

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - DECEMBER 3, 2001**

The regular session of the Ann Arbor City Council was called to order at 7:38 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, Michael R. Reid, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell, Marcia Higgins, Christopher Easthope, Mayor John Hieftje, 10.

ABSENT : Councilmember Wendy A. Woods, 1.

INTRODUCTIONS

NEW ENVIRONMENTAL SERVICES COORDINATOR

Mayor Hieftje introduced Matthew Naud, the new Environmental Services Coordinator. Mr. Naud stated that he is pleased to be working for the City and is looking forward to working with Council.

ANN ARBOR'S 150TH ANNIVERSARY

State Representative Chris Kolb presented the Mayor with a plaque, on behalf of Governor Engler and Ann Arbor's State Representatives and Senator, commemorating the 150th anniversary of Ann Arbor's incorporation as a city.

POLICE CHIEF

Police Chief Dan Oates reported on a meeting earlier in the day with federal officers and leaders of the local Arab-American community in response to the government request to interview 80 Washtenaw County men from Middle Eastern countries. He stated that agreements were reached to ensure the legal and civil rights of the interviewees.

PUBLIC COMMENTARY - RESERVED TIME**KERMIT SCHLANSKER – SEWAGE RESEARCH**

Kermit Schlansker, 2960 Marshall St., stated that one of the basic tenants of sustainability is that all human and animal waste must be used as fertilizer. He expressed concern that substances now used for fertilizers will eventually be in short supply.

JIM MOGENSEN – COST OF GROWTH

Jim Mogensen, 3780 Greenbrier Blvd., expressed concern with the rapid growth in the City and the increasing public costs associated with it.

PEGGY WINDSOR AND SHARY BROWN – ANN ARBOR STREET ART FAIR

Peggy Windsor, Ann Arbor Street Art Fair Board President, and Shary Brown, Ann Arbor Street Art Fair Director, spoke in support of the proposed resolution approving the new location of the Ann Arbor Street Art Fair beginning in 2003.

PHILLIS ENGELBERT – NEW YEAR'S CARD FOR PEACE

Phillis Engelbert, 803 John A Woods Dr., representing Ann Arbor Ad Hoc Committee for Peace, spoke in support of peaceful alternatives to war, and urged Council to contribute to the Committee's "New Year's Card for Peace," which will be sent to President Bush.

MARY BEJIAN – CIVIL LIBERTIES SINCE SEPTEMBER 11

Mary Bejian, 800 Lawrence St., representing the Ann Arbor Ad Hoc Committee for Peace and the Washtenaw County American Civil Liberties Union, objected to the interviewing of Arab men by federal officers, which she believes is ineffective, discriminatory and violates the civil rights of those involved.

RENE GREFF – STREET OCCUPANCY PERMIT ORDINANCE

Rene Greff, 114 E. Washington St., representing the Main Street Area Association, spoke in support of the proposed changes to the street occupancy permit ordinance, which would benefit downtown merchants.

STEVEN ZARNOWITZ – ANN ARBOR STREET ART FAIR

Steven Zarnowitz, attorney representing the Bell Tower Hotel, spoke in opposition to the proposed new location of the Ann Arbor Street Art Fair because it would adversely affect access to the hotel and adjacent university parking structure on Thayer Street. Mr.

Zarnowitz requested that the proposal be tabled until the issue is resolved.

PUBLIC HEARINGS

MAPLE ROAD COMMERCIAL SITE PLAN

A public hearing was conducted on the proposed Maple Road Commercial Site Plan, 0.89 acre, 571, 573 and 585 South Maple Road. Notice of public hearing was published November 25, 2001.

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

NORTHSIDE COMMONS PUD SITE PLAN

A public hearing was conducted on the proposed Northside Commons PUD Site Plan, 25.41 acres, southeast corner of Pontiac Trail and Dhu Varren Road. Notice of public hearing was published November 25, 2001.

The following people appeared:

Kim Wilkins, of Norfolk Development, developer, reported that outstanding issues, including the use of low or no phosphate fertilizers, have been resolved.

David Horowitz, 2750 Pontiac Trail, spoke in support of the proposal, but objected to procedures which do not allow speakers who voiced their opinions during public comment to further explain their positions during discussions.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

MOTIONS AND RESOLUTIONS

Correct Resolution [~~Regarding Relocation~~] **APPROVING THE NEW LOCATION** of

Title: the Ann Arbor Street Art Fair **BEGINNING IN 2003** (Councilmember Easthope)

G – COMMUNICATIONS FROM THE CITY ADMINISTRATOR

Correct Title: Habitat for Humanity – **2545 RUSSELL STREET**

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF NOVEMBER 13 AND 19 APPROVED

Councilmember Higgins moved that the special session minutes of November 13, 2001 and the regular session minutes of November 19, 2001 be approved, with the following correction to page 2 of the November 19 minutes:

PRESENTATION

GOLDEN TROWEL AWARDS 2001

[Jerry] **GERRY** Clark gave a slide presentation....

