

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - JULY 16, 2001**

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

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Councilmembers Jean Robinson, Robert M. Johnson, Joseph Upton, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 10.

ABSENT : Councilmember Joan Lowenstein, 1.

INTRODUCTION

THE HONORABLE EYTAN BROSHI, MAYOR OF THE JEZREEL VALLEY REGIONAL COUNCIL, KIBBUTZ GVAT, ISRAEL

Eytan Broshi, Mayor of the Jezreel Valley Regional of Kibbutz Gvat, Israel, wished the citizens of Ann Arbor peace. Mr. Broshi was presented with a gift from Mayor Hieftje on behalf of the City of Ann Arbor.

PRESENTATION

HURON RIVER DAY – MAYOR'S COMMUNITY CUP AWARD

Ron Olson, Associate Administrator/Superintendent of Parks and Recreation, presented Mayor Hieftje and Councilmember Higgins with the Mayor's Community Cup Award for winning the Mayor's Cup Canoe Race at the 2001 Huron River Day event. The race is a fund raising event for recreation scholarships for low-income families.

PUBLIC COMMENTARY - RESERVED TIME

MEL LARSON – AFFORDABLE HOUSING

Mel Larson, 3018 Bolgos, stated that affordable housing has not been maintained within the City of Ann Arbor.

PAUL ALMAN – TOUR DE KIDS

Paul Alman, 642 Greenhills Drive, thanked Council for its continued support of the Tour De Kids bicycle race. Over 800 children ages 3-12 participated in this festival that includes Father's Day activities for families.

JILL PRICE – PLATT ROAD SIDEWALK GAP PROJECT

Jill Price, 3540 Platt Road, informed Council of a letter that she received from the Public Services Department regarding the special assessment for the Platt Road Sidewalk Gap Project. The letter relayed inaccurate information pertaining to her property. Ms. Price wanted to make Council aware of the inaccuracies.

CARL BAIRD – AFFIRMATIVE ACTION

Carl Baird, 2422 Packard, spoke in support of the proposed resolution to adopt an Affirmative Action Plan for the City of Ann Arbor.

WILLIE CAMPBELL – AFFIRMATIVE ACTION

Willie Campbell, 1016 N. Maple, spoke in support of the proposed resolution to adopt an Affirmative Action Plan for the City of Ann Arbor.

PUBLIC HEARINGSCOHEN ZONING (ORDINANCE NO. 29-01)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 1.0 acre from TWP (Township District) to R1A (Single-Family Dwelling District), Cohen property, north side of Heatherway, west of Chestnut. Notice of public hearing was published July 1, 2001.

There being no one present to speak, the Mayor declared the hearing closed.

DIEPHUIS ZONING (ORDINANCE NO. 30-01)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 2.7 acres from TWP (Township District) to O (Office District), Diephuis property, 2096

South State Street. Notice of public hearing was published July 1, 2001.

There being no one present to speak, the Mayor declared the hearing closed.

HURON VILLAGE ZONING (ORDINANCE NO. 31-01)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 10.17 acres from R1B (Single-Family Dwelling District) and C3 (Fringe Commercial District) to PUD (Planned Unit Development District), Huron Village property, 3165 Washtenaw Avenue. Notice of public hearing was published July 1, 2001.

There being no one present to speak, the Mayor declared the hearing closed.

HURON VILLAGE PUD SITE PLAN

A public hearing was conducted on the proposed Huron Village PUD site plan, 10.17 acres, 3165 Washtenaw Avenue. Notice of public hearing was published July 8, 2001.

The following people appeared in support of the proposed site plan:

Bill Conlin, petitioner and Robert Kerr of Metro Group Architects, architect for the project, stated that they were available to answer questions from Council.

There being no one else to speak, the Mayor declared the hearing closed.

320 AND 340 DEPOT STREET LAND DIVISION SITE PLAN

A public hearing was scheduled on the proposed land division site plan, 0.26 acre, 320 and 340 Depot Street. Notice of public hearing was published July 8, 2001.

There being no one present to speak, the Mayor declared the hearing closed.

GLEN ANN PLACE PUD SITE PLAN

A public hearing was scheduled on the proposed Glen Ann Place PUD site plan, 0.33 acre, 201, 213 and 215 Glen Avenue. Notice of public hearing was published July 8, 2001.

The following person appeared in objection to the proposed site plan:

Carl Webber, owner of Bradford Apartments next to the proposed project, stated that the proposed site plan would obstruct the view of his apartment building. Mr. Webber objected to the size of the building, parking and landscape proposed for this project.

There being no one else to speak, the Mayor declared the hearing closed.

GRANT APPLICATION TO MICHIGAN DNR

A public hearing was conducted on the proposed grant application to Michigan DNR for matching funds for acquisition of an addition to Dolph Nature Area. Notice of public hearing was published January 15, 2001.

There being no one present to speak, the Mayor declared the hearing closed.

APPROVAL OF AGENDAAGENDA APPROVED WITH CHANGES

Councilmember Robinson moved that the agenda be approved with the following changes:

CONSENT AGENDA

Add

& Revise: Resolution to Authorize the City Administrator to Negotiate a Consulting Contract with Governmental Consultants, Inc. (Councilmembers Easthope and Woods)

Add:

Resolution to Grant a Hardship Exemption from the Living Wage Ordinance to the Shelter Association of Washtenaw County Until June 2004 (Human Resources) (Postponed 7/2/01)

ORDINANCES – SECOND READING

Delete: Amendment to Chapter 55, Rezoning of 1.0 acre from TWP (Township

District) to R1A (Single Family Dwelling District), Cohen Property, north side of Heatherway, west of Chestnut (Ordinance No. 29-01)

Revise: Amendment to Chapter 55, Rezoning of 2.7 acres from TWP (Township District) to O (Office District), Diephuis Property, 2096 South State Street. (Ordinance No. 30-01)

ORDINANCE – FIRST READING

Delete: Amendment to Chapter 55, Rezoning of 0.23 acre from R4C (Multiple Family Dwelling District to PUD (Planned Unit Development), Avalon Housing, 218 North Division Street. (Planning Commission recommendation: Denial – 0 yeas, 7 nays)

Delete: Amendment to Chapter 33, Section 2:211 and Add New Section 2:215 Downspouts, Disconnection and Correction (Utilities)

MOTIONS AND RESOLUTIONS

Move: Resolution to Grant a Hardship Exemption from the Living Wage Ordinance to the Shelter Association of Washtenaw County until June 2004 (Human Resources) (Postponed 7/2/01) **(move to end of consent agenda)**

Move: Resolution to Approve Huron Village PUD Site Plan and Development Agreement, 10.17 acres, 3165 Washtenaw Avenue (Planning Commission recommendation: Approval – 8 yeas, 0 nays) **(considered with ordinance 31-01)**

Delete: Resolution to Approve State Street Lofts Development Agreement, 201 South State Street (Rescheduled for 8/6/01)

Delete: Resolution to Revise the Profession Pay Plan Compensation Program (Human Resources)

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Add: Huron Village Traffic Impact Information – Planning

Add: Resolution to Grant a Hardship Exemption from the Living Wage Ordinance

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES**MINUTES OF JULY 2, 2001 APPROVED**

