

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - FEBRUARY 22, 2005**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:10 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, Joan Lowenstein, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Mayor John Hieftje, 7;

ABSENT : Council Members Robert M. Johnson, Michael R. Reid, Jean Carlberg, Wendy A. Woods, 4.

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

SOUTH POND VILLAGE REZONING

The following people spoke in opposition of the proposed South Pond Village Rezoning:

Amir Mortazawi, 1710 Woodcreek Boulevard
Michael Homel, 3473 Wooddale Court

ISRAEL/PALESTINE

The following people addressed Council regarding issues in Israel/Palestine:

Elaine Rumman, 1310 Pomona
Henry Herskovitz, 404 Mark Hannah

PUBLIC HEARINGS

THE OAKS OF ANN ARBOR SITE PLAN

A public hearing was conducted on the proposed Oaks of Ann Arbor Site Plan, 3.99 Acres, located at 3589, 3599 and 3621 Stone School Road. Notice of public hearing was published February 13, 2005.

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

ESTABLISH FIXED CHARGES FOR THE 2005 WATER AND SANITARY SEWER IMPROVEMENT CHARGES

A public hearing was conducted on the proposed Resolution to Establish the Fixed Charges for the 2005 Water and Sanitary Sewer Improvement Charges. Notice of public hearing was published February 13, 2005.

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

UNITED STATES DEPARTMENT OF JUSTICE – 2005 BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAM AWARD

A public hearing was conducted on the proposed Resolution to Apply for, Accept and Approve the 2005 Edward Byrne Memorial Justice Assistance Grant from the United States Department of Justice – Bureau of Justice Assistance to the Police Department. Notice of public hearing was published February 20, 2005.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Council Member Greden moved seconded by Council Member Teall that the agenda be approved with the following changes:

MOTIONS AND RESOLUTIONS

Revise: Resolution to Establish the Fixed Charges for the 2005 Water and Sanitary Sewer Improvement Charges (~~8 Votes Required~~) (Utilities – Sue F. McCormick, Public Services Administrator)

Revise: Resolution to Accept Grant Funds From the State of Michigan to Receive Federal HAVA (“Help America Vote Act”) Funds to Purchase Optical Scan Voting Systems (Tabulators) and EMS Program Software (Elections Management Systems), Pursuant to HAVA – (Total of \$303,802.35 in Federal and State Funds) (~~8 Votes Required~~) (City Clerk – Jayne Miller, Community Services Area Administrator)

Added After Newspaper Deadline:

Add: Resolution Urging the Federal Government to Maintain CDBG and Section 8 Funding to Communities (Council Members Greden, Groome and Higgins) **(Added 2/16/05)**

Add: Resolution to Appoint Member to the City Environmental Commission (Council Members Teall and Reid) **(Added 2/16/05)**

Add & Revise: Resolution to Apply for, Accept, Approve and Appropriate the 2005 Edward Byrne Memorial Justice Assistance Grant from the United States Department of Justice – Bureau of Justice Assistance to the Police Department (\$39,283.00) (~~8 Votes Required~~) (Safety Services - Police Chief Daniel J. Oates, Area Administrator) **(See PH-3) (Added 2/18/05; Revised 2/22/05)**

Add: Resolution Recognizing the University Musical Society as a Civic Nonprofit Organization in the Ann Arbor Community for the Purpose of Obtaining a Charitable Gaming License (Council Member Groome) **(Added 2/22/05)**

Add: Resolution to Appoint Acting Mayor (Mayor Hieftje) **(Added 2/22/05)**

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

ORGANIZATION OF NEW COUNCIL

COUNCIL RULES ADOPTED

Council Member Teall moved, seconded by Council Member Easthope that the previous Rules of Council be adopted for the 2004-05 Council year.

On a voice vote, the Mayor declared the motion carried with one no vote made by Council Member Groome.

