

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - OCTOBER 7, 2003**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:34 p.m. in the City Hall Council Chamber.

Council stood for a moment of silence.

Mayor Hieftje led Council in the recitation of the Pledge of Allegiance.

ROLL CALL OF COUNCIL

PRESENT : Council Members Kim Groome, Robert M. Johnson, Joan Lowenstein, Michael R. Reid, Jean Carlberg, Heidi Cowing Herrell, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

INTRODUCTIONS

PROCLAMATION – COMMUNITY TELEVISION NETWORK'S 30TH ANNIVERSARY

Mayor Hieftje presented and read a proclamation to Community Television Network (CTN) in recognition of their 30th Anniversary.

PROCLAMATION RECOGNIZING CO-OP MONTH – OCTOBER, 2003

Mayor Pro Tem Carlberg read a proclamation recognizing October 2003 as Co-Op Month. The proclamation honors cooperative businesses that serve the Ann Arbor Community, and encourages city residents to explore the benefits available through cooperative businesses.

PROCLAMATION “CELEBRATING ST. PETERSBURG: 300 YEARS OF CULTURAL BRILLIANCE

Mayor Hieftje presented a proclamation celebrating St. Petersburg Month October 2003 to Barbara Anderson of University of Michigan Center for Russian and East European Studies. The City of Ann Arbor will host a major festival, “Celebrating St. Petersburg: 300 Years of Cultural Brilliance” commemorating the 300th Anniversary of St. Petersburg, Russia.

PUBLIC COMMENTARY - RESERVED TIME**ALAN HABER – HUMAN CHAIN FOR PEACE**

Alan Haber, 531 Third, addressed Council regarding a Human Chain for Peace demonstration on October 19, 2003 from 2:30 –3:30 p.m.

MARCIA FEDERBUSH – CITY INVESTING IN SOCIAL RESPONSIBLE INVESTMENTS – NOT ISRAELI MILITARY

Marcia Federbush, 2000 Anderson Court, addressed Council regarding the city investing in socially responsible investments.

THOMAS FAYFER – ANNEXATION OF NORTH QUAD AREA

Thomas Fayfer, 1607 Harbal, expressed concern with the approval of the North Quad development and asked that the proposal be postponed to allow more discussion with the University of Michigan.

JOHN KOSELKA – ANIMAL ORDINANCE

John Koselka, 1017 Berkshire, addressed Council regarding the proposed Animal Ordinance stating that it is overbroad and unenforceable in many areas.

KERMIT SCHLANSKER – LEAGUE OF CITIES

Kermit Schlansker, 2960 Marshall, addressed Council regarding engineering a league of cities.

DIANA KERN – BROADWAY VILLAGE

Diana Kern, 320 N. Main, addressed Council regarding the Broadway Village proposal stating that the project's density and mix of residential and retail office and healthplex uses will be an important addition for residents at Medical Center Court and other neighbors in the area.

SALLY DANIELS – ANIMAL ORDINANCE TASK FORCE

Sally Daniels, 1847 Packard, addressed Council regarding the Animal Ordinance Task force stating that the Task Force has been fortunate to have people on the force with considerable experience and a wide array of human/animal relations.

THOMAS PARTRIDGE – THE CAMPAIGN FOR PROGRESSIVE, ALTRUISTIC, DEMOCRATIC SOCIETIES – IN AMERICA AND THE WORLD

Thomas Partridge, 100 S. 4th Avenue, #1010, addressed Council regarding a campaign for progressive, altruistic, democratic societies in America and around the world.

PUBLIC HEARINGS

NAUA/AKASHEH ZONING (ORDINANCE NO. 35-03)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of, 0.92 acre from TWP (Township District) to R1C (Single-Family Dwelling District), Nanua/Akasheh property, located on the east side of Upland Drive. Notice of public hearing was published September 21, 2003.

There being no one present for comment, the Mayor declared the hearing closed.

NANUA/AKASHEH LAND DIVISION

A public hearing was conducted on the proposed Nanua/Akasheh Land Division, located on the east side of Upland Drive. Notice of public hearing was published October 5, 2003.

There being no one present for comment, the Mayor declared the hearing closed.

1680 NORTH MAPLE ROAD LAND DIVISION

A public hearing was conducted on the proposed 1680 North Maple Road Land Division, 0.72 acre. Notice of public hearing was published October 5, 2003.

Robert McCowen, 229 W. Delhi Road, spoke in support of the proposed land division.

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

O'HARRIS ZONING (ORDINANCE NO. 36-03)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of, 0.13 acre from TWP (Township District) to R1D (Single-Family Dwelling District), O'Harris property, located at 2990 Shady Lane. Notice of public hearing was published September 21, 2003.

There being no one present for comment, the Mayor declared the hearing closed.

GALDEEN ZONING (ORDINANCE NO. 37-03)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of, 0.23 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Galdeen property, located at 2922 Shady Lane. Notice of public hearing was published September 21, 2003.

There being no one present for comment, the Mayor declared the hearing closed.

OWENS ZONING (ORDINANCE NO. 38-03)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of, 0.14 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Owens property, located at 2978 Shady Lane. Notice of public hearing was published September 21, 2003.

Thomas Partridge, 100 S. 4th Avenue, #1010, expressed concern with the splitting of property in Ann Arbor.

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

RECESS FOR CLOSED SESSION

Council Member Lowenstein moved, seconded by Council Member Herrell that the regular session of Council be recessed to discuss purchase of land acquisition and discussion of pending litigation.

On roll call, the vote was as follows:

Yeas, Council Members Teall, Higgins, Easthope, Woods, Groome, Johnson, Lowenstein, Reid, Carlberg, Herrell, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed into closed session at 8:29 p.m.

The Mayor reconvened the regular session of Council at 9:36 p.m.

Council Member Easthope moved, seconded by Council Member Woods to adopt the decision recommended to Council in the closed session.

The Mayor declared the motion carried.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Council Member Herrell moved, seconded by Council Member Higgins that the agenda be approved with the following changes:

CONSENT AGENDA

Revise: Resolution to Recommend the Naming of Parkland in Honor of Ron Olson (Community Services – Jayne Miller, Administrator) **(Revised 10/6/03)**

ORDINANCES – FIRST READING

Revise: Ordinance to Amend Sections 10:87 and 10:88 of Chapter 126, Traffic, of Title X of the Code of the City of Ann Arbor (City Attorney - Stephen K. Postema, City Attorney) **(Revised 10/6/03)**

Move: Amendment to Chapter 55, Rezoning of 5.42 acres, from TWP (Township District) to PUD (Planned Unit Development District) Zoning District, North Quad by Melrose, 1756 Broadway Street (Planning Commission Recommendation: Approval – 7 yeas, 1 nay) **(Consider after the Consent Agenda)**

MOTIONS AND RESOLUTIONS

Move: Resolution to Approve Broadway Village at Lower Town PUD Site Plan, 6.41 acres, Broadway at Maiden Lane (Planning Commission Recommendation: Approval – Motion to Approve Passed, 6 yeas, 3 nays) **(Postponed from the 9/2/03 Regular Session) (Consider after B-5, Ordinance No. 28-03)**

Added After Agenda Session Deadline:

Move: Resolution to Concur with the Broadway Village at Lower Town Brownfield Plan (Environmental Services – Matthew Naud, Coordinator and Planning – Donna Franklin Johnson, Planner) **(Consider after B-5, Ordinance No. 28-03)**

Added After Newspaper Deadline:

Add: Resolution to Increase Non-Bargaining Unit, Non-PPP/EPP Pay Ranges (Human Resources and Labor Relations – Carol Schuler, Director) **(Added 10/1/03)**

Add: Resolution Approving Sale of Water Supply System Revenue Refunding Bonds, Series Y, and Appointing Escrow Agent, Standard Federal Bank (Finance – Brenda L. Smith, Director) **(Added 10/1/03)**

New Business Council:

Add & Move: Resolution to Approve a Purchase Agreement for 10 acres of Land Owned by the Catholic Diocese of Lansing on S. Maple at Pauline for Park Use (\$550,000.00 Purchase Price Plus \$1,500.00 Closing Costs **(8 Votes Required)**) (Council Members Teall, Woods, Johnson, Higgins, and Herrell) **(Added 10/7/03; Consider before Consent Agenda)**

Add: Resolution Establishing a City Taskforce to Foster New Downtown Residential Development (Mayor Hieftje) **(Added 10/7/03)**

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

Add: I-5 Communication from State Representative Chris Kolb Regarding Resolution No. R-405-9-03, to Request Full Funding for Fire Protection Services **(Added 10/7/03)**

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

APPROVAL OF COUNCIL MINUTES**MINUTES OF SEPTEMBER 15, 2003 APPROVED**

Council Member Herrell moved, seconded by Council Member Lowenstein that the regular session minutes of September 15, 2003 be approved as presented.

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

R-406-10-03 APPROVED

RESOLUTION TO APPROVE A PURCHASE AGREEMENT FOR
10 ACRES OF LAND OWNED BY THE CATHOLIC DIOCESE OF
LANSING ON S. MAPLE AT PAULINE FOR PARK USE - \$550,000.00
PURCHASE PRICE PLUS \$1,500.00 CLOSING COSTS

Whereas, The Catholic Diocese of Lansing owns approximately ten acres of undeveloped land south of Pauline and east of S. Maple Rd. (referred to as Dicken Woods);

Whereas, The citizens of the area strongly support the acquisition for the purpose of preserving open space and providing community park space;

Whereas, The parcel was not specifically identified in the Park Recreation and Open Space Plan for acquisition, however, it was added to the review list for consideration by the Park Advisory Commission;

Whereas, The Park Advisory Commission adopted a resolution recommending the purchase of the property on September 2, 2003;

Whereas, An Ecological Assessment for the property was completed by the Natural Area Preservation Coordinator;

Whereas, An appraisal concerning the fair market value of the real estate interest to be acquired was performed by Gerald Alcock, MAI, as required by Section 1:320 of the Ann Arbor City Code, which listed the appraised value of the property as \$845,000.00;

Whereas, An Environmental Assessment of the property was completed and concluded there were no findings;

Whereas, Negotiations have occurred between City staff and the Catholic Diocese of Lansing which have resulted in agreement on a purchase price of \$550,000.00 subject to an expedited closing; and

Whereas, Funds for this purchase exist in adopted FY2003/2004 Land Acquisition budget;

RESOLVED, That City Council approve a purchase agreement for the acquisition of ten acres of land owned by the Catholic Diocese of Lansing, described as:

AA 31-16 Beg at W ¼ COR SEC 31, TH N 00-14-37 E 599.10FT, TH N 89-52-59 E 736.99FT, TH S 00-19-00 W 600.51FT, TH S 89-58-31 W 162.68FT, TH S 89-58-31 W 573.54FT to POB. PT OF NW ¼ SEC 31, T2S-R6E. 10.00AC.

and more specifically described in the transfer deed;

RESOLVED, That City Council authorizes the expenditure of \$551,500.00 from the Park Acquisition Millage (Fund 0024) for the purchase and associated closing costs and fees to be available for expenditure without regard to fiscal year;

RESOLVED, That the Mayor and Clerk be directed to execute the purchase agreement after approval as to form by the City Attorney; and

RESOLVED, That the City Administrator, or designee, be authorized to act as the closing agent for the City with the authority to execute any closing documents necessary to complete the transaction.

