

**ANN ARBOR CITY COUNCIL MINUTES  
REGULAR SESSION - MAY 7, 2001**

The regular session of the Ann Arbor City Council was called to order at 7:36 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, Joan Lowenstein, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

**INTRODUCTIONS**

**2002-2007 CAPITAL IMPROVEMENTS PLAN**

Planning Department Director Karen Hart and City Planner Chandra Hurd presented the proposed Fiscal Year 2002-2007 Capital Improvements Plan. Ms. Hart reported that the proposed plan was adopted by the City Planning Commission on April 3, 2001. The proposed CIP includes 197 projects for a six-year cost of \$297,125,000. The top ten projects include the annual street resurfacing program, City/County maintenance facility construction, city hall expansion, wastewater treatment plant renovation/improvements, Broadway Bridges reconstruction, Malletts Creek restoration, park acquisitions, downtown street resurfacing, and First and Washington parking structure replacement. (Slide presentation on file in the City Clerk's Office).

**PUBLIC COMMENTARY - RESERVED TIME****LOU GLORIE – TRAFFIC CALMING PROGRAM**

Lou Glorie, 827 Brooks St., spoke in favor of the proposed resolution to revise the voting rules for neighborhood approval to implement traffic calming measures. The change would allow a plan to be sent to City Council for approval if 66% of those voting support the project.

**NANCY OSBORN – TRAFFIC CALMING PROGRAM**

Nancy Osborn, 915 Brooks St., spoke in favor of the proposed resolution to revise the voting rules for neighborhood approval to implement traffic calming measures.

**DOUG COWHERD – TRAFFIC CALMING PROGRAM**

Doug Cowherd, Chair of the Sierra Club-Huron Valley Group, spoke in favor of the proposed resolution to revise the voting rules for neighborhood approval to implement traffic calming measures.

**COMMUNICATION FROM THE MAYOR****PROPOSED BUDGET**

Mayor Hieftje reported that Council directed the City Administrator to recommend a budget that does not use any more of the fund balance or require an increase in the millage rate. He explained that the budget is a process in which Council asks questions and tries to make reasoned decisions based on the information presented by the City Administrator, department heads and the public. The Mayor stated that he is looking at all the extras in the budget before considering cuts to the basics. He urged eligible employees to take advantage of the early retirement window to eliminate the need for layoffs, and announced that he will propose keeping the six neighborhood police officers.

## **PUBLIC HEARINGS**

### **2002-2007 CAPITAL IMPROVEMENTS PLAN**

A public hearing was conducted on the proposed Fiscal Year 2002-2007 Capital Improvements Plan. Notice of public hearing was published April 29, 2001.

The following person appeared:

Ken Clark, 497 Larkspur St., Bicycle Coordinating Committee member, expressed concern that the proposed CIP violates the Ann Arbor Bicycle Master Plan by not accommodating bicycles in various projects. He urged that the CIP be tabled until the Bicycle Coordinating Committee can review the plan.

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

### **GEORGETOWN COUNTRY CLUB REVISED SITE PLAN**

A public hearing was conducted on the proposed Georgetown Country Club Revised Site Plan, 21.0 acres, 1365 King George Boulevard. Notice of public hearing was published April 29, 2001.

The following person appeared:

Al Vegter, of Daniels and Zermack Associates, Inc., representing the petitioner, stated that he would be available for questions.

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

### **MITSUBISHI MOTORS REVISED SITE PLAN**

A public hearing was conducted on the proposed Mitsubishi Motors Revised Site Plan, 4.61 acres, 3735 Varsity Drive. Notice of public hearing was published April 29, 2001.

The following person appeared:

John Marsh, of Atwell-Hicks, Inc., representing the petitioner, stated that he would be available for questions.

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

STATE STREET LOFTS REVISED SITE PLAN

A public hearing was conducted on the proposed State Street Lofts Revised Site Plan, 0.25 acre, 205 South State Street. Notice of public hearing was published April 29, 2001.

The following person appeared for the petitioner:

Michael Rein, of Bowers and Rein Associates, project architect, requested that the proposal be postponed until the May 21 Council session.

The following people appeared in opposition to the proposal. The speakers objected to the project being out of scale and character with the surrounding historic district. Objections were also raised with the lack of parking on site, which would further burden the adjacent neighborhoods. Many of the speakers agreed that higher density residential projects are needed downtown, and expressed hope that the developer will work with the City to present a more acceptable plan.

Robert Klingler, 275 Briarcrest

Tom Hayward, Executive Director of the State Street Area Association

Ken Clark, 497 Larkspur St.

Jim Mogensen, 3780 Greenbrier Blvd.

Tim Athan, 515 Spring St.

Chris Crockett, 506 E. Kingsley St.

Ray Detter, Chair of the DDA Citizens Advisory Council

Doug Cowherd, 1117 Brooks St.

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

2001-2002 BUDGET

A public hearing was conducted on the proposed 2001-2002 City of Ann Arbor Budget. Notice of public hearing was published April 29, 2001.

The following people appeared:

Tom Hayward, Executive Director of the State Street Area Association, stated that he supports the open budget process and expressed hope that his organization and Council can work through the difficulties together.

Tim Colenback, Ann Arbor resident, spoke in support of the Mayor's objectives to provide more affordable housing, to work on environmental issues, to maintain city services and to meet new infrastructure needs without raising taxes.

Dana Barton, Ann Arbor resident, spoke in support of the Mayor's leadership to cut spending while increasing efficiency in City government.

Lori Mikol, Ann Arbor resident, spoke in opposition to the proposed layoffs in the police and fire departments and to the cuts in the police crime prevention programs.

Sam Lichtman-Mikol, elementary school student, spoke in opposition to the proposed layoffs in the police and fire departments.

Sally Kleitsch, 3642 Wellington Cross, spoke in opposition to the proposed cuts to the police department and submitted a petition from city residents opposed to police officer layoffs. (Petition on file in the City Clerk's Office).

Claudia Myszke, Forest Hills Cooperative Managing Agent, spoke in opposition to the proposed police and fire department budget cuts and to cuts in the DARE and POWER crime prevention programs.

Yvette Ashford, Ann Arbor resident, spoke in opposition to the proposed budget cuts in the DARE and POWER crime prevention programs for children.

(?) Ashford, elementary school student, spoke in opposition to the proposed budget cuts in the POWER program for children.

Robert Murphy, retired City firefighter, spoke in support of the proposed

retirement window, and spoke in opposition to the proposed reductions in fire personnel.

Francine Zinger, youth service worker at the Ann Arbor Community Center, spoke in opposition to cuts in the DARE and POWER crime prevention programs for children.

Stephanie Bryant, elementary school student, spoke in opposition to cuts in the POWER program for children.

David Esau, 3580 Oakwood St., representing the City Budget Committee of the Ann Arbor Area Chamber of Commerce, encouraged Council to hold fast to the goal of getting spending in line with revenues.

Carlos Acevedo, 2051 Ascot Rd., spoke in support of budget tightening and agreed with holding taxes for the purpose of operations. He recommended levying the maximum general fund taxes allowed to hold down costs for borrowing money.

Jim Mogensen, 3780 Greenbrier Blvd., requested that the budget include more funding for human services.

John Bendzick, resident of Dearborn, MI, spoke in opposition to proposed cuts in the police budget.

Paul Lambert, 201 W. William St., Avalon Housing resident, requested that funding for human services be maintained.

Earl Uomoto, 201 W. William St., Avalon Housing resident, requested that funding for affordable housing groups be maintained.

Jeff Irwin, 323 Packard St., stated that the proposed cuts in the police budget seem justified.

Ken Clark, 497 Larkspur St., spoke in support of not raising the millage rate and of Council holding fast to make the cuts needed to balance the budget. He encouraged balancing the budget through attrition as much as possible, rather than through layoffs.

Kimberly Barrett, Ann Arbor resident, spoke in opposition to the proposed layoffs in the police and fire departments and to cuts in the fire education and prevention program.

David DeVarti, 1231 Baldwin Ave., Downtown Development Authority member, urged Council to make the budget cuts that are necessary to get the city's annual operational costs under control.

The Mayor declared a recess at 9:36 p.m.

The Mayor again called the meeting to order at 9:48 p.m.

The following firefighters spoke in opposition to the proposed staff reductions and budget cuts in the Fire Department budget. The speakers raised concerns with increased response times and increased insurance costs.

Carl Hein, Chief Steward of Local 693 of the International Association of Firefighters;

Kevin Cook, member of Local 693 of the International Association of Firefighters; and

Steven Lowe, President of Local 693 of the International Association of Firefighters.

The following police officer appeared:

George Patak, Crime Prevention Officer, spoke in opposition to the proposed cuts in the DARE, GREAT and POWER crime prevention programs for children.

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

## APPROVAL OF AGENDA

### AGENDA APPROVED WITH CHANGES

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

#### ORDINANCES – FIRST READING

Revise: Amendment to Chapter 18, Sections 1:552, 1:562, 1:564 and 1:566 – Retirement Window (Attorney)

#### MOTIONS AND RESOLUTIONS

Add Resolution to Amend the Traffic Calming Program (Councilmembers  
Sponsor: Johnson, Easthope and Woods, **AND MAYOR HIEFTJE**)

Revise: Resolution to Approve State Street Lofts Revised Site Plan and Development Agreement, 0.25 acre, 205 South State Street (Planning Commission recommendation: Denial – 4 yeas, 5 nays)

Delete: Resolution to Approve Swell Investment Land Division, 1.41 acres, 2445-2451 South Industrial Highway (Planning Commission recommendation: Approval – 9 yeas, 0 nays)

#### COMMUNICATIONS FORM THE CITY ADMINISTRATOR

Add: State Street Lofts Project

#### CLERK'S REPORT

Add: Communication from Goom Sook Lee, President of Regency Travel Agency, 209-211 S. State St., regarding proposed State Street Lofts project – File.