APPROVAL OF COUNCIL MINUTES

MINUTES OF FEBRUARY 7, 2005 APPROVED

Council Member Higgins moved seconded by Council Member Teall that the regular session minutes of February 7, 2005 be approved as presented.

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

CONSENT AGENDA

CONSENT AGENDA ITEM REMOVED

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

Resolution to Approve the Interim Revised Traffic Calming Program (Transportation – Sue F. McCormick, Public Services Area Administrator)

CONSENT AGENDA ITEMS APPROVED

Council Member Easthope moved seconded by Council Member Teall that the following Consent Agenda items be approved as presented:

R-40-2-05 APPROVED

RESOLUTION TO APPROVE TRANSFER OF STOCK IN A 2003 12-MONTHS
RESORT CLASS B-HOTEL LICENSED BUSINESS LOCATED AT
3200 BOARDWALK – D/B/A SHERATON INN ANN ARBOR

RESOLVED, That the request from Z.L.C., Inc to transfer stock in a 2003 12-months Resort Class B-Hotel licensed business with a Dance-Entertainment permit, located at 3200 Boardwalk, by adding Marilyn S. Zetley as joint stockholder with Marvin A. Zetley on 100 shares of stock be approved.

R-41-2-05 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION
MINUTES OF JANUARY 28, 2005 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of January 28, 2005 be accepted and that the recommended course of action therein, including payments, be approved and authorized.

MINUTES

CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

January 28, 2005

- Present: Joan Lowenstein - City Council Member
- Mary Siefert –Treasurer
- Constance Hayes – Risk Management Administrator
- David Swan, Assistant City Attorney
- Bob West, Assistant City Attorney
- Sarah Singleton, Management Assistant

New Business:

- CC001-05 Maurice Moore
- Personal Damages
- Discussed by Dave Swan, Assistant City Attorney
- Requested and received settlement approval.

CC059-04 Patricia Davis vs. City of Ann Arbor
Bodily Injury
Discussed by Dave Swan, Assistant City Attorney

Claim Recommended for Approval:

CC086-04 SBC Midwest Region Facilities
Property Damage
Discussed by Constance Hayes, Risk Management
Administrator

Discussion:

The Insurance Board recommends that claim forms will no longer need to be notarized. The recommendation is for the following statement to be included on the forms: "I declare the above statements are true to the best of my knowledge".

Prepared by: Constance Hayes, Risk Management Administrator
Date: January 28, 2005

R-42-2-05 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF THREE TRUCKS
FROM SIGNATURE FORD THROUGH MACOMB COUNTY
COOPERATIVE PURCHASING PROGRAM

Whereas, Three existing trucks used to maintain the sanitary collection and water distribution systems are at the useful end of their service life and need to be replaced;

Whereas, The replacement vehicles are available through the bidding process and the Macomb County Cooperative Purchasing Program;

Whereas, Signature Ford is the vendor supplying trucks through the Macomb County Cooperative Purchasing Program; and

Whereas, Signature Ford received Human Rights approval on January 25, 2005;

RESOLVED, That City Council approve the purchase of the following three trucks: 1-heavy duty ¾ ton 4 x 4 pickup and 2 ½- ton 2-wheel drive pickups from Signature Ford in the amount of \$53,701.00; and

RESOLVED, That the purchases be funded from approved FY 04/05 operations and maintenance budgets of the Water Supply and Sanitary Collection Systems (\$53,701.00) and that the funds be available until expended without regard to fiscal year.

R-43-2-05 APPROVED

RESOLUTION TO APPROVE EMPLOYMENT AGREEMENT BETWEEN
JAMES MILLEN AND THE CITY OF ANN ARBOR

Whereas, James Millen has been performing very capably in the capacity of election crew and equipment supervisor for the City Clerk’s Office for many years with his most recent contract ending in December, 2004; and

Whereas, There will be four elections in 2005 – February 22, May 3, August 2 and November 8 – all of which will require Mr. Millen’s services, although costs of the first two will be reimbursed by other entities (Washtenaw County and Ann Arbor Schools);

RESOLVED, That Council approve the attached employment agreement with James Millen in the amount of \$28,680.00 for election work; and

RESOLVED, That \$28,680.00 be allocated from the City Clerk’s budget in the General Fund for that purpose.

