve and execute a contract in May 2018. Any delegation of authority to him had terminated six months earlier.

Imagine that Zack Ackerman lost to Steve Kunselman in the August 2017 primary, and Chip Smith lost either the primary to David Silkworth or the general to Ali. That would have produced a Council with only five members who had voted for the April 2017 Core Resolution. It would have been Postema’s position that he, Taylor and Lazarus could have gone ahead and executed a contract with Core in May 2018 based on the claimed delegation of contracting authority to him in the April 2017 Resolution. If he doesn’t understand the absurdity of this position, he’s incompetent. If he understands it, but chose to ignore it, he is dishonest and unethical.

Postema’s maneuverings around the Core issue didn’t stop with the passage of Proposal A and the dramatic re-composition of the Council by the 2018 election. It was clear, immediately, that his highest priority was to avoid any further examination of the validity of the contract, because such an examination would show how illegitimately he, Lazarus and Taylor had rammed through the Agreement of Sale.

Postema and I spoke about the two cases two or three days after the election. He was already pursuing the strategy of taking the issue of the validity of the contract off the table. He suggested that the Plaintiffs might want to totally drop that claim. He mentioned the “escape clause” in the Agreement, of which I was unaware. He argued that, if we succeeded in having the Agreement determined to be invalid, the “escape clause” in the Agreement couldn’t be invoked by Lazarus to terminate the deal.

I rejected his suggestion immediately, but he never let go of that idea for the next two months. The strategy simply made no sense. If we succeeded in having the contract invalidated, that would be the end of things. Short of Core winning an appeal, it would have nowhere to go. Even if the contract were found to be valid, it could still be deemed to be overridden by the Charter Amendment. If Core overcame that, too, the “escape clause” could still be invoked by Lazarus then, based on continuing litigation, which surely would have been the case.

Using the “escape clause” to resolve the matter would be foolish. By using a provision of the Agreement, the city would, essentially, be affirming the validity of the Agreement and that it was still viable after the Passage of Proposal A.

In the same conversation, Postema raised other issues. He talked of the need to determine Core’s position. He said that the “whole thing could go away” if Council were to “take a new tack.” He said there were “other strategies” under consideration. He said that the “Y Lot is in play, and Core might be interested in that.” It was bizarre that he would be discussing these things with me, especially since he hadn’t even met with the new, yet-to-be-sworn-in Council at that point.

This didn’t have to be that complicated. Five of you could have simply adopted Sumi and Anne’s position that the Agreement was invalid and told Postema to stop defending it. That would have been a “new tack” that Council could take, but that option was never presented to you by him or discussed. It should have been. The new Council had every right to review existing litigation strategy and to pursue a new course.

In this context, the best thing that happened for Postema (and Lazarus and Taylor) was the passage of Proposal A. If it had failed, the Ballot Committee case would have gone away. Anne and Sumi’s case would have gone on, to be decided solely on whether the contract was valid.

Postema said he would get back to me after he met with the entire new Council on November 19<sup>th</sup>. But he didn’t discuss the Library Lot cases with the Council on that date. He informed Council that issues around Proposal A would be considered as part of the December 3<sup>rd</sup> meeting. Postema wouldn’t respond to calls and emails from me for over a week, at which point he said that the consideration of the Proposal A issues wouldn’t take place until the December 17<sup>th</sup> meeting.

Tired of what seemed like obvious stalling, I prepared and forwarded to Postema proposed settlements in both cases on November 29<sup>th</sup>. Postema forwarded the settlements to Councilmembers, but did not ask for feedback. In fact, to this day, he never asked for feedback from Council on any of several proposals I submitted to him, probably because he didn’t think that he would like the feedback.

It soon became apparent why the consideration of the cases was put over to December 17<sup>th</sup>. On that date, there was going to be a closed session to discuss the Cottages at Barton Green lawsuit with Carol

Rosati, the outside counsel hired to represent the city in that case. Rosati had been hired pursuant to a Council Resolution approving a contract for up to \$150,000, but specifically for the Barton Green case.

I learned that, at the December 17<sup>th</sup> meeting, Rosati was also going to present issues relating to the Library Lot. I confronted Postema about this, asking how that could happen, because Council had only hired Rosati for the Barton Green case. He said that Lazarus could approve a contract up to \$25,000 without Council approval, suggesting that that had been done. I asked him when that supposed contract had been entered into. His response was, "When it started." This was pure gibberish. I asked the question again. He stumbled around a bit before saying: "Uh, I think it was sometime in early November."

(I suspect that there is no such contract, and we may have the answer to that soon. Pat Lesko has filed a FOIA request seeking any documents indicating that Rosati was properly hired for work on the Library Lot, any bills that she may have submitted and any payments made. If Rosati were hired to do work without proper contractual approval, that would violate the Charter. If she were paid for such work, it would be a misappropriation of city funds.)

Even if Lazarus could have made such a contract, why would he, without discussing it with Council first? Presumably, it would have been done at Postema's suggestion. And why wouldn't Postema discuss it with Council first? The timeline makes no sense. Postema says that the contract was entered into in "early November." This was before the earliest date, November 19<sup>th</sup>, that Postema said he would have to discuss the cases with the new Council, a Council which might "take a new tack" and "make the whole thing go away."

And why was it necessary to spend the money to hire outside counsel? I can tell you that the legal issues about the validity of the Agreement, the validity and enforceability of the Charter Amendment, and the effect of the Charter Amendment on the Agreement, are neither terribly complex, nor require any particular expertise to address. I had no problem researching these issues in a short time, and the Attorney has a staff of ten attorneys. You received two memoranda from the Attorney's Office about the Charter Amendment issues. You also received a separate memorandum from Ms. Rosati, which basically covered the same ground.

Besides redundantly covering the same legal issues, the three memoranda had another common element – none of them even addressed the issue of the validity of the Agreement. They just assumed that the Agreement was valid, effectively abandoning an argument which could have made the rest of the issues totally moot. This is no accident; it was part of the Attorney's strategy of avoiding any scrutiny of the creation and execution of the Agreement, for which he was primarily responsible.

As you probably recall, for the December 17<sup>th</sup> Council meeting, Postema had scheduled a closed session which was supposed to consider the Library Lot cases. Moments before the session started, he announced that those cases would not be discussed. Also, in response to his request, Taylor had, on December 14<sup>th</sup>, placed a Resolution on the agenda which would direct the Attorney with regard to settling the cases. He pulled that. Postema also noted at the meeting that several of you had sent communications directing him to accept the proposed settlements.

Finally, when Lazarus sent his December 31<sup>st</sup> letter to Core cancelling the Agreement, Postema contacted me, and we attempted to settle the cases. He kept pushing me to dismiss Anne and Sumi's case or, at least, not settle that one along with the Ballot Committee case. Postema was desperate not



to have any settlement of Anne and Sumi's case. That case was based solely on the invalidity of the Agreement (not on Proposal A), and I think he was concerned that any settlement would imply that the agreement was invalid.

To move things along, I agreed to settle the Ballot Committee case separately and eventually agreed to the language Council approved on January 7, 2019.

I continued to press for settlement of Anne and Sumi's case. When Postema continued to drag his feet, I sent him a new proposal, which explicitly dealt with the issue of proper city contracting procedure, and asked that he forward it to Council. Apparently, he did not do so.

The new proposal contained this language:

12. The parties stipulate to the entry of the attached order permanently enjoining the City of Ann Arbor from selling the development rights over the Library Lot pursuant to the Agreement and, further, permanently enjoining the City from taking any action in furtherance of any contract with the City unless such contract is submitted to the Council in final, written, executable form and is approved by the requisite number of members of the Council, pursuant to the language of the Charter for the City of Ann Arbor.

I suggested that his "client" would find this language appealing and that six Councilmembers would tell him to accept it. That got him moving, and finally, we worked out the settlement language approved by Council on January 22<sup>nd</sup>.

(As Jack correctly stated at the January 22<sup>nd</sup> meeting, with the city agreeing to be enjoined from carrying out the Agreement, the court would not have been willing to spend any time considering whether the Agreement was valid, or the more general question of Charter contract provisions.)

I watched the meeting from Colorado. When Jeff stated his concern that the settlement doesn't address the contract procedure question, Postema basically cut him off, saying: "This is language brought by the Plaintiffs' attorney." That was absolutely false. The most recent language that I proposed was the underlined text above. The final language was negotiated and was actually written by the Attorney's office. We resolved it while I was on a cell phone in the Denver airport, and they prepared the document. His suggestion that the contract validity issue wasn't dealt with, because we didn't want it to be, is patently absurd. He sat at the Council table and lied to your faces.

For a number of you, dealing with the contract procedure issue was most important. Postema spent two-and-a-half months maneuvering to avoid that consideration, did his best to keep you away from that issue, and then lied about it. What he should have been doing was promptly consulting you about what you wanted to do and acting upon that.

### **The City Seal Ordinance**

This was a city embarrassment that didn't need to happen, and the fault appears to lie with the Attorney. It is not clear how the idea for this ordinance arose, or why, but the initiative for it came from the Attorney. What problem was identified that prompted its creation? If the Attorney believed there was a problem, he could have raised the issue with Council and asked it wanted him to address it with

an ordinance. What apparently happened is that the Attorney decided to expend valuable attorney staff time to create an ordinance that he never asked his client if it wanted.

One doesn't need to be a constitutional law expert to see that the ordinance was fatally defective, that it violated the First Amendment. That the Attorney either did not see that, or didn't care, is disturbing. The ACLU weighed in with a sound and vigorous presentation asserting the unconstitutionality of the ordinance, and the Attorney didn't even bother to try to defend it. More valuable attorney time was then expended in revising the ordinance, resulting in almost all of it being repealed. (Total repeal fell just one vote short, 5-5.)

Ann Arbor has more ACLU members per capita than any community in the state, and one of the highest rates in the country. It is known as a bastion of progressive politics and attitudes. Its Attorney should not have dragged it, either carelessly or callously, into an assault on constitutional rights.

### **The Proposal A Caption Case**

There probably isn't much that you don't know about the facts of this case, but a few things are worth noting. The Resolution to approve the "explanatory caption" was prepared by the Attorney's office. If he didn't even see a potential legal problem with the caption, it was incompetence. If he saw a potential problem, but didn't discuss it with his client, that was professional negligence.

When the lawsuit was filed challenging the caption, he again had a responsibility to discuss the matter with the Council, his client. The decision to file, or defend, a lawsuit is the client's, not the attorney's. Although Council had approved the caption, that doesn't automatically mean it would want to defend a lawsuit challenging it. If Postema didn't ask for direction, he was wrong.

In nearly 50 years of being active in Ann Arbor politics, and more than 35 years practicing law, I have never seen such a powerful, visceral and negative public reaction to an action like this taken by a local governmental unit. I know a number of people who didn't particularly like Proposal A, but voted for it, because of the caption gambit.

The city's legal position in this matter was almost completely unsupportable. We filed our appeal on the afternoon of Wednesday, August 29, 2018. By mid-morning on Friday, August 31<sup>st</sup>, the Court of Appeals had released its order "peremptorily" reversing the Circuit Court decision. "Peremptorily" means that it didn't even wait for a city response to our appeal. It found that the Council had exceeded its statutory authority.

Postema's actions actually hurt the Council majority. It would have been better if the legally questionable caption had never been put forward. In the end, the majority didn't get the improper caption that it wanted and enraged a significant number of people by trying. A good result for Proposal A, but some very bad lawyering.

Council might have decided to defend the lawsuit, even if it had received sound advice from the Attorney, but it appears that none was provided. This is another embarrassment that should have been avoided.

## The Y Lot

This is another situation where the Attorney contributed to creating a problem for the city and didn't take appropriate action to correct it.

Factual background: When the DDA submitted its Site Plan for the Library Lane parking garage in 2009, it included a leg for the structure that went under Fifth Avenue to William St., adjacent to the Y Lot. This "Southern Section" had some parking spaces in it, but its primary purpose was to facilitate development of the Y Lot. Council decided that the benefits didn't justify the cost, and the Section was deleted from the Site Plan approval. One of the Councilmembers voting for the change was Chris Taylor.

The Council decided to sell the Y Lot in 2013, prompted largely by the need to pay off the loan taken out to buy back the property some years earlier. It put the property up for sale, but did not conduct an RFP process. Dennis Dahlmann offered the highest purchase price - \$5.25 million.

Chris Taylor proposed putting conditions on the city's sale to Dahlmann. One of the conditions was that Dahlmann was required to provide vehicular access to the Y Lot by underground interconnection to the Library Lane structure. Apparently, he thought that the interconnection had actually been built.

Dahlmann's in-house counsel wanted the existence of an interconnection to be confirmed in the language of the sales agreement. The Attorney's office agreed to language requiring Dahlmann to use the "existing, unobstructed, underground city interconnection" to the parking structure. Apparently, the Attorney didn't do anything to confirm with other city officials that the interconnection actually existed before agreeing to this language.

About a year later, Dahlmann wrote to Administrator Steve Powers about the interconnection. Two months later, Powers responded, acknowledging that the interconnection had not been built, but falsely stating that it was site plan-approved, and that the city could build it at some unspecified time in the future. It is apparent that the Attorney assisted in producing this response. It does not appear that the Attorney alerted Council to this problem, so that a solution might be worked out.

For most of 2016, a developer with whom Dahlmann was partnering tried to work with the city to come up with an acceptable project for the site. It asked the city to remove the underground connection requirement, since the connection did not exist, there was no indication that Council would approve what it had previously rejected, and that it would get built by the development-completion deadline in the sales agreement.

Dahlmann retained me to represent him, and in June 2017, I sent to the Attorney a detailed seven-page letter outlining all of our concerns about the contract, seeking rescission of the contract and repayment of Dahlmann's purchase payment. I indicated that litigation was likely if these matters could not be resolved.

On July 5, 2017, a meeting was held at City Hall attended by Taylor, Lazarus, Postema, two or three of Postema's Assistants, Dahlmann and me to discuss the issues that we had raised. Postema stated that he would reply to my June 2017 letter in writing, but never did.

When direct discussions between Dahlmann were unsuccessful, we filed suit on behalf of Dahlmann and his company against the city in January 2018.

It was clear at least 18 months before this time that Dahlmann would not complete a project which complied with the sales agreement by April 2, 2018, the date which triggered the city's buyback rights. No project had even been submitted for site plan approval, let alone constructed.

Despite all of this, the city took no action to prepare to exercise its buyback rights. The last Council meeting before the April 2, 2018 deadline came and went, and the city was not heard from regarding exercising its buyback rights.

Finally, a Resolution was placed on the April 2, 2018 Council agenda to authorize the expenditure of \$4.2 million to buy back then property. Obviously, no payment would be tendered to Dahlmann as of April 2<sup>nd</sup>. Jack successfully moved to postpone a decision on this matter until the following meeting so that Councilmembers would have more than one business day to evaluate such a major action. For this, he was criticized for allegedly "costing the city a million dollars."

What was the Attorney doing in the period before April 2<sup>nd</sup>? Why was he not alerting his client to the looming deadline, asking if the Council wanted to exercise its buyback rights, and acting accordingly in response? Why did he not make preparations to tender payment by April 2<sup>nd</sup>? While Lazarus and Taylor should bear some of the responsibility, it was Postema's responsibility to deal with the litigation.

Since the matter was settled – with Dahlmann getting 99% of his money back - we will never know how the city's delay would have affected the outcome of the litigation. The result could have been that the city lost its buyback rights. The possibility of this outcome seriously and adversely affected the city's bargaining position.

I will never fully understand how and why the Attorney dropped the ball on this major matter, but he surely did.

### **The Dascola Case**

In 2014, Bob Dascola filed nominating petitions to run for Council in the Third Ward. The Clerk said that he couldn't run, because he hadn't been registered to vote in the city for a year, as required in the original 1956 City Charter. The problem was that that provision had been struck down as unconstitutional by the Federal District Court for the Eastern District of Michigan in 1972. That decision was never appealed or overturned.

The issue of candidate eligibility under the Charter had come up before. In 2001, the Clerk had barred a different candidate for Council (Republican Scott Wojack, in the First Ward) from the ballot, because he hadn't lived in the ward for a year, also as required in the original Charter. But that provision had also been ruled unconstitutional in a separate Federal Court decision, also in 1972.

The case challenging the one-year ward residency requirement had been brought by Democrats; the one-year residency requirement case by the new, "radical" Human Rights Party.

In the nearly three decades since those court decisions, nothing had been done to replace the invalidated Charter provisions. The Clerk used a makeshift set of criteria to get on the ballot – a

candidate for mayor had to be registered to vote in the city at the time of filing, and, in the case of a candidate for Council, had to be registered in the ward.

I was aware of the 1972 decisions and offered to help Wojack get on the ballot. I filed suit on his behalf in Washtenaw Circuit Court. (I should have filed in the Federal Court.) The Council was uncomfortable keeping someone off the ballot in these circumstances and directed then-City Attorney Abigail Elias to agree to place Wojack on the ballot. He lost the election.

Almost a year later, Washtenaw Circuit Judge Timothy Connors issued an opinion saying that the ward residency requirement wasn't unconstitutional. This was meaningless, since a Michigan Circuit Court judge can't overturn a federal court ruling, and Wojack's case was then moot.

I worked with then-Councilwoman Joan Lowenstein (yes, really) to try to fix this mess. She agreed to sponsor a resolution for Council to put on the ballot new Charter language regarding candidate eligibility. The proposal was simple – a candidate for mayor had to be a registered voter of the city, and a candidate for council had to be a registered voter of the ward, at the time of filing a nominating petition, what the City Clerk had been doing for 30 years.

Unfortunately, the sole article in The Ann Arbor News about the amendment, and an editorial opposing it, got it completely wrong. The ballot language was totally confusing. The amendment failed, leaving nothing resolved.

At my urging, Joan asked Postema (who had become Attorney) to advise Council regarding his opinion about where things stood and what should be done going forward. Despite repeated requests, he never responded.

When Dascola was told that he couldn't be on the ballot, I stepped forward to represent him. (We don't know what prompted the Clerk to reimpose the voided Charter provisions. Was she prompted to do so by a complaint from opposing candidate Julie Grand?) The Attorney's office took the position that the unconstitutional Charter provisions had been "un-voided" by Connors' opinion or by rulings in cases in other jurisdictions. It was a bizarre argument.

The real problem is that the Attorney didn't ask what Council wanted to do. The decision about whether to contest a legal claim against the city, and what position to take, is the Council's, not the Attorney's. He took it upon himself to decide to vigorously defend the reimposition of the unconstitutional provisions.

Federal District Court Judge Lawrence Zatkoff ruled in Dascola's favor and ordered his name to be placed on the ballot. He thoroughly rejected all of the city's arguments. He said that Judge Connors' opinion had no "precedential value," that the city's argument that the unconstitutional Charter provisions had been "revived" was "misplaced." He stated that, before any law previously found unconstitutional could be enforced, it would have to be re-enacted. He found that other arguments raised by the city "do not warrant extensive analysis."

Judge Zatkoff went on to say:

Defendants' assertion that "a court has no power to repeal Charter provisions in any manner" is supported by no case law, federal law, state law, or any other type of authority.

More fundamentally, this argument is completely at odds with the system of checks and balances the federal system is based on: federal (and state) courts are called on every day in this country to assess whether state and federal laws are in line with the requirements contained in the U.S. Constitution. To suggest that federal courts do possess this power is a serious misstatement of law.

He described other arguments made by the city as “flawed,” “deeply flawed,” and “devoid of persuasive reasoning.”

In ordering the city put Dascola’s name on the ballot, he noted “the Defendants’ demonstrated inability or (unwillingness) to follow the explicit orders issued by federal courts with regard to the constitutionality of the provisions at issue...”

The case was brought under one of the core federal civil rights statutes, which provides that a prevailing party is entitled to attorney fees. The city was ordered to pay me \$30,300 in attorney fees. I don’t know the value of City Attorney time expended on the case.

In spite of all this, Postema sought approval from the Council to appeal the decision, which was denied.

Unfortunately, this did not end the matter. Mistakes by the City and County Clerks led to the printing of absentee ballots for the Third Ward that did not have Dascola’s name on them. Before this error was noticed by members of the public, 392 of those ballots were sent out.

We had to go back to court to get an order requiring the city to issue new ballots and to not count any ballots that didn’t have Dascola’s name on them. The court awarded another \$4,700 in attorney fees to be paid, for a total of \$35,000.

### **Ward Boundaries**

As I’m sure you know, the constitutional mandate of one-person, one-vote requires the Ward Boundaries to be adjusted after each U.S. Census. The last time this was done, in 2011, the Attorney almost completely bungled the process.

A change in state election law caused a problem. Under the Charter, nominating petitions had to be filed by the seventh Monday before the primary. This would be in late June for the August primary. The new state law set a standard timeline for all elections in the state, overriding city charters. The filing deadline was moved up to early May, but the necessary Census data only became available in late March. This made it extremely difficult, but maybe not impossible, to get new boundaries in place in time for candidates to file.

As I understand it, Jackie Beaudry sought advice from Abby Elias about what to do. Abby came up with what can only be described as a hair-brained scheme: candidates would file from the existing wards, and the primary would be held using them. The ward boundaries would then be changed, and the new ones would be used for the general election. One doesn’t have to be an attorney, or a political activist, to see the absurdity of this.

Ann Arbor wasn't the only community dealing with this. Had the Attorney's office bothered to seek input from the Michigan Bureau of Elections, the advice it would have received was that the existing boundaries had to be used for the entire election cycle. But it didn't seek, or it didn't follow, that advice. I thoroughly researched the legal issues at the time, and it was clear that Bureau of Elections' position was completely sound.

Washtenaw County Clerk Larry Kestenbaum, the ACLU, the Bureau of Elections, I and others weighed in against the Elias plan, to no avail. She went forward with it.

But the issue isn't just whether the Attorney made the "right call" or not; it is that it wasn't the Attorney's call to make. It was the client's call, the Council's, to make. But Elias went ahead with her own plan.

If Postema didn't know what his own Chief Assistant Attorney was doing, he certainly should have. If he knew, but didn't take the issue to his client, he was being totally unprofessional. He should have presented the pros and cons of the two options to Council, as objectively as possible, and let it direct him how to proceed. Instead of doing this, the Attorney chose one of the two options and proceeded to try to make it the law of the city.

A proposed ordinance to alter the boundaries was put on the Council agenda by the Attorney for the July 5<sup>th</sup> meeting. By that time, Councilmembers had become aware of what was going on. Some were very angry that they hadn't been informed by the Attorney about the issue much sooner. It voted unanimously to postpone the effective date of the boundary changes until after the November election, so that the existing boundaries would be used for that.

### **Illegal Speed Limits**

In 2006, the Michigan Legislature adopted a statute which regulates the speed limits that local jurisdictions may establish or maintain. There were two purposes of the statute: 1) Establish uniform and appropriate speed limits in accordance with accepted traffic safety and engineering; and 2) Prevent and eliminate "speed traps." It was strongly supported by the Michigan State Police.

A number of streets in the city did not comply with the statute, including all or portions of Plymouth Rd., Huron Parkway, Newport Rd., Nixon Rd., etc. The city did not change the speed limits and continued to enforce the noncompliant ones.

Some individuals who were aware of the statute contested tickets that were issued under the nonconforming limits. They were successful; the tickets were dismissed. The city appealed one of these dismissals to the Circuit Court, which upheld the dismissal. Despite this, the city kept issuing tickets under those limits.

I represented a number of people who were issued tickets issued for "violations" of the illegal speed limits. In every single case, either the Attorney was persuaded not to prosecute the tickets further, or the District court dismissed them.

Not long after the statute was passed and I became aware that the city was ignoring it, I asked Postema why. He had a two-part answer: 1) He "just couldn't believe that the Legislature actually intended" to

produce the results that came from enforcement of the statute; and 2) “We’ve heard that the Legislature is going to amend the law.”

There could be no more no fundamental violation of civil rights than punishing people for doing something which isn’t illegal. As an “officer of the court,” as all attorneys are, Postema has a duty to comply with the law and the decisions of the courts. Postema chooses not to.

Not that it really matters, but this isn’t a case of police incidentally enforcing the invalid limits while on routine patrols. The Police Department still periodically sets up intensive enforcement of the invalid limits on some of the streets.

The city can override the statutory limits if it does a traffic engineering study that supports a different limit. City traffic engineers did such a study on Newport Rd. (my street) and concluded that limits somewhat lower than the statutory ones could be just be justified. But it also concluded that the existing limits on portions of the road are too low. Nothing has been done to change them, and the illegal limits are still being enforced.

### **FOIA and the Open Meetings Act (“OMA”)**

Postema’s lack of transparency in applying both of these statutes is clear, but this can be the subject of a separate discussion. Suffice it to say that he tends to interpret the OMA exceptions so broadly that he uses it to conduct business in secret that doesn’t need to be and should be done in public. With one limited situation, the OMA doesn’t require that any business be done in secret, it just allows it under narrowly defined circumstances.

Under Postema’s direction, the city often uses the FOIA as a way to prevent the public from seeing city documents, not as a mechanism to insure that they can see them. This is contrary to the language of the Charter, which provides:

#### **City Records to be Public**

SECTION 18.2. All records of the City shall be public, shall be kept in City offices except when required for official reasons or for purposes of safekeeping to be elsewhere, and shall be available for inspection at all reasonable times.

### **Postema’s “Golden Parachute”**

You may be concerned about the cost of Postema’s “Golden Parachute” if you hire a new attorney. I think that some of his questionable work and bad decisions have cost the city a lot of money, and could in the future – costs in staff attorney time to pursue or defend actions that were unwise, excessive costs to hire outside counsel, payment of opposing counsel attorney fees, injury to city settlement positions, etc.

Apart from actual, calculable costs, how much do unwise decisions adversely affect how some things are done in the city, the confidence the public has in Council decisions and other city actions? These are difficult to measure.



How much is it worth to you to have an attorney in whom you have confidence, whom you can trust and who puts your concerns as the client before other things, including his own agenda(s)?

I don't think that you should assume that the city would have to pay the amount provided for in the Parachute – one year's salary - for several reasons.

I think there is a question about whether the contract provision is even valid. The contract is somewhat odd. Postema is described as an at-will employee, which means that his employment may be terminated for any reason, or no reason, as long as it isn't a prohibited reason (race, sex, age, etc.) But it provides for the special payment if his termination isn't for cause. Those two usually don't go together.

The Charter provides that the Council, with six votes, may hire and fire the Attorney. An argument might be made that a Council has no power to circumscribe a subsequent Council's power in that regard by way of a contract entered into during the prior Council's term.

Several of Postema's actions could be considered cause for firing.

Can I assure you that one or more of these arguments would prevail? Of course, not. But by the same token, Postema could not be assured that they won't.

If Council claimed that a termination was for cause, Postema would have to sue to get his Parachute. There is a good chance that he wouldn't do that. First, there is the cost and uncertainty. Second, he wouldn't want a public discussion in court about whether he was competent, ethical or honest.

I believe that Postema would walk away or would settle, eventually, for substantially less than the full Parachute amount.



**From:** Jack Eaton [REDACTED]  
**Subject:** Re: Core letter  
**Date:** February 16, 2019 at 10:33 AM  
**To:** Wiedert [REDACTED]

---



Will do.

Jack

Sent from my iPhone

On Feb 16, 2019, at 10:27 AM, Wiedert <[REDACTED]> wrote:

Jack-

Nice party last night.

As requested, a reminder to ask Postema for Core's threatening letter.

Tom

Sent from AOL Mobile Mail

Shared via the [AOL App](#)

**From:** Tom Stulberg [REDACTED]  
**Subject:** Re: Variance viewing party Saturday 2pm at Hathaway's Hideaway  
**Date:** February 16, 2019 at 11:58 AM  
**To:** Nelson, Elizabeth <ENelson@a2gov.org>, Bannister, Anne <ABannister@a2gov.org>, Eaton, Jack <JEaton@a2gov.org>  
**Cc:** Hayner, Jeff <JHayner@a2gov.org>, [REDACTED]

Will will be there. (kind of fun to say)

Jack and Anne will too. Elizabeth is busy, and she is our ZBA rep, so I will hope to share this with her another time.

I haven't heard from Jeff.

See you at 2pm.

---

**From:** Nelson, Elizabeth <ENelson@a2gov.org>  
**Sent:** Saturday, February 16, 2019 8:57 AM  
**To:** Bannister, Anne; Tom Stulberg; Eaton, Jack  
**Cc:** Hayner, Jeff  
**Subject:** RE: Variance viewing party Saturday 2pm at Hathaway's Hideaway

I'd come but I'm committed to volunteer from 1-4 ! Next time...

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Friday, February 15, 2019 9:59 PM  
**To:** Tom Stulberg <[REDACTED]>, Eaton, Jack <JEaton@a2gov.org>  
**Cc:** Hayner, Jeff <JHayner@a2gov.org>; Nelson, Elizabeth <ENelson@a2gov.org>  
**Subject:** Re: Variance viewing party Saturday 2pm at Hathaway's Hideaway

Okay. I'll bring my 13" laptop.

Get [Outlook for iOS](#)

On Fri, Feb 15, 2019 at 9:50 PM -0500, "Tom Stulberg" <[REDACTED]> wrote:

We are set at Hathaway's hideaway at 2pm Saturday. Can someone bring a lap top? I'm such a Luddite that I don't own one.

Invite or Bring others keeping the open meetings act in mind.

Sent from my iPhone

On Feb 15, 2019, at 10:11 AM, Eaton, Jack <JEaton@a2gov.org> wrote:

I am available on Saturday at 2 or 3. Where?

Jack

On Feb 15, 2019, at 10:07 AM, Tom Stulberg <[REDACTED]> wrote:

2 or 3 is fine by me. That's two of us. Any more?

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Thursday, February 14, 2019 10:06 PM  
**To:** Tom Stulberg  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Re: Variance viewing party maybe Saturday?

2 or 3 is good for me...

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Thursday, February 14, 2019 8:18 AM  
**To:** Bannister, Anne  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Variance viewing party maybe Saturday?

I am free all day Saturday. [REDACTED] Does anytime then work for you all?

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Wednesday, February 13, 2019 1:32 PM  
**To:** Tom Stulberg  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** RE: Tuesday 7pm Planning Commission Working session in basement

Thanks, Tom. I'd like to attend a ZBA viewing party and learn more about the unique parking variance ordinance.

Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).

[REDACTED]

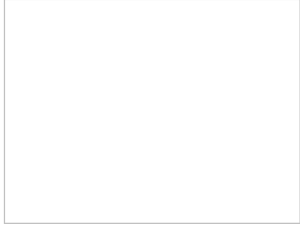
**From:** Tom Stulberg [REDACTED]  
**Sent:** Monday, February 11, 2019 3:48 PM  
**To:** Hayner, Jeff; Bannister, Anne; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Tuesday 7pm Planning Commission Working session in basement

Tuesday 7pm Planning Commission Working session in basement. I'm going. See attached agenda. Looks important.

Let's have a viewing party to watch a prior ZBA meeting re Parking Variance. I have one in mind. A development that just got approved by Planning Commission will come to you soon (see article below), but will also be going to the ZBA for a parking variance. I can explain about the ZBA and Ann Arbor's unique parking variance ordinance.


I didn't include all of council because I can't be inviting too many otherwise its an open meetings act thing. Others would be welcome.

<https://www.mlive.com/news/ann-arbor/2019/02/84m-condo-development-on-pontiac-trail-gets-initial-ok.html>

	<p><a href="#"><u>\$8.4M condo development on Pontiac Trail gets initial OK   mlive.com</u></a></p> <p>ANN ARBOR, MI – An \$8.4 million condo development on Ann Arbor's north side is headed to the City Council for approval. The city's Planning Commission voted this week to recommend approval ...</p> <p><a href="http://www.mlive.com"><u>www.mlive.com</u></a></p>
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Jack Eaton  
Ward 4 Council member  
[jeaton@a2gov.org](mailto:jeaton@a2gov.org)  
[REDACTED]

Messages to and from me regarding City matters are subject to disclosure under the Michigan Freedom of Information Act

From: Tom Stulberg [REDACTED]   
Subject: Re: Follow-Up on Discussions on Sidewalk Assessments  
Date: February 26, 2019 at 9:35 AM

TS

To: Bannister, Anne ABannister@a2gov.org

Cc: Hayner, Jeff JHayner@a2gov.org, Lester Wyborny [REDACTED] Eaton, Jack JEaton@a2gov.org, Griswold, Kathy KGriswold@a2gov.org, Chuck Marshall [REDACTED] Amy Chavasse [REDACTED]

Susan Presswood Wright [REDACTED] Scott Newell [REDACTED] EVERETT LAST\_NAME

[REDACTED] Jean Arnold [REDACTED] Libby Brooks [REDACTED] Janet Holloway

[REDACTED] Po Hu [REDACTED] Brenda Sodt Foster [REDACTED] Williamson, John

[REDACTED]

I have dropped city employees from this email list.

I do not think this is the right way to pursue this matter. This path is just giving the city options to "compromise" like making the payment term longer. The best case of this resolution (the city pays for it all and the residents pay nothing) does not address the simple fact that this particular project is unwise to construct, wasting a large sum of tax payer money not just the residents' money, on a "solution" that addresses low priority safety items in this location while leaving more important safety items unaddressed.

As for the supermajority vote at the next step: Yes, eight votes are required if the residents properly object then, which they will. So, if there are four NO votes, what does the city do after that? Does it proceed with the project? Does the money have to be approved in order to do that? Does the project get scrapped? Revised? What approvals need to occur? Or does it just die? What does that do to the grant? These questions should be answered, but I don't think asking the city administrator's office is the wisest way to ask this. That office keeps working against the interests of the residents.

My two cents,

Tom

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**From:** Bannister, Anne <ABannister@a2gov.org>

**Sent:** Tuesday, February 26, 2019 9:17 AM

**To:** Lazarus, Howard; Fournier, John; Allen, Jane (Engineering)

**Cc:** Hayner, Jeff; Higgins, Sara; Lester Wyborny; Eaton, Jack; Griswold, Kathy; Tom Stulberg; Chuck Marshall; Amy Chavasse; Susan Presswood Wright; Scott Newell; EVERETT LAST\_NAME; Jean Arnold; Libby Brooks; Janet Holloway; Po Hu; Brenda Sodt Foster; Williamson, John

**Subject:** FW: Follow-Up on Discussions on Sidewalk Assessments

Dear Mr. Lazarus and Mr. Fournier and Ms. Allen,

Thanks for sending the attached draft resolution.

While I would like to proceed with a resolution to ask Council to waive special assessments for priority sidewalk gaps, the draft does not fit with what I had in mind.

Please explain how it would require 250 staff hours and/or third party consultants? Plus, would the due date of Sept. 2019 be too late to waive the special assessments for Traver and Brookside?

An involuntary special assessment runs contrary to Council's numerous discussions and written statements about a strong desire to protect affordability for residents.

Involuntary special assessments can have a big impact on a personal household budget, and a relatively small impact on the City budget as a whole.

Do we have a staff member who could pull together some ballpark figures on our citywide priority sidewalk gaps, and estimate a range of costs for waiving the special assessments?

These are some related webpages that might help them get started:

- <https://www.a2gov.org/departments/engineering/Pages/Street-and-Sidewalk-Millage.aspx>
- <https://www.a2gov.org/departments/engineering/Pages/New-Sidewalks-FAQ.aspx>

Please also send us an update on the project as a whole as it currently stands, and update the designated webpage: <https://www.a2gov.org/departments/engineering/Pages/Northside-STEAM-Sidewalk-Gap-Project.aspx>

From the neighborhood perspective, they still have an almost unanimous opposition to the project plan as it was last reported. Would that lack of public support trigger an 8-vote requirement for the third and fourth resolutions? If those resolutions were to fail, what would that mean for the City's relationship with MDOT and the grant program going forward?

As Council went through the budget working session last night, it was duly noted that \$1M goes much further toward improving public safety and safe routes to school when it is spent on priority locations and lighting, rather than over-spending on sidewalks for the limited area of Brookside and the 1600 block of Traver. Please see these itemized expenses to understand how costly it is to taxpayers to cut into hillsides and remove trees, etc:

<https://www.a2gov.org/departments/engineering/Documents/Estimate.pdf>

Thanks,

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Bannister, Anne  
**Sent:** Thursday, February 07, 2019 11:43 AM  
**To:** Lester Wyborny; Tom Stulberg; Chuck Marshall; Amy Chavasse; [REDACTED] Scott Newell; EVERETT LAST\_NAME; Jean Arnold; Libby Brooks; Janet Holloway; Po Hu; Brenda Sodt Foster  
**Cc:** Hayner, Jeff  
**Subject:** FW: Follow-Up on Discussions on Sidewalk Assessments

FYI -- I hope I haven't missed anyone!

A quick summary of Mr. Lazarus' email below:

- The first paragraph says Council has the ability to extend the period of time for taxpayers to pay for the sidewalks.
- The second paragraph is about the draft resolution to ask Council to authorize staff time to research other ways to pay for sidewalks. I remain **committed** to taxpayers not having to pay for sidewalk gaps; it's a small cost for the City and a big impact on the affordability for households, etc...

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Lazarus, Howard  
**Sent:** Thursday, February 07, 2019 6:45 AM  
**To:** Bannister, Anne  
**Cc:** Ackerman, Zach; Eaton, Jack; Grand, Julie; Griswold, Kathy; Hayner, Jeff; Lumm, Jane; Nelson, Elizabeth; Ramlawi, Ali; Smith, Chip; Taylor, Christopher (Mayor); Rechten, Matthew; Hupy, Craig; Higgins, Sara  
**Subject:** Follow-Up on Discussions on Sidewalk Assessments

Councilmember Bannister:

I am writing to follow-up on our discussions about cost allocations for special assessment districts for sidewalks. Both Public Services staff and the City Attorney's Office have provided feedback to you that informs you under City code that Council has the ability to set the payment terms for these assessments, and to divide the costs in an "equitable manner," specifically in cases when a "100% of the costs of the improvements will be borne by the owners of properties specially benefitting from them, does not accurately reflect the benefit to the city at large and the private benefit. (Chapter 12, Section 1:274(3) of the City Code of Ordinances)." As a matter of precedent, Council has not waived from the 100% allocation in the past, and the circumstances on Traver Street do not differ from past instances Council has considered. Notwithstanding, you may choose to offer an amendment to the special assessment resolution (Resolution No. 4) when it is presented to Council.

We have also discussed your desire to have staff research other options to fund sidewalk gaps. Doing appropriate research will require an investment of staff time, so I have indicated to you I would like direction from Council as a whole to pursue this path. I've attached a draft resolution for you to consider per our conversation. Kindly review and let me know if you would like to sponsor it for the February 19<sup>th</sup> Council meeting.

As always, please do not hesitate to contact me if I can be of further assistance.

- "City Council exercises its authority in Chapter 12, Section 1:274(3) of the Code of Ordinances, to divide the costs in the following, equitable manner  
\_\_\_\_\_."

**Howard S. Lazarus**

City Administrator  
City of Ann Arbor  
301 E. Huron Street  
Ann Arbor, MI 48104  
T: 734-794-6110 ext41102  
E: [hlazarus@a2gov.org](mailto:hlazarus@a2gov.org)  
[www.a2gov.org](http://www.a2gov.org)



EVERYWHERE • EVERYONE • EVERY DAY.  
[a2gov.org/A2BeSafe](http://a2gov.org/A2BeSafe)





**From:** Wiedert [REDACTED]  
**Subject:** Re: contract  
**Date:** March 1, 2019 at 3:24 PM  
**To:** [REDACTED]

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Thanks, Jack.

Let's talk about working to get our 5th and 6th votes. Your thoughts? Jeff next, then use presence of 5 to help us get Jane or Ali?

Tom

In a message dated 3/1/2019 12:12:15 PM Eastern Standard Time, [REDACTED] writes:

Hi Tom,

The attached document is a copy of the City Attorney's contract. This one is searchable.


Jack

- - -

Jack Eaton  
1606 Dicken  
Ann Arbor 48103

[REDACTED]

[REDACTED]

**From:** Wiedert [REDACTED]   
**Subject:** FOIA #1848 Appeal  
**Date:** March 5, 2019 at 1:48 PM  
**To:** hlazarus@a2gov.org  
**Cc:** shiggins@a2gov.ord, [REDACTED] [REDACTED]


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See 6 pages attached.



FOIA 1848  
Appeal.pdf

**From:** Wiedert [REDACTED]   
**Subject:** FOIA #1852 Appeal  
**Date:** March 6, 2019 at 10:40 AM  
**To:** hlazarus@a2gov.org  
**Cc:** shiggins@a2gov.org, [REDACTED] [REDACTED]

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See 2 pages, attached.



Lazarus Letter  
3-6-19...eal.pdf

**From:** Anne Bannister [REDACTED]  
**Subject:** Re: Important Letter on 1140 Broadway  
**Date:** March 7, 2019 at 6:08 PM

**To:** Laura Strowe [REDACTED] Tom Stulberg [REDACTED] Jeffrey Hayner [REDACTED]  
Jack Eaton [REDACTED] Mary Underwood [REDACTED]



Thanks, Laura and Tom. I'm coping Jeff (with his permission) and Jack. I'm unsure whether I should add my address to the neighborhood association list, because that might cause me to have to recuse myself in a future council vote, which would automatically make me a no vote, and that could be good or bad, depending. Let's leave my address off for now, to keep the options open. -- Anne

On Thu, Mar 7, 2019 at 11:05 AM Laura Strowe <[REDACTED]> wrote:

Dear neighbors,

I am forwarding below a letter from Tom Stulberg about the "1140 Broadway" development (aka Kroger's lot, aka LowerTown). Please give it your attention. I know that some people did not want this listserve to be "political" and I am fully supportive of that, but this is not political. It concerns the future of our neighborhood, as did our previous discussions about this development as it went through the approval process. (To clear up some confusion, the 999 condo building that is currently advertised on the site is just one of three buildings that will be going up there; the other two buildings will contain rental units.)

If you are new to the neighborhood and want to know more about the details of the development plan, let me know.

Thanks for your attention to this important letter!

Laura

Dear LowerTown and Northside neighbors,

We are writing to you about the Morningside LowerTown development at 1140 Broadway. Many of you were involved in this issue when it came up before the city's Planning Commission, Zoning Board of Appeals, and City Council and helped fight it then. We need your help once more.

As you might know, in late 2017 we hired an attorney who wrote an excellent and well-researched letter explaining to council why the development should not be approved, which the majority on council ignored. We have been working with that same attorney and are ready to file a lawsuit against the city for mishandling the re-zoning.

What we need from you right now is your name and house address for the contact list for the neighborhood association we have formed. There is no financial obligation. You will be a member of Ann Arbor Neighbors for Responsible Development, Inc. That association will be the plaintiff, along with Tom Stulberg as

an individual plaintiff. We have formed the association as a director run corporation, shielding the individual members. The Board of Directors is Laura Strowe, Mary Underwood, and Tom Stulberg.

We want to gather a list of names from as many people as possible who live within the area bounded to the north by Barton and Baits and by the Huron River in the other directions. We chose the boundaries for the association based in large part on who will be impacted by parking crisis in the neighborhood that cannot be solved by a residential parking permit system because the development has 400 fewer parking spots than zoning required. Even if there is no parking immediately in front of your house, you will be impacted if you live in the neighborhood.

In order to have standing, which is legal jargon for the right to sue, the association membership must have some harm that sets us apart from the rest of the city in how we are impacted. Parking is what sets us apart. Note that we are suing the city, not the developer. It is the city that mishandled the approval. Our suit is important for precedent in neighborhoods in all wards of the city, so we will raise the funds city wide through our GoFundMe campaign although members of the association must be in the neighborhood.

We are suing for the inappropriate rezoning of the 1140 Broadway site. We had a very detailed and good Master Plan for a mixed-use urban village. We didn't get that. We are also challenging some of the city's ordinances as invalid. That is what has complicated this process and taken so long. We are claiming the city should not have rezoned the property to C1A/R. We are claiming the Zoning Board of Appeal's parking variance ordinance is invalid. We are claiming the Planned Project Modification ordinance is invalid.

We can't say what we might get until we see how the judge reacts to the case. Realistically, the lawsuit will not result in a judgment that the development cannot move forward. The Association can decide what we ask for if and when we are in a position to do so. Issues that might be negotiated are parking and the elimination of the roundabout, for example. We hope the suit will raise awareness about the city's ignoring its own Master Plan, its treatment of this property as if it is downtown, the city's illegal use of variance power and other ways it has been abusing its zoning power.

Currently, the developer is building the parking structure and installing sewers. It has not started any of the other buildings. It is not too late to have impact on the development. We can't make any promises or predictions, but we will do our best.

**Please send us your name and house address to be a member of the Association.**

Thank you all for your patience, and feel free to email me at [REDACTED] with any questions.

Tom Stulberg, on behalf of the Board of Directors for Ann Arbor Neighbors for

Tom Stalberg, on behalf of the Board of Directors for Ann Arbor Neighbors for  
Responsible Development

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Anne Bannister



From: Tom Stulberg  
Subject: Tuesday CPC Public Hearing on ADU changes  
Date: March 17, 2019 at 2:25 PM

TS

To: Jack Eaton jeaton@a2gov.org, Lumm, Jane JLumm@a2gov.org, Bannister, Anne ABannister@a2gov.org, JHayner@a2gov.org, Nelson, Elizabeth ENelson@a2gov.org, aramlawi@a2gov.org, Griswold, Kathy KGriswold@a2gov.org

It does not look much different than the working session proposal to me. See what you see: <http://a2gov.legistar.com/LegislationDetail.aspx?ID=3889319&GUID=9980B543-21D1-4BE6-B930-91A3DFBABE4F>

I do not think we should allow newly built structures to be ADUs unless they are subjected to some form of design review. Historic Districts would have a review of the structure's design by the HDC. All other neighborhoods would not get that. So someone could build the ugliest cheapest totally out of character or whatever they want in their yard and negatively impact their neighbors. If you wanted to build a garden shed or dog house in many modern subdivisions, you would have to go through the scrutiny of that homeowner association. The purpose of that is to assure owners that their neighbor won't build something horrible. Staggering comparison.

Process question: Who should get a formal notice for this Public Hearing? I'm guessing no one got noticed. Ponder this please. It impacts a whole lot of people across the city. Allowing a second new structure on a single family or duplex lot, even though restricted by size and owner occupancy of one of the two structures... This is not an insignificant change to our zoning code.

I cannot make office hours or caucus today, otherwise I would enjoy discussing this with you at that time. I know this isn't on your agenda yet, but I am concerned about this getting too far while still under the radar from the vast majority of citizens.

Thanks,

Tom



From: Tom Stulberg [REDACTED]  
Subject: Re: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"  
Date: March 18, 2019 at 1:54 PM  
To: Bannister, Anne ABannister@a2gov.org, Nelson, Elizabeth ENelson@a2gov.org, Lester Wyborny [REDACTED]  
Cc: Evan Pratt [REDACTED] Hayner, Jeff JHayner@a2gov.org, Eaton, Jack JEaton@a2gov.org, Griswold, Kathy KGriswold@a2gov.org

TS

I don't rely solely on anecdotal evidence, but I'll toss my experience of this morning onto the fire.

I drove my son to Northside STEAM to catch the bus to Skyline, as he does every morning. The front lot is open at this time of day, long before the STEAM students arrive. While waiting to turn right out of the lot onto Barton I could see a girl waiting at the cross walk on the far side of Barton. Six cars went past without a single one slowing or stopping. Then when it was clear she crossed. There is general lighting there, but not sufficient or not the right type in my opinion. There is a crossing guard there when the STEAM K-8 students are arriving or departing, but not for the high school students earlier in the morning when it is often dark.

Of course on my drive there not a single student was walking on Traver. One might claim it is because there are not sidewalks, but that would not be a valid claim. As all of the students in the area know, if there were sidewalks on Traver between John A Woods and Barton (as proposed), the students would not use them to go to school because it would be a longer distance route and have more up and down elevation as well. They will continue to do what they currently do and walk the various routes to Taylor Street and around to the front of the school to get the bus, or the reverse to come home. (Or enter into the multiple back entrances if they are current STEAM students.)

My fourteen year old son thinks this whole thing is "stupid". As a grown up I won't use that word, but we both know how many hundreds of times we walked to or from school in his four years there (and now for the Skyline bus), and we know we would have still used the routes to the Taylor Street side of the school even if there had been sidewalks on Traver.

**The sadness is that there are pedestrian safety issues that need to be addressed for students walking to Northside STEAM that are going unaddressed while we are maybe going to waste over a million dollars on a (insert a word other than stupid here) "solution".**

Thank you for your continued attention to this matter.

Tom

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**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Monday, March 18, 2019 12:39 PM  
**To:** Nelson, Elizabeth; Tom Stulberg; Lester Wyborny  
**Cc:** Evan Pratt; Hayner, Jeff; Eaton, Jack; Griswold, Kathy  
**Subject:** Fwd: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk

## Millage"

Hello — I'm disappointed but not surprised at these "half answers." So much work to be done to get both staff and residents (and Council) on the same page about fiscal responsibility and using limited dollars where we have the greatest need.

(Councilmember Nelson, I'm copying you as my 5th Councilmember without violating OMA).

Thanks,  
Anne

----- Forwarded message -----

From: "Harrison, Venita" <[VHarrison@a2gov.org](mailto:VHarrison@a2gov.org)>

Date: Mon, Mar 18, 2019 at 12:18 PM -0400

Subject: RE: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"

To: "Bannister, Anne" <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>, "Lazarus, Howard" <[HLazarus@a2gov.org](mailto:HLazarus@a2gov.org)>, "Fournier, John" <[JFournier@a2gov.org](mailto:JFournier@a2gov.org)>, "Hupy, Craig" <[CHupy@a2gov.org](mailto:CHupy@a2gov.org)>, "[REDACTED]" <[REDACTED]>

Cc: "Hayner, Jeff" <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>, "Griswold, Kathy" <[KGriswold@a2gov.org](mailto:KGriswold@a2gov.org)>, "Eaton, Jack" <[JEaton@a2gov.org](mailto:JEaton@a2gov.org)>, "Hutchinson, Nicholas" <[NHutchinson@a2gov.org](mailto:NHutchinson@a2gov.org)>, "Higgins, Sara" <[SHiggins@a2gov.org](mailto:SHiggins@a2gov.org)>

Councilmember Bannister,

Staff shares the following response for your review and final sharing.

1. Please help identify a City department responsible for rehabilitation and maintenance of the connection between Leaird St and Plymouth Road. **Response:** The Engineering Unit would be the responsible department for executing repairs on this path. This location was not previously on our inventory of sidewalks/connector walks, and thus had not been evaluated for repairs. It has now been added to the inventory, and will be evaluated and programmed accordingly.
2. Please consider funding a City-wide sidewalk gap program that addresses areas meeting certain criteria. (Mr. Lazarus, please prepare the draft resolution to bring this question before Council for the March 18 meeting. Based on our previous discussions, perhaps a draft including the 250 hours staff time, etc., is already prepared). **Response:** A proposed resolution was sent on March 14, 2019 in response.
3. May we have an inventory of the citywide sidewalk gaps, including scoping them into "low cost" vs. "major project" issues, ideally based on resident feedback? **Response:** City staff did a prioritization effort for sidewalk gaps a couple of years ago. The attached map shows the resulting relative priorities grouped into tiers. Staff used the results of this effort to perform some analysis on some of the higher priority locations to determine anticipated level of difficulty and rough costs. This was used to create a series of sidewalk gap projects in the CIP. This analysis has not been done for all the sidewalk gaps in the City, as it would require a significant amount of staff time and is currently not budgeted. Staff intends to continue this effort gradually as the higher priority gap locations get constructed.
4. Please update us on the Broadway sidewalk gaps, including outreach to UM for their long stretch of land in the area, and AAATA. **Response:** The sidewalk gaps along Broadway have not yet risen to the top of the priority list, and have not yet been programmed as a project in the CIP. At this time, the City has not had any contact with the University of Michigan about the gaps adjacent to their property.
5. With regard to the SRTS grants, particularly for Northside STEAM, is there a way the City can work with MDOT/Fitness Foundation to let them know that we have a situation where the Brookside/Traver Road neighbors don't want all of the features

of the grant proposal, while residents in a nearby neighborhood would be pleased to support rehabilitation of the Leaird ROW? **Response:** MDOT and the Michigan Fitness Foundation are aware of the dissatisfaction of some residents regarding the STEAM Safe Routes to School (SRTS) Project. The rehabilitation of the connection from Leaird Road is not part of the current grant, and could not be funded by the current grant. Furthermore, SRTS grants need to originate from school groups, not the City.

**Venita Harrison**

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**From:** Bannister, Anne <ABannister@a2gov.org>

**Sent:** Wednesday, March 13, 2019 4:06 PM

**To:** Evan Pratt <[REDACTED]> Request For Information Craig Hupy  
<RFIPublicServices@a2gov.org>; Lazarus, Howard <HLazarus@a2gov.org>

**Cc:** julie dybdahl <[REDACTED]> Hayner, Jeff <JHayner@a2gov.org>;  
Griswold, Kathy <KGriswold@a2gov.org>; Hupy, Craig <CHupy@a2gov.org>; Fournier,  
John <JFournier@a2gov.org>; Higgins, Sara <SHiggins@a2gov.org>; Eaton, Jack  
<JEaton@a2gov.org>

**Subject:** RE: Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"

Dear Evan Pratt, Craig Hupy, and Howard Lazarus,

Thank you, Mr. Pratt, for sending these useful suggestions.

Mr. Hupy and Mr. Lazarus, please respond to the details outlined below (see also attachment).

This is a brief summary, not meant to replace the information shared by Mr. Pratt:

1. Please help identify a City department responsible for rehabilitation and maintenance of the connection between Leaird St and Plymouth Road.
2. Please consider funding a City-wide sidewalk gap program that addresses areas meeting certain criteria. (Mr. Lazarus, please prepare the draft resolution to bring this question before Council for the March 18 meeting. Based on our previous discussions, perhaps a draft including the 250 hours staff time, etc., is already prepared).
3. May we have an inventory of the citywide sidewalk gaps, including scoping them into "low cost" vs. "major project" issues, ideally based on resident feedback?
4. Please update us on the Broadway sidewalk gaps, including outreach to UM for their long stretch of land in the area, and AAATA.
5. With regard to the SRTS grants, particularly for Northside STEAM, is there a way the City can work with MDOT/Fitness Foundation to let them know that we have a situation where the Brookside/Traver Road neighbors don't want all of the features of the grant proposal, while residents in a nearby neighborhood would be pleased to support rehabilitation of the Leaird ROW?

Thank you,

Anne Bannister

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Evan Pratt [REDACTED]  
**Sent:** Wednesday, March 13, 2019 2:56 PM  
**To:** Bannister, Anne  
**Cc:** julie dybdahl; Hayner, Jeff; Griswold, Kathy  
**Subject:** Sidewalk gaps in Broadway neighborhood/ "Bridge, Street, and Sidewalk Millage"

Hi

I am following up based on our conversation earlier this year about two related items that are occasionally a topic of concern and conversation in the general area of the Broadway neighborhood, and likely analagous to situations around the City.

I understand that for my second item, there is currently a property owner obligation that the City should not completely absorb. But I keep wondering if there might be a way to identify criteria and a threshold where the overall benefit to the non-motorized system drives strategic investment.