On a voice vote the Mayor declared the motion carried.

**APPROVAL OF COUNCIL MINUTES**

MINUTES OF APRIL 9, 16 AND 18 APPROVED

Councilmember Robinson moved that the working session minutes of April 9, 2001, the regular session minutes of April 16, 2001, and the budget working and special sessions of April 18, 2001 be approved with the following correction to the headings of the April 18 working and special session minutes:

ANN ARBOR CITY COUNCIL MINUTES  
BUDGET WORKING SESSION – <MONDAY> WEDNESDAY, APRIL 18, 2001

ANN ARBOR CITY COUNCIL MINUTES  
SPECIAL SESSION – <MONDAY> WEDNESDAY, APRIL 18, 2001

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 for consideration following approval of the Consent Agenda:

Resolution to Approve the Public Assistance Grant Agreement that Allows for Emergency Recovery Work for Snow Emergency, 3160-EM, Declared December 11-31, 2000 (\$84,311.49).

CONSENT AGENDA ITEMS APPROVED

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

R-150-5-01 APPROVED

RESOLUTION TO APPROVE THE FISCAL YEAR 2001  
ONE-YEAR ACTION PLAN FOR SUBMISSION TO THE DEPARTMENT  
OF HOUSING AND URBAN DEVELOPMENT

Whereas, The Community Development Department has prepared the Fiscal Year 2001 One Year Action Plan for the period July 1, 2001 through June 30, 2002;

Whereas, Public hearings have been held to solicit the views of Ann Arbor residents interested in the city's programs; and

Whereas, The CDBG Executive Committee and the Housing Policy Board have reviewed and endorsed the document and recommended its approval to City Council;

RESOLVED, That City Council approve the Fiscal Year 2001 One Year Action Plan substantially in the form on file in the Office of the City Clerk for submission to the Department of Housing and Urban Development (HUD);

RESOLVED, That City Council authorize the Mayor and City Clerk to execute any required program documents and, upon approval by the Department of Housing and Urban Development, City Council accept the \$2,206,000.00 allocation to be available until expended without regard to fiscal year; and

RESOLVED, That City Council approve the Community Development Block Grant and HOME funding allocations and authorize the Community Development Department to negotiate contractual agreements with subgrantees to be detailed for subsequent City Council review and approval.

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R-151-5-01 APPROVED

RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT  
IN THE AMOUNT OF \$63,960.78 FOR CRANBROOK AND WARD  
PARK IMPROVEMENTS (BID NO. 3456) AND ESTABLISH  
A PROJECT BUDGET OF \$70,356.78

Whereas, Cranbrook and Ward Parks improvements were designated in the 1995-2001 Park Rehabilitation and Development Millage budget for renovation;

Whereas, Competitive bids were sought by the Purchasing Division with bids received on April 17, 2001, and Cameron Contracting Company was the lowest responsible bidder;

Whereas, Funds for the project are available from the FY 2000/2001 budget from the Parks Rehabilitation and Development Millage; and

Whereas, The Human Rights Department approval was received on April 23, 2001;

RESOLVED, That the Mayor and City Council approve a construction contract, per bid #3456, with Cameron Contracting Co. in the amount of \$63,960.78 for Cranbrook and Ward Parks improvements, and authorize the Mayor and City Clerk to sign the agreement substantially in the form on file with the City Clerk; and

RESOLVED, That the Mayor and City Council approve a construction contingency in the amount of \$63,960.00 to cover potential contract change orders to be approved by the City Administrator, and approve a total project budget of \$70,356.78 for the life of the project without regard to fiscal year.

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R-152-5-01 APPROVED

RESOLUTION TO APPROVE PURCHASE OF ONE HEAVY DUTY  
WOOD/BRUSH CHIPPER – BID NO. 3448

Whereas, The Purchasing Division solicited bids for one heavy-duty wood/brush chipper for the Department of Parks and Recreation, Forestry and Horticulture Division, to replace a seven-year-old unit;

Whereas, Bandit Industries, Inc. was the lowest responsible bidder in the amount of \$38,000.00 and has Human Rights approval as of April 24, 2001; and

Whereas, Funds are available in the 2000-2001 Park Maintenance and Repair Millage;

RESOLVED, That the Mayor and City Council approve awarding Bid No. 3448 to Bandit Industries, Inc. in the amount of \$38,000.00 for one wood/brush chipper.

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R-153-5-01 APPROVED

RESOLUTION PROCLAIMING MAY 13-19, 2001 AS NATIONAL BIKE TO WORK WEEK AND MAY 18, 2001 AS NATIONAL BIKE TO WORK DAY

Whereas, The bicycle is a viable and environmentally sound form of transportation and an excellent form of recreation;

Whereas, The City of Ann Arbor is known throughout the nation as a progressive city which works to promote sensible environmental alternatives;

Whereas, The citizens of Ann Arbor are aware of the need for alternatives to single passenger automobile commuting;

Whereas, The League of American Bicyclists, the national non-profit bicycling safety and education association, has declared the month of May to be National Bike Month for each of the last 45 years, and has done so again in 2001; and

Whereas, The Ann Arbor Bicycle Program, the get Downtown Program, bicycle clubs and stores, and businesses throughout the city will be promoting bicycling as a wholesome and healthy leisurely activity, as well as an environmentally-friendly alternative to the automobile during the National Bike to Work Week, May 13 –19, 2001 and on National Bike to Work Day, May 18, 2001 in Ann Arbor;

RESOLVED, That the Mayor and City Council hereby proclaim May 13-19, 2001 as National Bike to Work Week, and May 18, 2001 as National Bike to Work Day in Ann Arbor, and urge all who support bicycling to participate in the planned events.

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R-154-5-01 APPROVED

SPECIAL ASSESSMENT RESOLUTION NO. 2 – PREPARE

### ASSESSMENT ROLL FOR PLATT ROAD SIDEWALK GAP PROJECT

Whereas, The City Council has directed and ordered the City Administrator to have prepared plans, specifications and estimates of cost for the Platt Road Sidewalk Gap described as follows:

Construction of sidewalk in gaps along the west side of Platt Road from 90 meters north of Highway I-94 to 33 meters south of Lorraine Street, File No. 98074, District No. 35;

Whereas, The City Administrator has had the same prepared and has filed the same with the City Clerk together with his recommendations as to what part of the cost thereof should be paid by special assessment and what part should be paid by the City at large, the number of installments in which the special assessments may be paid, and the lands which should be included in the special assessment district; and

Whereas, The same has been presented to the City Council and examined and reviewed by the Council:

#### RESOLVED:

1. That the plans, specifications, estimate of cost, and the recommendations of the City Administrator be filed with the City Clerk and be available for public examination;

2. That the plans, specifications, estimate of cost, and recommendations of the City Administrator for said improvements as filed with the City Clerk by the City Administrator and presented to the Council be approved;

3. That the City Council hereby determine to proceed with the acquisition and construction of the Platt Road Sidewalk Gap project described as follows:

Construction of sidewalk in gaps along the west side of Platt Road from 90 meters north of Highway I-94 to 33 meters south of Lorraine Street;

4. That the City Council determine the cost of said improvement, including all incidentals, to be \$59,637.00, and that of said total cost, the sum of \$54,834.00, be paid by special assessment upon the property specially benefited within the City, and \$4,803.00 be paid by the City;

5. That an amount of \$59,637.00 be advanced from the General Fund pending the sale of the appropriate bonds;

6. That the following described lots and parcels of land be designated as constituting the special assessment district against which the cost of said improvement shall be assessed, or against which an improvement charge shall, pursuant to Section 1.278 of the City Code, be levied:

LAND INSIDE THE CITY

ASSESSOR= <u>CODE</u>	<u>OWNER</u>	<u>TOTAL FRONTAGE</u> m (ft)	<u>SIDEWALK AREA</u>		<u>ESTIMATED COST</u>
			100mm thick m <sup>2</sup> (ft <sup>2</sup> )	150mm thick m <sup>2</sup> (ft <sup>2</sup> )	
12-10-400-024	Fadil Issa, Adnan Dari 3746 Platt Rd. Ann Arbor, MI 48108	65.380 (214.500)	49.76 (535.61)	0.00 (0.00)	\$5,014
12-10-400-037	Fadil Issa, Adnan Dari & Dorothy Dombal 3696 Platt Rd. Ann Arbor, MI 48108	50.292 (165.000)	71.42 (768.76)	6.47 (69.64)	\$7,898
12-10-400-030	Lois Mutch Trust C/O G. William Mutch 10789 Garr Rd, Berrien Springs, MI 49103	75.438 (247.500)	110.40 (1188.34)	11.75 (126.48)	\$12,398
12-10-400-031	St. Paul Church 3630 Platt Rd. Ann Arbor, MI 48108	32.464 (106.510)	36.90 (397.19)	0.00 (0.00)	\$3,718
12-10-400-005	David Hugh Hollenshead 3616 Platt Rd. Ann Arbor, MI 48108	22.253 (73.010)	26.71 (287.50)	9.10 (97.95)	\$3,677
12-10-400-006	Steven & Patty Bookvich 3604 Platt Rd. Ann Arbor, MI 48108	20.117 (66.000)	25.45 (273.44)	6.76 (72.76)	\$3,298

12-10-400-007	Gerald Pieske 3592 Platt Rd. Ann Arbor, MI 48108	19.964 (65.500)	25.01 (269.21)	6.75 (72.66)	\$3,252
12-10-400-008	Ella Susanne Mitchell 2607 Hampshire Rd. Ann Arbor, MI 48108	19.964 (65.500)	24.77 (266.62)	6.98 (75.13)	\$3,253
12-10-400-009	Fred & Judith Curtis 3570 Platt Rd. Ann Arbor, MI 48108	19.964 (65.500)	24.77 (266.62)	6.98 (75.13)	\$3,253
12-10-400-010	Janice K. Davis 2995 Wolverine Dr. Ann Arbor, MI 48108	15.240 (50.000)	23.23 (250.05)	0.00 (0.00)	\$2,341
12-10-400-011	Ava Dee Adler 3546 Platt Rd. Ann Arbor, MI 48108	15.240 (50.000)	17.13 (184.39)	7.89 (84.93)	\$2,582
12-10-400-012	John & Jill Maciejewski C/O EDW Lebaron 3540 Platt Rd. Ann Arbor, MI 48108	30.480 (100.000)	25.91 (278.89)	14.19 (152.74)	\$4,150
TOTAL		386.80 m 1203.50 ft	461.46 m <sup>2</sup> 4967.11ft <sup>2</sup>	76.87 m <sup>2</sup> 827.42ft <sup>2</sup>	\$54,834.00

7. That the City Assessor be hereby directed to prepare a special assessment roll in accordance with the foregoing determinations of the City Council, and to file the same, together with his certificate attached thereto, with the City Clerk for presentation to the City Council.