Council Member Teall moved, seconded by Council Member Higgins that the resolution be adopted.

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Herrell, Teall, Higgins, Easthope, Woods, Johnson, Lowenstein, Mayor Hieftje, 9;

Nays, Council Members Groome, Reid, 2.

The Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, the following items were removed from the Consent Agenda and placed at the end of same:

Resolution to Recommend the Naming of Parkland in Honor of Ronald Olson (Community Services – Jayne Miller, Administrator)

CONSENT AGENDA ITEMS APPROVED

Council Member Carlberg moved, seconded by Council Member Herrell that the following Consent Agenda items be approved as presented:

R-407-10-03 APPROVED

RESOLUTION TO APPROVE A NEW "SDM" LICENSE TO BE HELD IN CONJUNCTION WITH A 2003 12 MONTHS RESORT CLASS "C" LIQUOR LICENSED BUSINESS AND TO ADD SPACE (BANQUET ROOM) FOR MEDITERRANO, INC. LOCATED AT 2900 S. STATE, SUITE #7, D/B/A MEDITERRANO

RESOLVED, That the request from Mediterraneo, Inc. for a new "SDM" License to be held in conjunction with a 2003 12 Months Resort Class "C" Licensed Business and to add space (Banquet Room) located at 2900 S. State, Suite #7, Ann Arbor, Michigan, be approved.

R-408-10-03 APPROVED

RESOLUTION TO APPROVE A SERVICE PURCHASE ORDER WITH COGSDALE CORPORATION FOR UTILITY BILLING SYSTEM MAINTENANCE FOR FY 2003/2004 – NOT TO EXCEED \$30,814.00

Whereas, There is a need for on-going annual software maintenance for the Water Utilities Billing System;

Whereas, Cogsdale Corporation is the only vendor that can provide such Utility Billing System maintenance, since they are the developer of this proprietary software;

Whereas, With this purchase order, Cogsdale Corporation will have supplied the Water Utilities Department with more than \$25,000.00 worth of services in FY 03/04; and

Whereas, Cogsdale Corporation received Human Rights Approval on September 3, 2003;

RESOLVED, Council approve a purchase order with Cogsdale Corporation in the amount not to exceed \$30,814.00 for the following Utility Billing System maintenance categories:

Great Plains operating system	\$ 7,778.00
Cogsdale Customer Service Module (including Billing, Meter Reading, Collection, Service Orders)	<u>\$22,640.00</u>
Total (not to exceed)	\$30,418.00; and

RESOLVED, The purchase order with Cogsdale Corporation be funded from the approved FY2003/04 Water Utilities Department (Customer Service Unit) Operations and

Maintenance budget for FY 03/04.

R-409-10-03 APPROVED

RESOLUTION TO GRANT SEWER SERVICE OUTSIDE CITY LIMITS
TO 200 ORCHARD HILLS DRIVE

Whereas, Thomas Porter and Kathleen J. Crispell, owners of the property at 200 Orchard Hills Dr. on August 6, 2003 have requested that the City extend public sewer service to their property in Ann Arbor Township in accordance with the Policy Statement of February 1, 1994 between the City of Ann Arbor and Ann Arbor Township;

Whereas, Thomas Porter and Kathleen J. Crispell desire to enter into an agreement with the City to provide an equitable method of obtaining City service outside of its corporate boundaries; and

Whereas, as part of this agreement, the owners shall have this property annexed no later than December 31, 2007;

RESOLVED, That the Mayor and Clerk be hereby authorized and requested to sign the agreement to allow City sewer service to the land during the time it is still outside of the Corporate Limits; that the Water Utilities Department be hereby directed to send a copy of this resolution and the agreement by first class mail to the above property owner; and that the Water Utilities Department shall promptly have this resolution and the agreement recorded in the office of the Register of Deeds of Washtenaw County, Michigan.

R-410-10-03 APPROVED

RESOLUTION TO GRANT WATER SERVICE OUTSIDE CITY LIMITS
TO 325 ORCHARD HILLS DRIVE

Whereas, On September 15, 2003, the owner of the property at 325 Orchard Hills Drive requested that the City extend public water service to her property in Ann Arbor Township prior to the completion of the annexation process;

Whereas, The owner desires to enter into the standard agreement with the City which provides an equitable method of obtaining City service outside of its corporate boundaries; and

Whereas, On August 22, 2003, the owner petitioned the City for annexation under Planning

Department file number 9273L16 .1 and 9273L16.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the agreement to allow City water service to the land during the time it is still outside of the Corporate City Limits; that the Water Utilities Department be directed to send a copy of this resolution by first class mail to the above property owner; and shall promptly have this resolution and the agreement recorded in the office of the Register of Deeds of Washtenaw County, Michigan and send a completely executed copy of the agreement to the owner.

R-411-10-03 APPROVED

RESOLUTION TO APPROVE AN AMENDMENT TO THE AGREEMENT
BETWEEN THE CITY AND WASHTENAW COUNTY JOINTLY
TO DESIGN AND CONSTRUCT NORTHEAST AREA PARK
AND TO TRANSFER ADDITIONAL FUNDS IN THE AMOUNT OF
\$120,000.00 TO COVER ADDITIONAL WORK ON THE PROJECT

Whereas, The Department of Parks and Recreation has funding from the Park Rehabilitation and Development Millage and a grant through the State of Michigan Department of Natural Resources to develop Northeast Area Park;

Whereas, The Department of Parks and Recreation and the County Drain Commissioner's Office are working together to develop Northeast Area Park for recreation use and as a storm water demonstration area;

Whereas, The County has been administering the design and construction contracts, with the City sharing the costs and transferring funds to the county to cover the City's share of the costs; and

Whereas, An agreement between the City and County which outlines the responsibilities of each party including funding was approved as to form by the City and County Attorneys;

RESOLVED, That the Mayor and Council approve the amendments to the agreement between the City and County for the development of Northeast Area Park to extend the contract to March 31, 2004 and to increase the contract by \$120,000.00 to \$901,000.00;

RESOLVED, That the Mayor and City Clerk be authorized to sign the amendments to the agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the Mayor and Council approve an additional \$120,000.00 of budgeted Park Rehabilitation and Development Millage funds to be transferred to the County Drain Commissioners Office to reimburse the County for the completion of the design and development of Northeast Area Park in compliance with the amendments to the agreement between the City and the County without regard to fiscal year.

R-412-10-03 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MINUTES OF SEPTEMBER 19, 2003 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of September 19, 2003 be accepted and that the recommended courses of action therein, including payments and insurance premium renewals, be approved and authorized.

MINUTES
September 19, 2003
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

- Present: Jim Armstrong – Risk Manager
- Joan Lowenstein – City Council Member
- Mary Siefert – Treasurer
- Abigail Elias – Chief Assistant City Attorney
- Marilyn Mack - Claims Specialist
- David Swan – Assistant City Attorney
- Robert West – Assistant City Attorney

Claims Recommended for Approval:

- CC084-03 Leslie Park
Property Damage
Discussed by Jim Armstrong, Risk Manager
- CC060-03 Clara Clay/The Hartford
Vehicle Damage
Discussed by Jim Armstrong, Risk Manager
- CC074-03 Arthur George/State Farm
Vehicle Damage
Discussed by Jim Armstrong, Risk Manager

CC073-03 Michael Steelman
Vehicle Damage
Discussed by Jim Armstrong, Risk Manager

CC072-03 Deanna Hari/State Farm
Vehicle Damage
Discussed by Jim Armstrong, Risk Manager

CC081-03 Beverly Walters
Vehicle Damage
Discussed by Jim Armstrong, Risk Manager

Claims Recommended for Denial:

CC069-03 David/Jacqueline Critchett
Sewer Back Up
Discussed by Jim Armstrong, Risk Manager

CC065-03 Elisa Esper
Vehicle Damage
Discussed by Jim Armstrong, Risk Manager

CC079-03 Jason Solowczak/State Farm
Vehicle Damage
Discussed by Jim Armstrong, Risk Manager

CC071-03 Donald Simons
Vehicle Damage
Discussed by Jim Armstrong, Risk Manager

CC066-03 Alva Oslin
Vehicle Damage
Discussed by Jim Armstrong, Risk Manager

CC067-03 Manfred Soiderer
Vehicle Damage
Discussed by Jim Armstrong, Risk Manager

Old Business:

New Business:

Other Business:

Vehicle damage claim (CC054-03) was discussed by Jim Armstrong, Risk Manager and Robert West, Assistant City Attorney, resolution recommendation tabled pending further investigation.

Jim Armstrong, Risk Manager, updated the Insurance Board on twenty-two pending claims, fiscal year ending 2002 and 2003 departmental subrogation recoveries and Insurance Fund subrogation recoveries.

Assistant City Attorney Robert West updated the Insurance Board on one bodily injury claim (CC021-03).

Assistant City Attorney Robert West on one litigated claim (CC114-01).

Assistant City Attorney David Swan updated the Insurance Board on one pending litigated claim (CC005-03).

Chief Assistant City Attorney Abigail Elias updated the Insurance Board on one pending litigated claim (CC012-03).