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

POSTPONED

RESOLUTION TO APPROVE THE INTERIM REVISED
TRAFFIC CALMING PROGRAM

Whereas, The City’s Traffic Calming Program has been in place since December, 1999;

Whereas, On May 7, 2001 by resolution R-176-5-01, the City Council determined that “...the traffic calming program shall be reviewed annually and new policies proposed to maximize the effectiveness of traffic calming procedures and policies...”;

Whereas, The last amendment to the Traffic Calming Program was approved on August 5, 2002 by resolution R-341-8-02;

Whereas, Several traffic calming projects were completed in 2003 and 2004;

Whereas, The administration of the past traffic calming projects has resulted in valuable new experience; and

Whereas, Attachment "A" (on file in the City Clerk's Office) includes a proposal to further refine the 2002 Amended Traffic Calming Program for a trial period,

RESOLVED, That Attachment "A", Interim Revised Traffic Calming Program, be approved for its implementation;

RESOLVED, That by no later than March 2006, staff will present its finding and propose an amended Traffic Calming Program; and

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

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

Council Member Easthope moved, seconded by Council Member Groome to postpone the resolution until March 7, 2005 for further review.

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

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

2-05 APPROVED

BLAAUW 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 0.97 acre, located at 1811 Glenwood Road, from TWP (Township District) to R1A (Single-Family Dwelling District). (The complete text of Ordinance 2-05 is on file in the City Clerk's Office.)

Council Member Lowenstein moved seconded by Council Member Teall that the ordinance be approved at first reading.

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

3-05 APPROVED

HOLZHAUER 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 0.5 acre, located at 1580 Alexandra Boulevard, from TWP (Township District) to R1A (Single-Family Dwelling District). (The complete text of Ordinance 3-05 is on file in the City Clerk's Office.)

Council Member Easthope moved seconded by Council Member Teall that the ordinance be approved at first reading.

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

4-05 APPROVED

MATHEWS 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 1.27 acres, located at 1335 Bird Road, from TWP (Township District) to R1A (Single-Family Dwelling District). (The complete text of Ordinance 4-05 is on file in the City Clerk's Office.)

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

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

5-05 POSTPONED

SOUTH POND 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 48.49 acres, located north of Arborland, east of Woodcreek (Chalmers Drive), south of Huron River Drive and west of US-23, from TWP (Township District) to R4A (Single-Family Dwelling District). (The complete text of Ordinance 5-05 is on file in the City Clerk's Office.)

Council Member Teall moved seconded by Council Member Lowenstein that the ordinance be approved at first reading.

Council Member Lowenstein moved, seconded by Council Member Teall to postpone the ordinance at first reading until July 18, 2005 for further review.

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

MOTIONS AND RESOLUTIONS

R-44-2-05 APPROVED

**RESOLUTION TO AMEND MEMBERSHIP DETAILS FOR THE
DOWNTOWN AREA CITIZENS ADVISORY COUNCIL**

Whereas, In 1982 City Council voted to establish a Downtown Development Authority Development Area Citizens’ Council in keeping with the PA 197 of the Public Acts of 1975, which set forward that a development area citizens council would be established to provide comment on the DDA’s proposed development and TIF plans;

Whereas, In the two decades since its formation, the Citizens Advisory Council has served a vital role beyond its initial purpose, providing valuable insights on matters of downtown concern;

Whereas, Understanding downtown residential needs will become even more important as the City focuses its efforts on encouraging increased residential development in the core area in the coming years; and

Whereas, The City is underway with an effort to modify many of its boards and commissions, which includes the Citizens Advisory Council;

RESOLVED, City Council approves the following changes to Citizens Advisory Council as follows:

- The official name of committee shall be the “Downtown Area Citizens Advisory Council”
- Applicants for appointment to the CAC must live within the DDA District. Individuals who were residents of the DDA District upon appointment may remain on the CAC or be reappointed to the CAC if they move to a new residence on a block bisected by the DDA boundary line or a block abutting the DDA boundary line.
- Terms will be three years.