Councilmember Herrell moved that the regular session minutes of July 2, 2001 be approved with the following correction:

PUBLIC COMMENTARY – RESERVED TIME**DOUG MCALPINE – LIVING WAGE ORDINANCE**

Doug McAlpine, Republic Parking employee, expressed concern that parking structure employees are exempt from the City's living wage ordinance, and urged City Council to bring parking structure employees up to the ~~minimum~~ **living** wage.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA**CONSENT AGENDA ITEMS APPROVED**

Councilmember Upton moved that the following Consent Agenda items be approved as presented:

R-281-7-01 APPROVED

RESOLUTION TO APPROVE PURCHASE FROM THE
STATE OF MICHIGAN EXTENDING PURCHASING AGREEMENT
WITH ELECTRONIC DATA SYSTEMS CORPORATION
FOR SERVER HARDWARE, OPERATING SYSTEM SOFTWARE, DATABASE
SOFTWARE AND IMPLEMENTATION SERVICES

Whereas, The City of Ann Arbor requires that server hardware be replaced to keep up with the changes necessary to efficiently and effectively increase the quality and timely delivery of city services;

Whereas, The City of Ann Arbor requires computer purchases over \$2,000.00 be bid out and awarded to the lowest bidder;

Whereas, The Administrative Services Department, Purchasing Division has been permitted (by Council resolution dated March 31, 1975) to procure products and/or services from the State of Michigan through its Extended Purchasing Program due to lower costs for volume purchases;

Whereas, The State of Michigan=s extended purchasing contract with Electronic Data Systems Corporation is a cost effective means of obtaining hardware, software and services that improves the City of Ann Arbor=s overall acquisition process by minimizing duplicate efforts;

Whereas, Electronic Data Systems Corporation has received Human Rights approval on July 3, 2001;

Whereas, Funding for these purchases is available through the Information Technology Special Projects fund; and

Whereas, On May 24, 2001, the Information Technology Strategic Steering Team approved the project and the use of the Information Technology Special Projects funds to fund the project;

RESOLVED, That the City Administrator be authorized to issue a purchase order to Electronic Data Systems Corporation for the sum of \$500,000.00 for server hardware, operating system software, database software and implementation services.

R-282-7-01 APPROVED

RESOLUTION TO APPROVE A CHANGE ORDER FOR
NEIGHBORHOOD PARKS, PARKING LOTS AND PATHWAYS
ASPHALT BID, #3396 BELDEN ASPHALT PAVING

Whereas, The Department of Parks and Recreation has been working to complete repairs and renovations to existing bicycle paths, game courts and parking lots throughout the City parks for a bid totaling \$164,190.00.00;

Whereas, Funding exists within the Park Maintenance and Repair Millage and the Park Rehabilitation and Development Millage to cover this change order;

Whereas, Work was added to the project due to unforeseen conditions amounting to \$25,994.52 in additional funds bringing the total project amount to \$190,184.52; and

Whereas, The bid included informative unit prices to complete work that is unforeseen due to problems, which may occur in the field;

RESOLVED, That the Mayor and City Council approve the change order for Belden Asphalt Paving, Inc in the amount of \$25,994.52 to complete the work for the Neighborhood Asphalt Parks Project, Bid #3396.

R-283-7-01 APPROVED

RESOLUTION TO APPROVE FISCAL YEAR 2001/02
GENERAL FUND CONTRACT WITH THE SHELTER ASSOCIATION
OF WASHTENAW COUNTY

Whereas, At its meeting on June 4, 2001 City Council approved the allocation of General Funds in the amount of \$145,000.00 to the Shelter Association of Washtenaw County;

Whereas, The Human Resources Department has reviewed and approved the Shelter Association for human rights compliance; and

Whereas, The Shelter Association has requested a hardship exemption from the Living Wage Ordinance;

RESOLVED, That City Council approve the contract with the Shelter Association of Washtenaw County for \$145,000.00 beginning July 1, 2001 and terminating June 30, 2002,

and authorize and direct the Mayor and City Clerk to execute said agreement substantially in the form approved as to form by the City Attorney, and approved as to substance by the City Administrator and on file in the Office of the City Clerk;

RESOLVED, That performance be monitored by the Community Development Department; and

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

R-284-7-01 APPROVED

RESOLUTION TO APPROVE HOUSING AFFORDABILITY AGREEMENT
WITH MICHIGAN ABILITY PARTNERS REGARDING 2815-27 BURTON ROAD

Whereas, An application was received in June, 2001 from Michigan Ability Partners for financial assistance to be used for the development of 4 units of new construction to be used as affordable housing for extremely low-income individuals with disabilities;

Whereas, Of the total estimated project cost of \$374,000.00, Michigan Ability Partners will be leveraging funds from the Department of Housing and Urban Development (HUD) through a Supportive Housing Program Grant, the Michigan State Housing Development Authority (MSHDA), and Washtenaw County;

Whereas, This project will provide housing and supportive services to homeless, disabled individuals;

Whereas, The Housing Policy Board at its meeting on July 12, 2001 recommended City Council approval of the use of \$57,000.00 of HOME funds for the project; and

Whereas, Human Rights and Living Wage approval was received for the contractor on May 16, 2001;

RESOLVED, That City Council approve the allocation of \$57,000.00 of HOME funds to Michigan Ability Partners for the construction of 4 units of affordable housing at 2815-27 Burton Road as a 0%, cash-flow-basis, 30 year loan, with payment deferred for the first three year;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign the Housing Affordability Agreement subject to approval as to form by the City

Attorney with funds to be available until expended without regard to fiscal year; and

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

R-285-7-01 APPROVED

RESOLUTION TO APPROVE REVISIONS TO FISCAL YEAR 2001/02
GENERAL FUND ALLOCATIONS TO NONPROFIT ORGANIZATIONS

**(Note: RESOLUTION RECONSIDERED – SEE END OF MOTIONS AND
RESOLUTIONS)**

Whereas, On June 4, 2001 City Council approved Resolution R-203-6-01 allocating FY 2001-02 General Funds including \$15,000.00 to Dawn Farm, Inc. and \$32,000.00 to Peace Neighborhood Center; and

Whereas, On June 27, 2001, the Human Services Task Force recommended changes to the General Fund allocations totaling \$7,925.00 with funding available in the Community Development Department's approved budget;

Whereas, The Human Services Task Force recommended approval of a new allocation to Aquademics, and revised allocations to Peace Neighborhood Center and Sawn Farm, Inc. as follows:

Aquademics for a swim and academic assistance program	\$ 4,000.00
Peace Neighborhood Center for summer programs for youth living at Pinelake Village Cooperative (\$4,425.00) North Maple Estates (\$4,500)	\$ 8,925.00
Dawn Farm, Inc.'s request for reduced funding from \$15,000.00 To \$10,000 because of Living Wage Ordinance concerns	\$-5,000.00

Whereas, The Human Resources Department has reviewed and approved these contractors; and

Whereas, Peace Neighborhood Center has agreed to comply with the City's Living Wage Ordinance;

RESOLVED That the Mayor and City Council approve allocating \$4,000.00 to Aquademics and \$8,925.00 to Peace Neighborhood Center and reducing Dawn Farm Inc.'s allocation to \$10,000.00 with funding available in the Community Development Department budget;