Prepared by: Marilyn Mack, Claims Specialist
Date: July 24, 2003

R-413-10-03 APPROVED

RESOLUTION TO APPROVE FIFTH AMENDMENT TO THE CONTRACT FOR
LEGAL SERVICES WITH PEAR, SPERLING, EGGAN AND DANIELS –
EXCLUDING INSURANCE FUND MATTERS - \$25,000.00

Whereas, City Council Resolution R-327-6-00 approved, on the recommendation of the City Attorney, a contract with Pear, Sperling, Eggan, and Muskovitz, later reorganized as Pear, Sperling, Eggan and Daniels (“Pear Sperling”), for legal services in connection with various labor and employment matters;

Whereas, City Council subsequently approved amendments to the contract for legal services increasing the total compensation to a not to exceed amount of \$448,000.00;

Whereas, The City Attorney has determined that it is necessary to continue the contractual legal representation relationship with Pear, Sperling on selective labor and employment matters to ensure the continuity and effective representation of the City’s interests;

Whereas, It is necessary to amend the existing contract to increase the total compensation payable under the contract in response to additional legal service referrals in the amount of \$25,000.00; and

Whereas, Pear, Sperling received Human Rights clearance on September 22, 2003, and are in compliance with the Living Wage Ordinance;

RESOLVED, That City Council approve the amendment of the contract for legal services with Pear, Sperling in the amount of \$25,000.00 increasing the total not to exceed amount of the contract to \$473,000.00 to be expended during the life of the contract without regard to fiscal year; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the contract amendment after approval and to form and substance by the City Attorney.

The question being the foregoing Consent Agenda items as presented, on a voice vote, the Mayor declared the motion carried.

R-414-10-03 APPROVED

RESOLUTION TO RECOMMEND THE NAMING OF PARKLAND IN HONOR OF RON OLSON

Whereas, The 8.1 acres of parkland at Huron Parkway west of Traverwood Drive was approved for purchase by City Council on August 4, 2003;

Whereas, The Park Advisory Commission and staff spent a significant amount of time over the past 10 years considering this parcel for purchase;

Whereas, The purchase of this parcel would not have been possible without the direction and leadership of Ron Olson as Superintendent of Parks and Recreation;

Whereas, Mr. Olson served as Superintendent of Parks and Recreation for over 18 years, 1985 to 2003;

Whereas, As Superintendent of Parks and Recreation Mr. Olson provided dedication and commitment to parks and recreation services that involved the development of millages solely dedicated to parks and recreation, the acquisition of hundreds of acres of parkland, and an increase in recreation services to the community;

Whereas, Mr. Olson's dedication to parks and recreation is not known solely to those of us in Ann Arbor, but around the nation;

Whereas, The naming of this site after Ron Olson serves to provide a living legacy to Mr. Olson’s work and commitment to the Ann Arbor parks and recreation system;

Whereas, The Traverwood site is a perfect match as it is a site that he was involved in throughout much of his tenure as Superintendent, it is a site that has a high quality natural system perfect for preservation, and it is a site that is close to an active recreation site, Leslie Park Golf Course, one of the jewels of the Ann Arbor parks and recreation system; and

Whereas, The Park Advisory Commission unanimously approved this resolution on September 16, 2003;

RESOLVED, That Mayor and Council authorize that the 8.1 acres of parkland at Huron Parkway west of Traverwood Drive be named *Olson Woods Nature Area* in honor of Ron Olson.

Council Member Woods moved, seconded by Council Member Reid that the ordinance be adopted.

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

40-03 APPROVED

NORTH QUAD BY MELROSE ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 5.42 acres, located at 1756 Broadway Street, from TWP (Township District) to PUD (Planned Unit Development). (The complete text of Ordinance 40–03 is on file in the City Clerk’s Office.)

Council Member Herrell moved, seconded by Council Member Groome that the ordinance be approved at first reading.

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Herrell, Teall, Higgins, Easthope, Woods, Johnson, Lowenstein, Reid, Mayor Hieftje, 10;

Nays, Council Member Groome, 1.

The Mayor declared the motion carried.

ORDINANCES - SECOND READING

35-03 APPROVED

NANUA/AKASHEH ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 0.92 acre, located on the east side of Upland Drive, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 35-03 is on file in the City Clerk's Office.)

Council Member Carlberg moved, seconded by Council Member Teall that the ordinance be adopted at second reading.

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

36-03 APPROVED

O'HARRIS ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 0.13 acre, located at 2990 Shady Lane, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 36-03 is on file in the City Clerk's Office.)

Council Member Woods moved, seconded by Council Member Herrell that the ordinance be adopted at second reading.

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

37-03 APPROVED

GALDEEN ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 0.23 acre, located at 2922 Shady Lane, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 37-03 is on file in the City Clerk's Office.)

Council Member Groome moved, seconded by Council Member Carlberg that the ordinance be adopted at second reading.

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

38-03 APPROVED

OWENS ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 0.14 acre, located at 2978 Shady Lane, from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 38-03 is on file in the City Clerk's Office.)

Council Member Groome moved, seconded by Council Member Herrell that the ordinance be adopted at second reading.

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

28-03 APPROVED

BROADWAY VILLAGE AT LOWER TOWN ZONING

An Ordinance to Amend the Zoning Map Being a Part of Chapter 55 of Title V of the Code of the City of Ann Arbor

This ordinance would change the zoning of 6.41 acres, located on Broadway at Maiden Lane, from C1 (Local Business District), C3 (Fringe Commercial District) and O (Office District) to PUD (Planned Unit Development District). (The complete text of Ordinance 28-03 is on file in the City Clerk's Office.)

Council Member Carlberg moved, seconded by Council Member Reid that the ordinance be adopted at second reading.

Council Member Reid moved, seconded by Council Member Higgins to separate the ordinance and resolutions relating to the Broadway Village at Lower Town, and act on each separately.

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

Council Member Groome moved, seconded by Council Member Johnson to include the requirement of a Food Market or a Pharmacy to the supplemental regulations.

On roll call, the vote was as follows:

Yeas, Council Members Groome, Johnson, Herrell, 3;

Nays, Council Members Higgins, Easthope, Woods, Lowenstein, Reid, Carlberg, Teall, Mayor Hieftje, 8.

The Mayor declared the motion defeated.

The question being, the resolution as originally presented on roll call, the vote was as follows:

Yeas, Council Members Carlberg, Teall, Higgins, Easthope, Woods, Lowenstein, Reid, Mayor Hieftje, 8;

Nays, Council Members Groome, Johnson, Herrell, 3.

The Mayor declared the motion carried.

R-415-10-03 APPROVED

RESOLUTION TO APPROVE BROADWAY VILLAGE
AT LOWER TOWN PUD SITE PLAN

Whereas, Lower Town Development Group, LLC has requested site plan approval in order to construct an approximately 635,000-square foot complex of multiple-story, mixed-use buildings, including, but not limited to, residential, retail, hotel, medical and general office, research and development, an athletic/health/recreational club and facility, and parking uses;

Whereas, A development agreement will be prepared to address brownfield clean-up, mitigation and tax increment financing, public and private utilities, conveyance of public utilities and public streets easements, installation of detention facilities, a park contribution, contribution of land and existing buildings for construction of a parking facility, a street tree planting account, conveyance of an easement for pedestrian access, traffic mitigation measures in the Broadway and Maiden Lane rights-of-way, and the provision of affordable housing units;

Whereas, The Ann Arbor City Planning Commission, on April 1, 2003, recommended approval of the site plan;

Whereas, The contemplated development will comply with all applicable state, local and federal law, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in Chapter 57; and

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare;

RESOLVED, That the City Council approve the proposed disturbance of the Traver Creek natural features open space; and

RESOLVED, That City Council approve the Broadway Village at Lower Town PUD Site Plan upon the conditions that (1) the Development Agreement is approved, and (2) all terms of the Development Agreement are satisfied.

Council Member Woods moved, seconded by Council Member Teall that the resolution be adopted.

On roll call, the vote was as follows:

Yeas, Council Members Higgins, Easthope, Woods, Lowenstein, Reid, Carlberg, Teall, Mayor Hieftje, 8;

Nays, Council Members Groome, Johnson, Herrell, 3.

The Mayor declared the motion carried.

R-416-10-03 APPROVED

RESOLUTION TO CONCUR WITH THE BROADWAY VILLAGE AT LOWER TOWN BROWNFIELD PLAN

Whereas, In 2002, the City of Ann Arbor joined the Washtenaw County Brownfield Redevelopment Authority (the "Authority"), established under provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended ("Act 381");

Whereas, Lower Town Development Group, LLC has applied to the City of Ann Arbor for Tax Increment Financing under the City's Brownfield Implementation Plan and proposes to construct a complex of multiple-story, mixed-use buildings, including, residential, retail, hotel, medical and general office, research and development, an athletic/health/recreational facility, and parking uses in the City;

Whereas, The proposed site is contaminated with perchloroethylene and the developer has agreed to clean the site to Part 201 Residential Closure standards as outlined in the City of Ann Arbor Brownfield Implementation Plan;

Whereas, The Brownfield Review Committee has reviewed the proposed development and determined that the: 1) proposed site is a "facility"; 2) initial cost estimates, reconciled by a City-contracted cost estimator, are consistent; 3) available assessment data is insufficient to determine the true value of the development at this time; 4) public engagement requirements have been met as specified in the City's Brownfield Implementation Plan; and 5) proposed activities are eligible for Brownfield support;

Whereas, The Brownfield Review Committee agreed in response to the insufficiency of the currently available assessment data to determine the true value of the Project that any approved Brownfield Plan must be contingent upon the developer meeting a series of conditions including but not limited to: 75% pre-leasing of the office and retail space including a signed agreement for the athletic/health/recreational facility and hotel; construction bids within agreed targets; protection for the city against future sale or transfer

to a tax exempt entity unless seller/transferor repays the entire Brownfield TIF; and City Council approval of the Development Agreement which incorporates all prescribed conditions;

Whereas, The Developer has authorized his negotiator to incorporate all prescribed conditions in the Development Agreement;

Whereas, The Brownfield Review Committee recommended the City Administrator forward the application to the Washtenaw County Brownfield Redevelopment Authority to develop the Brownfield Plan;

Whereas, The Washtenaw County Brownfield Redevelopment Authority developed the Brownfield Plan;

Whereas, Act 381 requires that the City Council concur with the provisions of the Brownfield Plan before the Washtenaw County Commission may approve the Brownfield Plan;

Whereas, The Washtenaw County Brownfield Redevelopment Authority contracted for an MAI appraisal to assist in the determination of the true value of the Project during finalization of the Development Agreement; and

Whereas, The City intends to enter into a development agreement with the Developer and the Authority, which agreement will address brownfield clean-up, brownfield tax increment financing to repay bonds to be issued and sold by the City in connection with said Plan, public and private utilities, conveyance of public utilities and public streets easements, installation of storm water detention facilities, a park contribution, contribution of land and existing buildings for construction of a parking facility, a street tree planting account, conveyance of an easement for pedestrian access, traffic mitigation measures in the Broadway and Maiden Lane rights-of-way, the provision of affordable housing units, Eligible Activities as defined in Public Act 381 of the Public Acts of 1996, as amended (“Act 381”), and immediate financial benefits to the City and minimization of financial risk in connection with the tax increment financing as provided in the Plan and Financial Summary submitted to the City by Lowertown Development Group LLC dated August, 2003, as subsequently revised;

RESOLVED, That City Council concurs with the provisions of the Brownfield Plan, Exhibit A hereto, and recommends that it be approved by the Washtenaw County Board of Commissioners in accordance with Act 381.