The number of CAC members will be limited to 15.

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

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

R-45-2-05 APPROVED

RESOLUTION TO APPROVE LIBERTY PINES 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, Liberty Pines Development LLC is the purchaser of said property; and

Whereas, It is the desire of Liberty Pines Development LLC 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:

Commencing at the Southeast corner of Section 25, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan; thence N 00°28'00" E 988.84 feet along the East line of said Section and the centerline of Maple Road to a point on the centerline of Liberty Road; thence S 75°26'15" W 876.75 feet along said centerline; thence N 00°19'55" E 72.44 feet to a point on the Northerly right-of-way line of Liberty Road, said point being the POINT OF BEGINNING; thence along said right-of-way line Westerly 240.18 feet along the arc of a 1839.86 foot radius circular curve to the right, through a central angle of 07°28'46", having a chord which bears S 79°14'28" W 240.01 feet to a point on the Easterly right-of-way line of the I-94 Expressway; thence N 05°01'00" E 1089.89 feet along said right-of-way line; thence S 89°40'05" E 146.51 feet; thence S 00°19'55" W 1040.08 feet to the Point of Beginning. Being a part of the Southeast ¼ of Section 25, T2S, R6E, Scio Township, Washtenaw County, Michigan, and containing 4.65 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 Liberty Pines Annexation, 4.65 Acres, located on the northeast corner of West Liberty Street and 1-94.

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

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

POSTPONED

RESOLUTION TO APPROVE THE OAKS OF ANN ARBOR SITE PLAN

Whereas, EPIC Land Company LLC has requested site plan approval in order to construct 44 multiple-family dwelling units in ten buildings at 3589, 3599 and 3621 Stone School Road;

Whereas, The Ann Arbor City Planning Commission, on December 21, 2004, 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 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 City Council approve The Oaks of Ann Arbor Site Plan, subject to the four parcels being combined prior to permit issuance and subject to mitigation of sanitary sewer flow equivalent to the disconnection of 12 footing drains prior to issuance of the first certificate of occupancy.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed The Oaks of Ann Arbor Site Plan, 3.99 Acres, located at 3589, 3599 and 3621 Stone School Road.

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

Council Member Easthope abstained from voting on this resolution.

Council Member Higgins moved, seconded by Council Member Greden to postpone the resolution until March 7, 2005 for further review.

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

R-46-2-05 APPROVED

RESOLUTION TO ESTABLISH THE FIXED CHARGES FOR THE 2005 WATER AND SANITARY SEWER IMPROVEMENT CHARGES

Whereas, Section 1:274 of Title I of the Code of the City of Ann Arbor requires City Council to annually establish the fixed charges for Water Main Improvement Charge and the Sanitary Sewer Improvement Charge for residential water main and residential sanitary sewer; and

Whereas, The Public Services Department used the ten most recent projects built by the City in each category, cost forwarded to 2005, as a baseline to establish the fixed charges for 2005;

RESOLVED, That the City Council establish the 2005 Water Main Improvement Charge Fixed Charge to be \$11,194.00 per residential unit served;

RESOLVED, That the City Council establish the 2005 Sanitary Sewer Improvement Charge Fixed Charge to be \$17,877.00 per residential unit served; and