RESOLVED That Mayor and City Council authorize the Community Development Department to negotiate contractual agreements in accordance with the city's purchasing procedures on forms approved as to form by the City Attorney and approved as to substance by the City Administrator;

RESOLVED, That all programs give priority to very low-income Ann Arbor residents and that performance be monitored by the Community Development Department; and

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

R-286-7-01 APPROVED

RESOLUTION TO APPROVE AN AGREEMENT WITH MR. JAMES L. MCCOY, P.E.,
FOR PROFESSIONAL ENGINEERING AND ENERGY MANAGEMENT
SERVICES FOR THE WASTE WATER TREATMENT PLANT

Whereas, The Wastewater Treatment Plant (WWTP) has determined the need for professional engineering and energy management services on an as-needed and as approved basis during FY 01/02;

Whereas, It is cost effective and efficient for the Water Utilities Department to employ Mr. James L. McCoy, P.E. for engineering and energy management services because of his extensive familiarity with the WWTP and lower hourly rate; and

Whereas, Mr. James L. McCoy, P.E. is exempt from Human Resources Department approval and the Living Wage Ordinance due to the fact that he employs or contracts with fewer than five individuals;

RESOLVED, That Council approve a contract with Mr. James L. McCoy, P.E., on an as-needed and as-approved basis for \$30,000.00 to provide professional engineering services for the Water Utilities Department during FY 01/02 and that Council authorize the Mayor and City Clerk to sign the agreement approved as to form by the City Attorney; and

RESOLVED, That the Professional Services Agreement be funded from the approved FY01/02 WWTP Operation and Maintenance Budget for the Sewage Disposal System.

R-287-7-01 APPROVED

RESOLUTION AUTHORIZING WATER MAIN, SANITARY SEWER IMPROVEMENT CHARGE TO 251 ORCHARD HILLS DRIVE

Whereas, The City has previously constructed a water main and sanitary sewers improvement described as follows:

Water Main: Dist. No.88036, \$11,268.01/connection, one connection = \$11,268.01

Sanitary Sewer: Dist. No. #464, File No. 91027-S1, \$8,666.59/connection x 1 connection = \$8,666.59

GRAND TOTAL OF IMPROVEMENT CHARGES \$19,934.60 ; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is to be levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following newly-annexed property which is specifically benefited by the above improvements:

<u>Annexation Address:</u>	251 Orchard Hills Dr.
<u>City Assessor Code:</u>	09-27-301-068
<u>Annexation Number :</u>	A99-09
<u>Planning File No. :</u>	9273R16.1 & .2

Lot 18 Orchard Hills No. 1 also beginning at SW corner of Lot 63 Hillwood Subdivision No. 5; Then N 01° 10' W 64 feet; then North 88° 50' E 20'; then S 06° 59' W 70.48 feet; then North 61° 11' 15" W 11.55 feet to POB part of lot 63 Hillwood Subdivision #5. Now situated in the City of Ann Arbor.

2. That the improvement charge levied be \$19,934.60 and be designated as Utilities Improvement Charge No. 689;

3. That this improvement charge be divided into 15 equal installments; the first to be due on September 1, 2001, and the 14 subsequent installments be due on

- June 1 of each and every year thereafter, with the deferred installments of the improvement charge bear interest at the rate of 8.8% per annum commencing September 1, 2001;
4. That the City Clerk be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
 5. That this levied improvement charge be invoiced to the owners, Peter and Susan Darrow of the property known as 251 Orchard Hills Drive, and be credited in the amounts of \$11,268.01 to Fund 0042-073-7151, \$8,666.59 to Fund 0043-073-7151.

R-288-7-01 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER IMPROVEMENT
CHARGE TO 1559 NEWPORT CREEK DRIVE

Whereas, The City has previously constructed a sanitary sewer improvement described as follows:

Sanitary Sewer Relief: Dist. No. 391, Job No. 3433 \$16.13/connection, one connection = \$16.13

Sanitary Sewer Trunkline: Dist. No. 391 Job No. 3433, \$178.25/connection, one connection = \$178.25

Sanitary Sewer Submain: \$7.66/connection, one connection = \$7.66

GRAND TOTAL OF IMPROVEMENT CHARGES \$202.04 ; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is to be levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following newly-annexed property which is specifically benefited by the above improvements:

<u>Annexation Address:</u>	1559 Newport Creek Drive
<u>City Assessor Code:</u>	09-18-405-021
<u>Annexation Number :</u>	A99-08
<u>Planning File No :</u>	9184R2.1, .2 and .8

Commencing at the East ¼ corner of Section 18, T2S, R6E, thence N 89° 55' W 1328.57 feet; Then South 00° 36'47" W 1335.24 feet; thence N 89° 26'00" W 992.35 feet; thence N 00° 27' 00" E 375.00 feet for a POB; thence N 89° 26' 00" W 145.21 feet; thence N 00° 26' 57" E 179.94 feet; Thence S 89° 55' 00" E 145.22 feet; thence S 00° 27' 00" W 181.16 feet to the POB; being part of the SE ¼ of the said Section 18, and containing .60 acres of land more or less, subject to easements and restrictions of record, if any. Now situated in the City of Ann Arbor.

2. That the improvement charge levied be \$202.04 and be designated as Utilities Improvement Charge No. 688;
3. That this improvement charge be divided into 6 equal installments; the first to be due on September 1, 2001, and the 5 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 5.87% per annum commencing September 1, 2001;
4. That the City Clerk be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
5. That this levied improvement charge of the property known as 1559 Newport Creek Drive be invoiced to the owners, David C. Prentice & Company, Inc., 6750 Huron River Drive, Dexter, MI 48130 and be credited in the amount of \$202.04 to Fund 0043-073-7151.

R-289-7-01 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER IMPROVEMENT
CHARGE TO 1561 NEWPORT CREEK DRIVE

Whereas, The City has previously constructed a sanitary sewer improvement described as follows:

Sanitary Sewer Relief: Dist. No. 391, Job No. 3433 \$16.13/connection, one

connection = \$16.13

Sanitary Sewer Trunkline: Dist. No. 391 Job No. 3433, \$178.25/connection, one connection = \$178.25

Sanitary Sewer Submain: \$7.66/connection, one connection = \$7.66

GRAND TOTAL OF IMPROVEMENT CHARGES \$202.04 ; and

Whereas, Pursuant to Section 1:278, Chapter 12, of the Code of the City of Ann Arbor, the fair share of the cost of said improvements is to be levied against certain properties and this fair share has not been previously paid nor contracted for;

RESOLVED,

1. That Council levy an improvement charge against the following newly-annexed property which is specifically benefited by the above improvements:

<u>Annexation Address:</u>	1561 Newport Creek Drive
<u>City Assessor Code:</u>	09-18-405-020
<u>Annexation Number :</u>	A99-08
<u>Planning File No. :</u>	9184R2.1, .2 and .8

Commencing at the East ¼ corner of Section 18, T2S, R6E, thence N 89° 55' 00" W 1328.57 feet; Then South 00° 36' 47" W 1335.24 feet; thence N 89° 26' 00" W 992.35 feet; thence N 00° 27' 00" E 375.00 feet; thence N 89° 26' 00" W 145.21 feet to the Place of Beginning; thence continue N 89° 26' 00" W 145.22 feet; Thence N 00° 27' 00" E 178.71 feet; thence S 89° 55' 00" E 145.22 feet; thence S 00° 26' 57" W 179.94 feet to the Point of Beginning, being part of the SE ¼ of the said Section 18, and containing .60 acres of land more or less, subject to easements and restrictions of record, if any. Now situated in the City of Ann Arbor.