Council Member Higgins moved, seconded by Council Member Reid that the resolution be adopted.

Council Member Groome moved, seconded by Council Member Johnson moved to amend

the resolution as follows:

and all of the following must occur first:

the draft Brownfield Plan be approved by WCBRA, The County Board of Commissioners and MEDC, following approval by City Council;

The developer furnishes the City Council with a complete set of its audited financial statements, and of its state and federal tax returns, for the past 5 years.

developer (L TDG) presents to Council a letter from a bank that states that the developer cannot complete this project without public funding, with the bank stating the range of such public contribution (if needed) to make the project viable;

developer provides Council with signed leases for 75% of the total retail and office square footage, as well as leases for the hotel and healthplex and that each of these leases be for a minimum of 5 years;

Construction bids are furnished to the City Council showing that the bids are within the agree 1 targets of approximately \$120 million for the overall project cost and \$19.2 million for the parking deck cost.

The developer furnishes a written promise to the City Council that all parking structure costs in excess of \$19.2 million will be paid by the developer.

The City Council approves sources of revenue, which, in its sole judgment, are sufficient to finance the project.

There is an agreement between the City, the developer, and all lending institutions, which ensures that the annual developer payment obligation of \$500,000.00 survives any transfer of ownership of the project.

Each principal of the developer has provided to the City his or her personal guarantee, backed by payment bonds, that in the sole judgment of the City Council will ensure that the annual developer payment obligation of \$500,000.00 will be paid for the life of the obligation.

There is an agreement between the City and the developer which prevents any sale or transfer of the project to a tax-exempt entity (expressly including the University of Michigan) unless the seller/transferor first repays the entire amount of the tax increment financing under the Brownfield Plan to all of the taxing authorities whose taxes will be captured.

A Joint Advisory Committee on the operation and maintenance of the parking structure, with equal number of representatives from the City, the DDA and the developer. This committee will also be responsible for review of bids and inspection of the parking deck at regular intervals throughout the construction period.

The developer promises that it will not sell, transfer, assign, mortgage, or otherwise encumber its interest in the project for the period of the TIF without the prior consent of the City Council.

The developer promises that it will not change its management or capital structure for the period of the TIF without the prior consent of the City Council.

Scott Chappelle and Kevin McGraw each promise that they will not sell, transfer, assign, mortgage, or otherwise encumber their interest in the developer for a period of 5 years without the prior consent of the City Council.

The Mayor declared a recess at 11:23 p.m. and reconvened the meeting at 11:44 p.m.

On roll call, the vote was as follows:

Yeas, Council Members Groome, Johnson, Herrell, 3;

Nays, Council Members Higgins, Easthope, Woods, Lowenstein, Reid, Carlberg, Teall, Mayor Hieftje, 8.

The Mayor declared the motion failed.

Council Member Johnson moved, seconded by Council Member Groome to amend the Brownfield Plan as follows:

Paragraph (D):

Neither Washtenaw County nor the Authority will incur a financial note or bonded indebtedness for this project. A report on any note or bonded indebtedness is not necessary. The City of Ann Arbor may, however, issue up to ~~\$40 million~~ **10 million** in bonds to cover the cost of eligible expenses.

On roll call, the vote was as follows:

Yeas, Council Members Groome, Johnson, Herrell, 3;

Nays: Council Members Higgins, Easthope, Woods, Lowenstein, Reid, Carlberg, Teall, and Mayor Hieftje, 8;

The Mayor declared that the motion failed.

The question being, the resolution as originally presented, on roll call, the vote was as follows:

Yeas, Council Members Higgins, Easthope, Woods, Lowenstein, Reid, Carlberg, Teall, Mayor Hieftje, 8;

Nays, Council Members Groome, Johnson, Herrell 3.

The Mayor declared the motion carried.

ORDINANCES - FIRST READING

41-03 APPROVED

TRAFFIC

An Ordinance to Amend Sections 10:87 and 10:88 of Chapter 126, Traffic, of Title X of the Code of the City of Ann Arbor

(The complete text of Ordinance 41-03 is on file in the City Clerk's Office.)

Council Member Carlberg moved, seconded by Council Member Woods that the ordinance be approved at first reading.

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

42-03 APPROVED AS AMENDED

AMEND LICENSES
FEES AND BONDS REQUIRED
AMEND ANIMAL SHOWS AND EXHIBITIONS
ADD NEW ANIMALS CHAPTER
REPEAL HORSE DRAWN VEHICLES FOR HIRE CHAPTER

An Ordinance to Amend Sections 7:33, 7:34 and 7:37 of Chapter 77 of Title VII, to repeal the Existing Chapter 107 Except for Section 9:39 and Add a New Chapter 107 of Title IX, and to Repeal the Existing Chapter 129 of Title X of the Code of the City of Ann Arbor

(The complete text of Ordinance 42-03 is on file in the City Clerk's Office.)

Council Member Herrell moved, seconded by Council Member Johnson that the ordinance be approved at first reading.

Council Member Lowenstein moved, seconded by Council Member Reid to amend the ordinance as follows:

...9:58. Exceptions.

(1) This Chapter shall not apply to animals held for biomedical and behavioral research as defined in the Animal Welfare Act (7 U.S.C. 2131 et. seq.) and the Health Research Extension Act of 1985 Public Law 99-158...

On roll call, the vote was as follows:

Yeas, Higgins, Easthope, Woods, Johnson, Lowenstein, Reid, Carlberg, Teall, Mayor Hieftje, 9;

Nays, Council Member Groome, Herrell, 2.

The Mayor declared the motion carried.

Council Member Reid moved, seconded by Council Member Woods to postpone the ordinance until October 20, 2003 for further review.

On roll, call the vote was as follows:

Yeas, Higgins, Woods, Reid, 3;

Nays, Easthope, Groome, Johnson, Lowenstein, Carlberg, Herrell, Teall, Mayor Hieftje, 8;

The Mayor declared the motion defeated.

The question being, the ordinance as amended, on roll call, the vote was as follows:

Yeas, Council Members Carlberg, Herrell, Teall, Higgins, Easthope, Woods, Groome, Johnson, Lowenstein, Reid, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

R-417-10-03 APPROVED

RESOLUTION TO APPROVE COX ANNEXATION

Whereas, The territory hereinafter described is located in the Township of Scio and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Richard Cox is the owner of said property; and

Whereas, It is the desire of Richard Cox to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to-wit:

Lot 249, Scioto Hills Subdivision No. 1, part of the SE ¼ of Section 24, T2S, R5E, Scio Township, Washtenaw County, Michigan, Liber 8 of Plats, Page 30, Washtenaw County Records.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Cox Annexation, located at 2588 Dexter Road.

Council Member Woods moved, seconded by Council Member Carlberg that the resolution be adopted.

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

R-418-10-03 APPROVED

RESOLUTION TO APPROVE NANUA/AKASHEH LAND DIVISION

Whereas, Prabjot Nanua and Arius Akasheh have requested land division approval to divide the property on the east side of Upland Drive into two separate parcels; and

Whereas, The Ann Arbor City Planning Commission, on December 17, 2002, recommended approval of said request;

RESOLVED, That City Council approve the Nanua/Akasheh Land Division, as described below:

Lot 2A

The N ½ of Lot 2, "Uplands", a Subdivision, recorded in Liber 5 of Plats, Page 41, Washtenaw County Records. Being more particularly described as: Commencing at the NE corner of Lot 1, "Uplands", a Subdivision, recorded in Liber 5 of Plats, Page 41, Washtenaw County Records, thence S 02°17'30" W 132.60 feet along the East line of said Lot 1 to the POINT OF BEGINNING; thence S 02°17'30" W 66.30 feet along the East line of Lot 2 of said "Uplands"; thence N 88°21'30" W 303.50 feet; thence N 02°17'30" E 66.30 feet along the West line of said Lot 2 and the Easterly line of Upland Drive (50 feet wide); thence S 88°21'30" E 303.50 feet along the North line of said Lot 2 to the POINT OF BEGINNING. Being a part of the NW ¼ of Section 22, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, and containing 0.46 acres of land, more of less. Being subject to easements and restrictions of record, if any.

Lot 2B

The S ½ of Lot 2, "Uplands", a Subdivision, recorded in Liber 5 of Plats, Page 41, Washtenaw County Records. Being more particularly described as: Commencing at the NE corner of Lot 1, "Uplands", a Subdivision, recorded in Liber 5 of Plats, Page 41, Washtenaw County Records, thence S 02°17'30" W 198.90 feet along the East line of Lots 1 and 2 of said "Uplands" to the POINT OF BEGINNING; thence S 02°17'30" W 66.30 feet along the East line of said Lot 2; thence N 88°21'30" W 303.50 feet along the South line of said Lot 2; thence N 02°17'30" E 66.30 feet along the West line of said Lot 2 and the Easterly line of Upland Drive (50 feet wide); thence S 88°21'30" E 303.50 feet to the POINT OF BEGINNING. Being a part of the NW ¼ of Section 22, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, and containing 0.46 acres of land, more or less. Being subject to easements and restrictions of record, if any.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Nanua/Akasheh Land Division, 0.92 acre, located on the east side of Upland drive.

Council Member Teall moved, seconded by Council Member Groome that the resolution be adopted.