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

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

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

R-47-2-05 APPROVED

RESOLUTION TO ACCEPT GRANT FUNDS FROM THE STATE OF MICHIGAN TO RECEIVE FEDERAL HAVA ("HELP AMERICA VOTE ACT") FUNDS TO PURCHASE OPTICAL SCAN VOTING SYSTEMS (TABULATORS) AND EMS PROGRAM SOFTWARE (ELECTIONS MANAGEMENT SYSTEMS), PURSUANT TO HAVA

Whereas, The City of Ann Arbor is a Voting Jurisdiction within the County of Washtenaw;

Whereas, The City of Ann Arbor must comply with the Federal "Help America Vote Act of 2002" (HAVA), Michigan election law and Public Act 91 of 2002; and

Whereas, The HAVA funds will be used to acquire and implement a uniform optical scan voting system within the City of Ann Arbor as throughout the State of Michigan;

RESOLVED, That City Council approve this Resolution for the grant application process to the County of Washtenaw and the State of Michigan in the amount of \$303,802.35; and

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.

Council Member Greden moved seconded by Council Member Lowenstein that the resolution be adopted.

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

R-48-2-05 APPROVED

(RESOLUTION URGING THE FEDERAL GOVERNMENT TO MAINTAIN CDBG AND SECTION 8 FUNDING TO COMMUNITIES)

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

Council Member Groome moved, seconded by Council Member Greden to amend the resolution as follows:

Revise Title:

By a 7-0 vote of the Community Development Executive Committee on 2/15/05 and a 4 to 0 vote of the Housing Policy Board on 2/18/05, the boards recommend City Council adopt the following resolution:

Add a RESOLVED Clause:

...RESOLVED, THE CITY COUNCIL DIRECTS THE CITY ADMINISTRATOR TO FORWARD A COPY OF THIS RESOLUTION TO EACH ORGANIZATION CURRENTLY RECEIVING FUNDING FROM THE CITY THROUGH THESE FEDERAL PROGRAMS AND URGES THESE ORGANIZATIONS TO CONTACT THE PRESIDENT AND THEIR MEMBERS OF CONGRESS TO OPPOSE FUNDING CUTS TO THESE PROGRAMS. ...

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 amended reads as follows:

RESOLUTION URGING THE FEDERAL GOVERNMENT TO MAINTAIN
CDBG AND SECTION 8 FUNDING TO COMMUNITIES

Whereas, President Bush has presented to Congress his FY '06 budget and it proposes a 50% cut in CDBG funding and a graduated 30% cut in Section 8 funding to communities across the nation;

Whereas, President Bush's proposed budget would make significant cuts in many community development programs, including Section 8 and the Community Development Block Grant program, and would transfer the CDBG program from the Department of Housing and Urban Development to the Department of Commerce's proposed *Strengthening America's Communities Grant Program*;

Whereas, This proposed Commerce Department program does not explicitly provide funding for prevention of poverty and job loss, and proposes significant cuts to federal programs that have supported these activities in the past;

Whereas, In response to the President's proposed cuts in these programs, Congressman Dingell has called them "morally irresponsible" and Senators Clinton, Kerry, Kennedy, Corzine, Lautenberg, Schumer, and Durbin have sent a letter to President Bush protesting such massive cuts;

Whereas, The Ann Arbor Housing Commission has reported that the already-initiated federal cuts in Section 8 have caused the Housing Commission to lower the amount of rent for which the AAHC will issue vouchers and will, within the next 2 years, make it unaffordable for many lower-income current voucher-holders to maintain their leases;

Whereas, Cuts in these programs will negatively affect moderate and low income residents and private landlords in Ann Arbor and Washtenaw County;

Whereas, The City of Ann Arbor has a long history of supporting federal CDBG funding goals by matching the federal funds available each year on an almost dollar for dollar basis with City general funds;

Whereas, The federal funding and City general fund funding have supported a strong human services network which provides critical services to low and moderate income persons in the City;

Whereas, The City Council and the Washtenaw County Board of Commissioners recently adopted the *Blueprint to End Homelessness* and the City Council authorized a small supplemental grant to the Ann Arbor Housing Commission to enable the Housing Commission to fully utilize all available vouchers, and the Ann Arbor Housing Commission has met that goal;