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R-155-5-01 APPROVED

RESOLUTION TO APPROVE AN AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH WASHTENAW ENGINEERING COMPANY, INC. FOR THE HURON PARKWAY-WASHTENAW AVENUE INTERSECTION IMPROVEMENTS PROJECT

Whereas, Professional engineering services were needed in the form of construction engineering and project management services for the Huron Parkway-Washtenaw Avenue Intersection Improvements Project;

Whereas, It is now necessary to amend the existing professional services agreement with Washtenaw Engineering Company, Inc. (WECO) to compensate them for the additional work tasks that are necessary to complete the construction engineering and project management requirements of the project; and

Whereas, Washtenaw Engineering Company, Inc. has received Human Rights approval on June 7, 2000;

RESOLVED, That Council approve an amendment to a Professional Services Agreement with Washtenaw Engineering Company, Inc. in the amount of \$48,914.97 for the Huron Parkway-Washtenaw Avenue Intersection Improvements Project;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said amendment after approval as to form by the City Attorney and approval as to substance by the City Administrator; and

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

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R-156-5-01 APPROVED

RESOLUTION TO APPROVE FINAL AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH MPS FOR ADDITIONAL CONSTRUCTION ENGINEERING SERVICES FOR THE HURON PARKWAY BRIDGE REHABILITATION PROJECT

Whereas, Tetra Tech MPS (TT/MPS) was awarded a contract on May 18, 1998, to provide professional engineering services for the Huron Parkway Bridge

Rehabilitation Project;

Whereas, Additional engineering services were needed to complete the project, and it is necessary to amend TT/MPS's existing contract to increase the scope of work and the fee to be paid to TT/MPS; and

Whereas, Funding for this amendment is available from the existing project budget;

RESOLVED, That Council approve an amendment to the Professional Services Agreement with TT/MPS in the amount of \$25,000.00 for the Huron Parkway Bridge Rehabilitation Project;

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

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

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R-157-5-01 APPROVED

RESOLUTION TO PLACE DELINQUENT WATER UTILITIES  
CHARGES ON THE 2001 TAX ROLL

Whereas, On April 2, 2001 the City Administrator reported to this Council that there were \$145,531.14 of unpaid charges for water, sanitary sewer and storm water services furnished to certain premises in the City, which on March 31, 2001 had remained unpaid for a period of six months or more;

Whereas, In accordance with Michigan Public Act 94 of the Public Acts of 1933 and the Ann Arbor City Ordinance Code; Chapter 13, Section 2:92; Chapter 29, Section 2:72 and Chapter 33, Section 2:206, collection notices have been sent by first class mail to the owners of such premises giving notice of the total amount due for such services and that such amounts would be assessed with a 10% penalty by this Council on June 6, 2001, unless sooner paid, as a tax against said premises;

Whereas, On April 3, 2001, such notices were sent by first class mail to the owners of the premises so served notifying them of the said Council meeting and of the assessment with the 10% penalty to be then placed against such property if the amount due is not paid by May 1, 2001; and

Whereas, Payments and reductions of delinquent utility charges have been processed, and as of April 25th delinquent utility charges of \$75,258.40 remain, which may further be reduced by additional amounts received prior to placement on the tax roll;

RESOLVED, That such outstanding (over 6 months) delinquent utilities charges be levied against such owners and premises and that the City Assessor place the same with a 10% penalty on the next tax roll of the City, and that the said charges so assessed be collected in the same manner as general City taxes; and

RESOLVED, That the Utilities Department and City Treasurer be permitted to accept payment for delinquent utilities charges up to 10 working days prior to the printing of the July 2001 tax notices.

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R-158-5-01 APPROVED

RESOLUTION TO APPROVE PURCHASE OF A FIBERGLASS  
REINFORCED PLASTIC TANK FROM TROY MFG. FOR  
THE WATER TREATMENT PLANT – BID NO. 3460

Whereas, It is necessary for the Water Treatment Division to store Sodium Hypochlorite on site for it's water treatment process;

Whereas, A new tank will replace a leaking tank that has been removed;

Whereas, Augusta Fiberglass provided the lowest bid for the 12,000 gallon fiberglass reinforced plastic tank with a non-conforming bid and a product that did not meet specifications;

Whereas, Troy Mfg. was the lowest responsible bidder; and

Whereas, Troy Mfg. received Human Rights approval on April 20, 2001;

RESOLVED, That the City Council accept Troy Mfg.'s bid of \$26,862.00 to supply the specified tank to the Water Treatment Plant;

RESOLVED, That a contingency in the amount of \$2,686.00 be approved to finance change orders to be approved by the City Administrator;

RESOLVED, That the City Administrator be authorized and directed to sign a purchase order with Troy Mfg. for the purchase of the tank; and

RESOLVED, That the purchase of the tank be funded from the Water Supply System Operations and Maintenance Budget and the funds be available for the life of the project until expended without regard to fiscal year.

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## R-159-5-01 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES  
OUTSIDE CITY LIMITS TO 2310 AND 2320 DEXTER ROAD

Whereas, On April 16, 2001, the owners of the property at 2310 and 2320 Dexter Road requested that the City extend public water and sewer service to their property in Ann Arbor Township prior to the completion of the annexation process;

Whereas, The owners desire to enter into the standard agreements with the City which provides an equitable method of obtaining City services outside of its corporate boundaries; and

Whereas, On August 15, 2000, the owners petitioned the City for annexation under Planning Department File Nos. 9302W7.1, 9302W7.2 and 9302W7.2a;

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

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## R-160-5-01 APPROVED

RESOLUTION TO GRANT WATER SERVICES OUTSIDE  
CITY LIMITS TO 3330 GEDDES ROAD

Whereas, On April 26, 2001, the owners of the property at 3330 Geddes Road requested that the City extend public water service to their property in Ann Arbor Township prior to the completion of the annexation process;

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

Whereas, On April 16, 2001, the owners petitioned the City for annexation under Planning Department File Nos. 9264K1.1 and 9264K1.2;

RESOLVED, That the Mayor and Clerk be authorized and requested to sign the

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

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R-161-5-01 APPROVED

RESOLUTION TO SUPPORT DEVELOPMENT OF A CITYWIDE  
FOOTING DRAIN DISCONNECTION PROGRAM

Whereas, In 1999 a Sanitary Sewer Overflow (SSO) Task Force was appointed to investigate options for eliminating Sanitary Sewer Overflows;

Whereas, The SSO Task Force identified options through a comprehensive engineering study, openly engaged the public in consideration of solutions and established key goals to protect health, property and environment in selection of the recommended solution;

Whereas, The Task Force recommends that the City proceed with a City-wide footing drain disconnection program with the first implementation priority being protection of residences that have previously been impacted or may be impacted by basement sanitary sewer backups as a result of significant rain events;

Whereas, A comprehensive City-wide footing drain disconnection program solves the problem at the source, removing storm water from the sanitary sewer system, thereby reducing treatment expenses and future investment in collection and treatment system capacity;

Whereas, Removal of storm water flow from the sanitary sewer is the most effective means of assuring system capabilities for future rain events which may become more significant over time;

Whereas, A city-wide footing drain disconnection program will allow the maximum flexibility in prioritizing future waste water system investment; and

Whereas, Early adoption of a program with subsequent approval from the Department of Environmental Quality may assist in securing low interest financing of improvements to the system;

RESOLVED, That the Council support the SSO Task Force recommendation to proceed with a comprehensive City-wide footing drain disconnection program; and

RESOLVED, That staff be directed to develop the program implementation plan elements and ordinance provisions necessary to proceed and to present for Council consideration as soon as possible for program implementation in FY 2001/2002.