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-513-12-01 APPROVED

RESOLUTION TO APPROVE CUMULATIVE EXPENDITURES
WITH CONTRACTORS APPROACHING OR EXCEEDING \$25,000.00
FOR FOOTING DRAIN DISCONNECTION (FDD) FROM
DECEMBER 1, 2001 THROUGH JUNE 30, 2002 – RFP NO. 517

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;

Whereas, Under the new Section 2:51.1 added to Chapter 28 of Title II of the Code of the City of Ann Arbor, Program Footing Drain Disconnect From POTW, the POTW may reimburse the participating homeowner for corrective work as established in the code; and

Whereas, The following contractors, each of which has received Living Wage and Human Rights approval, have been pre-qualified and are anticipated to be awarded contracts or purchases exceeding \$25,000.00 within this fiscal year in the amounts shown:

<u>Contractor Name</u>	<u>Spending Authorized Limits Through 6-30-02</u>
Hutzel Plumbing & Heating Co.	\$250,000
Michael Gross Contracting	\$250,000

RESOLVED, That City Council approve the anticipated expenses to the above listed vendors/contractors up to the amounts shown for approved Footing Drain Disconnection work.

R-514-12-01 APPROVED

RESOLUTION TO APPROVE AWARD OF CONTRACT FOR
FOOTING DRAIN DISCONNECTION PROGRAM (FDD) CURB DRAIN
CONSTRUCTION – PRIORITY 1-A AREAS – BID NO. 3504

Whereas, Ann Arbor City Council approved a City ordinance (32-01) on August 20, 2001 which allows for implementation of a citywide footing drain disconnection process;

Whereas, A project budget for the Footing Drain Disconnection (FDD) Program was approved by City Council on November 8, 2001;

Whereas, Approximately 13,400 feet of curb drain is needed to collect sump pump discharges from homes in Priority 1-A Areas of the program;

Whereas, A lowest qualified bid of \$580,780.00 was received from Michigan Trenching Service, Inc. in response to Bid No. 3504; and is recommended for award of the contract by the Utilities Department; and

Whereas, Michigan Trenching Service, Inc. has received Living Wage and Human Rights approval on November 16, 2001;

RESOLVED, That City Council accept the bid of and award a contract to Michigan Trenching Service, Inc. for Curb Drain Construction – Priority 1-A Areas, with funds to be available without regard to fiscal year;

RESOLVED, That City Council approve a contingency of \$49,595.00 to finance change orders to be approved by the City Administrator; and

RESOLVED, That City Council authorize and direct the Mayor and Clerk to sign the contract with Michigan Trenching Service, Inc. to perform said services for a total not-to-exceed cost of \$580,780.00, on a contract form substantially on file with the City Clerk.

R-515-12-01 APPROVED

RESOLUTION TO APPROVE AN AMENDED LANDFILL GAS RIGHTS
ASSIGNMENT AGREEMENT WITH DETROIT EDISON COMPANY

Whereas, The City of Ann Arbor entered into a Landfill Gas Rights Purchase Agreement with Michigan CoGeneration Systems (MCS) in September, 1994;

Whereas, The Agreement gave the rights to the landfill gas generated at the Ann Arbor Landfill to MCS in exchange for an annual \$15,000.00 payment to the City;

Whereas, The Agreement also committed MCS to construct and operate a landfill gas collection system and an electric generation station which burns the collected landfill gas as its fuel, at no cost to the City;

Whereas, On December 1, 1995 the City agreed to a reassignment of the landfill gas rights and responsibilities to the Detroit Edison Company;

Whereas, Per Detroit Edison, this assignment agreement inadvertently and erroneously transferred all the rights (both the gas collection system and the electric generation station) over to Detroit Edison when the intent was to transfer only the gas collection system;

Whereas, The parties involved have now requested to amend the assignment agreement thereby correcting this error and transferring the interest and responsibility for the electric generation station back to MCS and would also transfer Detroit Edison Company interest to DTE Arbor Gas Producers (DTE Arbor);

Whereas, Both Detroit Edison Company and DTE Arbor are wholly-owned subsidiaries of DTE Energy;

Whereas, DTE Arbor will be assigned the responsibilities for the maintenance and operation of the gas collection system, along with the \$15,000.00 annual payment to the City;

Whereas, The responsibility for the maintenance and operation of the electric generation station will be assigned to Michigan CoGeneration Systems;

Whereas, To protect the interests of the City, DTE Biomass has agreed to provide a Performance Guaranty for DTE Arbor, whose assets consist only of the Ann Arbor project; and

Whereas, The requested contractual assignments more closely mirror the reality of the company's investments and operational commitments;

RESOLVED, That City Council approve the Amended Landfill Gas Rights Assignment Agreement with Michigan CoGeneration and DTE Arbor Gas Producers, and that the Mayor and City Clerk be authorized to sign the Agreement substantially in the form on file with the City Clerk.

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

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

51-01 POSTPONED

STREET OCCUPANCY PERMITS

An Ordinance to Amend Section 4:14 of Chapter 47
of Title IV of the Code of the City of Ann Arbor

(The complete text of Ordinance 51-01 is on file in the City Clerk's Office).

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

Councilmember Carlberg moved that the ordinance be postponed until the December 17,

2001 regular session of Council for further discussion concerning provisions that would accommodate both the merchants and vendors.