RESOLVED, That the Ann Arbor City Council opposes President Bush’s proposed changes to, and cuts in funding for, Section 8, CDBG and other community development programs;

RESOLVED, That Ann Arbor City Council urges Congress to reject any changes to and cuts in CDBG, Section 8 and other community development funding, recognizing the immediate and severe consequences such cuts will have on low and moderate income Ann Arbor residents and recognizing that such federal cuts will require increased City services to such residents; and

RESOLVED, That the City Council direct the City Administrator to forward a copy of this resolution to each organization currently receiving funding from the City through these federal programs and urges these organizations to contact the President and their members of Congress to oppose funding cuts to these programs.

RESOLVED, The City Council directs the City Administrator to forward a copy of this resolution, after certification by the City Clerk, to President Bush, Senators Carl Levin and Debbie Stabenow, and Congressman John Dingell.

POSTPONED

RESOLUTION TO APPOINT MEMBER TO THE CITY ENVIRONMENTAL COMMISSION

Whereas, City Council passed an ordinance creating a City Environmental Commission;

Whereas, The ordinance requires City Council to nominate and appoint the members of the Commission;

Whereas, There is currently a vacancy on the Environmental Commission; and

Whereas, David Wright has an interest in protecting and enhancing the well-being of the

environment and has submitted an application and resume;

RESOLVED, That David Wright be appointed to the Environmental Commission for a three-year term beginning February 23, 2005;

RESOLVED, That the City Clerk notify the newly elected commission member and the chair of the Environmental Commission.

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

Council Member Teall moved, seconded by Council Member Higgins to postpone the resolution until March 7, 2005.

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

R-49-2-05 APPROVED

(RESOLUTION TO APPLY FOR, ACCEPT, APPROVE AND APPROPRIATE THE 2005 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE – BUREAU OF JUSTICE ASSISTANCE TO THE POLICE DEPARTMENT)

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

Council Member Lowenstein moved, seconded by Council Member Greden to amend the resolution as follows:

Revise Resolution Title:

RESOLUTION TO APPLY FOR, ACCEPT, AND APPROVE ~~AND APPROPRIATE~~ THE 2005 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE – BUREAU OF JUSTICE ASSISTANCE TO THE POLICE DEPARTMENT

2nd RESOLVED Clause:

...RESOLVED, That if awarded the grant, City Council accept the 2005 Justice Assistance Grant in the amount of \$39,283.00 ~~and appropriate the grant funds to the Police department for the life of the project without regard to City fiscal year;~~ ...

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 amended reads as follows:

RESOLUTION TO APPLY FOR, ACCEPT, AND APPROVE THE 2005 EDWARD
BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE UNITED STATES
DEPARTMENT OF JUSTICE – BUREAU OF JUSTICE ASSISTANCE
TO THE POLICE DEPARTMENT

Whereas, The City of Ann Arbor Police Department has been notified of its eligibility for \$39,283.00 in 2005 Edward Byrne Memorial Justice Assistance Grant funds and invited to apply on-line no later than March 31, 2005 to the United States Department of Justice – Bureau of Justice Assistance which uses an on-line application process involving electronic signatures;

Whereas, The Police Department intends to use the 2005 Justice Assistance Grant funding allocation it receives for law enforcement policing equipment and technology for its Patrol and Investigative Divisions;

Whereas, The 2005 Justice Assistance Grant requires that the Police Department make the grant application available for review by City Council and available for public review and comment at least 30 days prior to its being submitted. In keeping with these requirements and with City procedures the Department scheduled and conducted a City Council meeting and a public hearing regarding the application on this date (the Ann Arbor News published a Public Hearing Notice on Sunday February 20, 2005) and is submitting the attached resolution with a copy of the application for City Council review and approval; and