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R-162-5-01 APPROVED

SPECIAL ASSESSMENT RESOLUTION NO. 3 – SET PUBLIC HEARING  
DATE FOR PACKARD ROAD SIDEWALK GAP PROJECT

Whereas, City Council has ordered the City Assessor to prepare a special assessment roll for the purpose of defraying that part of the cost of the following described sidewalk project to be defrayed by special assessment:

Construction of sidewalk to fill in gaps along the south side of Packard Road from Turnberry Lane to LaSalle Drive, District Number 34, File Number 98075; and

Whereas, The City Assessor has prepared said special assessment roll and has the same on file in the Assessor's Office with his certificate attached thereto;

RESOLVED,

1. That said special assessment roll be on file in the office of the City Assessor and be made available for public examination;

2. That the City Council meet on June 4, 2001 at 7:30 p.m. in the Council Chamber in the Guy C. Larcom, Jr. Municipal Building in said city for the purpose of reviewing said special assessment roll;

3. That the City Clerk give notice of said hearing to review the special assessment roll by having notice thereof published in The Ann Arbor News not less than

ten (10) full days prior to the date of hearing, and by mailing notice at least ten (10) days prior to the date of hearing to the owner of each lot and parcel of land subject to the assessment, as indicated by the records of the City Assessor's Office; and

4. That said notice so published and mailed be in substantially the following form:

NOTICE OF REVIEW OF  
SPECIAL ASSESSMENT ROLL

PLEASE TAKE NOTICE That the City Council has caused to be prepared a special assessment roll for the purposes of defraying the private property's share of the cost of sidewalk project described as follows:

Construction of sidewalk to fill in gaps along the south side of Packard Road from Turnberry Lane to La Salle Drive, District Number 34, File Number 98075.

TAKE FURTHER NOTICE That the property to be included in said special assessment district is as follows:

PACKARD ROAD SIDEWALK GAPS PROJECT  
DISTRICT NUMBER 34. FILE NUMBER 98075

<u>Property I.D.</u>	<u>Owner &amp; Address</u>	<u>Property Share</u>
12-11-100-002	The Salvation Army 3660 Packard Road Ann Arbor, MI 48104	\$ 3,480.00
12-11-100-003	Richardson, Howard & Mary (Trust) 3648 Packard Road Ann Arbor, MI 48104	2,999.00

12-11-100-004	Harrington, Robert 3632 Packard Road Ann Arbor, MI 48104	2,749.00
12-11-100-028	Cornell, Peter M. 2797 Dalton Ann Arbor, MI 48108	3,809.00
12-11-101-001	Casimer, Lenard 24035 Princeton Dearborn, MI 48124	3,809.00
12-11-101-002	Casimer, Lenard 24035 Princeton Dearborn, MI 48124	3,809.00
12-11-102-056	Ann Arbor Cat Clinic, P.C. 3060 Packard Road, C Ann Arbor, MI 48108	7,029.00
12-11-200-001	Casimer, Lenard 24035 Princeton Dearborn, MI 48124	3,809.00
12-11-200-013	Casimer, Lenard 24035 Princeton Dearborn, MI 48124	3,809.00
12-11-200-014	Casimer, Lenard 24035 Princeton Dearborn, MI 48124	3,809.00
12-11-201-024*	Lokey, William P.O. Box 96 Northville, MI 48167	2,649.00
12-11-201-025	Zahn, David H. & Marilyn A. (Trust) 6407 Marshall Road Dexter, MI 48130	2,260.00

12-11-201-026	Zahn, David H. & Marilyn A. (Trust) 6407 Marshall Road Dexter, MI 48130	2,260.00
12-11-201-072	Allmand, Thomas & E. E. 4425 Lakeside Court Ann Arbor, MI 48108	6,328.00
	Total	\$ 52,608.00

\*The estimated cost shown for (12-11-201-024) includes a reduction of \$881.00 or 7.05 meters of sidewalk, as a credit to the property for the existing three foot bituminous sidewalk.

TAKE FURTHER NOTICE That said special assessment roll is on file in the Office of the City Assessor and is available for public examination.

TAKE FURTHER NOTICE That the City Council will meet on June 4, 2001 in the Council Chamber in the Guy C. Larcom, Jr. Municipal Building at 7:30 p.m., for the purpose of reviewing said special assessment roll. Any person aggrieved by the special assessment roll or the necessity of the improvement may file his/her objections thereto in writing prior to the close of said hearing.

TAKE FURTHER NOTICE That appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the clerk prior to the close of said hearing and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

City Clerk

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## R-163-5-01 APPROVED

RESOLUTION TO APPROVE THE 1998-2004 POLICE CLERICAL  
UNION (TEAMSTERS LOCAL 214) COLLECTIVE BARGAINING  
AGREEMENT, EFFECTIVE 7/1/98-6/30/04

Whereas, The current collective bargaining agreement between the City of Ann Arbor and Police Clerical Union, Teamsters Local 214 expired June 30, 1998;

Whereas, The parties have reached a settlement on a new agreement during mediation effective July 1, 1998 through June 30, 2004, which provides for a 3% wage increase retroactive to July 1, 1998, a 3% wage increase retroactive to July 1, 1999, a 3.25% wage increase retroactive to July 1, 2000, a 3.25% increase effective on July 1, 2001 plus average CPI if higher based on current Detroit Wage Earners Index, with a re-opener for wages in fiscal years 2002 and 2003;

Whereas, The 1998 and 1999 retroactive pay increases have been paid in good faith as provided in Resolution R-581-11-00 dated November 20, 2000;

Whereas, The agreement includes various other changes and provisions including but not limited to restructuring of the vacation leave, the City's PPO Insurance Package, the twenty dollars (\$20) per pay period match for ICMA 457 account participants, dental benefit and vision plan improvements, a lost/damaged eyeglasses allowance increase, and certain other provisions; and

Whereas, The City Administrator recommends approval of the negotiated agreement;

RESOLVED, That the City Council approve the six-year settlement agreement providing for wage increases of three percent (3%) for the first two years of the agreement, and three and one-quarter percent (3.25%) for each of the last two years of the agreement, with a possible addition to the fourth year pay increase depending on the status of the current Detroit Wage Earners Index, and a re-opener of the wages in fiscal years 2002 and 2003, and other provisions; and

RESOLVED, That the Mayor and City Clerk be hereby authorized to sign the bargaining agreement on behalf of the City, after approval as to substance by the City Administrator and approval as to form by the City Attorney.

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R-164-5-01 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION  
MINUTES OF APRIL 27, 2001 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of April 27, 2001, be accepted and that the payments therein be authorized:

MINUTES  
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION  
APRIL 27, 2001

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

Absent: None

Also Present: James Armstrong, Safety Manager  
Neal Berlin, City Administrator  
Dave Ferber, Human Resources Director  
Abigail Elias, City Attorney  
Bob West, Assistant City Attorney  
Eileen Goldman, Risk Management Office 6.

CLAIMS DENIED:

CASE NO.

- CC 258-00 Lawsuit of Gregory Hawkins by Donnelly Hadden, Attorney  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the  
Board denied the claim.
- CC 8-01 Property damage claim of Mich Con (1970 W. Stadium)  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the  
Board denied the claim.
- CC 24-01 Property damage claim of Katie Rinek  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the  
Board denied the claim.
- CC 36-01 Vehicle damage claim of Linda Cantwell  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the  
Board denied the claim.

## OTHER BUSINESS:

CASE NO.

- CC 27-01 Sewer back up claim of Tom/Doreen Tziahanas (2160 Georgetown)  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board tabled claim pending further information.
- CC 41-01 Sewer back up claim of Parker Hamilton (736 S. Division)  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board tabled claim pending further information.
- CC 266-00 Lawsuit of the Estate of Janie Marchyok by Ronald Chapman, Atty.  
Discussed by Bob West, Assistant City Attorney. and the Board was given an updated status on this litigation.
- CC 16-01 Vehicle damage claim of Todd & Agnes Wallbom  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- CC 17-01 Sewer back up claim of Harold Jahnke (2121 Tuomy)  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- CC 19-01 Vehicle damage claim of Michigan Insurance Co. (Daniel Blakemore)  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- CC 28-01 Vehicle damage claim of Ghassan Buchawa  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- PD 92-00 Vehicle damage claim of Transportation Vehicle 4290  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- PD 104-00 Vehicle damage claim of Park Vehicle 6224  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- PD 125-00 Vehicle damage claim of Police Vehicle 74  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.

- PD 126-00 Vehicle damage claim of Police Vehicle 181  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- PD 19-01 Vehicle damage claim of City Vehicle 1116  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- PD 144-00 Vehicle damage claim of Police Vehicle 98  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- PD 127-00 Vehicle damage claim of Police Vehicle 90  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- PD 156-00 Vehicle damage claim of Police Vehicle 44  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- PD 155-00 Vehicle damage claim of Building Vehicle 5207  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- CC 32-01 Sewer back up claim of Huron Properties (416 W. Huron)  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- CC 31-01 Sewer back up claim of Rana Curl (2805 Gladstone)  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.

- CC 40-01 Sewer back up claim of Shelter Association (420 W. Huron)  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- CC 39-01 Sewer back up claim of Lisa Lemble (2328 Fernwood)  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- CC 29-01 Property damage claim of Daniel Quashie  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- CC 12-01 Property damage claim of William Stolberg  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- CC 33-01 Property damage claim of H. Lee Evans  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- CC 37-01 Sewer back up claim of Larime Photographics (404 W. Huron)  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- CC 35-01 Vehicle damage claim of Pushkaraj Karandikar  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.
- CC 14-01 Vehicle damage claim of C. Merle Crawford  
Discussed by Jim Armstrong, Manager, Safety & Risk Mgt. and the Board authorized settlement.