1. Please help identify a City department to be responsible for rehabilitation and maintenance of the connection between Leiard St and Plymouth Road. This was a smooth, safe walking and biking corridor for decades but has been steadily becoming a greater liability to the City each year - this is not a property owner obligation. This corridor provides access for an average-sized neighborhood to the bus stop(s) at Plymouth and Barton as well as STEAM at Northside.
2. Please consider funding a City-wide sidewalk gap program that addresses areas meeting certain criteria. Perhaps a stakeholder group can identify that criteria. I note three different situations of ownership and diminishing likelihood of private investment in each.

Neither of these issues represent major funding commitments, and would represent provision of more direct, safe pedestrian access that is currently not available to the neighborhood. On the first item, the current alternative is to walk over a mile in one direction or the other to get to the bus stop at Barton and Plymouth. On the second item, a high volume of pedestrians walk on Broadway Street at the gap locations, particularly problematic at night and near the top of a hill with limited sight distance for drivers.

Both of these items are eligible for federal transportation funding, though it would likely require a partnership of the City and the AAATA. Pedestrian access within 1/2 mile of bus stops are eligible for federal aid transportation funding that is open only to transit agencies.

There doesn't appear to be a program/department/budget keeping inventory of all the gaps and seeing them into "low cost" vs. "major project" issues, or whatever categories are

and scoping them into low cost vs. major project issues, or whatever categories are appropriate. Wondering if there could be a program similar to the residential street resurfacing program but for sidewalk gaps.

Regardless of the amount dedicated to such a program, defining the problem allows one to fill the gaps that matter most the soonest, representing a great benefit to residents small and tall.

### **Broadway gaps:**

You will see on the document that the sidewalk gaps are of 3 types. The largest is on U of M property. A short section is in front of two residential multiple properties and another short section is along the rear of a commercial parcel. From my understanding, the current strategy is to wait for the property owner to put in the sidewalk. This may be appropriate in some situations, but I believe that zero funding is not in the City's best interest. These different situations should be evaluated based on the benefit to in the City system, the estimated cost, and the likelihood that the property owner would voluntarily "fill the gap" within a defined timeframe, maybe 10 years.

### **Leiard Road background:**

When Leiard Road was "cut off" from Plymouth quite some time ago, the right of way was truly abandoned - to the point where trees grow on the former road surface, and the remaining road surface has steadily deteriorated. However, this corridor has continued to be an important and reasonably "busy" path, including for neighborhood students walking to school. Unfortunately, it seems that no department at the City is responsible for it's upkeep and it has slowly deteriorated into what could be considered a safety liability.

While a long range goal might be to also provide an ADA compliant pathway, in the short term it would be relatively easy to rehabilitate the existing steep pathway so it no longer has the gullies, roots, loose stones, and vegetation that are trip hazards for pedestrians. Staff could likely determine if the steep terrain in this area would allow for a formal ADA exemption if necessary for the near term improvement though I'm sure we'd all agree that safe, direct access for all would be desirable to strive for in the long term.

For several years I have attempted to determine the right staff member to bring this up to, but have been unsuccessful, possibly because these issues do not fit with existing defined programs and/or funding evaluations. As I mentioned verbally, I'm sure the example I provide is not unique to the Broadway area. I have included the item in different surveys about City services over the past 8-10 years and spoken to multiple Planning Directors in that timeframe (since the CIP recommendations are a responsibility of Planning) but the issue hasn't found a home. Again, I'm sure others have this issue.


I also responded during the stakeholder outreach process for the Safe Routes to School project at STEAM, probably 18-24 months ago, specifically to suggest rehabilitation of the Leiard right-of-way, but was told in an email that the SRTS budget could not address the issue by the volunteer who reached out. I can't speak to that but if there is a place where funds have been obtained and residents are not interested in a sidewalk, people in the

neighborhood would be pleased to support consideration for rehabilitation of the Leaird ROW.

Thank you

Evan Pratt



**From:** Wiedert [REDACTED]   
**Subject:** FOIA Nos. 1848 and 1852  
**Date:** March 24, 2019 at 9:06 PM  
**To:** hlazarus@a2gov.org  
**Cc:** spostema@a2gov.org, jeaton@a2gov.org, [REDACTED]

---



See attached.



Resp to HL  
Appeal...ers.pdf

**From:** Wiedert [REDACTED]  
**Subject:** Re: FOIA Nos. 1848 and 1852  
**Date:** March 27, 2019 at 10:25 AM  
**To:** SPostema@a2gov.org  
**Cc:** HLazarus@a2gov.org



Steve-

I think that you misunderstand my letter. It is our position that any document representing or reflecting any communication between you and any other person, and any communication between Howard and any other person, and between any other person in the City with any other person, with regard to the subject matter, is covered by the FOIA request, including any communication between you and Howard, between you and Ms. Rosati and between you and City Council.

It seems almost inconceivable that: 1) Ms. Rosati was contacted about representing the city in the Library Lot cases, the terms of her engagement and scope of work were set, appropriate pleadings or other material were provided to her, her attendance at a closed Council session was arranged, etc.; 2) informing Howard about Rosati's retention, compensation, etc; and 3) informing Councilmembers about Rosati's retention, providing them with copies of written material from her, and informing them about her presentation at a closed session, etc. were all accomplished with absolutely no documentation of any of it.

The FOIA response contained no communications between Howard and anyone, no communications with Ms. Rosati (other than a few "housekeeping" items), and no communications between you and Council.

Our view that other communications exist which should have been provided is confirmed by Howard's statement that he had located two such documents. As noted, he said that those documents were included with his appeal response, but they were not.

Our view is further confirmed by the documents which have come into our possession, constituting communications between you and Council. Without going into detail about them, I will suggest that they are more in the nature of "Attached for your review is a legal memorandum prepared by outside counsel Carol Rosati..." rather than significant substantive material.

We are prompted to wonder what else may exist which wasn't provided. The existence of these communications establishes that there are records which should have been provided, but were not.

You have used the phrase "unredacted privileged communications" regarding what we have. I have not indicated if there are redactions in the material. As for whether they contain any privileged content, you and I would probably disagree. I have seen you label as "Privileged and Confidential" an email to a Councilmember merely confirming the date and time for a lunch meeting.

The FOIA does not permit the City to fail to even disclose the existence of a record reasonably covered



The FOIA does not permit the City to fail to even disclose the existence of a record reasonably covered by the request, because the City might assert an exemption with regard to the record.

As for whether a Councilmember may or may not have been authorized to release any communications, that is your concern, not ours.

Our inquiry is not about any communications which we might possess; it is about the City's failure to, provide covered records in response to the original request.

Tom Wieder

In a message dated 3/26/2019 12:11:59 PM Eastern Standard Time, SPostema@a2gov.org writes:

Tom:

I have reviewed your letters. I will review your second letter more thoroughly and respond to the extent that it is appropriate for me to respond rather than Howard. I understand that he will also respond to your letter.

One part of the letter is confusing to me. You indicate that you have communications already between me and Councilmembers that, in part, would be responsive, in your view, to your FOIA request. I am not aware of what these documents are or could be, but will obviously review my files again accordingly.

You suggest that these documents could be redacted under FOIA. The implication is that you have unredacted privileged communications between me and Councilmembers. Is this correct? Please confirm. If such documents exist, however, no Councilmember would have been authorized to release or disclose such communications to you or your client.

The bottom line is that you are seeking a redacted version of communications you claim to already have. To cut through this quickly, please let me know what you are referring to and I will review it on my end.

**Stephen K. Postema**

Ann Arbor City Attorney

City of Ann Arbor

301 E. Huron Street

Ann Arbor, MI 48104

T: 734-794-6189

C: 734-846-1495

E: [spostema@a2gov.org](mailto:spostema@a2gov.org)

**From:** Wiedert <[REDACTED]>  
**Sent:** Sunday, March 24, 2019 9:06 PM  
**To:** Lazarus, Howard <HLazarus@a2gov.org>  
**Cc:** Postema, Stephen <SPostema@a2gov.org>; Eaton, Jack <JEaton@a2gov.org>; [REDACTED]  
**Subject:** FOIA Nos. 1848 and 1852

See attached.

From: P. L. [REDACTED]  
Subject: My recent FOIA  
Date: March 13, 2019 at 1:53 PM  
To: Jack Eaton [REDACTED]

PL

Hi Jack,

I recently submitted the following FOIA:

1. All emails to/from city employee Howard Lazarus to/from any City Council member sent between November 1, 2018 and March 1, 2019 which contain any of the following words: "behavior," "attitude," and/or "tone." Please do a keyword search of Council member and Lazarus email accounts directly from the city's email server. Please do not include duplicates of any one record.

In response, I received duplicates of non-responsive records and emails from you complaining about the behavior, attitude and/or tone of others, including city staff. I received no copies of emails from any member of city staff to any council member which included any of those keywords. I believe there were deliberate omissions.

I would appreciate it if you have emails from any city staff member complaining to you about your behavior, attitude or tone that would share them with me directly. I intend to gather those emails, appeal this records request and, if the appeal is denied, or the answer is that there are no more responsive records, I'll be glad to sue the City for violating the FOIA statute (Tom Wieder will lend me a helping hand).

Thanks,

Pat

**From:** Jack Eaton [REDACTED]  
**Subject:** Re: My recent FOIA  
**Date:** March 13, 2019 at 5:15 PM  
**To:** P. L. [REDACTED]

---



Hi,

I'll look and let you know.

Jack

Sent from my iPhone

On Mar 13, 2019, at 1:53 PM, P. L. <[REDACTED]> wrote:

Hi Jack,

I recently submitted the following FOIA:


1. All emails to/from city employee Howard Lazarus to/from any City Council member sent between November 1, 2018 and March 1, 2019 which contain any of the following words: "behavior," "attitude," and/or "tone." Please do a keyword search of Council member and Lazarus email accounts directly from the city's email server. Please do not include duplicates of any one record.

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I would appreciate it if you have emails from any city staff member complaining to you about your behavior, attitude or tone that would share them with me directly. I intend to gather those emails, appeal this records request and, if the appeal is denied, or the answer is that there are no more responsive records, I'll be glad to sue the City for violating the FOIA statute (Tom Wieder will lend me a helping hand).

Thanks,

Pat

**From:** Jack Eaton [REDACTED]   
**Subject:** tone  
**Date:** March 21, 2019 at 11:39 AM  
**To:** Patricia Lesko pdlesko@yahoo.com

---



Hi,

You asked me to search my email for messages including the word "behavior," "attitude," and/or "tone." Only the search for the word "tone" found anything of significance. I have attached those emails.

Jack

---

Jack Eaton  
1606 Dicken  
Ann Arbor 48103

[REDACTED]


[REDACTED]



11-16-18 solid  
waste...ing.pdf



11-28-18 Fuller  
Road P...ion.pdf

**From:** Wiedert [REDACTED]   
**Subject:** Mail re: annexations and Public Commentary 3/18/19 Council Meeting  
**Date:** March 29, 2019 at 12:40 PM  
**To:** [REDACTED] [REDACTED]

---



Jack and Jane-

Attached are: 1) The body of an email that I sent to you and the 5 other "good guys" regarding annexation; and 2) My comments at the 3/18/19 Council meeting.

Tom



Email to  
CMs.docx



Council  
comme...9.docx

From: Tom Stulberg [REDACTED]  
Subject: Please Vote Yes to Establish the Center of the City Task Force.  
Date: April 1, 2019 at 3:28 PM  
To: a2na@googlegroups.com  
Cc: CityCouncil@a2gov.org

TS

I wrote an email to CityCouncil@a2gov.org with the subject line: Please Vote Yes to Establish the Center of the City Task Force.

That is all I said besides Thank you.

It is on tonight's agenda. Please consider emailing them. the full resolution text is:

**Title**

Resolution Establishing Center of the City Task Force

**Staff**

Prepared by: Councilmember Eaton

**Body**

Whereas, On November 6, 2018, electors approved Proposal A to amend the City Charter, which, in relevant part, states that City-owned land bounded by Fifth Avenue, and William, Division and Liberty Streets, including Liberty Plaza, the surface of the Library Lane parking structure and Library Lane itself, "shall be retained in public ownership, in perpetuity, and developed as an urban central park and civic center commons known as the 'Center of the City;'"

Whereas, A "commons" is a traditional form of shared space based on mutual benefit, mutual responsibility and mutual respect, conveying a culture of sustainability now and for the generations to come;

Whereas, The Center of the City will draw on earlier community visioning for the downtown including the call from Ann Arbor's 2006 Calthorpe Report to "Encourage the creation of new public spaces within the Downtown and rehabilitation of existing spaces: Pursue and design a Town Square or central civic area that incorporates an outdoor meeting Place;"

Whereas, On April 7, 2014, City Council approved by a vote of 7-4, a resolution R-14-091, related to the creation of a public park on the Library Lot, which resolution, in relevant part, provides guidance for a planning process that actively engages multiple stakeholders and the public at large and includes recommendations for specific actions that will encourage and support the redevelopment of adjacent properties;

Whereas, The Library Block is home to a variety of stakeholders: residential property owners/tenants, small businesses, large businesses and organizations; city-owned properties and two downtown historic districts protecting a total of 13 structures; and

Whereas, City Council is taking action to implement the Center of the City Charter Amendment as approved by the voters on November 6, 2018;

RESOLVED, That City Council will establish a Citizen Task Force to engage citizens in visioning, long term planning, and immediate and intermittent uses, building toward the final vision for the Center of the City on the Library Block;

RESOLVED, That the Task Force will consist of 9 members, each of whom represents one or more of these categories, (1) immediate residential and business neighbors; (2) other downtown business and residential neighbors and commuters; (3) supporters of the concept of a Center of the City; (4) planners with experience designing public open spaces; (5) those citizens throughout the wider community who will participate in the events and use the public space(s) of the site; and (6) members of historically underrepresented groups in planning processes, such as youth, minorities, and people with disabilities;

RESOLVED, That members of the Task Force will be appointed by City Council after reviewing a recommended pool of candidates identified by the two Council Members serving on the Parks Advisory Commission. The City Council will also designate a Task Force chairperson and appoint two members of City Council to serve as advisory members of the Task Force;

RESOLVED, That this Task Force will convene with the goal of facilitating a shared vision of the Center of the City. The process will encourage public participation and result in written recommendations to City Council;

RESOLVED, That City Council will use the Task Force recommendations to help determine the next steps to advance the development of central park and civic center commons known as the Center of the City;

RESOLVED, That the City Council directs the City Administrator to provide assistance to the Citizen Task Force in the following ways:

- Provide a Community Engagement Specialist to support the work of the Task Force. This staff person will help with facilitation tasks and will be empowered to reach across organizational lines and bring the necessary staff expertise to the table. The staff person will provide other logistical support and assist with internal and external communications to create and maintain transparency and ensure compliance with the open meetings act.
- Ensure a multi-discipline resource team comprised of staff members with expertise in planning/urban design, engineering, community engagement, historic preservation, sustainability, and water resources is available to prepare a document that provides baseline data. This resource team may also be utilized throughout the process to provide guidance on technical questions.
- Provide data and resources to address the following:
  1. The evolution of the site's development including prior public input and proposals for public use



proposals for public use.

2. The design of successful central commons in other communities, their management models and funding sources.

3. The limits of the site including zoning, positive and negative attributes; weight bearing capacity of the existing parking structure roof, central down-up ramps, and peripheral foundations along Library Lane.

4. A list of potential civic center structures and functions to be part of the plan.

5. An inventory of the public and private structures and vacant lots on the block including factors that might serve as incentives for their renovation, restoration or future redevelopment with an orientation to the public spaces, and an assessment of their potential for easements to facilitate pedestrian access.

- Assist the task force in generating multiple use and design ideas for the site derived from prior public input and proposals as well as those gathered during new constituent interviews and larger community meetings.
- Provide support to the task force in analyzing all use and design ideas to find agreement; conduct cost-benefit analysis, triple bottom-line (social, financial and environmental) analysis; and prioritize elements of the vision.
- Coordinate with a working group of volunteers who will help to complete the work of the Task Force. The working group will be open to people who attend the Task Force meetings and may work on projects and assignments as defined by the Task Force chairperson.

RESOLVED, That the task force will submit its report and recommendations to Council by February 28, 2020, or earlier; and

RESOLVED, That City Council requests that the City Administrator include in his budget proposal the funding adequate to pay for the costs of the Center of the City Task Force public engagement process and that the City Administrator acquire additional support from the Downtown Development Authority as appropriate to the specific elements of the project.

Sponsored by: Councilmembers Eaton and Bannister



**From:** Tom Stulberg [REDACTED]  
**Subject:** Please Vote Yes to Establish the Center of the City Task Force  
**Date:** April 1, 2019 at 3:25 PM  
**To:** CityCouncil@a2gov.org

---

TS

Please Vote Yes to Establish the Center of the City Task Force.

Thank you.

**From:** Tom Stulberg [REDACTED]  
**Subject:** Re: April 15 Council Meeting: ORD-19-06 - S. ASHLEY STREET ZONING  
**Date:** April 10, 2019 at 4:57 PM  
**To:** Bannister, Anne ABannister@a2gov.org  
**Cc:** Hayner, Jeff JHayner@a2gov.org, Eaton, Jack JEaton@a2gov.org, Nelson, Elizabeth ENelson@a2gov.org

TS

I agree with staff that retaining the current zoning is more likely to get this cleaned up than if it is rezoned to R2A. That clean up would be dependent upon a new development that would be out of character with the neighborhood. For that reason, it is important to get the input from the neighbors of that immediate area, such as Mr. Rowe.

I dropped Mr. Rowe from my recipient list, since he doesn't know who the heck I am, but my thoughts are free to be shared.

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Wednesday, April 10, 2019 4:38 PM  
**To:** [REDACTED]  
**Cc:** Hayner, Jeff; Eaton, Jack; Nelson, Elizabeth; Tom Stulberg  
**Subject:** FW: April 15 Council Meeting: ORD-19-06 - S. ASHLEY STREET ZONING

Dear Richard Rowe,

Please provide further detail on your email below about opposition to the rezoning from C2B to R2A.

I see in Legistar that staff also recommends denial:

<https://eur04.safelinks.protection.outlook.com/?url=http%3A%2F%2Fa2gov.legistar.com%2FLegislationDetail.aspx%3FID%3D3878331%26GUID%3D3409F79A-B87A-45EE-AEF8-B1FB8D72AC1A%26Options%3DID%7CText%7C%26Search%3D19-0006&data=02%7C01%7C%7C5161b5e74138433d04eb08d6bdf48dd3%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C636905255377523276&sdata=Or7Qsi4N254rANuPYJOori3%2FI7soehvJ4SNgaFwSgow%3D&reserved=0>

Thanks,

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).

---

**From:** Beaudry, Jacqueline  
**Sent:** Wednesday, April 10, 2019 4:30 PM  
**To:** \*City Council Members (All)

For City Council members only

Subject: FW: April 15 Council Meeting: ORD-19-06 - S. ASHLEY STREET ZONING

FYI

Jacqueline Beaudry, City Clerk

Ann Arbor City Clerk's Office | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor • Ann Arbor • MI • 48104

734.794.6140 (O) • 734.994.8296 (F) |

jbeaudry@a2gov.org | [https://eur04.safelinks.protection.outlook.com/?](https://eur04.safelinks.protection.outlook.com/?url=www.a2gov.org&data=02%7C01%7C%7C5161b5e74138433d04eb08d6bdf48dd3%7C84df9e7fe9f640afb435aaaaaaaaaaaaa%7C1%7C0%7C636905255377523276&am)

[url=www.a2gov.org&data=02%7C01%7C%7C5161b5e74138433d04eb08d6bdf48dd3%7C84df9e7fe9f640afb435aaaaaaaaaaaaa%7C1%7C0%7C636905255377523276&am](https://eur04.safelinks.protection.outlook.com/?url=www.a2gov.org&data=02%7C01%7C%7C5161b5e74138433d04eb08d6bdf48dd3%7C84df9e7fe9f640afb435aaaaaaaaaaaaa%7C1%7C0%7C636905255377523276&am)

[p;sdata=p8PYRkuTTVCRBAtk2T7vzKpaRCjyOmS0l0CNuytRTU0%3D&reserved=0](https://eur04.safelinks.protection.outlook.com/?url=www.a2gov.org&data=02%7C01%7C%7C5161b5e74138433d04eb08d6bdf48dd3%7C84df9e7fe9f640afb435aaaaaaaaaaaaa%7C1%7C0%7C636905255377523276&am)

□ Think Green! Please don't print this e-mail unless absolutely necessary.

-----Original Message-----

From: Kahan, Jeffrey <JKahan@a2gov.org>

Sent: Wednesday, April 10, 2019 3:14 PM

To: Beaudry, Jacqueline <JBeaudry@a2gov.org>

Cc: Lenart, Brett <BLenart@a2gov.org>; Kahan, Jeffrey <JKahan@a2gov.org>

Subject: April 15 Council Meeting: ORD-19-06 - S. ASHLEY STREET ZONING

For Monday's Council meeting....

-----Original Message-----

From: Richard Rowe [REDACTED]

Sent: Wednesday, April 10, 2019 1:06 PM

To: Kahan, Jeffrey <JKahan@a2gov.org>

Cc: trfarm@yahoo.com

Subject: ORD-19-06 - S. ASHLEY STREET ZONING

TO:

Mr. Jeff Kahan

City Planner

I am writing regarding the proposed S. Ashley Street Zoning change.

I am owner of [REDACTED], Ann Arbor and I respectfully submit that I am opposed to the zoning change from C2B to R2A.

Thank you for your consideration in this matter.

Yours truly,

J. Richard Rowe

[REDACTED]



**From:** Tom Stulberg [REDACTED]

**Subject:** Planning Commission and Plaintiff

**Date:** April 16, 2019 at 3:21 PM

**To:** Hunter Elizabeth [REDACTED], Beth Collins [REDACTED], Elizabeth Nelson [REDACTED], Jack Eaton [REDACTED], Jeffrey Hayner [REDACTED], K Griswold [REDACTED], Lesko Marjorie [REDACTED], P. L. [REDACTED], Rebecca [REDACTED], Sumi Kailasapathy [REDACTED], david.silkworth [REDACTED], Anne Bannister [REDACTED]

TS

I don't keep secrets well, so I want you all to know that I did apply for the City Planning Commission yesterday. This is the third time I have applied, so we shall see if third time is a charm.

I did not want to apply until after our lawsuit was filed and council had time to be made aware of it. Yes, my neighborhood association, along with me as an individually named plaintiff, finally filed our long rumored lawsuit against the City for the LowerTown rezoning approval and more. I won't go into details here, but anyone can ask me anything about it, or ask me for a copy of the filing.

Are these two things in conflict? Absolutely not. The courts are part of our system. They are sometimes part of the process of figuring out if our city ordinances are correctly written and if we are correctly applying them. In my personal opinion, our city has painted itself into a corner and needs a little help from its citizens and the courts to get itself out of that tough spot. So, being a plaintiff and being a commissioner are just two different roles I can play in serving our community. I'm sure there will be critics who think otherwise. So be it.

And thank you all for your service to our community.

Tom

**From:** Anne Bannister [REDACTED]  
**Subject:** Re: Planning Commission and Plaintiff  
**Date:** April 17, 2019 at 4:38 PM



**To:** K Griswold [REDACTED] Tom Stulberg [REDACTED]  
**Cc:** Elizabeth Nelson [REDACTED], Jack Eaton [REDACTED], Jeffrey Hayner [REDACTED]  
david.silkworth [REDACTED]

---

Thanks for the update, Tom, and thanks for putting your name forward again for PC.

On Tue, Apr 16, 2019 at 3:44 PM K Griswold <[REDACTED]> wrote:  
Thanks for the update.

On Tue, Apr 16, 2019, 3:21 PM Tom Stulberg <[REDACTED]> wrote:

I don't keep secrets well, so I want you all to know that I did apply for the City Planning Commission yesterday. This is the third time I have applied, so we shall see if third time is a charm.

I did not want to apply until after our lawsuit was filed and council had time to be made aware of it. Yes, my neighborhood association, along with me as an individually named plaintiff, finally filed our long rumored lawsuit against the City for the LowerTown rezoning approval and more. I won't go into details here, but anyone can ask me anything about it, or ask me for a copy of the filing.

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And thank you all for your service to our community.

Tom

--  
Anne Bannister  
[REDACTED]



**From:** Tom Wieder [REDACTED]  
**Subject:** Lazarus bonus  
**Date:** April 16, 2019 at 2:00 AM



**To:** [REDACTED] [REDACTED] [REDACTED] Anne Bannister  
[REDACTED] [REDACTED] [REDACTED]

---

Hello All-

Well, so much for firing Lazarus, or for the 2018 elections making any significant difference in how the city is run. If Council keeps and rewards the only two people it directly controls, the clear message is that there isn't a majority commitment to change. Very sad and disappointing. What a waste.

Taylor, et al, must be laughing hysterically.

Tom

(Don't have Ali's address handy, will someone please pass along?)

Sent from my iPad

From: Tom Wieder [REDACTED]  
Subject: Re: Lazarus bonus  
Date: April 16, 2019 at 6:13 PM



To: [REDACTED]  
Cc: [REDACTED] Anne Bannister [REDACTED] [REDACTED]  
[REDACTED]

Jane-

You don't need to convince me. The problem is that there don't ever seem to be 6 votes from the 7 of you to deny Taylor, et al, getting what they. Postema gets a raise, Lazarus gets a bonus, and Taylor get his 40/40/20 ensconced in the budget. (Don't expect that to ever come out. If you think the lobbying was fierce this year, try taking the formula out of the budget in a future year.)

The two votes about budget priorities were a disaster. Taylor got exactly what he wanted, and you guys got nada, zilch, zero.

None of you should have voted for the Taylor Resolution, unless he committed to voting for Jane's, or, at least, publicly promising not to veto it. Some of you, at least, got played.

I really think that you all need to talk about and plan strategies and tactics.

Tom Wieder

Sent from my iPad

On Apr 16, 2019, at 2:14 PM, [REDACTED] wrote:

Thank you, Tom.

I agree. Jack, Kathy, Anne and I did not support paying him a lump sum, and this was based on his very mixed performance review. I provided council all the direct report feedback (only 8 of his 12 DR's completed the eval., and, of the 4 DR's who did evaluate HL, 4 are new ee's HL hired this yr. so they, of course would be in his camp), and all the council feedback. Anne, Jack and I provided significant written feedback. HL complained, incorrectly, that folks who rated him less favorably, did not provide comments. Actually they (we) did, and, generally speaking, it was the folks who gave him above avg. and excellent ratings who provided no comments - - HL had NO issue w/that.

For me, he continues to demonstrate that he is not a good /strong leader or capable mgr. and, most significantly, he continues to inappropriately overstep his authority and demonstrate his disregard for council's authority (wch he constantly usurps) to SET policy, and why, I am inclined to call him Councilmember Lazarus.

Pure and simple, he does, over and over and over again and, without fail, the Mayor's bidding. The city budget is exhibit A. In his budget introduction, CM Lazarus refers to the 40/40/20 council resolution as the budget POLICY. CM's must, TRULY!, ask themselves and CM Lazarus, why have a city council??? Council's most important job is approval of the budget. In the view of CM Lazarus and the Taylor resln. (wch HL is embracing for the next 8 yr's.) 40/40//20 is the budget "policy" going forward as established by the Taylor resln., so it's CM Lazarus' view (as also represented by the Taylor resln.) that the City Charter and Council's authority re: determining future budget expenditures (mind you, a \$2M decision is greater than the SUM TOTAL of any/all previous council budget amendments that I am aware of -- it's that significant) is immaterial. So I ask you, CM Lazarus, why have a city council??? And no, you don't get to write or approve council reslns. That would also be our job.

I have served w/4 city administrators, and I have never served with an administrator who does not respect the role of a Councilmember as CM Lazarus has demonstrated since his day 1 on the job and continues to demonstrate -- as he did again in spades last night. This was raised as a significant concern last year. His response? CM's do not understand -- as with EVERYTHING with wch he disagrees, he has an answer. He does not accept feedback. I tried to reflect the "attitude" in the 10 page perf. review that I wrote and wch will be made public.

Subsequent to his calendar year evaluation, I have been made aware of a significant mgmnt. issue about wch he had knowledge (despite his apparent "surprise") and, about wch he did nothing. In the eyes of many w/in that building, he is not a capable manager.

The morale in city hall is unacceptably low. CM Lazarus and Stephen Postema attribute that to the council "discord" that is represented by the new council make-up (in the prior 7 years, council "discord" was not cited as rationale for poor ee morale). CM Lazarus and his staff and prior administrations could operate like a machine -- the council policy was their policy, and Hieftje and Taylor and their CM's went along like agreeable sheppie. Now there's pushback on "some" things. Translation? This council discord is making staff very unhappy. I served with R's and D's and when we had real differences of opinion and discord. The dynamic today is child's play by comparison. King Lazarus distaste for this kind of "discord" indicates to me he is in the wrong line of work.

This was a missed oppty. Although, CM Lazarus would like qtly. and 6 month evals. I already have a lot of mat'l. for his 2019 eval. I would also say, interesting request coming from the guy who does NO staff evaluations -- of his DR's or city-wide. This, too, was raised as a concern to be addressed in last year's evaluation. About this he did and has done NOTHING.

This rant is for you, and not for public dissemination/consumption. I am so very, very frustrated. And, don't get me started on the

This rant is for you, and not for public dissemination/consumption. I am so very, very frustrated. And, don't get me started on the water rate structure. I've prob. spent, honestly?... about 300+ hours on this. Feeling quite done.

Thanks and sorry to unload. This is a very (indescribably so) frustrating work experience. Never said that before....

Jane

Sent from my iPhone

On Apr 16, 2019, at 2:00 AM, Tom Wieder <[REDACTED]> wrote:

Hello All-

Well, so much for firing Lazarus, or for the 2018 elections making any significant difference in how the city is run. If Council keeps and rewards the only two people it directly controls, the clear message is that there isn't a majority commitment to change. Very sad and disappointing. What a waste.

Taylor, et al, must be laughing hysterically.

Tom

(Don't have Ali's address handy, will someone please pass along?)

Sent from my iPad




Thomas >

Mon, Feb 4, 9:48 PM

Could you try to catch Jane for me and see if you could get her to call me? Tom

Mon, Feb 25, 8:39 PM

Any chance you could grab Jane for me?

**From:** Wiedert [REDACTED]   
**Subject:** Mail re: annexations and Public Commentary 3/18/19 Council Meeting  
**Date:** March 29, 2019 at 12:40 PM  
**To:** [REDACTED] [REDACTED]

---



Jack and Jane-

Attached are: 1) The body of an email that I sent to you and the 5 other "good guys" regarding annexation; and 2) My comments at the 3/18/19 Council meeting.

Tom



Email to  
CMs.docx



Council  
comme...9.docx

**From:** [Bannister, Anne](#)  
**To:** [P. L.](#)  
**Cc:** [Lumm, Jane](#); [Hayner, Jeff](#); [Griswold, Kathy](#); [Nelson, Elizabeth](#)  
**Subject:** Re: Carol Rosati FOIA and City Attorney/City Administrator alleged statute violations  
**Date:** Sunday, April 14, 2019 11:48:26 PM

---

Hello Councilmembers,

I would support remedying this situation and asking/requiring staff to comply with both the deadline and content suggested in Ms. Lesko's request below. — Anne

On Sat, Apr 13, 2019 at 5:20 PM -0400, "P. L." <[REDACTED]> wrote:

Hello,

The FOIA referenced in the attached letter from the City Clerk's office is number 1963. This FOIA asks for all documents, emails, and records associated with the hiring of Carol Rosati who advised Council at the request of the City Attorney and City Administrator.

The majority of the public records initially provided to me were almost entirely redacted time sheets from the City Attorney's Office, as well as an undated contract between the City and Ms. Rosati. Mr. Tom Wieder, on my behalf, appealed the FOIA as not completely responsive because, for instance, not a single email was returned in which Mr. Lazarus discusses with Mr. Postema Ms. Rosati's hiring, contract, etc... In addition, the appeal sought to have the time sheet redactions lifted and a dated contract provided.

As you all may know, the state FOIA statute contains very specific guidelines for both the requester and the public entity from which the records are sought. For instance, a FOIA may be granted, denied, granted in part, denied in part and held until a deposit is paid. FOIA appeals are, likewise, expected to be dealt with precisely on the part of the requester and the public entity. Appeals must be granted or denied.

Mr. Lazarus neither granted nor denied the appeal of FOIA 1963, but rather provided more redacted records that had been "overlooked." Mr. Postema in his response to Mr. Wieder's appeal sought to redefine the word "retain" as it was used in FOIA 1963, and promptly entered into a lengthy debate with Mr. Wieder. Debate is not an option within the FOIA statute. Public entities have only two tries to return all responsive records. The response to the original FOIA and in response to an appeal.

The statute doesn't allow Mr. Postema to either redefine the words within a submitted FOIA in order to withhold records, enter into a lengthy debate or as the attached letter shows, after an appeal, or ask for an extension of an appeal which has been neither approved or denied.

While I have a cordial relationship with Mr. Postema, the time and taxpayer money wasted would be silly if we all weren't footing his bill. I have no doubt he knows the FOIA statute better than most. So, he is well aware that the attached letter "extending" FOIA 1963 is meaningless. That ship sailed when Mr. Lazarus, in neither approving or denying the FOIA appeal, neglected to respond properly.

I know that many of you reading this are committed to improving the transparency of our city government, as am I. I also know that as a result of another recent FOIA both Mr. Postema and Mr. Lazarus have expended time and effort trying rather desperately to find out why I submitted that FOIA.

These two gentlemen, at the moment, are performing their jobs as if our local government exists to keep secrets for, or protect the possibly inappropriate actions of the people employed by our local government.

So, no, Mr. Postema and Mr. Lazarus, Michigan's FOIA statute does not permit you to "extend" FOIA 1963 based on the City Attorney's effort to reinterpret the word "retain." As Mr. Wieder has made clear, I have no desire to litigate, but the FOIA statute is what it is and our City is bound by it regardless of what responsive public records reveal.

Patricia Lesko

**From:** [Tom Wieder](#)  
**To:** [Postema, Stephen](#)  
**Cc:** [Rechtien, Matthew](#); [REDACTED] [Anne Bannister](#); [REDACTED]  
**Subject:** Re: CORE  
**Date:** Tuesday, January 1, 2019 11:12:14 AM

---

Steve,

Sorry to bother you on the holiday, but you said that you would be available yesterday afternoon to talk. I replied to your email and left messages on your office and cell phones.

While I hope that we can quickly conclude the litigation as I suggested in my email, I don't want to wait until January 10th, at the earliest, to discuss this. At present, we have a status conference on January 16th, and I will be in transit that day, starting an 8-day trip.

Moreover, I believe that we should wrap this up before the January 7th Council meeting. I believe it is possible that Council may want to give you direction on accepting the settlements at that time, if not before, unless we have resolved both cases.

If necessary, I am prepared to promptly file and schedule motions for summary disposition in both cases based on the Charter Amendment and Mr. Lazarus's admission that the city is now precluded from proceeding with the Core contract - the exact relief that would be granted in the proposed Judgments.

I will be available by phone throughout the day at [REDACTED] or [REDACTED]. I will also monitor my email. If I don't hear from you, I will try to reach you on your cell phone.

Tom Wieder

Sent from my iPad

On Dec 31, 2018, at 12:17 PM, Postema, Stephen <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)> wrote:

Tom –

When we spoke on the 20th, we had discussed our providing you a clearer update as to the City Administrator's intent as it relates to Proposal A and the CORE Spaces contract that's the subject of your clients' litigation. Following through on that, I wanted to let you know that Mr. Lazarus terminated that contract today, pursuant to notification under Section 18. After you've had a chance to consider this I suggest we discuss this further.

I will be leaving town on Wednesday morning and will be out until January 10th, 2019, but I am still around later this afternoon to talk.

**Stephen K. Postema**  
Ann Arbor City Attorney



City of Ann Arbor  
301 E. Huron Street  
Ann Arbor, MI 48104  
T: 734-794-6189  
C: 734-846-1495  
E: [spostema@a2gov.org](mailto:spostema@a2gov.org)

**From:** [Tom Wieder](#)  
**To:** [Postema, Stephen](#); [Rechtien, Matthew](#)  
**Cc:** [REDACTED] [Anne Bannister](#); [REDACTED]  
**Subject:** Library Lot settlements  
**Date:** Wednesday, January 2, 2019 7:11:43 AM

---

Steve (and Matt),

As is all too often the case, a commitment to be available to communicate about a matter at a particular time is not being honored by you. If this were simply a matter of you getting tied up over the holiday, but were going to be in the office today, this might be of no concern. But your stated absence until January 10th indicates otherwise. Over the course of these matters, and previous ones, I have learned not to trust you, or the city, to do what is promised until it has been done. Unless or until these cases are fully resolved in a manner satisfactory to us, I will proceed as if nothing has changed in the status of the cases, which is true, notwithstanding Howard's unenforceable letter.

Tom Wieder

Sent from my iPad

**From:** [Wiedert](#)  
**To:** [Postema, Stephen](#)  
**Cc:** [REDACTED]  
**Subject:** Re: Library Lot settlements  
**Date:** Wednesday, January 2, 2019 7:47:08 AM

---

Steve -

Let's pick a specific time. I have a [REDACTED]  
[REDACTED] but can be available at almost agreed time and will have full document access, including while in transit.

Tom Wieder

In a message dated 1/2/2019 7:29:49 AM Eastern Standard Time, SPostema@a2gov.org writes:

Tom, while I am out of town until the 10th, I did not mean to imply that I would be out of communication until then. I can call later this afternoon or tomorrow to discuss your emails. Stephen

From: Tom Wieder  
Sent: Wednesday, January 2, 07:11  
Subject: Library Lot settlements  
To: Postema, Stephen, Rechtien, Matthew  
Cc: [REDACTED] Anne Bannister, [REDACTED]

Steve (and Matt), As is all too often the case, a commitment to be available to communicate about a matter at a particular time is not being honored by you. If this were simply a matter of you getting tied up over the holiday, but were going to be in the office today, this might be of no concern. But your stated absence until January 10th indicates otherwise. Over the course of these matters, and previous ones, I have learned not to trust you, or the city, to do what is promised until it has been done. Unless or until these cases are fully resolved in a manner satisfactory to us, I will proceed as if nothing has changed in the status of the cases, which is true, notwithstanding Howard's unenforceable letter. Tom Wieder Sent from my iPad

**From:** [Wiedert](#)  
**To:** [Postema, Stephen](#)  
**Subject:** Re: Library Lot settlements  
**Date:** Wednesday, January 2, 2019 8:22:14 AM

---

Okay.

In a message dated 1/2/2019 8:13:14 AM Eastern Standard Time, SPostema@a2gov.org writes:

Tom, I can call at 11.30 ann arbor time tomorrow morning. Stephen

From: Wiedert  
Sent: Wednesday, January 2, 07:47  
Subject: Re: Library Lot settlements  
To: Postema, Stephen  
Cc: [REDACTED] [REDACTED] [REDACTED]

Steve -

Let's pick a specific time. I have a brief medical appointment today and am going to Cleveland for an overnight visit, but can be available at almost agreed time and will have full document access, including while in transit.

Tom Wieder

In a message dated 1/2/2019 7:29:49 AM Eastern Standard Time, SPostema@a2gov.org writes:

Tom, while I am out of town until the 10th, I did not mean to imply that I would be out of communication until then. I can call later this afternoon or tomorrow to discuss your emails. Stephen

From: Tom Wieder  
Sent: Wednesday, January 2, 07:11  
Subject: Library Lot settlements  
To: Postema, Stephen, Rechtien, Matthew  
Cc: [REDACTED] Anne Bannister, [REDACTED]

Steve (and Matt), As is all too often the case, a commitment to be available to communicate about a matter at a particular time is not being honored by you. If this were simply a matter of you getting tied up over the holiday, but were going to be in the office today, this might be of no concern. But your stated absence until January 10th indicates otherwise. Over the course of these matters, and previous ones, I have learned not to trust you, or the city, to do what is promised until it has been done. Unless or until these cases are fully resolved in a manner satisfactory to us, I will proceed as if nothing has changed in the status

of the cases, which is true, notwithstanding Howard's unenforceable letter. Tom Wieder Sent from my iPad

**From:** [Wiedert](#)  
**To:** [Postema, Stephen](#); [Rechtien, Matthew](#)  
**Cc:** [REDACTED]  
**Subject:** Proposed Stip and Order (revised)  
**Date:** Thursday, January 3, 2019 3:12:35 PM  
**Attachments:** [Stip and Order of Judgment2.docx](#)

---

Steve and Matt,

Attached is a revised proposed Stip and Order. I believe that it may address your concerns, and it acceptance to my clients.

Tom Wieder

**STATE OF MICHIGAN  
WASHTENAW COUNTY TRIAL COURT**

ANN ARBOR CENTRAL PARK  
BALLOT COMMITTEE

Case No. 18-816 CZ

PLAINTIFF,  
v.

Hon. David S. Swartz,  
Circuit Judge

CITY OF ANN ARBOR and ANN ARBOR  
CITY CLERK JACQUELINE BEAUDRY,

Defendants.

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiff  
2445 Newport Rd.  
Ann Arbor, MI 48103  
Phone: (734) 994-6647  
[REDACTED]

---

Stephen K. Postema (P38871)  
Matthew R. Rechtien (P71271)  
OFFICE OF THE CITY ATTORNEY  
Attorneys for Defendants  
301 E. Huron St., P.O. Box 8647  
Ann Arbor, MI 48107-8647  
Phone: (734) 794-6170  
spostema@a2gov.org  
mrechtien@a2gov.org

---

**STIPULATION FOR ENTRY OF ORDER OF JUDGMENT**

The parties hereto, Plaintiff Ann Arbor Central Park Ballot Committee, Defendant City of Ann Arbor and Defendant Ann Arbor City Clerk Jacqueline Beaudry, by and through their respective counsel, stipulate as follows:

1. This action concerns the validity of a purported contract between the City of Ann Arbor and either Core Spaces, LLC, an Illinois corporation or Core Spaces Ann Arbor Fifth LLC, a Delaware corporation, for the sale of certain development rights over the "Library Lot," as that property has been defined in this action.

2. Plaintiffs sought a declaration that the purported contract is invalid under the terms of the Charter of the City of Ann Arbor (“Charter”) and asked that the City be permanently enjoined from taking any action in the furtherance of the purported contract.

3. On November 6, 2018, voters in the City of Ann Arbor approved an Amendment to the Charter of the City of Ann Arbor which requires that the Library Lot remain under city ownership in perpetuity and be used exclusively for a park and civic center commons.

4. On December 31, 2018, Ann Arbor City Administrator Howard Lazarus sent a letter to Core Spaces Investment Partners, LLC stating that he was invoking Section 18 of the “Sales Agreement,” the purported contract recited in Paragraph 1, above.

5. In invoking said Section 18, Mr. Lazarus stated that the passage of the Charter Amendment, described in Paragraph 3, above, and the “related litigation are conditions that prevent or impair the closing of the Library Lot transaction and relieve the City of any obligation to close.” He further stated that “the Agreement with Core Spaces is terminated.”

6. As a result of the approved Charter Amendment, the City of Ann Arbor has no authority to enter into or to carry out the terms of any purported contract, or to take any other action which would permit ownership or use of the Library Lot for any purpose not specified in the Charter, as amended.

7. The parties hereby stipulate to the entry of the attached Order of Judgment permanently enjoining the City of Ann Arbor from taking any action in furtherance of any purported contract between the City and Core Spaces, LLC or Core Spaces Ann Arbor Fifth LLC.

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiffs

---

Stephen K. Postema (P38871)  
Attorney for Defendant



**ORDER OF JUDGMENT**

At a session of said Court  
held in the City of Ann Arbor,  
County of Washtenaw, State of Michigan  
this \_\_\_\_ day of \_\_\_\_\_, 2019.

HON. DAVID S. SWARTZ  
Circuit Judge, presiding.

The parties' Stipulation for Entry of Order of Judgment having been read and filed; and  
the Court being otherwise advised in the premises;

IT IS HEREBY ORDERED that Defendant City of Ann Arbor, its employees, agents and  
representatives are permanently enjoined from taking any action in furtherance of any purported  
contract between the City and Core Spaces, LLC or Core Spaces Ann Arbor Fifth LLC  
pertaining to the property identified in this action as the Library Lot.

\_\_\_\_\_  
Hon. David S. Swartz  
Circuit Judge

Order Prepared By:

Approved as to Form and Content:

\_\_\_\_\_  
Thomas F. Wieder (P33228)  
Attorney for Plaintiffs

\_\_\_\_\_  
Stephen K. Postema (P38871)  
Attorney for Defendants

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

From: [Wiedert](#)  
To: [Rechtien, Matthew](#)  
Cc: [Postema, Stephen](#); [REDACTED]  
Subject: Re: Proposed Stipulation in the Ballot Committee Case  
Date: Thursday, January 3, 2019 4:21:50 PM

---

Steve and Matt,

I think that we're on the same page here. I would suggest that the second iteration of my proposed stip and order, which I sent to you an hour ago, may accomplish what we both want with a bit better language. Please review that and see if we can work from that. In any event, I think that we're on the right track to get this done. (One specific thing - I believe that the court's order should state Judgment, not just Injunction. Or it could be something like Order Granting Permanent Injunction, altho I think Order of Judgment is the best title, with the content of the Judgment set forth in the body.

Tom Wieder

In a message dated 1/3/2019 3:56:16 PM Eastern Standard Time, MRechtien@a2gov.org writes:

**FOR SETTLEMENT PURPOSES ONLY; SUBJECT TO FRE/MRE 408**

Tom –

This is what, subject to client confirmation, we propose, for the Ballot Committee case only. Please send me any comments you might have.

----

**STIPULATION FOR ENTRY OF INJUNCTION**

The parties hereto, by and through their respective counsel, stipulate as follows:

1. The amended complaint in this action concerns whether Defendants may sell the certain development rights over the “Library Lot,” as that property has been described in said complaint, pursuant to a purported contract (the purported contract being the “Contract”).

2. In that amended complaint, Plaintiffs, claiming that an amendment to the Charter of the City of Ann Arbor (“Proposal A”), which was adopted by the voters on

November 6, 2018, prevents the City from selling the development rights to the Library Lot pursuant to the Contract, seek an injunction to that effect.

3. On December 31, 2018, in light of, among other things, Proposal A, the City Administrator sent correspondence to the purported buyer stating that the City will not proceed with selling the development rights to the Library Lot and terminated the Contract.

4. The parties agreeing that Proposal A prevents the City's sale of the development rights to the Library Lot, they hereby now stipulate to the entry of an injunction permanently enjoining the City from selling the development rights to the Library Lot pursuant to the Contract.

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiffs

---

Stephen K. Postema (P38871)  
Attorney for Defendants

### **INJUNCTION**

At a session of said Court  
held in the City of Ann Arbor,  
County of Washtenaw, State of Michigan  
this \_\_\_\_ day of \_\_\_\_\_, 2018.

HON. DAVID S. SWARTZ

Circuit Judge, presiding.

The parties' Stipulation for Entry of Injunction having been read and filed; and

the Court being otherwise advised in the premises;

IT IS HEREBY ORDERED that Defendant The City of Ann Arbor is permanently enjoined from selling the development rights to the Library Lot pursuant to the City's purported contract with Core Spaces, LLC or Core Spaces Ann Arbor Fifth LLC.

THIS IS THE FINAL ORDER THAT RESOLVES ALL CLAIMS AND CLOSES THE CASE.

---

Hon. David S. Swartz

Circuit Judge

Order Prepared By:

Approved as to Form and Content:

---

Thomas F. Wieder (P33228)

Attorney for Plaintiffs

---

Stephen K. Postema (P38871)

Attorney for Defendants

**Matthew R. Rechtien, P.E.**

Senior Assistant City Attorney

City of Ann Arbor

301 E. Huron Street

Ann Arbor, MI 48104

T: 734-794-6174

C: 313-820-8856

E: [mrechtien@a2gov.org](mailto:mrechtien@a2gov.org)

**From:** [Wiedert](#)  
**To:** [Rechtien, Matthew](#)  
**Cc:** [REDACTED]  
**Subject:** Re: Proposed Stipulation in the Ballot Committee Case  
**Date:** Thursday, January 3, 2019 5:55:10 PM

---

Matt-

I have reviewed this most recent draft with my client, and it is acceptable to us. Please advise as to the process and timing for consideration by your client and notification of the result to us.

Tom Wieder

In a message dated 1/3/2019 5:04:02 PM Eastern Standard Time, MRechtien@a2gov.org writes:

In furtherance of our emails below, and subject to the same limitations (client approval, only in the Ballot Committee case, and MRE/FRE 408), please find attached a revised document. Comments?

Thanks,

Matt

---

**From:** Rechtien, Matthew <MRechtien@a2gov.org>  
**Sent:** Thursday, January 03, 2019 4:49 PM  
**To:** Wiedert <[REDACTED]>  
**Cc:** Postema, Stephen <SPostema@a2gov.org>  
**Subject:** RE: Proposed Stipulation in the Ballot Committee Case

We will try to reconcile the drafts, starting from the document you sent.

Thanks,

Matt

**From:** Wiedert <[REDACTED]>  
**Sent:** Thursday, January 03, 2019 4:22 PM  
**To:** Rechtien, Matthew <[MRechtien@a2gov.org](mailto:MRechtien@a2gov.org)>  
**Cc:** Postema, Stephen <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)>; [REDACTED]  
**Subject:** Re: Proposed Stipulation in the Ballot Committee Case

Steve and Matt,

I think that we're on the same page here. I would suggest that the second iteration of my proposed stip and order, which I sent to you an hour ago, may accomplish what we both want with a bit better language. Please review that and see if we can work from that. In any event, I think that we're on the right track to get this done. (One specific thing - I believe that the court's order should state Judgment, not just Injunction. Or it could be something like Order Granting Permanent Injunction, altho I think Order of Judgment is the best title, with the content of the Judgment set forth in the body.

Tom Wieder

In a message dated 1/3/2019 3:56:16 PM Eastern Standard Time, [MRechtien@a2gov.org](mailto:MRechtien@a2gov.org) writes:

**FOR SETTLEMENT PURPOSES ONLY; SUBJECT TO FRE/MRE 408**

Tom –

This is what, subject to client confirmation, we propose, for the Ballot Committee case only. Please send me any comments you might have.

----

**STIPULATION FOR ENTRY OF INJUNCTION**

The parties hereto, by and through their respective counsel, stipulate as follows:

1. The amended complaint in this action concerns whether Defendants may sell the certain development rights over the “Library Lot,” as that property has been described in said complaint, pursuant to a purported contract (the purported contract being the “Contract”).

2. In that amended complaint, Plaintiffs, claiming that an amendment to the Charter of the City of Ann Arbor (“Proposal A”), which was adopted by the

voters on November 6, 2018, prevents the City from selling the development rights to the Library Lot pursuant to the Contract, seek an injunction to that effect.

3. On December 31, 2018, in light of, among other things, Proposal A, the City Administrator sent correspondence to the purported buyer stating that the City will not proceed with selling the development rights to the Library Lot and terminated the Contract.

4. The parties agreeing that Proposal A prevents the City's sale of the development rights to the Library Lot, they hereby now stipulate to the entry of an injunction permanently enjoining the City from selling the development rights to the Library Lot pursuant to the Contract.

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiffs

---

Stephen K. Postema (P38871)  
Attorney for Defendants

### **INJUNCTION**

At a session of said Court  
held in the City of Ann Arbor,  
County of Washtenaw, State of Michigan  
this \_\_\_\_ day of \_\_\_\_\_, 2018.

HON. DAVID S. SWARTZ

Circuit Judge, presiding.

The parties' Stipulation for Entry of Injunction having been read and filed;  
and the Court being otherwise advised in the premises;



IT IS HEREBY ORDERED that Defendant The City of Ann Arbor is permanently enjoined from selling the development rights to the Library Lot pursuant to the City's purported contract with Core Spaces, LLC or Core Spaces Ann Arbor Fifth LLC.

THIS IS THE FINAL ORDER THAT RESOLVES ALL CLAIMS AND CLOSES THE CASE.

---

Hon. David S. Swartz

Circuit Judge

Order Prepared By:

Approved as to Form and Content:

---

---

Thomas F. Wieder (P33228)

Attorney for Plaintiffs

Stephen K. Postema (P38871)

Attorney for Defendants

**Matthew R. Rechtien, P.E.**

Senior Assistant City Attorney

City of Ann Arbor

301 E. Huron Street

Ann Arbor, MI 48104

T: 734-794-6174

C: 313-820-8856

E: [mrechtien@a2gov.org](mailto:mrechtien@a2gov.org)

**From:** [Tom Wieder](#)  
**To:** [Rechtien, Matthew](#)  
**Subject:** Re: Proposed Stipulation in the Ballot Committee Case  
**Date:** Friday, January 4, 2019 12:50:54 PM

---

Matt-

I filed it on Friday, December 28, 2018, immediately after getting the signed order allowing it from the judge's office, and immediately before serving it on your office. I just spoke to the Clerk's office, and they informed me that they are behind schedule, because of the holidays. They will try to locate it (it's probably in the scanning queue) and get back to me by the "end of the day." Best I can do.

Tom Wieder

Sent from my iPad

On Jan 4, 2019, at 10:43 AM, Rechtien, Matthew <[MRechtien@a2gov.org](mailto:MRechtien@a2gov.org)> wrote:

Tom – We cannot find any record with the Court that your amended complaint was filed (other than as an attachment to the order allowing it). If in fact it's not yet filed, could you please confirm you'll have it on file by Monday?

Thanks,  
Matt

**From:** Wiedert <[REDACTED]>  
**Sent:** Thursday, January 03, 2019 5:55 PM  
**To:** Rechtien, Matthew <[MRechtien@a2gov.org](mailto:MRechtien@a2gov.org)>  
**Cc:** [REDACTED] [REDACTED] [REDACTED]  
**Subject:** Re: Proposed Stipulation in the Ballot Committee Case

Matt-

I have reviewed this most recent draft with my client, and it is acceptable to us. Please advise as to the process and timing for consideration by your client and notification of the result to us.

Tom Wieder

In a message dated 1/3/2019 5:04:02 PM Eastern Standard Time, [MRechtien@a2gov.org](mailto:MRechtien@a2gov.org) writes:

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Thanks,  
Matt

---

**From:** Rechtien, Matthew <[MRechtien@a2gov.org](mailto:MRechtien@a2gov.org)>

**Sent:** Thursday, January 03, 2019 4:49 PM  
**To:** Wiedert <[REDACTED]>  
**Cc:** Postema, Stephen <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)>  
**Subject:** RE: Proposed Stipulation in the Ballot Committee Case

We will try to reconcile the drafts, starting from the document you sent.

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Matt

**From:** Wiedert <[REDACTED]>  
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**Cc:** Postema, Stephen <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)>; [REDACTED]  
**Subject:** Re: Proposed Stipulation in the Ballot Committee Case

Steve and Matt,

I think that we're on the same page here. I would suggest that the second iteration of my proposed stip and order, which I sent to you an hour ago, may accomplish what we both want with a bit better language. Please review that and see if we can work from that. In any event, I think that we're on the right track to get this done. (One specific thing - I believe that the court's order should state Judgment, not just Injunction. Or it could be something like Order Granting Permanent Injunction, altho I think Order of Judgment is the best title, with the content of the Judgment set forth in the body.