Whereas, The \$39,283.00 grant award requires no matching funds, but the award documents specify that a trust fund account be established;

RESOLVED, That City Council approve the grant agreement with the United States Department of Justice – Bureau of Justice Assistance indicating its acceptance of the grant and its terms by authorizing the City Administrator, his designee or the Project Director to submit the application on-line after approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That if awarded the grant, City Council accept the 2005 Justice Assistance Grant in the amount of \$39,283.00;

RESOLVED; That the Ann Arbor Police Department will work with the City Finance Department to establish a trust fund account or a separate grant account equivalent as acceptable to the funder; and

RESOLVED, That the City Administrator or his designee be authorized and directed to execute the grant agreement between the City of Ann Arbor and the United States Department of Justice – Bureau of Justice Assistance and to take all necessary actions to implement this Resolution.

R-50-2-05 APPROVED

RESOLUTION RECOGNIZING THE UNIVERSITY MUSICAL SOCIETY AS A CIVIC NONPROFIT ORGANIZATION IN THE ANN ARBOR COMMUNITY FOR THE PURPOSE OF OBTAINING A CHARITABLE GAMING LICENSE

Whereas, P.A. 382 of 1972, as amended, requires that local civic nonprofit organizations be recognized by resolution adopted by the local governmental subdivision in which the organization conducts its principal activities and that a copy of said resolution be filed with any application for a license to conduct a bingo, raffle or charity game(s);

Whereas, The University Musical Society has requested that it be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license;

Whereas, The University Musical Society was established to present performing arts performances and offer related educational activities; and

Whereas, The University Musical Society is a local civic nonprofit organization as defined by P.A. 382 of 1972, as amended;

RESOLVED, That City Council hereby approve The University Musical Society as a local civic nonprofit organization operating in the Ann Arbor community for the purposes of its charitable gaming license application and required by P.A. 382 of 1972, as amended; and

RESOLVED, That the City Clerk be directed to provide a certified copy of this Resolution to The University Musical Society and to take all necessary administrative actions to provide notice of this Resolution to the Charitable Gaming Division, Michigan Department of Treasury.

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

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

R-51-2-05 APPROVED

RESOLUTION TO APPOINT ACTING MAYOR

Whereas, Mayor John Hieftje anticipates being absent from the City and Mayor Pro Tem Christopher Easthope will otherwise be unable to perform the duties of the office of Mayor on March 2, 2005; and

Whereas, Section 4.3 of the Ann Arbor City Charter authorizes City Council to designate another of its members as Acting Mayor to perform such duties temporarily when the Mayor and Mayor Pro Tem are unable to perform their respective duties;

RESOLVED, That City Council member Leigh Greden be designated as Acting Mayor with all powers and responsibilities as stated in Section 4.3 of the Ann Arbor City Charter in the event that both Mayor Hieftje and Mayor Pro Tem Easthope are unable to perform the duties of the office of Mayor on March 2, 2005.

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

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

REPORTS FROM COUNCIL COMMITTEES

BUDGET AND FINANCE COMMITTEE

Council Member Greden announced that the next meeting of the Budget and Finance Committee is scheduled for March 3, 2005, where the committee will discuss the Community Services Area Budget. The Committee will meet again on March 10, 2005 to discuss other administrative departments including Finance, Administration, and City Attorney. All meetings are held in the 6th floor conference room and start at 4:30 p.m.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the February 7, 2005 regular session of Council:

Cool Cities Task Force

Gary Seelhorst Pfizer employee
2845 Barclay Way
Ann Arbor, MI 48105
Term: February 7, 2005- until task completed

Newcombe Clark Downtown Resident
113.5 W. Liberty
Ann Arbor, MI 48104
Term: February 7, 2005- until task completed

Elizabeth Dean Fund

Charles W. Cares (filling Vacancy)
505 Riverview Dr.
Ann Arbor, 48104
Term: February 7, 2005- July 31, 2007