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

R-419-10-03 APPROVED

RESOLUTION TO APPROVE NORTH MAPLE ROAD LAND DIVISION

Whereas, Timbers-Summit LLC has requested land division approval in order to divide the property at 1680 North Maple Road (Assessor's Code No. 09-19-214-065) into four separate parcels; and

Whereas, The Ann Arbor City Planning Commission, on September 4, 2003, reviewed said request;

RESOLVED, That City Council approve the 1680 North Maple Road Land Division, as described below, subject to the recording of shared access and utility easements and a shared maintenance agreement:

Parcel I

BEGINNING at the Northwest corner of Lot 112 "GARDEN HOMES PARK SUBDIVISION" a subdivision of part of the West ½ of Section 19, T2S, R6E, and a part of the Northeast ¼ of Section 24, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 20 of Plats, Pages 92 through 94, inclusive, Washtenaw County Records; thence S89°20'16"E 90.68 feet along the North line of said Lot 112; thence S00°20'29"W 94.51 feet; thence N89°20'15"W 92.93 feet to a point on the Easterly right-of-way of Maple Road; thence along said Easterly right-of-way line N01°24'25"E 94.53 feet to the Point of Beginning. Being a part of the North 12 feet of Lot 111 and a part of Lot 112, "GARDEN HOMES PARK SUBDIVISION" a subdivision of part of the West ½ of Section 19, T2S, R6E, and a part of the Northeast ¼ of Section 24, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 20 of Plats, Pages 92 through 94, inclusive, Washtenaw County Records and containing 8,677 square feet of land, more or less. Being subject to easements and restriction of record, if any. Also being subject to and together with a 40 foot wide easement for ingress and egress and the installation and maintenance of utilities being 10 feet North and 30 feet South of a line described as follows: BEGINNING at the Northwest corner of said Lot 112; thence S89°20'16"E 275.38 feet along the North line of said Lot 112 to the POINT OF TERMINATION.

Parcel II

Commencing at the Northwest corner of Lot 112 "GARDEN HOMES PARK SUBDIVISION" a subdivision of part of the West ½ of Section 19, T2S, R6E, and a part of the Northeast ¼ of Section 24, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 20 of Plats, Pages 92 through 94, inclusive, Washtenaw County Records; thence S89°20'16"E 90.68 feet along the North line of said Lot 112 to the POINT OF BEGINNING; thence continuing along said North line S89°20'16"E 92.85 feet; thence S00°02'29"W 94.50 feet; thence N89°20'51"W 92.85 feet; thence N00°02'29"E 94.51 feet to the Point of Beginning. Being a part of the North 12 feet of Lot 111 and a part of Lot 112, "GARDEN HOMES PARK SUBDIVISION" a subdivision of part of the West ½ of Section 19, T2S, R6E, and a part of the Northeast ¼ of Section 24, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 20 of Plats, Pages 92 through 94, inclusive, Washtenaw County Records and containing 8,774 square feet of land, more or less. Being subject to easements and restrictions of record, if any. Also being subject to and together with a 40 foot wide easement for ingress and egress and the installation and maintenance of utilities being 10 feet North and 30 feet South of a line described as follows: BEGINNING at the Northwest corner of said Lot 112; thence S89°20'16"E 275.38 feet along the North line of said Lot 112 to the POINT OF TERMINATION.

Parcel III

Commencing at the Northwest corner of Lot 112 "GARDEN HOMES PARK SUBDIVISION" a subdivision of part of the West ½ of Section 19, T2S, R6E, and a part of the Northeast ¼ of Section 24, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 20 of Plats, Pages 92 through 94, inclusive, Washtenaw County Records; thence S89°20'16"E 183.53 feet along the North line of said Lot 112 to the POINT OF BEGINNING; thence continuing along said North line S89°20'16"E 91.85 feet; thence S00°02'29"W 82.48 feet to a point on the South line of said Lot 112; thence along said South line N89°20'51"W 25.02 feet to the Northeast corner of Lot 111, said "GARDEN HOMES PARK SUBDIVISION"; thence along the East line of said Lot 111 S00°02'34"W 12.00 feet; thence N89°20'51"W 66.83 feet; thence N00°02'29"E 94.50 feet to the Point of Beginning. Being a part of the North 12 feet of Lot 111 and a part of Lot 112, "GARDEN HOMES PARK SUBDIVISION" a subdivision of part of the West ½ of Section 19, T2S, R6E, and a part of the Northeast ¼ of Section 24, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 20 of Plats, Page 92 through 94, inclusive, Washtenaw County Records and containing 8,378 square feet of land, more or less. Being

subject to easements and restrictions of record, if any. Also being subject to and together with a 40 foot wide easement for ingress and egress and the installation and maintenance of utilities being 10 feet North and 30 feet South of a line described as follows: BEGINNING at the Northwest corner of said Lot 112; thence S89°20'16"E 275.38 feet along the North line of said Lot 112 to the POINT OF TERMINATION.

Parcel IV

Commencing at the Northwest corner of Lot 112 "GARDEN HOMES PARK SUBDIVISION" a subdivision of part of the West ½ of Section 19, T2S, R6E, and a part of the Northeast ¼ of Section 24, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 20 of Plats, Pages 92 through 94, inclusive, Washtenaw County Records; thence S89°20'16"E 275.38 feet along the North line of said Lot 112 to the POINT OF BEGINNING; thence continuing along said North line S89°20'16"E 93.85 feet to the Northeast corner of said Lot 112; thence along the East line of said Lot 112 and the Southerly extension thereof S00°02'29"W 82.46 feet to a point on the South line of said Lot 112; thence along said South line N89°20'51"W 93.85 feet; thence N00°02'29"E 82.48 feet to the Point of Beginning. Being a part of Lot 112, "GARDEN HOMES PARK SUBDIVISION" a subdivision of part of the West ½ of Section 19, T2S, R6E, and a part of the Northeast ¼ of Section 24, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 20 of Plats, Pages 92 through 94, inclusive, Washtenaw County Records and containing 7,739 square feet of land, more or les. Being subject to easements and restrictions of record, if any. Also being subject to and together with a 40 foot wide easement for ingress and egress and the installation and maintenance of utilities being 10 feet North and 30 feet South of a line described as follows: BEGINNING at the Northwest corner of said Lot 112; thence S89°20'16"E 275.38 feet along the North line of said Lot 112 to the POINT OF TERMINATION.

A communication was received from the City Planning Commission transmitting its recommendation of denial of the proposed North Maple Land Division, 0.72 acre, located at 1680 North Maple.

Council Member Groome moved, seconded by Council Member Carlberg that the resolution be adopted.

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

R-420-10-03 APPROVED

RESOLUTION TO APPROVE VALLEY ANNEXATION

Whereas, The territory hereinafter described is located in the Township of Ann Arbor and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Ronald Coleman and Robert Shaya are the purchasers and James and Becky Jo Valley are the owners of said property; and

Whereas, It is the desire of Ronald Coleman and Robert Shaya and James and Becky Jo Valley to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

Commencing at the West ¼ corner of Section 16, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence N 00°24'44" E 667.66 feet along the West line of Section 16 to a point on the South line N ½ to the S ½ of the NW ¼ of Section 16; thence along said South line N 88°01'00" E 1848.39 feet to a point on the centerline of Pontiac Trail; thence N 04°48'55" E along said centerline 247.59 feet to the POINT OF BEGINNING; thence S 88°07'08" W 559.86 feet; thence due North 216.49 feet; thence N 88°07'08" E 578.04 feet to a point on the centerline of Pontiac Trail; thence S 04°46'55" W along said centerline 217.84 feet to the POINT OF BEGINNING. Subject to the rights of the public over the Easterly 33.0 feet thereof as occupied by Pontiac Trail.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Valley Annexation, 2.8 acres, located at 2701 Pontiac Trail.

Council Member Teall moved, seconded by Council Member Carlberg that the resolution be adopted.

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

R-421-10-03 APPROVED

RESOLUTION TO APPROVE WHITACRE ANNEXATION

Whereas, The territory hereinafter described is located in the Township of Ann Arbor and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Donald E. Whitacre is the owner of said property; and

Whereas, It is the desire of the Donald E. Whitacre to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

Lot 80, Huron River Hills, Ann Arbor Township, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Whitacre Annexation, 0.25 acre, located at 451 Brookside Drive.

Council Member Groome moved, seconded by Council Member Herrell that the resolution be adopted.

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

R-422-10-03 APPROVED

RESOLUTION TO APPROVE WHITE-BLACK ANNEXATION

Whereas, The territory hereinafter described is located in the Township of Ann Arbor and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Shirley A. White-Black is the owner of said property; and

Whereas, It is the desire of the Shirley A. White-Black to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

Lot 3, Geddes Farm Subdivision, part of the North one-half of Section 35, Ann Arbor Township, Washtenaw County, Michigan, according to the Plat thereof, as recorded in Liber 7 of Plats, Page 40, Washtenaw County Records.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed White-Black Annexation, 0.60 acre, located at 3595 Huron River Drive.

Council Member Woods moved, seconded by Council Member Johnson that the resolution be adopted.

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

R-423-10-03 APPROVED

RESOLUTION TO APPROVE ARBOR RIDGE
CONDOMINIUMS ANNEXATION

Whereas, The territory hereinafter described is located in the Township of Ann Arbor and is adjacent to the corporate limits of the City of Ann Arbor;

Whereas, Pillar Properties is the purchaser and Margaret Lirette Corporation and David S. Breakey are the owners of said property; and

Whereas, It is the desire of Pillar Properties and Margaret Lirette Corporation and David S. Breakey to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

Parcel A

Commencing at the W ¼ corner, Section 16, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, thence N 00°24'44" E 667.61 (667.66 feet recorded) along the West line of said Section 16 to the POINT

OF BEGINNING, thence continuing N 00°24'44" E 587.84 feet along the West line of said Section 16; thence N 25°46'45" E 89.98 feet (90.08 feet recorded) along the Southeasterly right-of-way line of M-14; thence N 88°07'57" E 971.09 feet (N 88°07'08" E recorded) along the North line of the S ½ of the NW ¼ of said Section 16 as monumented; thence N 58°24'26" E 105.71 feet (N 58°31'27" E 105.36 feet recorded); thence N 85°27'51" E 812.67 feet; thence S 08°09'22" W 91.65 feet (S 08°09'25" W recorded) along the centerline of Pontiac Trail (variable width); thence S 88°07'57" W 336.68 feet (N 88°07'08" E recorded) along the North line of the S ½ of the NW ¼ of said Section 16 as monumented; thence S 00°00'00" E 201.16 feet (201.10 feet recorded); thence S 88°07'08" W 258.33 feet; thence S 00°00'00" E 216.49 feet; thence N 88°07'08" E 559.94 feet (559.86 feet recorded); thence S 04°47'06" W 65.22 feet (S 04°46'55" W recorded) along the centerline of said Pontiac Trail; thence S 88°00'55" W 533.46 feet (533.38 feet recorded); thence S 00°00'00" E 180.06 feet (181.20 feet recorded); thence S 87°57'55" W 1328.31 feet (S 88°01'00" W 1328.23 feet recorded) along the South line of the N ½ of the S ½ of the NW ¼ of said Section 16 to the POINT OF BEGINNING. Being a part of the NW ¼ of said Section 16 and containing 23.37 acres of land, more or less. Being subject to the rights of the public over the Easterly 33.00 feet thereof, as occupied by said Pontiac Trail. Being subject to easements and restrictions of record, if any.