2. That the improvement charge levied be \$202.04 and be designated as Utilities Improvement Charge No. 687;
3. That this improvement charge be divided into 6 equal installments; the first to be due on September 1, 2001, and the 5 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 5.87% per annum commencing September 1, 2001;

4. That the City Clerk be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
5. That this levied improvement charge be invoiced to the owners, William and Carol Davis of the property known as 1561 Newport Creek Drive and to be credited in the amount of \$202.04 to Fund 0043-073-7151.

R-290-7-01 APPROVED

RESOLUTION TO APPROVE CHANGE ORDER NO. 1 WITH
KENNY STUART CONTRACTING FOR THE BROADWAY PARK
WATER MAIN PROJECT

Whereas, On March 5, 2001, City Council approved a contract in the amount of \$133,484.00 with Kenny Stuart Contracting and established a total project budget of \$208,000.00 for the construction of the Broadway Park Water Main Project;

Whereas, Additional work in the amount of \$25,410.00 is needed to satisfactorily complete the project; and

Whereas, Funding for this additional work is available within the existing project budget;

RESOLVED, That Council approve Change Order No. 1 in the amount of \$25,410.00 to Kenny Stuart Contracting to cover the additional costs associated with the construction of the Broadway Park Water Main Project; and

RESOLVED, That Council authorize the City Administrator to take the necessary administrative actions to implement this resolution.

R-291-7-01 APPROVED

RESOLUTION TO CLOSE MAIN AND LIBERTY STREETS FOR FESTIVE FRIDAY FUN NIGHT VICTORIAN EVENING AND WAIVE METER BAG DEPOSIT FEES

Whereas, The City has received a request from the Main Street Area Association to sponsor a special event on Friday, August 10, 2001 from 5:30 – 10:30 p.m.;

Whereas, This event is intended to promote and attract people to the Main Street business area;

Whereas, The staging of this event will require the closing of Main Street between Washington and William, and Liberty Street between Ashley and Fourth Avenue;

Whereas, The sponsors will obtain all necessary permits, provided evidence of proper liability insurance, comply with all procedures, rules and regulations for holding this event;

Whereas, The sponsors have requested City Council waive meter bag deposits; and

Whereas, The sponsor agrees to defend and indemnify and hold the City harmless against any claim arising from their sponsorship if this event;

RESOLVED, That the closing of streets as requested be approved; and

RESOLVED, Council waive parking meter bag deposit fees of \$520.00.

R-292-7-01 APPROVED

RESOLUTION AUTHORIZING DATE FOR GREEN PARTY CAUCUS

RESOLVED, That the date of July 30, 2001 be hereby approved as the official caucus date of the Green Party for the purpose of determining its candidates for the November 6, 2001 General City Election.

R-293-7-01 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE
ADMINISTRATION MINUTES AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of July 6, 2001, be accepted and that the payments therein be authorized.

MINUTES
JULY 6, 2001
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

Present: Joe Upton, Councilperson
Joan Lowenstein, Councilperson
Karen Sanford, City Treasurer 3.

Absent: None

Also Present: James Armstrong, Risk Management Office
Neal Berlin, City Administrator
Bob West, Assistant City Attorney
Tom Blessing, Chief Assistant City Attorney
Sue McCormick, Utilities Director
Connie Hayes, Risk Management Office 6.

CLAIMS DENIED:

CASE NO.

- CC 74-01 Property damage claim of Island Drive Apartments
Discussed by Jim Armstrong, Manager, Safety & Risk Management and
the Board denied the claim.
- CC 65-01 Vehicle damage claim of Kurt VanderVoort
Discussed by Jim Armstrong, Manager, Safety & Risk Management and
the Board denied the claim.
- CC 71-01 Vehicle damage claim of Kaisa Hartman
Discussed by Jim Armstrong, Manager, Safety & Risk Management and
the Board denied the claim.

OTHER BUSINESS:

CASE NO.

- Sewer back up class action lawsuits
Discussed by Tom Blessing, Chief Assistant City Attorney and the Board
was given a status update.
- CC 68-01 Sewer back up claim of Forest Hills Co-op (Hemlock Court)
Discussed by Jim Armstrong, Manager, Safety & Risk Management and
the Board authorized settlement.
- CC 44-01 Sewer back up claim of Richard Auyeung (736 S. Division)
Discussed by Jim Armstrong, Manager, Safety & Risk Management and
the Board authorized settlement.
- CC 20-01 Property damage claim of Richard Penn
Discussed by Jim Armstrong, Manager, Safety & Risk Management and
the Board authorized settlement.
- CC 64-01 Property damage claim of Hisham Dari
Discussed by Jim Armstrong, Manager, Safety & Risk Management and
the Board authorized settlement.

- CC 41-01 Sewer back up claim of Parker Hamilton (736 South Division)
Discussed by Jim Armstrong, Manager, Safety & Risk Management and the Board authorized settlement.
- CC 66-01 Property damage claim of Robert Taub
Discussed by Jim Armstrong, Manager, Safety & Risk Management and the Board authorized settlement.
- CC 67-01 Sewer back up claim of Eric Astrup (2210 Hemlock Court)
Discussed by Jim Armstrong, Manager, Safety & Risk Management and the Board authorized settlement.
- CC 77-01 Vehicle damage claim of Cathy Newcomb
Discussed by Jim Armstrong, Manager, Safety & Risk Management and the Board authorized settlement.
- CC 27-01 Sewer back up claim of Dr. Tom Tziahanas (2160 Georgetown)
Discussed by Jim Armstrong, Manager, Safety & Risk Management and the Board authorized settlement.

Prepared by,

Susan Campbell
Claims Specialist

R-294-7-01 APPROVED

RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR TO NEGOTIATE A CONSULTING CONTRACT WITH GOVERNMENTAL CONSULTANTS, INC.

Whereas, A large majority of local municipalities and public institutions engage the services of consulting firms for advocacy and representation in various local and state matters;

Whereas, The City of Ann Arbor faces significant state budgetary and regulatory challenges in the coming year;

Whereas, Currently, the City of Ann Arbor does not employ the services of a consulting firm; and

Whereas, Governmental Services, Inc. is a bipartisan, full-service consulting firm located in Lansing, Michigan;

RESOLVED, That the City Administrator be authorized to negotiate and enter into a one year contract on behalf of the city with Governmental Services, Inc.