Al Gallup (filling Vacancy)
1201 Bydding
Ann Arbor, MI 48103
Term: February 7, 2005- July 31, 2007

Warren Attarian (Re-Appointment)
3490 Gettysburg Rd.
Ann Arbor, MI 48105
Term: February 7, 2005- July 31, 2007

Merrill Dudley (Re-Appointment)
1126 Fair Oaks Parkway
Ann Arbor, MI 48104
Term: February 7, 2005- July 31, 2007

Donald H. Gray (Re-Appointment)
1704 Morton Ave.
Ann Arbor, 48104
Term: February 7, 2005- July 31, 2007

John Roberts (Re-Appointment)
915 Brooks
Ann Arbor, MI 48103
Term: February 7, 2005- July 31, 2007

Energy Commission

Jason Bing (replacing Adam Szuch)
49071 Denton Rd. #105
Belleville, MI 48111
Term: February 7, 2005-March 31, 2005

Council Member Lowenstein moved seconded by Council Member Teall 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:

Ann Arbor Commission on Art in Public Places

Elaine Sims
2107 Devonshire
Ann Arbor, MI 48104
Term: February 22, 2005- December 31, 2008

Tim Rorvig
249 Mulholland
Ann Arbor, MI 48105
Term: February 22, 2005- December 31, 2008

City Market Commission

Scott Robertello (Re-Appointment)
4245 Rogers Highway
Britton, MI 49229
Term: February 22, 2005- December 31, 2008

Employees Retirement System Board of Trustees

Stephanie Carter (Re-Appointment)
725 Newport Place
Ann Arbor, MI 48103
Term: February 22, 2005- February 22, 2008

ACTIVITY UPDATES

Mayor Hieftje said that he and other Mayors around the state met with legislators. Each Mayor presented significant challenges that their city will face as they prepare their budgets. A number of issues were placed on the table, and legislators were asked to keep them in mind as they go back and put the budget together.

COMMUNICATIONS FROM THE CITY ADMINISTRATORREPORTS SUBMITTED

City Administrator Roger Fraser submitted the following reports for information of Council:

1. HUD Funding Changes and Other Discretionary Admin Funding (Housing – Elizabeth A. Lindsley, Executive Director)

2. New Electricity Purchase Contract – MidAmerican Energy (Energy – Matt Naud, Environmental Coordinator)

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

ANNOUNCEMENT

City Administrator Roger Fraser informed Council that the Work Shop scheduled for March 14, 2005 would be a discussion with Council regarding the anticipated budget preparation and recommendation of the city.

COMMUNICATIONS FROM THE CITY ATTORNEY

CLOSED SESSION CANCELED

City Attorney Stephen Postema, announced that the closed session of February 22, 2005 is canceled due to the fact that eight members of Council is not present at this time as required by State Law.

COMMUNICATIONS FROM COUNCIL

COUNCIL MEMBER GROOME

Council Member Groome said that the Community Development Executive Committee is beginning its work in reviewing proposals and making recommendations to Council. She added that Community Development staff would notify grant applicants making them aware of when the committee will deliberate.

COUNCIL MEMBER HIGGINS

Council Member Higgins asked if the approved Purchase Agreement for the parkland on Wagner Road (Dolph Park) was completed. She asked that if it was completed that copies be given to Council for review.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communication was referred as indicated:

1. Communication from the Washtenaw County Board of Commissioners – Resolution Accepting Comments from the Planning Advisory Board on the Lodi Township Master Plan Revision, and Directing the County Clerk to Send Comments to Lodi Township and the Contiguous Local Units of Government cc: Planning

The following set of minutes was received for file:

1. Taxicab Board – Special Session, December 10, 2004

Council Member Lowenstein moved seconded by Council Member Greden 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 Council Member Greden and seconded by Council Member Teall that the meeting be adjourned.

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:16 p.m.

Anissa R. King
Acting Clerk of the Council
Recording Secretary