Tom Wieder

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[MRechtien@a2gov.org](mailto:MRechtien@a2gov.org) writes:

**FOR SETTLEMENT PURPOSES ONLY; SUBJECT TO FRE/MRE 408**

Tom –

This is what, subject to client confirmation, we propose, for the Ballot Committee case only. Please send me any comments you might have.

----

**STIPULATION FOR ENTRY OF INJUNCTION**

The parties hereto, by and through their respective counsel, stipulate as follows:

1. The amended complaint in this action concerns whether Defendants may sell the certain development rights over the “Library Lot,” as that property has been described in said complaint, pursuant to a purported contract (the purported contract being the “Contract”).

2. In that amended complaint, Plaintiffs, claiming that an amendment to the Charter of the City of Ann Arbor (“Proposal A”), which was adopted by the voters on November 6, 2018, prevents the City from selling the development rights to the Library Lot pursuant to the Contract, seek an injunction to that effect.

3. On December 31, 2018, in light of, among other things, Proposal A, the City Administrator sent correspondence to the purported buyer stating that the City will not proceed with selling the development rights to the Library Lot and terminated the Contract.

4. The parties agreeing that Proposal A prevents the City’s sale of the development rights to the Library Lot, they hereby now stipulate to the entry of an injunction permanently enjoining the City from selling the development rights to the Library Lot pursuant to the Contract.

---

Thomas F. Wieder (P33228)  
(P38871)

Attorney for Plaintiffs  
Defendants

---

Stephen K. Postema

Attorney for

**INJUNCTION**

At a session of said Court  
held in the City of Ann Arbor,  
County of Washtenaw, State of Michigan  
this \_\_\_\_ day of \_\_\_\_\_, 2018.

HON. DAVID S. SWARTZ

Circuit Judge, presiding.

The parties' Stipulation for Entry of Injunction having been read  
and filed; and the Court being otherwise advised in the premises;

IT IS HEREBY ORDERED that Defendant The City of Ann Arbor  
is permanently enjoined from selling the development rights to the Library  
Lot pursuant to the City's purported contract with Core Spaces, LLC or  
Core Spaces Ann Arbor Fifth LLC.

THIS IS THE FINAL ORDER THAT RESOLVES ALL CLAIMS  
AND CLOSES THE CASE.

---

Hon. David S. Swartz

Circuit Judge

Order Prepared By:  
Content:

Approved as to Form and

---

---

Thomas F. Wieder (P33228)

Attorney for Plaintiffs

Stephen K. Postema (P38871)

Attorney for Defendants

**Matthew R. Rechtien, P.E.**

Senior Assistant City Attorney

City of Ann Arbor

301 E. Huron Street

Ann Arbor, MI 48104

T: 734-794-6174

C: 313-820-8856

E: [mrechtien@a2gov.org](mailto:mrechtien@a2gov.org)

**From:** [Tom Wieder](#)  
**To:** [Rechtien, Matthew](#)  
**Subject:** Re: Proposed Stipulation in the Ballot Committee Case  
**Date:** Friday, January 4, 2019 12:58:35 PM

---

Matt-

Clerk's office just called. It is in the queue. They will time-stamp a copy if one is brought in. Since your office is just a block away, might I suggest that you do that to satisfy yourselves? Otherwise, it might get posted later today. Is that satisfactory?

Tom Wieder

Sent from my iPad

On Jan 4, 2019, at 10:43 AM, Rechtien, Matthew <[MRechtien@a2gov.org](mailto:MRechtien@a2gov.org)> wrote:

Tom – We cannot find any record with the Court that your amended complaint was filed (other than as an attachment to the order allowing it). If in fact it's not yet filed, could you please confirm you'll have it on file by Monday?

Thanks,  
Matt

**From:** Wiedert <[REDACTED]>  
**Sent:** Thursday, January 03, 2019 5:55 PM  
**To:** Rechtien, Matthew <[MRechtien@a2gov.org](mailto:MRechtien@a2gov.org)>  
**Cc:** [REDACTED] [REDACTED] [REDACTED]  
**Subject:** Re: Proposed Stipulation in the Ballot Committee Case

Matt-

I have reviewed this most recent draft with my client, and it is acceptable to us. Please advise as to the process and timing for consideration by your client and notification of the result to us.

Tom Wieder

In a message dated 1/3/2019 5:04:02 PM Eastern Standard Time, [MRechtien@a2gov.org](mailto:MRechtien@a2gov.org) writes:

In furtherance of our emails below, and subject to the same limitations (client approval, only in the Ballot Committee case, and MRE/FRE 408), please find attached a revised document. Comments?

Thanks,  
Matt

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**From:** Rechtien, Matthew <[MRechtien@a2gov.org](mailto:MRechtien@a2gov.org)>  
**Sent:** Thursday, January 03, 2019 4:49 PM



**To:** Wiedert <[REDACTED]>  
**Cc:** Postema, Stephen <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)>  
**Subject:** RE: Proposed Stipulation in the Ballot Committee Case

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**Subject:** Re: Proposed Stipulation in the Ballot Committee Case

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Tom Wieder

In a message dated 1/3/2019 3:56:16 PM Eastern Standard Time,  
[MRechtien@a2gov.org](mailto:MRechtien@a2gov.org) writes:

**FOR SETTLEMENT PURPOSES ONLY; SUBJECT TO FRE/MRE 408**

Tom –

This is what, subject to client confirmation, we propose, for the Ballot Committee case only. Please send me any comments you might have.

----

**STIPULATION FOR ENTRY OF INJUNCTION**

The parties hereto, by and through their respective counsel, stipulate as follows:

1. The amended complaint in this action concerns whether Defendants may sell the certain development rights over the “Library Lot,” as that property has been described in said complaint, pursuant to a purported contract (the purported contract being the “Contract”).

2. In that amended complaint, Plaintiffs, claiming that an amendment to the Charter of the City of Ann Arbor (“Proposal A”), which was adopted by the voters on November 6, 2018, prevents the City from selling the development rights to the Library Lot pursuant to the Contract, seek an injunction to that effect.

3. On December 31, 2018, in light of, among other things, Proposal A, the City Administrator sent correspondence to the purported buyer stating that the City will not proceed with selling the development rights to the Library Lot and terminated the Contract.

4. The parties agreeing that Proposal A prevents the City’s sale of the development rights to the Library Lot, they hereby now stipulate to the entry of an injunction permanently enjoining the City from selling the development rights to the Library Lot pursuant to the Contract.

---

Thomas F. Wieder (P33228)  
(P38871)

Attorney for Plaintiffs  
Defendants

---

Stephen K. Postema

Attorney for

**INJUNCTION**

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Order Prepared By:  
Content:

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T: 734-794-6174

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E: [mrechtien@a2gov.org](mailto:mrechtien@a2gov.org)

**From:** [Wiedert](#)  
**To:** [Rechtien, Matthew](#)  
**Cc:** [REDACTED]  
**Subject:** Re: Proposed Stipulation in the Ballot Committee Case  
**Date:** Friday, January 4, 2019 1:08:21 PM

---

Matt-

The intent to proceed by Resolution is problematic. As you know, any Resolution may be vetoed by the Mayor, and a veto can only be overridden by eight votes of Council. This matter could quite possibly present a situation where six or seven Councilmembers want the Attorney to accept the settlement, but four or five do not.

If the Attorney decides to proceed only on the basis of a resolution which is not vetoed, or is vetoed, but overridden, the result would place the Attorney in an awkward, if not untenable, position. A majority of your Council - six - constitutes your client. Relying upon successful passage of a formal resolution as Council's method of directing the Attorney leaves a possible situation in which there is no direction to the Attorney from Council regarding the settlement.

No formal resolution is inherently necessary to instruct the Attorney to settle a case. In some cases, a resolution may be necessary to effect a settlement, because it requires some specific administrative action which Council must authorize. An example is the Y Lot litigation, where an authorization to borrow and expend millions of dollars was necessary to fulfill the settlement. In this case, no such action is required.

I believe that the Attorney must proceed based on the express direction of six or more members of the Council, however that direction may be received. It may be by individual Councilmembers communicating their desires directly to you, as a number of them have already done with regard to the proposals provided to you by me on November 29, 2018. It might be accomplished by the Attorney "polling" the Councilmembers during a public meeting.

I don't see how the attorney can legitimately fail to follow the wishes of six Councilmembers. As you know, a decision to hire or fire the Attorney may be made with six votes, and such a decision is not subject to a veto. It is a somewhat bizarre notion that six Councilmembers may remove the Attorney, in the face of mayoral opposition, but cannot instruct the Attorney how to handle a particular case without eight votes to override a veto.

I think it is clear that the Attorney has, in the past, sought direction from the Council regarding further action in a case, without requiring a formal vote on a resolution. (e.g. Whether to appeal in the 2014 Dascola case.)

One option for such an informal poll at the beginning of the January 7, 2019 meeting would be to initiate it by either the City Administrator during his communications, by a member of City Council during their communications or by moving Communications from the City Attorney to that portion of the agenda, any of them prior to the Motion, which should be pulled, in any event.

Unless we have assurance from the Attorney that he will take direction in this matter based upon the wishes expressed by six or more Councilmembers, we do not have an agreement, and you may not represent to the Council that we have one.

Tom Wieder

In a message dated 1/4/2019 10:16:27 AM Eastern Standard Time, MRechtien@a2gov.org writes:

Tom: By way of update, the process is that we plan to have a resolution on the agenda for Monday's council meeting directing the City Attorney to stipulate to the order you mention below in the Ballot Committee case. We'll let you know how the vote goes as soon as possible.

Thanks,

Matt

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**Sent:** Thursday, January 03, 2019 5:55 PM  
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**Cc:** [REDACTED]  
**Subject:** Re: Proposed Stipulation in the Ballot Committee Case

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**Sent:** Thursday, January 03, 2019 4:49 PM  
**To:** Wiedert <[REDACTED]>  
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**Subject:** RE: Proposed Stipulation in the Ballot Committee Case

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**Sent:** Thursday, January 03, 2019 4:22 PM  
**To:** Rechten, Matthew <[MRechten@a2gov.org](mailto:MRechten@a2gov.org)>  
**Cc:** Postema, Stephen <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)>; [REDACTED]  
**Subject:** Re: Proposed Stipulation in the Ballot Committee Case

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Tom Wieder

In a message dated 1/3/2019 3:56:16 PM Eastern Standard Time,  
[MRechten@a2gov.org](mailto:MRechten@a2gov.org) writes:

**FOR SETTLEMENT PURPOSES ONLY; SUBJECT TO FRE/MRE 408**

Tom –

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**STIPULATION FOR ENTRY OF INJUNCTION**

The parties hereto, by and through their respective counsel, stipulate  
as follows:

1. The amended complaint in this action concerns whether

Defendants may sell the certain development rights over the “Library Lot,” as that property has been described in said complaint, pursuant to a purported contract (the purported contract being the “Contract”).

2. In that amended complaint, Plaintiffs, claiming that an amendment to the Charter of the City of Ann Arbor (“Proposal A”), which was adopted by the voters on November 6, 2018, prevents the City from selling the development rights to the Library Lot pursuant to the Contract, seek an injunction to that effect.

3. On December 31, 2018, in light of, among other things, Proposal A, the City Administrator sent correspondence to the purported buyer stating that the City will not proceed with selling the development rights to the Library Lot and terminated the Contract.

4. The parties agreeing that Proposal A prevents the City’s sale of the development rights to the Library Lot, they hereby now stipulate to the entry of an injunction permanently enjoining the City from selling the development rights to the Library Lot pursuant to the Contract.

---

Thomas F. Wieder (P33228)  
(P38871)

Attorney for Plaintiffs  
Defendants

---

Stephen K. Postema

Attorney for

### **INJUNCTION**

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County of Washtenaw, State of Michigan

this \_\_\_\_ day of \_\_\_\_\_, 2018.

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Hon. David S. Swartz

Circuit Judge

Order Prepared By:  
Content:

Approved as to Form and

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**From:** [Wiedert](#)  
**To:** [Rechtien, Matthew](#)  
**Cc:** [REDACTED]  
**Subject:** Re: Proposed Stipulation in the Ballot Committee Case  
**Date:** Friday, January 4, 2019 1:54:35 PM

---

Matt-

Actually, it isn't "academic" if the Resolution passes; it is academic only if it isn't vetoed or is vetoed and is overridden. The timeline for vetoes is: 1) The record of the meeting must be presented by the Clerk to the Mayor within 72 hours after a meeting, which would likely push the deadline to Friday, January 11, 2019. The Mayor then has 72 hours to file the veto with the Clerk. The Clerk is required to report the veto to Council at the next regular meeting. And the Council has 30 days to act to override after the veto is reported to the Council. This schedule is incompatible with resolving this matter in a timely manner, and we are not agreeable to keeping the settlement offer open that long.

We will certainly sign the Stipulation concurrently with the City signing a Stipulation which binds the City at that time.

Tom Wieder

In a message dated 1/4/2019 1:32:41 PM Eastern Standard Time, MRechtien@a2gov.org writes:

Tom –

I understand your argument. But it seems to me that it's a side (which is to say process, not substance) issue and that any disagreement we may have on your argument is academic if the resolution passes.

If indeed it does, are you saying that the Ballot Committee will not sign the stipulation? The only agreement among the parties I'd expect to represent to anyone is that the Ballot Committee is willing to sign the stipulation we both agreed to yesterday. If that's not the case anymore, please confirm.

Thanks,

**Matthew R. Rechtien, P.E.**

Senior Assistant City Attorney

City of Ann Arbor

301 E. Huron Street

Ann Arbor, MI 48104

T: 734-794-6174

C: 313-820-8856

E: [mrechtien@a2gov.org](mailto:mrechtien@a2gov.org)

**From:** Wiedert <[REDACTED]>  
**Sent:** Friday, January 04, 2019 1:08 PM

**To:** Rechtien, Matthew <MRechtien@a2gov.org>  
**Cc:** [REDACTED]  
**Subject:** Re: Proposed Stipulation in the Ballot Committee Case

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3. On December 31, 2018, in light of, among other things, Proposal A, the City Administrator sent correspondence to the purported buyer stating that the City will not proceed with selling the development rights to the Library Lot and terminated the Contract.

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\_\_\_\_\_  
Thomas F. Wieder (P33228)  
Postema (P38871)

Attorney for Plaintiffs  
Defendants

\_\_\_\_\_  
Stephen K.

Attorney for

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CLAIMS AND CLOSES THE CASE.

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Hon. David S. Swartz



Circuit Judge

Order Prepared By:  
and Content:

Approved as to Form

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(P38871)

Attorney for Plaintiffs

Stephen K. Postema

Attorney for Defendants

**Matthew R. Rechtien, P.E.**

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E: [mrechtien@a2gov.org](mailto:mrechtien@a2gov.org)

**From:** [Wiedert](#)  
**To:** [Rechtien, Matthew](#)  
**Cc:** [Postema, Stephen](#); [REDACTED]  
**Subject:** Re: Resolution  
**Date:** Saturday, January 5, 2019 11:39:08 AM

---

Matt-

That is acceptable. I would like to facilitate this further. I can deliver to your office during the day on Monday signed copies of the Stip and Order, so that you can inform Council that we have already signed.

I printed out a copy of your revised document, with all changes saved. I noticed one small typo. In Paragraph 3 - Proposal A" should be Proposal A (no half quotation marks).

On the city's website, it does not appear that the pleadings attachments to the Resolution are present. If you will forward those to me, I will sign several originals and deliver them to you. Or, I can correct the one typo and deliver copies of what I have. Will someone be signing Steve's name in his stead, or will new signature lines be substituted for signing by someone else?

Tom Wieder

In a message dated 1/5/2019 11:05:55 AM Eastern Standard Time, MRechtien@a2gov.org writes:

Tom

This confirms our conversation minutes ago, which was that assuming the Ballot Committee Case resolution is adopted Monday, and we are not told a veto is forthcoming, given the timing, including the coming scheduling conference, our office plans to sign the stipulation that's the subject of the resolution promptly, certainly by the end of Tuesday, which is our usual practice on approved settlements.

I understand from you that with that said, we can continue to represent that your client will sign the stipulation as well.

Regards  
Matt Rechtien

Get [Outlook for iOS](#)

**From:** [Wiedert](#)  
**To:** [Rechtien, Matthew](#)  
**Cc:** [REDACTED]  
**Subject:** Re: Resolution  
**Date:** Saturday, January 5, 2019 11:54:22 AM

---

I will correct the typo, leave Steve's name on it, and will deliver copies to your office on Monday.

In a message dated 1/5/2019 11:46:21 AM Eastern Standard Time, MRechtien@a2gov.org writes:

That would be helpful. Thank you.

Thanks for catching and fixing that. I am not sure why the attachment isn't showing but since you've found the typo, if it's not too much trouble do you want to simply fix it and sign from there?

You can swap my name in for Stephen's or I can sign for him. I have no preference in that regard, so whatever you decide is fine.

Thanks,

Matt

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**Sent:** Saturday, January 05, 2019 11:39 AM  
**To:** Rechtien, Matthew <MRechtien@a2gov.org>  
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Tom

This confirms our conversation minutes ago, which was that assuming the Ballot Committee Case resolution is adopted Monday, and we are not told a veto is forthcoming, given the timing, including the coming scheduling conference, our office plans to sign the stipulation that's the subject of the resolution promptly, certainly by the end of Tuesday, which is our usual practice on approved settlements.

I understand from you that with that said, we can continue to represent that your client will sign the stipulation as well.

Regards

Matt Rechtien

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**From:** [Wiedert](#)  
**To:** [Postema, Stephen](#); [Rechtien, Matthew](#)  
**Cc:** [REDACTED]  
**Subject:** Settlement of Bannister case  
**Date:** Monday, January 7, 2019 1:05:07 PM  
**Attachments:** [Stipulation and Injunction - Bannister.docx](#)

---

Steve and Matt-

At your request, I was willing to deal with the two Library Lot cases serially, rather than simultaneously. Barring some unpleasant surprise, the Ballot Committee case will be resolved tonight.

Of course, we still need to resolve the Bannister case. There are certain logistical issues here. A status conference is scheduled for 1/16/19 at 3 pm. I will be in transit at that time, and will not be able to even participate by telephone. Unless we can make that conference unnecessary, I would ask you to join me in asking the court to postpone that to a later date. I will be available again on 1/24. I will have some limited opportunity to be in contact by phone while away.

It should not be difficult to reach agreement on a settlement in the second case. I have prepared a new proposed Stipulation and Order for you to present to your client. (attached) Frankly, I can't see why that couldn't be presented to Council for action tonight, since the important substance of it – the relief – is identical to the Ballot Committee case.

As you know, I strongly believe that you may simply poll the Councilmembers about whether the proposed settlement should be accepted, or a negotiated, revised version. The former could be done almost immediately. If the Resolution passes tonight, I can't imagine any impediment to settling the other. Indeed, I suspect that many or most of them will wonder why they are asking to make the same decision twice.

If you insist on presenting a settlement at a Council meeting, that will entail some delay. The next Council meeting – 1/14/19 – is, I believe, a working session. Could a special session be added to address this matter? I believe that the next regular meeting is 1/22/19.

The most important thing is for us to reach a tentative agreement. Any reason that this can't be done in the next few days?

Tom Wieder

**STATE OF MICHIGAN  
WASHTENAW COUNTY TRIAL COURT**

ANNE BANNISTER, et al.,

Plaintiffs,

Case No. 18682CZ

Hon. David S. Swartz

v

CITY OF ANN ARBOR, et al.,

Defendants.

Thomas F. Wieder (P33228)  
Attorney for Plaintiff  
2445 Newport Rd.  
Ann Arbor, MI 48103  
Phone: (734) 994-6647  
[REDACTED]

Stephen K. Postema (P38871)  
Matthew R. Rechtien (P71271)  
OFFICE OF THE CITY ATTORNEY  
Attorneys for Defendants  
301 E. Huron St., P.O. Box 8647  
Ann Arbor, MI 48107-8647  
Phone: (734) 794-6170  
[spostema@a2gov.org](mailto:spostema@a2gov.org)  
[mrechtien@a2gov.org](mailto:mrechtien@a2gov.org)

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18-816 CZ .  
BALLOT COMMITTEE¶  
¶ . PLAINTIFF, . . . . . Hon. David S. Swartz,¶  
v. . . . . Circuit Judge . ¶  
¶  
CITY OF ANN ARBOR and ANN ARBOR¶  
CITY CLERK JACQUELINE BEAUDRY,¶

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. Defendants.

**STIPULATION FOR ENTRY OF ORDER GRANTING PERMANENT INJUNCTION**

The parties, by and through their respective counsel, stipulate as follows:

1. The First Amended Complaint in this action concerns whether Defendants may sell certain development rights over property owned by the City of Ann Arbor (the "City") located at 319 S. Fifth Ave., in the City of Ann Arbor (the "Library Lot"), pursuant to a purported contract with a private developer.

2. On April 17, 2017 the Ann Arbor City Council (the "Council") approved a Resolution which purportedly authorized the sale of the above-described development rights to Core Spaces, LLC, an Illinois corporation, and which purportedly authorized the City's Mayor, Clerk and Administrator to execute necessary documentation for said sale, after approval as to form and substance by the City Attorney.

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Deleted: as that property has been described in said complaint,

Deleted: (that purported contract being the "Contract").

3. On May 31, 2018, a document entitled “Agreement of Sale” (the “Agreement”) was signed by the Mayor, Clerk, Administrator and Attorney, as well as by representatives of Core Spaces Ann Arbor Fifth LLC, a Delaware corporation. The Agreement was not submitted to the Council for approval.

4. Plaintiffs allege that no valid contract for the sale of the development rights was effected by the actions described in Paragraphs 2 and 3, hereof.

5. Defendants allege that a valid contract for the sale of the development rights was entered into by the City, the terms of which are those contained in the Agreement of Sale.

6. On November 6, 2018, voters in the City of Ann Arbor approved Proposal A, an amendment to the Charter of the City of Ann Arbor that requires that the Library Lot remain in City ownership in perpetuity and be used as “park and civic center commons.”

7. Plaintiffs assert that the Proposal A charter amendment prevents the City from selling the development rights to the Library Lot pursuant to any purported contract, and seeks an injunction to that effect.

8. On December 31, 2018, Ann Arbor City Administrator Howard Lazarus sent a letter to Core Spaces Ann Arbor Fifth LLC stating that he was invoking the provisions Section 18 of the Agreement to terminate the Agreement, and stating that the City would not proceed with selling the development rights to the Library Lot pursuant to the Agreement.

9. Mr. Lazarus’ letter explains that Proposal A’s passage and “related litigation are conditions that prevent or impair the closing of the Library Lot transaction and relieve the City of any obligation to close.”

10. Because the parties agree that the Proposal A charter amendment prevents the City of Ann Arbor from selling the development rights to the Library Lot pursuant to the Agreement,

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they hereby stipulate to the entry of the attached order permanently enjoining the City of Ann Arbor from selling the development rights to the Library Lot pursuant to the [Agreement](#).

Deleted: Contract

11. [In entering into this Stipulation, the parties do not abandon or waive any arguments that they have made or might make regarding the validity of the Agreement.](#)

\_\_\_\_\_  
Thomas F. Wieder (P33228)  
Attorney for Plaintiffs

\_\_\_\_\_  
Stephen K. Postema (P38871)  
Attorney for Defendant



**ORDER GRANTING PERMANENT INJUNCTION**

At a session of said Court  
held in the City of Ann Arbor,  
County of Washtenaw, State of Michigan  
this \_\_\_\_ day of \_\_\_\_\_, 2019.

HON. DAVID S. SWARTZ  
Circuit Judge, presiding.

Based on the parties' Stipulation for Entry of Order Granting Permanent Injunction, and  
the Court being otherwise advised in the premises:

IT IS HEREBY ORDERED that Defendant City of Ann Arbor is permanently enjoined  
from selling the development rights to the Library Lot, as described in the amended complaint,  
pursuant to any purported contract between the City and Core Spaces, LLC or Core Spaces Ann  
Arbor Fifth LLC.

THIS IS THE FINAL ORDER THAT RESOLVES ALL CLAIMS AND CLOSES THE CASE.

\_\_\_\_\_  
Hon. David S. Swartz  
Circuit Judge

Order Prepared By:

Approved as to Form and Content:

\_\_\_\_\_  
Thomas F. Wieder (P33228)  
Attorney for Plaintiffs

\_\_\_\_\_  
Stephen K. Postema (P38871)  
Attorney for Defendants

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

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**From:** [Wiedert](#)  
**To:** [Rechtien, Matthew](#)  
**Cc:** [REDACTED]  
**Subject:** Re: Settlement of Bannister case  
**Date:** Monday, January 7, 2019 3:00:32 PM

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Matt-

The complaint says that there is no contract and seeks a permanent injunction prohibiting any action by the City in furtherance of the purported contract. Since the filing of the Complaint, there has been a new intervening fact, the passage of Proposal A, which the City does not dispute. We assert that that undisputed fact supports the granting of the relief we seek. The City has already agreed, in Lazarus' statement, and in the (pending) Ballot Committee settlement, that the passage of Proposal A precludes the City from going forward with the contract, and it stipulates to the granting of the relief we seek.

The facts are not dispute; the relief isn't in dispute, so what difference does it make what the Complaint said? The parties are free to stipulate to settle the matter on any basis they want; it doesn't have to relate back to the Complaint. What is the problem? Are you folks concerned that settlement of the case, which was originally based on seeking a determination that the contract is invalid, but not on Proposal A, somehow suggests a determination that the contract is invalid? I deliberately wrote both the original settlement, and the revised one, to eliminate any such inference.

"MCR 2.118 (C)(1) provides:

(C) Amendments to Conform to the Evidence.

(1) When issues not raised by the pleadings are tried by express or implied consent of the parties, they are treated as if they had been raised by the pleadings."

In this case, the issues weren't tried by consent, they are stipulated to. Those factual stipulations are treated as if they had been raised by the pleadings.

Maybe, we shouldn't settle the case, at all. We can go forward and prove that the Mayor, City Administrator and the Attorney ignored the Charter and tried to force through a bogus contract, because they didn't have the votes to do it legitimately. More than one Councilmember have expressed the desire that we do just that. Would you guys prefer that?

Tom Wieder

In a message dated 1/7/2019 1:42:04 PM Eastern Standard Time, MRechtien@a2gov.org writes:

Tom:

Following up, while we consider this, one issue I see, which kind of gets to the nub of things, is this statement: "Plaintiffs assert that the Proposal A charter amendment prevents the City from selling the development rights to the Library Lot pursuant to any purported contract, and seeks an injunction to that effect." If we're talking about the complaint filed by Lipson, that's not what their claims are about, at least not as the

case is now pleaded.

Thanks,

**Matthew R. Rechtien, P.E.**

Senior Assistant City Attorney

City of Ann Arbor

301 E. Huron Street

Ann Arbor, MI 48104

T: 734-794-6174

C: 313-820-8856

E: [mrechtien@a2gov.org](mailto:mrechtien@a2gov.org)

**From:** Wiedert <[REDACTED]>  
**Sent:** Monday, January 07, 2019 1:05 PM  
**To:** Postema, Stephen <SPostema@a2gov.org>; Rechtien, Matthew <MRechtien@a2gov.org>  
**Cc:** [REDACTED]  
**Subject:** Settlement of Bannister case

Steve and Matt-

At your request, I was willing to deal with the two Library Lot cases serially, rather than simultaneously. Barring some unpleasant surprise, the Ballot Committee case will be resolved tonight.

Of course, we still need to resolve the Bannister case. There are certain logistical issues here. A status conference is scheduled for 1/16/19 at 3 pm. I will be in transit at that time, and will not be able to even participate by telephone. Unless we can make that conference unnecessary, I would ask you to join me in asking the court to postpone that to a later date. I will be available again on 1/24. I will have some

limited opportunity to be in contact by phone while away.

It should not be difficult to reach agreement on a settlement in the second case. I have prepared a new proposed Stipulation and Order for you to present to your client. (attached) Frankly, I can't see why that couldn't be presented to Council for action tonight, since the important substance of it – the relief – is identical to the Ballot Committee case.

As you know, I strongly believe that you may simply poll the Councilmembers about whether the proposed settlement should be accepted, or a negotiated, revised version. The former could be done almost immediately. If the Resolution passes tonight, I can't imagine any impediment to settling the other. Indeed, I suspect that many or most of them will wonder why they are asking to make the same decision twice.

If you insist on presenting a settlement at a Council meeting, that will entail some delay. The next Council meeting – 1/14/19 – is, I believe, a working session. Could a special session be added to address this matter? I believe that the next regular meeting is 1/22/19.

The most important thing is for us to reach a tentative agreement. Any reason that this can't be done in the next few days?

Tom Wieder

**From:** [Wiedert](#)  
**To:** [Postema, Stephen](#); [Rechtien, Matthew](#)  
**Cc:** [REDACTED]  
**Subject:** Bannister v City of Ann Arbor  
**Date:** Friday, January 11, 2019 3:50:12 PM

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Steve and Matt,

First, several questions – has our most recent settlement proposal been presented to the Council? If not, why not and when will it be? If it has been presented, do you intend to seek responses from Councilmembers, and when?

Second, I have discussed with my clients what position they wish me to take if a settlement is not forthcoming as I indicated in my last conversation with Matt. I have been instructed that, in the absence of such a settlement, I am to proceed to seek declaratory relief with regard to the process used in attempting to create a contract with Core Spaces.

This action is not simply about whether a valid contract was entered into with Core Spaces. The broader issue is whether Council's contractual authority may be exercised in any manner other than by presentation of an actual written contract to Council for approval (requiring 8 votes in the case of a real estate contract). Councilwoman Bannister has a real, substantial and ongoing interest in protection of her rights as a member of the Council.

It is my understanding that other Councilmembers may wish to intervene to seek the same relief.

If it is your intention to try to settle this matter, I will need either your agreement to recommend the previously-submitted proposal to Council or receipt of alternative settlement language to present to my clients.

I look forward to your prompt response.

Tom Wieder

**From:** [Wiedert](#)  
**To:** [Rechtien, Matthew](#)  
**Subject:** Re: Bannister v City of Ann Arbor  
**Date:** Friday, January 11, 2019 4:53:55 PM  
**Attachments:** [Stipulation and Injunction - Bannister.docx](#)

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Matt-

Just realized you got a mark-up copy of the revised settlement. For your convenience, attached is a clean copy.

Tom Wieder

In a message dated 1/11/2019 4:30:13 PM Eastern Standard Time, MRechtien@a2gov.org writes:

Stephen and I are meeting on this on Monday and will respond after that. Have a good weekend.

Thanks,  
Matt

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---

**From:** Wiedert <[REDACTED]>  
**Sent:** Friday, January 11, 2019 3:50 PM  
**To:** Postema, Stephen; Rechtien, Matthew  
**Cc:** [REDACTED]  
**Subject:** Bannister v City of Ann Arbor

Steve and Matt,

First, several questions – has our most recent settlement proposal been presented to the Council? If not, why not and when will it be? If it has been presented, do you intend to seek responses from Councilmembers, and when?

Second, I have discussed with my clients what position they wish me to take if a settlement is not forthcoming as I indicated in my last conversation with Matt. I have been instructed that, in the absence of such a settlement, I am to proceed to seek declaratory relief with regard to the process used in attempting to create a contract with Core Spaces.

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It is my understanding that other Councilmembers may wish to intervene to seek the same relief.

If it is your intention to try to settle this matter, I will need either your agreement to recommend the previously-submitted proposal to Council or receipt of alternative settlement language to present to my clients.

I look forward to your prompt response.

Tom Wieder

**STATE OF MICHIGAN  
WASHTENAW COUNTY TRIAL COURT**

ANNE BANNISTER, *et al*,

Plaintiffs,

Case No. 18682CZ  
Hon. David S. Swartz

v

CITY OF ANN ARBOR, *et al*,

Defendants.

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiff  
2445 Newport Rd.  
Ann Arbor, MI 48103  
Phone: (734) 994-6647  
[REDACTED]

---

Stephen K. Postema (P38871)  
Matthew R. Rechtien (P71271)  
OFFICE OF THE CITY ATTORNEY  
Attorneys for Defendants  
301 E. Huron St., P.O. Box 8647  
Ann Arbor, MI 48107-8647  
Phone: (734) 794-6170  
[spostema@a2gov.org](mailto:spostema@a2gov.org)  
[mrechtien@a2gov.org](mailto:mrechtien@a2gov.org)

---

**STIPULATION FOR ENTRY OF ORDER GRANTING PERMANENT INJUNCTION**

The parties, by and through their respective counsel, stipulate as follows:

1. The First Amended Complaint in this action concerns whether Defendants may sell certain development rights over property owned by the City of Ann Arbor (the "City") located at 319 S. Fifth Ave., in the City of Ann Arbor (the "Library Lot") pursuant to a purported contract with a private developer.

2. On April 17, 2017 the Ann Arbor City Council (the "Council") approved a Resolution which purportedly authorized the sale of the above-described development rights to Core Spaces, LLC, an Illinois corporation, and which purportedly authorized the City's Mayor, Clerk and Administrator to execute necessary documentation for said sale, after approval as to form and substance by the City Attorney.



3. On May 31, 2018, a document entitled “Agreement of Sale” (the “Agreement”) was signed by the Mayor, Clerk, Administrator and Attorney, as well as by representatives of Core Spaces Ann Arbor Fifth LLC, a Delaware corporation. The Agreement was not submitted to the Council for approval.

4. Plaintiffs allege that no valid contract for the sale of the development rights was effected by the actions described in Paragraphs 2 and 3, hereof.

5. Defendants allege that a valid contract for the sale of the development rights was entered into by the City, the terms of which are those contained in the Agreement of Sale.

6. On November 6, 2018, voters in the City of Ann Arbor approved Proposal A, an amendment to the Charter of the City of Ann Arbor that requires that the Library Lot remain in City ownership in perpetuity and be used as “park and civic center commons.”

7. Plaintiffs assert that the Proposal A charter amendment prevents the City from selling the development rights to the Library Lot pursuant to any purported contract, and seeks an injunction to that effect.

8. On December 31, 2018, Ann Arbor City Administrator Howard Lazarus sent a letter to Core Spaces Ann Arbor Fifth LLC stating that he was invoking the provisions Section 18 of the Agreement to terminate the Agreement, and stating that the City would not proceed with selling the development rights to the Library Lot pursuant to the Agreement.

9. Mr. Lazarus’ letter explains that Proposal A’s passage and “related litigation are conditions that prevent or impair the closing of the Library Lot transaction and relieve the City of any obligation to close.”

10. Because the parties agree that the Proposal A charter amendment prevents the City of Ann Arbor from selling the development rights to the Library Lot pursuant to the Agreement,

they hereby stipulate to the entry of the attached order permanently enjoining the City of Ann Arbor from selling the development rights to the Library Lot pursuant to the Agreement.

11. In entering into this Stipulation, the parties do not abandon or waive any arguments that they have made or might make regarding the validity of the Agreement.

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiffs

---

Stephen K. Postema (P38871)  
Attorney for Defendant

**ORDER GRANTING PERMANENT INJUNCTION**

At a session of said Court  
held in the City of Ann Arbor,  
County of Washtenaw, State of Michigan  
this \_\_\_\_ day of \_\_\_\_\_, 2019.

HON. DAVID S. SWARTZ  
Circuit Judge, presiding.

Based on the parties' Stipulation for Entry of Order Granting Permanent Injunction, and  
the Court being otherwise advised in the premises:

IT IS HEREBY ORDERED that Defendant City of Ann Arbor is permanently enjoined  
from selling the development rights to the Library Lot, as described in the amended complaint,  
pursuant to any purported contract between the City and Core Spaces, LLC or Core Spaces Ann  
Arbor Fifth LLC.

THIS IS THE FINAL ORDER THAT RESOLVES ALL CLAIMS AND CLOSES THE CASE.

\_\_\_\_\_  
Hon. David S. Swartz  
Circuit Judge

Order Prepared By:

Approved as to Form and Content:

\_\_\_\_\_  
Thomas F. Wieder (P33228)  
Attorney for Plaintiffs

\_\_\_\_\_  
Stephen K. Postema (P38871)  
Attorney for Defendants

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**From:** [Wiedert](#)  
**To:** [Postema, Stephen](#)  
**Cc:** [REDACTED]  
**Subject:** Library - New settlement proposal; Motion  
**Date:** Monday, January 14, 2019 9:55:31 PM  
**Attachments:** [Stipulation and Injunction 2 - Bannister.docx](#)

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Steve-

I did not hear from you by Noon today, so I assume that your client is rejecting the most recent settlement proposal that I provided to you in [Bannister, et al v. City of Ann Arbor.](#) If this is not the case, please advise ASAP.

Attached is a new proposed settlement. It does address the issue of the proper procedure for the approval of contracts by the city. I think that this alternative will appeal to your client, since it makes clear that contracting authority rests solely in the hands of the Council. Please forward to your client.

I am filing a new Motion for Summary Disposition based on the facts recited in the Stipulation and Order entered in the ballot committee case. Will you consent to the Motion?

Tom Wieder

**STATE OF MICHIGAN  
WASHTENAW COUNTY TRIAL COURT**

ANNE BANNISTER, *et al*,

Plaintiffs,

Case No. 18682CZ  
Hon. David S. Swartz

v

CITY OF ANN ARBOR, *et al*,

Defendants.

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiff  
2445 Newport Rd.  
Ann Arbor, MI 48103  
Phone: (734) 994-6647  
[REDACTED]

---

Stephen K. Postema (P38871)  
Matthew R. Rechtien (P71271)  
OFFICE OF THE CITY ATTORNEY  
Attorneys for Defendants  
301 E. Huron St., P.O. Box 8647  
Ann Arbor, MI 48107-8647  
Phone: (734) 794-6170  
[spostema@a2gov.org](mailto:spostema@a2gov.org)  
[mrechtien@a2gov.org](mailto:mrechtien@a2gov.org)

---

**STIPULATION FOR ENTRY OF ORDER GRANTING PERMANENT INJUNCTION**

The parties, by and through their respective counsel, stipulate as follows:

1. The First Amended Complaint in this action sought a declaration by this Court that a purported contract entered into by the City of Ann Arbor (the "City") to sell certain development rights over property owned by the City, located at 319 S. Fifth Ave. in the City of Ann Arbor (the "Library Lot"), is invalid, because it was entered into in violation of the provisions of the Ann Arbor City Charter.

2. The First Amended Complaint also asked this Court to enjoin the City from taking any action in furtherance of the purported contract described in Paragraph 1, above, for the reason that the purported contract was not submitted for approval by the Ann Arbor City Council pursuant to the language of the Ann Arbor City Charter.

3. On April 17, 2017 the Ann Arbor City Council (the “Council”) approved a Resolution which purportedly authorized the sale of the above-described development rights to Core Spaces, LLC, an Illinois corporation, and which purportedly authorized the City’s Mayor, Clerk and Administrator to execute necessary documentation for said sale, after approval as to form and substance by the City Attorney.

4. On May 31, 2018, a document entitled “Agreement of Sale” (the “Agreement”) was signed by the Mayor, Clerk, Administrator and Attorney, as well as by representatives of Core Spaces Ann Arbor Fifth LLC, a Delaware corporation. The Agreement was not submitted to the Council for approval.

5. Plaintiffs allege that no valid contract for the sale of the development rights was effected by the actions described in Paragraphs 3 and 4, hereof.

6. Defendants allege that a valid contract for the sale of the development rights was entered into by the City, the terms of which are those contained in the Agreement of Sale.

7. On November 6, 2018, voters in the City of Ann Arbor approved Proposal A, an amendment to the Charter for the City of Ann Arbor that requires that the Library Lot remain in City ownership in perpetuity and be used as a “park and civic center commons.”

8. Plaintiffs assert that the Proposal A charter amendment prevents the City from selling the development rights to the Library Lot pursuant to any purported contract, and seeks an injunction to that effect.

9. On December 31, 2018, Ann Arbor City Administrator Howard Lazarus sent a letter to Core Spaces Ann Arbor Fifth LLC stating that he was invoking the provisions of Section 18 of the Agreement to terminate the Agreement, and stating that the City would not proceed with selling the development rights to the Library Lot pursuant to the Agreement.

10. Mr. Lazarus' letter explains that Proposal A's passage and "related litigation are conditions that prevent or impair the closing of the Library Lot transaction and relieve the City of any obligation to close."

11. The parties agree that the Proposal A charter amendment prevents the City of Ann Arbor from selling the development rights to the Library Lot pursuant to the Agreement.

12. The parties stipulate to the entry of the attached order permanently enjoining the City of Ann Arbor from selling the development rights over the Library Lot pursuant to the Agreement and, further, permanently enjoining the City from taking any action in furtherance of any contract with the City unless such contract is submitted to the Council in final, written, executable form and is approved by the requisite number of members of the Council, pursuant to the language of the Charter for the City of Ann Arbor.

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiffs

Dated: \_\_\_\_\_

---

Stephen K. Postema (P38871)  
Attorney for Defendant

Dated: \_\_\_\_\_

**STATE OF MICHIGAN  
WASHTENAW COUNTY TRIAL COURT**

ANNE BANNISTER, *et al*,

Plaintiffs,

Case No. 18682CZ  
Hon. David S. Swartz

v

CITY OF ANN ARBOR, *et al*,

Defendants.

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiff  
2445 Newport Rd.  
Ann Arbor, MI 48103  
Phone: (734) 994-6647  
[REDACTED]

---

Stephen K. Postema (P38871)  
Matthew R. Rechtien (P71271)  
OFFICE OF THE CITY ATTORNEY  
Attorneys for Defendants  
301 E. Huron St., P.O. Box 8647  
Ann Arbor, MI 48107-8647  
Phone: (734) 794-6170  
[spostema@a2gov.org](mailto:spostema@a2gov.org)  
[mrechtien@a2gov.org](mailto:mrechtien@a2gov.org)

---

**ORDER GRANTING PERMANENT INJUNCTION**

At a session of said Court  
held in the City of Ann Arbor,  
County of Washtenaw, State of Michigan  
this \_\_\_\_ day of \_\_\_\_\_, 2019.

HON. DAVID S. SWARTZ  
Circuit Judge, presiding.

Based on the parties' Stipulation for Entry of Order Granting Permanent Injunction, and  
the Court being otherwise advised in the premises:

IT IS HEREBY ORDERED that Defendant City of Ann Arbor is permanently enjoined  
from selling the development rights to the Library Lot, as described in the Amended Complaint,  
pursuant to any purported contract between the City and Core Spaces, LLC or Core Spaces Ann  
Arbor Fifth LLC.



IT IS FURTHER ORDERED that the City is permanently enjoined from taking any action in furtherance of any contract with the City unless such contract is submitted to the Council in final, written, executable form and is approved by the requisite number of members of the Council, pursuant to the language of the Charter for the City of Ann Arbor. This Order does not preclude the Ann Arbor City Council from designating any officer of the City to execute ancillary documents of a ministerial nature necessary to effectuate such contract.

THIS IS THE FINAL ORDER THAT RESOLVES ALL CLAIMS AND CLOSES THE CASE.

\_\_\_\_\_  
Hon. David S. Swartz  
Circuit Judge

Order Prepared By:

Approved as to Form and Content:

\_\_\_\_\_  
Thomas F. Wieder (P33228)  
Attorney for Plaintiffs

\_\_\_\_\_  
Stephen K. Postema (P38871)  
Attorney for Defendants

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

From: [Wiedert](#)  
To: [Rechtien, Matthew](#)  
Cc: [REDACTED]  
Subject: Re: Library Lot  
Date: Tuesday, January 15, 2019 11:42:47 AM

---

Matt-

Try me on [REDACTED].

Yes, I told Steve that I would be gone 1/16-1/23.

As a courtesy, I accommodated your request to do the two cases separately, and nothing is happening on the second case. Unless we can nail down something before tomorrow, there will be nothing to present to Council at a meeting (if you insist on doing it formally at a meeting) until, at least 2/4/19. Not what I had mind.

When you said on Friday: "Stephen and I are meeting on this on Monday and will respond after that," I assumed that it wasn't going to be "days" after that, since I had explicitly informed Steve that I would be leaving on 1/16, which required the adjournment of both your motion and the status conference scheduled for that date.

Has either of my two most recent proposals been presented to your client? At least two Councilmembers stated at the January 7 meeting that hoped to see the second case settled promptly.

Enough of this dissembling and stalling! There is an agenda here, and it isn't your client's.

Tom Wieder

In a message dated 1/15/2019 11:20:06 AM Eastern Standard Time, MRechtien@a2gov.org writes:

Stephen says you're trying to call him but he's out of pocket at an event. Can we call you back about 2:30? Assuming so, what's the best number. I know you were maybe traveling this week ...

Matt

**Matthew R. Rechtien, P.E.**

Senior Assistant City Attorney

City of Ann Arbor

301 E. Huron Street

Ann Arbor, MI 48104

T: 734-794-6174

C: 313-820-8856

E: [mrechten@a2gov.org](mailto:mrechten@a2gov.org)

**From:** [Wiedert](#)  
**To:** [Postema, Stephen](#)  
**Cc:** [Rechtien, Matthew](#); [REDACTED]  
**Subject:** Revised Stip and Order-Bannister  
**Date:** Tuesday, January 15, 2019 5:02:43 PM  
**Attachments:** [Revised Original Stip and Injunction - 2.docx](#)

---

Steve and Matt-

It occurred to me that the my original settlement proposal in this case was never revised with your suggested changes, as was the case with ballot committee proposed settlement. Attached is a proposed Stip and Order which is essentially the same as the one that we agreed to in the other case - my original with your changes.

Tom Wieder

**STATE OF MICHIGAN  
WASHTENAW COUNTY TRIAL COURT**

ANNE BANNISTER, *et al*,

Plaintiffs,

Case No. 18682CZ  
Hon. David S. Swartz

v

CITY OF ANN ARBOR, *et al*,

Defendants.

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiff  
2445 Newport Rd.  
Ann Arbor, MI 48103  
Phone: (734) 994-6647  
[REDACTED]

---

Stephen K. Postema (P38871)  
Matthew R. Rechtien (P71271)  
OFFICE OF THE CITY ATTORNEY  
Attorneys for Defendants  
301 E. Huron St., P.O. Box 8647  
Ann Arbor, MI 48107-8647  
Phone: (734) 794-6170  
spostema@a2gov.org  
mrechtien@a2gov.org

---

**STIPULATION FOR ENTRY OF ORDER GRANTING PERMANENT INJUNCTION**

The parties, by and through their respective counsel, stipulate as follows:

1. The Complaint in this action asked this Court to enjoin the Defendant from taking any action in furtherance of a purported contract (the “Contract”) between the Defendant and Core Spaces, LLC or Core Spaces Ann Arbor Fifth LLC with regard to certain development rights over the “Library Lot,” as that property has been described in said Complaint.
2. On November 6, 2018, voters in the City of Ann Arbor approved an amendment to the City Charter (“Proposal A”) that requires that, among other things, the Library Lot remain in City ownership in perpetuity.

3. On December 31, 2018, Ann Arbor City Administrator Howard Lazarus sent a letter to the buyer under the Contract stating that he was invoking its Section 18 to terminate the Contract and that the City would not proceed with selling the development rights to the Library Lot pursuant to the Contract.

4. In particular, Mr. Lazarus' letter explains that Proposal A's passage and "related litigation are conditions that prevent or impair the closing of the Library Lot transaction and relieve the City of any obligation to close."

5. Because the parties agree that Proposal A prevents the City of Ann Arbor from selling the development rights to the Library Lot pursuant to the Contract, they hereby stipulate to the entry of the attached order permanently enjoining the City of Ann Arbor from selling the development rights to the Library Lot pursuant to the Contract.

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiffs

---

Stephen K. Postema (P38871)  
Attorney for Defendant

**STATE OF MICHIGAN  
WASHTENAW COUNTY TRIAL COURT**

ANNE BANNISTER, *et al*,

Plaintiffs,

Case No. 18682CZ  
Hon. David S. Swartz

v

CITY OF ANN ARBOR, *et al*,

Defendants.

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiff  
2445 Newport Rd.  
Ann Arbor, MI 48103  
Phone: (734) 994-6647  
[REDACTED]

---

Stephen K. Postema (P38871)  
Matthew R. Rechtien (P71271)  
OFFICE OF THE CITY ATTORNEY  
Attorneys for Defendants  
301 E. Huron St., P.O. Box 8647  
Ann Arbor, MI 48107-8647  
Phone: (734) 794-6170  
spostema@a2gov.org  
mrechtien@a2gov.org

---

**ORDER GRANTING PERMANENT INJUNCTION**

At a session of said Court  
held in the City of Ann Arbor,  
County of Washtenaw, State of Michigan  
this \_\_\_\_ day of \_\_\_\_\_, 2019.

HON. DAVID S. SWARTZ  
Circuit Judge, presiding.

Based on the parties' Stipulation for Entry of Order Granting Permanent Injunction, and  
the Court being otherwise advised in the premises:

IT IS HEREBY ORDERED that Defendant City of Ann Arbor is permanently enjoined  
from selling the development rights to the Library Lot, as described in the Complaint, pursuant

to any purported contract between the City and Core Spaces, LLC or Core Spaces Ann Arbor Fifth LLC.

THIS IS THE FINAL ORDER THAT RESOLVES ALL CLAIMS AND CLOSES THE CASE.

---

Hon. David S. Swartz  
Circuit Judge

Order Prepared By:

Approved as to Form and Content:

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiffs

---

Stephen K. Postema (P38871)  
Attorney for Defendants

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_



**From:** [wiedert](#)  
**To:** [Postema, Stephen](#)  
**Subject:** Re: FW: A18-00545 Bannister and Kailasapathy v. City, Taylor, and Beaudry - Library Lot  
**Date:** Thursday, January 17, 2019 7:18:02 PM

---

Changes are fine

Please correct Attorney for Plaintiff to Plaintiffs. Thanks. Good to go.

Tom Wieder

Sent from my Verizon, Samsung Galaxy smartph

----- Original message -----

From: "Postema, Stephen" <SPostema@a2gov.org>

Date: 1/17/19 12:44 PM (GMT-07:00)

To: Wiedert <[REDACTED]>

Cc: "Rechtien, Matthew" <MRechtien@a2gov.org>

Subject: FW: A18-00545 Bannister and Kailasapathy v. City, Taylor, and Beaudry - Library Lot

Tom:

Attached is the revised document from yesterday. I took out the former paragraph 5 about the stipulation order in the ballot case as you requested.

I also corrected a slight grammatical/readability error in former paragraph 6, now paragraph 5. It was made simply to make the sentence read correctly.

I assume that you have no problem with this change, but I will wait until you make this final okay before I send it to Council tomorrow.

Let me know. Thanks.

**Stephen K. Postema**

Ann Arbor City Attorney

City of Ann Arbor

301 E. Huron Street

Ann Arbor, MI 48104

T: 734-794-6189

C: 734-846-1495

E: [spostema@a2gov.org](mailto:spostema@a2gov.org)

---

**From:** Allen, Jane (City Attorney's Office) <[JAllen@a2gov.org](mailto:JAllen@a2gov.org)>

**Sent:** Thursday, January 17, 2019 2:32 PM

**To:** Postema, Stephen <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)>

**Subject:** A18-00545 Bannister and Kailasapathy v. City, Taylor, and Beaudry - Library Lot

\*\* Attached file(s):

Revised Original Stip and Injunction -Final.docx

**From:** [wiedert](#)  
**To:** [Rechtien, Matthew](#)  
**Subject:** Re: Councilmember Case  
**Date:** Wednesday, January 23, 2019 4:17:53 PM

---

I'm flying right now. Why don't you leave a couple signed copies at the front desk. I'll file it and get you a true copy.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** "Rechtien, Matthew" <MRechtien@a2gov.org>  
**Date:** 1/23/19 12:02 PM (GMT-06:00)  
**To:** Wiedert <[REDACTED]>  
**Cc:** "Postema, Stephen" <SPostema@a2gov.org>  
**Subject:** Councilmember Case

Tom – Council resolved last night for us to sign and file the stipulation. I think you're back tomorrow, right? Please let us know how you'd like to proceed. Safe travels.

Regards --

**Matthew R. Rechtien, P.E.**

Senior Assistant City Attorney

City of Ann Arbor

301 E. Huron Street

Ann Arbor, MI 48104

T: 734-794-6174

C: 313-820-8856

E: [mrechtien@a2gov.org](mailto:mrechtien@a2gov.org)

**From:** [Wiedert](#)  
**To:** [Postema, Stephen](#)  
**Cc:** [REDACTED]  
**Subject:** Final order in Bannister case  
**Date:** Friday, January 25, 2019 9:22:23 AM  
**Attachments:** [Final Order.pdf](#)

---

Steve-

Attached is copy of the final Order in Bannister v. City as entered yesterday by Judge Swartz.

Tom Wieder

STATE OF MICHIGAN  
WASHTENAW COUNTY TRIAL COURT

ANNE BANNISTER, *et al*,

Plaintiffs,

v

CITY OF ANN ARBOR, *et al*,

Defendants.

Case No. 18682CZ

Hon. David S. Swartz

**This is a final order which resolves all  
pending claims and closes the case  
pursuant to MCR 2.602(A) (3)**

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiffs  
2445 Newport Rd.  
Ann Arbor, MI 48103  
Phone: (734) 994-6647  
[wiedert@aol.com](mailto:wiedert@aol.com)

---

Stephen K. Postema (P38871)  
Matthew R. Rechtien (P71271)  
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[mrechtien@a2gov.org](mailto:mrechtien@a2gov.org)

---

**ORDER GRANTING PERMANENT INJUNCTION**

At a session of said Court  
held in the City of Ann Arbor,  
County of Washtenaw, State of Michigan  
this 24th day of Jan., 2019.

HON. DAVID S. SWARTZ  
Circuit Judge, presiding.

Based on the parties' Stipulation for Entry of Order Granting Permanent Injunction, and  
the Court being otherwise advised in the premises:

IT IS ORDERED that the Amended Complaint in this action is deemed further amended  
to put the facts of Proposal A's existence and passage before the Court.

IT IS HEREBY ORDERED that Defendant City of Ann Arbor is permanently enjoined  
from selling the development rights to the Library Lot, as described in the Amended Complaint,

pursuant to any purported contract between the City and Core Spaces, LLC or Core Spaces Ann Arbor Fifth LLC.

IT IS FINALLY Ordered that all claims in this lawsuit against Defendants City Clerk Jacqueline Beaudry and Mayor Christopher Taylor are dismissed with prejudice.

THIS IS THE FINAL ORDER THAT RESOLVES ALL CLAIMS AND CLOSES THE CASE.



Hon. David S. Swartz  
Circuit Judge

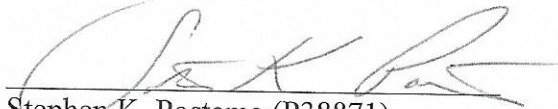
Order Prepared By:



Thomas F. Wieder (P33228)  
Attorney for Plaintiffs

Dated: 1/24/19

Approved as to Form and Content:



Stephen K. Postema (P38871)  
Attorney for Defendants

Dated: 1/23/19

**STATE OF MICHIGAN  
WASHTENAW COUNTY TRIAL COURT**

ANNE BANNISTER, *et al*,

Plaintiffs,

Case No. 18-682-CZ  
Hon. David S. Swartz

v

CITY OF ANN ARBOR, *et al*,

Defendants.