R-295-7-01 APPROVED

RESOLUTION TO GRANT A HARDSHIP EXEMPTION FROM THE
LIVING WAGE ORDINANCE TO THE SHELTER ASSOCIATION
OF WASHTENAW COUNTY UNTIL JUNE 2004

Whereas, The Ann Arbor City Council adopted the Living Wage Ordinance (Chapter 23) on March 5, 2001;

Whereas, The Living Wage Ordinance was adopted, in part, to “use City spending to encourage the development of jobs paying wages above the poverty level;... and to “raise the income of low-income working people and their families employed by covered employers on City contracts or grants;”

Whereas, The Ordinance provides for “hardship exemptions for certain non-profit employers;”

Whereas, The Shelter Association of Washtenaw County has demonstrated its commitment to paying its employees a living wage by increasing wages and benefits across the board for the last three years; and

Whereas, The SAWC has committed to raising the wages of its last group of employees who are not currently in compliance within three years to the living wage rate;

RESOLVED, That the Ann Arbor City Council approve the hardship exemption request made by the Shelter Association of Washtenaw County and applauds their efforts to ensure that all of their employees are making a wage sufficient to meet their basic subsistence needs.

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

ORDINANCES - SECOND READING

30-01 APPROVED

DIEPHUIS 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 2.7 acres, located at 2096 South State Street, from TWP (Township District) to O (Office District). (The complete text of Ordinance 30-01 is on file in the City Clerk=s Office).

Councilmember Higgins moved that the ordinance be adopted at second reading.

On a voice vote The Mayor declared the motion carried.

31-01 APPROVED

HURON VILLAGE 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 10.17 acres, located at 3165 Washtenaw Avenue, from R1B (Single-Family Dwelling District) and C3 (Fringe Commercial District) to PUD (Planned Unit Development). (The complete text of Ordinance 31-01 is on file in the City Clerk=s Office).

Councilmember Carlberg moved that the ordinance be adopted at second reading.

With unanimous consent, Bill Conlin, petitioner and Robert Kerr of Metro Group Architects, architect for the project answered questions of Council.

The question being the ordinance as presented, on a voice vote the Mayor declared the motion carried.

R-301-7-01 APPROVED

RESOLUTION TO APPROVE HURON VILLAGE PUD SITE PLAN AND
DEVELOPMENT AGREEMENT

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Huron Village PUD Site Plan and Development Agreement, 10.17 acres, 3165 Washtenaw Avenue.

Whereas, Washtenaw Avenue LLC has requested PUD site plan approval in order to construct a 127,725-square foot office/commercial center at 3165 Washtenaw Avenue;

Whereas, A development agreement has been prepared to address public and private improvements, utilities, private storm water management system areas, traffic mitigation, and use of lawn care fertilizer;

Whereas, The Ann Arbor City Planning Commission, on June 5, 2001, recommended approval of said request;

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 this Chapter; 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 City Council approve the Development Agreement, substantially in the form of that on file in the City Clerk's Office, dated May 30, 2001; and

RESOLVED, That City Council approve the Huron Village PUD Site Plan upon the conditions that (1) the Development Agreement be signed by all necessary parties, (2) all terms of the Development Agreement are satisfied, (3) all tax parcels are combined, and (4) additional information be provided to and approved by the Building Department regarding the construction material of the storm water detention pipes and a revised grading plan for the access drive prior to grading permit issuance.

Councilmember Carlberg moved that the resolution be adopted.

With unanimous consent, Bill Conlin, petitioner and Robert Kerr of Metro Group Architects, architect for the project, answered questions of Council.

The question being the resolution as presented, on a voice vote the Mayor declared the motion carried.

ORDINANCES - FIRST READING

32-01 POSTPONED

FOOTING DRAIN DISCONNECTION

An Ordinance to Add a New Section 2:51.1 to
Chapter 28 of Title II of the Code of the City of Ann Arbor

Councilmember Hartwell moved that the ordinance be approved at first reading.

Councilmember Hartwell moved that the ordinance be postponed until the first meeting in August for further review.

On a voice vote the Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

R-296-7-01 APPROVED

**SPECIAL ASSESSMENT RESOLUTION NO. 4 – CONFIRM
ASSESSMENT ROLL PLATT ROAD SIDEWALK GAP
ASSESSMENT PROJECT**

Whereas, The City Council, after due and legal notice, has met for the purpose of reviewing a special assessment roll prepared for the purpose of assessing the private property's share of the cost of acquiring and constructing sidewalk described as follows:

Construction of sidewalk to fill in gaps along the west side Platt Road from 90 m north of Highway I-94 to 33 m south of Lorraine Street, District Number 35, File Number 98074;

Whereas, The City Council has heard all persons interested in the necessity of the improvement or aggrieved by the Special assessment Roll and has considered any and all objections thereto; and

Whereas, The City Council is satisfied with said Special assessment roll,

RESOLVED,

1. That said special assessment roll as prepared by the City Assessor be hereby confirmed in the amount of \$59,637.00 and designated as Sidewalk Special assessment District Number 35, File Number 98074;

2. That said special assessment roll be divided into fifteen (15) installments of equal principal, the first of which shall be due on December 1, 2001;

3. That the deferred installments of said special assessment roll bear interest at the rate of 7% to be adjusted to 1% annum above the average interest rate of any bonds issued to finance the improvements, commencing December 1, 2001, said interest to be collected annually on the due date of the second and subsequent installments of said Special assessment roll.

**PLATT ROAD SIDEWALK GAPS PROJECT
DISTRICT NUMBER 35, FILE NUMBER 98074**

<u>Property I.D.</u>	<u>Owner & Address</u>	<u>Property Share</u>
12-10-400-005	Hollenshead, David Hugh 3616 Platt Road Ann Arbor, MI 48108	\$ 3,677.00
12-10-400-006	Bookvich, Steven & Patty 3604 Platt Road Ann Arbor, MI 48108	3,298.00
12-10-400-007	Pieske, Gerald 3592 Platt Road Ann Arbor, MI 48108	3,252.00
12-10-400-008	Mitchell, Ella S. 2607 Hampshire Ann Arbor, MI 48108	3,253.00
12-10-400-009	Curtis, Fred & Judith 3570 Platt Road Ann Arbor, MI 48108	3,253.00
12-10-400-010	Davis, Janice K. 2995 Wolverine Drive Ann Arbor, MI 48108	2,341.00
12-10-400-011	Adler, Ava Dee 3546 Platt Road Ann Arbor, MI 48108	2,582.00
12-10-400-012	Maciejewski, John & Jill c/o Edward LeBaron 3540 Platt Road Ann Arbor, MI 48108	4,150.00
12-10-400-024	Issa, Fadil & Dari, Adnan 3746 Platt Road Ann Arbor, MI 48108	5,014.00
<u>Property I.D.</u>	<u>Owner & Address</u>	<u>Property Share</u>

12-10-400-030	Mutch, Lois (Trust) c/o G. William Mutch 10789 Garr Road Berrien Springs, MI 49103	12,398.00
12-10-400-031	St. Paul Missionary Baptist Church 3630 Platt Ann Arbor, MI 48108	3,718.00
12-10-400-037	Issa, Fadil & Dari, Adnan & Dombal, Dorothy 3696 Platt Road Ann Arbor, MI 48108	7,898.00
	Total	\$ 54,834.00

Councilmember Hartwell moved that the resolution be adopted.

With unanimous consent, Jill Price addressed Council regarding the proposed Platt Road Sidewalk Gap Project.

The question being the resolution as presented, on a voice vote the Mayor declared the motion carried.