Parcel B

Commencing at the W ¼ corner, Section 16, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, thence N 00°24'44" E 667.61 feet (667.66 feet recorded) along the West line of said Section 16; thence N 87°57'55" E 1328.31 feet (N 88°01'00" E 1328.23 feet recorded) along the South line of the N ½ of the S ½ of the NW ¼ of said Section 16 to the POINT OF BEGINNING; thence N 00°00'00" W 180.06 feet (181.20 feet recorded); thence N 88°00'55" E 533.46 feet (533.38 feet recorded); thence S 04°47'06" W 180.76 feet along the centerline of Pontiac Trail (variable width); thence S 87°57'55" W 518.39 feet (S 88°01'00" W recorded) along the South line of the N ½ of the S ½ of the NW ¼ of said Section 16 to the POINT OF BEGINNING. Being a part of the NW ¼ of said Section 16 and containing 2.17 acres of land, more or less. Being subject to the rights of the public over the Easterly 33.00 feet thereof, as occupied by said Pontiac Trail. Being subject to easements and restrictions of record, if any.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Arbor Ridge Condominiums Annexation, 25.54 acres, located on the west side of Pontiac Trail, south of Dhu Varren Road.

Council Member Herrell moved, seconded by Council Member Groome that the resolution be adopted.

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

R-424-10-03 APPROVED

RESOLUTION TO APPROVE PURCHASE OF SCARAB
WINDROW TURNER -\$259,856.00 AND SALE
OF 1990 SCARAB WINDROW TURNER –
\$20,101.00 RFP NO. 564

Whereas, A replacement windrow turner is needed for operations at the City’s Compost processing facility;

Whereas, Scarab Manufacturing provided the lowest bid for a Scarab Model 18HYD 525D5 or equivalent that met City specifications;

Whereas, Scarab Manufacturing has received Human Rights approval on August 20, 2003 and complies with the living wage ordinance;

Whereas, Unlimited Resources Corporation provided the highest stand-alone bid for purchase of the City’s used 1990 Windrow Turner; and

Whereas, Funds for this purchase are available through the approved fiscal year 2003-04 general fund budget and the compost equipment account of the Solid Waste Equipment Fund;

RESOLVED, That City Council approve the issuance of a purchase order to Scarab Manufacturing for the purchase of one new Scarab 18 HYD 525D5 windrow turner at a cost of \$259,856.00, with \$100,000.00 of the funding to be provided through the approved general fund budget and \$159,856.00 to be provided through the compost equipment account of the Solid Waste Equipment Fund; and

RESOLVED, That City Council approve the sale of the City-owned 1990 Scarab windrow turner to Unlimited Resources Corporation for \$20,101.00, such funds to be deposited in the compost equipment account of the Solid Waste Equipment Fund.

Council Member Woods moved, seconded by Council Member Teall that the resolution be adopted.

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

R-425-10-03 APPROVED

RESOLUTION TO AUTHORIZE REIMBURSEMENT TO FCR, INC.
FOR PURCHASE OF TRUCK SCALE AND LOADER TIRES AT THE CITY
MATERIALS RECOVERY FACILITY – \$73,600.00

Whereas, The replacement of the truck scale at the City’s materials recovery facility (MRF) is crucial to ongoing operations at the facility;

Whereas, Solid rubber tires are needed on the MRF’s front-end loader in order to effectively process solid waste and recyclables, minimizing loader down-time;

Whereas, The City’s contract with the MRF operator, FCR, provides for the replacement of equipment upon the mutual consent of both parties;

Whereas, FCR has solicited a minimum of three bids for each of these purchases;

Whereas, There is a balance of approximately \$551,100.00 the MRF capital replacement account of the Solid Waste Equipment Fund; and

Whereas, FCR has received human rights approval on September 25, 2003;

RESOLVED, That City Council approve the purchase of four solid rubber tires at a price of \$19,600.00 a new MRF truck scale at a price of \$54,000.00 to be provided through the MRF capital replacement account of the Solid Waste Equipment Fund; and

RESOLVED, That such payment by the City shall take the form of reimbursement to FCR after these purchases have been made, without regard to fiscal year.

Council Member Woods moved, seconded by Council Member Higgins that the resolution be adopted.

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

R-426-10-03 APPROVED

RESOLUTION TO ACCEPT GRANT AND APPROPRIATE FUNDS FOR
CLEAN CITIES PROGRAM INCENTIVES FROM THE MICHIGAN
ENERGY OFFICE - \$15,000.00 FEDERAL FUNDS

Whereas, The City of Ann Arbor is a member of the US Department of Energy’s “Clean Cities Program” to bring alternative fuel vehicles into our community to reduce reliance on imported oil and reduce air pollution;

Whereas, This grant offers the City of Ann Arbor \$15,000.00 provide incentives to Ann Arbor Area Clean Cities Coalition members;

Whereas, These incentives include helping to pay the incremental cost increase for alternate fuel vehicles and the use of biofuels;

Whereas, Funds from this grant are also available to educate area fleets about their options for using clean, American alternate fuels; and

Whereas, The Energy Office will provide grant management services for this grant;

RESOLVED, That the City accept the Michigan Department of Consumer and Industry Services grant of \$15,000.00 Clean Cities Program Incentives;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign the grant agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the grant funds be appropriated to the FY 03-04 Energy Office Grant Fund for the life of the project, regardless of fiscal year.

Council Member Woods moved, seconded by Council Member Teall that the resolution be adopted.

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

R-427-10-03 APPROVED

RESOLUTION TO ACCEPT AND APPROPRIATE FUNDS FROM THE
LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM TO THE
ANN ARBOR POLICE DEPARTMENT - \$65,461.00

Whereas, The Ann Arbor Police Department has been awarded \$65,461.00 from the Local Law Enforcement Block Grant Program by the United States Bureau of Justice Assistance;

Whereas, The purpose of this program is to provide units of government with funds to underwrite projects to reduce crime and improve public safety;

Whereas, It is anticipated that these funds and the required match of \$ 7,273.00 will be used to improve public safety through the purchase of law enforcement equipment such as a computerized Advanced Public Safety (APS) Traffic Safety System;

Whereas, The required match of \$ 7,273.00 will be expended from the Police Department's general fund budget; and

Whereas, United States Bureau of Justice Assistance procedures require acknowledgement of acceptance of the grant electronically no later than October 20, 2003.

RESOLVED, That City Council hereby accept the United States Bureau of Justice Assistance Local Law Enforcement Block Grant in the amount of \$65,461.00;

RESOLVED, That City Council approve the continuation of service of the Washtenaw County Human Services Collaborative Council as advisory board for grant program;

RESOLVED, That City Council hereby establish a public hearing for the purpose of receiving public comment on the designated use of grant funds to be held on October 20, 2003 at 7:30 p.m.;

RESOLVED, That the grant funds be appropriated when received to the Police Department Fund 007, Local Law Enforcement Block Grant Trust Fund, for expenditure without regard to fiscal year for the purpose of acquisition of law enforcement equipment such as a computerized Advanced Public Safety (APS) Traffic Safety System; and

RESOLVED, That the City Administrator, or his designee, be authorized to take all necessary administrative actions for acceptance of the grant in compliance with United States Bureau of Justice Assistance requirements, and satisfy all conditions of the grant and its provisions subject to approval as to form of the grant terms and conditions by the City Attorney.

Council Member Carlberg moved, seconded by Council Member Teall that the resolution be adopted.

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

R-428-10-03 APPROVED

RESOLUTION TO ACCEPT GRANT FOR EMERGING ISSUES FOR THE HURON RIVER - \$34,264.00

Whereas, The occurrence of pharmaceuticals, hormones and personal care products have been detected in surface waters, but their occurrence in the Huron River and the effectiveness of water and wastewater treatment processes in their removal is not well understood; and

Whereas, The Michigan Department of Environmental Quality has awarded the City of Ann Arbor a grant to study this emerging issue; and

Whereas, Fleis and Vandenbrink Engineering, Inc. will coordinate the grant and all laboratory services; and

Whereas, Fleis and Vandenbrink Engineering, Inc. received Human Rights approval and approval of the Living Wage Ordinance on June 19, 2003;

RESOLVED, That the City Council accept and appropriate the Emerging Issues Grant in the amount of \$34,264.00 with \$26,505.00 to be returned to Water Treatment Division account 042 073 4000 1000 2100 and \$7,759.00 be provided as in kind contribution from the City; and

RESOLVED, That a professional service contract be awarded to Fleis and Vandenbrink in the amount of \$26,505.00 to be funded from the FY 2003/04 Water Supply System Operation and Maintenance budget and that the \$34,264.00 funds be available for the life of the project until expended without regard to fiscal year.

Council Member Carlberg moved, seconded by Council Member Teall that the resolution be adopted.