On a voice vote the Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

R-516-12-01 APPROVED

RESOLUTION APPROVING THE NEW LOCATION OF THE ANN ARBOR STREET ART FAIR BEGINNING IN 2003

Whereas, On June 4, 2001 City Council approved an Ann Arbor Street Art Fair (AASAF) Future Relocation and Interim Plan, which would identify a new site beginning in 2003 “equitable with regard to size, accessibility and location compared to the summer 2000 location”;

Whereas, City Council also provided for a site relocation team, including representatives of City Council, City Administrator’s office, Police, Fire, and Building Departments; AASAF, AATA, and University of Michigan;

Whereas, A number of team meetings, site visits and tours were held between July 10, 2001 and October 16, 2001 to identify potential locations and to evaluate problems and opportunities using a set of criteria, including safety (primarily pedestrian and fire access), size, limited private property activity and access, connectivity to the other Fairs, nearby bus service, and potential for remaining on the new site long term;

Whereas, Seven potential sites were considered, including the South University/Tappan area, Kerrytown area, North University area, Washington St. between 4th and State St., Ashley from William to Huron with the surface parking lots, William from Main to State St, and the Thompson/Jefferson area;

Whereas, The Committee concluded its work on October 16, 2001 with the recommendation that the North University area be selected with the understanding that the City would work to maintain essential emergency access to the Diag on South University and East University;

Whereas, The site relocation team recommends that the North University area be designated as North University between Fletcher and Thayer (including the intersection), on Thayer between North University and Washington Street, and on Washington between State Street and Fletcher;

Whereas, The site relocation team also recommends that as part of its layout design, that AASAF provide access (albeit limited) to the University of Michigan Thayer Street parking deck, the Diag and other University of Michigan properties for University of Michigan construction and business vehicles, as well as limited but continual access to the Bell Tower Hotel for hotel guests;

Whereas, AASAF representatives have subsequently met with Bell tower Hotel representatives and have pledged to work to ensure access to the hotel during the fair;

Whereas, It is recommended that City Council approve the new location for the Ann Arbor Street Art Fair beginning with the 2003 Fair as it best meets the criteria set forth in the June 4, 2001 City Council Resolution, plus it is a beautiful location, meets artists needs, has good audience traffic patterns, has significant potential to develop community and university collaborations, and minimizes the number of private property owners affected;

RESOLVED, That City Council approve the selection of the North University Area as the new site of the Ann Arbor Street Art Fair effective with the 2003 Art Fair.

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-517-12-01 APPROVED

RESOLUTION TO APPROVE MAPLE ROAD
COMMERCIAL SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Maple Road Commercial Site Plan, 0.89 acre, 571, 573 and 585 South Maple Road.

Whereas, Jon and Janice Inwood have requested site plan approval in order to construct a 4,752-square foot building at 571, 573 and 585 South Maple Road;

Whereas, The Ann Arbor City Planning Commission, on November 20, 2001, recommended approval of the site plan;

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

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

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

RESOLVED, That City Council approve the Maple Road Commercial Site Plan, subject to combining the two parcels.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-518-12-01 APPROVED AS AMENDED

RESOLUTION TO APPROVE NORTHSIDE COMMONS
PUD SITE PLAN AND DEVELOPMENT AGREEMENT

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Northside Commons PUD Site Plan and Development Agreement, 25.41 acres, southeast corner of Pontiac Trail and Dhu Varren Road.

The Resolution to Approve Northside Commons PUD Site Plan and Development Agreement was considered.

Councilmember Johnson moved that the resolution be adopted.

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

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated November 26, 2001, **WITH ADDITIONAL LANGUAGE ON THE USE OF LOW OR NO PHOSPHORUS FERTILIZERS;**

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-518-12-01

RESOLUTION TO APPROVE NORTHSIDE COMMONS
PUD SITE PLAN AND DEVELOPMENT AGREEMENT

Whereas, Norfolk Development Corporation has requested site plan approval in order to construct 160 residential units at the southeast corner of Pontiac Trail and Dhu Varren Road;

Whereas, A development agreement has been prepared to address public and private utilities and improvements, conveyance of Dhu Varren Road and Pontiac Trail right-of-way, detention, landmark trees, street tree escrow, park contribution, sidewalks, and affordable housing;

Whereas, The Ann Arbor City Planning Commission, on May 15, 2001, recommended approval of said request;

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

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

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

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that on file in the City Clerk's Office, dated November 26, 2001, with additional language on the use of low or no phosphorus fertilizers; and

RESOLVED, That City Council approve the Northside Commons PUD Site Plan upon the conditions that (1) the Development Agreement is signed by all necessary parties and (2) all terms of the Development Agreement are satisfied.

R-519-12-01 APPROVED

RESOLUTION TO APPROVE GRAMMATICO ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Grammatico Annexation, 0.17 acre, north side of Robert Street between James Street and Victoria Avenue.

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

Whereas, Sierra Homes, Inc. is the owner of said property; and

Whereas, It is the desire of Sierra Homes, Inc. 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 Pittsfield, Washtenaw County, Michigan, be detached from said Township of Pittsfield and annexed to the City of Ann Arbor, to-wit:

Lot 15, Packard Hills Subdivision, Pittsfield Township,
Washtenaw County, Michigan.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-520-12-01 APPROVED

RESOLUTION TO APPROVE SIERRA HOMES, INC. ANNEXATION

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Sierra Homes, Inc. Annexation, 0.23 acre, northeast corner of James and Robert Streets.