---

Thomas F. Wieder (P33228)  
Attorney for Plaintiffs  
2445 Newport Rd.  
Ann Arbor, MI 48103  
Phone: (734) 994-6647  
[wiedert@aol.com](mailto:wiedert@aol.com)

---

Stephen K. Postema (P38871)  
Matthew R. Rechtien (P71271)  
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[mrechtien@a2gov.org](mailto:mrechtien@a2gov.org)

---

**STIPULATION FOR ENTRY OF ORDER GRANTING PERMANENT INJUNCTION**

The parties, by and through their respective counsel, stipulate as follows:

1. The First Amended Complaint in this action asked this Court to enjoin the Defendant from taking any action in furtherance of a purported contract (the "Contract") between the Defendant and Core Spaces, LLC or Core Spaces Ann Arbor Fifth LLC with regard to certain development rights over the "Library Lot," as that property has been described in said Complaint.
2. On November 6, 2018, voters in the City of Ann Arbor approved an amendment to the City Charter ("Proposal A") that requires that, among other things, the Library Lot remain in City ownership in perpetuity.



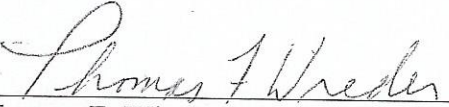
3. On December 31, 2018, Ann Arbor City Administrator Howard Lazarus sent a letter to the buyer under the Contract stating that he was invoking its Section 18 to terminate the Contract and that the City would not proceed with selling the development rights to the Library Lot pursuant to the Contract.

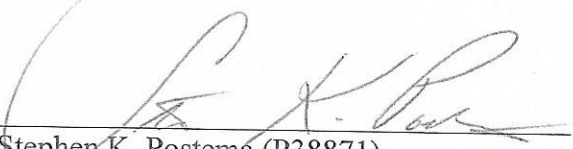
4. In particular, Mr. Lazarus' letter explains that Proposal A's passage and "related litigation are conditions that prevent or impair the closing of the Library Lot transaction and relieve the City of any obligation to close."

5. Since the Amended Complaint in this lawsuit does not allege the fact of the passage of Proposal A, because it was filed before the passage of Proposal A, the parties stipulate that those additional facts are part of the Amended Complaint.

6. Because the parties agree that Proposal A prevents the City of Ann Arbor from selling the development rights to the Library Lot pursuant to the Contract, they hereby stipulate to the entry of the attached order permanently enjoining the City of Ann Arbor from selling the development rights to the Library Lot pursuant to the Contract.

7. This stipulation is entered into to end the litigation given the agreed upon impact of Proposal A; no other issue is addressed by this Final Order.

  
Thomas F. Wieder (P33228)  
Attorney for Plaintiffs

  
Stephen K. Postema (P38871)  
Attorney for Defendant



**From:** [Wiedert](#)  
**To:** [Lazarus, Howard](#)  
**Cc:** [Higgins, Sara](#); [REDACTED] [jackeaton@comcast.net](mailto:jackeaton@comcast.net)  
**Subject:** FOIA #1852 Appeal  
**Date:** Wednesday, March 6, 2019 10:40:05 AM  
**Attachments:** [Lazarus Letter 3-6-19 - 1852 Appeal.pdf](#)

---

See 2 pages, attached.

**THOMAS F. WIEDER**

**ATTORNEY AT LAW**

**ANN ARBOR, MICHIGAN 48103**

**TELEPHONE:**

**FAX:**

March 6, 2019

Mr. Howard Lazarus  
City Administrator  
100 N. Fifth Avenue  
Ann Arbor, MI 48104

Re: FOIA Request Number 1852 - Appeal

Dear Mr. Lazarus,

I am writing to you on behalf of Patricia Lesko regarding her FOIA request No. 1852. Although she did receive certain material from the city, it was not fully responsive to the request and, therefore, we regard it as a partial denial. Accordingly, she is appealing that action, pursuant to FOIA.

The request sought "[all] documents related to the retention of, and payment for, legal services provided by Carol Rosati...from and after June 1, 2018..." While Ms. Lesko received certain relevant material, there are both some obvious, and likely, omissions, as well as improper redactions.

There are references in the material provided, such as the Invoice Logs, indicating the existence of an invoice from Ms. Rosati to the City in the amount of \$13,508, dated December 10, 2018. This invoice was not contained in the materials provided.

There are no documents reflecting any communication, whatsoever, with you or your office. It seems somewhat unlikely that this would be the case, given that the contract with Ms. Rosati would have to have been approved and executed by you.

There are also no documents reflecting any communication with any member of the City Council. It is possible that you and Mr. Postema left Council completely "out-of-the-loop" on this matter, but we would like assurance that no documents reflecting such communication exist.

The redactions in the documents are problematic and insufficiently explained. The FOIA statute provides that, in the event of denial of all or part of a record request, the public body is required to issue a written notice which must contain:

An explanation of the basis under this act or other statute for the determination that the public record, or portion of that public record, is exempt from disclosure, if that is the reason for denying all or a portion of the request.

The statute clearly contemplates that the public body must give a specific reason for refusing to provide each part of a document which is withheld. The City's response cites a number of exceptions, many of which clearly do not apply. Most importantly, only a blanket list of exceptions is provided, with no indication of what exception applies to each redaction. This is no explanation, at all.

As to the invoices contained in the response, all of the important content – descriptions of the work performed - have been redacted. It is difficult to see how brief descriptions of work already performed, provided for billing purposes, constitute communications of "an advisory nature" that are "preliminary to a final agency determination of policy or action." Does the City seriously suggest that these brief descriptions are part of a determination of policy or action?

In addition, this exception does not apply unless the City can show that "the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure." The City has made no attempt to make this showing as to either the redacted invoices or the emails with redactions.

The City's reliance on MCR 2.302(B)(3)(a) is misplaced. There is no "attorney-work product privilege." The "attorney work-product doctrine" is a litigation discovery rule, not a legal privilege which shields the records from a FOIA request.

I would note that the City, in response to FOIA request Number 1816, provided records of work provided by the City's attorneys which included identifying the tasks performed on a daily basis.

Finally, we would dispute that a brief description of work performed constitutes the provision of legal advice to a client which is protected by the attorney-client privilege.

We ask that you grant Ms. Lesko's appeal and supplement the City's response to her request by: 1) Providing the December 10, 2018 Invoice described above; and 2) Providing the documents without redactions, or, failing that, as to each redaction, cite the specific reason for the redaction.

We certainly hope that it will not be necessary to litigate this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas F. Wieder".

Thomas F. Wieder

TFW/ns

c. Patricia Lesko

Councilmember Jack Eaton

**From:** [Wiedert](#)  
**To:** [Lazarus, Howard](#)  
**Cc:** [Postema, Stephen](#); [Eaton, Jack](#); [REDACTED]  
**Subject:** FOIA Nos. 1848 and 1852  
**Date:** Sunday, March 24, 2019 9:06:21 PM  
**Attachments:** [Resp to HL Appeal letters.pdf](#)

---

See attached.



**THOMAS F. WIEDER**

**ATTORNEY AT LAW**

**ANN ARBOR, MICHIGAN 48103**

**TELEPHONE:**

**FAX:**

March 24, 2019

Mr. Howard Lazarus  
City Administrator  
100 N. Fifth Avenue  
Ann Arbor, MI 48104

Re: FOIA Request Number 1848 - Appeal

Dear Mr. Lazarus,

I am writing to you in response to your March 18, 2019 letter communicating your "denial" of Ms. Lesko's appeal regarding FOIA request No. 1848. There is no further action required, but I feel compelled to comment upon the letter.

You "deny" the appeal, but proceed to provide precisely the documents that the City withheld, which Ms. Lesko sought to obtain by way of the appeal.

You state that the records that the City provided initially "were responsive to that request." In the context of the FOIA, "responsive" means to provide all documents reasonably covered by the terms of the request, unless one of the statutory exemptions applies. Do you seriously suggest that the documents accompanying your denial letter are not "City Attorney Office staff time records" as described in the request? Clearly, they are, and they should have been provided initially.

You state that this form of record was provided pursuant to FOIA 1816, but not to Ms. Lesko, as the result of "a different query being used to pull the records from the database." Clearly, someone in the City chose the wrong query to use, requiring Ms. Lesko to file an appeal to obtain what she was entitled to receive initially.

And you have the chutzpah to say that you are providing those documents for her "convenience?" You should, instead, have apologized to Ms. Lesko for causing her the inconvenience of undertaking an appeal to obtain what she was entitled to receive.

Finally, you state that you were providing "the records already provided you in the form they were provided in the City's response to FOIA 1816." The records accompanying your March 18<sup>th</sup> letter were not the same records initially provided to Ms. Lesko, and you know it. The latter contain detailed listings of every period of time, by task, that each attorney spent on the matter. The former consisted only of total time spent by each attorney for the entire matter. These are not different "forms" of the same records; they are different records.

Page 2

It is truly amazing to what lengths of twisted language and dishonest statements the City will go to avoid admitting a mistake.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas F. Wieder". The signature is written in dark ink and is positioned above the printed name.

Thomas F. Wieder

TFW/ns

c. Stephen Postema

Patricia Lesko

Councilmember Jack Eaton

**THOMAS F. WIEDER**

**ATTORNEY AT LAW**

**ANN ARBOR, MICHIGAN 48103**

**TELEPHONE:**

**FAX:**

March 24, 2019

Mr. Howard Lazarus  
City Administrator  
100 N. Fifth Avenue  
Ann Arbor, MI 48104

Re: FOIA Request Number 1852 - Appeal

Dear Mr. Lazarus,

I am writing to you in response to your March 18, 2019 letter communicating your denial of major portions of Ms. Lesko's appeal regarding FOIA request No. 1852. The letter is problematic in several respects. Unless these issues can be resolved satisfactorily and promptly, Ms. Lesko has authorized me to file an action on her behalf against the City in Washtenaw County Circuit Court.

You mischaracterize our request for records, as contained in the request and in our appeal. Ms. Lesko requested all records regarding the subject of the request. This would include, without limitation, all correspondence, notes, memoranda, etc. created, sent or received by you or your office, as well by Mr. Postema or his office.

In our appeal, we noted the total absence, in the City's response, of communications between you or your office and any party. We also noted the total absence of records of communications between Mr. Postema or his office with members of the City Council.

As to Mr. Postema's communications with Council, we know for certain that such communications exist, as several have come into our possession. While we would expect any such documents to be heavily redacted, the City is still required to produce them in such form.

Upon further review of your original response to the request, we would note another possible problem. There are no documents reflecting any communication between the City and Ms. Rosati regarding retention of her services under the eventual contract regarding the Bannister litigation, including scope of work, financial terms, etc., prior to the draft contract becoming available for execution. There are no records reflecting any instruction to City staff regarding the preparation of the contract. Similarly, there is an absence of such documents regarding amendment of the original contract.

It seems unlikely that all of those actions were conducted entirely orally. In the absence of an explicit representation that that is the case, we should be provided with any documents reflecting those actions, even if the City claims an exemption with regard to them and provides them with redactions.



Page 2

In your March 18, 2019 letter, you state that two "documents reflecting communication with my office or with any members of the City Council...were found and are provided with this letter." No such documents were included with your letter. This must be corrected.

Additionally, the quoted language is confusing and unclear. We are seeking all documents reflecting communications between you and your office with any party – Council, other staff (including the Attorney), outside contractors, etc. The request applies, as well, to all other persons subject to a FOIA request submitted to the City.

Your March 18, 2019 letter references redactions of "personal phone numbers." From what documents were such redactions made? It is not clear that we have any documents which seem to be covered by this explanation.

Redactions were made from five emails dated August 28, 2018 which were included in the City's original response. No explanation of these has been provided.

I would like to clarify our position as it relates to the City's claim of an exemption, on the basis of attorney work product, for the work-performed descriptions in Ms. Rosati's billing statements. Even assuming, arguendo, that that the FOIA would protect attorney work product in these circumstances, it is our position that the redacted material does not constitute attorney work product.

Unless all of these issues can be resolved, we will commence litigation.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas F. Wieder".

Thomas F. Wieder

TFW/ns

c. Stephen Postema

Patricia Lesko

Councilmember Jack Eaton



**From:** [Wiedert](#)  
**To:** [Postema, Stephen](#)  
**Cc:** [Lazarus, Howard](#)  
**Subject:** Re: FOIA Nos. 1848 and 1852  
**Date:** Wednesday, March 27, 2019 10:25:19 AM

---

Steve-

I think that you misunderstand my letter. It is our position that any document representing or reflecting any communication between you and any other person, and any communication between Howard and any other person, and between any other person in the City with any other person, with regard to the subject matter, is covered by the FOIA request, including any communication between you and Howard, between you and Ms. Rosati and between you and City Council.

It seems almost inconceivable that: 1) Ms. Rosati was contacted about representing the city in the Library Lot cases, the terms of her engagement and scope of work were set, appropriate pleadings or other material were provided to her, her attendance at a closed Council session was arranged, etc.; 2) informing Howard about Rosati's retention, compensation, etc; and 3) informing Councilmembers about Rosati's retention, providing them with copies of written material from her, and informing them about her presentation at a closed session, etc. were all accomplished with absolutely no documentation of any of it.

The FOIA response contained no communications between Howard and anyone, no communications with Ms. Rosati (other than a few "housekeeping" items), and no communications between you and Council.

Our view that other communications exist which should have been provided is confirmed by Howard's statement that he had located two such documents. As noted, he said that those documents were included with his appeal response, but they were not.

Our view is further confirmed by the documents which have come into our possession, constituting communications between you and Council. Without going into detail about them, I will suggest that they are more in the nature of "Attached for your review is a legal memorandum prepared by outside counsel Carol Rosati..." rather than significant substantive material.

We are prompted to wonder what else may exist which wasn't provided. The existence of these communications establishes that there are records which should have provided, but were not.

You have used the phrase "unredacted privileged communications" regarding what we have. I have not indicated if there are redactions in the material. As for whether they contain any privileged content, you and I would probably disagree. I have seen you label as "Privileged and Confidential" an email to a Councilmember merely confirming the date and time for a lunch meeting.

The FOIA does not permit the City to fail to even disclose the existence of a record reasonably covered

by the request, because the City might assert an exemption with regard to the record.

As for whether a Councilmember may or may not have been authorized to release any communications, that is your concern, not ours.

Our inquiry is not about any communications which we might possess; it is about the City's failure to, provide covered records in response to the original request.

Tom Wieder

In a message dated 3/26/2019 12:11:59 PM Eastern Standard Time, SPostema@a2gov.org writes:

Tom:

I have reviewed your letters. I will review your second letter more thoroughly and respond to the extent that it is appropriate for me to respond rather than Howard. I understand that he will also respond to your letter.

One part of the letter is confusing to me. You indicate that you have communications already between me and Councilmembers that, in part, would be responsive, in your view, to your FOIA request. I am not aware of what these documents are or could be, but will obviously review my files again accordingly.

You suggest that these documents could be redacted under FOIA. The implication is that you have unredacted privileged communications between me and Councilmembers. Is this correct? Please confirm. If such documents exist, however, no Councilmember would have been authorized to release or disclose such communications to you or your client.

The bottom line is that you are seeking a redacted version of communications you claim to already have. To cut through this quickly, please let me know what you are referring to and I will review it on my end.

**Stephen K. Postema**

Ann Arbor City Attorney

City of Ann Arbor

301 E. Huron Street

Ann Arbor, MI 48104

T: 734-794-6189

C: 734-846-1495

E: [spostema@a2gov.org](mailto:spostema@a2gov.org)

**From:** Wiedert <[REDACTED]>

**Sent:** Sunday, March 24, 2019 9:06 PM

**To:** Lazarus, Howard <HLazarus@a2gov.org>

**Cc:** Postema, Stephen <SPostema@a2gov.org>; Eaton, Jack <JEaton@a2gov.org>;  
[REDACTED]

**Subject:** FOIA Nos. 1848 and 1852

See attached.

**From:** [Wiedert](#)  
**To:** [Postema, Stephen](#)  
**Cc:** [Lazarus, Howard](#)  
**Subject:** Re: FOIA Nos. 1848 and 1852  
**Date:** Wednesday, March 27, 2019 10:25:52 AM

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Steve-

I think that you misunderstand my letter. It is our position that any document representing or reflecting any communication between you and any other person, and any communication between Howard and any other person, and between any other person in the City with any other person, with regard to the subject matter, is covered by the FOIA request, including any communication between you and Howard, between you and Ms. Rosati and between you and City Council.

It seems almost inconceivable that: 1) Ms. Rosati was contacted about representing the city in the Library Lot cases, the terms of her engagement and scope of work were set, appropriate pleadings or other material were provided to her, her attendance at a closed Council session was arranged, etc.; 2) informing Howard about Rosati's retention, compensation, etc; and 3) informing Councilmembers about Rosati's retention, providing them with copies of written material from her, and informing them about her presentation at a closed session, etc. were all accomplished with absolutely no documentation of any of it.

The FOIA response contained no communications between Howard and anyone, no communications with Ms. Rosati (other than a few "housekeeping" items), and no communications between you and Council.

Our view that other communications exist which should have been provided is confirmed by Howard's statement that he had located two such documents. As noted, he said that those documents were included with his appeal response, but they were not.

Our view is further confirmed by the documents which have come into our possession, constituting communications between you and Council. Without going into detail about them, I will suggest that they are more in the nature of "Attached for your review is a legal memorandum prepared by outside counsel Carol Rosati..." rather than significant substantive material.

We are prompted to wonder what else may exist which wasn't provided. The existence of these communications establishes that there are records which should have provided, but were not.

You have used the phrase "unredacted privileged communications" regarding what we have. I have not indicated if there are redactions in the material. As for whether they contain any privileged content, you and I would probably disagree. I have seen you label as "Privileged and Confidential" an email to a Councilmember merely confirming the date and time for a lunch meeting.

The FOIA does not permit the City to fail to even disclose the existence of a record reasonably covered

by the request, because the City might assert an exemption with regard to the record.

As for whether a Councilmember may or may not have been authorized to release any communications, that is your concern, not ours.

Our inquiry is not about any communications which we might possess; it is about the City's failure to, provide covered records in response to the original request.

Tom Wieder

In a message dated 3/26/2019 12:11:59 PM Eastern Standard Time, SPostema@a2gov.org writes:

Tom:

I have reviewed your letters. I will review your second letter more thoroughly and respond to the extent that it is appropriate for me to respond rather than Howard. I understand that he will also respond to your letter.

One part of the letter is confusing to me. You indicate that you have communications already between me and Councilmembers that, in part, would be responsive, in your view, to your FOIA request. I am not aware of what these documents are or could be, but will obviously review my files again accordingly.

You suggest that these documents could be redacted under FOIA. The implication is that you have unredacted privileged communications between me and Councilmembers. Is this correct? Please confirm. If such documents exist, however, no Councilmember would have been authorized to release or disclose such communications to you or your client.

The bottom line is that you are seeking a redacted version of communications you claim to already have. To cut through this quickly, please let me know what you are referring to and I will review it on my end.

**Stephen K. Postema**

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E: [spostema@a2gov.org](mailto:spostema@a2gov.org)

**From:** Wiedert <[REDACTED]>

**Sent:** Sunday, March 24, 2019 9:06 PM

**To:** Lazarus, Howard <HLazarus@a2gov.org>

**Cc:** Postema, Stephen <SPostema@a2gov.org>; Eaton, Jack <JEaton@a2gov.org>;  
[REDACTED]

**Subject:** FOIA Nos. 1848 and 1852

See attached.

**From:** [Wiedert](#)  
**To:** [Postema, Stephen](#)  
**Cc:** [REDACTED]  
**Subject:** Response to your 4/2/19 email  
**Date:** Thursday, April 4, 2019 6:10:19 PM

---

Steve-

I think you know that I don't mince words, and I won't here.

It is difficult to have a reasonable and productive exchange with you, because you have a habit of twisting facts to fit your interests.

You say that the "scope set out in the underlying FOIA request" is "the act of retaining..." That is not what the request said, which was "retention." Those are quite different. The source of the word retention is retain, one definition of which is "to keep in one's pay or service." The first definition of "retainer" in Merriam Webster is "a person attached or owing service" and the second is "employee." Merriam Webster gives an example of use the use or retention in a sentence: "the recruitment and retention of good employees."

You seem to view "retention" as nothing more than an agreement to use the services of an attorney. Of course, "retaining" an attorney is accomplished by paying a certain amount to the attorney before services are rendered. The city did not pay Ms. Rosati for any services before they were rendered.

Since the city seems to be having trouble applying a reasonable understanding to the word "retention," I will try to provide some guidance, for your convenience in further supplementing your response.. In doing so, I do not suggest that there was anything deficient in our original request.

"Retention" means any record reflecting contact by the city with Ms. Rosati regarding her willingness and ability to undertake advising or representing the city on the matters subject to the FOIA, records reflecting discussions or communication concerning the subject matter and scope of activities Ms. Rosati was to perform, any material produced as part of the representation, any communication between Ms. Rosati and any agent or employee of the city regarding her activities engaged as part of her representation, any records reflecting communications between any employees or agents and other employees or agents of the city regarding the activities described supra, with Councilmembers and the Mayor being regarded as employees.

That the city's initial response was incomplete is demonstrated by the production of a number of documents with your and Mr. Lazarus's most recent communications. Did the city deliberately withhold relevant records, conduct a faulty search for records, adopt a new understanding of the meaning of the request...?

There should be no need to initiate a new request, now that you have this guidance to properly respond

to the existing one.

With regard to the invoices... It is incomprehensible that you honestly believed that the listing of a telephone call on an invoice constituted work product. What changed your mind since you first did the redactions? It leads me to believe that your current application of work product standards is equally suspect, and we have still not received material to which Ms. Lesko is entitled.

I have been preparing and sending bills to clients for over 35 years, and have seen many prepared by other attorneys. I can't recall ever including anything that might be considered work product.

I would sincerely like to avoid litigating this matter, but unless the city significantly alters its handling of this matter, that will not be possible.

Tom Wieder



**From:** [Wiedert](#)  
**To:** [Lazarus, Howard](#)  
**Cc:** [Postema, Stephen](#); [REDACTED]  
**Subject:** FOIA #1852  
**Date:** Friday, April 5, 2019 11:28:16 AM

---

Mr. Lazarus-

I am responding to your letter dated 4/29/19 regarding FOIA #1852.

Even with the supplemental material provided, I notice the absence of the following:

1) Any communication between Mr. Postema and you regarding engaging Ms. Rosati for work on the two Library Lot-related cases and/or issues regarding Proposal A. Even assuming that the contract and amended contract were permitted, which we do question, it would have to be approved by you pursuant to the Charter. Other than your undated signature on the contract documents, there is no indication of any involvement by you in the process. Are there absolutely no records in which the issue of hiring Ms. Rosati is raised or discussed with you before being presented with the contract to sign? It is possible, but it does seem odd.

2) Any communications between you, or Mr. Postema or anyone else to Councilmembers informing them of the intention of employing Ms. Rosati or that a contract had been entered into, other than informing them of her appearance at a closed session on December 18, 2018?

Tom Wieder

**From:** [Tom Wieder](#)  
**To:** [Postema, Stephen](#)  
**Cc:** [REDACTED]  
**Subject:** Re: Response to your 4/4/19 email  
**Date:** Wednesday, April 10, 2019 5:50:10 PM

---

Steve-

I do not know why you insist of rephrasing, in your words, what I asking for on behalf of my client. Your description of what we are asking for is not accurate. But I am not going to continue arguing with you about it. Ms. Lesko's request is not just the activities of Ms. Rosati's representation. It includes all records reflecting any action leading up to her being engaged by the city to do work for it.

For example - There are no records regarding Ms. Rosati being engaged to work on the Bannister case prior to emails about circulating a draft contract. That contract was not executed until Ms. Rosati has been working on the case for about a month. There is nothing reflecting any contacts you or sometime else may have had with her informing her of the existence of the case and inquiring about her interest in representing the city. No communication briefing her on the status of the case, the issues to be worked on (although I have little doubt that you will try to claim an exemption for most or all of any such communication) forwarding pleadings or other materials.

There are no records of any communication with Howard, Council or anyone else about your desire or intention to engage Ms. Rosati for work on that matter.

With regard to the Proposal A issue, there is a letter from you to Ms. Rosati telling about the issue regarding the Amendment (with everything else redacted), but this letter was not provided originally, which is disturbing. There is nothing reflecting any further communication, such as forwarding materials, timelines, who to work with in your office, how much time she might be authorized to invest in the project, etc. Again, no records reflecting any contact with Howard or Council or anyone else.

If any such records (and these are examples, not an attempt to be exhaustive), they should be produced in response to the original request. Otherwise, we would look for an explicit statement that no documents which are responsive to the request, as specified above, exist.

Tom Wieder

Sent from my iPad

On Apr 9, 2019, at 9:16 PM, Postema, Stephen <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)> wrote:

Tom:

I am responding to both of your emails to me on April 4 and on behalf of Howard Lazarus in regard to your email to him on April 5. Thank you for taking the time to

specify what you are seeking on behalf of your client. Your client has previously been provided records responsive to the underlying FOIA request. Without debating whether “retention” commonly means what you claim, it is easiest to simply acknowledge that you are seeking, on behalf of your client the following: any record reflecting contact by the city with Ms. Rosati regarding her willingness and ability to undertake advising or representing the city on the matters subject to the original FOIA (i.e. legal services provided by Attorney Rosati and/or her firm to the City from and after July 1, 2018), records reflecting discussions or communication concerning the subject matter and scope of activities Ms. Rosati was to perform, any material produced as part of the representation, any communication between Ms. Rosati and any agent or employee of the city regarding her activities engaged as part of her representation, any records reflecting communications between any employees or agents and other employees or agents of the city regarding the activities described supra, with Councilmembers and the Mayor being regarded as employees.

Given what the City has already provided, as well as your clarification that you and your client do not wish to receive any pleadings from the Bannister case, nor any communications or material produced related to the Trinitas case, the only outstanding records that you wish to receive are:

- <!--[if !supportLists]-->(1) <!--[endif]-->Material produced by Carol Rosati or her firm in the course of her representation of the City from July 1, 2018, except concerning the Trinitas case;
- <!--[if !supportLists]-->(2) <!--[endif]-->Records of any communication between Ms. Rosati or her firm with any agent or employee of the City regarding her activities engaged as part of her representation, except the Trinitas case; and
- <!--[if !supportLists]-->(3) <!--[endif]-->Records of any communication between any employees or agents of the City and other employees or agents of the City regarding Ms. Rosati or her firm’s representation of the City, except with regard to the Trinitas case.

These records would include transmitting to Ms. Rosati or her firm any background material—excluding pleadings in the Bannister case—that was relevant to her representation of the City, arrangements for Ms. Rosati or her firm to present material to City Council in closed session, and informing City Council of Ms. Rosati’s presentation at a closed session.

I have sent this, on April 9 2010, to the FOIA coordinator to treat as a FOIA request for the documents you seek. I note that many of these requests are for attorney work product and/or attorney-client privileged communications and will have to be handled as such.

Thank you for the clarification. I appreciate it and it will help facilitate responding to your request.

**Stephen K. Postema**  
Ann Arbor City Attorney  
City of Ann Arbor  
301 E. Huron Street  
Ann Arbor, MI 48104  
T: 734-794-6189  
C: 734-846-1495  
E: [spostema@a2gov.org](mailto:spostema@a2gov.org)

**From:** Wiedert <[REDACTED]>  
**Sent:** Thursday, April 04, 2019 6:10 PM  
**To:** Postema, Stephen <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)>  
**Cc:** [REDACTED]  
**Subject:** Response to your 4/2/19 email

Steve-

I think you know that I don't mince words, and I won't here.

It is difficult to have a reasonable and productive exchange with you, because you have a habit of twisting facts to fit your interests.

You say that the "scope set out in the underlying FOIA request" is "the act of retaining..." That is not what the request said, which was "retention." Those are quite different. The source of the word retention is retain, one definition of which is "to keep in one's pay or service." The first definition of "retainer" in Merriam Webster is "a person attached or owing service" and the second is "employee." Merriam Webster gives an example of use the use or retention in a sentence: "the recruitment and retention of good employees."

You seem to view "retention" as nothing more than an agreement to use the services of an attorney. Of course, "retaining" an attorney is accomplished by paying a certain amount to the attorney before services are rendered. The city did not pay Ms. Rosati for any services before they were rendered.

Since the city seems to be having trouble applying a reasonable understanding to the word "retention," I will try to provide some guidance, for your convenience in further supplementing your response.. In doing so, I do not suggest that there was anything deficient in our original request.

"Retention" means any record reflecting contact by the city with Ms. Rosati regarding her willingness and ability to undertake advising or representing the city on the matters subject to the FOIA, records reflecting discussions or communication concerning the subject matter and scope of activities Ms. Rosati was to perform, any material produced as part of the representation, any communication between Ms. Rosati and any agent or employee of the city regarding her activities engaged as part of her representation, any records reflecting communications between any employees or agents and other employees or agents of the city regarding the activities described supra, with Councilmembers and the Mayor being regarded as employees.

That the city's initial response was incomplete is demonstrated by the production of a number of documents with your and Mr. Lazarus's most recent communications. Did the city deliberately withhold relevant records, conduct a faulty search for records, adopt a new

understanding of the meaning of the request...?

There should be no need to initiate a new request, now that you have this guidance to properly respond to the existing one.

With regard to the invoices... It is incomprehensible that you honestly believed that the listing of a telephone call on an invoice constituted work product. What changed your mind since you first did the redactions? It leads me to believe that your current application of work product standards is equally suspect, and we have still not received material to which Ms. Lesko is entitled.

I have been preparing and sending bills to clients for over 35 years, and have seen many prepared by other attorneys. I can't recall ever including anything that might be considered work product.

I would sincerely like to avoid litigating this matter, but unless the city significantly alters its handling of this matter, that will not be possible.

Tom Wieder

**From:** [Tom Wieder](#)  
**To:** [Postema, Stephen](#)  
**Subject:** Re: Response to your 4/4/19 email  
**Date:** Sunday, April 14, 2019 5:12:19 PM

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Steve-

Even for you, your latest action is outrageous - submitting a FOIA request under my client's name which she has never seen, nor authorized. What gives you the authority to do so?

I previously told you that the language which subsequently formed the content of the 1963 "request," your language, did not reflect her original request. I had also told you that my prior emails were intended to assist the city in responding to the original request by detailing further what we intended the original language to cover. I specifically said that we believed that no additional request was required, because the original one covered what I communicated to you in the subsequent explanatory material.

I believe that you had two choices: 1) Supplement the city's response to Request 1852 based on my explanatory material, producing documents covered by it and, as to any documents withheld because of a claim of privilege, identify each document and state what privilege the city believes applies to each, as required by the statute; or 2) State that no additional documents were responsive, based on your initial position as to what is covered by "retention." If Ms. Lesko chose to do so, she could file a new request, using her desired language.

What you may not do is create a new request, using the very language we rejected as not accurately reflecting her original, and labeling it as hers.

We demand that you immediately void Request 1963 and inform us that you have done so.

Tom Wieder

Sent from my iPad

On Apr 10, 2019, at 11:49 PM, Tom Wieder < wrote:

Steve-

I do not know why you insist on rephrasing, in your words, what I am asking for on behalf of my client. Your description of what we are asking for is not accurate.

But I am not going to continue arguing with you about it. Ms. Lesko's request is not just the activities of Ms. Rosati's representation. It includes all records reflecting any action leading up to her being engaged by the city to do work for it.

For example - There are no records regarding Ms. Rosati being engaged to work on the Bannister case prior to emails about circulating a draft contract. That contract was not executed until Ms. Rosati has been working on the case for about a month. There is nothing reflecting any contacts you or someone else may have had with her informing her of the existence of the case and inquiring about her interest in representing the city. No communication briefing her on the status of

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**From:** Wiedert <[REDACTED]>  
**Sent:** Thursday, April 04, 2019 6:10 PM  
**To:** Postema, Stephen <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)>  
**Cc:** [REDACTED]  
**Subject:** Response to your 4/2/19 email

Steve-

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There should be no need to initiate a new request, now that you have this guidance to properly respond to the existing one.

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equally suspect, and we have still not received material to which Ms. Lesko is entitled.

I have been preparing and sending bills to clients for over 35 years, and have seen many prepared by other attorneys. I can't recall ever including anything that might be considered work product.

I would sincerely like to avoid litigating this matter, but unless the city significantly alters its handling of this matter, that will not be possible.

Tom Wieder

**From:** [Bannister, Anne](#)  
**To:** [P. L.](#)  
**Cc:** [Lumm, Jane](#); [Hayner, Jeff](#); [Griswold, Kathy](#); [Nelson, Elizabeth](#)  
**Subject:** Re: Carol Rosati FOIA and City Attorney/City Administrator alleged statute violations  
**Date:** Sunday, April 14, 2019 11:48:26 PM

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Hello Councilmembers,

I would support remedying this situation and asking/requiring staff to comply with both the deadline and content suggested in Ms. Lesko's request below. — Anne

On Sat, Apr 13, 2019 at 5:20 PM -0400, "P. L." <[REDACTED]> wrote:

Hello,

The FOIA referenced in the attached letter from the City Clerk's office is number 1963. This FOIA asks for all documents, emails, and records associated with the hiring of Carol Rosati who advised Council at the request of the City Attorney and City Administrator.

The majority of the public records initially provided to me were almost entirely redacted time sheets from the City Attorney's Office, as well as an undated contract between the City and Ms. Rosati. Mr. Tom Wieder, on my behalf, appealed the FOIA as not completely responsive because, for instance, not a single email was returned in which Mr. Lazarus discusses with Mr. Postema Ms. Rosati's hiring, contract, etc... In addition, the appeal sought to have the time sheet redactions lifted and a dated contract provided.

As you all may know, the state FOIA statute contains very specific guidelines for both the requester and the public entity from which the records are sought. For instance, a FOIA may be granted, denied, granted in part, denied in part and held until a deposit is paid. FOIA appeals are, likewise, expected to be dealt with precisely on the part of the requester and the public entity. Appeals must be granted or denied.

Mr. Lazarus neither granted nor denied the appeal of FOIA 1963, but rather provided more redacted records that had been "overlooked." Mr. Postema in his response to Mr. Wieder's appeal sought to redefine the word "retain" as it was used in FOIA 1963, and promptly entered into a lengthy debate with Mr. Wieder. Debate is not an option within the FOIA statute. Public entities have only two tries to return all responsive records. The response to the original FOIA and in response to an appeal.

The statute doesn't allow Mr. Postema to either redefine the words within a submitted FOIA in order to withhold records, enter into a lengthy debate or as the attached letter shows, after an appeal, or ask for an extension of an appeal which has been neither approved or denied.

While I have a cordial relationship with Mr. Postema, the time and taxpayer money wasted would be silly if we all weren't footing his bill. I have no doubt he knows the FOIA statute better than most. So, he is well aware that the attached letter "extending" FOIA 1963 is meaningless. That ship sailed when Mr. Lazarus, in neither approving or denying the FOIA appeal, neglected to respond properly.

I know that many of you reading this are committed to improving the transparency of our city government, as am I. I also know that as a result of another recent FOIA both Mr. Postema and Mr. Lazarus have expended time and effort trying rather desperately to find out why I submitted that FOIA.

These two gentlemen, at the moment, are performing their jobs as if our local government exists to keep secrets for, or protect the possibly inappropriate actions of the people employed by our local government.

So, no, Mr. Postema and Mr. Lazarus, Michigan's FOIA statute does not permit you to "extend" FOIA 1963 based on the City Attorney's effort to reinterpret the word "retain." As Mr. Wieder has made clear, I have no desire to litigate, but the FOIA statute is what it is and our City is bound by it regardless of what responsive public records reveal.

Patricia Lesko

**From:** [Tom Stulberg](#)  
**To:** [Thacher, Jill](#)  
**Subject:** Historic survey info  
**Date:** Tuesday, February 12, 2019 9:47:38 AM

---

Jill,

I am looking for info on houses in the LowerTown Historic District that did not get approved. We later got the smaller Broadway Historic District approved, and I can find those survey records on the city website. I had the old survey file on an old computer, but was hoping you have it.

Thanks,

Tom

**From:** [Tom Stulberg](#)  
**To:** [Thacher, Jill](#)  
**Subject:** Re: Historic survey info  
**Date:** Tuesday, February 12, 2019 11:07:53 AM

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Hmmm. I'm trying to remember if we used that one or updated it when we had out study committee. I'm pretty sure we looked closely at contributing/non-contributing categorization, but I can't remember if we updated the research or not.

I don't want to make you upload something big, especially if it wasn't up to date. Thoughts?

---

**From:** Thacher, Jill <JThacher@a2gov.org>  
**Sent:** Tuesday, February 12, 2019 11:01 AM  
**To:** Tom Stulberg  
**Subject:** RE: Historic survey info

I have a hard copy of Sharon Ferraro's 1996 Ann Arbor Northside Intensive Level Survey, will that do it? I'll scan and upload it to the city website and send you a link, it's pretty large.

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Tuesday, February 12, 2019 9:47 AM  
**To:** Thacher, Jill <JThacher@a2gov.org>  
**Subject:** Historic survey info

Jill,

I am looking for info on houses in the LowerTown Historic District that did not get approved. We later got the smaller Broadway Historic District approved, and I can find those survey records on the city website. I had the old survey file on an old computer, but was hoping you have it.

Thanks,

Tom

**From:** [Tom Stulberg](#)  
**To:** [Thacher, Jill](#)  
**Subject:** Re: Historic survey info  
**Date:** Tuesday, February 12, 2019 11:43:03 AM

---

2005 date sounds about right. I found a disc with Broadway area survey sheets from 2007. That must have been when we restarted the smaller district.

I don't really need the contributing/non detail. Just looking for the survey sheets.

And this is not a high priority task, so no rush or anything.

Thanks

---

**From:** Thacher, Jill <[JThacher@a2gov.org](mailto:JThacher@a2gov.org)>  
**Sent:** Tuesday, February 12, 2019 11:10 AM  
**To:** Tom Stulberg  
**Subject:** RE: Historic survey info

The historic background won't change, but if you need proposed contributing/noncontributing I suppose that could have changed. It looks pretty similar, though..

It's the 2005 study that you're looking for, right? I see references to it but can't find the survey sheets. I'll keep looking.

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Tuesday, February 12, 2019 11:08 AM  
**To:** Thacher, Jill <[JThacher@a2gov.org](mailto:JThacher@a2gov.org)>  
**Subject:** Re: Historic survey info

Hmmm. I'm trying to remember if we used that one or updated it when we had out study committee. I'm pretty sure we looked closely at contributing/non-contributing categorization, but I can't remember if we updated the research or not.

I don't want to make you upload something big, especially if it wasn't up to date. Thoughts?

---

**From:** Thacher, Jill <[JThacher@a2gov.org](mailto:JThacher@a2gov.org)>  
**Sent:** Tuesday, February 12, 2019 11:01 AM  
**To:** Tom Stulberg  
**Subject:** RE: Historic survey info

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Thanks,

Tom



**From:** [Tom Stulberg](#)  
**To:** [Susan Wineberg](#)  
**Cc:** [Anna Epperson](#); [ellen ramsburgh](#); [fran wright](#); [grace shackman](#); [Ina Hanel-Gerdenich](#); [Thacher, Jill](#); [Gilbert, Kristi \(U of M\)](#); [Patricia Austin](#); [patrick McCauley](#)  
**Subject:** Re: first meeting for awards committee.  
**Date:** Tuesday, February 26, 2019 3:50:18 PM

---

Works for me.

Warning. A friend got a weird email from me this afternoon and suspects I might have been hacked. If you got one too, don't click on the link in that email. And let me know please.

Sent from my iPhone

> On Feb 26, 2019, at 3:44 PM, Susan Wineberg [REDACTED] wrote:  
>  
> Hi all,  
> can it already be a year? time sure flies. So I  
> I've consulted with Jill and the best date we can do is March 14 at 1 PM. the time on that day is flexible. this is a Thursday. If this doesn't work, tell me days you cannot meet and I will send out a doodle. see you soon!  
> Susan

**From:** [Tom Stulberg](#)  
**To:** [Grace Shackman](#); "[Susan Wineberg](#)"  
**Cc:** "[Anna Epperson](#)"; "[ellen ramsburgh](#)"; "[fran wright](#)"; "[Ina Hanel-Gerdenich](#)"; [Thacher, Jill](#); [Gilbert, Kristi \(U of M\)](#); "[Patricia Austin](#)"; "[patrick McCauley](#)"  
**Subject:** Re: first meeting for awards committee.  
**Date:** Tuesday, February 26, 2019 6:51:10 PM

---

I can make morning or afternoon that day.

---

**From:** Grace Shackman [redacted]  
**Sent:** Tuesday, February 26, 2019 6:48 PM  
**To:** 'Susan Wineberg'  
**Cc:** 'Anna Epperson'; 'ellen ramsburgh'; 'fran wright'; 'Ina Hanel-Gerdenich'; 'jill thacher'; 'Kristi Gilbert'; 'Patricia Austin'; 'patrick McCauley'; 'tom stulberg'  
**Subject:** RE: first meeting for awards committee.

[Does Fran mind missing the first meeting?](#)

**From:** Susan Wineberg [mailto:[redacted]]  
**Sent:** Tuesday, February 26, 2019 6:16 PM  
**To:** Grace Shackman  
**Cc:** Anna Epperson; ellen ramsburgh; fran wright; Ina Hanel-Gerdenich; jill thacher; Kristi Gilbert; Patricia Austin; patrick McCauley; tom stulberg  
**Subject:** Re: first meeting for awards committee.

Fran can make the morning only so is that okay with everyone?

On Tue, Feb 26, 2019 at 5:46 PM Grace Shackman [redacted] wrote:

[That would work for me.](#)

**From:** Susan Wineberg [mailto:[redacted]]  
**Sent:** Tuesday, February 26, 2019 3:44 PM  
**To:** Anna Epperson; ellen ramsburgh; fran wright; grace shackman; Ina Hanel-Gerdenich; jill thacher; Kristi Gilbert; Patricia Austin; patrick McCauley; susan wineberg; tom stulberg  
**Subject:** first meeting for awards committee.

Hi all,  
can it already be a year? time sure flies. So I  
I've consulted with Jill and the best date we can do is March 14 at 1 PM. the time on that day is flexible. this is a Thursday. If this doesn't work, tell me days you cannot meet and I will send out a doodle. see you soon!  
Susan

**From:** [Tom Stulberg](#)  
**To:** [Susan Wineberg](#)  
**Cc:** [Frances Wright](#); [Thacher, Jill](#)  
**Subject:** Re: Guy Beckley house  
**Date:** Saturday, March 23, 2019 7:33:44 PM

---

We tried. The main organized opposition on Pontiac Trail built additions or changed hands since. Time to try again?

Sent from my iPhone

On Mar 23, 2019, at 7:07 PM, Susan Wineberg [REDACTED] wrote:

Bummer. We sure need a district over there. They should know better. Someone should write them and tell them to save the old windows!

On Saturday, March 23, 2019, Frances Wright [REDACTED] wrote:  
HI...the Guy Beckley house has had all new windows installed today from the Meyer company. Fran W.

**From:** [Tom Stulberg](#)  
**To:** [Susan Wineberg](#)  
**Cc:** [Frances Wright](#); [Thacher, Jill](#)  
**Subject:** Re: Guy Beckley house  
**Date:** Sunday, March 24, 2019 7:46:25 AM

---

I see a battle coming over appointments to various bodies coming this June. I wouldn't raise the question until after then.

There is a powerful minority pushing to upzone single family neighborhoods. They don't favor historic districts either. They are organized and will likely mobilize against expanding a historic district or starting a new one.

New changes to the ADU ordinance have just been unanimously passed by planning commission. New construction of accessory dwellings up to 800 square feet in the setbacks will be permitted by right without any design review. (Among other changes). Historic districts won't be impacted as much as other neighborhoods because of the review already in place. It will be interesting to see how council responds to this. It is schedule to get to them in May, but I think it needs more public notice and engagement before a public hearing at council. Only four of us showed up to the planning commission meeting. Seeing how his goes might educate us on how favorable the current council will be to historic district expansion.

Sent from my iPhone

On Mar 23, 2019, at 11:54 PM, Susan Wineberg [REDACTED] wrote:

Only if council is ready. What do you think?

On Saturday, March 23, 2019, Tom Stulberg <[REDACTED]> wrote:

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Sent from my iPhone

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**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#)  
**Cc:** [Hayner, Jeff](#); [Griswold, Kathy](#); [Eaton, Jack](#); [Lumm, Jane](#)  
**Subject:** RE: Water and Storm Sewer rates  
**Date:** Saturday, January 5, 2019 2:28:15 PM

---

Tom, I'll include this in my Agenda Questions for Monday and ask whether the City of Ann Arbor has any risk exposure.

Excerpt:

"...many communities have violated Michigan's Headlee Amendment. The local governments imposed storm-water charges that were more like a tax than a fee — a violation of the late Richard Headlee's famous limit on taxation, as enshrined in the Michigan Constitution. Now, for better or worse, each community that has lost in court must revise how it bills customers."

Thanks so much,

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

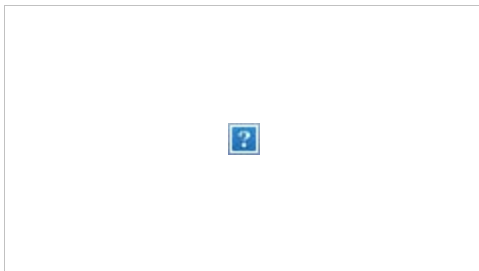
*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Tom Stulberg [REDACTED]  
**Sent:** Thursday, January 03, 2019 9:28 AM  
**To:** Bannister, Anne; Hayner, Jeff  
**Subject:** Water and Storm Sewer rates

Did you see this?!:

<https://www.freep.com/story/news/local/michigan/oakland/2018/10/08/lawsuits-sewer-storm-water-bills-michigan-detroit/1418087002/>



## Kickham Hanley law firm suing cities, townships over sewers

Law firm gets rich off sewer lawsuits against cities and townships. A Royal Oak lawn firm has won tens of millions of dollars in lawsuits against a growing list of metro Detroit communities.

[www.freep.com](http://www.freep.com)

**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#); [Lester Wyborny](#); [Hayner, Jeff](#)  
**Cc:** [Susan Presswood Wright](#); [EVERETT LAST\\_NAME](#); [Andrea Tom](#); [Jean Arnold](#); [Libby Brooks](#); [Chuck Marshall](#); [Chavasse, Amy](#); [Scott Newell](#)  
**Subject:** RE: transportation commission contact  
**Date:** Monday, January 7, 2019 12:41:37 AM

---

Okay, wow, great work! I'll add this to my "concise email," which is over 2 pages... I'd like to get it down to half a page, but we have so many strong objections that need to be included. -- Anne

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Tom Stulberg [REDACTED]  
**Sent:** Monday, January 07, 2019 12:30 AM  
**To:** Lester Wyborny; Bannister, Anne; Hayner, Jeff  
**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell  
**Subject:** Re: transportation commission contact

Lester, I'll see your code citation and raise you!

Ann Arbor, MI Code of Ordinances. Chapter 13 Special Assessments

1:290 - Objections to roll.

Any person aggrieved by the special assessment roll or the necessity of the improvement may file objections to the roll in writing with the Clerk prior to the close of the hearing. The written objections shall specify in what respect the person believes him or herself aggrieved. No original assessment roll shall be confirmed except by the affirmative vote of 8 members of the Council if prior to the confirmation written objections to the proposed improvement have been filed by the owners of the property which will be required to bear over 50% of the amount of the special assessment.

---

**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Monday, January 7, 2019 12:27 AM  
**To:** Bannister, Anne; Hayner, Jeff  
**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell; Tom Stulberg  
**Subject:** Re: transportation commission contact

Anne, after reading the City Charter, I don't agree with Jack's assessments about when a supermajority applies. According to 4.4. G of the City Charter:

The affirmative vote of at least six members of the Council, or of such greater number as may be required

by this charter, or other provisions of law, Ann Arbor, Michigan City Charter 16 shall be required for the adoption or passage of any resolution or ordinance, or the taking of any official Council action. No office may be created or abolished, **nor any street, alley, or public ground vacated**, nor private property taken for public use, **unless by a concurring vote of at least eight members of the Council**.

The City is proposing to vacate a portion of the City street, which is used by City residents parking, for other purposes. I am not an attorney, nor am I a judge, but I have been involved in writing regulations for the last 30 years, and I think that we have a pretty strong case that when the City proposes to vacate a portion of the City street, that a super-majority would be required.

Lester

On Sun, Jan 6, 2019 at 7:51 PM Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:


I'm just leaving Jack Eaton's house now. We met with Ali, Kathy, and Elizabeth. Ali and Elizabeth remain unconvinced of the need to vote NO. But I'm going to proceed to email all of Council and the neighbors tonight anyway, or tomorrow at the latest, with my urgent request for a NO vote, just in case anything changes tomorrow with Ali and Elizabeth.

Right now we do not have the 6 votes needed, but let's continue to try and convince Council. We've got nothing to lose by doing so.

The neighborhood petition showing a lack of public support is still useful. I confirmed with Jack, however, that the 8 vote super majority only works for issues like budget amendments and rezoning requests (Kroger Lot), not this SRTS resolution.

Thanks,  
Anne

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On Sun, Jan 6, 2019 at 6:52 PM -0500, "Susan Presswood Wright" <> wrote:

Thanks for this informative message! Could not agree more strongly about restoring community participation in processes affecting communities. We really had that in 2004 when the Broadway Bridges were replaced. Without the active community participation that we had then--with great support from Sabra Briere and others on the Council--we would be using a freeway-style bridge--with no pedestrian barrier today. (Yours truly did some work on precedents for pedestrian protection on Michigan bridges...). Plan to send a *brief* message on need for community participation this evening.

On Sun, Jan 6, 2019 at 3:06 PM EVERETT LAST\_NAME <[REDACTED]>

wrote:

Anne -

I talked with Linda Feldt for a short minute. She likes Howard and his value set - kids, the environment, etc. So...

She put me in contact with Brad Parsons on the Transportation Commission. He is aware of our situation. I told him that most (90%+)

of the homeowners in the 1600 block of Traver are opposed to sidewalks on both sides of the street, and that we want to confirm who it is that mandates dual sidewalks for the project. He said he had the same conversation with Nick Hutchinson in engineering, who could not unequivocally say two sidewalks are required or who requires them.

Brad did not have much time to talk, but he did say that our unpublished article is still useful. If not already included, we should add quotes and photos. Then the plan would be for a supportive city councilperson to release it. He's convinced it would not be overlooked if presented this way.

I forgot to ask if he knows of any surveys done by the city of homeowners post-sidewalk renovation.

His second quick thought was more long-term. He feels the story of our difficult relations with the city could be useful and instructive to get other city commissions to join together to get the city to engage in more inclusive and comprehensive planning.

Depends on how engaged we want to be, and for how long, I guess.

That's what I know.

Best -

Everett  
[REDACTED]



**From:** [Bannister, Anne](#)  
**To:** [Lester Wyborny](#); [Tom Stulberg](#)  
**Cc:** [Hayner, Jeff](#); [Susan Presswood Wright](#); [EVERETT LAST\\_NAME](#); [Andrea Tom](#); [Jean Arnold](#); [Libby Brooks](#); [Chuck Marshall](#); [Chavasse, Amy](#); [Scott Newell](#)  
**Subject:** Re: transportation commission contact  
**Date:** Monday, January 7, 2019 4:17:36 AM

---

I like your thinking, Lester, and will include this insight in my agenda questions!

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On Mon, Jan 7, 2019 at 3:46 AM -0500, "Lester Wyborny" <[REDACTED]> wrote:

While the final vote to apply the assessments is when the 8 vote majority applies for special assessments, an 8 vote supermajority may apply with these early votes since the City Council is essentially voting to vacate street parking.

A second vote is necessary because the City Council likely was not aware that they were vacating street parking (they likely were just voting to approve sidewalks) and vacating street parking is a much more significant vote which requires a supermajority.

Lester

On Mon, Jan 7, 2019 at 12:47 AM Tom Stulberg <[REDACTED]> wrote:

For clarity, the citation I gave applies to the vote on the next step in the process, which would be a public hearing at council in the spring. Only a simple majority is required for the recent vote/revote.

---

**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>

**Sent:** Monday, January 7, 2019 12:41 AM

**To:** Tom Stulberg; Lester Wyborny; Hayner, Jeff

**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell

**Subject:** RE: transportation commission contact

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---

**From:** Tom Stulberg [REDACTED]

**Sent:** Monday, January 07, 2019 12:30 AM

**To:** Lester Wyborny; Bannister, Anne; Hayner, Jeff

**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell

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Best -

Everett



**From:** [Hayner, Jeff](#)  
**To:** [Nelson, Elizabeth](#)  
**Subject:** FW: Water and Storm Sewer rates  
**Date:** Monday, January 7, 2019 9:47:26 AM

---

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Thursday, January 3, 2019 9:28 AM  
**To:** Bannister, Anne <ABannister@a2gov.org>; Hayner, Jeff <JHayner@a2gov.org>  
**Subject:** Water and Storm Sewer rates

Did you see this?!:

<https://www.freep.com/story/news/local/michigan/oakland/2018/10/08/lawsuits-sewer-storm-water-bills-michigan-detroit/1418087002/>

[Kickham Hanley law firm  
suing cities, townships over  
sewers](#)

Law firm gets rich off sewer lawsuits against cities and townships. A Royal Oak lawn firm has won tens of millions of dollars in lawsuits against a growing list of metro Detroit communities.

[www.freep.com](http://www.freep.com)

**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#); [Lester Wyborny](#); [Hayner, Jeff](#)  
**Cc:** [Susan Presswood Wright](#); [EVERETT LAST NAME](#); [Andrea Tom](#); [Jean Arnold](#); [Libby Brooks](#); [Chuck Marshall](#); [Chavasse, Amy](#); [Scott Newell](#)  
**Subject:** Re: List of speakers  
**Date:** Monday, January 7, 2019 4:24:57 PM

---

Are we on a roll?!! I'm feeling optimistic!! You guys r gonna do great with your 3 minutes.

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On Mon, Jan 7, 2019 at 3:59 PM -0500, "Tom Stulberg" <[REDACTED]> wrote:

Tonight's list: 5,6,7,8 are 1600 block of Traver. Good luck!