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## R-165-5-01 APPROVED

RESOLUTION TO APPROVE AUTHORIZED EXPENDITURES FOR  
CERTAIN VENDORS FROM JULY 1, 2000 THROUGH JUNE 30, 2001

Whereas, City Code Section 1:321 allows the City Administrator to approve contracts for services without City Council approval when the total payments to the contractor in a fiscal year do not exceed \$25,000.00;

Whereas, City Code Section 1:312 allows the City Administrator to approve any purchase or contract under \$25,000.00;

Whereas, City Charter Chapter 14, Section 14.2, requires City Council approval of any contracts with or purchases from a vendor totaling \$25,000.00 or more in a single fiscal year; and

Whereas, The following vendors, each of which has received Human Rights approval, are anticipated to be awarded contracts or purchases exceeding \$25,000.00 within this fiscal year in the amounts shown:

<u>Vendor Name</u>	<u>Spending Authorized Limit Through 6/30/01</u>
A & L Parts, Inc.	\$75,000
Aggregate Industries	30,000
B & R Tire/Retreading	30,000
Brown Equipment	30,000
Buck & Knobby Equipment	30,000
Career Directions	30,000
Cingular Wireless	75,000
Cintas Corporation	35,000
City Services	30,000
E & G Police Supply	30,000
Fastenal Company	30,000
J.O. Galloup Co.	30,000
Jack Doheny Supplies	30,000
McNaughton-Mckay Electrical Supplies	65,000
Michigan Cat	175,000
Nextel Communications	50,000
PC Connection	55,000
Rathco Safety	48,000
Robertson-Morrison	35,000
Town & Country Pools	35,000

Turfgrass, Inc.	55,000
Valley Truck Parts, Inc.	35,000
West Group	40,000
West Shore Fire, Inc.	30,000
Winder Police Equipment	50,000

RESOLVED, That City Council approve the anticipated expenses to the above listed vendors up to the amounts shown; and

RESOLVED, That any single contract or purchase to any of the above vendors that is equal to or exceeds \$25,000.00 be brought separately to City Council for approval prior to entry into the obligation to pay.

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#### R-166-5-01 APPROVED

#### RESOLUTION TO APPROVE PURCHASE ORDER WITH AMERICAN MANAGEMENT SYSTEMS, INC. FOR SOFTWARE MAINTENANCE AND SUPPORT FOR THE ADVANTAGE FINANCIAL SYSTEM

Whereas, The City of Ann Arbor entered into a License Agreement with American Management System, Inc. in 1981 for the use of the Advantage Financial System software;

Whereas, The City=s financial system has been structured around this software package for the past 20 years;

Whereas, Under the terms of this License Agreement, the City is entitled to purchase annual software maintenance at 10% of the prevailing market price or \$37,563.00;

Whereas, American Management Systems, Inc. received Human Rights approval on April 9, 2001; and

Whereas, Funding for the software maintenance is budgeted in the Fiscal Year 2000-01 Information Technology Services budget;

RESOLVED, That the City Administrator be authorized to issue a purchase order to American Management Systems, Inc. for the sum of \$37,563.00 for Advantage Financial software maintenance for one year.

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R-167-5-01 APPROVED

RESOLUTION DECLARING WALDENWOODS SUBDIVISION  
PROPERTY EXCESS CITY PROPERTY

Whereas, On August 2, 1999, City Council approved Resolution R-437-8-99 to purchase Lot 6 of the Waldenwoods Subdivision for the construction of water main and sanitary sewer to serve the Waldenwoods Subdivision;

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

Lot 6 of the Waldenwoods Subdivision, City of Ann Arbor, Washtenaw County , Michigan as recorded in Liber 10 of Plats, page 50, Washtenaw County Records;

Whereas, The construction of water main and sanitary sewer across Lot 6, Waldenwoods Subdivision is complete and a utility easement is required for maintenance of the water main and sanitary sewer crossing Lot 6, Waldenwoods Subdivision;

Whereas, Funding for the purchase of Lot 6 of the Waldenwoods Subdivision was included in the Shady Lane Water Main and Sanitary Sewer Project Budget; and

Whereas, The Real Estate Committee and the Housing Policy Board have both recommended that the property be sold;

RESOLVED, That City Council declare this parcel excess City property;

RESOLVED, That City Council direct the City Administrator and the Real Estate Committee to take actions necessary to dispose of this property and to present City Council with recommendations for subsequent review;

RESOLVED, That a utility easement be reserved which is more fully described as follows:

The southerly 26 feet of Lot 6 of Waldenwoods Subdivision, City of Ann Arbor, Washtenaw County , Michigan as recorded in Liber 10 of Plats, page 50, Washtenaw County Records;

RESOLVED, That any funds expended relating to the disposition of the property be reimbursed from sale proceeds realized; and

RESOLVED, That the proceeds from the sale that equal the original purchase price plus additional costs be returned to the Shady Lane Water Main and Sanitary Sewer Project Budget and any proceeds above this amount be deposited in the Housing Trust Fund.

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R-168-5-01 APPROVED

RESOLUTION DECLARING 406 MAPLERIDGE  
EXCESS CITY PROPERTY

Whereas, On November 9, 1995, City Council approved Resolution R-540-11-95 to purchase the property at 406 Mapleridge in order to obtain an easement for the construction of a sanitary sewer;

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

Lot 24 excluding the N six (6) feet: Also the N 27 feet of Lot 25: Also the following part of Lot 13 beginning at the NW corner of Lot 13: thence E 13.87 feet; thence S 27 feet; thence W 13.87 feet; thence N 27 feet to the Point of Beginning. All being part of Assessor's Plat No. 10, as recorded in Liber 8 of Plats, Page 19, Washtenaw County Records, being a part of NW Quarter of Section 29, City of Ann Arbor, Washtenaw county, Michigan, T2S, R6E;

Whereas, The construction of the sanitary sewer across this property at 406 Mapleridge is complete and utility easements are required for maintenance of the sanitary and storm sewer lines crossing the property at 406 Mapleridge;

Whereas, Funding for the purchase of this property was from Sewer Revenue Bond XVI; and

Whereas, The Real Estate Committee and the Housing Policy Board have both recommended that the property be sold;

RESOLVED, That City Council declare this property excess City property;

RESOLVED, That City Council direct the City Administrator and the Real Estate Committee to take actions necessary to dispose of this property and to present City Council with recommendations for subsequent review;

RESOLVED, That utility easements be reserved at the time of sale;

RESOLVED, That any funds expended relating to the disposition of the property be reimbursed from sale proceeds realized; and

RESOLVED, That the portion of the proceeds from the sale that equal the original purchase price plus additional costs be returned to the Sewer Revenue Bond XVI and any proceeds above this amount be deposited in the Housing Trust Fund.

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R-169-5-01 APPROVED

RESOLUTION TO APPROVE STREET CLOSINGS FOR  
THE 2001 ANN ARBOR JAYCEES FOURTH OF JULY PARADE  
AND WAIVE METER DEPOSIT FEES

Whereas, The City has received a request from the Ann Arbor Jaycees to hold a parade in the City of Ann Arbor on Independence Day, Wednesday, July 4, 2001;

Whereas, It will be necessary to close certain city streets from 8:00 a.m. to 1:00 p.m. to allow for adequate staging and cleanup time, and other streets starting at 10:00 a.m. for the parade itself;

Whereas, The Ann Arbor Jaycees agree to obtain the necessary permits and comply with all procedures, rules and regulations established to stage such an event;

Whereas, The Ann Arbor Jaycees has further requested that the City waive the following Transportation Division fees:

Meter Bag Deposit	\$2,110.00;
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RESOLVED, That the Fourth of July Parade be hereby approved being routed along South State, Liberty, Main and William Streets beginning at 10:00 a.m.;

RESOLVED, That Maynard from E. Liberty to E. Jefferson be closed for the staging and cleanup of the parade from 8:00 a.m. to 1:00 p.m.;

RESOLVED, That the closing of certain streets along the route as needed from 10:00 a.m. to 1:00 p.m. on Wednesday, July 4, 2001, be also approved; and

RESOLVED, That the City agree to waive the parking meter bag deposits.

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R-170-5-01 APPROVED

RESOLUTION TO APPROVE STREET CLOSINGS FOR  
TORTOISE AND HARE FOURTH OF JULY 5K RACE AND  
TO WAIVE METER BAG DEPOSIT FEES

Whereas, The City has received a request to hold Tortoise and Hare Fourth of July 5K Race on Wednesday, July 4, 2001, prior to the Jaycees Fourth of July Parade;

Whereas, The sponsor is requesting the city provide the following services:

- 1) Closing the following streets from 8:00 - 9:00 a.m.:
  - \*E. Liberty from S. State to S. Ashley
  - \*E. William from S. State to S. Ashley
  - \*S. Main and S. Fourth Ave. from E. Washington to Packard
  - \*Fifth Ave. and S. Division from E. Washington to E. Jefferson
  - \*Hamilton Place from E. William to E. Jefferson
  - \*Thompson and Maynard from E. Liberty to E. Jefferson
  - \*Maynard from E. Jefferson to E. Liberty
  - \*Jefferson from Maynard to Thompson
  - \*S. State from E. Washington to E. Madison
  - \*S. University from S. State to S. Forest
  - \*Tappan from Monroe to S. University
  - \*E. University from Willard to S. University
  - \*Church from Willard to Washtenaw Ct.
  - \*N. University from Washtenaw to S. State
  - \*Fletcher from N. University to E. Huron
  - \*E. Washington from Fletcher to S. Division
- 2) Closing the following street from 7:00 - 8:00 a.m. to provide a staging area for the participants:
  - \*E. Liberty between S. Fourth Ave. and S. Fifth Ave.
- 3) Provide directional cones and barricades
- 4) Provide parking meter bags for the sponsor to place on the meters on the closed streets Monday night and removed immediately after the event
- 5) Clean the streets prior to the race

Whereas, The sponsor has agreed to pay the costs associated with the event for Police Department and Transportation Department services;

Whereas, The sponsor agrees to defend and indemnify and save the city harmless against any claim arising from their sponsorship of this event;

Whereas, The sponsor will obtain the necessary permits and provide evidence of proper liability insurance;

Whereas, The Main Street Area Association supports the event; and

Whereas, The sponsor has requested the city waive the meter bag deposit fees;

RESOLVED, That City Council approve the street closings as requested;

RESOLVED, That the sponsor reimburse the City for the following services:

Police	\$2,000.00 (est.)
Transportation	\$ 200.00 (est.); and

RESOLVED, City Council agrees to waive the \$2,010.00 (est.) meter bag deposit fees.