R-297-7-01 APPROVED AS AMENDED

RESOLUTION TO ADOPT THE AFFIRMATIVE ACTION PLAN
DATED JUNE 22, 2001 AS THE OFFICIAL PLAN OF THE
CITY OF ANN ARBOR AND TO REVISE THE AFFIRMATIVE
ACTION POLICY STATEMENT OF FEBRUARY 21, 1995

A resolution to adopt the Affirmative Action Plan for the City of Ann Arbor, dated June 22, 2001 was considered.

Councilmember Hartwell moved that the resolution be adopted.

Councilmember Hartwell moved that the resolution be amended as follows:

RESOLVED, That the Ann Arbor City Council approve the attached Affirmative Action plan **and attached amendments** and urge the City Administrator to ensure that this plan remains an active management tool for building or diverse workforce, and ...

Councilmember Woods moved that the Plan be amended as follows:

Pg. 10

Section 02 Professional – Regional ~~Nationally~~

Pg. 11

Section 02b Professional – State ~~Nationally~~

The question being the resolution and plan as amended, on a voice vote the Mayor declared the motion carried.

The resolution as adopted reads as follows:

R-297-7-01

RESOLUTION TO ADOPT THE AFFIRMATIVE ACTION PLAN
DATED JUNE 22, 2001 AS THE OFFICIAL PLAN OF THE
CITY OF ANN ARBOR AND TO REVISE THE AFFIRMATIVE
ACTION POLICY STATEMENT OF FEBRUARY 21, 1995

Whereas, The Ann Arbor City Council adopted a resolution calling on the City to enact an Affirmative Action Plan in 1995;

Whereas, The Ann Arbor City Council wants to develop and support a diverse workforce and a work environment in City Hall in which all employees feel valued, respected and welcomed;

Whereas, The City Council desires to make a firm commitment to Affirmative Action;
and

Whereas, The Ann Arbor Human Rights Commission has worked with the Human Resources Director, the City Administrator, the Human Rights Office and the City Attorney's Office to ensure that an Affirmative Action Plan which reflects these values has been brought forward;

RESOLVED, That the Ann Arbor City Council approve the attached Affirmative Action Plan and attached amendments and urges the City Administrator to ensure that this plan remains an active management tool for building our diverse workforce, and

RESOLVED, That the Affirmative Action Policy Statement adopted in 1995 be

amended to include groups protected by the Human Rights Ordinance (Chapter 112), as amended.

R-298-7-01 APPROVED

RESOLUTION APPROVING THE WASHTENAW COUNTY/CITY OF ANN ARBOR COMMUNITY CORRECTIONS COMPREHENSIVE APPLICATION FOR FUNDING FOR FISCAL YEAR 2002

Whereas, On August 6, 1989, by resolution number 98-0219, the Washtenaw County Board of Commissioners established, in conjunction with the Ann Arbor City Council, a City/County Community Corrections Advisory Board, pursuant to Public Act 511 (PA511) of 1988;

Whereas, The Washtenaw County/City of Ann Arbor Community Corrections Advisory Board meets monthly on the second Tuesday of every month, pursuant to the By-Laws established for that Board; and

Whereas, This application represents and demonstrates five successful years of implementation based on the original Comprehensive Corrections Plan and that said application was recommended for forwarding to the Washtenaw County Board of Commissioners and City Council for review and approval at the next regularly scheduled meeting;

RESOLVED, That City Council approve the Washtenaw County/City of Ann Arbor Community Corrections Comprehensive Application for funding for fiscal year 2002.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-299-7-01 APPROVED

RESOLUTION TO APPROVE 320 AND 340 DEPOT STREET LAND DIVISION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed 320 and 340 Depot Street Land Division, 0.26 acre.

Whereas, Mike Kessler and Mark Pfaff have requested land division approval in order to divide the property at 320 and 340 Depot Street (Assessor=s Code No. 09-20-415-002) into two separate parcels;

Whereas, It has been determined that the resulting parcels will comply with all applicable laws, will be compatible with surrounding property, and will have adequate access for utilities and for service and emergency vehicles; and

Whereas, The Ann Arbor City Planning Commission, on June 5, 2001, recommended approval of said request;

RESOLVED, That City Council approve the 320 and 340 Depot Street Land Division, as described below:

340 Depot Street

Lots 1 and 3 in Block 8 of Ormsby and Page=s Addition to the City of Ann Arbor, as recorded in Liber M of Plats, page 191, Washtenaw County Records. Also free right-of-way in a strip of land 2 rods wide on Depot Street and running of equal width to Summit Street and adjoining Lots 1 and 2 of said Block 8 on the West of Ormsby and Page=s Addition to the City of Ann Arbor, as set forth in Warranty Deed recorded in Liber 36, page 666, Washtenaw County Records. Subject to an easement as recorded in Liber 1694, page 8.

320 Depot Street

Lots 5 and 7 in Block 8 of Ormsby and Page=s Addition to the City of Ann Arbor, as recorded in Liber M of Plats, page 191, Washtenaw County Records. Subject to an easement as recorded in Liber 1694, page 8.

Councilmember Carlberg moved that the resolution be adopted.

Council unanimously agreed with Councilmember Easthope's request that he be allowed to abstain from the vote.

The question being the resolution as presented, on a voice vote the Mayor declared the motion carried, with Councilmember Easthope abstaining.

RESOLUTION TO APPROVE GLEN ANN PUD SITE PLAN AND DEVELOPMENT
AGREEMENT

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Glen Ann PUD Site Plan and Development agreement, 0.33 acre, 201, 213 and 215 Glen Avenue.

Whereas, TBM Equities, Ltd. has requested PUD site plan approval in order to construct a five-story, 71,100-square foot mixed-use building and a 33-space underground parking garage at 201, 213 and 215 Glen Avenue;

Whereas, A development agreement has been prepared to address a street tree planting escrow, park contribution, street tree and street light installation, and annual housing reports;

Whereas, The Ann Arbor City Planning Commission, on June 19, 2001, recommended approval of said request;

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 this Chapter; 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 City Council approve the Development Agreement, substantially in the form of that is on file in the City Clerk's Office, dated July 9, 2001; and

RESOLVED, That City Council approve the Glen Ann Place PUD Site Plan upon the conditions that (1) the Development Agreement is signed by all necessary parties, (2) all terms of the Development Agreement are satisfied, (3) preliminary approval from the Washtenaw County Drain Commissioner is obtained prior to issuance of permits, and (4) the three lots are combined prior to issuance of permits.

Councilmember Johnson moved that the resolution be adopted.

Council unanimously agreed to allow Michael Conter, petitionr and Jerold Lax, attorney representing the petitioner, to answer questions concerning the proposed Glenn Ann PUD Site Plan and Development agreement.

Council unanimously agreed to allow Carl Weber, owner of Bradford Apartments, to answer questions concerning the proposed Glen Ann PUD Site Plan and Development agreement.

The question being the resolution as presented, on a voice vote the Mayor declared the motion carried.