1. Mozhgan Savabieasfahani - The Gelman Dioxane Clean Up (AC-2)
  2. Will Hathaway - Resolution Directing City Attorney to Settle Ann Arbor Central Park Ballot Committee Case (DC-2)
  3. Alan Haber - Resolution Directing City Attorney to Settle Ann Arbor Central Park Ballot Committee Case (DC-2)
  4. Robert Gordon - Resolution Directing City Attorney to Settle Ann Arbor Central Park Ballot Committee Case (DC-2)
  5. Everett Armstrong - Safe Routes - Sidewalks
  6. Lester Wyborny - Safe Routes to School
  7. Jean Arnold - Safe Routes to School
  8. Elizabeth Brooks - Safe Routes to School
  9. Lorraine Shapiro - City Priorities
  10. Lefiest Galimore - Prison Reform
- Alternates: 1. Lisa Abrams - Ann Arbor Deer Cull

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Monday, January 7, 2019 12:41 AM  
**To:** Tom Stulberg; Lester Wyborny; Hayner, Jeff  
**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell  
**Subject:** RE: transportation commission contact

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**Cc:** Susan Presswood Wright; EVERETT LAST\_NAME; Andrea Tom; Jean Arnold; Libby Brooks; Chuck Marshall; Chavasse, Amy; Scott Newell  
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The City is proposing to vacate a portion of the City street, which is used by City residents parking, for other purposes. I am not an attorney, nor am I a judge, but I have been involved in writing regulations for the last 30 years, and I think that we have a pretty strong case that when the City proposes to vacate a portion of the City street, that a super-majority would be required.

Lester

On Sun, Jan 6, 2019 at 7:51 PM Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

I'm just leaving Jack Eaton's house now. We met with Ali, Kathy, and Elizabeth. Ali and Elizabeth remain unconvinced of the need to vote NO. But I'm going to proceed to email all of Council and the neighbors tonight anyway, or tomorrow at the latest, with my urgent request for a NO vote, just in case anything changes tomorrow with Ali and Elizabeth.

Right now we do not have the 6 votes needed, but let's continue to try and convince Council. We've got nothing to lose by doing so.

The neighborhood petition showing a lack of public support is still useful. I confirmed with Jack, however, that the 8 vote super majority only works for issues like budget amendments and rezoning requests (Kroger Lot), not this SRTS resolution.

Thanks,  
Anne

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On Sun, Jan 6, 2019 at 6:52 PM -0500, "Susan Presswood Wright"  
<[REDACTED]> wrote:

**Thanks for this informative message! Could not agree more strongly about restoring community participation in processes affecting communities. We really had that in 2004 when the Broadway Bridges were replaced. Without the active community participation that we had then--with great support from Sabra Briere and others on the Council--we would be using a freeway-style bridge--with no pedestrian barrier today. (Yours truly did some work on precedents for pedestrian protection on Michigan bridges...). Plan to send a *brief* message on need for community participation this evening.**

On Sun, Jan 6, 2019 at 3:06 PM EVERETT LAST\_NAME  
<[REDACTED]> wrote:

Anne -

I talked with Linda Feldt for a short minute. She likes Howard and his value set - kids, the environment, etc. So...

She put me in contact with Brad Parsons on the Transportation Commission. He is aware of our situation. I told him that most (90%+) of the homeowners in the 1600 block of Traver are opposed to sidewalks on both sides of the street, and that we want to confirm who it is that mandates dual sidewalks for



the project. He said he had the same conversation with Nick Hutchinson in engineering, who could not unequivocally say two sidewalks are required or who requires them.

Brad did not have much time to talk, but he did say that our unpublished article is still useful. If not already included, we should add quotes and photos. Then the plan would be for a supportive city councilperson to release it. He's convinced it would not be overlooked if presented this way.

I forgot to ask if he knows of any surveys done by the city of homeowners post-sidewalk renovation.

His second quick thought was more long-term. He feels the story of our difficult relations with the city could be useful and instructive to get other city commissions to join together to get the city to engage in more inclusive and comprehensive planning.

Depends on how engaged we want to be, and for how long, I guess.

That's what I know.

Best -

Everett



**From:** [Bannister, Anne](#)  
**To:** [Lester Wyborny](#); [Tom Stulberg](#); [Griswold, Kathy](#)  
**Cc:** [Susan Presswood Wright](#); [Andrea Tom](#); [Amy Chavasse](#); [Chuck Marshall](#); [Hayner, Jeff](#); [Jean Arnold](#); [Libby Brooks](#); [Scott Newell](#); [everett w armstrong](#)  
**Subject:** Re: Another related MLIVE article  
**Date:** Thursday, January 17, 2019 11:01:02 PM

---

Do you mean the email about meeting with Bryan Armstrong from MDOT, and Colleen and Kathy from Michigan Fitness Foundation?

CM Kathy Griswold and I are willing to go to with you to Lansing and meet with them. Is there a delegation that wants to go?

The agenda could include how we want pedestrian/cyclist safety, and the grant money is fine, but there are alternatives that have not been considered, like sidewalks on one side and high priority crosswalks, etc.

We're not professional engineers, but I see no harm in asking for a meeting to describe the situation to them.

— Anne

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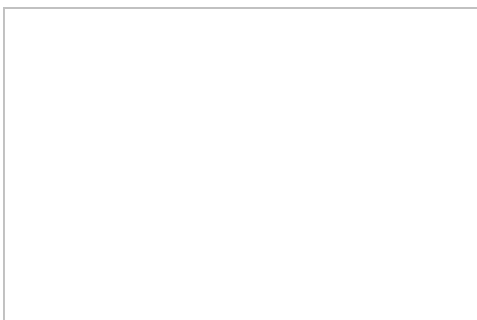
**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Thursday, January 17, 2019 10:34 PM  
**To:** Tom Stulberg  
**Cc:** Susan Presswood Wright; Andrea Tom; Amy Chavasse; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; everett w armstrong  
**Subject:** Re: Another related MLIVE article

Thanks, I put some comments in there.

Note that I have not heard any feedback on my past e-mail. Is there not interest nor fight left for this project?

On Thu, Jan 17, 2019 at 6:06 PM Tom Stulberg <[REDACTED]> wrote:  
<https://www.mlive.com/news/ann-arbor/2019/01/extra-2m-could-make-ann-arbor-crosswalks-safer-council-member-says.html>

Extra \$2M could make Ann Arbor crosswalks safer, council member says | [mlive.com](#)



ANN ARBOR, MI – Seeing a fellow student struck by a car and nearly killed isn't something Emma Aboukasm will soon forget. "It was so scary," she said. "The whole thing was a shock ...

[www.mlive.com](http://www.mlive.com)

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**From:** Lester Wyborny <[REDACTED]>

**Sent:** Wednesday, January 9, 2019 11:06 PM

**To:** Tom Stulberg

**Cc:** Susan Presswood Wright; Andrea Tom; Amy Chavasse; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; everett w armstrong

**Subject:** Re: MLIVE article

Thanks for finding that Tom. I provided a comment - cutting the op-ed way down. I encourage others to post as well.

Lester

On Wed, Jan 9, 2019 at 6:51 PM Tom Stulberg <[REDACTED]> wrote:

Read. And and comments. Don't let the trolls own the comment section. Everyone write something and also vote each other up and the trolls down (none there yet).

<https://www.mlive.com/news/ann-arbor/2019/01/ann-arbors-1m-sidewalk-gap-project-to-move-forward-after-reconsideration.html>

Ann Arbor's \$1M sidewalk gap project to move forward after reconsideration | [mlive.com](http://mlive.com)

ANN ARBOR, MI - The city is moving forward with a \$1 million sidewalk project that was opposed by some residents concerned over the potential loss of trees and street parking. The



Northside STEAM ...

[www.mlive.com](http://www.mlive.com)

**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#); [Mary Munderwood](#); [Laura Strowe](#)  
**Cc:** [Griswold, Kathy](#); [Hayner, Jeff](#)  
**Subject:** RE: Lower Town Mobility Study - Proposed Resolution with OHM  
**Date:** Friday, January 18, 2019 12:43:44 AM

---

Thanks as always for your insightful feedback, and I'll convert them into Agenda Questions for response before the Tuesday, January 22 meeting. This feedback will help improve the decision making and vote of Council on this study.

Thank you,  
Anne

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Tom Stulberg [REDACTED]  
**Sent:** Thursday, January 17, 2019 8:30 AM  
**To:** Bannister, Anne; Mary Munderwood; Laura Strowe  
**Cc:** Griswold, Kathy; Hayner, Jeff  
**Subject:** Re: Lower Town Mobility Study - Proposed Resolution with OHM

Anne,

I am not sure what you are suggesting. No study? Or which contractor to go with? I do like that we are scrutinizing bids and that council is being given choices.

I think we are going to need this study to at least provide data to then figure out how to un-mess up this area. By the time this study is done, the DTE. Roxbury sight might be approved, along with more development on Pontiac Trail including the resolution of the Barton Green Trinitas site. The Glen will start construction this year. The new U of M parking lot will start this year. That lot presumably will bring more people to LowerTown during peak commute times in the morning and evening.

The study will not be done soon enough to impact approvals of development in the area. At best it will lead to solutions for relief from what is about to go from a busy choke point for traffic during peak hours to a very much worse traffic situation.

1000 new residents are coming to the Morningside LowerTown site with only 550 parking spaces and no net new commercial for years, maybe never. (3500 square feet were converted from Manna Asian Market to the condo sales office, 4500 sq ft are in the plan for phase three of the development, but despite the site plan being tied to the zoning, they are not required to provide ANY commercial whatsoever.) Where will those new people park? Without

commercial at the site and already very little commercial in the immediate area, they will need to travel for their needs and entertainment.

Lots of new residents coming into town on Pontiac Trail from Northsky, the Barton Green site whatever gets built, the 70 new condos applied for, and the large vacant parcel - that flows to Swift and Broadway and then to downtown or back around to Wall and Maiden Lane and to the Med Center. The DTE/ Roxbury site has one ingress/egress point and it is nearly at that same spot. Outbound in the evening, it is the Broadway/Plymouth/Maiden Lane/ Moore intersection that takes all the commuter traffic, new and old, away from downtown and the Med Center. The Morningside LowerTown development will have ingress/egress onto Maiden Lane, but its design will encourage heavy cut through traffic up the residential Broadway hill (and McKinley's apartment complex will cut through Morningside's site and up the hill too). Morningside's roundabout will further encourage this cut through for both developments.

So, yes, this we know without a consultant's study. Will the consultant's study lead to solutions?! If so, it is worth it. If not, it's a paperweight (pun intended).

Tom

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Thursday, January 17, 2019 7:43 AM  
**To:** Mary Munderwood; Tom Stulberg; Laura Strowe  
**Cc:** Griswold, Kathy; Hayner, Jeff  
**Subject:** Fwd: Lower Town Mobility Study - Proposed Resolution with OHM

Hello — Do you have any suggestions on this? I'm thinking that we already know the answers, and staff has enough known problems to work on, that another study is a luxury we don't need? Thanks, Anne

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----- Forwarded message -----

From: "**Higgins, Sara**" <[SHiggins@a2gov.org](mailto:SHiggins@a2gov.org)>  
Date: Wed, Jan 16, 2019 at 12:26 PM -0500  
Subject: Lower Town Mobility Study - Proposed Resolution with OHM  
To: "\*City Council Members (All)" <[CityCouncilMembersAll@a2gov.org](mailto:CityCouncilMembersAll@a2gov.org)>  
Cc: "Lazarus, Howard" <[HLazarus@a2gov.org](mailto:HLazarus@a2gov.org)>, "Fournier, John" <[JFournier@a2gov.org](mailto:JFournier@a2gov.org)>, "Hupy, Craig" <[CHupy@a2gov.org](mailto:CHupy@a2gov.org)>, "Hess, Raymond" <[RHess@a2gov.org](mailto:RHess@a2gov.org)>, "Hutchinson, Nicholas" <[NHutchinson@a2gov.org](mailto:NHutchinson@a2gov.org)>, "Harrison, Venita" <[VHarrison@a2gov.org](mailto:VHarrison@a2gov.org)>, "Praschan, Marti" <[MPraschan@a2gov.org](mailto:MPraschan@a2gov.org)>

Mayor and Council,

Attached is a memo from the City Administrator regarding the proposed Resolution to Authorize a Professional Services Agreement with Orchard, Hiltz & McCliment, Inc. (OHM) for the Lower Town Mobility Study that was postponed at the November 19, 2018 Council meeting to January 22, 2019. This memo will be attached to Legistar File [18-1331](#).

**Sara Higgins, Strategic Planning Coordinator**

Ann Arbor City Administrator's Office | Guy C. Larcom City Hall | 301 E. Huron, 3rd Floor · Ann Arbor · MI · 48104

734.794.6110 (O) · 734.994.8296 (F) | Internal Extension 41102

[shiggins@a2gov.org](mailto:shiggins@a2gov.org) | [www.a2gov.org](http://www.a2gov.org)



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**From:** [Bannister, Anne](#)  
**To:** [Amy Chavasse](#); [Lester Wyborny](#)  
**Cc:** [Tom Stulberg](#); [Griswold, Kathy](#); [Susan Presswood Wright](#); [Andrea Tom](#); [Chuck Marshall](#); [Hayner, Jeff](#); [Jean Arnold](#); [Libby Brooks](#); [Scott Newell](#); [everett w armstrong](#)  
**Subject:** Re: Another related MLIVE article  
**Date:** Saturday, January 19, 2019 11:15:12 PM

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Sounds like a plan! I could go to Lansing on Thursday, Jan 24, or Monday, Tuesday or Thursday, Jan 28,29, or 31, etc.

I've described the situation to State Senator Jeff Irwin on two occasions. It might be good if we separately sent emails to the state representatives, too. I saw Carlene Garcia Colvin today and updated her on our proposed delegation to Lansing. She said the school is now actively encouraging parents to use the church drop-offs, by offering coffee and snacks. She thought the two sidewalk requirement might be because it involves federal dollars and that's their rule.

Lester, let's coordinate off line about the Lansing trip. I would like your help scheduling it. A midday meeting could allow us to miss rush hour. I could drive and fit up to four passengers, or not, if someone else would rather drive. There's a Council meeting Tuesday, Jan 22 at 7 pm if anyone would like to do public comment. Thanks, Anne

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On Sat, Jan 19, 2019 at 10:32 PM -0500, "Amy Chavasse" <[REDACTED]> wrote:

I'm still fully in favor of pursuing one sidewalk.  
And highlighting complete lack of transparency and resident involvement.  
Amy

On Sat, Jan 19, 2019, 22:09 Lester Wyborny <[REDACTED]> wrote:

I am a furloughed federal worker, so I have time to go to Lansing for a meeting with the SRTS folks. I originally envisioned a meeting with the SRTS folks solely about sidewalks on one side of the street vs both sides of Traver street, but we can go through the various arguments in favor of sidewalks on one side of the street to leave room for a discussion on other issues. We certainly should bring up with the SRTS folks about informing the local residents about potential projects much earlier in the process. At the last City Council meeting, Jack shared about how another SRTS project in his neighborhood was moving forward, and he was not informed about it.

I finally did track my neighbor down who works at MDOT to see if he know who at MDOT we should speak to. He does not work in Lansing, so he does not know who specifically in Lansing we should speak to. I can call Bryan Armstrong (or you can) Tuesday to set up a meeting sometime next week. When would you be available sometime toward the end of next week to make a trek to Lansing?

In my previous e-mail, I presented my theory that you, Jeff, Kathy and Jack are prepared to vote no for the STEAM sidewalk special assessments which, if the City moves forward with the sidewalks and we are against the sidewalk project, means that the residents would



not be charged for the sidewalks. If we do nothing more, this might be our future, although sticking us with almost no street parking. I also presented an option to our group to press the SRTS folks hard to capitulate on the two sidewalk requirement for Traver. I wanted our group to weigh in so that we can move forward as a group. But there was almost no discussion of these options. I think our group is somewhat resigned after the last City Council vote. I intend to touch base with a couple of our Traver folks to get a sense of where they are at.

Lester

On Thu, Jan 17, 2019 at 11:01 PM Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

Do you mean the email about meeting with Bryan Armstrong from MDOT, and Colleen and Kathy from Michigan Fitness Foundation?

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The agenda could include how we want pedestrian/cyclist safety, and the grant money is fine, but there are alternatives that have not been considered, like sidewalks on one side and high priority crosswalks, etc.

We're not professional engineers, but I see no harm in asking for a meeting to describe the situation to them.

— Anne

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**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Thursday, January 17, 2019 10:34 PM  
**To:** Tom Stulberg  
**Cc:** Susan Presswood Wright; Andrea Tom; Amy Chavasse; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; everett w armstrong  
**Subject:** Re: Another related MLIVE article

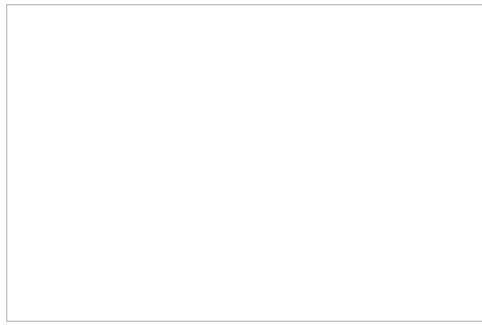
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Extra \$2M could make  
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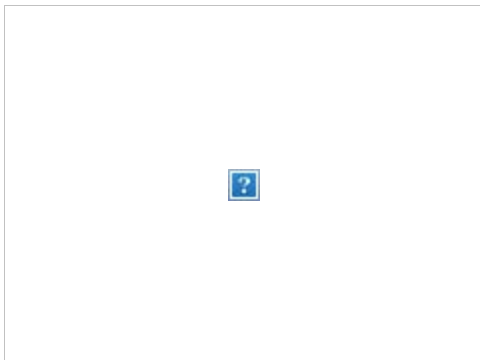
**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Wednesday, January 9, 2019 11:06 PM  
**To:** Tom Stulberg  
**Cc:** Susan Presswood Wright; Andrea Tom; Amy Chavasse; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; everett w armstrong  
**Subject:** Re: MLIVE article

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[www.mlive.com](http://www.mlive.com)

**From:** [Bannister, Anne](#)  
**To:** [Chuck Marshall](#); [Amy Chavasse](#)  
**Cc:** [Jean Arnold](#); [Susan Presswood Wright](#); [Scott Newell](#); [Lester Wyborny](#); [Tom Stulberg](#); [Griswold, Kathy](#); [Andrea Tom](#); [Hayner, Jeff](#); [Libby Brooks](#); [everett w armstrong](#); [Brenda Sodt Foster](#); [Po Hu](#); [REDACTED]  
**Subject:** RE: Another related MLIVE article  
**Date:** Tuesday, January 22, 2019 5:03:38 PM

---

Hello Everyone -- Rather than just sharing these concerns amongst neighbors, I might recommend you send your ideas to the other "stakeholders" as appropriate, such as:

- citycouncil@a2gov.org
- Jane Allen: jallen2@a2gov.org
- Craig Hupy: chupy@a2gov.org
- Howard Lazarus: hlazarus@a2gov.org
- John Fournier: JFournier@a2gov.org
- SRTS A2STEAM: srtsa2steam@gmail.com
- Tina Carmichael: christina.carmichael@gmail.com
- Liz Margolis: margolisl@aaps.k12.mi.us
- Jeanice Swift: swift@aaps.k12.mi.us
- Colleen Synk : CSynk@michiganfitness.org
- Katie Alexander : kalexander@michiganfitness.org
- Bryan Armstrong: [armstrongb@michigan.gov](mailto:armstrongb@michigan.gov)
- Our State Representatives:
  - [DonnaLasinski@house.mi.gov](mailto:DonnaLasinski@house.mi.gov)
  - [YousefRabhi@house.mi.gov](mailto:YousefRabhi@house.mi.gov)
  - [RonniePeterson@house.mi.gov](mailto:RonniePeterson@house.mi.gov)
  - [RebekahWarren@house.mi.gov](mailto:RebekahWarren@house.mi.gov)

Lester, Kathy Griswold, and I are in the process of scheduling our visit to Lansing to meet with the MDOT and Michigan Fitness Foundation representatives. We are hoping to go this Thursday, or one day next week, if we can get an appointment.

Thanks,  
Anne

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Chuck Marshall [REDACTED]  
**Sent:** Tuesday, January 22, 2019 2:39 PM  
**To:** Amy Chavasse  
**Cc:** Jean Arnold; Susan Presswood Wright; Scott Newell; Lester Wyborny; Bannister, Anne; Tom Stulberg; Griswold, Kathy; Andrea Tom; Hayner, Jeff; Libby Brooks; everett w armstrong; Brenda Sodt Foster; Po Hu; [REDACTED]  
**Subject:** Re: Another related MLIVE article

Hi,

Brenda and I haven't fallen off the end of the Earth :) Just been swamped since the New Year. The bottom line is that we are ok with sidewalks as long as the big trees and retaining walls

are left alone (or at least as many trees saved as possible and not hitting retain walls). That said, the biggest issue for us is the cost. Secondly, it is upsetting the fabrication of need for safety when improvements to the crossing at Traver/John A Woods would provide immediate safety benefits. Ideally, it seems that cost could be contained by having a single side-walk which would also make the overall project more palatable to everyone.

Chuck

On Tue, Jan 22, 2019 at 12:45 PM Amy Chavasse <[REDACTED]> wrote:

It was curious to read that the AME parking lot is being promoted, with renewed vigor, as a drop off spot with "snacks and coffee". At the same time, parking of both sides of Traver and the intersection of Barton will remain an important piece of the plan, even as no parking will be allowed farther up Traver (with the mandatory 2 sidewalks that SRTS wants). This morning, parents continue to park right up to the intersection, cars turn in and out of Traver into that busy and congested rush hour traffic flow, and students cross into this traffic to walk up the hill. With the constant chant of CHILDREN'S SAFETY FIRST, I don't see how these two conditions fit.

On Mon, Jan 21, 2019 at 10:01 AM Jean Arnold <[REDACTED]> wrote:

I am still interested in a maximum of one sidewalk for our block of Traver. I appreciate the on-going efforts!! Thank you! Thank you!

On Sun, Jan 20, 2019 at 10:52 PM Susan Presswood Wright <[REDACTED]> wrote:

Scott--thanks for your message. I notice that some people have been dropped from the thread, so I'm adding them back on, together with a response I sent to Les earlier today--below.

[Sent 1/20, afternoon]

I thought earlier that the plan to arrange a meeting in Lansing was good and that it was going ahead. I suggested Max Fulkerson at the Michigan Fitness Foundation as a participant. When I spoke to him by phone last fall, he seemed open to at least thinking about circumstances where two sidewalks would not be feasible or desirable as a sidewalk solution. It would be great if Anne and Kathy Griswold can go as well, and if possible one other person from our block.

I also want to mention that the email addresses of some members of our block are not always included. I've added three to this message (Po Hu, Matt Peterson, and Brenda Foster's addresses). If we want to find out how everyone is thinking about two versus one sidewalk, we need to include everyone. My own sense is that I would like to see what emerges from a Lansing mtg, if it's possible to arrange one. If a Lansing meeting doesn't materialize, I would support working with the planners

to modify the two-sidewalks-in-the-road plan somewhat to provide a few more parking spaces for those who would like them--but definitely not modifications that take out major trees or require major regrading. (I think there could be some further parking spaces at the North-west end of the block--not right at the end, but further in.) Everyone should be contacted, either by email or house-to-house--whatever works.

On Sun, Jan 20, 2019 at 7:27 PM Scott Newell <[REDACTED]> wrote:

Hi Lester and all,

I am very much in support of fighting this project. I'm super appreciative of the work everyone has done on our behalf. Please advise, and thank you so much.

Scott Newell



cell

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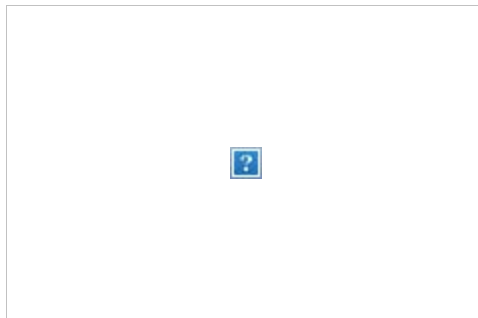
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Extra \$2M could make  
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[www.mlive.com](https://www.mlive.com)

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**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Wednesday, January 9, 2019 11:06 PM  
**To:** Tom Stulberg  
**Cc:** Susan Presswood Wright; Andrea Tom; Amy Chavasse; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; everett w armstrong  
**Subject:** Re: MLIVE article

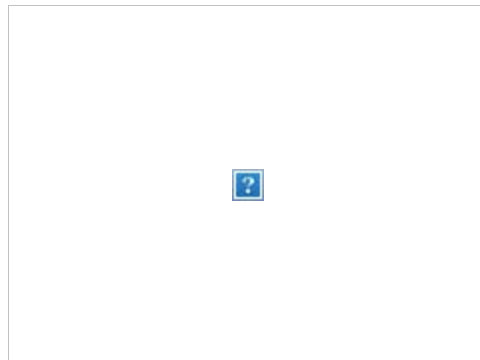
Thanks for finding that Tom. I provided a comment - cutting the op-ed way down. I encourage others to post as well.

Lester

On Wed, Jan 9, 2019 at 6:51 PM Tom Stulberg <[REDACTED]> wrote:

Read. And and comments. Don't let the trolls own the comment section. Everyone write something and also vote each other up and the trolls down (none there yet).

<https://www.mlive.com/news/ann-arbor/2019/01/ann-arbors-1m-sidewalk-gap-project-to-move-forward-after-reconsideration.html>



Ann Arbor's \$1M  
sidewalk gap project  
to move forward  
after reconsideration  
| [mlive.com](https://www.mlive.com)

ANN ARBOR, MI - The city is moving forward with a \$1 million sidewalk project that was opposed by some residents concerned over the potential loss of trees and

[www.mlive.com](https://www.mlive.com)

--

*Amy Chavasse*  
*Professor- School of Music Theatre & Dance*



*University of Michigan*  
*Artistic Director- ChavasseDance&Performance*  
[www.chavassedanceandperformance.com](http://www.chavassedanceandperformance.com)

**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#)  
**Cc:** [Chuck Marshall](#); [Amy Chavasse](#); [Jean Arnold](#); [Susan Presswood Wright](#); [Scott Newell](#); [Lester Wyborny](#); [Griswold, Kathy](#); [Andrea Tom](#); [Hayner, Jeff](#); [Libby Brooks](#); [everett w armstrong](#); [Brenda Sodt Foster](#); [Po Hu](#); [REDACTED]  
**Subject:** RE: Whoa  
**Date:** Tuesday, January 22, 2019 5:23:47 PM

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You are probably right, Tom, and I certainly trust your judgement. My thought was just that the other stakeholders should know we are still working on the project... but if you all can create a concise coordinated message, I agree that would be better than individual (potentially confusing) messages.

Thanks,  
Anne

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Tom Stulberg [REDACTED]  
**Sent:** Tuesday, January 22, 2019 5:11 PM  
**To:** Bannister, Anne  
**Cc:** Chuck Marshall; Amy Chavasse; Jean Arnold; Susan Presswood Wright; Scott Newell; Lester Wyborny; Griswold, Kathy; Andrea Tom; Hayner, Jeff; Libby Brooks; everett w armstrong; Brenda Sodt Foster; Po Hu; [REDACTED]  
**Subject:** Whoa

May I modify that suggestion.

I think the meaning gets lost in a flood of communication. Multiple emails with partial and overlapping messages confuses the recipients as to what the issues are, what solution is desired, and how to proceed.

A concise coordinated message should be crafted and communicated. Until meetings in Lansing are held, it may be better to hold off.

If the first message is confusing, the next one doesn't get the attention it needs.

Sent from my iPhone

On Jan 22, 2019, at 5:03 PM, Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

Hello Everyone -- Rather than just sharing these concerns amongst neighbors, I might recommend you send your ideas to the other "stakeholders" as appropriate, such as:

- [citycouncil@a2gov.org](mailto:citycouncil@a2gov.org)
- Jane Allen: [jallen2@a2gov.org](mailto:jallen2@a2gov.org)
- Craig Hupy: [chupy@a2gov.org](mailto:chupy@a2gov.org)
- Howard Lazarus: [hlazarus@a2gov.org](mailto:hlazarus@a2gov.org)

- John Fournier: [JFournier@a2gov.org](mailto:JFournier@a2gov.org)
- SRTS A2STEAM: [srtsa2steam@gmail.com](mailto:srtsa2steam@gmail.com)
  - Tina Carmichael: [christina.carmichael@gmail.com](mailto:christina.carmichael@gmail.com)
  - Liz Margolis: [margolisl@aaps.k12.mi.us](mailto:margolisl@aaps.k12.mi.us)
  - Jeanice Swift: [swift@aaps.k12.mi.us](mailto:swift@aaps.k12.mi.us)
  - Colleen Synk : [CSynk@michiganfitness.org](mailto:CSynk@michiganfitness.org)
  - Katie Alexander : [kalexander@michiganfitness.org](mailto:kalexander@michiganfitness.org)
  - Bryan Armstrong: [armstrongb@michigan.gov](mailto:armstrongb@michigan.gov)
  - Our State Representatives:
    - [DonnaLasinski@house.mi.gov](mailto:DonnaLasinski@house.mi.gov)
    - [YousefRabhi@house.mi.gov](mailto:YousefRabhi@house.mi.gov)
    - [RonniePeterson@house.mi.gov](mailto:RonniePeterson@house.mi.gov)
    - [RebekahWarren@house.mi.gov](mailto:RebekahWarren@house.mi.gov)

Lester, Kathy Griswold, and I are in the process of scheduling our visit to Lansing to meet with the MDOT and Michigan Fitness Foundation representatives. We are hoping to go this Thursday, or one day next week, if we can get an appointment.

Thanks,  
Anne

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Chuck Marshall [REDACTED]  
**Sent:** Tuesday, January 22, 2019 2:39 PM  
**To:** Amy Chavasse  
**Cc:** Jean Arnold; Susan Presswood Wright; Scott Newell; Lester Wyborny; Bannister, Anne; Tom Stulberg; Griswold, Kathy; Andrea Tom; Hayner, Jeff; Libby Brooks; everett w armstrong; Brenda Sodt Foster; Po Hu; [REDACTED]  
**Subject:** Re: Another related MLIVE article

Hi,

Brenda and I haven't fallen off the end of the Earth :) Just been swamped since the New Year. The bottom line is that we are ok with sidewalks as long as the big trees and retaining walls are left alone (or at least as many trees saved as possible and not hitting retain walls). That said, the biggest issue for us is the cost. Secondly, it is upsetting the fabrication of need for safety when improvements to the crossing at Traver/John A Woods would provide immediate safety benefits. Ideally, it seems that cost could be contained by having a single side-walk which would also make the overall project more palatable to everyone.

Chuck

On Tue, Jan 22, 2019 at 12:45 PM Amy Chavasse <[REDACTED]> wrote:  
It was curious to read that the AME parking lot is being promoted, with

renewed vigor, as a drop off spot with "snacks and coffee". At the same time, parking of both sides of Traver and the intersection of Barton will remain an important piece of the plan, even as no parking will be allowed farther up Traver (with the mandatory 2 sidewalks that SRTS wants). This morning, parents continue to park right up to the intersection, cars turn in and out of Traver into that busy and congested rush hour traffic flow, and students cross into this traffic to walk up the hill. With the constant chant of CHILDREN'S SAFETY FIRST, I don't see how these two conditions fit.

On Mon, Jan 21, 2019 at 10:01 AM Jean Arnold <[REDACTED]> wrote:

I am still interested in a maximum of one sidewalk for our block of Traver. I appreciate the on-going efforts!! Thank you! Thank you!

On Sun, Jan 20, 2019 at 10:52 PM Susan Presswood Wright <[REDACTED]> wrote:

Scott--thanks for your message. I notice that some people have been dropped from the thread, so I'm adding them back on, together with a response I sent to Les earlier today--below.

[Sent 1/20, afternoon]

I thought earlier that the plan to arrange a meeting in Lansing was good and that it was going ahead. I suggested Max Fulkerson at the Michigan Fitness Foundation as a participant. When I spoke to him by phone last fall, he seemed open to at least thinking about circumstances where two sidewalks would not be feasible or desirable as a sidewalk solution. It would be great if Anne and Kathy Griswold can go as well, and if possible one other person from our block.

I also want to mention that the email addresses of some members of our block are not always included. I've added three to this message (Po Hu, Matt Peterson, and Brenda Foster's addresses). If we want to find out how everyone is thinking about two versus one sidewalk, we need to include everyone. My own sense is that I would like to see what emerges from a Lansing mtg, if it's possible to arrange one. If a Lansing meeting doesn't materialize, I would support working with the planners to modify the two-sidewalks-in-the-road plan somewhat to provide a few more parking spaces for those who would like them--but definitely not

modifications that take out major trees or require major regrading. (I think there could be some further parking spaces at the North-west end of the block--not right at the end, but further in.) Everyone should be contacted, either by email or house-to-house--whatever works.

On Sun, Jan 20, 2019 at 7:27 PM Scott Newell <[REDACTED]> wrote:

Hi Lester and all,

I am very much in support of fighting this project. I'm super appreciative of the work everyone has done on our behalf. Please advise, and thank you so much.

Scott Newell

[REDACTED] cell

On Sat, Jan 19, 2019, 10:09 PM Lester Wyborny <[REDACTED]> wrote:

I am a furloughed federal worker, so I have time to go to Lansing for a meeting with the SRTS folks. I originally envisioned a meeting with the SRTS folks solely about sidewalks on one side of the street vs both sides of Traver street, but we can go through the various arguments in favor of sidewalks on one side of the street to leave room for a discussion on other issues. We certainly should bring up with the SRTS folks about informing the local residents about potential projects much earlier in the process. At the last City Council meeting, Jack shared about how another SRTS project in his neighborhood was moving forward, and he was not informed about it.

I finally did track my neighbor down who works at MDOT to see if he know who at MDOT we should speak to. He does not work in Lansing, so he does not know who specifically in Lansing we should speak to. I can call Bryan Armstrong (or you can) Tuesday to set up a meeting sometime next week. When would you be available sometime toward the end of next week to make a trek to Lansing?

In my previous e-mail, I presented my theory that you, Jeff, Kathy and Jack are prepared to vote no for the STEAM sidewalk special assessments which, if the City moves forward with the sidewalks and we are against the sidewalk project, means that the residents would not be charged for the sidewalks. If we do nothing more, this might be our future, although sticking us with almost no street parking. I also presented an option to our group to press the SRTS folks hard to capitulate on the two sidewalk requirement for Traver. I wanted our group to weigh in so that we can move forward as a group. But there was almost no discussion of these options. I think our group is somewhat resigned after the last City Council vote. I intend to touch

base with a couple of our Traver folks to get a sense of where they are at.

Lester

On Thu, Jan 17, 2019 at 11:01 PM Bannister, Anne

<[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

Do you mean the email about meeting with Bryan Armstrong from MDOT, and Colleen and Kathy from Michigan Fitness Foundation? CM Kathy Griswold and I are willing to go to with you to Lansing and meet with them. Is there a delegation that wants to go?

The agenda could include how we want pedestrian/cyclist safety, and the grant money is fine, but there are alternatives that have not been considered, like sidewalks on one side and high priority crosswalks, etc.

We're not professional engineers, but I see no harm in asking for a meeting to describe the situation to them.

— Anne

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**From:** Lester Wyborny <[REDACTED]>

**Sent:** Thursday, January 17, 2019 10:34 PM

**To:** Tom Stulberg

**Cc:** Susan Presswood Wright; Andrea Tom; Amy Chavassee; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; everett w armstrong

**Subject:** Re: Another related MLIVE article

Thanks, I put some comments in there.

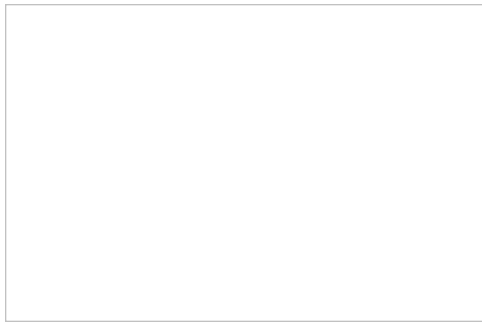
Note that I have not heard any feedback on my past e-mail. Is there not interest nor fight left for this project?

On Thu, Jan 17, 2019 at 6:06 PM Tom Stulberg

<[REDACTED]> wrote:

<https://www.mlive.com/news/ann-arbor/2019/01/extra-2m-could-make-ann-arbor-crosswalks-safer-council-member-says.html>

Extra \$2M  
could make  
Ann Arbor  
crosswalks  
safer, council  
member says



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ANN ARBOR, MI –  
Seeing a fellow  
student struck by a  
car and nearly killed  
isn't something  
Emma Aboukasm

[www.mlive.com](http://www.mlive.com)

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**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Wednesday, January 9, 2019 11:06 PM  
**To:** Tom Stulberg  
**Cc:** Susan Presswood Wright; Andrea Tom; Amy Chavasse; Bannister, Anne; Chuck Marshall; Hayner, Jeff; Jean Arnold; Libby Brooks; Scott Newell; everett w armstrong  
**Subject:** Re: MLIVE article

Thanks for finding that Tom. I provided a comment - cutting the op-ed way down. I encourage others to post as well.

Lester

On Wed, Jan 9, 2019 at 6:51 PM Tom Stulberg

<[REDACTED]> wrote:

Read. And and comments. Don't let the trolls own the comment section. Everyone write something and also vote each other up and the trolls down (none there yet).

<https://www.mlive.com/news/ann-arbor/2019/01/ann-arbors-1m-sidewalk-gap-project-to-move-forward-after-reconsideration.html>

Ann Arbor's



\$1M sidewalk  
gap project to  
move forward  
after  
reconsideration  
| [mlive.com](http://mlive.com)

ANN ARBOR, MI - The city is moving forward with a \$1 million sidewalk project that was opposed by some residents concerned

[www.mlive.com](http://www.mlive.com)

--

*Amy Chavasse*  
*Professor- School of Music Theatre & Dance*  
*University of Michigan*  
*Artistic Director- ChavasseDance&Performance*  
[www.chavassedanceandperformance.com](http://www.chavassedanceandperformance.com)



**From:** [Hayner, Jeff](#)  
**To:** [Tom Stulberg](#); [Bannister, Anne](#); [Eaton, Jack](#)  
**Subject:** RE: Resolution proposing a moratorium on project approval  
**Date:** Thursday, January 24, 2019 4:19:00 PM

---

That was a malformed amendment I may offer a proper when this comes back to council.

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Thursday, January 24, 2019 3:29 PM  
**To:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>; Eaton, Jack <[JEaton@a2gov.org](mailto:JEaton@a2gov.org)>  
**Cc:** Hayner, Jeff <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>  
**Subject:** Re: Resolution proposing a moratorium on project approval

I was watching and caught that. Lots to talk about if people want to chat in person.

---

**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>  
**Sent:** Thursday, January 24, 2019 3:20 PM  
**To:** Tom Stulberg; Eaton, Jack  
**Cc:** Hayner, Jeff  
**Subject:** FW: Resolution proposing a moratorium on project approval

Hi Tom and Jack -- In case you missed this idea from the tail end of Tuesday night's meeting...a 2-year moratorium on all project approvals for new construction within the boundaries of the Lower Town Area Mobilty Study.

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

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**From:** Beaudry, Jacqueline  
**Sent:** Tuesday, January 22, 2019 10:20 PM  
**To:** \*City Council Members (All)  
**Cc:** Postema, Stephen; Lazarus, Howard  
**Subject:** FW: Resolution proposing a moratorium on project approval

---

**From:** Hayner, Jeff <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>  
**Sent:** Tuesday, January 22, 2019 10:04 PM  
**To:** Beaudry, Jacqueline <[JBeaudry@a2gov.org](mailto:JBeaudry@a2gov.org)>  
**Subject:** Resolution proposing a moratorium on project approval

Whereas the city of Ann Arbor is undertaking a comprehensive mobility study “Lower Town Area Mobility Study” and;

Whereas the results of this study will not be known for 2 years and;

Whereas the results of this study are critical to inform the planning decisions made in the north side neighborhoods for the safety of residents;

Resolved, the City of Ann Arbor declares a 2-year moratorium on all project approvals for new construction within the boundaries of the Lower Town Area Mobility Study.

**From:** [Bannister, Anne](#)  
**To:** [Chuck Marshall](#); [Tom Stulberg](#)  
**Cc:** [Lester Wyborny](#); [Susan Presswood Wright](#); [Amy Chavasse](#); [Jean Arnold](#); [Scott Newell](#); [Griswold, Kathy](#); [Andrea Tom](#); [Libby Brooks](#); [everett w armstrong](#); [Brenda Sadt Foster](#); [Po Hu](#); [REDACTED] [Hayner, Jeff](#)  
**Subject:** Re: Hardship for Traver Homeowners by Proposed Sidewalk Plan  
**Date:** Wednesday, January 30, 2019 1:42:35 PM

---

I can make it on Feb 11.

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On Wed, Jan 30, 2019 at 1:33 PM -0500, "Chuck Marshall" <[REDACTED]> wrote:

Hello Lester,

I can make it, but will need to head back to work by 1:50.

Traverwood Library sounds like a good meeting spot

Chuck

On Wed, Jan 30, 2019 at 1:32 PM Tom Stulberg <[REDACTED]> wrote:

I can attend.

Sent from my iPhone

On Jan 30, 2019, at 1:19 PM, Lester Wyborny <[REDACTED]> wrote:

We received an invitation to meet with State Senator Jeff Irwin on Monday Feb. 11 at 1 pm about the sidewalk issue here in Ann Arbor. Can others meet at this time? We need to locate a convenient location near to us. One option is the public library on Traverwood Drive.

Lester

----- Forwarded message -----

From: **Annie Somerville** <[ASomerville@senate.michigan.gov](mailto:ASomerville@senate.michigan.gov)>

Date: Tue, Jan 29, 2019 at 11:12 AM

Subject: RE: Hardship for Traver Homeowners by Proposed Sidewalk Plan  
To: Lester Wyborny <[REDACTED]>

Hi Lester,

Thank you for sharing this information with us. Are you available to meet with Senator Irwin on Monday, February 11<sup>th</sup> at 1:00 PM? And is there a convenient coffee shop near your location? Also, could you please provide me with a good contact phone number.

Annie Somerville

Legislative Aide

Senator Jeff Irwin

Office: 517-373-2406

Cell: [REDACTED]

**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Friday, January 25, 2019 4:25 PM  
**To:** [rebekahwarren@house.mi.gov](mailto:rebekahwarren@house.mi.gov); The Office of Senator Irwin  
<[SenJIrwin@senate.michigan.gov](mailto:SenJIrwin@senate.michigan.gov)>  
**Cc:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>; Griswold, Kathy  
<[KGriswold@a2gov.org](mailto:KGriswold@a2gov.org)>; Hayner, Jeff <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>  
**Subject:** Hardship for Traver Homeowners by Proposed Sidewalk Plan

Jeff Irwin and Rebekah Warren,

I am following up on phone calls I made to your offices about proposed sidewalks for our street which will create significant hardship for the homeowners of the street. We would like to sit down with you to work with you to figure out how to ease this burden, although we think that weighing in with MDOT might be the best way forward. I attached a power point presentation and provide some additional background in this e-mail.

The City applied for a Safe Routes to School grant and received initial approval for grant funding for the installation of sidewalks for our street, and a couple other streets, due to its proximity to the STEAM school on Barton Road. The total project cost is estimated to be \$1 million, and the grant would cover about \$400k of that.

The homeowners pushed back against the project when it became apparent that the installation of the sidewalks would cause the cutting down of many trees, including several very large trees which would require many decades to be replaced. The City developed another plan which will install two sidewalks mostly in the street on each side of the roadway, and remove almost all street parking. The homeowners rejected this option as well. Anne Bannister led a process to review the City's proposal and collect ideas for coming up with the least burdensome option. But the City abruptly put the sidewalk project up for a vote, and approved it to move forward, ignoring the objections of the homeowners.

Early on, the Homeowners proposed another plan for a single sidewalk installed in the street, which would maintain street parking on the opposite side of the street, and not cause the cutting down of trees. This one sidewalk idea is supported by the Institute of Transportation Engineers recommendations which would require only one sidewalk for a street with a low density of houses that Traver has. Also, Traver is not a primary route for students for commuting to school.

The City claimed that Safe Routes to School (SRTS) requires two sidewalks and thus would not consider our one sidewalk option, and refused to remove Traver from the grant application arguing that the City could lose this SRTS grant and future grant money. The homeowners contacted the MDOT SRTS coordinator (Bryan Armstrong) and he confirmed the two sidewalk requirement, although the two sidewalk requirement can be waived in certain cases. He said that MI SRTS would not waive the two sidewalk requirement for this case (note that federal SRTS does not require two sidewalks). Note that Bryan Armstrong is not the decision maker for this, it likely is Michael Kapp, Bryan's supervisor. But we felt that our elected officials might have a greater ability to affect MDOT policy than us homeowners.

Several homeowners and several City Council members look forward to sitting down with you to further describe this issue, gain your support, and hopefully identify a way to prevent a burdensome sidewalk project on us homeowners.

**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#)  
**Cc:** [Laura Strowe](#); [REDACTED]; [Eaton, Jack](#); [Lumm, Jane](#); [Griswold, Kathy](#); [Hayner, Jeff](#)  
**Subject:** RE: a needed solution  
**Date:** Wednesday, February 6, 2019 10:02:52 AM

---

Tom -- I follow your logic and arguments. Thank you so much for providing much needed checks & balances on the information we receive from City Hall.

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Tom Stulberg [REDACTED]  
**Sent:** Wednesday, February 06, 2019 9:43 AM  
**To:** Bannister, Anne; Hayner, Jeff  
**Subject:** Re: a needed solution

Anne,

1. The point that keeps being pivoted from is the GROSS cost of the sidewalks, not just the net assessed cost. \$400 per foot sidewalks are indeed gold plated sidewalks and a squandering of tax payer funds, not just the assessed residents but all city taxpayers, and those funds could be more wisely spent on more EFFECTIVE safety measures identified for Northside STEAM pedestrians.
2. At the last council meeting, CMs learned that the city is now going to pay not one but two consultants to review the water data that we own on the model that we paid for already. What will we have to pay on the back end of the LowerTown mobility study? How many consultants will we need to manipulate the model that we are buying? OHM is a fine firm (I have old developer history with OHM), so I mean nothing disparaging about them in my comments, but the questions needs to be asked of all consultant studies: What value are we getting? What will it cost us in the long run to use the models and data? Will the study lead to solutions, or just gather dust?
3. The LowerTown development by Morningside was not By-Right and does not meet the Master Plan. Many citizens of the area participated in that Master Plan process. We had a very detailed and very good Master Plan for that site. It is still the official Master Plan, but the property was rezoned and we do not have a mixed use urban village as called for in the Master Plan, rather we have an over-sized residential development with an undersized possible commercial accessory use in the final phase. The PUD zoning permitted development that would meet the Master Plan. There was no need to rezone the property to achieve the Master Plan. (There was no need to rezone the

property to achieve the approved project either!) Many other aspects of the Master Plan are also not incorporated into the development that was approved by council. Many of us repeatedly raised these issues, and other problems with this development, yet we were ignored, as was our Master Plan.

You can count on me to continue to participate in community meetings, but I am hearing a weariness from other neighbors about participating and being disappointed yet one more time.

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Wednesday, February 6, 2019 9:05 AM  
**To:** Tom Stulberg  
**Subject:** FW: a needed solution

My apologies that you somehow got removed from this chain...

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Lazarus, Howard  
**Sent:** Wednesday, February 06, 2019 7:53 AM  
**To:** Bannister, Anne  
**Cc:** CityCouncil; Hess, Raymond; Higgins, Sara; [REDACTED] Harrison, Venita; Fournier, John; Laura Strowe; Delacourt, Derek; Hupy, Craig  
**Subject:** RE: a needed solution

Councilmember Bannister:

Thank you for providing the concerns identified below. Kindly consider the following responses:

**Q: Is spending \$1M for the Traver Road sidewalks out of proportion with the \$700K Lower Town mobility study, which appears to have a greater impact on more people? The money from both of those projects may be better spent on fixing known problems. Many residents don't think \$1M on Traver SRTS sidewalks is a prudent use of limited funding for mobility and safety ("gold plated sidewalks").**

A: Per the e-mail I sent earlier today, the cost per square foot (SF) that is projected to be assessed to the residents is about \$5.60/SF - well below the average national cost. The total cost of \$9.75/SF is also within the national range (with the caution that actual costs are not known until a bid is hand), so there is no "gold-plating" of the project. When other costs (e.g. design, project supervision, site restoration and landscaping, traffic control, driveways, markings, signage, and others) are added in projects can the result can be a bit of "sticker shock," but is important to have a true "apples-to-apples" comparison. Please also bear in mind that costs also vary based upon the site conditions, the competitive state of the market, the City's requirements for indemnification, and other factors.



**Would aggregating the existing traffic studies from all of the developments in the area substitute for the modeling in the \$700K study, in light of the end result on traffic congestion 2 years from now?**

Staff has provided the proposed contract for the Lowertown Mobility Study in response to a Council request, so it is up to Council as a whole to determine whether or not to go forward. The concept of the study is to look at current and projected “loads” on the avenues of approach (primarily Plymouth Road, Pontiac Trail, and Maiden Lane from the north and Division Street from the south) to the area generally at the foot of the Broadway bridge. The contract will result in a corridors model the City can use to evaluate the impacts of development (incorporating the traffic studies from the development along the feeding corridors) as well as proposed solutions that may be considered. Given that any mobility improvement projects that may be considered in the future are likely to carry large price tags and have impacts on neighborhood quality of life, expending effort on the development of a model and community engagement seems to be a prudent action to take. However, it is ultimately up to Council to determine whether or not to pursue the Lowertown Mobility Study.

**What can be said to residents who are reluctant to participate in expensive and time-consuming meetings for the Lower Town study, when their input has been disregarded in the past?**

Resident input has always been considered and addressed in City projects and in the development process in accordance with City land development code requirements. As we’ve discussed, land use within approved zoning or plans is “by-right,” and as long as developers stay within the associated parameters they have the right to build as they deem appropriate. The impacts on City right of way and other public benefits are considered as part of the approval process as allowed under City code. Staff continually seeks to find the best solution for all parties involved, although we all can acknowledge that there are situations where unanimity cannot be reached.

City Council always and appropriately challenges staff to pursue robust community and neighborhood engagement strategies. Our elected officials are best positioned to make this process a positive one for the residents of the area, especially when Council as a whole has acted to approve a project or a development.

Please let me know if I can be of further assistance on this or any other matter.

**Howard S. Lazarus**

City Administrator

City of Ann Arbor

301 E. Huron Street

Ann Arbor, MI 48104

T: 734-794-6110 ext41102

E: [hlazarus@a2gov.org](mailto:hlazarus@a2gov.org)

[www.a2gov.org](http://www.a2gov.org)



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a2gov.org/A2BeSafe

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Tuesday, February 5, 2019 12:25 PM  
**To:** Harrison, Venita <VHarrison@a2gov.org>; Lazarus, Howard <HLazarus@a2gov.org>; Fournier, John <JFournier@a2gov.org>; Hupy, Craig <CHupy@a2gov.org>; Delacourt, Derek <DDelacourt@a2gov.org>; Laura Strowe <[REDACTED]>  
**Cc:** Hayner, Jeff <JHayner@a2gov.org>; Hess, Raymond <RHess@a2gov.org>; Higgins, Sara <SHiggins@a2gov.org>; [REDACTED] Eaton, Jack <JEaton@a2gov.org>; Griswold, Kathy <KGriswold@a2gov.org>  
**Subject:** RE: a needed solution

Thanks to staff for preparing your response below. I've re-included the neighborhood leaders.

Best wishes to staff as they implement the new resolution from last night to vigorously seek coordination with UM and others on funding and in-kind planning expertise for this area. I hope you will include a report on those activities in future communications.

These are some questions I've been hearing from residents:

1. Is spending \$1M for the Traver Road sidewalks out of proportion with the \$700K Lower Town mobility study, which appears to have a greater impact on more people? The money from both of those projects may be better spent on fixing known problems. Many residents don't think \$1M on Traver SRTS sidewalks is a prudent use of limited funding for mobility and safety ("gold plated sidewalks").
2. Would aggregating the existing traffic studies from all of the developments in the area substitute for the modeling in the \$700K study, in light of the end result on traffic congestion 2 years from now?
3. What can be said to residents who are reluctant to participate in expensive and time-consuming meetings for the Lower Town study, when their input has been disregarded in the past?

I hope that feedback is helpful.

Thanks,

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Harrison, Venita  
**Sent:** Tuesday, February 05, 2019 11:19 AM  
**To:** Bannister, Anne; Lazarus, Howard; Fournier, John; Hupy, Craig; Delacourt, Derek  
**Cc:** Hayner, Jeff; Hess, Raymond; Higgins, Sara; Harrison, Venita

**Subject:** RE: a needed solution

Councilmember Bannister,

Thank you for sharing thoughts on the operation of the intersection of Maiden and Plymouth. Staff has looked at signal timing in this area and has made tweaks over time and will look at signal optimization at this intersection to see if further refinements can be made. Please keep in mind that adjustments to improve movement in one direction may adversely affect flow in other directions and that staff tries to maximize the system from a network perspective. This area is difficult to manage due to the complexity of travel patterns, the volume of traffic, and the network constraints into and out of the area. It is staff's understanding that this is why Council instructed staff to conduct the Lower Town Area Mobility Study in the hopes of finding solutions that work for the area as a whole.

As for additional signage, staff does not believe that "do not block the intersection" signs will lead to changes in behavior. It should be common knowledge among motorists that blocking the intersection is illegal. Additionally, staff tries to strike a balance of deploying regulatory and warning signs to inform motorists without oversaturating the right-of-way with signs which may distract drivers. Please let staff know if you need anything further.

**Venita Harrison**

Public Services Administration | City of Ann Arbor | Guy C. Larcom City Hall | 301 E. Huron, 6th Floor · Ann Arbor · MI · 48104  
734.794.6310 (O) · 734.994-1816 (F) | Internal Extension 43102  
[vharrison@a2gov.org](mailto:vharrison@a2gov.org) | [www.a2gov.org](http://www.a2gov.org)

---

**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>

**Sent:** Tuesday, January 29, 2019 3:43 PM

**To:** Request For Information Craig Hupy <[RFIPublicServices@a2gov.org](mailto:RFIPublicServices@a2gov.org)>; Hupy, Craig <[CHupy@a2gov.org](mailto:CHupy@a2gov.org)>

**Cc:** Hayner, Jeff <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>; Tom Stulberg <[REDACTED]>  
[REDACTED] Laura Stowe <[REDACTED]> Delacourt, Derek <[DDelacourt@a2gov.org](mailto:DDelacourt@a2gov.org)>

**Subject:** RE: a needed solution

Dear Mr. Hupy -- Please see request below that was routed to Mr. Delacourt in error.

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

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---

**From:** Bannister, Anne

**Sent:** Tuesday, January 29, 2019 3:14 PM

**To:** Request For Information Derek Delacourt; Delacourt, Derek

**Cc:** Hayner, Jeff; Tom Stulberg; [REDACTED] Laura Stowe

**Subject:** RE: a needed solution

Dear Mr. Delacourt,

Please kindly copy all of us and respond to Ms. Stowe's suggestions for the LowerTown area, such as adjusting the timing on the traffic light and additional signage. Are those viable options, or are there other

solutions?

Thanks for your insight.

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Anne Bannister [REDACTED]  
**Sent:** Monday, January 28, 2019 11:59 AM  
**To:** Laura Strowe; Bannister, Anne; Hayner, Jeff  
**Subject:** Re: a needed solution

Yes, thanks for sending it and I'll forward it to staff for follow-up. Stay tuned!