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

Whereas, Sierra Homes, Inc. is the owner of said property; and

Whereas, It is the desire of Sierra Homes, Inc. 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 Pittsfield, Washtenaw County, Michigan, be detached from said Township of Pittsfield and annexed to the City of Ann Arbor, to-wit:

Lot 13, Packard Hills Subdivision, Pittsfield Township, Washtenaw County, Michigan.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-521-12-01 APPROVED

RESOLUTION TO APPROVE THE "ME TOO" SETTLEMENT AGREEMENT BETWEEN THE CITY AND THE COMMAND OFFICERS ASSOCIATION OF MICHIGAN

Whereas, The Command Officers Association of Michigan (C.O.A.M.), the Union representing the Police Department's Lieutenant and Sergeant personnel, filed grievances on January 10 and 29, 2001, plus an Unfair Labor Practice (ULP) charge on May 10, 2001, against the City regarding the application of their Union's "Me Too" clause pertaining to the economic gains achieved, through a January 9,2001 contractual settlement, by the Ann Arbor Police Officers Association (AAPOA);

Whereas, The C.O.A.M. unit, by filing the grievances and the ULP, believed their represented employees should receive the same economic gains achieved through contract negotiations by AAPOA to include; (a) a “signing” bonus; (b) the addition of 3 pay progression wage steps; (c) revision to the annual longevity payment; (d) an additional paid holiday; (e) a \$50 per year increase in the equipment allowance; (f) a \$100 per year increase in the uniform allowance; (g) a revision to the accumulation limit for compensatory time; (h) an increase in the reimbursable amount for lost or damaged eye glasses; and (i) a \$25,000 increase in life insurance;

Whereas, Research into the Union’s claims revealed; (1) the former City labor representative informed the Union, during 1999/00 contract negotiation sessions, that he viewed a “signing” bonus as an across-the-board wage increase, for the Union, plus the City would never agree to expanding existing wage progression steps, nor increase the annual Police equipment and uniform allowances; (2) such comments listed in “(1)” were verified by the City’s outside legal counsel; and (3) the City’s outside legal counsel recommended the City attempt to “settle” the Union’s “Me Too” issues instead of proceeding with the pending arbitration and ULP hearings;

Whereas, Based upon the above referenced information, the City entered into negotiations with C.O.A.M. in an effort to resolve both the two grievances and ULP “Me Too” cases filed against the City;

Whereas, The negotiation process was successful, and the parties agreed to a tentative “Settlement Agreement,” on October 9, 2001, with a total cost of \$514,419.00; and

Whereas, The recommended “Settlement Agreement” includes the following:

- a) a “signing” bonus that covers:
 - \$1,800 for a C.O.A.M. unit member as of July 1, 1998
 - \$1,200 for a C.O.A.M. unit member as of July 1, 1999
 - \$ 600 for a C.O.A.M. unit member as of July 1, 2000
 - employees who have retired or been promoted out of the C.O.A.M. unit since June 30, 1998 would be eligible to receive the “signing” bonus payment following the same formula above, but in reverse
- b) effective July 1, 1998, the equipment allowance will be increased from \$150 to \$200 annually, with the following payment schedule:
 - \$150 for a C.O.A.M. unit member as of July 1, 1998
 - \$100 for a C.O.A.M. unit member as of July 1, 1999
 - \$ 50 for a C.O.A.M. unit member as of July 1, 2000
 - employees who have retired or been promoted out of the C.O.A.M. unit since June 30, 1998, would be eligible to receive the annual equipment allowance increase as above, but in reverse

- c) longevity payments will be restructured to \$500 payments per year, beginning at 5 years of service, for each C.O.A.M. unit member effective July 1, 1998
- d) wage steps will be restructured to reflect three (3) additional step increases, effective July 1, 1998, as follows:
 - 7 years of service – 2.5% above the C.O.A.M. member's base wage
 - 12 years of service – 5% above the C.O.A.M. unit member's base wage
 - 18 years of service – 7.5% above the C.O.A.M. unit member's base wage
 - years of service is based upon employment with the City
- e) retroactive payments will be made for items a) – d) above, which will be made no later than December 31, 2001 for current and retired C.O.A.M. unit members as well as employees who were promoted out of the C.O.A.M. unit
 - in calculating retroactive payments, the appropriate deductions will be made for any longevity payments in excess of the restructured \$500 annual payments referred to in c)
- f) C.O.A.M. unit members who have retired since July 1, 1998 will have their current pension plan benefit adjusted to reflect their appropriate retroactive payments made
- g) The Day After Thanksgiving will be added as a holiday, effective June 30, 2001
- h) the parties agree that there will be no obligation to include "Me Too" clause in any future collective bargaining agreement
- i) the Union filed grievances, unfair labor practice and federal lawsuit will be withdrawn with prejudice.