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R-171-5-01 APPROVED

RESOLUTION TO APPROVE TRANSFER OF A CLASS C LICENSED BUSINESS LOCATED AT 301 SOUTH STATE STREET – D.B.A. XANDO COSI

RESOLVED, That the request from Xando Cosi, Inc. to transfer the ownership of a 1999 Class C licensed business, located in escrow at 1319-1321 S. University Ave, from Mardini Restaurant Company to Xando Cosi, Inc., and to transfer the location to 301 S. State St., be approved.

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R-172-5-01 APPROVED

RESOLUTION TO APPROVE TRANSFER OF A CLASS C LICENSED

**BUSINESS TO 347-349 SOUTH MAIN STREET – D.B.A. PALIO**

RESOLVED, That the request from the 347 Corporation (D.B.A. Palio) to transfer the ownership of a 1996 Class C licensed business, located in escrow at 212 E. Kingsley St., from M.B.O. to the 347 Corporation; and to transfer the location to 347-349 South Main Street, be approved; and

RESOLVED, That the request from the 347 Corporation (D.B.A. Palio) for an outdoor service permit in conjunction with its Class C license, be approved.

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

R-173-5-01 APPROVED

RESOLUTION TO APPROVE THE PUBLIC ASSISTANCE GRANT  
AGREEMENT THAT ALLOWS FOR EMERGENCY RECOVERY WORK FOR  
SNOW EMERGENCY 3160-EM, DECLARED DECEMBER 11-31, 2000

Whereas, The federal assistance will be made available within the limits of funds available from Congressional appropriations for such purposes in accordance with the Stafford Act, Executive Orders 12148 and 12673, appropriate regulations found in Title 44 of the Code of Federal Regulations, as amended;

Whereas, The Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible cost; and

Whereas, The agreement provides federal funding for public assistance;

RESOLVED, That the Mayor and City Clerk be authorized to execute a grant contract with the State of Michigan and the Federal Emergency Management Agency substantially in the form on file with the City Clerk after approval as to form by the City Attorney and approved as to substance by the City Administrator;

RESOLVED, That the Mayor and Council direct the City Administrator to accept these reimbursement grant funds and deposit them to the Public Services Department major street fund (\$53,105.40) and local street fund (\$29,730.16), the Parks and Recreation Department maintenance fund (\$1,302.62), and the Ann Arbor Municipal Airport (\$173.31) operating budgets to offset what was expended in these accounts; and

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

Councilmember Higgins moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Easthope, Woods, Robinson, Johnson, Lowenstein, Carlberg, Herrell, Hartwell, Higgins, Mayor Hieftje, 10;

Nays, Councilmember Upton, 1.

The Mayor declared the motion carried.

**ORDINANCES - SECOND READING**

20-01 APPROVED

**CODE VIOLATION CITATIONS**

An Ordinance to Amend Section 1:17 of Chapter 1  
of Title 1 of the Code of the City of Ann Arbor

(The complete text of Ordinance 20-01 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

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19-01 APPROVED

**FINAL AVERAGE COMPENSATION**

An Ordinance to Amend Sections 1:552(16), 1:564 and 1:565  
of Chapter 18 of Title I of the Code of the City of Ann Arbor

(The complete text of Ordinance 19-01 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

**ORDINANCES - FIRST READING**

21-01 APPROVED

ANG 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 9.0 acre, located at 3985 Stone School Road, from TWP (Township District) to R3 (Townhouse Dwelling District). (The complete text of Ordinance 21-01 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

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22-01 APPROVED

LISULL 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 0.76 acre, located at 411 Orchard Hills Drive, from TWP (Township District) to R1B (Single-Family Dwelling District). (The complete text of Ordinance 22-01 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

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23-01 APPROVED

SEWERS AND SEWAGE DISPOSAL

An Ordinance to Amend Section 2:41.2 of Chapter 28 of Title II of the Code of the City of Ann Arbor

(The complete text of Ordinance 23-01 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

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24-01 APPROVED

RETIREMENT WINDOW

An Ordinance to Amend Sections 1:552, 1:562, 1:564 and 1:566 of Chapter 18 of Title 1 of the Code of the City of Ann Arbor and Add a New Section 1:563 to Chapter 18 of Title I of the Code of the City of Ann Arbor

(The complete text of Ordinance 24-01 is on file in the City Clerk=s Office).

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

On a voice vote the Mayor declared the motion carried.

**MOTIONS AND RESOLUTIONS**

R-174-5-01 APPROVED

RESOLUTION APPROVING CONTRACT WITH LAMBERTH CONSULTING TO CONDUCT A TRAFFIC STOP DATA COLLECTION METHODS AND ANALYSIS STUDY OF THE ANN ARBOR POLICE DEPARTMENT AND APPROPRIATE THE NECESSARY FUNDS

Whereas, In February 2000 City Council approved Resolution R-50-2-00, entitled "Resolution Supporting and Providing Guidelines for the Collection of Data to inform Community Concerns about Racial Profiling;"

Whereas, The City Police Department began collecting and recording traffic enforcement summary data on July 1, 2000;

Whereas, In December 2000, the City of Ann Arbor issued Request for Proposal No. 499 entitled “Ann Arbor Police Department Traffic Stop Data Collection Methods and Analysis Study” asking for proposals to study the policing practices of the Ann Arbor Police Department to determine whether or not racial profiling is occurring in traffic stops throughout the City;

Whereas, On February 15, 2001 one proposal was received from Lamberth Consulting;

Whereas, A project Selection Committee comprised of staff from the Administrator’s office, Police Department, Attorney’s Office, and Human Rights Division of the Human Resources Department met several times to discuss this proposal and determined that it met the requirements set forward in the RFP, including the provision of professional qualifications and a satisfactory work plan;

Whereas, Lamberth Consulting provided the City with a fee proposal for its work, which will include consulting, study design, benchmark data collection, data entry, and data analysis, and expenses totaling \$84,825.00;

Whereas, Lamberth Consulting received Human Rights approval on April 16, 2001 and has agreed to comply with Chapter 23 of the Ann Arbor City Code (Living Wage Ordinance); and

Whereas, Funding for this project will need to be appropriated from the General Fund Fund Balance;

RESOLVED, That the City Council approve a contract, per RFP No. 499, with Lamberth Consulting in the amount of \$84,825.00 for “Ann Arbor Police Department Traffic Stop Data Collection Methods and Analysis Study,” which shall commence April 17, 2001 and conclude December 31, 2001;

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

RESOLVED, That City Council authorize the appropriation of funds from the General Fund Fund Balance in the amount of the contract for the life of the contract without regard to fiscal year; and

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

Councilmember Higgins moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-175-5-01 APPROVED

RESOLUTION TO WAIVE METER BAG DEPOSIT FEES  
AND STREET OCCUPANCY PERMIT FEES FOR THE 2001  
AFRICAN AMERICAN DOWNTOWN FESTIVAL

Whereas, At the February 20, 2001 meeting, City Council approved a resolution sponsored by Councilmember Robinson supporting the Sixth Annual African-American Downtown Festival and Street Closing; and

Whereas, The Community Leaning Post, Inc. is requesting that the City waive the meter bag deposit fees (\$470.00) and the street occupancy permit fees (\$150.00) for this event, which was not part of the original resolution;

RESOLVED, That the Mayor and City Council approve the waiver of the meter bag fees and sidewalk occupancy permit fees as requested.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-176-5-01 APPROVED

RESOLUTION TO AMEND THE TRAFFIC CALMING PROGRAM

Whereas, The City's traffic calming program has been in operation since December, 1999;

Whereas, No projects have been constructed and only one project has been approved in the intervening 16 months;

Whereas, The existing voting rules for neighborhood approval are more stringent than those prevailing in comparable municipalities, which has contributed to citizens' inability to initiate appropriate traffic calming measures in their neighborhoods; and

Whereas, Traffic calming has not yet been applied in Ann Arbor, and traffic calming measures have the potential to improve the quality of life in neighborhoods but also to provoke negative reactions from motorists, making careful evaluation of the installed projects an important priority;

RESOLVED, That paragraph 3 of the Traffic Calming Program of Council resolution R-624-12-99 be revised as follows:

- Must be paved City streets and classified as a local or residential collector street, as outlined in the Public Services Department's Standard Specifications. The average daily traffic volume must be at least ~~400~~ **200** and no more than 4,000;

RESOLVED, That paragraph 6 of the Traffic Calming Program of Council resolution R-624-12-99 be revised as follows:

6. ~~<Once the City has drafted a program for the area,>~~ **Neighborhood meetingS** will be held to discuss the plan. City staff, the Council members of the ward**S** affected, emergency response personnel, and area residents will all be asked to attend. At ~~<this>~~ **THESE** meeting**S**, an explanation of the problems identified and solutions proposed by staff will be given. Fine-tuning involving minor changes of the plan may be done at ~~<this>~~ **THESE** meeting**S**. Major changes to the plan will require additional study time;

RESOLVED, That paragraph 8 of the Traffic Calming Program of Council resolution R-624-12-99 be revised as follows:

If the surveys show support for the project by 66% ~~<of the households>~~  
**OF THOSE VOTING, PROVIDED THAT 50% OF THE OWNER-  
OCCUPIED HOUSEHOLDS IN THE AFFECTED AREA HAVE  
RETURNED BALLOTS**, then the plan along with neighborhood comments  
and staff responses, will be sent to City Council for approval. Projects with  
budgets less than \$1,000 may be implemented without Council approval;

RESOLVED, That road reconstruction projects will be evaluated for compliance  
with the standards set forth in paragraph 3 of the Traffic Calming Program of Council  
resolution R-624-12-99 before reconstruction begins. If the street involved would  
qualify for traffic calming under these criteria, the residents of the street will be  
specifically notified of the traffic calming program and their opportunity to request its  
inclusion as part of the project plan. The same process of obtaining neighborhood  
support will be utilized. This paragraph will not apply to routine repair or resurfacings;

RESOLVED, That one year after the installation of traffic calming devices, the  
Public Services Department shall evaluate the effectiveness of the project. The  
evaluation shall include, but not be limited to, an estimate of the speed reduction and  
traffic volume on the modified roadway, a determination of changes in traffic volume  
and speeds on neighboring streets, and a re-survey of the affected residents to  
determine their level of satisfaction with the project. The Public Services Department  
will report the results of the evaluation to the City Council; and

RESOLVED, That on the basis of the evaluations, the traffic calming program  
shall be reviewed annually and new policies proposed to maximize the effectiveness of  
traffic calming procedures and policies. Particular attention should be given to  
appropriate street qualifications for traffic calming. High volume streets are excluded  
from the program at the present time, but they remain an area of citizen concern. A  
policy should be designed for appropriate traffic calming measures on high traffic  
volume streets, which takes into account their important role in traffic mobility. This  
policy will be presented to the City Council.

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-177-5-01 APPROVED

RESOLUTION TO APPROVE FISCAL YEAR 2002-2007  
CAPITAL IMPROVEMENTS PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Fiscal Year 2002-2007 Capital Improvements Plan.

Whereas, Section 1:185 of the Ann Arbor City Code requires that the City Planning Commission annually prepare a Capital Improvements Program (CIP) for the ensuing six fiscal years;

Whereas, The Capital Improvements Program consists of a Capital Improvements Plan and Budget;

Whereas, The Fiscal Year 2002-2007 Capital Improvements Plan, which was prepared through a CIP Review Committee and by joint effort of the Planning Department and City administration, was submitted to the Ann Arbor City Planning Commission for consideration;

Whereas, A duly-noticed public hearing was held by the Ann Arbor City Planning Commission on April 3, 2001; and

Whereas, The Ann Arbor City Planning Commission adopted the Capital Improvements Plan at its meeting of April 3, 2001, and also recommended that Council approve the document and use it as a guide in funding priority capital projects consistent with the plan;

RESOLVED, That City Council hereby approve the Fiscal Year 2002-2007 Capital Improvements Plan.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-178-5-01 APPROVED

RESOLUTION TO APPROVE GEORGETOWN COUNTRY CLUB  
REVISED SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Georgetown Country Club Revised Site Plan, 21.0 acres, 1365 King George Boulevard.

Whereas, Georgetown Country Club has requested revised site plan approval in order to construct an 8,000-square foot swimming/wading pool and a new 2,680-square foot bathhouse and 1,020-square foot pro shop addition at 1365 King George Boulevard; and

Whereas, The Ann Arbor City Planning Commission, on April 17, 2001, recommended approval of the site plan;

RESOLVED, That City Council approve the Georgetown Country Club Revised Site Plan.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-179-5-01 APPROVED

RESOLUTION TO APPROVE MITSUBISHI MOTORS  
REVISED SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Mitsubishi Motors Revised Site Plan, 4.61 acres, 3735 Varsity Drive.

Whereas, Mitsubishi Motors has requested revised site plan approval in order to construct a 12,500-square foot second story addition onto the existing building at 3735 Varsity Drive; and

Whereas, The Ann Arbor City Planning Commission, on April 17, 2001, recommended approval of the site plan;

RESOLVED, That City Council approve the Mitsubishi Motors Revised Site Plan, subject to all outstanding site improvements, shown on the site plan approved April 7, 1997, being completed.

Councilmember Higgins moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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POSTPONED

RESOLUTION TO APPROVE STATE STREET LOFTS  
REVISED SITE PLAN AND DEVELOPMENT AGREEMENT

A communication was received from the City Planning Commission transmitting its recommendation of denial (4 years, 5 days) of the proposed State Street Lofts Revised Site Plan and Development Agreement, 0.25 acre, 205 South State Street.

Whereas, H & K State Street Development LLC and Farbman Development Group have requested site plan approval in order to construct an eight-story, 71,845-square foot mixed-use building, consisting of retail space on the first floor and residential units on the second through eighth floors, at 205 South State Street; and

Whereas, The Ann Arbor City Planning Commission, on April 17, 2001, recommended denial of said request;

RESOLVED, That City Council approve the State Street Lofts Revised Site Plan upon the conditions that (1) a Development Agreement is signed by all necessary parties; (2) all terms of the Development Agreement are satisfied; and (3) a minimum of 29 off-street parking spaces are secured by agreement with the City, pursuant to Section 5:169, before issuance of permits.

Councilmember Carlberg moved that the resolution be adopted.

Councilmember Carlberg moved that the resolution be postponed until the May 21, 2001 regular session of Council at the request of the petitioner.

On a voice vote the Mayor declared the motion carried.

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R-180-5-01 APPROVED AS AMENDED

RESOLUTION APPROVING THE 2002 STATE OF MICHIGAN ARTS AND CULTURAL PROJECTS PROGRAM GRANT APPLICATION

Councilmember Robinson moved that the resolution be adopted.

Councilmember Herrell moved that the seventh paragraph of the resolution be amended as follows:

RESOLVED, That the Mayor and Council approve the 2002 State of Michigan Arts and Cultural Projects Program grant application, <three> **TWO** projects (see Table I), which was sent to the Michigan Department of Commerce April 27, 2001,...

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-180-5-01

RESOLUTION APPROVING THE 2002 STATE OF MICHIGAN ARTS AND CULTURAL PROJECTS PROGRAM GRANT APPLICATION

Whereas, The Michigan Department of Commerce has set aside funding to provide one-time catalytic competitive funding assistance for regional arts and cultural projects based upon Public Act No. 122, Public Acts of 1999, Section 306;

Whereas, The Arts and Cultural Projects Program is designed to provide one-time funding assistance for regional cultural projects in these seven categories: arts and cultural projects, capital improvement projects, economic development projects, historical projects, institutional cultural projects and publicly owned facilities, excluding stadiums used primarily for professional sporting events;

Whereas, The City of Ann Arbor wishes to promote the development of regional cultural programs and activities through mechanisms reflecting cooperative service delivery that promotes economic development;

Whereas, The proposed projects will provide regional public access and are consistent with the requirements of the Arts and Cultural Projects Program, Public Act. No. 122, Public Acts of 1999, Section 306;

Whereas, Two organizations in Ann Arbor have submitted grant proposals for consideration under the Arts and Cultural Projects Program and grantees must obtain Human Rights approval prior to executing agreements; and

Whereas, These proposals were reviewed by a public hearing held on the grant prior to approval;

RESOLVED, That the Mayor and Council approve the 2002 State of Michigan Arts and Cultural Projects Program grant application, two projects (see Table I, attached), which was sent to the Michigan Department of Commerce April 27, 2001, and that should the grants be approved, the Mayor and Council also appropriate the grant funds received from the State to be paid to each of the grantees for the life of the projects;

RESOLVED, That Neal G. Berlin, City Administrator be authorized to sign the application form and execute any grant requirements, and designate Ronald A. Olson, Associate City Administrator/Superintendent of Parks and Recreation, to be the Grant Program Administrator; and

RESOLVED, That the Mayor and City Clerk be authorized to sign the Grant Agreement with the State of Michigan and an agreement between the City and each State-approved grant recipient, substantially in the form on file with the City Clerk.

2002 ARTS AND CULTURAL PROJECTS PROGRAM - TABLE I

APPLICANT NAME	PROJECT DESCRIPTION	Grant Amount Requested	Recommended Grant Amount
Performance Network	Funding to complete the Rehearsal Hall and build dressing rooms and shop space in their new theater. The project includes: finish work on the rehearsal area, including flooring, painting and storage, construction of dressing rooms for actors and construction of the scene shop, including installation of the electrical hookups necessary for shop equipment and finish work in the dressing rooms and scene shop, including installation of makeup tables and proper storage for set materials.	\$ 25,000.00	\$ 25,000.00
Ann Arbor Hands-On Museum	Repair of a badly leaking roof on the Museum's historic firehouse building. Timely maintenance of the building is essential to the preservation and longevity of the building and the organization it now shelters, the Ann Arbor Hands-On Museum.	\$ 15,000.00	\$ 15,000.00
		TOTAL	\$ 40,000.00

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R-181-5-01 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PUBLIC RIGHT-OF-WAY FROM NEW ALTERNATIVES IN COMMUNITY LIVING, INC. 324 EAST SUMMIT STREET, FOR THE BROADWAY BRIDGES RECONSTRUCTION PROJECT

Whereas, New Alternatives In Community Living, Inc., a Michigan non-profit 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 2877, Page 716, dated October 27, 1993; and

Whereas, New Alternatives In Community Living, Inc., a Michigan non-profit company, has delivered an easement to the City for public right-of-way over a triangle shaped piece of land located at the northeast corner of E. Summit Street, to run with the land and burden the respective property perpetually, being more particularly described as follows:

Beginning at the Northeasterly corner of Lot 6, Block 3, Ormsby and Pages Addition to Ann Arbor Village (now City) as recorded in Liber "M" of deeds, Pages 191 and 192, Washtenaw County records, described as follows:

Commencing at the Easterly most corner of Lot 6 for a PLACE OF BEGINNING; thence S57° E 27' 26" W 9.00 feet; thence N44° E 08' 21" W 22.64 feet; thence S63° E 57' 38" E 26.00 feet to the PLACE OF BEGINNING, and containing 99.8 sq. ft. of land, more or less.