On Mon, Jan 28, 2019 at 11:56 AM Laura Strowe <[REDACTED]> wrote:

Dear Jeff and Anne,

Almost every time I go out in the car heading south I think of this, but then, by the time I get home I forget. As you might or might not know, cars heading for downtown along Plymouth Rd are stopped at the light at Maiden Lane....and often pile up as far as the Broadway intersection, especially cars in the turn lane to Maiden Lane. So when the light turns green for the cars waiting on Broadway, they have difficulty making the turn onto Plymouth Road because cars are blocking the intersection in the turn lane for Maiden Lane.

I hope I explained it well enough!

This is a problem sporadically throughout the day, at unpredictable times, not just at rush hour.

There are several solutions. Having a longer turn light so that cars don't pile up in the turn lane on Plymouth Road would help, but since that would have to be timed and the times that are a problem are unpredictable, that might not work.

It might help if there was a sign on Plymouth Road before the intersection with Broadway that said "Do not block the intersection." I'm sure some people would ignore it, but it might alleviate the long lines that block traffic coming out of Broadway.

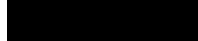
Can you bring this to the attention of the appropriate department?

Thanks!

Laura

--

Anne Bannister



**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#); [Griswold, Kathy](#)  
**Cc:** [Lester Wyborny](#)  
**Subject:** Re: Crosswalk improvements at John A Woods  
**Date:** Monday, February 11, 2019 5:14:14 AM

---

Kathy and I saw Jeff Irwin's staff member Annie Somerville on Sunday and she said Jeff is personally joining us today at 1 pm!

We exchanged business cards because there may be last minute changes to schedules due to the various services today and tomorrow for John Dingell.

For now, Kathy and I are still planning on meeting you at the bank at 1 pm.

Anne

On Sat, Feb 9, 2019 at 2:06 PM -0500, "Tom Stulberg" < wrote:

This intersection should be a high priority for Northside STEAM SRTS. Note that the vacant lot across Traver from John A Woods's dead end has been approved for four splits that will have a shared drive right at that intersection. The builder (I am in contact with him) indicated a willingness to work with the city on creative solutions, including possibly giving some extra land (think traffic/pedestrian island or mini-round-about or something else). He will have to do mass grading anyhow, so more attention should be paid to this intersection which has bad sight lines because of the hill cresting there.

Jane Allen was very dismissive of this. When addressing the fact that the builder will be assessed several thousand dollars for sidewalks that will then be destroyed when the road is cut in and the houses built, she merely responded that he would have to pay again to replace them. Here is a guy willing to work with the city and just gets the answer: no thank you and that he will have to pay twice.

Even if this intersection improvement might go beyond a SRTS program/grant, it should be addressed and coordinated with the SRTS program. Safety should count first, not chasing grant money.

---

---

**From:** Bannister, Anne <ABannister@a2gov.org>

**Sent:** Saturday, February 9, 2019 1:08 PM

**To:** Griswold, Kathy

**Cc:** Tom Stulberg; Lester Wyborny

**Subject:** Fwd: Crosswalk improvements

Kathy, do you think the crosswalk design Lester found below is in the future plans beyond/after SRTS sidewalks? I don't think it's in the current plan but I'd have to ask staff to confirm. Would this crosswalk strengthen the case that we don't need two sidewalks?

---

**From:** Lester Wyborny <[REDACTED]>

**Sent:** Saturday, February 9, 2019 10:05 AM

**To:** Bannister, Anne; Tom Stulberg

**Subject:** Crosswalk improvements

I found this plan for an improvement in the John A Woods crosswalk at Traver, which includes a raised crosswalk that would slow traffic at the top of Traver Rd. Do we know if this is included in the current plan? If not, it would be a strong reason for not requiring a second sidewalk for Traver. If it and other crosswalk improvements in the report are included, it weakens our case.

Lester

image.png





**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#)  
**Cc:** [Griswold, Kathy](#); [Lester Wyborny](#)  
**Subject:** Re: Crosswalk improvements at John A Woods  
**Date:** Monday, February 11, 2019 6:49:20 AM

---

Would it be okay if you asked for the specifications directly from staff such as Allen, Lazarus and Hupy? And copy everybody.

Unless you don't want to, I'm wondering if that might help keep up the sense of urgency, rather than me being cast as someone who's being a nuisance.

You could remind them we r meeting with Irwin, technically doing the negotiations with Lansing that Mr. Lazarus said he would do but then backslid.

On Mon, Feb 11, 2019 at 6:33 AM -0500, "Tom Stulberg" <[REDACTED]> wrote:

I'll be there at 1pm.

Any chance of finding specifications for a pedestrian traffic island from some other area? I'd like to push for one at Traver and John A Woods.

Sent from my iPhone

On Feb 11, 2019, at 5:14 AM, Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

Kathy and I saw Jeff Irwin's staff member Annie Somerville on Sunday and she said Jeff is personally joining us today at 1 pm!

We exchanged business cards because there maybe last minute changes to schedules due to the various services today and tomorrow for John Dingell.

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**To:** Griswold, Kathy

**Cc:** Tom Stulberg; Lester Wyborny

**Subject:** Fwd: Crosswalk improvements

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**Sent:** Saturday, February 9, 2019 10:05 AM

**To:** Bannister, Anne; Tom Stulberg

**Subject:** Crosswalk improvements

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Lester

image.png



**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#)  
**Cc:** [Hayner, Jeff](#); [Nelson, Elizabeth](#); [Eaton, Jack](#)  
**Subject:** RE: Tuesday 7pm Planning Commission Working session in basement  
**Date:** Wednesday, February 13, 2019 1:32:21 PM

---

Thanks, Tom. I'd like to attend a ZBA viewing party and learn more about the unique parking variance ordinance.

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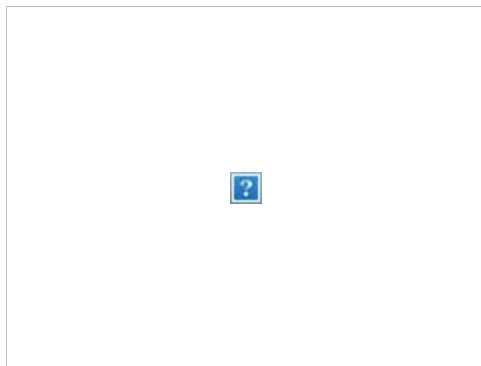
**From:** Tom Stulberg [REDACTED]  
**Sent:** Monday, February 11, 2019 3:48 PM  
**To:** Hayner, Jeff; Bannister, Anne; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Tuesday 7pm Planning Commission Working session in basement

Tuesday 7pm Planning Commission Working session in basement. I'm going. See attached agenda. Looks important.

Let's have a viewing party to watch a prior ZBA meeting re Parking Variance. I have one in mind. A development that just got approved by Planning Commission will come to you soon (see article below), but will also be going to the ZBA for a parking variance. I can explain about the ZBA and Ann Arbor's unique parking variance ordinance.

I didn't include all of council because I can't be inviting too many otherwise its an open meetings act thing. Others would be welcome.

<https://www.mlive.com/news/ann-arbor/2019/02/84m-condo-development-on-pontiac-trail-gets-initial-ok.html>



## [\\$8.4M condo development on Pontiac Trail gets initial OK | mlive.com](https://www.mlive.com/news/ann-arbor/2019/02/84m-condo-development-on-pontiac-trail-gets-initial-ok.html)

ANN ARBOR, MI – An \$8.4 million condo development on Ann Arbor's north side is headed to the City Council for approval. The city's Planning Commission voted this week to recommend approval ...

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**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#)  
**Cc:** [Hayner, Jeff](#); [Nelson, Elizabeth](#); [Eaton, Jack](#)  
**Subject:** Re: Variance viewing party maybe Saturday?  
**Date:** Thursday, February 14, 2019 10:06:36 PM

---

2 or 3 is good for me....

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Thursday, February 14, 2019 8:18 AM  
**To:** Bannister, Anne  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Variance viewing party maybe Saturday?

I am free all day Saturday. [REDACTED] Does anytime then work for you all?

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Wednesday, February 13, 2019 1:32 PM  
**To:** Tom Stulberg  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** RE: Tuesday 7pm Planning Commission Working session in basement

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**Sent:** Monday, February 11, 2019 3:48 PM  
**To:** Hayner, Jeff; Bannister, Anne; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Tuesday 7pm Planning Commission Working session in basement

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[www.mlive.com](https://www.mlive.com)

**From:** [Eaton, Jack](#)  
**To:** [Tom Stulberg](#)  
**Cc:** [Bannister, Anne](#); [Hayner, Jeff](#); [Nelson, Elizabeth](#)  
**Subject:** Re: Variance viewing party maybe Saturday?  
**Date:** Friday, February 15, 2019 10:11:41 AM

---

I am available on Saturday at 2 or 3. Where?

Jack

On Feb 15, 2019, at 10:07 AM, Tom Stulberg <[REDACTED]> wrote:

2 or 3 is fine by me. That's two of us. Any more?

---

**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>  
**Sent:** Thursday, February 14, 2019 10:06 PM  
**To:** Tom Stulberg  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Re: Variance viewing party maybe Saturday?

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Jack Eaton  
Ward 4 Council member  
[jeaton@a2gov.org](mailto:jeaton@a2gov.org)

**Messages to and from me regarding City matters are subject to disclosure under the Michigan Freedom of Information Act**

**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#); [Eaton, Jack](#)  
**Cc:** [Hayner, Jeff](#); [Nelson, Elizabeth](#)  
**Subject:** Re: Variance viewing party Saturday 2pm at Hathaway's Hideaway  
**Date:** Friday, February 15, 2019 9:59:30 PM

---

Okay. I'll bring my 13" laptop.

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On Fri, Feb 15, 2019 at 9:50 PM -0500, "Tom Stulberg" <[REDACTED]> wrote:

We are set at Hathaway's hideaway at 2pm Saturday. Can someone bring a lap top? I'm such a Luddite that I don't own one.

Invite or Bring others keeping the open meetings act in mind.

Sent from my iPhone

On Feb 15, 2019, at 10:11 AM, Eaton, Jack <[JEaton@a2gov.org](mailto:JEaton@a2gov.org)> wrote:

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Jack Eaton  
Ward 4 Council member  
[jeaton@a2gov.org](mailto:jeaton@a2gov.org)  
[REDACTED]

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**From:** [Nelson, Elizabeth](#)  
**To:** [Bannister, Anne](#); [Tom Stulberg](#); [Eaton, Jack](#)  
**Cc:** [Hayner, Jeff](#)  
**Subject:** RE: Variance viewing party Saturday 2pm at Hathaway's Hideaway  
**Date:** Saturday, February 16, 2019 8:57:00 AM

---

I'd come but I'm committed to volunteer from 1-4 ! Next time...

---

**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>  
**Sent:** Friday, February 15, 2019 9:59 PM  
**To:** Tom Stulberg <[REDACTED]> Eaton, Jack <[JEaton@a2gov.org](mailto:JEaton@a2gov.org)>  
**Cc:** Hayner, Jeff <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>; Nelson, Elizabeth <[ENelson@a2gov.org](mailto:ENelson@a2gov.org)>  
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Get [Outlook for iOS](#)

On Fri, Feb 15, 2019 at 9:50 PM -0500, "Tom Stulberg" <[REDACTED]> wrote:

We are set at Hathaway's hideaway at 2pm Saturday. Can someone bring a lap top? I'm such a Luddite that I don't own one.

Invite or Bring others keeping the open meetings act in mind.

Sent from my iPhone

On Feb 15, 2019, at 10:11 AM, Eaton, Jack <[JEaton@a2gov.org](mailto:JEaton@a2gov.org)> wrote:

I am available on Saturday at 2 or 3. Where?

Jack

On Feb 15, 2019, at 10:07 AM, Tom Stulberg <[REDACTED]> wrote:

2 or 3 is fine by me. That's two of us. Any more?

---

**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>  
**Sent:** Thursday, February 14, 2019 10:06 PM  
**To:** Tom Stulberg  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Re: Variance viewing party maybe Saturday?

2 or 3 is good for me....

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Thursday, February 14, 2019 8:18 AM  
**To:** Bannister, Anne  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** Variance viewing party maybe Saturday?

I am free all day Saturday. [REDACTED] Does anytime then work for you all?

---

**From:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>  
**Sent:** Wednesday, February 13, 2019 1:32 PM  
**To:** Tom Stulberg  
**Cc:** Hayner, Jeff; Nelson, Elizabeth; Eaton, Jack  
**Subject:** RE: Tuesday 7pm Planning Commission Working session in basement

Thanks, Tom. I'd like to attend a ZBA viewing party and learn more about the unique parking variance ordinance.

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Monday, February 11, 2019 3:48 PM  
**To:** Hayner, Jeff; Bannister, Anne; Nelson, Elizabeth; Eaton, Jack

**Subject:** Tuesday 7pm Planning Commission Working session in basement

Tuesday 7pm Planning Commission Working session in basement. I'm going. See attached agenda. Looks important.

Let's have a viewing party to watch a prior ZBA meeting re Parking Variance. I have one in mind. A development that just got approved by Planning Commission will come to you soon (see article below), but will also be going to the ZBA for a parking variance. I can explain about the ZBA and Ann Arbor's unique parking variance ordinance.

I didn't include all of council because I can't be inviting too many otherwise its an open meetings act thing. Others would be welcome.

<https://www.mlive.com/news/ann-arbor/2019/02/84m-condo-development-on-pontiac-trail-gets-initial-ok.html>



### [\\$8.4M condo development on Pontiac Trail gets initial OK | mlive.com](https://www.mlive.com/news/ann-arbor/2019/02/84m-condo-development-on-pontiac-trail-gets-initial-ok.html)

ANN ARBOR, MI – An \$8.4 million condo development on Ann Arbor's north side is headed to the City Council for approval. The city's Planning Commission voted this week to recommend approval ...

[www.mlive.com](https://www.mlive.com)

Jack Eaton  
Ward 4 Council member  
[jeaton@a2gov.org](mailto:jeaton@a2gov.org)  
[REDACTED]

**Messages to and from me regarding City matters are subject to disclosure under the Michigan Freedom of Information Act**

**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#)  
**Cc:** [Hayner, Jeff](#)  
**Subject:** Re: Train horn study and survey  
**Date:** Monday, February 18, 2019 12:06:14 AM

---

Thanks for your input, Tom.

On Sun, Feb 17, 2019 at 5:47 PM -0500, "Tom Stulberg" <[REDACTED]> wrote:

I read the consultant report. How much did that cost us?!

I will be strongly opposing these measures. For me personally, this could mean a median in front of my house restricting me to RIRO, right turns in and right turns out only. Same for Mary and Taya and Francine across the street. That means if I want to head downtown, I have to go the opposite direction down the block to Pear, zig zag onto Apple then left onto Pontiac Trail. Not the end of the world if this were an important safety issue, but... why?! It might also mean closing Bowen. In the winter Bowen is essential to use as a safe driving route for the steep Traver Hill.

If both these changes happened, my business partner can't drive from his house at [REDACTED] to mine at [REDACTED] to make a left into our office. He would have to go to Pontiac Trail, then all the way to Swift, make a left at that long light next to the DTE station, then left at the next light onto Moore and right up Traver. Again, we would survive if this was important for health, safety, and welfare of our neighbors. But it isn't.

And we will have gates and lights and sounds anyhow. For millions of dollars.

My two cents.

Tom

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**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Sunday, February 17, 2019 5:33 PM  
**To:** Mary Underwood; T Hub  
**Cc:** Francine Banner-Hubbard; Caitlin Breakey; Andy Hosford  
**Subject:** Train horn study and survey

This article might interest you since it has to do with the AA RR that runs in our neighborhood. Imbedded in the article is a link to a city survey asking for feedback. I responded to keep the horns. The alternatives are to possibly close Bowen and to possibly have gates and medians. Look at the drawings on page 32 of the study showing three of our driveways being restricted to RIRO = Right turns only in and out.

New high-end condos and apartments have been built along the tracks on the west edge of downtown. They don't like the noise.

Link to the study: <https://www.a2gov.org/departments/systems-planning/planning-areas/transportation/Documents/Ann%20Arbor%20Quiet%20Zone%20Assessment%20DRAFT%20FINAL%20Report%202019-02-07.pdf>

### Ann Arbor, Michigan Quiet Zone Assessment

Ann Arbor, Michigan Quiet Zone Assessment DRAFT FINAL City of Ann Arbor, Michigan February 2019 SRF No. 11295  
[www.a2gov.org](http://www.a2gov.org)

Link to the article which has a link to the survey:

<https://www.mlive.com/news/ann-arbor/2019/02/heres-what-it-would-take-to-make-ann-arbor-a-train-horn-quiet-zone.html>



**From:** [Bannister, Anne](#)  
**To:** [Francine Banner](#)  
**Cc:** [Hayner, Jeff](#); [Tom Stulberg](#)  
**Subject:** RE: Quiet Zone Assessment  
**Date:** Monday, February 25, 2019 9:44:30 AM

---

Wonderful, and by the way, that was a typo on my message last night with "Yea." I meant to say Yes.

In case you haven't seen it, this is a very short online survey about the quiet zone:  
<https://www.a2gov.org/news/pages/article.aspx?i=556>

My response was: *What has staff done to communicate with the train officials about why their whistles have gotten so much louder recently?*

Thanks!

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Francine Banner [REDACTED]  
**Sent:** Monday, February 25, 2019 8:27 AM  
**To:** Anne Bannister  
**Cc:** Bannister, Anne; Hayner, Jeff; Tom Stulberg  
**Subject:** Re: Quiet Zone Assessment

Anne--

We are glad to hear this! I think a small group meeting is a great idea. We will circle with Tom and our other immediate neighbors and get back in touch with a few suggestions for dates to meet.

Thanks for your quick response.

Francine & Taya

Francine Banner, JD, PhD  
Associate Professor, Sociology  
Director, Women in Learning and Leadership  
Affiliate Faculty, Women's and Gender Studies  
University of Michigan-Dearborn

On Sun, Feb 24, 2019 at 11:43 PM Anne Bannister <[REDACTED]> wrote:



Dear Dr. Banner,

Yea, I share your concerns and am ready to represent your voices! This study was approved by Council last year when other neighbors raised the issue of too much noise. The report is just a report, and would have to go through a rigorous public process before action would be approved by Council.

Would you like to schedule a small group meeting, perhaps at one of your houses, for CM Hayner and me to meet and discuss it in detail? If so, please send some dates for later in March. We could also talk on the phone later this week, if you would like.

Thanks for sharing your valuable input.  
Anne

PS: I hope it's okay I copied Tom Stulberg who also sent his thoughts on this matter.

On Sat, Feb 23, 2019 at 7:03 PM Francine Banner <[REDACTED]> wrote:  
Anne and Jeff--

We have met you both at several neighborhood events in the Northside and are hoping you can clarify some questions about the proposed quiet zone that directly impacts our property and neighborhood. At [REDACTED] we are in the unique position of owning property that sits at the intersection of two (of 19) proposed new Public Crossing locations, yet, we first were notified of this proposed potentially \$7 million plan by a neighbor one week ago.

As you know, the Northside is one of the oldest neighborhoods in Ann Arbor. Our house, the Horace Church house, dates to 1845. Across Traver is the oldest standing school house in Ann Arbor, and at the other side of these potential crossings is the first Ann Arbor school principal's home, recently lovingly restored (with two doors for principal and guest teacher). This neighborhood is not only historical; it is central to the underground railroad, is home to many former African American cemeteries and gardens, and soon will be the home of the African American history museum on Pontiac Trail. It is also the location of the very successful STEAM School.

Personally, we are not at the outset opposed to losing additional property to the rail lines, to taking on even more noise pollution, or to making sacrifices about where we can and cannot travel based on governmental decisions (i.e. no access to Traver in the downtown direction or Bowen at all). However, the fact that the residents of one of the most--perhaps THE MOST--historic and least enfranchised neighborhoods in Ann Arbor (not to mention three of the most historic properties) have not been consulted regarding a decision that so significantly impacts us is very disappointing and a failure of due process. We are especially concerned that the import of "quiet zones" for others will yet again inconvenience a neighborhood whose significance is under appreciated. We are particularly dismayed that our neighbors with a driveway on Bowen, one of the few longstanding African American families in Ann Arbor, have yet to be informed that their ability to travel may be impacted.

We hope you are both ready to represent our and our neighbors' interests and to make sure we are heard. We would like to receive specific information as to how this proposed

crossing plan will impact to only noise but parking and aesthetics surrounding our homes. We also request that you personally discuss the plans and potential impact of these quiet zones in a commonsense manner with all of those directly affected.

That what appears to be a multi-million dollar plan has proceeded so far with so little concern for both those directly affected and for the historical impact on Ann Arbor is extremely disappointing and concerning. We look forward to our and our neighbors being included asap in this important decision making process.

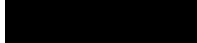
Thanks, and regards,

The Banner-Hubbards

Francine Banner, JD, PhD  
Associate Professor, Sociology  
Director, Women in Learning and Leadership  
Affiliate Faculty, Women's and Gender Studies  
University of Michigan-Dearborn

--

Anne Bannister



**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#); [Jeff Crockett](#); [Bethany Osborne](#); [Christine Crockett](#); [David Kennedy](#); [Eleanor Crown](#); [Ilene R. Tyler](#); [Julie Ritter](#); [Lars Bjorn](#); [Nick Coquillard](#); [Detter, Ray](#); [Steve Kaplan](#); [Susan Wineberg](#); [Tyler, Norm \(DGT\)](#); [Jeffrey Hayner](#)  
**Cc:** [Hayner, Jeff](#)  
**Subject:** Re: Change in YIMBY meeting time  
**Date:** Friday, March 1, 2019 6:24:24 AM

---

Copying CM Hayner at his city email address.

On Fri, Mar 1, 2019 at 6:21 AM -0500, "Bannister, Anne" <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

Wonderful, I am available Saturday March 9 at 1 pm! I should have an update from Kevin McDonald from the Attorney's Office on removing the Letaw memo from the ADU resolution and the new plans for Short Term Rentals. If there are other agenda questions I should research before March 9, please let me know, such as rent control or other topics we've discussed.

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Thursday, February 28, 2019 5:31 PM  
**To:** Jeff Crockett; Bethany Osborne; Christine Crockett; David Kennedy; Eleanor Crown; Ilene R. Tyler; Julie Ritter; Lars Bjorn; Nick Coquillard; Detter, Ray; Steve Kaplan; Susan Wineberg; Tyler, Norm (DGT); Bannister, Anne; Jeffrey Hayner  
**Subject:** Re: Change in YIMBY meeting time

I can make that new date and time.

This is a very serious issue and is worse than you can imagine if you aren't yet in the know. We do need to address it ASAP because though they are a minority, they are organized and their interests align with other powerful interests. They have already impacted development decisions in Ann Arbor and are putting forth multiple initiatives. I will come to the meeting with details.

The YIMBY goal is to increase density in any manner possible including but not limited to the elimination of all single family zoning. SF homeowners are all guilty of being exclusionary in the minds of this movement, and they feel that legitimizes their by-any-means-necessary mentality. They will support ANY development and will demonize any dissenters as NIMBYs that should be dismissed. They are using affordable housing as a cover for what is primarily

market rate increased development - anywhere and everywhere. And as little parking as possible, because that reduces the net density.

My two cents,

Tom

---

**From:** Jeff Crockett <[REDACTED]>

**Sent:** Thursday, February 28, 2019 4:57 PM

**To:** Bethany Osborne; Christine Crockett; David Kennedy; Elleanor Crown; Ilene R. Tyler; Julie Ritter; Lars Bjorn; Nick Coquillard; Ray Detter; Steve Kaplan; Susan Wineberg; Tom Stulberg; Norm Tyler; Anne Bannister; Jeffrey Hayner

**Subject:** Change in YIMBY meeting time

Chris and I felt it would be best to wait until Norm and Ilene returned from their trip to meet on the YIMBY group. Saturday, 1 PM, March 9, works for the four of us. How does it work for all of you?

I'd like to emphasize that we do need to be aware of YIMBY intentions and prepare ourselves. Many in the YIMBY FB group have expressed open contempt for historic districts and want to increase density as quickly as possible in A2. I would encourage all of you to attempt to join the YIMBY FB page, not necessarily to comment but at least to observe. The Lockwood proposal on Jackson Rd will be interesting to watch as it gets reconsidered by Council on March 18. The intensity of this group reminds me of the anti-deer cull group.

I don't quite understand yet is what is behind their passion. There is a libertarian undercurrent to some of this. It could be new folks in town trying to exert their influence over A2 townies. They adamantly believe that this is a market-driven problem and that all that is needed is to increase the supply of housing to lower housing costs. Historic districts, single-family zoning and the current master plan are viewed as obstacles to their goal. Absent from these discussions is their consideration for design and quality of materials.

Looking forward to this discussion,

Jeff

**From:** [Bannister, Anne](#)  
**To:** [Eaton, Jack](#)  
**Subject:** Fwd: Change in YIMBY meeting time  
**Date:** Friday, March 1, 2019 6:25:57 AM

---

Are you free March 9 at 1 pm if I confirm you're invited? Looks like a great meeting.

----- Forwarded message -----

**From:** "Bannister, Anne" <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>

**Date:** Fri, Mar 1, 2019 at 6:21 AM -0500

**Subject:** Re: Change in YIMBY meeting time

**To:** "Tom Stulberg" <[REDACTED]> "Jeff Crockett" <[REDACTED]>  
"Bethany Osborne" <[bosborneusa@gmail.com](mailto:bosborneusa@gmail.com)>, "Christine Crockett"  
<[REDACTED]> "David Kennedy" <[REDACTED]> "Elleanor  
Crown" <[REDACTED]> "Ilene R. Tyler" <[REDACTED]> "Julie Ritter"  
<[REDACTED]> "Lars Bjorn" <[REDACTED]> "Nick Coquillard"  
<[REDACTED]> "Detter, Ray" <[REDACTED]> "Steve Kaplan"  
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(DGT)" <[REDACTED]> "Jeffrey Hayner" <[REDACTED]>

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**To:** Jeff Crockett; Bethany Osborne; Christine Crockett; David Kennedy; Elleanor Crown; Ilene R. Tyler; Julie Ritter; Lars Bjorn; Nick Coquillard; Detter, Ray; Steve Kaplan; Susan Wineberg; Tyler, Norm (DGT); Bannister, Anne; Jeffrey Hayner

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Looking forward to this discussion,

Jeff

**From:** [Eaton, Jack](#)  
**To:** [Bannister, Anne](#)  
**Subject:** Re: Change in YIMBY meeting time  
**Date:** Friday, March 1, 2019 7:43:32 AM

---

Yes. I'll put it in my calendar.

Jack

Sent from my iPhone

On Mar 1, 2019, at 6:25 AM, Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

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Jeff

**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#); [Francine Banner](#)  
**Cc:** [Hayner, Jeff](#)  
**Subject:** Re: Quiet Zone Assessment part three  
**Date:** Tuesday, March 12, 2019 10:00:25 AM

---

Thanks for update.

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Tuesday, March 12, 2019 9:48 AM  
**To:** Francine Banner  
**Cc:** Bannister, Anne; Hayner, Jeff  
**Subject:** Re: Quiet Zone Assessment part three

Horribly one sided radio piece this morning. Well done if someone is trying to influence the results of the survey before it closes Friday.

I'm afraid to publicly complain because that might just help them get the attention they want to change the survey outcome. So I'll be quiet I think.

Sent from my iPhone

On Mar 11, 2019, at 10:54 AM, Tom Stulberg <[REDACTED]> wrote:

75% of the 521 survey responses say do nothing. The survey closes Friday. We can peak at what happens on the survey after the radio piece airs and if MLive covers the radio piece.

I am curious who/how/why this is getting coverage.

---

**From:** Tom Stulberg <[REDACTED]>  
**Sent:** Monday, March 11, 2019 10:33 AM  
**To:** Francine Banner  
**Cc:** Bannister, Anne; [JHayner@a2gov.org](mailto:JHayner@a2gov.org)  
**Subject:** Re: Quiet Zone Assessment

WUOM is going to run a piece on this tomorrow morning during Morning edition. I heard a promo for it on the radio this morning. That's all the info I have.

---

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**Sent:** Monday, February 25, 2019 8:27 AM  
**To:** Anne Bannister  
**Cc:** Bannister, Anne; [JHayner@a2gov.org](mailto:JHayner@a2gov.org); Tom Stulberg  
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significantly impacts us is very disappointing and a failure of due process. We are especially concerned that the import of "quiet zones" for others will yet again inconvenience a neighborhood whose significance is under appreciated. We are particularly dismayed that our neighbors with a driveway on Bowen, one of the few longstanding African American families in Ann Arbor, have yet to be informed that their ability to travel may be impacted.

We hope you are both ready to represent our and our neighbors' interests and to make sure we are heard. We would like to receive specific information as to how this proposed crossing plan will impact to only noise but parking and aesthetics surrounding our homes. We also request that you personally discuss the plans and potential impact of these quiet zones in a commonsense manner with all of those directly affected.

That what appears to be a multi-million dollar plan has proceeded so far with so little concern for both those directly affected and for the historical impact on Ann Arbor is extremely disappointing and concerning. We look forward to our and our neighbors being included asap in this important decision making process.

Thanks, and regards,

The Banner-Hubbards

Francine Banner, JD, PhD  
Associate Professor, Sociology  
Director, Women in Learning and Leadership  
Affiliate Faculty, Women's and Gender Studies  
University of Michigan-Dearborn

--

Anne Bannister





**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#)  
**Cc:** [Hayner, Jeff](#)  
**Subject:** RE: Train Study cost  
**Date:** Saturday, March 16, 2019 5:27:58 PM

---

Looks like the consultant and staff time cost maybe \$35,000... <https://a2gov.legistar.com/LegislationDetail.aspx?ID=3487174&GUID=B49F695B-8B17-4F50-8EFB-83ABE3A5F22C&Options=&Search=&FullText=1>

Here's the final report on the million is would cost to implement: <https://www.a2gov.org/departments/systems-planning/planning-areas/transportation/Documents/Ann%20Arbor%20Quiet%20Zone%20Assessment%20DRAFT%20FINAL%20Report%202019-02-07.pdf>

Thanks for staying vigilant on all things. I'm gonna forward to you an email about the Robertson Lot Split at 1918 Upland Drive -- feel free to weigh-in!

Thanks,  
Anne

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Tom Stulberg [REDACTED]  
**Sent:** Friday, March 15, 2019 11:33 AM  
**To:** Bannister, Anne; Hayner, Jeff  
**Subject:** Train Study cost

How much did the train quiet zone consultant report cost?

There were a lot more responses after the one sided radio piece, but the Do Nothing option only went down from 75% to 73%. The survey closes at 5pm today. This issue should die now, and we should not spend anymore money on it.

Please and thank you,

Tom



**From:** [Bannister, Anne](#)  
**To:** [Susan Presswood Wright](#); [Tom Stulberg](#)  
**Cc:** [Lester Wyborny](#); [Scott Newell](#); [Libby Brooks](#); [everett w armstrong](#); [Williamson, John](#); [Hayner, Jeff](#); [Jean Arnold](#); [Po Hu](#); [REDACTED] [tom & sue maguire](#); [Chuck Marshall](#); [Brenda Sodt Foster](#); [Andrea Tom](#); [Hayner, Jeff](#)  
**Subject:** RE: 4/1/19 Packet Updates  
**Date:** Monday, April 1, 2019 9:45:12 AM

---

This is the Agenda Question I've submitted for tonight's Council meeting:

1. CA-14, 19-0567 -- Northside STEAM SRTS Resolution No. 3 -- Why was this being on the April 1 agenda not mentioned/discussed by Mr. Lazarus and Mr. Hupy when we met on March 27?  
Please keep everyone (residents and Councilmembers) better informed about "What's Happening?", not only with the MI Fitness Foundation/MDOT process, but also with the City Council process in the face of a nearly unanimous objection to the project as written. Please confirm the process for the residents to file an objection with the City Clerk, and whether a super majority of 8 votes on Council will then be required at May 6th. What will or will not happen if the April 1 and May 6 vote fails? I believe I've asked for this information many times, but as a reminder, please voluntarily share any and all information you think Councilmembers and residents would like or need to know about this project, given the strong objection to it by the impacted residents.

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
[abannister@a2gov.org](mailto:abannister@a2gov.org)  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** Susan Presswood Wright [REDACTED]  
**Sent:** Sunday, March 31, 2019 8:56 PM  
**To:** Tom Stulberg  
**Cc:** Bannister, Anne; Lester Wyborny; Scott Newell; Libby Brooks; everett w armstrong; Williamson, John; Hayner, Jeff; Jean Arnold; Po Hu; [REDACTED] tom & sue maguire; Chuck Marshall; Brenda Sodt Foster; Andrea Tom  
**Subject:** Re: 4/1/19 Packet Updates

**I think these are good questions to ask. Anne and Jeff: what is your sense of which option is preferable: the agenda as is on Monday night versus addressing the super majority question on Monday night?**

**Susan**

On Sun, Mar 31, 2019 at 5:14 PM Tom Stulberg <[REDACTED]> wrote:  
It is on the consent agenda to set it for a May 6th public hearing. Everyone will this be properly noticed for that hearing. That meeting is where the super majority would be required if a sufficient number of the impacted citizens file an objection with the city clerk, which will be done.

This could be the opportunity to pull it from the consent agenda and require a discussion Monday night, and as part of that discussion confirm with the city attorney that a super majority will be needed May 6th AND to confirm what will or will not happen if that May 6th vote fails.

The question is whether it is politically savvy to do it that way or determine that more quietly.

Sent from my iPhone

On Mar 31, 2019, at 8:00 PM, Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)> wrote:

Hello Everyone — I'm in Council Caucus tonight and SRTS Resolution 3 is on the agenda (page 4), CA-14, 19-0567.

I will be urging Councilmembers to vote NO on it.

Please help spread the word to neighbors who may be interested in public commentary, etc. I'm in the Caucus meeting right now and need to return to the conversation about climate action and mental health!

Thanks,  
Anne

----- Forwarded message -----

From: "**Gerhart, Stephen**" <[SGerhart@a2gov.org](mailto:SGerhart@a2gov.org)>

Date: Fri, Mar 29, 2019 at 4:54 PM -0400

Subject: 4/1/19 Packet Updates

To: "\*City Council Members (All)" <[CityCouncilMembersAll@a2gov.org](mailto:CityCouncilMembersAll@a2gov.org)>, "Alexa, Jennifer" <[JAlexa@a2gov.org](mailto:JAlexa@a2gov.org)>, "Beattie, Kelly" <[KBeattie@a2gov.org](mailto:KBeattie@a2gov.org)>, "Beaudry, Jacqueline" <[JBeaudry@a2gov.org](mailto:JBeaudry@a2gov.org)>, "Bowden, Anissa" <[ABowden@a2gov.org](mailto:ABowden@a2gov.org)>, "Crawford, Tom" <[TCrawford@a2gov.org](mailto:TCrawford@a2gov.org)>, "Delacourt, Derek" <[DDelacourt@a2gov.org](mailto:DDelacourt@a2gov.org)>, "Fournier, John" <[JFournier@a2gov.org](mailto:JFournier@a2gov.org)>, "Harris, David" <[DHarris@a2gov.org](mailto:DHarris@a2gov.org)>, "Higgins, Sara" <[SHiggins@a2gov.org](mailto:SHiggins@a2gov.org)>, "Lazarus, Howard" <[HLazarus@a2gov.org](mailto:HLazarus@a2gov.org)>, "McDonald, Gregory" <[GMcDonald@a2gov.org](mailto:GMcDonald@a2gov.org)>, "Michailuk, Greg" <[GMichailuk@a2gov.org](mailto:GMichailuk@a2gov.org)>, "Orcutt, Wendy" <[WOrcutt@a2gov.org](mailto:WOrcutt@a2gov.org)>, "Postema, Stephen" <[SPostema@a2gov.org](mailto:SPostema@a2gov.org)>, "Satterlee, Joanna" <[JESatterlee@a2gov.org](mailto:JESatterlee@a2gov.org)>, "Schopieray, Christine" <[CSchopieray@a2gov.org](mailto:CSchopieray@a2gov.org)>, "Wondrash, Lisa" <[LWondrash@a2gov.org](mailto:LWondrash@a2gov.org)>

The packet has been updated as follows

Added 3/29/19: AC-2 – Memorandum from City Administrator – Response to Resolution R-18-291 – Resolution to Support One Community Initiative and Ongoing Equity – FY 19Q3 – March 29, 2019

AC-3 – Memorandum from City Administrator – Water Rate Alternatives – Revenue Requirements

Added 3/28/19 – DC-6 – Resolution Regarding Community Engagement and Approval Processes for City Related Improvement Projects

The agenda is attached for your convenience.

Enjoy your weekend!

**Steve Gerhart, Deputy City Clerk - Elections**

Ann Arbor City Clerk's Office | Guy C. Larcom City Hall | 301 E. Huron, 2nd Floor · Ann Arbor · MI · 48104

Direct dial (734) 794-6140 Ext. 41406

[sgerhart@a2gov.org](mailto:sgerhart@a2gov.org) | [www.a2gov.org](http://www.a2gov.org)

**Sign up for the City of Ann Arbor Permanent Absent Voter List [Here](#)**

<04-01-19 Agenda.pdf>

**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#)  
**Cc:** [Hayner, Jeff](#)  
**Subject:** RE: Rezoning West Hoover and West Davis - Vote Yes  
**Date:** Wednesday, April 10, 2019 5:00:52 PM

---

I went to bat big time to remove the Jessica Letaw report on the CM Warpehoski resolution from before the Nov. 8 election, but was met with full resistance from the Attorney's Office. I'm sorry to hear there are highly problematic proposed changes to the ADU ordinance from CPC and look forward to your clarifications.

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Tom Stulberg [REDACTED]  
**Sent:** Wednesday, April 10, 2019 4:49 PM  
**To:** Bannister, Anne  
**Subject:** Re: Rezoning West Hoover and West Davis - Vote Yes

I see the value in making a non-conforming area conforming, which reduces headaches for the owners. A change from 13% to 78% in conformance is a big improvement.

I will remain silent for now on the highly problematic proposed changes to the ADU ordinance that passed CPC and are headed to you, but the Crocketts and me and some others will have a lot to say about that soon.

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Wednesday, April 10, 2019 4:41 PM  
**To:** Tom Stulberg  
**Subject:** FW: Rezoning West Hoover and West Davis - Vote Yes

FYI -- This down zoning seems to be universally a YES.

---

**From:** [REDACTED]  
**Sent:** Wednesday, April 10, 2019 3:46 PM  
**To:** Bannister, Anne  
**Subject:** Rezoning West Hoover and West Davis - Vote Yes

Ann Arbor City Council Member Anne Bannister –  
My wife and I are residents of Ann Arbor. We have lived at [REDACTED] since January 2005. We are asking you to support the City of Ann Arbor Planning & Development Staff Report for rezoning West Hoover Avenue, West Davis Avenue, Wilder Place, Edgewood Place and South Main Street from R4C to R1D or R1E.  
Noted in the Staff Report: Ann Arbor Master Plan for Land Use and Development specifically calls for our neighborhood to be rezoned from its current R4C zoning.  
Of the 70 lots included in the study 9 of the 70 lots (13%) are currently conforming lots. Said another way 87% of the lots are nonconforming lots. Rezoning this neighborhood per the staff's recommendations 78% of the lots would become conforming lots.

Also, important to note: R4C zoning does not allow for accessory dwelling units. R1D does allow for accessory dwelling units. There will be 45 lots zoned R1D which could host an accessory dwelling unit. Thus the area could still increase in density in a way that preserves existing character.

We love our neighborhood and believe rezoning it to something that makes sense (in accordance with Planning and Developments recommendations) will only improve our neighborhood. Please let us know what we can do to assist Ann Arbor City Council to pass the resolution to rezone our neighborhood and fix what the Ann Arbor Master Plan and tax paying residents of the neighborhood view as a problem.

Concerned Residents of Ann Arbor,

Joseph Hubert & Nicole Hubert

[REDACTED]

Ann Arbor, MI 48103

[REDACTED]

**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#)  
**Cc:** [Hayner, Jeff](#)  
**Subject:** RE: ADUs  
**Date:** Wednesday, April 10, 2019 5:39:57 PM

---

Got it. I'll convert this into a shorter version, or I could use yours as written, and send it to Council and Postema/Lazarus for their consideration.

Thanks for labeling what otherwise was muddled. Looking forward to the April 23 OFW meeting about these issues.

---

**From:** Tom Stulberg [REDACTED]  
**Sent:** Wednesday, April 10, 2019 5:26 PM  
**To:** Bannister, Anne  
**Cc:** Hayner, Jeff  
**Subject:** ADUs

IMHO, the process for the ADU changes is invalid for the following reason: improper notice for the Public Hearing at the CPC. And the city isn't gearing up for proper notice and engagement before this hits council.

There was a lot of public engagement when ADUs were first contemplated and the ordinance was passed. However, there is very little public engagement and notice now that the ordinance changes are being proposed. If these were minor "tweeks", like the last change that permitted not having a separate sewer and water line for the ADU, that could be reasonable.

These changes impact the vast majority of homeowners in the city. One of the proposed changes permits newly built structures up to 800 square feet built in the rear setback of single family and duplex lots. This would have no design restrictions, unless in a historic district. None whatsoever. Sure, anyone could build a garage that size in that location now, as one CPC mention when I raised this. But few would. Regulating design would be really hard, but that doesn't mean we should just blow it off, as the CPC seems to think we should. Too hard to regulate, so just let anybody do anything they want in their yard regardless of the impact to the neighbors. Unique architecture could be cool, or it could be a nightmare. What if the both parcels on either side of you, and the three behind you and your two neighbors all built 800 square foot ADUs in the rear setbacks?! It will be by right and you will have no right to do anything. Is this what people think ADU "tweeks" are? No, people are not aware. And they are not being given notice, nor is there a reasonable attempt at public engagement.

This is a change to the zoning code. For a rezoning, if 20% of the neighbors within 100 feet object, a super majority is required. Does that apply hear? How do we measure it? Pick any one lot in the city, if a couple of the neighbors formally object, does that trigger the super majority requirement. This is a purely academic exercise to demonstrate that we do things without properly understanding them. We apply personal logic to matters that require a legal definition, not "seems ok to me".

I strongly believe that the changes proposed are significant to warrant substantial public engagement and an examination of how to legally notice the citizens of Ann Arbor.

Thanks for listening.

---

**From:** Bannister, Anne <ABannister@a2gov.org>  
**Sent:** Wednesday, April 10, 2019 5:00 PM  
**To:** Tom Stulberg  
**Cc:** Hayner, Jeff  
**Subject:** RE: Rezoning West Hoover and West Davis - Vote Yes

I went to bat big time to remove the Jessica Letaw report on the CM Warpehoski resolution from before the Nov. 8 election, but was met with full resistance from the Attorney's Office. I'm sorry to hear there are highly problematic proposed changes to the ADU ordinance from CPC and look forward to your clarifications.

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---

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**Sent:** Wednesday, April 10, 2019 3:46 PM  
**To:** Bannister, Anne  
**Subject:** Rezoning West Hoover and West Davis - Vote Yes

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We love our neighborhood and believe rezoning it to something that makes sense (in accordance with Planning and Developments recommendations) will only improve our neighborhood. Please let us know what we can do to assist Ann Arbor City Council to pass the resolution to rezone our neighborhood and fix what the Ann Arbor Master Plan and tax paying residents of the neighborhood view as a problem.

Concerned Residents of Ann Arbor,  
Joseph Hubert & Nicole Hubert

[REDACTED]  
Ann Arbor, MI 48103  
[REDACTED]



**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#)  
**Cc:** [Lester Wyborny](#); [Hayner, Jeff](#)  
**Subject:** RE: Drawings of sidewalk plan  
**Date:** Saturday, April 13, 2019 4:38:51 PM

---

This seems to be the best drawings:

<https://www.a2gov.org/departments/engineering/Documents/Northside%20Steam%20SRTS%20MDOT%20GI%20SUB%2010-8-18.pdf>

There's more details with written specifications here: <https://www.a2gov.org/departments/engineering/Pages/Northside-STEAM-Sidewalk-Gap-Project.aspx>

I copied Lester in case he has received something more current. I've asked to include CM Hayner and me on everything staff (Jane Allen) sends out, but I don't have any confirmation they are necessarily honoring that request. -- Anne

---

From: Tom Stulberg [REDACTED]  
Sent: Saturday, April 13, 2019 11:55 AM  
To: Bannister, Anne  
Subject: Drawings of sidewalk plan

I'd like to review the detailed plans again. Do you have a link convenient?

Sent from my iPhone

**From:** [Bannister, Anne](#)  
**To:** [Tom Stulberg](#)  
**Cc:** [Lester Wyborny](#); [Hayner, Jeff](#)  
**Subject:** RE: Drawings of sidewalk plan  
**Date:** Saturday, April 13, 2019 4:46:43 PM

---

This is the link from the April 15 Agenda to the Resolution: <http://a2gov.legistar.com/LegislationDetail.aspx?ID=3895284&GUID=35A5675E-1759-4898-B73D-220CCD3AEE6E>

---

From: Bannister, Anne  
Sent: Saturday, April 13, 2019 4:38 PM  
To: Tom Stulberg  
Cc: Lester Wyborny; Hayner, Jeff  
Subject: RE: Drawings of sidewalk plan

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---

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Sent: Saturday, April 13, 2019 11:55 AM  
To: Bannister, Anne  
Subject: Drawings of sidewalk plan

I'd like to review the detailed plans again. Do you have a link convenient?

Sent from my iPhone

**From:** [Griswold, Kathy](#)  
**To:** [Nelson, Elizabeth](#); [Tom Stulberg](#)  
**Subject:** Re: I made a mistake about Ashley Street  
**Date:** Saturday, April 13, 2019 10:24:19 PM

---

Thanks for the clarification.

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On Sat, Apr 13, 2019 at 9:35 PM -0400, "Tom Stulberg" <> wrote:

Ashley Street is currently zoned C2B and proposed to be rezoned to R2A.

Forget what I said. My logic was based on thinking it was zoned R2A now and the request was to rezone it to C2B. I agree with staff and CPC to leave it zoned the way it is currently.

Feel free to ask me more about this. Sorry for the mistake.

Tom

**From:** [Bannister, Anne](#)  
**To:** [P. L.](#)  
**Cc:** [Lumm, Jane](#); [Hayner, Jeff](#); [Griswold, Kathy](#); [Nelson, Elizabeth](#)  
**Subject:** Re: Carol Rosati FOIA and City Attorney/City Administrator alleged statute violations  
**Date:** Sunday, April 14, 2019 11:48:26 PM

---

Hello Councilmembers,

I would support remedying this situation and asking/requiring staff to comply with both the deadline and content suggested in Ms. Lesko's request below. — Anne

On Sat, Apr 13, 2019 at 5:20 PM -0400, "P. L." <[REDACTED]> wrote:

Hello,

The FOIA referenced in the attached letter from the City Clerk's office is number 1963. This FOIA asks for all documents, emails, and records associated with the hiring of Carol Rosati who advised Council at the request of the City Attorney and City Administrator.

The majority of the public records initially provided to me were almost entirely redacted time sheets from the City Attorney's Office, as well as an undated contract between the City and Ms. Rosati. Mr. Tom Wieder, on my behalf, appealed the FOIA as not completely responsive because, for instance, not a single email was returned in which Mr. Lazarus discusses with Mr. Postema Ms. Rosati's hiring, contract, etc... In addition, the appeal sought to have the time sheet redactions lifted and a dated contract provided.

As you all may know, the state FOIA statute contains very specific guidelines for both the requester and the public entity from which the records are sought. For instance, a FOIA may be granted, denied, granted in part, denied in part and held until a deposit is paid. FOIA appeals are, likewise, expected to be dealt with precisely on the part of the requester and the public entity. Appeals must be granted or denied.

Mr. Lazarus neither granted nor denied the appeal of FOIA 1963, but rather provided more redacted records that had been "overlooked." Mr. Postema in his response to Mr. Wieder's appeal sought to redefine the word "retain" as it was used in FOIA 1963, and promptly entered into a lengthy debate with Mr. Wieder. Debate is not an option within the FOIA statute. Public entities have only two tries to return all responsive records. The response to the original FOIA and in response to an appeal.

The statute doesn't allow Mr. Postema to either redefine the words within a submitted FOIA in order to withhold records, enter into a lengthy debate or as the attached letter shows, after an appeal, or ask for an extension of an appeal which has been neither approved or denied.

While I have a cordial relationship with Mr. Postema, the time and taxpayer money wasted would be silly if we all weren't footing his bill. I have no doubt he knows the FOIA statute better than most. So, he is well aware that the attached letter "extending" FOIA 1963 is meaningless. That ship sailed when Mr. Lazarus, in neither approving or denying the FOIA appeal, neglected to respond properly.

I know that many of you reading this are committed to improving the transparency of our city government, as am I. I also know that as a result of another recent FOIA both Mr. Postema and Mr. Lazarus have expended time and effort trying rather desperately to find out why I submitted that FOIA.

These two gentlemen, at the moment, are performing their jobs as if our local government exists to keep secrets for, or protect the possibly inappropriate actions of the people employed by our local government.

So, no, Mr. Postema and Mr. Lazarus, Michigan's FOIA statute does not permit you to "extend" FOIA 1963 based on the City Attorney's effort to reinterpret the word "retain." As Mr. Wieder has made clear, I have no desire to litigate, but the FOIA statute is what it is and our City is bound by it regardless of what responsive public records reveal.

Patricia Lesko

**From:** [Bannister, Anne](#)  
**To:** [Lazarus, Howard](#)  
**Cc:** [Higgins, Sara](#); [Hayner, Jeff](#); [Griswold, Kathy](#)  
**Subject:** FW: Hardship for Traver Homeowners by Proposed Sidewalk Plan  
**Date:** Wednesday, January 30, 2019 4:10:14 PM

---

Dear Mr. Lazarus -- I wanted to share with you the email below about an upcoming meeting on Feb. 11 with Senator Jeff Irwin's staff, and also ask your timeline for reaching out to Paul Ajegba at MDOT and Debbie Dingell? I know it's been a busy week so far with the weather emergency, and just wanted to say there's a lot of Ward One neighbors in distress worrying about the proposed sidewalk plan.

I'm optimistic that your personal outreach and negotiation with these two leaders has a great potential to turnaround the SRTS program and make it a success in Ann Arbor. Student safety is a top priority, and we'd like their grant funding, we just struggle with the requirements for Traver and Brookside, and would like to focus our limited dollars on the true pedestrian and bicycle safety issues in the areas around the school.

If we can get SRTS right at Northside STEAM, then we can see the process move much faster through other Ann Arbor projects.

Please let us know your estimated timeframe, and Good Luck! Let me know if I can help.

Thanks,  
Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@a2gov.org  
Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

---

**From:** Bannister, Anne  
**Sent:** Wednesday, January 30, 2019 1:42 PM  
**To:** Chuck Marshall; Tom Stulberg  
**Cc:** Lester Wyborny; Susan Presswood Wright; Amy Chavasse; Jean Arnold; Scott Newell; Griswold, Kathy; Andrea Tom; Libby Brooks; everett w armstrong; Brenda Sodt Foster; Po Hu; [REDACTED]  
Hayner, Jeff  
**Subject:** Re: Hardship for Traver Homeowners by Proposed Sidewalk Plan

I can make it on Feb 11.

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On Wed, Jan 30, 2019 at 1:33 PM -0500, "Chuck Marshall" <[REDACTED]> wrote:

Hello Lester,

I can make it, but will need to head back to work by 1:50.

Traverwood Library sounds like a good meeting spot

Chuck

On Wed, Jan 30, 2019 at 1:32 PM Tom Stulberg <[REDACTED]> wrote:

I can attend.

Sent from my iPhone

On Jan 30, 2019, at 1:19 PM, Lester Wyborny <[REDACTED]> wrote:

We received an invitation to meet with State Senator Jeff Irwin on Monday Feb. 11 at 1 pm about the sidewalk issue here in Ann Arbor. Can others meet at this time? We need to locate a convenient location near to us. One option is the public library on Traverwood Drive.

Lester

----- Forwarded message -----

From: **Annie Somerville** <[ASomerville@senate.michigan.gov](mailto:ASomerville@senate.michigan.gov)>

Date: Tue, Jan 29, 2019 at 11:12 AM

Subject: RE: Hardship for Traver Homeowners by Proposed Sidewalk Plan

To: Lester Wyborny <[REDACTED]>

Hi Lester,

Thank you for sharing this information with us. Are you available to meet with Senator Irwin on Monday, February 11<sup>th</sup> at 1:00 PM? And is there a convenient coffee shop near your location? Also, could you please provide me with a good contact phone number.

Annie Somerville

Legislative Aide

Senator Jeff Irwin

Office: 517-373-2406

Cell: [REDACTED]

**From:** Lester Wyborny <[REDACTED]>  
**Sent:** Friday, January 25, 2019 4:25 PM  
**To:** [rebekahwarren@house.mi.gov](mailto:rebekahwarren@house.mi.gov); The Office of Senator Irwin  
<[SenJIrwin@senate.michigan.gov](mailto:SenJIrwin@senate.michigan.gov)>  
**Cc:** Bannister, Anne <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>; Griswold, Kathy  
<[KGriswold@a2gov.org](mailto:KGriswold@a2gov.org)>; Hayner, Jeff <[JHayner@a2gov.org](mailto:JHayner@a2gov.org)>  
**Subject:** Hardship for Traver Homeowners by Proposed Sidewalk Plan

Jeff Irwin and Rebekah Warren,

I am following up on phone calls I made to your offices about proposed sidewalks for our street which will create significant hardship for the homeowners of the street. We would like to sit down with you to work with you to figure out how to ease this burden, although we think that weighing in with



MDOT might be the best way forward. I attached a power point presentation and provide some additional background in this e-mail.

The City applied for a Safe Routes to School grant and received initial approval for grant funding for the installation of sidewalks for our street, and a couple other streets, due to its proximity to the STEAM school on Barton Road. The total project cost is estimated to be \$1 million, and the grant would cover about \$400k of that.

The homeowners pushed back against the project when it became apparent that the installation of the sidewalks would cause the cutting down of many trees, including several very large trees which would require many decades to be replaced. The City developed another plan which will install two sidewalks mostly in the street on each side of the roadway, and remove almost all street parking. The homeowners rejected this option as well. Anne Bannister led a process to review the City's proposal and collect ideas for coming up with the least burdensome option. But the City abruptly put the sidewalk project up for a vote, and approved it to move forward, ignoring the objections of the homeowners.

Early on, the Homeowners proposed another plan for a single sidewalk installed in the street, which would maintain street parking on the opposite side of the street, and not cause the cutting down of trees. This one sidewalk idea is supported by the Institute of Transportation Engineers recommendations which would require only one sidewalk for a street with a low density of houses that Traver has. Also, Traver is not a primary route for students for commuting to school.