RESOLVED, That the Mayor and City Council approve, and the Interim City Administrator and City Attorney be directed to proceed with, the recommended "Settlement Agreement" between the City and Command Officers Association of Michigan, as set forth above and which is effective July 1, 2001, including execution of all necessary documents, and that the Interim City Administrator, City Attorney, Mayor and City Clerk be authorized to execute all documents which are approved by the City Attorney and which are necessary for the settlement of the grievance arbitration, unfair labor practice charge and federal lawsuit; and

RESOLVED, That the Mayor and City Council authorize the Interim City Administrator to transfer \$100,000.00 from the contingency/pay increase account in Non-Departmental budget to the Police Department budget to assist in funding the cost of this "Settlement Agreement," and that the remaining \$414,419.00, and the \$127,165.00 (unbudgeted cost for Fiscal Year 2001/02), will be addressed during the remainder of the current fiscal year, with a status report sent to Mayor and Council by May 1, 2002.

Councilmember Hartwell moved that the resolution be adopted.

Councilmember Reid moved that the last paragraph of the resolution be amended as follows:

RESOLVED, That...the remaining \$414,419.00 and the \$127,165.00 (unbudgeted cost for Fiscal Year 2001/02), will be [~~addressed during the remainder of the current fiscal year, with a status report sent to Mayor and Council by May 1, 2002~~] **FUNDED FROM THE CITY'S GENERAL FUND BALANCE.**

On roll call the vote was as follows:

Yeas, Councilmembers Upton, Reid, Hartwell, Higgins, Easthope, 5;

Nays, Councilmembers Robinson, Johnson, Carlberg, Herrell, Mayor Hieftje, 5.

On a voice vote the Mayor declared the motion defeated.

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

R-522-12-01 APPROVED

RESOLUTION REGARDING ENCROACHMENT OF HISTORIC STRUCTURE INTO THE HIGH STREET RIGHT-OF-WAY

Whereas, A portion of the front porch and steps of an historic structure located at 415 High Street has been identified as encroaching in the City's right-of-way, and has for 40 years and upwards; and

Whereas, The Water Utilities and Public Services Departments have reviewed a current survey of the encroachment and have no objections to its continuance in its present location subject to conditions;

RESOLVED, That a Declaration of Restriction permitting the continued occupancy of a portion of the High Street right-of-way by an historic structure located at 415 High Street, Ann Arbor, Michigan, be hereby approved, and that the Mayor and City Clerk be hereby authorized to execute said restriction to be recorded at the Washtenaw County Register of Deed's Office.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-523-12-01 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM
SUBARU RESEARCH AND DEVELOPMENT, INC.,
3995 RESEARCH PARK DRIVE

Whereas, Subaru Research and Development, Inc., a California corporation, 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 3738, Page 0952, recorded August 18, 1998; and

Whereas, A Resolution of the Board of Directors of Subaru Research and Development, Inc., a California corporation, has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

A 40 foot wide easement for the purposes of construction and maintenance of a water main utility more particularly described as:

Commencing at the point of intersection of the lot line common to Lots 20 & 21, Research Park Subdivision, Section 9, T.3S.,R.6E.,as recorded in Liber 15 of Plats, Pages 56 & 57, Washtenaw County Records, Washtenaw County, Michigan, and the southwesterly right of way line of Research Park Drive (80 feet wide), then along said right of way line 8.84 feet along the arc of a curve to the left having a radius of 899.43 feet, a central angle of 0°33' 47" and a chord bearing S42°35'01" E 8.84 feet to the true POINT OF BEGINNING; proceeding thence along said right of way line 40.00 feet along the arc of a curve to the left having a radius of 899.43 feet, a central angle of 2°32'54" and a chord bearing S44°09'13" E 40.00 feet; thence S46° 04' 54" West 89.40 feet; thence N43° 50' 06" W 45.59 feet; thence N46° 09' 54" E 14.27 feet; thence S42°47' 19" E 5.59 feet; thence N46° 09' 54" E 75.01 feet to the Point Of Beginning. (Off Research Park Dr.)

A 40 foot wide easement for the purposes of construction and maintenance of a water main utility more particularly described as:

Beginning at the point on the North right of way line of Ellsworth Road (76 feet wide), said point also being the southwest corner of Lot 20, Research Park Subdivision, Section 9, T.3S.,R.6E., as recorded in Liber 15 of Plats,

Pages 56 & 57, Washtenaw County Records, Washtenaw County, Michigan; proceeding thence along said right of way line N87° 53' 20 "E 40.00 feet; thence N01° 06' 00" W 304.90 feet; thence S89° 37' 40" W 40.00 feet; thence S01° 06' 00 " E 306.11 feet to the Point Of Beginning. (Off Ellsworth Road)

RESOLVED, That the City hereby accept said easement.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-524-12-01 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PEDESTRIAN ACCESS FROM SUBARU RESEARCH AND DEVELOPMENT, INC., 3995 RESEARCH PARK DRIVE

Whereas, Subaru Research and Development, Inc., a California corporation, 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 3738, Page 0952, dated August 18, 1998;

Whereas, A Resolution of the Board of Directors of Subaru Research and Development, Inc., dated November 12, 2001, authorizes the execution and delivery of the pedestrian access easement to the City of Ann Arbor; and