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

R-429-10-03 APPROVED

RESOLUTION TO APPROVE AFFORDABLE HOUSING COVENANT WITH
AVALON HOUSING, INC., FOR 517 W. SUMMIT - \$150,000.00 HOME

Whereas, City Council approved the Housing Affordability Agreement with Washtenaw Affordable Housing Corporation for \$37,599.00 in Ann Arbor Housing Trust Funds on July 6, 1992 (R-297-7-92) for the land acquisition at 517 W. Summit to construct two units of affordable housing;

Whereas, Washtenaw Affordable Housing Corporation offered the property for sale at 517 W. Summit as part of a re-structuring of the organization;

Whereas, Avalon Housing, Inc. wishes to purchase the property in order to preserve its long-term affordability to very-low income residents;

Whereas, At its meeting on September 3, 2003, the Housing Policy Board voted 5-1 to terminate the original Housing Affordability Agreement and transfer the remaining balance of the Ann Arbor Housing Trust Fund decreasing loan (\$23,603.82 as of October 2, 2003) from Washtenaw Affordable Housing Corporation to Avalon Housing, Inc.;

Whereas, At its meeting on September 3, 2003, the Housing Policy Board voted 5-1 to approve the recommendation of a \$150,000.00 HOME Funds loan for Avalon Housing, Inc. for acquisition costs of 517 W. Summit; and

Whereas, Human Rights and Living Wage approval was received for the contractor on July 1, 2003;

RESOLVED, That the Mayor and Council approve the termination of the original Housing Affordability Agreement and transfer of the \$37,599.00 Ann Arbor Housing Trust Fund loan (with a balance of \$23,603.82 as of October 2, 2003) from Washtenaw Affordable Housing Corporation to Avalon Housing, Inc., as a decreasing balance loan until sale of the property, for acquisition of 517 W. Summit as permanent affordable rental housing for very-low income residents;

RESOLVED, That the Mayor and Council approve the new Affordable Housing Covenant with Avalon Housing, Inc. for \$150,000.00 in HOME funds, as a zero-percent deferred payment loan until sale of the property, for acquisition of 517 W. Summit as permanent affordable rental housing for very-low income residents;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign the new Affordable Housing Covenant and associated documents with Avalon Housing, Inc., subject to approval as to substance by the City Administrator and as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take necessary administrative actions to implement this resolution.

Council Member Woods moved, seconded by Council Member Easthope that the resolution be adopted.

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

R-430-10-03 APPROVED

RESOLUTION TO APPROVE A NEW AFFORDABLE HOUSING COVENANT WITH AVALON HOUSING INC., FOR 618 N. MAIN - \$43,000.00 FROM ANN ARBOR HOUSING TRUST FUND

Whereas, City Council approved the Housing Affordability Agreement for \$32,569.00 in HOME funds to the Shelter Association of Washtenaw on June 1, 1992 (R-217-6-92) for the acquisition and rehabilitation of two affordable housing units at 618 N. Main;

Whereas, City Council approved the First Amendment to the Housing Affordability Agreement on November 2, 1992 for an additional allocation of \$10,000.00 in HOME funds for additional rehabilitation (R-560-11-92);

Whereas, Avalon Housing Inc. became a separate nonprofit organization and assumed ownership as well as the Housing Affordability Agreement for the property at 618 N. Main on October 17, 1994 (R-485-10-94);

Whereas, Avalon Housing Inc. wishes to lease the two units to Dawn Farm to provide a recovery-based transitional housing program for women;

Whereas, Federal regulations prevent HOME funds being used for transitional housing of this type;

Whereas, At its meeting on May 28, 2003, the Housing Policy Board approved the recommendation to terminate the original Housing Affordability Agreement and associated documents and execute a new Affordable Housing Covenant to allocate \$43,000.00 in Ann Arbor Housing Trust Funds to repay the balance of the original HOME loan plus transaction costs; and

Whereas, Human Rights and Living Wage approval was received for the contractor on July 1, 2003;

RESOLVED, That the Mayor and Council terminate the original Housing Affordability Agreement and approves the new Affordable Housing Covenant with Avalon Housing, Inc. to allocate \$43,000.00 in Ann Arbor Housing Trust Funds to repay the HOME fund for 618 N. Main;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign the new Affordable Housing Covenant and associated documents with Avalon Housing, Inc., to include the current balance of the original \$30,000.00 loan and the \$4,500.00 CDBG rehabilitation loan, subject to approval as to substance by the City Administrator and as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take necessary administrative actions to implement this resolution.

Council Member Groome moved, seconded by Council Member Carlberg that the resolution be adopted.

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

R-431-10-03 APPROVED

RESOLUTION TO INCREASE NON-BARGAINING UNIT,
NON-PPP/EPP PAY RANGES

Whereas, The City's non-union, non-PPP/EPP pay ranges have not been adjusted since July 1, 2002; and

Whereas, The current policy allows for employees to receive an annual pay adjustment up to 3% following an annual performance evaluation;

RESOLVED, That the Mayor and Council adopt the 3% pay range increases for non-bargaining unit, non-PPP/EPP positions effective July 1, 2003, and that the City Administrator be authorized to implement pay raises for current active employees in those positions based on documented performance evaluations.

NON-BARGAINING UNIT, NON-PPP/EPP JOB TITLES

- Accountant I
- Accountant II
- Administrative Assistant I
- Administrative Assistant II
- Admin Services Specialist
- Admin Support Technician
- Accounting Clerk I
- Accounting Clerk II
- Accounting Clerk III
- Acting Work Comp Claims Clerk
- Assessment Specialist
- Associate Producer/Reporter
- Bicycle Coordinator
- Civil Engineer I
- Civil Engineer II
- Chemist
- Clerk I
- Clerk II
- Clerk III
- Clerk Stenographer I
- Clerk Stenographer II
- Clerk Stenographer III
- Clerk Typist I
- Clerk Typist II
- Clerk Typist III
- Data Entry Coordinator
- Election Worker-Recruiter
- Employee Benefit Coordinator
- Executive Assistant to the Mayor
- HR Management Assistant
- Human Resources Assistant
- Human Resources Technician
- Human Resources Receptionist
- Legal Assistant
- Legal Secretary
- Market Manager
- Office Administrator
- Operations Analyst I
- Operations Analyst II
- Operations Analyst III
- Parking Struct Spec Proj Asst
- Payroll Coordinator
- Real Property Appraiser I
- Real Property Appraiser II
- Senior Secretary
- Sr Secretary
- Sr Secretary/Purchasing Asst
- Sr Secretary/Voicemail Admin

As of 9/30/03

Council Member Easthope moved, seconded by Council Member Teall that the resolution be adopted.

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

R-432-10-03 APPROVED

RESOLUTION APPROVING SALE OF WATER SUPPLY SYSTEM
REVENUE REFUNDING BONDS, SERIES Y, AND APPOINTING
ESCROW AGENT, STANDARD FEDERAL BANK

Whereas, The City Council of the City of Ann Arbor, Michigan (the "City") adopted an ordinance on August 18, 2003 (the "Bond Ordinance") approving the issuance of its Water Supply System Revenue Refunding Bonds, Series Y (the "Refunding Bonds") for the purpose of refunding of all or a portion of the City's outstanding Water Supply System Revenue Bonds, Series R, dated as of May 1, 1992 (the "Prior Series R Bonds") and all or a portion of the City's outstanding Water Supply System Revenue Bonds, Series T, dated as of July 1, 1994 (the "Prior Series T Bonds") (collectively, the "Prior Bonds") through issuance by the City of the Refunding Bonds;

Whereas, The City has received an offer to insure the Refunding Bonds from _____
_____ Insurance Corporation;

Whereas, The City has received an offer to purchase the Refunding Bonds from Robert W. Baird & Co., as senior managing underwriter on behalf of itself and Oppenheimer & Co. Inc. (the "Underwriters").

RESOLVED, That:

1. The City hereby accept the offer by the Underwriters to purchase the Refunding Bonds as set forth in the proposed Bond Purchase Agreement (the "Bond Purchase Agreement") presented to the City by the Underwriters herewith at the purchase price and interest rates shown on Exhibit B of the Bond Purchase Agreement. The Mayor, the City Clerk and the Finance Director of the City are each hereby authorized and directed to execute and deliver the Bond Purchase Agreement on behalf of the City, and to execute and deliver the Escrow Agreement between the City and Standard Federal- Corporate and Institutional Trust, A Division of LaSalle Bank National Association, as escrow agent (the "Escrow Agreement").

2. The City hereby determines that the Refunding Bonds shall be issued in the aggregate principal amount of \$_____. The Refunding Bonds shall be issued as serial bonds maturing as shown on Exhibit B of the Bond Purchase Agreement.

The Refunding Bonds shall be dated the date of their delivery, and interest on the Refunding Bonds shall be first payable on February 1, 2004, and semi-annually thereafter on February 1 and August 1 of each year. The Refunding Bonds shall not be subject to redemption prior to maturity.

The Refunding Bonds shall be issued in book-entry-only form through The Depository Trust Company in New York, New York ("DTC"), and the Mayor, City Clerk and Finance Director are each authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Refunding Bonds in book-entry-only form and to make such changes in the form of the Refunding Bonds within the parameters of the Bond Ordinance as may be required to accomplish the foregoing.

3. The City hereby determines that all of the Prior Series R Bonds maturing in the years 2005 through 2008, inclusive, and all of the Prior Series T Bonds maturing in the years 2005 through 2013, inclusive, shall be defeased pursuant to the Escrow Agreement.

4. Proceeds of the Refunding Bonds together with necessary funds on hand in the Bond Reserve Account of the Bond and Interest Redemption Fund for the Prior Bonds in the approximate amount of \$_____, shall be deposited into funds created by provisions of the Bond Ordinance authorizing the issuance of the Refunding Bonds in the amounts shown on Exhibit A attached hereto and made part hereof. In addition, the City Treasurer and Finance Director are each hereby authorized to open a Series Y Bonds Issuance Fund and to deposit proceeds of the Bonds into said Issuance Fund in the amount shown on Exhibit A attached hereto and made part hereof. Said Issuance Fund shall be opened with the Escrow Agent pursuant to the Escrow Agreement.

The deposits made in the amounts shown in Exhibit A shall be subject to verification by the verification agent, and the City Treasurer and Finance Director may jointly modify the amounts of the deposits shown in Exhibit A in consultation with the verification agent and bond counsel.

5. The Preliminary Official Statement dated as of October __, 2003, relating to the Refunding Bonds, is hereby deemed final for purposes of Securities and Exchange Commission ("SEC") Rule 15c2-12(b)(1), and its use and distribution by the Underwriters is hereby authorized, approved, ratified and confirmed. The Official Statement relating to the Refunding Bonds, dated as of the date of the Bond Purchase Agreement, and its use and distribution by the Underwriters, is hereby authorized, approved and confirmed. The Mayor, City Clerk and Finance Director are each authorized and directed to execute and deliver the Official Statement on behalf of the City with such additions or corrections as each deems appropriate.