R-302-7-01 APPROVED

RESOLUTION AUTHORIZING A GRANT APPLICATION TO MICHIGAN DNR FOR MATCHING FUNDS FOR ACQUISITION OF AN ADDITION TO DOLPH NATURE AREA

Whereas, Acquisition of natural areas are recommended in the 2000-2005 Parks Recreation and Open Space Plan, and the Park Acquisition Millage program;

Whereas, The Park Advisory Commission approved a recommendation to the Mayor and Council to apply for a grant for acquisition of the 18.2 acre addition to Dolph Nature Area through the Michigan Department of Natural Resources (MDNR) Trust Fund; and

Whereas, The total cost of the acquisition project is estimated to be \$1,244,000.00 with \$815,360.00 in grant funds from the MDNR and \$458,640.00 as a local match identified through Park Acquisition Millage Funds;

RESOLVED, That the Mayor and City Council approve an application for the Michigan Department of Natural Resources Trust Fund grant and matching grant funds and authorize the City Administrator to execute all documents necessary to enter into an agreement with the Department of Natural Resources for the acquisition of an addition to Dolph Nature Area; and

RESOLVED, That If the grant is approved by the State, the Mayor and Council appropriate \$815,360.00 in grant funds and establish a \$1,274,000.00 budget for the life of the project.

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-303-7-01 APPROVED

RESOLUTION TO APPROVE SALE OF EXCESS CITY PROPERTY AT LOT 89, HURON HIGHLANDS TO LINDA HARRIS

Whereas, The City of Ann Arbor is the owner of certain property which is located in the City of Ann Arbor, Washtenaw County, State of Michigan and more fully described as follows:

Lot 89, Huron Highlands, according to the Plat thereof, as recorded in Liber 15 of Plats, Pages 34 and 35, Washtenaw County Records
Parcel #09-16-317-004;

Whereas, On October 16, 1995, City Council approved Resolution R-495-10-95 relating to evaluating City-owned real estate and making disposition recommendations to Council;

Whereas, The Real Estate Committee developed and implemented a process to dispose of such real estate, which includes the property described above;

Whereas, The Real Estate Committee recommends that the City accept the Sales Agreement submitted by Linda Harris to purchase the property described above for the

sum of Twenty Thousand and 00/100 Dollars (\$20,000.00); and

Whereas, A 1996 appraisal was completed and is on file in the City Assessor's Office;

RESOLVED, That City Council approve the sale of the property described above to Linda Harris for the sum of \$20,000.00;

RESOLVED, That City Council authorize the Mayor and City Clerk to execute the Sales Agreement and any documents necessary to implement this agreement subject to approval as to form by the City Attorney;

RESOLVED, That the \$20,000.00 be appropriated within the FY 2001-02 Community Development Department budget and be deposited in the Affordable Housing Fund in accordance with City Council approved Resolution R-481-11-98; and

RESOLVED, That the City Administrator be authorized to take any necessary administrative actions to complete the transaction.

Councilmember Robinson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-304-7-01 APPROVED

RESOLUTION TO AMEND THE BUDGET RESOLUTION (R-202-5-01)
FOR BANKING SERVICE CHARGES IN THE GOLF FUND

Whereas, The revenue budget for the Golf Course fund included a negative amount in the "INTER (SVC CHGS) DEM DEP ACCTS" of \$15,000.00;

Whereas, The financial Accounting System does not allow for negative budges for revenues; and

Whereas, The reason for the negative budget is fees associated with accepting credit cards that are more currently recorded as expenses;

RESOLVED, That the Golf Course fund budget be increased by \$15,000.00 with the transfer of the negative revenue budget to the Golf Course Administration Budget.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-305-7-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM WOLVERINE SUPERIOR HOSPITALITY INC., AND ANN ARBOR HOSPITALITY, L.L.C. RED ROOF INN – 3505 S. STATE STREET

Whereas, Wolverine Superior Hospitality, Inc., a Michigan corporation, and Ann Arbor Hospitality, L.L.C., a Michigan limited liability company, are the fee simple owners of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 3963, Page 379, dated September 21, 2001 and Liber 3278, Page 314, dated June 20, 1996;

Whereas, A Resolution of the Board of Directors of Wolverine Superior Hospitality, Inc., a Michigan corporation, and a Resolution of the Members of Ann Arbor Hospitality, L.L.C., a Michigan limited liability company, both dated April 12, 2001, authorized the delivery of a perpetual easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system; and

Whereas, Wolverine Superior Hospitality, Inc. and Ann Arbor Hospitality, L.L.C. have delivered an easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system to run with the land and burden the respective property perpetually, being more particularly described as follows:

A 30 foot easement for Storm Sewer maintenance 15 feet each way at right angle to the following described centerline:

Commencing at the West 3 corner of Section 9, Town 3 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan; thence North 01E 40' 20" West 1078.28 feet along the West line of said section and the centerline of State Road; thence North 87E 21' 10" East 100.01 feet to a point on the Easterly right-of-way line of State Road; thence North 87E 21' 10" East 111.27 feet; thence north 75E 55' 50" East 51.97, said point being the POINT OF BEGINNING; thence South 14E 07' 00" East 35.17 feet; thence South 00E 17' 05" West 163.29 feet; thence South 17E 28' 24" East 83.37 feet; thence South 79E 04' 16" East 37.60 feet; thence South 90E 00' 00" East 139.87 feet; thence South 47E 13' 09" East 102.59 feet; thence South 46E 45' 18" East 103.42 feet; thence South 52E 48' 31" East 42.54 feet, said point being the POINT OF ENDING.

A 40-foot easement for Water Main construction and maintenance 20 feet each way at right angle to the following described three centerlines:

Line one

Commencing at the West 3 corner of Section 9, Town 3 South, Range 6 East, city of Ann Arbor, Washtenaw County, Michigan; thence North 01E 40' 20" West 1106.09 feet along the West line of said section and the centerline of State Road; thence North 88E 19' 40" East 301.66 feet, said point being the POINT OF BEGINNING; thence South 01E 50' 35" East 301.99 feet; thence South 52E 38' 06" East 25.58 feet; thence South 89E 59' 36" East 212.47 feet; thence South 46E 38' 32" East 175.46 feet; thence South 52E 26' 54" East 8.00 feet, said point being the POINT OF ENDING of line one.

Line two

Commencing at the West 3 corner of Section 9, Town 3 South, Range 6 East, city of Ann Arbor, Washtenaw County, Michigan; thence North 01E 40' 20" West 1106.09 feet along the West line of said section and the centerline of State Road; thence North 88E 19' 40" East 301.66 feet, thence South 01E 50' 35" East 229.02 feet; said point being the POINT OF BEGINNING; thence South 88E 09' 25" West 52.53 feet; said point being the POINT OF ENDING of line two.

Line three

Commencing at the West 3 corner of Section 9, Town 3 South, Range 6 East, city of Ann Arbor, Washtenaw County, Michigan; thence North 01E 40' 20" West 1106.09 feet along the West line of said section and the centerline of State Road; thence North 88E 19' 40" East 301.66 feet, thence South 01E 50' 35" East 301.99 feet; thence South 52E 38' 06" East 25.58 feet; thence South 89E 59' 36" East 212.47 feet; thence South 46E 38' 32" East 140.40 feet; said point being the POINT OF BEGINNING; thence North 43E 21' 28" East 40.82 feet, said point being the POINT OF ENDING of line three.