The City claimed that Safe Routes to School (SRTS) requires two sidewalks and thus would not consider our one sidewalk option, and refused to remove Traver from the grant application arguing that the City could lose this SRTS grant and future grant money. The homeowners contacted the MDOT SRTS coordinator

(Bryan Armstrong) and he confirmed the two sidewalk requirement, although the two sidewalk requirement can be waived in certain cases. He said that MI SRTS would not waive the two sidewalk requirement for this case (note that federal SRTS does not require two sidewalks). Note that Bryan Armstrong is not the decision maker for this, it likely is Michael Kapp, Bryan's supervisor. But we felt that our elected officials might have a greater ability to affect MDOT policy than us homeowners.

Several homeowners and several City Council members look forward to sitting down with you to further describe this issue, gain your support, and hopefully identify a way to prevent a burdensome sidewalk project on us homeowners.

From: [Bannister, Anne](#)  
To: [Susan Wineberg](#), [Jeff Crockett](#)  
Cc: [Ilene Tyler](#), [Tom Stulberg](#), [Dettler, Ray](#), [Eleanor Crown](#), [Julie Ritter](#), [Bethany Osborne](#), [Christine Crockett](#), [David Kennedy](#), [Lars Bjorn](#), [Nick Coquillard](#), [Steve Kaplan](#), [Jeffrey Hayner](#), [Eaton, Jack](#), [Hayner, Jeff](#), [Griswold, Kathy](#)  
Subject: RE: YIMBY -- Another look  
Date: Thursday, February 28, 2019 6:07:52 AM

My apologies but I have already accepted another invitation for Sunday at 2 p.m. (it's the Library Green Conservancy at Hathaway's Hideaway). CM Griswold, Eaton, and I and others are also hosting office hours at City Hall, second floor, on March 3 from 7 p.m. - 9 p.m. This is the Facebook announcement: <https://www.facebook.com/events/2031814490201047/>

About the senior housing development called Lockwood in Ward 5, some of the most compelling reason against it in this location include:

- The developers are calling for a zoning change which is contrary to the Master Plan for this area.
- The impact of the proposed project on the dioxane plume is uncertain.

I prefer the QIMBY label over the other variations, too, and feel it captures the intent of the city's residents better than the other versions.

Thanks everyone,  
Anne

Anne Bannister  
Ward One Councilmember  
cell: [REDACTED]  
abannister@az.gov.org  
Term Nov. 2017 - Nov. 2020

Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).

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From: Susan Wineberg [REDACTED]  
Sent: Thursday, February 26, 2019 12:29 PM  
To: Jeff Crockett  
Cc: Ilene Tyler; Tom Stulberg; Dettler, Ray; Eleanor Crown; Julie Ritter; Bethany Osborne; Christine Crockett; David Kennedy; Lars Bjorn; Nick Coquillard; Steve Kaplan; Jeffrey Hayner; Bannister, Anne  
Subject: Re: YIMBY -- Another look

In case you missed this:  
[http://www.secondayemedia.com/concentrate/features/yimbyannarbor0451.aspx?utm\\_source=Emms&utm\\_medium=Email&utm\\_term=Yes+in+my+backyard%3a+New+Ann+Arbor+group+takes+proactive+stance+toward+development&utm\\_content=Newsletter&utm\\_campaign=Our+most+popular+stories+of+2018](http://www.secondayemedia.com/concentrate/features/yimbyannarbor0451.aspx?utm_source=Emms&utm_medium=Email&utm_term=Yes+in+my+backyard%3a+New+Ann+Arbor+group+takes+proactive+stance+toward+development&utm_content=Newsletter&utm_campaign=Our+most+popular+stories+of+2018)

On Wednesday, February 27, 2019, Jeff Crockett - [REDACTED] wrote:  
Tom,

Could you please summarize your objection for Ilene? From the article, it appears the majority on Council feels that the location is ill-suited for the development, but I am not sure of the arguments why. Jeff and Anne, could you please clarify?

Thanks, Jeff

On Wed, Feb 27, 2019 at 9:11 PM Ilene Tyler - [REDACTED] wrote:  
I love the QIMBY name for speaking out! Let's go with that!

On another note, I am not sure what the problem is with the proposed project at its proposed location. Enlighten me! The site is largely commercial and would have no impact on the residential neighborhood to the west. As for the residents, they would have no amenities with the site, other than buying cars, and it may be unhealthy due to the Gelman plume. Am I missing something crucial?

Ilene R. Tyler, FAIA, FAPT, LEED AP  
Preservation Architect  
[REDACTED]  
m 734-417-3730

On Feb 27, 2019, at 12:32 PM, Tom Stulberg - [REDACTED] wrote:

My take on it:

I was witnessing the mocking of a resident with a video clip, and of a council person (Jane Lumm). At least I moved the conversation from that to one of substance. There was some decent interaction for a while. I was adding some business experience details to a topic where the process is a bit esoteric. There were some good exchanges, and someone posted a decent article as part of the exchange. It was going OK until the moderator joined in. That is the sad/funny part. It's his page I guess.

Thanks for defending me Jeff,

Tom

---

From: Jeff Crockett [REDACTED]  
Sent: Wednesday, February 27, 2019 5:13 PM  
To: Raymond Dettler  
Cc: Tom Stulberg; Eleanor Crown; Ilene Tyler; Julie Ritter; Bethany Osborne; Christine Crockett; David Kennedy; Lars Bjorn; Nick Coquillard; Steve Kaplan; Susan Wineberg; Jeffrey Hayner; Anne Bannister  
Subject: Re: YIMBY -- Another look

FYI, Tom is my personal hero in that he just got kicked off the YIMBY FB for stating his mind. The issue was the proposal to build affordable senior citizen housing on Jackson Rd. See: [https://www.mlive.com/news/ann-arbor/2019/02/ann-arbor-council-unlikely-to-ok-plans-for-affordable-senior-housing.html?fbclid=IwAR10HC05AewsQju6Zx\\_zUzsIKccwsK6biSMiMcm3UmRW\\_Ni1CQsRgRskjAM](https://www.mlive.com/news/ann-arbor/2019/02/ann-arbor-council-unlikely-to-ok-plans-for-affordable-senior-housing.html?fbclid=IwAR10HC05AewsQju6Zx_zUzsIKccwsK6biSMiMcm3UmRW_Ni1CQsRgRskjAM) The YIMBYs have been skewering the council reps who are considering a vote against it, including Jeff and Ann.

The following is what may be my last post on YIMBY. Jeff

Tom Stulberg is a friend of mine. He and I have disagreed on a number of development issues, but we respect each other's opinion. As an Administrator, Jaime has every right to kick anyone out he pleases, including Tom and me. But, I am disappointed in this decision and believe it's short-sighted. This group needs to decide whether it's going to remain a fringe group or expand its base. By kicking dissenters out, you remain pure but you risk being known around town as an exclusionary group. Ann Arborites reject any group supporting exclusionary practices. On the other hand, if this forum becomes known for its spilted debates, you will draw a crowd and get name recognition. That will be a good thing. I joined the A2 Townies -- Development group on Jaime's suggestion. But, in my view, this is where the action is. My suggestion is to go beyond the simple YIMBY/NIMBY dichotomy. The impression I get from these discussions is that YIMBYs are GOOD and NIMBYs are BAD. That might work in Trump country. But, my bet is that it won't resonate in A2. Recognize that most people are far more nuanced than YIMBY or NIMBY. There are many factors that influence whether someone is in favor of or disapproves of a development. It's not just about density. For me, it's more about quality. There you have it. Full disclosure. I am a QIMBY.

On Wed, Feb 27, 2019 at 2:47 PM Raymond Dettler - [REDACTED] wrote:  
I will be there to listen.

Ray

On Feb 27, 2019, at 6:55 AM, Tom Stulberg - [REDACTED] wrote:

I'm in. I won't be able to stay too long [REDACTED], but let's get the ball rolling.

---

From: Eleanor Crown - [REDACTED]  
Sent: Tuesday, February 26, 2019 6:59 PM  
To: Ilene Tyler  
Cc: Jeff Crockett; Julie Ritter; Tom Stulberg; Bethany Osborne; Christine Crockett; David Kennedy; Lars Bjorn; Nick Coquillard; Ray Dettler; Steve Kaplan; Susan Wineberg  
Subject: Re: YIMBY -- Another look

Sunday at 2:00 is good for me.

On Tuesday, February 26, 2019, Ilene Tyler - [REDACTED] wrote:  
We'll not be back yet, but go ahead without us, if enough can make it...

Ilene R. Tyler, FAIA, FAPT, LEED AP  
Preservation Architect  
[REDACTED]  
m 734-417-3730

On Feb 26, 2019, at 1:31 PM, Jeff Crockett - [REDACTED] wrote:

Chris and I would be happy to host a meeting this Sunday at 2 PM to talk about the YIMBY movement in Ann Arbor and the threat it poses to Historic preservation. Who can make it?

Jeff

On Tue, Feb 26, 2019 at 8:23 AM Eleanor Crown - [REDACTED] wrote:  
Good idea, Jeff. I've been buried under Phi Beta Kappa work for the last month or so, but I'm ready to crawl back out and join in other pursuits again.

On Tuesday, February 26, 2019, Julie Ritter <[REDACTED]> wrote:  
Let me know when the meeting is scheduled. I have a ton to report from the affordable housing conference at the University. None of that included market forces for affordable housing

On Tue, Feb 26, 2019 at 7:24 AM Tom Stulberg <[REDACTED]> wrote:  
I agree. Ready to meet soon.

I have found myself in the position of helping out on multiple issues around town. Currently there is a neighborhood being demonized by not only YIMBYs but by council members as well. I will report on it to you.

Sent from my iPhone

On Feb 26, 2019, at 1:18 AM, Ilene Tyler <[REDACTED]> wrote:

I agree with your take on this article, Jeff. Would rather discuss in person than in email...makes me sad.

Ilene R. Tyler, FAIA, FAPT, LEED AP  
Preservation Architect  
[REDACTED]  
m 734-417-3730

On Feb 25, 2019, at 5:09 PM, Jeff Crockett <[REDACTED]> wrote:

The YIMBY movement has gained a foothold in A2. It's a movement we need to learn more about because it has its crosshairs set on historic preservation. But, in my opinion, it's not enough to oppose YIMBY. We need to understand its origins and what is driving it. I have had some contact with the YIMBY proponents on the YIMBY FB page. What concerned me was not what they proposed. Instead, what concerned me is that they discouraged dissent. When I disputed a pro development article on YIMBY, I was told that questioning and/or critical posts were not welcome. I was told by the YIMBY administrator, Jamie Magiera, to refrain from making negative comments or I would get blocked. Those that know me well understand that telling me to shut up is not a good ideal.

The way I usually deal with a contrary point of view is to first research the issue. So, I am researching the YIMBY movement to find out more about it. On the surface, YIMBY seems to have a good goal.. to increase affordable housing. But, it's clear to me that increasing affordable workforce housing is not the primary motive driving YIMBY. To me, YIMBY is primarily serving the interests of developers and real estate investors. But, you may think differently. Therefore, I think it would be a good idea for us to have a conversation about YIMBY. Toward that end, please read this article.

[http://inthesetimes.com/features/yimbys\\_activists\\_san\\_francisco\\_housing\\_crisis.html](http://inthesetimes.com/features/yimbys_activists_san_francisco_housing_crisis.html)

Thanks, Jeff

--  
Sent from my phone named Edwin

All beings are our relatives. Lakota saying

--  
Eleanor H. Crown, Ph.D.  
Secretary, Alpha of Michigan Chapter, Phi Beta Kappa  
LSA Honors  
1330 Mason Hall  
University of Michigan  
Ann Arbor, MI 48109-1027  
Voice: [REDACTED] (please leave voicemail)  
Fax: 734-763-8553

--  
Eleanor H. Crown, Ph.D.  
Secretary, Alpha of Michigan Chapter, Phi Beta Kappa  
LSA Honors  
1330 Mason Hall  
University of Michigan  
Ann Arbor, MI 48109-1027  
Voice: [REDACTED] (please leave voicemail)  
Fax: 734-763-8553

**From:** [Bannister, Anne](#)  
**To:** [susan.baskett](#); [REDACTED]  
**Cc:** [Griswold, Kathy](#); [Hayner, Jeff](#)  
**Subject:** Fwd: Thank you for your "Yes" vote on Res 3: Establish SRTS Public Hearing  
**Date:** Wednesday, April 17, 2019 6:41:59 PM

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Hi Susan and Jessica — Council is still working on the Northside STEAM SRTS project!

Details below...

Thanks,

Anne

----- Forwarded message -----

From: "Bannister, Anne" <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>

Date: Wed, Apr 17, 2019 at 4:52 PM -0400

Subject: RE: Thank you for your "Yes" vote on Res 3: Establish SRTS Public Hearing

To: "SRTS A2STEAM" <[srtsa2steam@gmail.com](mailto:srtsa2steam@gmail.com)>, "CityCouncil" <[CityCouncil@a2gov.org](mailto:CityCouncil@a2gov.org)>,

"Lazarus, Howard" <[HLazarus@a2gov.org](mailto:HLazarus@a2gov.org)>, "Hupy, Craig" <[CHupy@a2gov.org](mailto:CHupy@a2gov.org)>

Cc: "Fenech, Megan" <[fenechm@aaps.k12.mi.us](mailto:fenechm@aaps.k12.mi.us)>, "Dani Parker Robyn Sorensen"

<[pres@a2steampoint.org](mailto:pres@a2steampoint.org)>, "Margolis, Liz" <[margolisl@aaps.k12.mi.us](mailto:margolisl@aaps.k12.mi.us)>, "Elissa Trumbull"

<[elissatrumbull@gmail.com](mailto:elissatrumbull@gmail.com)>, "Jeanice Swift" <[swift@aaps.k12.mi.us](mailto:swift@aaps.k12.mi.us)>, "Allen, Jane

(Engineering)" <[JAllen2@a2gov.org](mailto:JAllen2@a2gov.org)>, "CityCouncil" <[CityCouncil@a2gov.org](mailto:CityCouncil@a2gov.org)>, "Hutchinson,

Nicholas" <[NHutchinson@a2gov.org](mailto:NHutchinson@a2gov.org)>, "Lester Wyborny" <[REDACTED]> "Tom

Stulberg" <[REDACTED]> "Susan Presswood Wright" <[REDACTED]>

"Libby Brooks" <[REDACTED]> "Williamson, John"

<[REDACTED]>, "Scott Newell" <[REDACTED]>

"[REDACTED]" <[REDACTED]> "everett w armstrong"

<[REDACTED]> "Andrea Tom" <[REDACTED]> "Amy Chavasse"

<[REDACTED]> "P. L." <[REDACTED]> "Chuck Marshall"

<[REDACTED]> "Brenda Sodt Foster" <[REDACTED]> "Po Hu"

<[REDACTED]> "[REDACTED]" <[REDACTED]> "tom & sue

maguire" <[REDACTED]>, "tom & sue maguire" <[REDACTED]>, "Evan

Pratt" <[pratte@washtenaw.org](mailto:pratte@washtenaw.org)>

Dear Ms. Colvin-Garcia, Mr. Lazarus, Mr. Hupy and all,

To follow-up on Carlene's email below, please send the sidewalk cost details, including (per video 5:51 hours: <https://www.youtube.com/watch?v=lopkSrlOyCs>):

1. Cost per linear foot for project as is

2. Cost if MDOT approves only one sidewalk on Traver, and no sidewalk on Brookside
3. Cost without the grant for one sidewalk on Traver
4. City's engineering costs
5. Cost for ADA compliance
6. Confirmation of \$41 -\$80 per linear foot and \$400 per slap and historical trends
7. Any other relevant costs

The video discussion of DS-1 Public Hearing for STEAM Sidewalk Gap begins at 5:18:46 hours and continues through 5:55:25 hours: <https://www.youtube.com/watch?v=lopkSrIOyCs>

Please also include any summaries of conversations with Paul Ajegba from MDOT.

Thank you,

Anne

Anne Bannister

Ward One Councilmember

cell: [REDACTED]

abannister@a2gov.org

Term Nov. 2017 - Nov. 2020

*Messages are subject to disclosure under the Michigan Freedom of Information Act (FOIA).*

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**From:** SRTS A2STEAM [srtsa2steam@gmail.com]

**Sent:** Tuesday, April 16, 2019 1:35 PM

**To:** CityCouncil

**Cc:** Fenech, Megan; Dani Parker Robyn Sorensen; Margolis, Liz; Elissa Trumbull; SRTS A2STEAM; Jeanice Swift

**Subject:** Thank you for your "Yes" vote on Res 3: Establish SRTS Public Hearing

Esteemed City Council Members -

Thank you so very much for passing Resolution 3. We look forward to the May 20 Public Hearing of STEAM's SRTS Sidewalk Gap Special Assessment project.

Can you please share with us with all the sidewalk cost details that the City will provide you prior to May 20, per your discussion at last night's City Council meeting?

Thanks again,

Carlene Colvin-Garcia

On Mon, Apr 15, 2019 at 6:04 PM SRTS A2STEAM <[srtsa2steam@gmail.com](mailto:srtsa2steam@gmail.com)> wrote:

Esteemed City Council Members -

Tonight's Agenda Item Number DS-1 (19-0567) is:

Resolution No. 3 Establishing a Public Hearing on May 20, 2019 for the Northside STEAM Safe Routes to School Sidewalk Gap Special Assessment Project.

This is the final opportunity to establish a Public Hearing for this important project. I represent the A2 STEAM Safe Routes to School Committee in this request for you to vote "Yes" on this resolution. We can share in this opportunity, along with the the rest of our community members, to participate in this important Hearing.

With deep appreciation,

Carlene Colvin-Garcia

--

Elissa Trumbull, Nicole Chardoul & Carlene Colvin-Garcia

A2 STEAM @ Northside, SRTS Co-Coordinators

--

Elissa Trumbull, Nicole Chardoul & Carlene Colvin-Garcia

A2 STEAM @ Northside, SRTS Co-Coordinators

**From:** [K Griswold](#)  
**To:** [Griswold, Kathy](#)  
**Subject:** Fwd: budget priorities survey results  
**Date:** Thursday, August 8, 2019 2:51:17 PM

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----- Forwarded message -----

From: P. L. <[REDACTED]>  
Date: Sat, Mar 23, 2019 at 11:32 PM  
Subject: Re: budget priorities survey results  
To: Jeffrey Hayner [REDACTED], K Griswold [REDACTED],  
Anne Bannister [REDACTED]

Hey,

Thanks so much for the survey results which demonstrate that my suggestion of an alternative 40-40-20 split should be proposed: 400,000 for water, 800,000 for mental health, 800,000 for roads, or thereabouts. I'm happy to help you write the resolution.

Kathy you should publicly withdraw your sponsorship of Taylor's resolution based on these survey results. Your Ward 2 constituents did not put climate or affordable housing at the top of their priorities. Do it before the results are released to the public.

You now have ample political direction from your constituents to vote Taylor's resolution down based on these clear survey results.

This is a Christmas present to you all to use to show you are listening to the public, prepared to keep your campaign promises, etc...

This is a perfect chance to attack Ackerman as completely out of touch and Taylor as completely tone deaf.

Pat

That's all folks.

> On Mar 23, 2019, at 11:25 AM, Jeffrey Hayner [REDACTED] > wrote:  
>  
> <Ann Arbor Spending Priorities Survey Report 2019-03-22pm.pdf>

--

*Katherine J. Griswold*  
*Michigan MBA & MSW*  
[REDACTED]



**From:** [K Griswold](#)  
**To:** [Griswold, Kathy](#)  
**Subject:** Fwd: Dhuvarren sidewalk project meeting  
**Date:** Thursday, August 8, 2019 2:57:07 PM

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----- Forwarded message -----

**From:** Anne Bannister [REDACTED] >  
**Date:** Wed, Apr 3, 2019 at 8:07 PM  
**Subject:** Re: Dhuvarren sidewalk project meeting  
**To:** Jane Ueda Klingsten [REDACTED] >  
**Cc:** <[ABannister@a2gov.org](mailto:ABannister@a2gov.org)>, Hayner, Jeff [REDACTED],  
[REDACTED] >, K Griswold [REDACTED] >

I'm sorry but I'm in Washington, DC for work and won't be back until late Thursday.  
Thanks for letting me know there's controversy and please let people know CM Hayner and I r  
here to represent them. Who is leading the meeting from City Staff? I can reach out to them  
for the sign in sheet and follow up.

Thanks again, Jane. — Anne

On Wed, Apr 3, 2019 at 7:24 PM Jane Ueda Klingsten [REDACTED] > wrote:  
People would appreciate if you could be here. Jane Lumm is here are not advocating for  
them.

Thanks

Sent from my iPhone

> On Apr 3, 2019, at 6:54 PM, Jane Ueda Klingsten [REDACTED] wrote:  
>  
> Hi Jeff, Anne,  
>  
> Are either of you going to make this meeting at Clague cafeteria until 8:30? Please do  
>  
> There are Qs about assessment  
>  
> - j  
>  
> Sent from my iPhone

--

Anne Bannister  
[REDACTED]

--

*Katherine J. Griswold*  
*Michigan MBA & MSW*



**From:** [K Griswold](#)  
**To:** [Griswold, Kathy](#)  
**Subject:** Fwd: FYI this is pretty good analysis  
**Date:** Thursday, August 8, 2019 3:10:59 PM  
**Attachments:** [PedestrianSafetyModel.txt](#)  
[Analysis.pptx](#)  
[PedestrianCrashAnalysis.pdf](#)  
[PedestrianCrashAnalysis.xlsx](#)  
[PresentationPedestrianCrashAnalysis.pdf](#)

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----- Forwarded message -----

**From:** **Jeffrey Hayner** [REDACTED]  
**Date:** Sat, Mar 2, 2019 at 9:32 AM  
**Subject:** FYI this is pretty good analysis  
**To:** [REDACTED]

Sincerely,

Jeff Hayner

[REDACTED]  
or call/text  
[REDACTED]

--

*Katherine J. Griswold*  
*Michigan MBA & MSW*  
[REDACTED]

Start Program

$$ay+bx+cw+dv+eu+ft+gs+hr-z=0$$

Term Count: 9

$$a^2y^2+abyx+acyw+adyv+aeyu+afyt+agys+ahyr-azy+abyx+b^2x^2+bcxw+bdxv+bexu+bfxt+bgxs+bhxr-bzx+acyw+bcxw+c^2w^2+cdwv+cewu+cfwt+cgws+chwr-czw+adyv+bdxv+cdwv+d^2v^2$$

$$+devu+dfvt+dgvs+dhvr-dzv+aeyu+bexu+cewu+devu+e^2u^2+efut+egus+ehur-ezu+afyt+bfxt+cfwt+dfvt+efut+f^2t^2+fgts+fhtr-fzt+agys+bgxs+cgws+dgvs+egus+fgts+g^2s^2$$

$$+ghsr-gzs+ahyr+bhxr+chwr+dhvr+ehur+fhtr+ghsr+h^2r^2-hzr-azy-bzx-czw-dzv-ezu-fzt-gzs-hzr+z^2=0$$

Squared Term Count: 81

$$a^2y^2+2abyx+2acyw+2adyv+2aeyu+2afyt+2agys+2ahyr-2azy+b^2x^2+2bcxw+2bdxv+2bexu+2bfxt+2bgxs+2bhxr-2bzx+c^2w^2+2cdwv+2cewu+2cfwt+2cgws+2chwr-2czw+d^2v^2+2devu+2dfvt$$

$$+2dgvs+2dhvr-2dzv+e^2u^2+2efut+2egus+2ehur-2ezu+f^2t^2+2fgts+2fhtr-2fzt+g^2s^2+2ghsr-2gzs+h^2r^2-2hzr+z^2=0$$

Reduced Squared Term Count: 45

8 Coefficient Term(s): a, b, c, d, e, f, g, h

Partial Derivative of a, 9 Terms:

$$2ay^2+2byx+2cyw+2dyv+2eyu+2fyt+2gys+2hyr-2zy=0$$

Partial Derivative of b, 9 Terms:

$$2ayx+2bx^2+2cxw+2dxv+2exu+2fxt+2gxs+2hxr-2zx=0$$

Partial Derivative of c, 9 Terms:

$$2ayw+2bxw+2cw^2+2dwv+2ewu+2fwt+2gws+2hwr-2zw=0$$

Partial Derivative of d, 9 Terms:

$$2ayv+2bxv+2cwv+2dv^2+2evu+2fvt+2gvs+2hvr-2zv=0$$

Partial Derivative of e, 9 Terms:

$$2ayu+2bxu+2cwu+2dvu+2eu^2+2fut+2gus+2hur-2zu=0$$

Partial Derivative of f, 9 Terms:

$$2ayt+2bxt+2cwt+2dvt+2eut+2ft^2+2gts+2htr-2zt=0$$

Partial Derivative of g, 9 Terms:

$$2ays+2bxs+2cws+2dvs+2eus+2fts+2gs^2+2hsr-2zs=0$$

Partial Derivative of h, 9 Terms:

$$2ayr+2bxr+2cwr+2dvr+2eur+2ftr+2gsr+2hr^2-2zr=0$$

	sum(y^2)		sum(yx)		sum(yw)
	sum(yv)		sum(yu)		sum(yt)
	sum(ys)		sum(yr)		a
					sum(zy)

	sum(yx)		sum(x^2)		sum(xw)
	sum(xv)		sum(xu)		sum(xt)
	sum(xs)		sum(xr)		b
					sum(zx)

	sum(yw)		sum(xw)		sum(w^2)
	sum(wv)		sum(wu)		sum(wt)
	sum(ws)		sum(wr)		c
					sum(zw)

$$\begin{array}{l} | \text{sum}(yv) \\ \text{sum}(v^2) \\ \text{sum}(vs) \\ | \end{array}$$

$$\begin{array}{l} \text{sum}(xv) \\ \text{sum}(vu) \\ \text{sum}(vr) \end{array}$$

$$\begin{array}{l} \text{sum}(wv) \\ \text{sum}(vt) \\ | |d| | \text{sum}(zv) \end{array}$$

$$\begin{array}{l} | \text{sum}(yu) \\ \text{sum}(vu) \\ \text{sum}(us) \\ | \end{array}$$

$$\begin{array}{l} \text{sum}(xu) \\ \text{sum}(u^2) \\ \text{sum}(ur) \end{array}$$

$$\begin{array}{l} \text{sum}(wu) \\ \text{sum}(ut) \\ | |e| | \text{sum}(zu) \end{array}$$

$$\begin{array}{l} | \text{sum}(yt) \\ \text{sum}(vt) \\ \text{sum}(ts) \\ | \end{array}$$

$$\begin{array}{l} \text{sum}(xt) \\ \text{sum}(ut) \\ \text{sum}(tr) \end{array}$$

$$\begin{array}{l} \text{sum}(wt) \\ \text{sum}(t^2) \\ | |f| | \text{sum}(zt) \end{array}$$

$$\begin{array}{l} | \text{sum}(ys) \\ \text{sum}(vs) \\ \text{sum}(s^2) \\ | \end{array}$$

$$\begin{array}{l} \text{sum}(xs) \\ \text{sum}(us) \\ \text{sum}(sr) \end{array}$$

$$\begin{array}{l} \text{sum}(ws) \\ \text{sum}(ts) \\ | |g| | \text{sum}(zs) \end{array}$$

$$\begin{array}{l} | \text{sum}(yr) \\ \text{sum}(vr) \\ \text{sum}(sr) \\ | \end{array}$$

$$\begin{array}{l} \text{sum}(xr) \\ \text{sum}(ur) \\ \text{sum}(r^2) \end{array}$$

$$\begin{array}{l} \text{sum}(wr) \\ \text{sum}(tr) \\ | |h| | \text{sum}(zr) \end{array}$$

# Analysis of Ann Arbor's Pedestrian Crossing Law

By

Chuck Loucks

1<sup>st</sup> Ward, Ann Arbor, Michigan

# Why Does Ann Arbor Have a Unique Pedestrian Crosswalk Law?

The history of how Ann Arbor's current Pedestrian Crosswalk Law came to be is best described in an article from the Ann Arbor Observer dated August, 2010:

## Crosswalk Law

### **New rule gives pedestrians priority.**

by [James Leonard](#)

From the August, 2010 issue

The video "was just horrifying," says Erica Briggs, membership chair of the Washtenaw Biking and Walking Coalition. Shot by coalition members, it shows schoolkids darting across South Seventh as cars zip by, ignoring the crosswalk they're trying to use. A lone kid waits at a crosswalk on Stadium near Pauline--and again, no cars stop. A legally blind woman holding a white cane tries again and again to cross Plymouth. When a car finally does stop, it's almost rear-ended by the car behind it.

When the WBWC showed the film to city council member Carsten Hohnke and mayor John Hieftje, they too were appalled. Hohnke learned that city law required cars to yield to pedestrians in crosswalks, but only after they'd stepped into the street--forcing them, in his words, "to risk one of your limbs before you have the right-of-way." So he and Hieftje talked to fellow council members Marcia Higgins, Margie Teall, and Tony Derezinski, and together they worked with the police department and city attorney's office to change the law. The new law, which takes effect this month doesn't apply to signalized intersections--but everywhere else, it requires drivers to "yield the right-of-way to every pedestrian approaching or within a crosswalk."

To spread the word about the new law, "we've got broadcast media, ads in the [city recycling periodical] *Waste Watcher*, flyers in with the water bills, postcards, posters," says city transportation manager Eli Cooper. "I've even been on the Lucy Ann Lance show!" But Briggs figures it'll take more than talks and posters to dent drivers' assumption that they rule the road. "The good thing is that this is an enforceable law, so the police can do targeted enforcement," she says. Forewarned is forearmed.

[Originally published in August, 2010.]



# Observations on the Observer Article

The *Observer* article from August, 2010 strongly implies that the main reason for passage of Ann Arbor's Pedestrian Crossing Law was to improve safety for pedestrians by giving pedestrians priority when crossing streets in Ann Arbor. This is an important point because any analysis which seeks to determine the efficacy of a law must be grounded in judging the law by how effectively it achieves its putative objectives. If the law is effective and is mainly about safety, we should see an improvement in safety measures as measured by the crash data provided by the State of Michigan over time. It turns out that it is not as straight forward as looking at a graph after passage of the law to see if the pedestrian/car crash rate went down due to confounding factors. In other words, the law could have an improvement in safety but this effect is not visible because other changes affecting safety substantially change for the worse and overwhelm any improvement brought about by the new law. What we need is a formula that will account for most of the causal factors that affect the pedestrian/vehicle crash rate as well as accounting for the change in the law.

Another thing of note from the article, at no point was there any discussion of how the originators of this law intended to judge the effectiveness of it or what metrics if any would be used to determine its efficacy. It appears that it was simply assumed that if the city passed an ordinance and sent the police out to enforce it, that an improvement in pedestrian safety must be the end result. Given the fact that the law has been in effect for over eight years, there is now plenty of data from both before and after the change in the law to put the law to a test of statistical significance.

# Background to Statistical Model Developed for Analysis of Ann Arbor's Pedestrian Crossing Law

A mathematical model to predict the expected number of vehicle/pedestrian crashes per year was developed for the purpose of assessing the impact of Ann Arbor's Pedestrian Crossing Ordinance on the rate of vehicle/pedestrian crashes per year in the City of Ann Arbor. The crash data was provided by the State of Michigan at their site: <https://www.michigantrafficcrashfacts.org> . Data from Ann Arbor, Kalamazoo, East Lansing, Detroit and Grand Rapids was used in the construction of the prediction models for each city for the years 2004 to 2016. The first full year of implementation of Ann Arbor's Pedestrian Crossing Ordinance was 2011. Ann Arbor's law is unique to itself and was not copied by the other cities over the study period. There were three causal factors common to all cities and an offset unique to each city in the study. The three common causal factors are: Over-all vehicle crash rate per year per 10,000 population, population density in units of population per square mile of city area and the presence of Ann Arbor's Pedestrian Crossing Ordinance which could only be present in Ann Arbor after the second half of 2010 (the model assumes its presence from 2011 on.) The purpose of the offset unique to each city was to capture causal effects in the given city not accounted for by the three known causal factors identified. The expected pedestrian/vehicle crash rate is in units of crashes per 10,000 population.

# Hypothesis: Ann Arbor's Pedestrian Crossing Law Reduces Accidents Involving Pedestrians

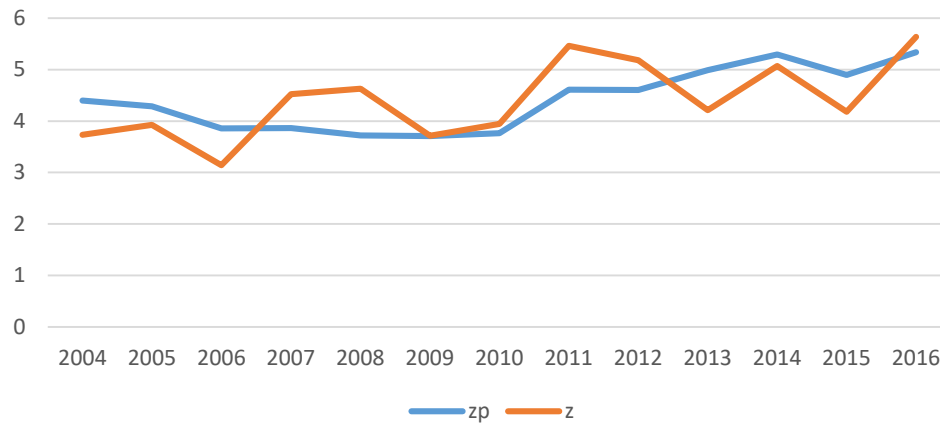
Since the putative purpose of Ann Arbor's Pedestrian Crosswalk law is to improve pedestrian safety, our statistical model shall be used to either confirm or deny this hypothesis. To this end, the factor associated with the Pedestrian Law should be negative and subtract from the expected Ann Arbor pedestrian/vehicle crash rate. In addition, the three identified casual factors should account for most of the crash effect with the forth, city specific offset term being small in comparison. The formula used is:

$$z_p = ay + bx + cw + \theta_c$$

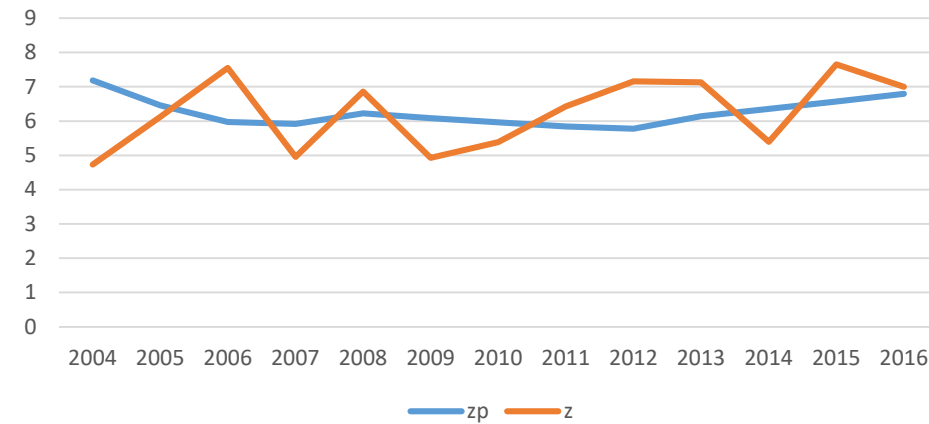
With the z term being the predicted pedestrian/vehicle accident rate or crashes/10K Population, a is the coefficient for the total vehicle accident rate (y) for the relevant city in crashes/10K Population, b is the coefficient for the population density (x) for the relevant city in population/square-mile, c is the coefficient for the offset (w) in crashes/10K Population when Ann Arbor's Pedestrian Crossing Law is in effect, this value is 1 when it is and 0 otherwise, the Theta offset is unique to each city and compensates for crashes not accounted for with the other factors, this value is in crashes/10K Population.

# Results of Regression Analysis

Ann Arbor's Predicted (zp) vs Actual (z)  
Vehicle/Pedestrian Crashes Per 10K Population

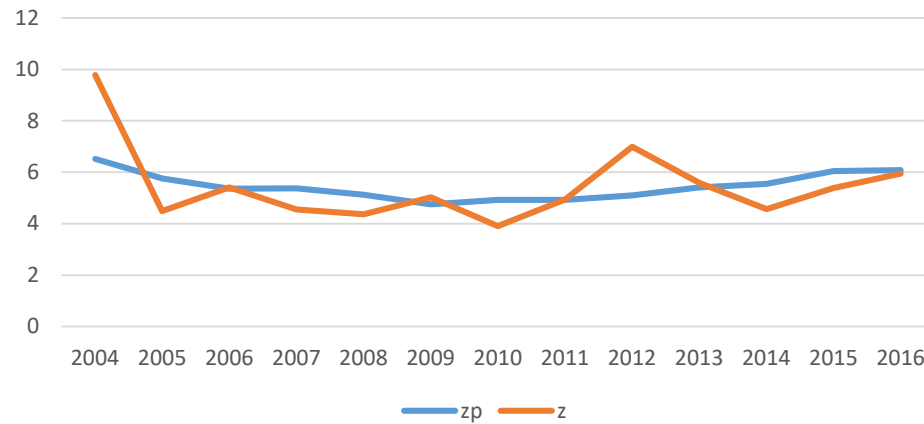


Kalamazoo's Predicted (zp) vs Actual (z)  
Vehicle/Pedestrian Crashes Per 10K Population

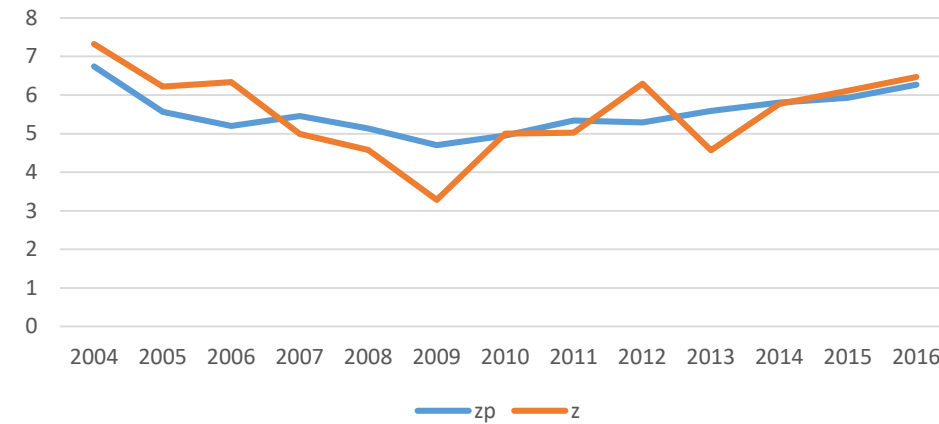


# Results of Regression Analysis

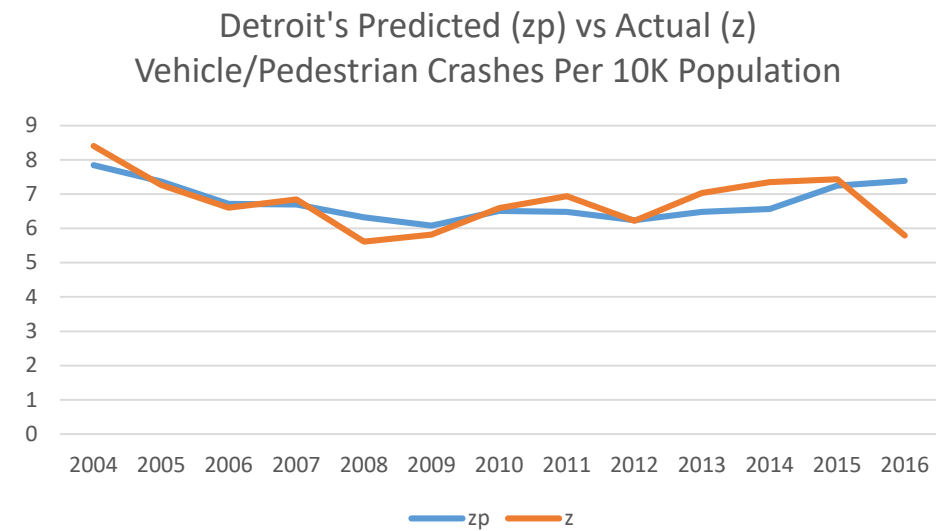
East Lansing's Predicted (zp) vs Actual (z)  
Vehicle/Pedestrian Crashes Per 10K Population



Grand Rapids' Predicted (zp) vs Actual (z)  
Vehicle/Pedestrian Crashes Per 10K Population



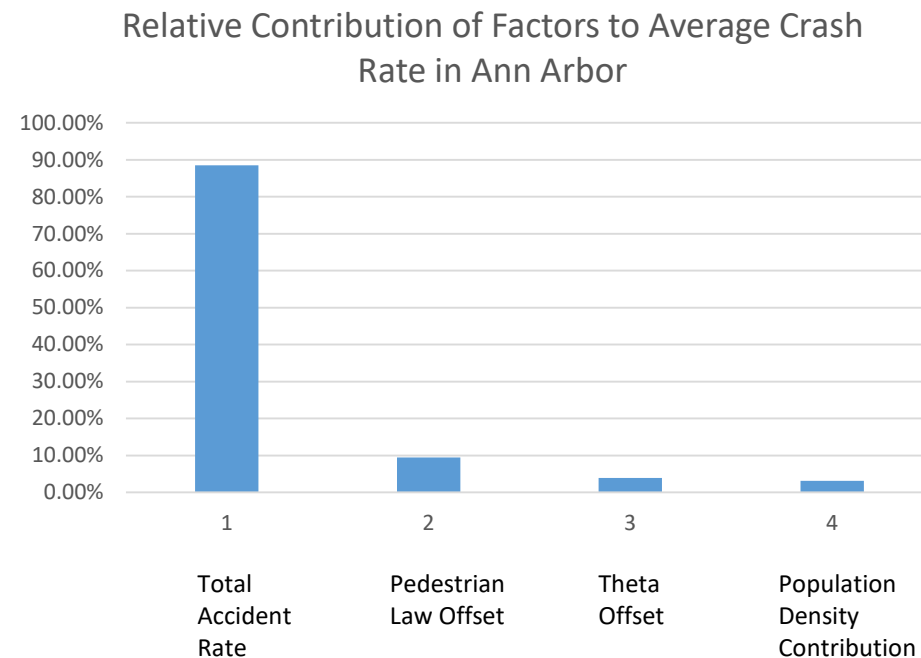
# Results of Regression Analysis



# Model Coefficient Values

City	a	b	c	Theta
Ann Arbor	0.0141	0.000034	0.4181	0.1728
Kalamazoo	0.0141	0.000034	0	0.2394
East Lansing	0.0141	0.000034	0	1.4599
Grand Rapids	0.0141	0.000034	0	0.0221
Detroit	0.0141	0.000034	0	2.3292

# Ann Arbor Relative Factor Contribution



The average Ann Arbor Pedestrian crash rate over the study period (2004-2016) was 4.41 Crashes/10K Population. The Pedestrian Law ADDED 9.48% or 0.42 Crashes/10K Population to the average crash rate after adoption from 2011 to 2016. The dominate factor by far was the Total Accident Rate. Notice that the Theta Offset for Ann Arbor is small, meaning that most of the crash effect is accounted for by known factors.



# Conclusions

The model showed that Ann Arbor's Pedestrian/Vehicle crash rate INCREASED modestly after adoption of the Ordinance. This means the Null Hypothesis is the result of the Hypothesis test. The data shows no support for the claim that pedestrian safety improved in Ann Arbor as a result of the Pedestrian Ordinance. Indeed, support exists to show that safety was degraded by this Ordinance. Given that the putative reason for passing the Ordinance was to improve pedestrian safety and this safety improvement does not show up in the actual crash data, why is Ann Arbor continuing to enforce this law or keep it on its books?

This study raises serious issues that Ann Arbor's responsible officials need to address. The onus is now on the city to show good justification for keeping this law on the books. The city may not simply claim this study was flawed and ignore the issues raised by it because the city never appears to have had a serious plan to confirm through data the efficacy of this law. To enforce a law that has no public benefit is unreasonable and unethical. If the city wants to challenge the veracity of this study, please show us citizens where in the crash data support exists for keeping Ann Arbor's Pedestrian Crossing Law!

# Null Hypothesis: Ann Arbor's Pedestrian Crossing Law Increases Accidents Involving Pedestrians

The null hypothesis on why Ann Arbor's law reduces pedestrian safety can be explained as follows: requiring motorists to stop for pedestrians induces a false sense of security into the perception of pedestrians who may inadvertently lose situational awareness and misjudge a motorist's ability to avoid a collision with the pedestrian. There is and will always be a certain percentage of motorists who will fail to stop for or avoid pedestrians in or near a crosswalk. Pedestrians who place blind faith in the notion that since most or a majority of drivers stop for pedestrians then it is safe for them to not confirm the driver's intentions and proceed without verification (that is, make eye contact with the driver) are placing themselves at great risk regardless of what the law says. It is always safer for a pedestrian to assume a motorist will not stop until the pedestrian can confirm a driver's intentions.

As was shown, the principle factor leading to vehicle/pedestrian crashes is the rate of all vehicle crashes; the analysis shows that about 1.4% of all vehicular crashes involve a pedestrian. In other words, the analysis suggests that the same causes that lead to driver caused accidents lead to accidents with pedestrians as well. It is no secret that driver caused accidents are on the rise in recent years (as confirmed in the study's data) and reasons for this include, but not limited to, increased driver distraction caused by smart phones (texting while driving) and increased impairment from opioids on top of traditional ways drivers can be distracted.

# Null Hypothesis: Ann Arbor's Pedestrian Crossing Law Increases Accidents Involving Pedestrians

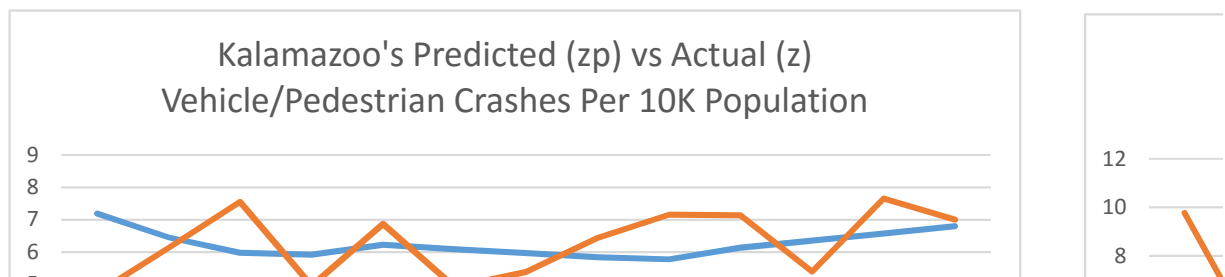
Furthermore, not only are drivers increasingly distracted but pedestrians are as well since many pedestrians are “texting-while-walking”. It takes discipline for a pedestrian to not lose situational awareness when crossing a street and the introduction of smartphone technology causes pedestrians to be less alert.

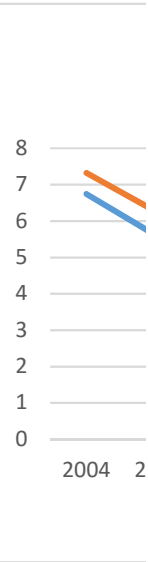
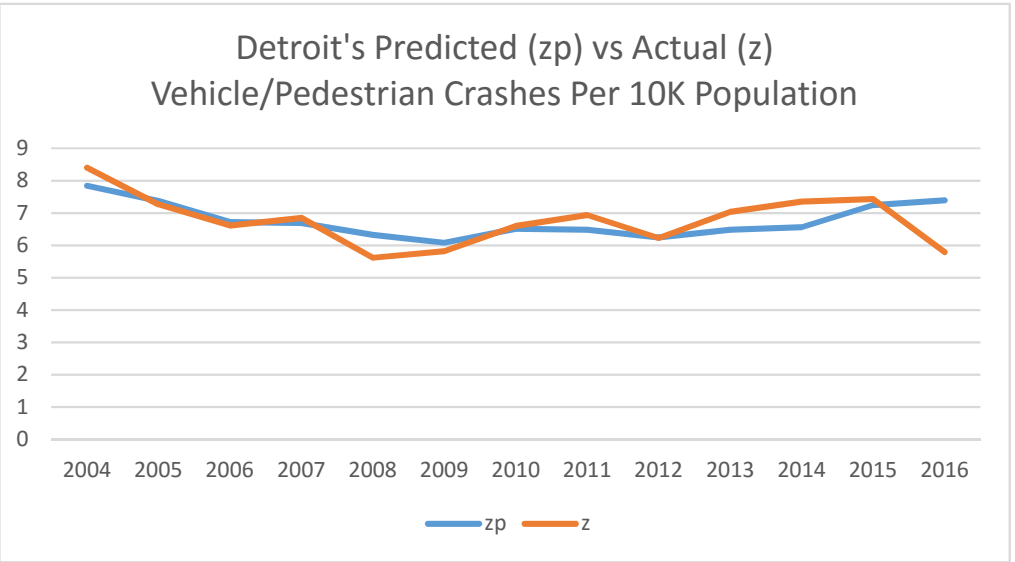
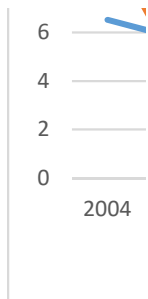
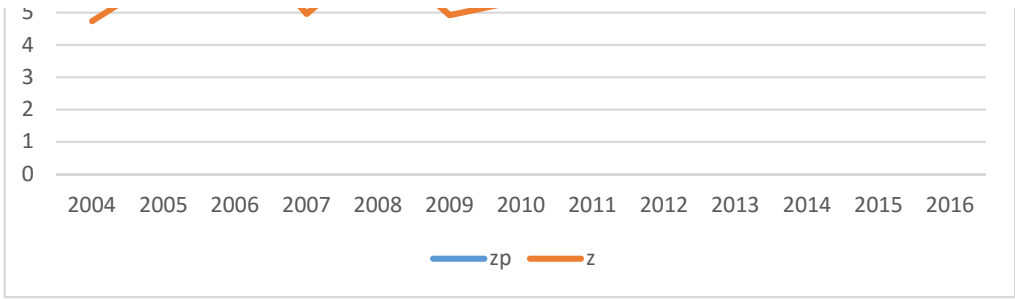
What Ann Arbor has done is pass a law that depends on both drivers and pedestrians having high situational awareness at a time when such discipline is declining not increasing!