Whereas, Subaru Research and Development, Inc., a California corporation, has delivered an easement to the City for a pedestrian access over land located on the north side of Ellsworth Road, to run with the land and burden the respective property perpetually, being more particularly described as follows:

The centerline of a 7 foot wide strip of land being more particularly described as: Commencing at a point on the North right of way line of Ellsworth Road (76 feet wide), said point also being the southwest corner of Lot 20, Research Park Subdivision, Section 9, T.3S., R.6E., as recorded in Liber 15 of Plats, Pages 56 & 57, Washtenaw County Records, Washtenaw County, Michigan, then along said right of way line N87° 53' 20" E 46.35 feet to the true POINT OF BEGINNING; proceeding thence N64° 50' 39" E 25.62 feet; thence 34.59 feet along the arc of a curve to the right having a radius of 97.50 feet, a central angle of 20° 19' 41" and a chord bearing N75° 00' 29" E

34.41 feet; thence N85° 10' 19" E 92.18 feet to the Point Of Ending being a point on the lot line common to Lots 19 & 20 of said Research Park Subdivision. Being located on Lot 20 of Research Park Subdivision, as recorded in Liber 15 of Plats, Pages 56 and 57, Washtenaw County Records. Also known as 3995 Research Park Drive;

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.

R-525-12-01 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR STORM WATER DRAINAGE BASIN AND PEDESTRIAN ACCESS FROM PETERS BUILDING CO., 2060 WEST LIBERTY STREET, FOR WEST LIBERTY STREET RECONSTRUCTION PROJECT

Whereas, The Peters Building Co., a Michigan corporation, 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 4052, Page 482, dated September 20, 2001;

Whereas, A Resolution of the Board of Directors of Peters Building Co., dated November 18, 2001, authorizes the execution and delivery of the combined storm water drainage basin and pedestrian access easement to the City of Ann Arbor; and

Whereas, Peters Building Co., a Michigan corporation, has delivered an easement to the City for a combined storm water drainage basin and pedestrian access over land located on the north side of West Liberty Street, to run with the land and burden the respective property perpetually, being more particularly described as follows:

LEGAL DESCRIPTION OF A 0.0319 ACRE FOR DRAINAGE & SIDEWALK

Commencing at the intersection of the Northerly right-of-way line of Liberty Street and the East line of Boulevard Manor, located in the SW 1/4 of Section 30, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 8 of Plats, Page 22, Washtenaw County Records, thence N 73°53'24" E 423.63 feet along the Northerly right-of-way line of Liberty Street to the POINT OF BEGINNING, thence N 16°06'36" W 23.77 feet; thence N 73°53'24" E 6.64 feet; thence N 84°15'53" E 73.90 feet; thence S 02°19'36" E 10.78feet; thence S 73°53'24" W 76.77 feet along the Northerly right-of-way line of Liberty Street to the POINT OF BEGINNING. Being a part of the SW 1/4 of said Section 30, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, containing 1388.91 square feet or 0.0319 acres of land, more or less. Being subject to easements and restrictions of record, if any;

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.

R-526-12-01 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR STORM WATER DRAINAGE BASIN FROM PETERS BUILDING CO., 2060 WEST LIBERTY STREET, FOR WEST LIBERTY STREET RECONSTRUCTION PROJECT

Whereas, The Peters Building Co., a Michigan corporation, 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 4052, Page 482, dated September 20, 2001;

Whereas, A Resolution of the Board of Directors of Peters Building Co., dated November 18, 2001, authorizes the execution and delivery of a storm water drainage basin easement to the City of Ann Arbor;

Whereas, Peters Building Co., a Michigan corporation, has delivered an easement to the City for a storm water drainage basin over land located on the north side of West Liberty Street, to run with the land and burden the respective property perpetually, being more particularly described as follows:

Commencing at the intersection of the Northerly right-of-way line of Liberty Street and the East line of Boulevard Manor, located in the SW 1/4 of Section 30, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 8 of Plats, Page 22, Washtenaw County Records; thence N73E 53' 24" E 423.63 feet along the Northerly right-of-way line of Liberty Street; thence N16E 06' 36" W 23.77 feet to the POINT OF BEGINNING; thence N16E 06' 36" W 64.81 feet; thence N 38E 20' 20" E 76.32 feet; thence N87E 40' 24" E 45.93 feet; thence S02E 19' 36" E 114.85 feet; thence S84E 15' 53" W 73.90 feet; thence S73E 53' 24" W 6.64 feet to the POINT OF BEGINNING. Being a part of the SW 1/4 of said Section 30, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, containing 9,349.66 square feet or 0.2146 acres of land, more or less. Being subject to easements and restrictions of record, if any.

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.