6. In order to enable the Underwriters to comply with the requirements of SEC Rule 15c2-12, the City hereby agrees to undertake Continuing Disclosure as issuer of the Refunding Bonds. Pursuant to the terms of the Continuing Disclosure Undertaking, the City will provide (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, (ii) timely notice of the occurrence of certain material events with respect to the Refunding Bonds, and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date required in the Continuing Disclosure Undertaking. The Mayor, City Clerk and Finance Director are authorized to execute each such Continuing Disclosure

Undertaking on behalf of the City in such form as he or she shall, in consultation with bond counsel, determine to be appropriate.

7. The action taken by the Mayor, City Clerk and Finance Director in signing the commitment of _____ Insurance Corporation to issue a municipal bond insurance policy for the Refunding Bonds is hereby ratified and confirmed.

8. Standard Federal Corporate and Institutional Trust, A Division of LaSalle Bank National Association is hereby appointed to act as Escrow Agent under the Escrow Agreement for the Refunding Bonds, and to serve as paying agent and bond registrar for the Refunding Bonds (the "Transfer Agent"), and shall perform all payment, registration, transfer, exchange and other functions otherwise required by the Bond Ordinance to be performed by the Transfer Agent.

9. All of the officers, administrators, agents and attorneys of the City are authorized and directed to execute and deliver all other agreements, documents and certificates and to take all other actions necessary to complete the issuance and delivery of the Refunding Bonds in accordance with the Bond Ordinance authorizing the issuance of the Refunding Bonds and this Resolution authorizing the sale of the Refunding Bonds and to pay costs of issuance including purchase of bond insurance, bond counsel fees and expenses, financial advisor fees and expenses, rating agency fees, transfer agent fees, escrow agent fees, verification agent fees, and costs of printing the preliminary and final official statements, and any other costs necessary to accomplish the sale and delivery of the Refunding Bonds.

10. This Resolution authorizing the sale of the Refunding Bonds shall be effective immediately upon adoption. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Council Members _____

NAYS: Council Members _____

RESOLUTION DECLARED ADOPTED.

Kathleen Root, City Clerk

(NEW PAGE)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Ann Arbor, County of Washtenaw, State of Michigan, at a regular meeting held on October 7, 2003, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Kathleen Root, City Clerk

(NEW PAGE)

EXHIBIT A

The par amount of the Bonds is \$_____. The purchase price of the Bonds is \$_____, being the purchase amount of the Bonds less the Underwriter's discount of \$_____, plus net original issue premium of \$_____. The proceeds of the Bonds, together with the funds listed in paragraph 4 below, shall be used as follows:

1. The following amount from the proceeds of the Bonds shall be deposited into the Escrow Fund created under the Escrow Agreement:
\$_____
2. There shall next be deposited proceeds of the Bonds in the following amount to the Series Y Bonds Issuance Fund:
\$_____
3. The following amount shall be used from Bond proceeds to pay the insurance premium for the policy securing payment of the Bonds:
\$_____
4. The amount of monies to be transferred from the Bond Reserve Account of the Bond and Interest Redemption Fund for the Prior Bonds into the Escrow Fund:
\$_____

Council Member Teall moved, seconded by Council Member Johnson that the resolution be adopted.

On roll call, the vote was as follows:

Yeas, Council Members Higgins, Easthope, Woods, Groome, Johnson, Lowenstein, Reid, Carlberg, Herrell, Teall, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried.

R-433-10-03 APPROVED AS AMENDED

(RESOLUTION ESTABLISHING A CITY TASKFORCE TO FOSTER NEW DOWNTOWN RESIDENTIAL DEVELOPMENT)

Council Member Higgins moved, seconded by Council Member Carlberg that the resolution be adopted.

With unanimous consent of Council the resolution was amended as follows:

3rd Whereas Clause:

...Whereas, It has been estimated that approximately 3,000 people currently live in the DDA District, including students, working professionals, **low wage service workers** and retired persons;...

7th Whereas Clause:

Whereas, It has been proposed that this task force would include ~~two members of City Council~~, a Planning Commissioner, a DDA member, a Housing Policy Board member, a downtown residential developer, a representative of the Mayor's office, and would be assisted by Planning Department and DDA staff; **and may include two members of City Council**; and

RESOLVED, The City Downtown Residential Task Force will have six (6) months to explore possible barriers to development of residential units in the downtown and provide recommendations for addressing those barriers. A final report of the findings and recommendations will be presented to City Council on or before June 7, 2004 **and the City Downtown Residential Taskforce will be dissolved on June 30, 2004.**

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

The resolution as amended reads as follows:

RESOLUTION ESTABLISHING A CITY TASKFORCE TO FOSTER NEW
DOWNTOWN RESIDENTIAL DEVELOPMENT

Whereas, A strong residential base is necessary for a dynamic, economically-viable 24-hour downtown;

Whereas, A densely inhabited city center creates an exciting place to live, promotes a positive pedestrian atmosphere, and helps support downtown retail variety and quantity;

Whereas, It has been estimated that approximately 3,000 people currently live in the DDA District, including students, working professionals, low wage service workers and retired persons;

Whereas, There are opportunities to add additional residential units and residents to the downtown through a variety of means, including, but not limited to:

- Modifying city zoning in certain areas, including allowing for greater building heights in certain areas or lessening parking requirements
- Providing grants and loans to support housing affordable to members of the downtown workforce
- Streamlining site plan review to facilitate development that increases housing while meeting established community goals and priorities

Whereas, The Mayor has proposed the formation of an ad hoc task force that would work for six months to explore the barriers to development and the opportunities to increase the number of downtown residences, and then report back to City Council;

Whereas, Members of the task force will be nominated by the Mayor and approved by City Council and will retain their membership until the completion of the task; and

Whereas, It has been proposed that this task force would include a Planning Commissioner, a DDA member, a Housing Policy Board member, a downtown residential developer, a representative of the Mayor's office, and would be assisted by Planning Department and DDA staff; and may include two members of City Council;

RESOLVED, The City Downtown Residential Task Force will have six (6) months to explore possible barriers to development of residential units in the downtown and provide recommendations for addressing those barriers. A final report of the findings and recommendations will be presented to City Council on or before June 7, 2004 and the City Downtown Residential Taskforce will be dissolved on June 30, 2004.

REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

COUNCIL MEMBER CARLBERG

Council Member Carlberg said that the City was presented with a plaque from Dawn Farm during their 30th Anniversary Jamboree on September 7, 2003 in recognition of the city's work in supporting Dawn Farm housing.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the September 15, 2003 regular session of Council:

Commission on Disability Issues

Jeanine A. DeLay (Fill the vacancy from John Stacy)
2972 Hickory Lane
Ann Arbor, MI 48104
Term: October 7, 2003 – June 18, 2006

Recreation Advisory Commission

Louis DeLone, (Reappointment)
3276 Bluett
Ann Arbor, MI 48105
Term: October 7, 2003 – August 31, 2006

Council Member Groome moved, seconded by Council Member Johnson that Council concur with the recommendations of the Mayor.

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

NOMINATIONS PLACED ON TABLE

Mayor Hieftje placed the following nominations on the table for approval at a later date:

Airport Advisory Committee

Steward V. Nelson - Reappointment
2975 Hickory Lane
Ann Arbor, MI 48104
Term: October 20, 2003 – March 5, 2006

Garret H. Evans - Reappointment
1644 Argyle Crescent
Ann Arbor, MI 48103
Term: October 20, 2003 – October 15, 2006

Local Officer's Compensation Commission

Eunice L. Burns (Taking the place of Frank Beal)
1614 Harbal
Ann Arbor, MI 48105
Term: October 20, 2003 – September 30, 2006

ANNOUNCEMENTS

- Mayor Hieftje said that the city will be participating in the American Heart Association 2003 Heart Walk and encouraged everyone to participate.
- Mayor Hieftje said that United Way materials were now available and asked that a member of Council volunteer to distribute the materials.
- Mayor Hieftje said that the Governor's Office has asked that the City of Ann Arbor participate in being a "Cool City". He said that a task force would be formed to look at what it takes to make a cool city to bring young professionals into a community.
- Mayor Hieftje introduced Jammin Jim, a stuffed animal representing Northside Community School, to Council. He said that Jammin Jim would be traveling around town and visiting people in their offices and at their work wherein a journal entry should be made indicating his stops.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

City Administrator Roger Fraser submitted the following reports for information of Council (Reports on file in the City Clerk's Office):

1. Halloween – Safety Services Administration - Police

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCIL MEMBER LOWENSTEIN

Council Member Lowenstein invited everyone out to Nickels Arboretum at 11 p.m. on October 11, 2003 where a ceremony dedicating the new Gateway Garden by Landscape Architect Jim Van Sweden would take place.

COUNCIL MEMBER HERRELL

Council Member Herrell requested that the Mighty Dog dog food distributed earlier by a resident be given to her so that she may give them to the Humane Society.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated (Communications on file in the City Clerk's Office):

1. Communication from Conlin, McKenney & Philbrick, P.C. Regarding Notice of Intent to Establish Condominium Project – Hideaway Lane
2. Communication from Pittsfield Township regarding Public Hearing Scheduled on October 2, 2003 – Rezoning – 709 Ellsworth Road, Ann Arbor, MI
3. Communication from Governor Granholm's Office Regarding Proposed City Charter Amendment
4. Communication from Myers, Nelson, Dillon and Shierk Regarding Notice of Intent to Take Reservations, Construct Units and Record Master Deed – Northside Ridge Condominiums
5. Communication from State Representative Chris Kolb regarding Resolution No. R-405-9-03, to Request Full Funding for Fire Protection Services

The following minutes were received for file (Minutes on file in the City Clerk's Office):

1. Employees' Retirement System Board of Trustees – August 21, 2003
2. Retiree Health Care Board of Trustees (V.E.B.A.) – August 21, 2003
3. Ann Arbor Transportation Authority – August 18, 2003
4. City Planning Commission – August 5 and 19, 2003
5. Farmers Market Commission – July 17, 2003

Council Member Herrell moved, seconded by Council Member Lowenstein that the Clerk's Report be accepted.

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

PUBLIC COMMENTARY - GENERAL

THOMAS PARTRIDGE – DISCRIMINATION AGAINST SENIORS AND DISABLED PERSONS

Thomas Partridge, 100 S. 4th Avenue, #1010, addressed Council regarding discrimination against seniors and disabled persons.

ADJOURNMENT

There being no further business to come before Council, it was moved by Council Member Teall and seconded by Council Member Herrell that the meeting be adjourned.

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 1:02 a.m.

Kathleen M. Root
Clerk of the Council

Anissa R. King
Recording Secretary