RESOLVED, That said easement be hereby accepted.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-182-5-01 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PEDESTRIAN ACCESS FROM JOHN AND JILL MACIEJEWSKI, 3540 PLATT ROAD, FOR SIDEWALKS

Whereas, John Paul Maciejewski and Jill Price Maciejewski, Husband and Wife, are owners in fee simple of property located in Ann Arbor, Michigan, Washtenaw County, Michigan, described in Covenant Deed, recorded in Liber 1563, Page 602, on September 8, 1976, Washtenaw County Register of Deeds; and

Whereas, John Paul Maciejewski and Jill Price Maciejewski, Husband and Wife, have delivered an easement to the City for pedestrian access for sidewalks along the west side of Platt Road, to run with the land and burden the respective property perpetually, being more particularly described as follows:

Variable width area encompassing 710.42 square feet of the following described parcel:

Commencing at a point on the W line of Milan Road (now Platt Road) at the intersection of said Milan Road with the N line of the SE Quarter of Section 10, Pittsfield Township; thence W at right angles with Milan Road 132.0 feet; thence S parallel with Milan Road 100.0 feet; thence E 132.0 feet to the W line of Milan Road thence N 54 minutes W along the Milan Road 100.0 feet to the PLACE OF BEGINNING, being a part of the E 1/2 of the SE Quarter of Section 10, T3S, R6E, Pittsfield Township, Washtenaw County, State of Michigan, now being in the City of Ann Arbor, Michigan;

RESOLVED, That said easement be hereby accepted.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

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R-183-5-01 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PEDESTRIAN ACCESS FROM  
STEVEN AND PATTY BOOKVICH, 3604 PLATT ROAD, FOR SIDEWALKS

Whereas, Steven T. Bookvich and Patty A. Bookvich, Husband and Wife, are owners in fee simple of property located in Ann Arbor, Michigan, Washtenaw County, Michigan, described in Covenant Deed, recorded in Liber 3929, Page 327, on February 10, 2000, Washtenaw County Register of Deeds; and

Whereas, Steven T. Bookvich and Patty A. Bookvich, Husband and Wife, have delivered an easement to the City for pedestrian access for sidewalks along the west side of Platt Road adjacent to where Wolverine Drive intersects Platt Road, to run with the land and burden the respective property perpetually, being more particularly described as follows:

Commencing at the E 1/4 Corner of Section 10, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan; thence S along the E line of said Section 511.5 feet; thence deflecting to the right 89° E 10' 00" 33 feet to the westerly right-of-way line of Platt Road to a PLACE OF BEGINNING; thence continuing 2.13 feet; thence deflecting to the right 66 feet parallel with the westerly right-of-way of Platt Road; thence deflecting to the right 2.13 feet to the westerly right-of-way line of Platt Road; thence deflecting to the right along said westerly right-of-way line of Platt Road 66 feet to the PLACE OF ENDING, being a part of the E 1/4 Corner of Section 10, T3S, R6E, Pittsfield Township, Washtenaw County, Michigan, and containing 141 square feet of land, more or less.

RESOLVED, That said easement be hereby accepted.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

**REPORTS FROM COUNCIL COMMITTEES**

None.

**COUNCIL PROPOSED BUSINESS**

None.

## **COMMUNICATIONS FROM THE MAYOR**

### **NOMINATIONS PLACED ON TABLE**

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

#### **Downtown Development Authority Development Area Citizens' Council**

Kathleen Nolan (to fill a vacancy)  
223 E. Ann St., #13 48104  
Term begins: 5/21/01 (indefinite)

Jane Kaufer (to fill a vacancy)  
209 E. Washington St., Suite 300 48104  
Term begins: 5/21/01 (indefinite)

Herbert Kaufer (to fill a vacancy)  
209 E. Washington St., Suite 300 48104  
Term begins: 5/21/01 (indefinite)

#### **Ann Arbor Transportation Authority Board**

Steve Thorp (to fill a vacancy)  
124 Chapin St. 48103  
Term: 5/21/01 to 5/20/05

## **COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

### **REPORTS SUBMITTED**

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

1. Section 8 Renewal of Expiring Fiscal Year 2001 Q1 and Q2 Voucher Increments
2. Grant Awards from HUD
3. Fiscal Year 2000-2001 Affordable Housing Task Force Third Quarter Report

4. 2001 Investment Portfolio Report
5. Weekly Curbside Textile Recycling Collection Dropped
6. 3<sup>rd</sup> Quarter – Quarterly Report
7. State Street Lofts Project

(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 completed Kapur property annexation, 4.06 acres, 1125 Arlington Boulevard, from Ann Arbor Township. (Report on file in the City Clerk's Office)

### **COMMUNICATIONS FROM COUNCIL**

#### **COUNCILMEMBERS JOHNSON AND HERRELL**

Councilmembers Johnson and Herrell expressed concern that the University of Michigan does not pay its fair share for City firefighting services. They urged the City Administrator and Mayor to have discussions with the university on increasing the payment for fire protection services.

#### **COUNCILMEMBER LOWENSTEIN**

Councilmember Lowenstein reported that the university community also takes advantage of the City's police services, even though the university has its own police force. She expressed concern with the misconception from many citizens and the media that budget cuts are not across the board and only focus on a couple of areas.

#### **MAYOR HIEFTJE**

Mayor Hieftje reported that the Budget Director came up with a formula showing how the proposed budget reductions work out for the each department. He stated that using this calculation, the reduction in spending is 5.9% for the fire department and 6.09% for the Police Department.

COUNCILMEMBER EASTHOPE

Councilmember Easthope expressed concern that the information pamphlet distributed by firefighters to city households may unnecessarily scare people and raise questions that have not yet been presented to Council.

COUNCILMEMBER HERRELL

Councilmember Herrell addressed the misconception that the proposed budget would eliminate the community oriented policing program. She stated that the budget suggests reducing the number of community neighborhood police that would be dedicated to specific areas.

Councilmember Herrell invited the public, Council and City staff to a meeting to introduce the new Washtenaw Community Land Trust. The meeting will be held on May 16, 7:00 p.m., at the Eagle Point Apartment Clubhouse. Michael Brown, of the Institute for Community Economics, will lead the meeting.

**CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS**

The following communications were referred as indicated:

1. Communication from Patrick Bowland, Director of Structured Power, Engage Energy America LLC, transmitting City of Ann Arbor Annual Performance Report – Energy Coordinator.
2. Memorandum from Mayor John Hieftje vetoing Ordinance No. 19-01 – Final Average Compensation, approved April 16, 2001 – File.

3. Ann Arbor Police Department Crime and Incident Annual Report, January 1, 2000- December 31, 2000 – File.
4. Communication from Richard Agree, President of Agree Realty Corporation, Farmington Hills, MI, regarding proposed State Street Lofts project – File
5. Communication from Peggy M. Haines, Washtenaw County Clerk/Register, transmitting “A Resolution Adopting the Washtenaw County Tentative Enhanced 9-1-1 Plan, Which Reflects Updates and Changes that are Required by the State of Michigan’s Emergency Telephone Service Committee,” adopted by the Washtenaw County Board of Commissioners – File.
6. Communication from Goom Sook Lee, President of Regency Travel Agency, 209-211 S. State St., regarding proposed State Street Lofts project – File.

The following minutes were received for file:

1. Ann Arbor Transportation Authority Board – March 21, 2001
2. Cable Communications Commission – March 27, 2001
3. Downtown Development Authority – April 4, 2001
4. Zoning Board of Appeals – March 28, 2001

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

On a voice vote the Mayor declared the motion carried.

### **PUBLIC COMMENTARY - GENERAL**

#### **KATHRYN LOOMIS – BIKE TO WORK WEEK**

Kathryn Loomis, 323 Packard St., thanked Council for approving the Resolution Proclaiming May 13-19, 2001 as National Bike to Work Week, and encouraged Councilmembers to participate in the Ann Arbor Leaders Ride event scheduled for May 18, 7:30 a.m., at Gallup Park.

### **RECESS FOR CLOSED SESSION**

Councilmember Johnson moved that the regular session of Council be recessed for a closed session to discuss labor agreements.

Councilmember Hartwell moved that the recess for a closed session be postponed until May 14, 2001, following the budget working session of Council.

On roll call the vote was as follows:

Yeas, Councilmembers Easthope, Upton, Hartwell, Higgins, 4;

Nays, Councilmembers Woods, Robinson, Johnson, Lowenstein, Carlberg, Herrell, Mayor Hieftje, 7.

The Mayor declared the motion defeated.

The question being the recess for a closed session to discuss labor agreements, on a voice vote the Mayor declared the motion carried and the meeting recessed at 10:57 p.m.

Councilmember Hartwell moved that the regular session of Council be reconvened.

On a voice vote the Mayor declared the motion carried and the meeting reconvened at 11:35 p.m.

### **REGULAR SESSION RECESSED**

Councilmember Hartwell moved that the regular session of Council be recessed until May 14, 2001, following the budget working session scheduled for 7:00 p.m., in order to continue the recessed closed session to discuss labor agreements.

On a voice vote the Mayor declared the motion carried and the meeting recessed at 11:35 p.m.

Yvonne Carl  
Interim Clerk of the Council

Janet L. Chapin  
Recording Secretary