R-527-12-01 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PEDESTRIAN ACCESS
FROM PETERS BUILDING CO., 2060 WEST LIBERTY STREET,
FOR WEST LIBERTY STREET RECONSTRUCTION PROJECT

Whereas, The Peters Building Co., a Michigan corporation, 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 4052, Page 482, dated September 20, 2001; and

Whereas, A Resolution of the Board of Directors of Peters Building Co., dated November 18, 2001, authorizes the execution and delivery of the pedestrian access easement to the City of Ann Arbor;

Whereas, Peters Building Co., a Michigan corporation, has delivered an easement to the City for a pedestrian access over land located on the north side of West Liberty Street, to run with the land and burden the respective property perpetually, being more particularly described as follows:

LEGAL DESCRIPTION OF A 0.0650 ACRE FOR SIDEWALK

Commencing at the intersection of the Northerly right-of-way line of Liberty Street and the East line of Boulevard Manor, located in the SW 1/4 of Section 30, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 8 of Plats, Page 22, Washtenaw County Records, thence N 73°53'24" E 262.06 feet along the Northerly right-of-way line of Liberty Street to the POINT OF BEGINNING, thence N 58°13'56" E 88.09 feet; thence N 73°53'24" E 76.76 feet; thence S 16°06'36" E 23.77 feet; thence S 73°53'24" W 161.57 feet along the Northerly right-of-way line of Liberty Street to the POINT OF BEGINNING. Being a part of the SW 1/4 of said Section 30, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, containing 2833.00 square feet or 0.0650 acres of land, more or less. Being subject to easements and restrictions of record, if any.

RESOLVED, That said easement is hereby accepted.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-528-12-01 APPROVED

RESOLUTION TO ACCEPT AND APPROPRIATE FUNDS FROM
THE STATE STREET AREA MERCHANT ASSOCIATION TO THE ANN ARBOR
MAYOR'S TASK FORCE ON INCREASING SAFETY FOR WOMEN

Whereas, The Ann Arbor Mayor's Task Force on Increasing Safety for Women recently received a donation in the amount of \$1,000.00 from the State Street Area Merchant Association;

Whereas, The Mayors Task Force on Increasing Safety for Women is a coalition of representatives from local organizations including: non-profit agencies specializing in services to survivors of domestic violence, sexual violence and stalking; health systems; secondary and higher education; law enforcement; businesses; clergy and government to create a model community effort to combat violence against women;

Whereas, The Mayor's Task Force on Increasing Safety for Women provides materials to many local businesses and other organizations working with us to display the message "There's No Excuse for Violence Against Women" in their establishments and offer printed materials containing information about local services available to those affected by domestic violence, sexual assault and stalking; and

Whereas, This donation was made by the State Street Area Merchant Association to help the Task Force continue its Restroom Poster and Help Card Program and will be used to purchase materials needed for program distribution during FY 2001-2002;

RESOLVED, That the City of Ann Arbor accept the State Street Area Merchant Association's \$1,000.00 donation into the General Fund and appropriate the \$1,000.00 to the Mayor's Task Force on Increasing Safety for Women; and

RESOLVED, That the City Administrator be authorized to sign the necessary documents, in a form acceptable to the City Attorney, to implement this resolution.

Councilmember Hartwell 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

5th WARD MEETING

Mayor Hieftje announced that a Fifth Ward meeting to discuss various issues will be held at 7:00 p.m., December 5, in the Mack Elementary School media room.

NOMINATIONS PLACED ON TABLE

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

Market Commission

Thomas Rumble (to fill a vacancy as Daily Grower Representative)
774 Jennings Rd.
Term: 1/1/02 to 12/31/04

Luis Vazquez (to fill a vacancy)
1442 Pontiac Trail 48105
Term: 1/2/02 to 12/31/04

Individual Historic Properties Historic District Study Committee

Kristi Gilbert (to fill a vacancy due to resignation of Megan Laitala)
307 W. William St. 48103
Term: 12/17/01 to 5/1/03

COUNCIL COMMITTEE ASSIGNMENTS APPROVED

Mayor Hieftje recommended the following Council committee assignments. All terms will expire November, 2002:

Affordable Housing Steering Committee

Councilmember Joseph Upton
Councilmember Wendy Woods

Airport Advisory Committee

Councilmember Stephen Hartwell

Councilmember Marcia Higgins

Task Force on Animal-Related Programs, Policies, Procedures and Ordinances

Councilmember Heidi Herrell

Councilmember Marcia Higgins

Ann Arbor Commission on Art in Public Places

Councilmember Joseph Upton

Councilmember Robert Johnson

Budget/Finance Advisory Committee

Councilmember Christopher Easthope

Councilmember Stephen Hartwell

Councilmember Marcia Higgins

Councilmember Mike Reid

Cable Communications Commission
Councilmember Christopher Easthope
Councilmember Marcia Higgins

City Administrator Committee
All

City Attorney Committee
All

City/School Committee
Councilmember Stephen Hartwell
Councilmember Joseph Upton

City/University Committee
Councilmember Heidi Herrell
Councilmember Mike Reid

City/County Community Corrections Advisory Board
Councilmember Jean Carlberg

Community Events Fund Committee
Councilmember Christopher Easthope
Councilmember Marcia Higgins
Councilmember Joseph Upton
Councilmember Wendy Woods

Community Reinvestment Act-Ordinance Task Force
Councilmember Jean Carlberg
Councilmember Joseph Upton

Ann Arbor Commission on Disability Issues
Councilmember Jean Robinson

Downtown Marketing Task Force
Councilmember Joseph Upton
Councilmember Wendy Woods