# The Model Used in the Study

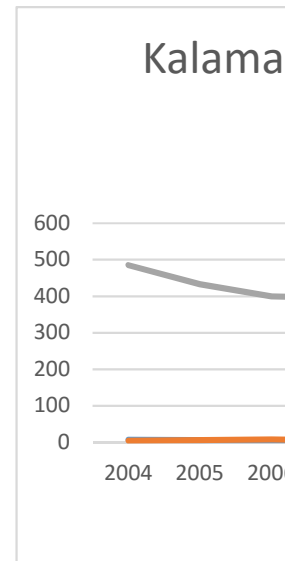
	Year	No Ped	Ped	Total	Population	Sq-miles	Year	zp	z
Kaz	2004	3,554	35	3,589	73964	25.12	2004	7.1874	4.732032
Kaz	2005	3,139	45	3,184	73487	25.12	2005	6.4535	6.123532
Kaz	2006	2,857	55	2,912	72889	25.12	2006	5.9762	7.54572
Kaz	2007	2,836	36	2,872	72620	25.12	2007	5.919	4.957312
Kaz	2008	2,988	50	3,038	72850	25.12	2008	6.2232	6.863418
Kaz	2009	2,940	36	2,976	73129	25.12	2009	6.0815	4.922808
Kaz	2010	2,924	40	2,964	74334	25.12	2010	5.9673	5.381118
Kaz	2011	2,860	48	2,908	74658	25.12	2011	5.8374	6.429318
Kaz	2012	2,852	54	2,906	75478	25.12	2012	5.7751	7.154403
Kaz	2013	3,056	54	3,110	75708	25.12	2013	6.1392	7.132668
Kaz	2014	3,196	41	3,237	76022	25.12	2014	6.3514	5.393176
Kaz	2015	3,289	58	3,347	75791	25.12	2015	6.5742	7.652624
Kaz	2016	3,413	53	3,466	75766	25.12	2016	6.7979	6.995222
							p=	0.000009	6.252565

AA	<b>2016</b>	3,871	68	<b>3,939</b>	120,713	28.77	2016	5.3386	5.633196
							p=	0.000013	4.410457
									276.9068
								4025.08	3.904386
								3.10%	88.53%
							Year	zp	z
Det	<b>2004</b>	32,774	750	<b>33,524</b>	892644	142.9	2004	7.8417	8.402006
Det	<b>2005</b>	29,414	638	<b>30,052</b>	877791	142.9	2005	7.3696	7.268245
Det	<b>2006</b>	25,001	570	<b>25,571</b>	862850	142.9	2006	6.7168	6.606015
Det	<b>2007</b>	24,430	581	<b>25,011</b>	848438	142.9	2007	6.6913	6.847878
Det	<b>2008</b>	21,880	467	<b>22,347</b>	831626	142.9	2008	6.3193	5.615505
Det	<b>2009</b>	20,214	478	<b>20,692</b>	821019	142.9	2009	6.0813	5.822033
Det	<b>2010</b>	19,734	469	<b>20,203</b>	711043	142.9	2010	6.5082	6.595944
Det	<b>2011</b>	19,384	489	<b>19,873</b>	704640	142.9	2011	6.477	6.939714
Det	<b>2012</b>	18,123	435	<b>18,558</b>	699385	142.9	2012	6.2403	6.21975
Det	<b>2013</b>	19,045	486	<b>19,531</b>	690845	142.9	2013	6.4833	7.034863
Det	<b>2014</b>	19,168	501	<b>19,669</b>	681499	142.9	2014	6.5644	7.351441
Det	<b>2015</b>	22,329	504	<b>22,833</b>	678250	142.9	2015	7.2415	7.430888
Det	<b>2016</b>	23,053	391	<b>23,444</b>	675480	142.9	2016	7.388	5.788476
							p=	0.000021	6.763289
							Year	zp	z
GR	<b>2004</b>	8,960	143	<b>9,103</b>	195,338	45.31	2004	6.7453	7.320644
GR	<b>2005</b>	7,311	121	<b>7,432</b>	194,495	45.31	2005	5.5607	6.22124
GR	<b>2006</b>	6,804	123	<b>6,927</b>	194,218	45.31	2006	5.2013	6.33309
GR	<b>2007</b>	7,183	97	<b>7,280</b>	194,421	45.31	2007	5.4524	4.989173
GR	<b>2008</b>	6,751	89	<b>6,840</b>	194,421	45.31	2008	5.133	4.577695
GR	<b>2009</b>	6,193	64	<b>6,257</b>	194,842	45.31	2009	4.7004	3.284713
GR	<b>2010</b>	6,283	94	<b>6,377</b>	187,992	45.31	2010	4.9504	5.000213
GR	<b>2011</b>	6,836	95	<b>6,931</b>	189,008	45.31	2011	5.3391	5.026242
GR	<b>2012</b>	6,800	120	<b>6,920</b>	190,617	45.31	2012	5.2885	6.295346
GR	<b>2013</b>	7,321	88	<b>7,409</b>	192,725	45.31	2013	5.5921	4.566092
GR	<b>2014</b>	7,644	112	<b>7,756</b>	194,054	45.31	2014	5.8083	5.771589
GR	<b>2015</b>	7,833	119	<b>7,952</b>	194,847	45.31	2015	5.9279	6.107356
GR	<b>2016</b>	8,350	127	<b>8,477</b>	196,251	45.31	2016	6.2653	6.471305
							p=	0.000001	5.535746

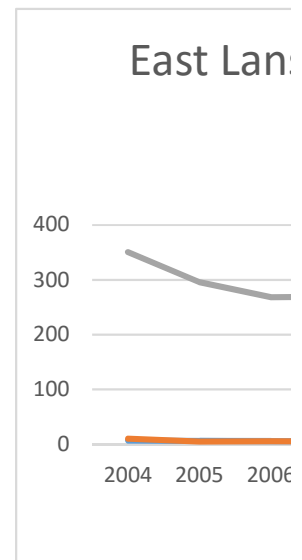




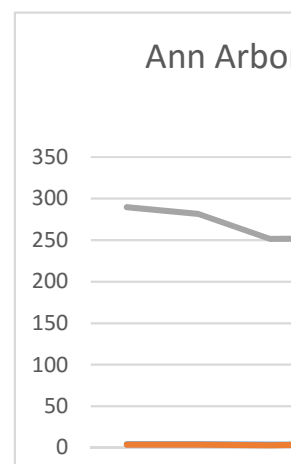
a	b	c	d	e	f	g	h
y	x	w	v	u	t	s	r
485.2361	2944.427	0	1	0	0	0	0
433.2739	2925.438	0	1	0	0	0	0
399.5116	2901.632	0	1	0	0	0	0
395.4833	2890.924	0	1	0	0	0	0
417.0213	2900.08	0	1	0	0	0	0
406.9521	2911.186	0	1	0	0	0	0
398.7408	2959.156	0	1	0	0	0	0
389.5095	2972.054	0	1	0	0	0	0
385.0129	3004.697	0	1	0	0	0	0
410.7888	3013.854	0	1	0	0	0	0
425.7978	3026.354	0	1	0	0	0	0
441.6092	3017.158	0	1	0	0	0	0
457.4611	3016.162	0	1	0	0	0	0
0.0141	0.0000340	0.4181	0.2394	1.4599	0.1728	2.3292	0.0221
29.17212	51.19894						
0.411327	0.001742						
6.58%	0.03%	0.00%					



y	x	w	v	u	t	s	r
350.3367	3484.012	0	0	1	0	0	0
295.8769	3464.841	0	0	1	0	0	0
268.2763	3421.244	0	0	1	0	0	0
269.1049	3416.21	0	0	1	0	0	0
251.1127	3392.746	0	0	1	0	0	0
224.8272	3384.456	0	0	1	0	0	0
236.841	3597.187	0	0	1	0	0	0
236.8421	3600.296	0	0	1	0	0	0
249.2193	3602.665	0	0	1	0	0	0
271.1808	3581.125	0	0	1	0	0	0
280.8721	3568.246	0	0	1	0	0	0
316.1205	3577.794	0	0	1	0	0	0
318.957	3610.955	0	0	1	0	0	0
0.0141	0.0000340	0.4181	0.2394	1.4599	0.1728	2.3292	0.0221
74.22047	89.4816						
1.046509	0.003044						
19.19%	0.06%	0.00%					



y	x	w	v	u	t	s	r
289.6564	4005.561	0	0	0	1	0	0
281.6631	3985.958	0	0	0	1	0	0
251.6859	3984.254	0	0	0	1	0	0
251.9496	3998.019	0	0	0	1	0	0
242.056	3907.265	0	0	0	1	0	0
240.9021	3933.194	0	0	0	1	0	0
245.0632	3965.693	0	0	0	1	0	0
275.2612	4009.211	1	0	0	1	0	0
274.815	4024.574	1	0	0	1	0	0
301.8563	4046.333	1	0	0	1	0	0
323.4777	4112.2	1	0	0	1	0	0
295.0913	4157.942	1	0	0	1	0	0

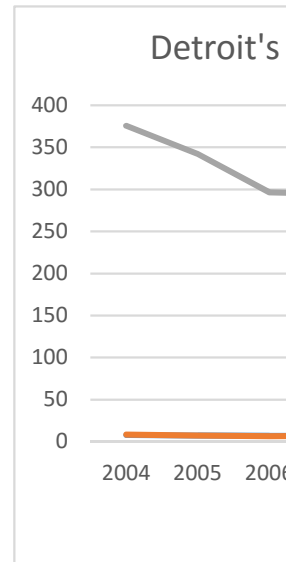




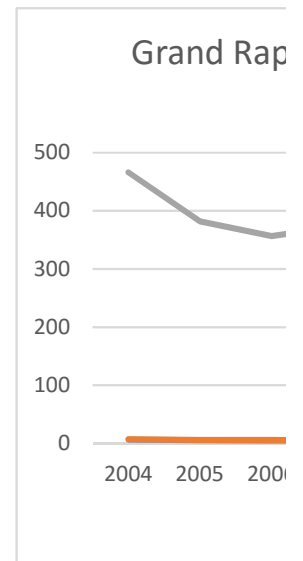
326.3112	4195.794	1	0	0	1	0	0
0.0141	0.0000340	0.4181	0.2394	1.4599	0.1728	2.3292	0.0221
59.27039	84.28634						
0.835712	0.002867	0.4181					
		9.48%	88.53%	9.48%	3.92%	3.10%	

2004 2005 2006

y	x	w	v	u	t	s	r
375.5585	6246.634	0	0	0	0	1	0
342.3594	6142.694	0	0	0	0	1	0
296.3551	6038.139	0	0	0	0	1	0
294.7888	5937.285	0	0	0	0	1	0
268.7145	5819.636	0	0	0	0	1	0
252.0283	5745.409	0	0	0	0	1	0
284.1319	4975.808	0	0	0	0	1	0
282.0305	4931.001	0	0	0	0	1	0
265.3474	4894.227	0	0	0	0	1	0
282.7118	4834.465	0	0	0	0	1	0
288.6138	4769.062	0	0	0	0	1	0
336.6458	4746.326	0	0	0	0	1	0
347.0717	4726.942	0	0	0	0	1	0
0.0141	0.0000340	0.4181	0.2394	1.4599	0.1728	2.3292	0.0221
74.31019	612.4918						
1.047774	0.020836						
15.49%	0.31%	0.00%					



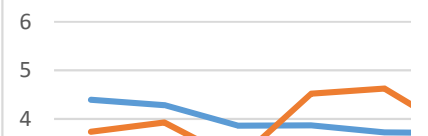
y	x	w	v	u	t	s	r
466.0128	4311.145	0	0	0	0	0	1
382.1178	4292.54	0	0	0	0	0	1
356.6611	4286.427	0	0	0	0	0	1
374.4451	4290.907	0	0	0	0	0	1
351.8138	4290.907	0	0	0	0	0	1
321.132	4300.199	0	0	0	0	0	1
339.2166	4149.018	0	0	0	0	0	1
366.7041	4171.441	0	0	0	0	0	1
363.0316	4206.952	0	0	0	0	0	1
384.4338	4253.476	0	0	0	0	0	1
399.6826	4282.807	0	0	0	0	0	1
408.1151	4300.309	0	0	0	0	0	1
431.9468	4331.296	0	0	0	0	0	1
0.0141	0.0000340	0.4181	0.2394	1.4599	0.1728	2.3292	0.0221
78.01701	55.94341						
1.10004	0.001903						
19.87%	0.03%	0.00%					

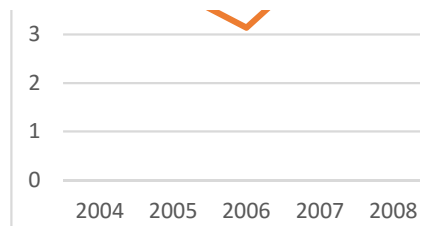
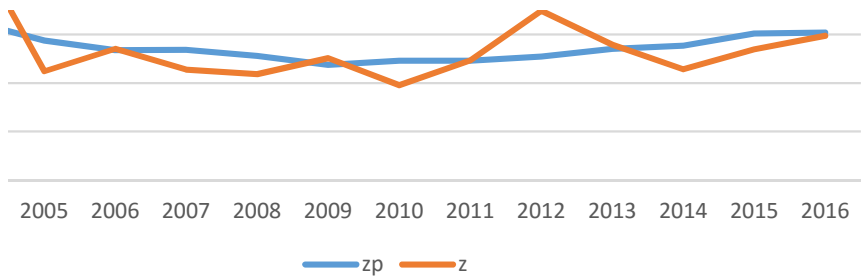


zp = 0.0141y

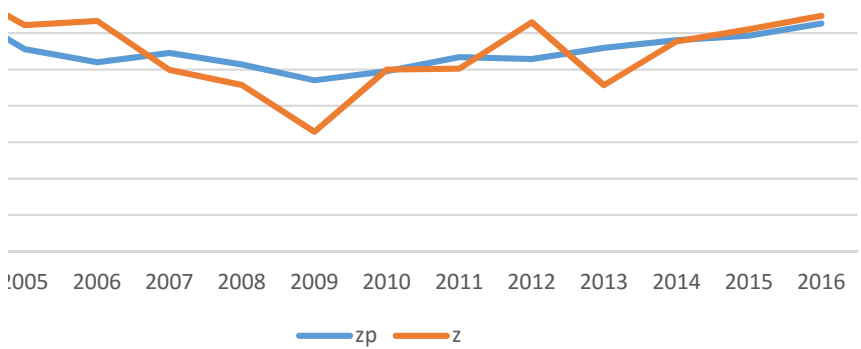
East Lansing's Predicted (zp) vs Actual (z)  
Vehicle/Pedestrian Crashes Per 10K Population

Ann Arbor's  
Vehicle/Pedestrian

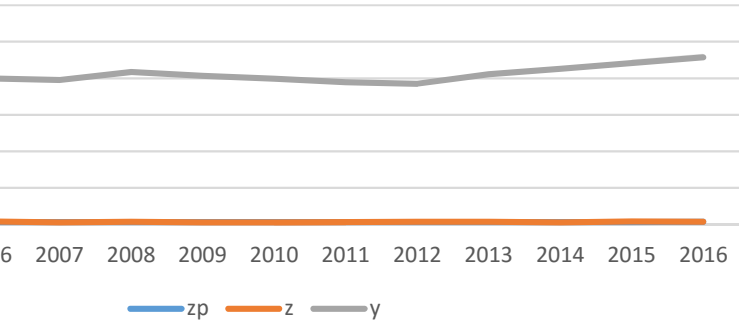




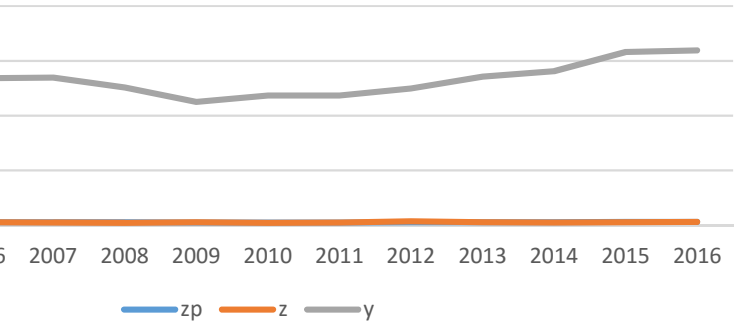
Grand Rapids' Predicted (zp) vs Actual (z)  
Vehicle/Pedestrian Crashes Per 10K Population



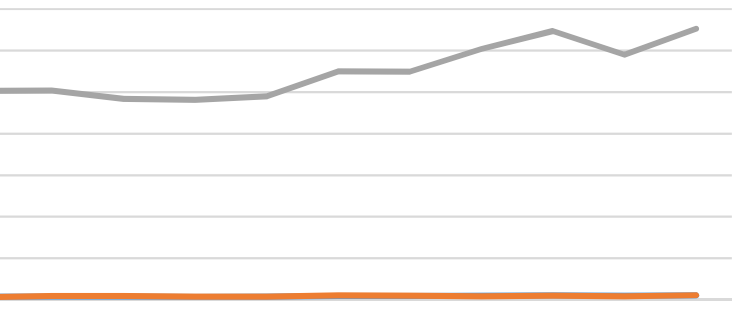
zoo's Total Accident Rate Per 10K  
Population (y)



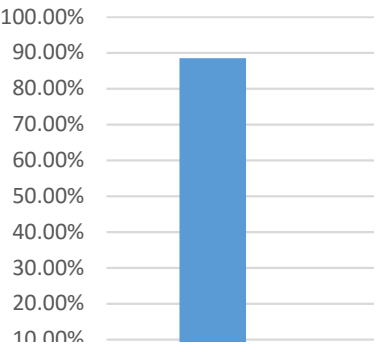
sing's Total Accident Rate Per 10K  
Population (y)

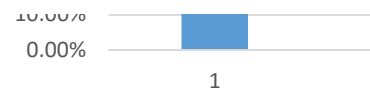


r's Total Accident Rate Per 10K Population  
(y)

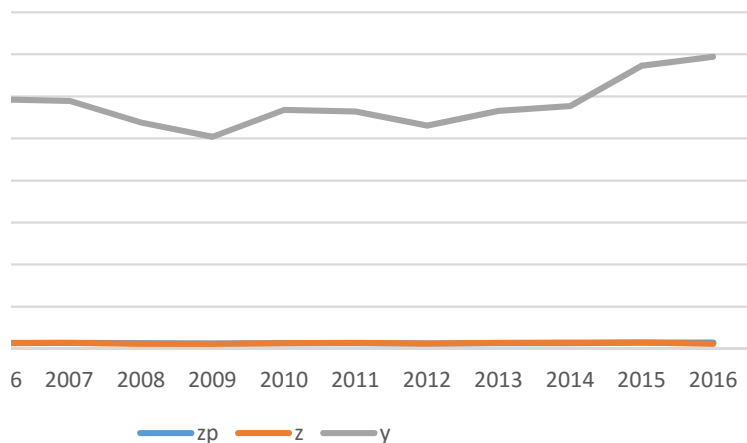


Contribution of Fa

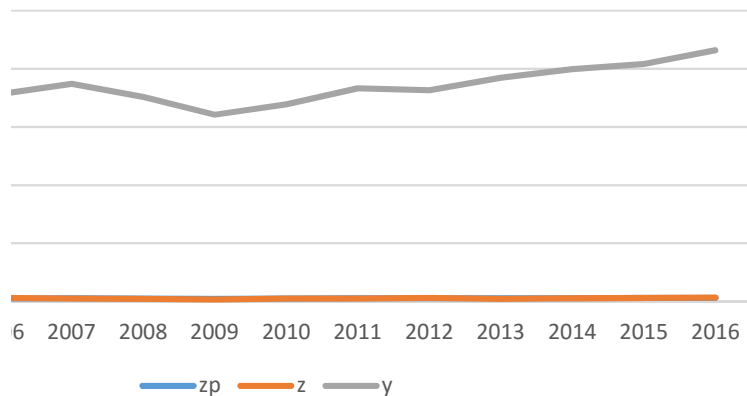




Total Accident Rate Per 10K Population (y)



Boys' Total Accident Rate Per 10K Population (y)

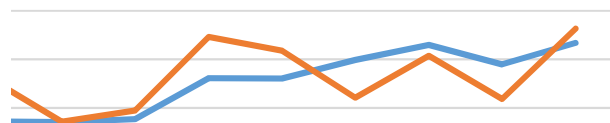


$$+ 0.000034x' + 0.4181w' + 0.1728'$$

$$w=0 < 2011$$

$$w=1 \geq 2011$$

Predicted (zp) vs Actual (z)  
Crashes Per 10K Population





Factors to Average Crash Rate in  
Ann Arbor

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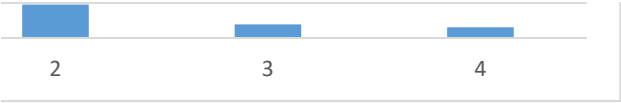
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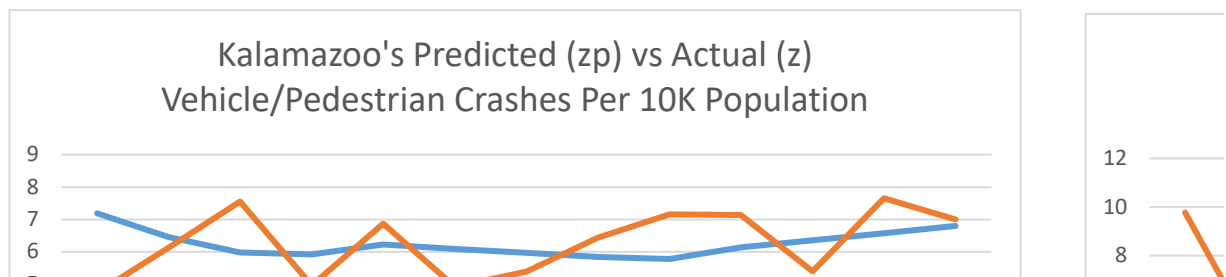
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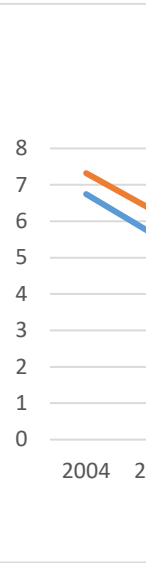
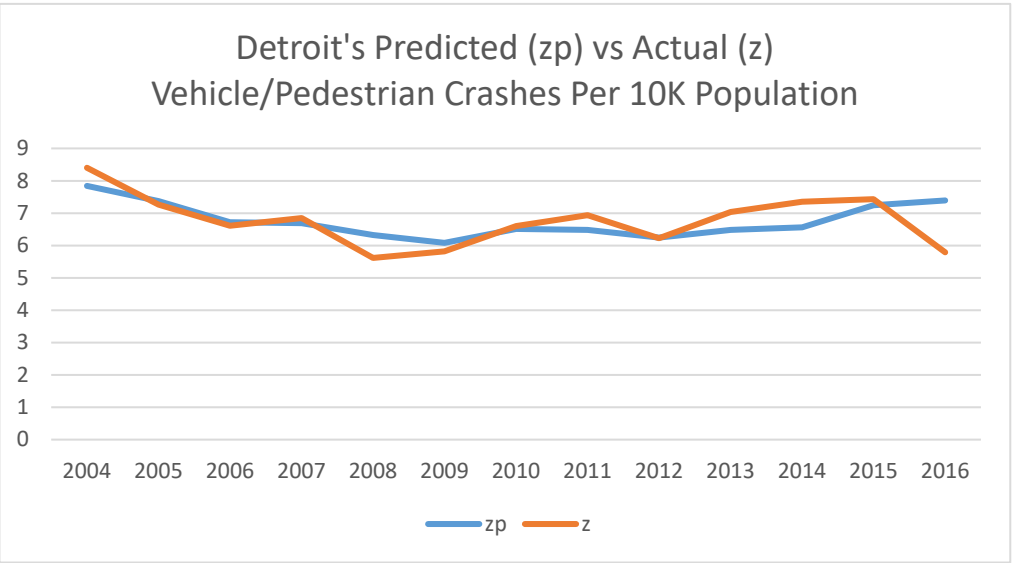
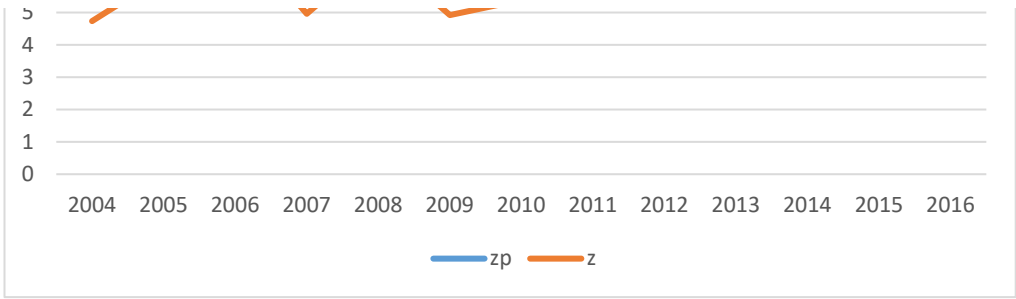


[illegible]

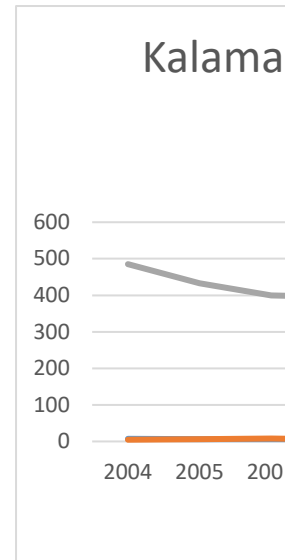


AA	<b>2016</b>	3,871	68	<b>3,939</b>	120,713	28.77	2016	5.3386	5.633196
							p=	0.000013	4.410457
									276.9068
								4025.08	3.904386
								3.10%	88.53%
							Year	zp	z
Det	<b>2004</b>	32,774	750	<b>33,524</b>	892644	142.9	2004	7.8417	8.402006
Det	<b>2005</b>	29,414	638	<b>30,052</b>	877791	142.9	2005	7.3696	7.268245
Det	<b>2006</b>	25,001	570	<b>25,571</b>	862850	142.9	2006	6.7168	6.606015
Det	<b>2007</b>	24,430	581	<b>25,011</b>	848438	142.9	2007	6.6913	6.847878
Det	<b>2008</b>	21,880	467	<b>22,347</b>	831626	142.9	2008	6.3193	5.615505
Det	<b>2009</b>	20,214	478	<b>20,692</b>	821019	142.9	2009	6.0813	5.822033
Det	<b>2010</b>	19,734	469	<b>20,203</b>	711043	142.9	2010	6.5082	6.595944
Det	<b>2011</b>	19,384	489	<b>19,873</b>	704640	142.9	2011	6.477	6.939714
Det	<b>2012</b>	18,123	435	<b>18,558</b>	699385	142.9	2012	6.2403	6.21975
Det	<b>2013</b>	19,045	486	<b>19,531</b>	690845	142.9	2013	6.4833	7.034863
Det	<b>2014</b>	19,168	501	<b>19,669</b>	681499	142.9	2014	6.5644	7.351441
Det	<b>2015</b>	22,329	504	<b>22,833</b>	678250	142.9	2015	7.2415	7.430888
Det	<b>2016</b>	23,053	391	<b>23,444</b>	675480	142.9	2016	7.388	5.788476
							p=	0.000021	6.763289
							Year	zp	z
GR	<b>2004</b>	8,960	143	<b>9,103</b>	195,338	45.31	2004	6.7453	7.320644
GR	<b>2005</b>	7,311	121	<b>7,432</b>	194,495	45.31	2005	5.5607	6.22124
GR	<b>2006</b>	6,804	123	<b>6,927</b>	194,218	45.31	2006	5.2013	6.33309
GR	<b>2007</b>	7,183	97	<b>7,280</b>	194,421	45.31	2007	5.4524	4.989173
GR	<b>2008</b>	6,751	89	<b>6,840</b>	194,421	45.31	2008	5.133	4.577695
GR	<b>2009</b>	6,193	64	<b>6,257</b>	194,842	45.31	2009	4.7004	3.284713
GR	<b>2010</b>	6,283	94	<b>6,377</b>	187,992	45.31	2010	4.9504	5.000213
GR	<b>2011</b>	6,836	95	<b>6,931</b>	189,008	45.31	2011	5.3391	5.026242
GR	<b>2012</b>	6,800	120	<b>6,920</b>	190,617	45.31	2012	5.2885	6.295346
GR	<b>2013</b>	7,321	88	<b>7,409</b>	192,725	45.31	2013	5.5921	4.566092
GR	<b>2014</b>	7,644	112	<b>7,756</b>	194,054	45.31	2014	5.8083	5.771589
GR	<b>2015</b>	7,833	119	<b>7,952</b>	194,847	45.31	2015	5.9279	6.107356
GR	<b>2016</b>	8,350	127	<b>8,477</b>	196,251	45.31	2016	6.2653	6.471305
							p=	0.000001	5.535746

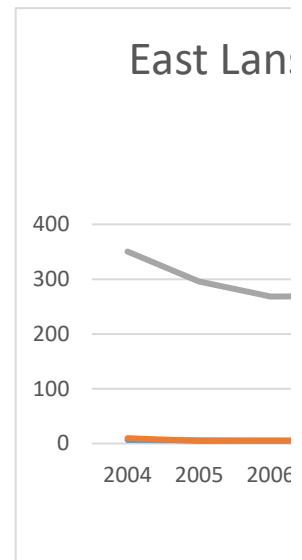




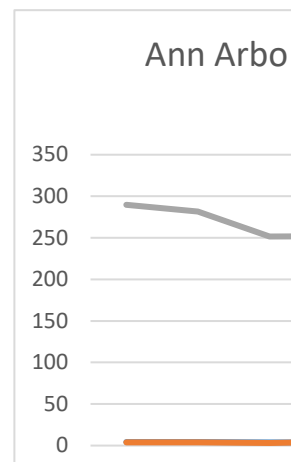
a	b	c	d	e	f	g	h
y	x	w	v	u	t	s	r
485.2361	2944.427	0	1	0	0	0	0
433.2739	2925.438	0	1	0	0	0	0
399.5116	2901.632	0	1	0	0	0	0
395.4833	2890.924	0	1	0	0	0	0
417.0213	2900.08	0	1	0	0	0	0
406.9521	2911.186	0	1	0	0	0	0
398.7408	2959.156	0	1	0	0	0	0
389.5095	2972.054	0	1	0	0	0	0
385.0129	3004.697	0	1	0	0	0	0
410.7888	3013.854	0	1	0	0	0	0
425.7978	3026.354	0	1	0	0	0	0
441.6092	3017.158	0	1	0	0	0	0
457.4611	3016.162	0	1	0	0	0	0
0.0141	0.0000340	0.4181	0.2394	1.4599	0.1728	2.3292	0.0221
29.17212	51.19894						
0.411327	0.001742						
6.58%	0.03%	0.00%					



y	x	w	v	u	t	s	r
350.3367	3484.012	0	0	1	0	0	0
295.8769	3464.841	0	0	1	0	0	0
268.2763	3421.244	0	0	1	0	0	0
269.1049	3416.21	0	0	1	0	0	0
251.1127	3392.746	0	0	1	0	0	0
224.8272	3384.456	0	0	1	0	0	0
236.841	3597.187	0	0	1	0	0	0
236.8421	3600.296	0	0	1	0	0	0
249.2193	3602.665	0	0	1	0	0	0
271.1808	3581.125	0	0	1	0	0	0
280.8721	3568.246	0	0	1	0	0	0
316.1205	3577.794	0	0	1	0	0	0
318.957	3610.955	0	0	1	0	0	0
0.0141	0.0000340	0.4181	0.2394	1.4599	0.1728	2.3292	0.0221
74.22047	89.4816						
1.046509	0.003044						
19.19%	0.06%	0.00%					



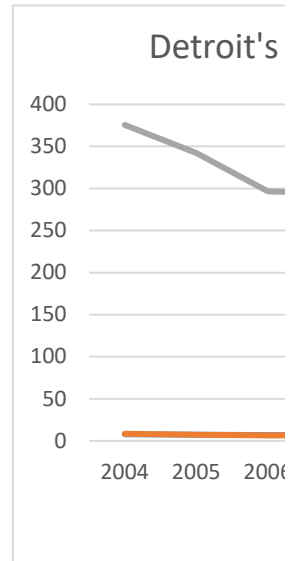
y	x	w	v	u	t	s	r
289.6564	4005.561	0	0	0	1	0	0
281.6631	3985.958	0	0	0	1	0	0
251.6859	3984.254	0	0	0	1	0	0
251.9496	3998.019	0	0	0	1	0	0
242.056	3907.265	0	0	0	1	0	0
240.9021	3933.194	0	0	0	1	0	0
245.0632	3965.693	0	0	0	1	0	0
275.2612	4009.211	1	0	0	1	0	0
274.815	4024.574	1	0	0	1	0	0
301.8563	4046.333	1	0	0	1	0	0
323.4777	4112.2	1	0	0	1	0	0
295.0913	4157.942	1	0	0	1	0	0



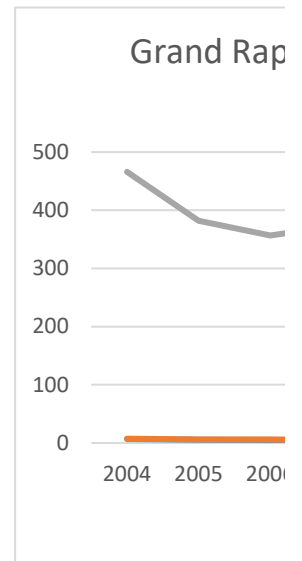
326.3112	4195.794	1	0	0	1	0	0
0.0141	0.0000340	0.4181	0.2394	1.4599	0.1728	2.3292	0.0221
59.27039	84.28634						
0.835712	0.002867	0.4181					
		9.48%	88.53%	9.48%	3.92%	3.10%	

2004 2005 2006

y	x	w	v	u	t	s	r
375.5585	6246.634	0	0	0	0	1	0
342.3594	6142.694	0	0	0	0	1	0
296.3551	6038.139	0	0	0	0	1	0
294.7888	5937.285	0	0	0	0	1	0
268.7145	5819.636	0	0	0	0	1	0
252.0283	5745.409	0	0	0	0	1	0
284.1319	4975.808	0	0	0	0	1	0
282.0305	4931.001	0	0	0	0	1	0
265.3474	4894.227	0	0	0	0	1	0
282.7118	4834.465	0	0	0	0	1	0
288.6138	4769.062	0	0	0	0	1	0
336.6458	4746.326	0	0	0	0	1	0
347.0717	4726.942	0	0	0	0	1	0
0.0141	0.0000340	0.4181	0.2394	1.4599	0.1728	2.3292	0.0221
74.31019	612.4918						
1.047774	0.020836						
15.49%	0.31%	0.00%					



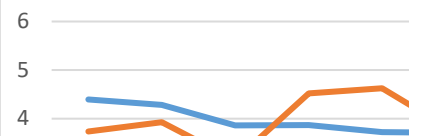
y	x	w	v	u	t	s	r
466.0128	4311.145	0	0	0	0	0	1
382.1178	4292.54	0	0	0	0	0	1
356.6611	4286.427	0	0	0	0	0	1
374.4451	4290.907	0	0	0	0	0	1
351.8138	4290.907	0	0	0	0	0	1
321.132	4300.199	0	0	0	0	0	1
339.2166	4149.018	0	0	0	0	0	1
366.7041	4171.441	0	0	0	0	0	1
363.0316	4206.952	0	0	0	0	0	1
384.4338	4253.476	0	0	0	0	0	1
399.6826	4282.807	0	0	0	0	0	1
408.1151	4300.309	0	0	0	0	0	1
431.9468	4331.296	0	0	0	0	0	1
0.0141	0.0000340	0.4181	0.2394	1.4599	0.1728	2.3292	0.0221
78.01701	55.94341						
1.10004	0.001903						
19.87%	0.03%	0.00%					

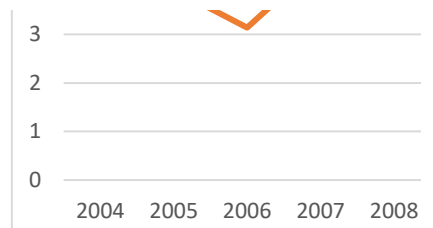
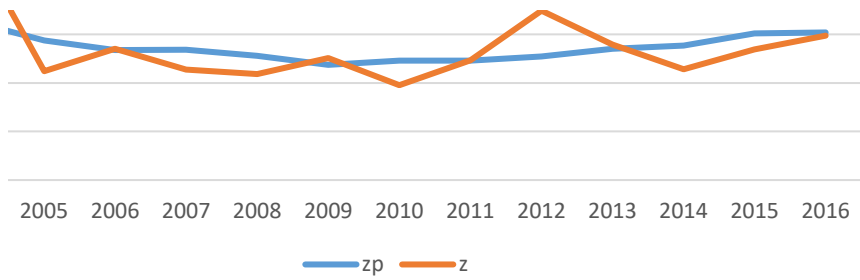


zp = 0.0141y

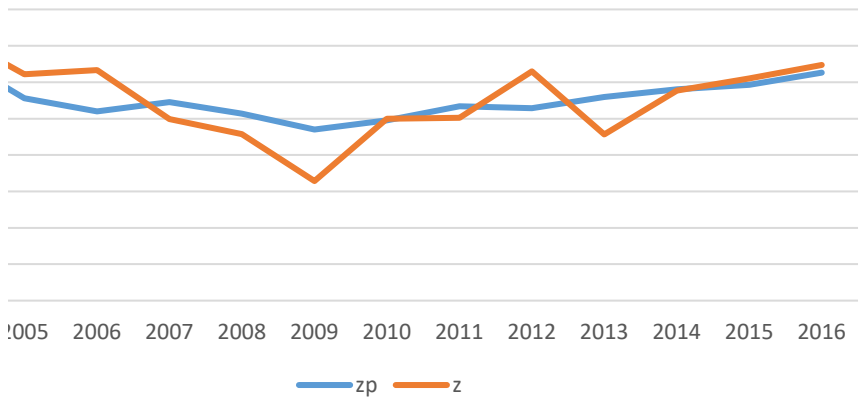
East Lansing's Predicted (zp) vs Actual (z)  
Vehicle/Pedestrian Crashes Per 10K Population

Ann Arbor's  
Vehicle/Pedestrian

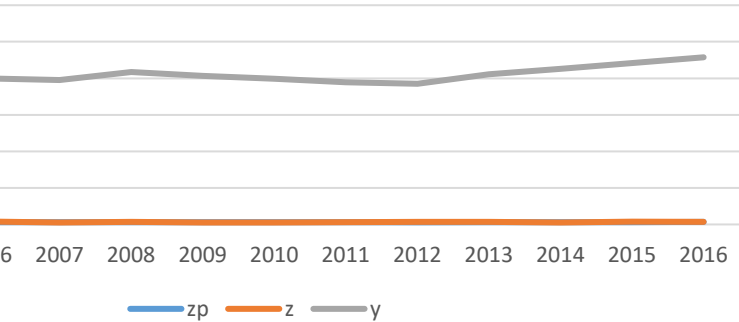




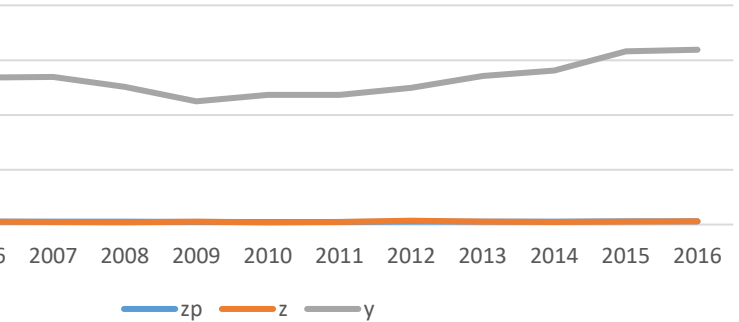
Grand Rapids' Predicted (zp) vs Actual (z)  
Vehicle/Pedestrian Crashes Per 10K Population



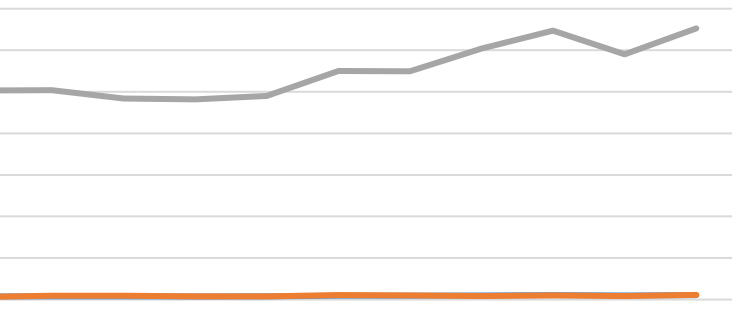
zoo's Total Accident Rate Per 10K  
Population (y)



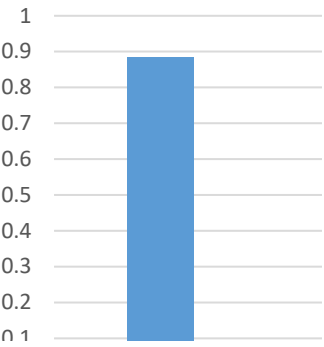
sing's Total Accident Rate Per 10K  
Population (y)



r's Total Accident Rate Per 10K Population  
(y)

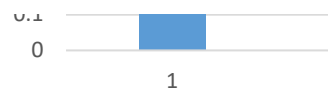


Contribution of Fa

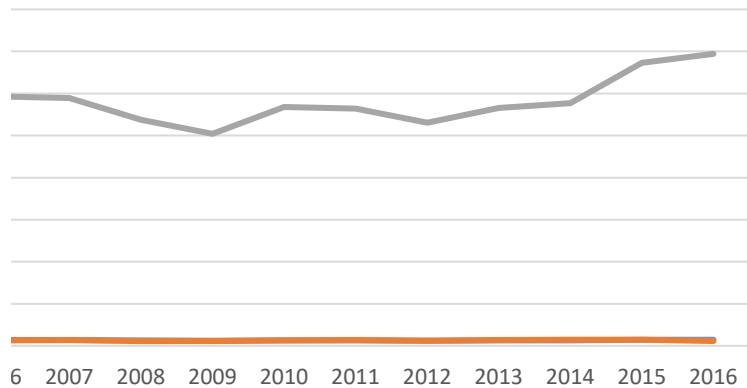


5 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016

— zp — z — y



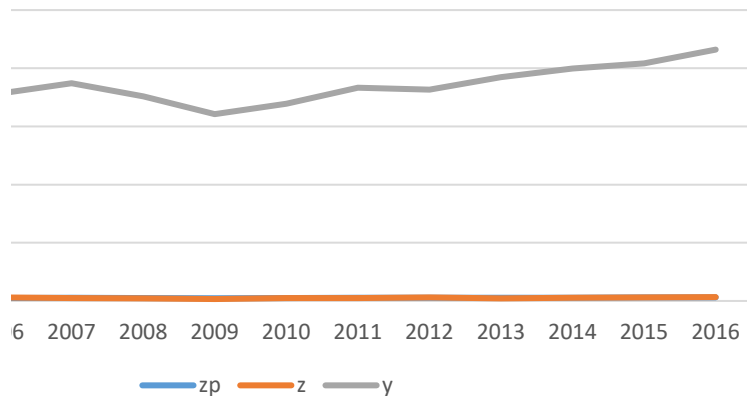
### Total Accident Rate Per 10K Population (y)



6 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016

— zp — z — y

### Boys' Total Accident Rate Per 10K Population (y)



6 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016

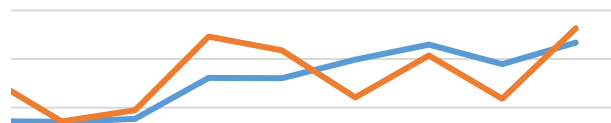
— zp — z — y

$$+ 0.000034x' + 0.4181w' + 0.1728'$$

$w=0 < 2011$

$w=1 \geq 2011$

### Predicted (zp) vs Actual (z) Boys' Crashes Per 10K Population







Factors to Average Crash Rate in  
Ann Arbor

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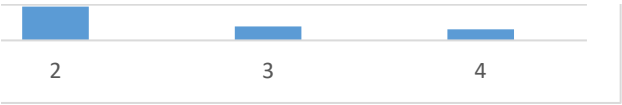
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# Analysis of Ann Arbor's Pedestrian Crossing Law

By

Chuck Loucks

1<sup>st</sup> Ward, Ann Arbor, Michigan

# Why Does Ann Arbor Have a Unique Pedestrian Crosswalk Law?

The history of how Ann Arbor's current Pedestrian Crosswalk Law came to be is best described in an article from the Ann Arbor Observer dated August, 2010:

## Crosswalk Law

### New rule gives pedestrians priority.

by [James Leonard](#)

From the August, 2010 issue

The video "was just horrifying," says Erica Briggs, membership chair of the Washtenaw Biking and Walking Coalition. Shot by coalition members, it shows schoolkids darting across South Seventh as cars zip by, ignoring the crosswalk they're trying to use. A lone kid waits at a crosswalk on Stadium near Pauline--and again, no cars stop. A legally blind woman holding a white cane tries again and again to cross Plymouth. When a car finally does stop, it's almost rear-ended by the car behind it.

When the WBWC showed the film to city council member Carsten Hohnke and mayor John Hieftje, they too were appalled. Hohnke learned that city law required cars to yield to pedestrians in crosswalks, but only after they'd stepped into the street--forcing them, in his words, "to risk one of your limbs before you have the right-of-way." So he and Hieftje talked to fellow council members Marcia Higgins, Margie Teall, and Tony Derezinski, and together they worked with the police department and city attorney's office to change the law. The new law, which takes effect this month doesn't apply to signalized intersections--but everywhere else, it requires drivers to "yield the right-of-way to every pedestrian approaching or within a crosswalk."

To spread the word about the new law, "we've got broadcast media, ads in the [city recycling periodical] *Waste Watcher*, flyers in with the water bills, postcards, posters," says city transportation manager Eli Cooper. "I've even been on the Lucy Ann Lance show!" But Briggs figures it'll take more than talks and posters to dent drivers' assumption that they rule the road. "The good thing is that this is an enforceable law, so the police can do targeted enforcement," she says. Forewarned is forearmed.

[Originally published in August, 2010.]

# Observations on the Observer Article

The *Observer* article from August, 2010 strongly implies that the main reason for passage of Ann Arbor's Pedestrian Crossing Law was to improve safety for pedestrians by giving pedestrians priority when crossing streets in Ann Arbor. This is an important point because any analysis which seeks to determine the efficacy of a law must be grounded in judging the law by how effectively it achieves its putative objectives. If the law is effective and is mainly about safety, we should see an improvement in safety measures as measured by the crash data provided by the State of Michigan over time. It turns out that it is not as straight forward as looking at a graph after passage of the law to see if the pedestrian/car crash rate went down due to confounding factors. In other words, the law could have an improvement in safety but this effect is not visible because other changes affecting safety substantially change for the worse and overwhelm any improvement brought about by the new law. What we need is a formula that will account for most of the causal factors that affect the pedestrian/vehicle crash rate as well as accounting for the change in the law.

Another thing of note from the article, at no point was there any discussion of how the originators of this law intended to judge the effectiveness of it or what metrics if any would be used to determine its efficacy. It appears that it was simply assumed that if the city passed an ordinance and sent the police out to enforce it, that an improvement in pedestrian safety must be the end result. Given the fact that the law has been in effect for over eight years, there is now plenty of data from both before and after the change in the law to put the law to a test of statistical significance.

# Background to Statistical Model Developed for Analysis of Ann Arbor's Pedestrian Crossing Law

A mathematical model to predict the expected number of vehicle/pedestrian crashes per year was developed for the purpose of assessing the impact of Ann Arbor's Pedestrian Crossing Ordinance on the rate of vehicle/pedestrian crashes per year in the City of Ann Arbor. The crash data was provided by the State of Michigan at their site: <https://www.michigantrafficcrashfacts.org> . Data from Ann Arbor, Kalamazoo, East Lansing, Detroit and Grand Rapids was used in the construction of the prediction models for each city for the years 2004 to 2016. The first full year of implementation of Ann Arbor's Pedestrian Crossing Ordinance was 2011. Ann Arbor's law is unique to itself and was not copied by the other cities over the study period. There were three causal factors common to all cities and an offset unique to each city in the study. The three common causal factors are: Over-all vehicle crash rate per year per 10,000 population, population density in units of population per square mile of city area and the presence of Ann Arbor's Pedestrian Crossing Ordinance which could only be present in Ann Arbor after the second half of 2010 (the model assumes its presence from 2011 on.) The purpose of the offset unique to each city was to capture causal effects in the given city not accounted for by the three known causal factors identified. The expected pedestrian/vehicle crash rate is in units of crashes per 10,000 population.

# Hypothesis: Ann Arbor's Pedestrian Crossing Law Reduces Accidents Involving Pedestrians

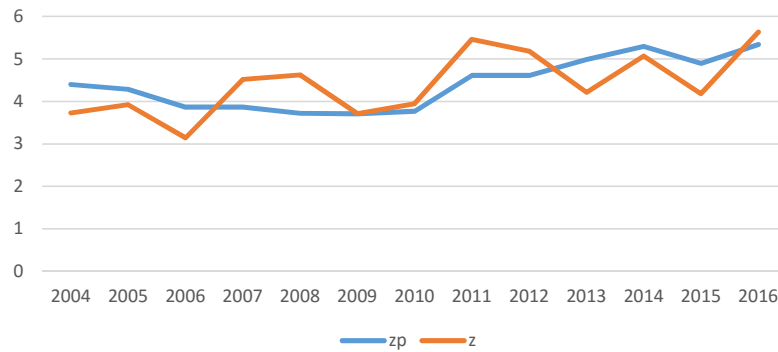
Since the putative purpose of Ann Arbor's Pedestrian Crosswalk law is to improve pedestrian safety, our statistical model shall be used to either confirm or deny this hypothesis. To this end, the factor associated with the Pedestrian Law should be negative and subtract from the expected Ann Arbor pedestrian/vehicle crash rate. In addition, the three identified casual factors should account for most of the crash effect with the forth, city specific offset term being small in comparison. The formula used is:

$$z_p = ay + bx + cw + \theta_c$$

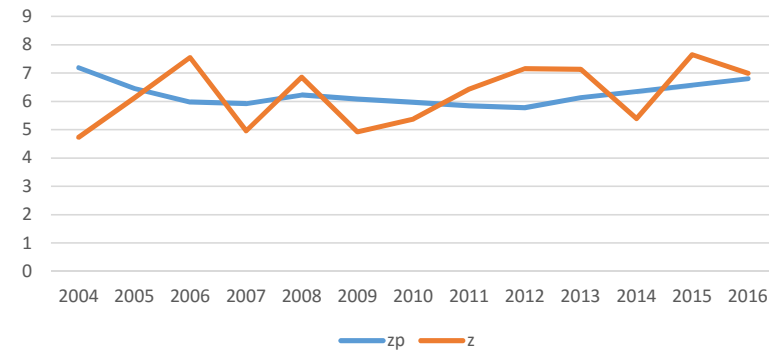
With the z term being the predicted pedestrian/vehicle accident rate or crashes/10K Population, a is the coefficient for the total vehicle accident rate (y) for the relevant city in crashes/10K Population, b is the coefficient for the population density (x) for the relevant city in population/square-mile, c is the coefficient for the offset (w) in crashes/10K Population when Ann Arbor's Pedestrian Crossing Law is in effect, this value is 1 when it is and 0 otherwise, the Theta offset is unique to each city and compensates for crashes not accounted for with the other factors, this value is in crashes/10K Population.

# Results of Regression Analysis

Ann Arbor's Predicted (zp) vs Actual (z)  
Vehicle/Pedestrian Crashes Per 10K Population



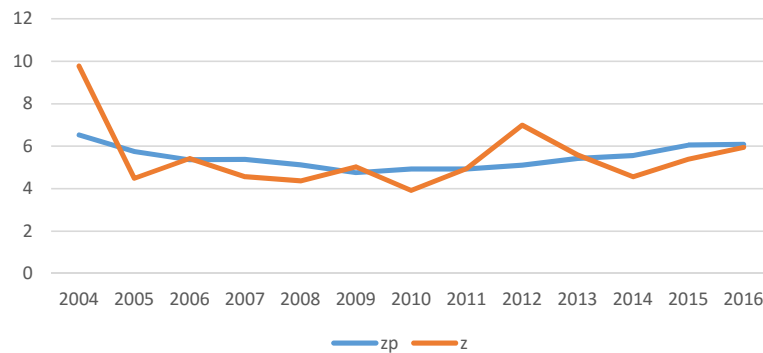
Kalamazoo's Predicted (zp) vs Actual (z)  
Vehicle/Pedestrian Crashes Per 10K Population



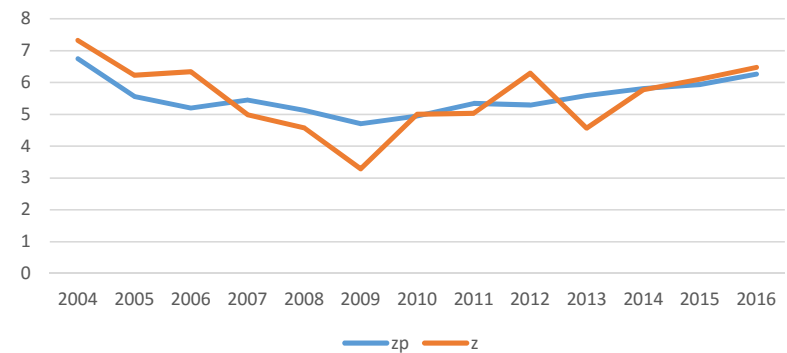


# Results of Regression Analysis

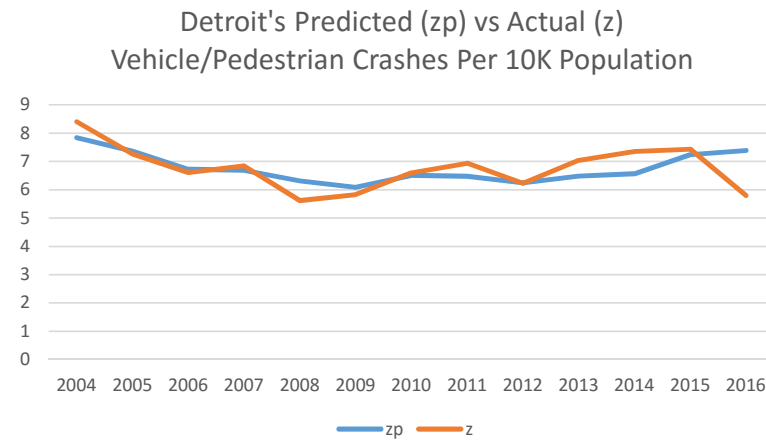
East Lansing's Predicted (zp) vs Actual (z)  
Vehicle/Pedestrian Crashes Per 10K Population



Grand Rapids' Predicted (zp) vs Actual (z)  
Vehicle/Pedestrian Crashes Per 10K Population



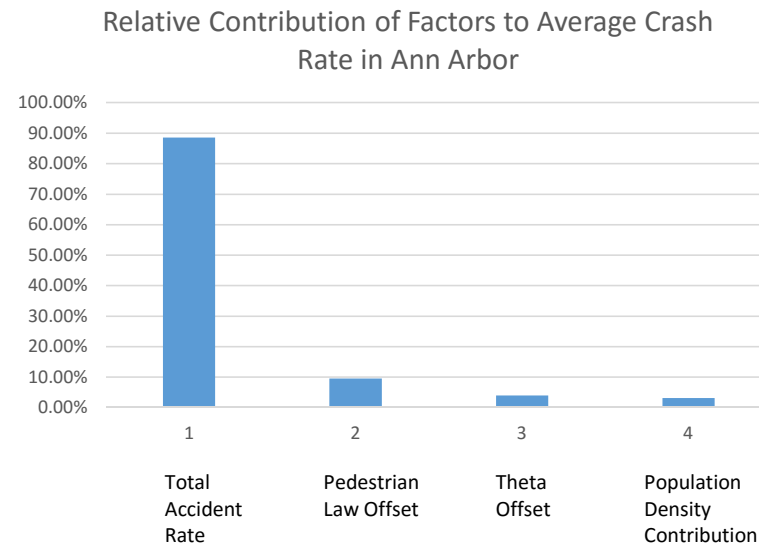
# Results of Regression Analysis



# Model Coefficient Values

City	a	b	c	Theta
Ann Arbor	0.0141	0.000034	0.4181	0.1728
Kalamazoo	0.0141	0.000034	0	0.2394
East Lansing	0.0141	0.000034	0	1.4599
Grand Rapids	0.0141	0.000034	0	0.0221
Detroit	0.0141	0.000034	0	2.3292

# Ann Arbor Relative Factor Contribution



The average Ann Arbor Pedestrian crash rate over the study period (2004-2016) was 4.41 Crashes/10K Population. The Pedestrian Law ADDED 9.48% or 0.42 Crashes/10K Population to the average crash rate after adoption from 2011 to 2016. The dominate factor by far was the Total Accident Rate. Notice that the Theta Offset for Ann Arbor is small, meaning that most of the crash effect is accounted for by known factors.

# Conclusions

The model showed that Ann Arbor's Pedestrian/Vehicle crash rate INCREASED modestly after adoption of the Ordinance and controlling for other confounding factors. This means the Null Hypothesis is the result of the Hypothesis test. The data shows no support for the claim that pedestrian safety improved in Ann Arbor as a result of the Pedestrian Ordinance. Indeed, support exists to show that safety was degraded by this Ordinance. Given that the putative reason for passing the Ordinance was to improve pedestrian safety and this safety improvement does not show up in the actual crash data, why is Ann Arbor continuing to enforce this law or keep it on its books?

This study raises serious issues that Ann Arbor's responsible officials need to address. The onus is now on the city to show good justification for keeping this law on the books. The city may not simply claim this study was flawed and ignore the issues raised by it because the city never appears to have had a serious plan to confirm through data the efficacy of this law. To enforce a law that has no public benefit is unreasonable and unethical. If the city wants to challenge the veracity of this study, please show us citizens where in the crash data support exists for keeping Ann Arbor's Pedestrian Crossing Law!

# Null Hypothesis: Ann Arbor's Pedestrian Crossing Law Increases Accidents Involving Pedestrians

The null hypothesis on why Ann Arbor's law reduces pedestrian safety can be explained as follows: requiring motorists to stop for pedestrians induces a false sense of security into the perception of pedestrians who may inadvertently lose situational awareness and misjudge a motorist's ability to avoid a collision with the pedestrian. There is and will always be a certain percentage of motorists who will fail to stop for or avoid pedestrians in or near a crosswalk. Pedestrians who place blind faith in the notion that since most or a majority of drivers stop for pedestrians then it is safe for them to not confirm the driver's intentions and proceed without verification (that is, make eye contact with the driver) are placing themselves at great risk regardless of what the law says. It is always safer for a pedestrian to assume a motorist will not stop until the pedestrian can confirm a driver's intentions.

As was shown, the principle factor leading to vehicle/pedestrian crashes is the rate of all vehicle crashes; the analysis shows that about 1.4% of all vehicular crashes involve a pedestrian. In other words, the analysis suggests that the same causes that lead to non-pedestrian involved accidents lead to accidents with pedestrians as well. It is no secret that driver caused accidents are on the rise in recent years (as confirmed in the study's data) and reasons for this include, but not limited to, increased driver distraction caused by smart phones (texting while driving) and increased impairment from opioids on top of traditional ways drivers can be distracted.

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Furthermore, not only are drivers increasingly distracted but pedestrians are as well since many pedestrians are “texting-while-walking”. It takes discipline for a pedestrian to not lose situational awareness when crossing a street and the introduction of smartphone technology causes pedestrians to be less alert.

What Ann Arbor has done is pass a law that depends on both drivers and pedestrians having high situational awareness at a time when such discipline is declining not increasing!

# The Model Used in the Study

See the attached spreadsheet and text document for a more detailed look at the methodology used in this study.