RESOLVED, That the City hereby accept said easement.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-306-7-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM ANN ARBOR HOSPITALITY, L.L.C. – RED ROOF INN – 3535 S. STATE STREET

Whereas, Ann Arbor Hospitality, L.L.C., a Michigan limited liability company, is the

fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 3278, Pages 314, dated June 20, 1996;

Whereas, A Resolution of the Members, dated April 12, 2001, authorized the delivery of a perpetual easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system; and

Whereas, Ann Arbor Hospitality, L.L.C. has delivered an easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system to run with the land and burden the respective property perpetually, being more particularly described as follows:

A 30 foot easement for Storm Sewer maintenance 15 feet each way at right angle to the following described centerline:

Commencing at the West 3 corner of Section 9, Town 3 South, Range 6 East, city of Ann Arbor, Washtenaw County, Michigan; thence North 01E 40' 20" West 1105.32 feet along the West line of said section and the centerline of State Road; thence North 88E 19' 40" East 573.35 feet, said point being the POINT OF BEGINNING; thence South 20E 24' 00" East 129.67 feet; thence South 46E 45' 26" East 262.91 feet, said point being the POINT OF ENDING.

A 30 foot easement for Sanitary Sewer maintenance 15 feet each way at right angle to the following described centerline:

Commencing at the West 3 corner of Section 9, Town 3 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan; thence North 01E 40' 20" West 1019.21 feet along the West line of said section and the centerline of State Road; thence North 88E 19' 40" East 418.17 feet, said point being the POINT OF BEGINNING; thence North 88E 06' 21" East 201.71 feet; thence South 46E 45' 26" East 285.51 feet, said point being the POINT OF ENDING.

RESOLVED, That the City hereby accept said easement.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-285-7-01 RECONSIDERED;

APPROVED AS AMENDED

RESOLUTION TO APPROVE REVISIONS TO FISCAL YEAR 2001/02
GENERAL FUND ALLOCATIONS TO NONPROFIT ORGANIZATIONS

Councilmember Herrell moved that Resolution No. R-285-7-01, Resolution to Approve Revisions to Fiscal Year 2001/02 General Fund Allocations to Nonprofit Organizations, be placed on the table for reconsideration.

On a voice vote the Mayor declared the motion carried.

Councilmember Herrell moved that the resolution be amended by removing all references to Dawn Farm, Inc.

On a voice vote the Mayor declared the motion carried.

The question being the resolution as amended, on a voice vote the Mayor declared the motion carried.

The resolution as adopted reads as follows:

R-285-7-01

RESOLUTION TO APPROVE REVISIONS TO FISCAL YEAR 2001/02
GENERAL FUND ALLOCATIONS TO NONPROFIT ORGANIZATIONS

Whereas, On June 4, 2001 City Council approved Resolution R-203-6-01 allocating FY 2001-02 General Funds including \$32,000.00 to Peace Neighborhood Center;

Whereas, On June 27, 2001, the Human Services Task Force recommended changes to the General Fund allocations totaling \$12,925.00 with funding available in the Community Development Department's approved budget;

Whereas, The Human Services Task Force recommended approval of a new allocation to Aquademics, and revised allocations to Peace Neighborhood Center as follows:

Aquademics for a swim and academic assistance program	\$ 4,000.00
Peace Neighborhood Center for summer programs for youth living at Pinelake Village Cooperative (\$4,425.00)	
North Maple Estates (\$4,500.00)	\$ 8,925.00

Whereas, The Human Rights Office has reviewed and approved these contractors;
and

Whereas, Peace Neighborhood Center has agreed to comply with the City's Living Wage Ordinance;

RESOLVED, That the Mayor and City Council approve allocating \$4,000.00 to Aquademics and \$8,925.00 to Peace Neighborhood Center and with funding available in the Community Development Department budget;

RESOLVED, That Mayor and City Council authorize the Community Development Department to negotiate contractual agreements in accordance with the city's purchasing procedures on forms approved as to form by the City Attorney and approved as to substance by the City Administrator;

RESOLVED, That all programs give priority to very low-income Ann Arbor residents and that performance be monitored by the Community Development Department; and

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

REPORTS FROM COUNCIL COMMITTEES

COUNCILMEMBER EASTHOPE

Councilmember Easthope stated that with the help of the City Clerk, they are scheduling a meeting with the Cable Commission and various members of the City Attorney's Office, the Police Department, possibly the Prosecutor's Office and CTN Staff to discuss how CTN Staff and City Staff deal with complaints about CTN program content.

COUNCIL PROPOSED BUSINESS

COUNCILMEMBER HIGGINS

Councilmember Higgins proposed that a small committee of Councilmembers be formed to work with Dave Ferber, Human Resource Director, and the Mercer Group to work on the Administrator search.

COMMUNICATIONS FROM THE MAYOR

ANNOUNCEMENTS

- A meeting was held with residents and Councilmembers Lowenstein and Upton last week. The meeting was successful.
- There will be a meeting of the first ward Councilmembers Robinson and Johnson and neighborhood residents at the Northside Community Center next Monday, July 23, 2001, at 7 p.m.

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the July 2, 2001 regular session of Council:

Housing Board of Appeals

Melissa R. Goldstein (to fill vacancy)
2412 Leslie Cir. 48104
Term: 7/16/01 – 6/30/04

Lelahni Wessinger (reappointment)
2216 Melrose Ave. 48104
Term: 7/16/01 – 6/30-04

Malletts Creekshed Coordinating Committee

Scott Miller
MDEQ

Jan BenDor
Pittsfield Township

Joan Martin
Huron River Watershed Council

Councilmember Robinson moved that Council concur with the recommendations of the Mayor.

On a voice vote the Mayor declared the motion carried.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

City Administrator Neal G. Berlin submitted the following reports for information of Council:

1. Proposed Platt Road Special Assessment District – Finance
2. Traver Creek Culvert Replacement at Broadway Street – Utilities
3. Wickfield Water Main – Public Services

4. Huron Village Traffic Impact Information – Planning
5. Resolution to Grant a Hardship Exemption from the Living Wage Ordinance to the Shelter Association of Washtenaw County until June 2004 – Community Development

(Reports on file in the City Clerk's Office)

COMMUNICATIONS FROM THE CITY ATTORNEY

REPORT ON COMPLETED ANNEXATION

City Attorney Abigail Elias submitted a report on the following completed annexation:

Hanlon property, 0.13 acre, 1700 South State Street, from Ann Arbor Township.

(Report on file in the City Clerk's Office)

COMMUNICATIONS FROM COUNCIL

None.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications was referred as indicated:

1. Communication from DTE Energy Market Inc. – Energy Coordinator

The following minutes were received for file:

1. Downtown Development Authority – June 6, 2001.
2. Cable Communications Commission – Working Session and Regular Session of May 22, 2001.
3. Zoning Board of Appeals – December 20, 2000 and January 24, 2001.

4. Energy Commission, Ann Arbor – June 14, 2001.

Councilmember Johnson moved that the Clerk's Report be accepted.

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

None.

ADJOURNMENT

There being no further business to come before Council, it was moved by Councilmember Hartwell that the meeting be adjourned.

On a voice vote the Mayor declared the motion carried and the meeting adjourned at 9:35 p.m.

Yvonne Carl
Interim Clerk of the Council

Anissa R. King
Recording Secretary