Elizabeth Dean Fund Committee
Councilmember Mike Reid

Ann Arbor Energy Commission
Councilmember Wendy Woods

HIV/AIDS Task Force

Councilmember Wendy Woods

Housing Board of Appeals

Councilmember Jean Carlberg

Housing Policy Board

Councilmember Jean Robinson

Councilmember Joseph Upton

Human Services Funding Task Force

Councilmember Heidi Herrell

Councilmember Mike Reid

Councilmember Jean Robinson

Councilmember Joseph Upton

Huron River Watershed Council Liaisons

Councilmember Heidi Herrell

Mayer John Hieftje

Mayor's Task Force on Increasing Safety for Women

Councilmember Wendy Woods

Indoor Clean Air Ordinance Task Force

Councilmember Jean Carlberg

Councilmember Marcia Higgins

Labor Negotiations Committee

All

Special Liquor Committee

Councilmember Mike Reid

Councilmember Wendy Woods

Councilmember Robert Johnson

Malletts Creekshed Coordinating Committee

Councilmember Jean Carlberg
Councilmember Joseph Upton
Councilmember Marcia Higgins

Michigan Community Theater Board Liaison

Councilmember Marcia Higgins

Michigan Transportation and Land Use Reform Coalition Representative

Councilmember Stephen Hartwell

Municipal Garages Relocation Task Force

Councilmember Jean Carlberg
Councilmember Christopher Easthope

Natural Features Ordinance Committee

Councilmember Heidi Herrell
Councilmember Mike Reid

Park Advisory Commission

Councilmember Robert Johnson
Councilmember Wendy Woods

Real Estate Committee

Councilmember Christopher Easthope

Recreation Advisory Commission

Councilmember Stephen Hartwell

Ad Hoc Rules Committee

Councilmember Stephen Hartwell
Councilmember Marcia Higgins
Councilmember Jean Carlberg

School Safety Committee Liaison

Councilmember Wendy Woods

SEMCOG Liaison

Alternate – Councilmember Jean Carlberg

Street Advisory Committee

Councilmember Jean Carlberg
Councilmember Mike Reid

Mayor's Committee on Street Art Fairs
Councilmember Christopher Easthope

Taxicab Board
Councilmember Jean Robinson

Train Whistle Task Force
Councilmember Robert Johnson
Councilmember Jean Robinson
Councilmember Wendy Woods

Urban Area Transportation System Liaison
Councilmember Jean Carlberg

Washtenaw Development Council Liaison
Councilmember Stephen Hartwell
Councilmember Mike Reid

Zoning Board of Appeals
Councilmember Marcia Higgins

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

On a voice vote the Mayor declared the motion carried.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

Interim City Administrator Ronald Olson submitted the following reports for information of Council:

1. October 2001 Investment Portfolio Report
2. Habitat for Humanity – 2545 Russell Street
3. Reduction of Michigan Department of Community Health Funding to the Ann Arbor Mayor's Task Force on Increasing Safety for Women for Fiscal Year 2001-2002

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER HARTWELL

Councilmember Hartwell thanked the various parties for their efforts and cooperation during the meeting today with Arab-American community leaders and government officials. He reported that the Arab-American community showed its support of the Ann Arbor Police by requesting the presence of a police officer at the upcoming interviews.

COUNCILMEMBER EASTHOPE

Councilmember Easthope complimented Police Chief Oates for showing sensitivity to the concerns of Ann Arbor's diverse community, and thanked Mayor Hieftje for meeting with Muslim community leaders and addressing their concerns immediately after the September 11 terrorist attacks.

MAYOR HIEFTJE

Mayor Hieftje stated that he was impressed with the advocacy from the Islamic community leaders on behalf of their citizens and with the federal officers who were willing to listen and make compromises during the meeting today.

COUNCILMEMBER CARLBERG

Councilmember Carlberg requested that Councilmembers interested in making changes to the proposed street occupancy permit ordinance, inform Interim Administrator Olson so that a meeting could be scheduled as soon as possible.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Washtenaw County Clerk Peggy Haines transmitting Washtenaw Country Board of Commissioners "Resolution Appointing Eleven Members to the Washtenaw County/City of Ann Arbor Community Corrections

Advisory Board” – File.

The following minutes were received for file:

1. Community Development Block Grant Executive Committee – September 10 and October 8, 2001
2. Ann Arbor Transportation Authority Board – October 17, 2001
3. Employees’ Retirement System Board – October 18, 2001
4. Retiree Health Care Board – October 18, 2001
5. Planning Commission – October 16, 2001
6. Building Board of Appeals – September 12, 2001
7. Zoning Board of Appeals – August 22, 2001
8. Housing Board of Appeals – March 20, 2001

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

None.

RECESS FOR CLOSED SESSION

Councilmember Easthope moved that the regular session of Council be recessed for a closed session to discuss a privileged attorney-client communication.

On roll call the vote was as follows:

Yeas, Councilmembers Robinson, Johnson, Upton, Reid, Carlberg, Herrell, Hartwell, Higgins, Easthope, Mayor Hieftje, 10;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 9:25 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 10:55 p.m.

ADJOURNMENT

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

On a voice vote the Mayor declared the motion carried and the meeting adjourned at 10:55 p.m.

Yvonne Carl
Interim Clerk of the Council

Janet L. Chapin
Recording Secretary