

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - DECEMBER 17, 2001**

The regular session of the Ann Arbor City Council was called to order at 7:37 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, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 10.

ABSENT : Councilmember Marcia Higgins, 1.

PRESENTATIONS

2001 MOLIN/MORRIS AWARD – PARKS AND RECREATION

Stephen Rapundalo from the Parks and Recreation Department presented Nelson Mead with the 2001 Molin/Morris Award. The Molin/Morris award is presented to a person who has made significant contributions to the overall mission of the Parks and Recreation system and the Ann Arbor Community.

FY 2003-2008 CAPITAL IMPROVEMENTS PLAN – PLANNING DEPARTMENT

Chandra Hurd of the Planning Department presented a slide presentation to the Mayor and Council regarding the Capital Improvements Plan for Fiscal Years 2003-2008. The Planning Commission adopted the plan on November 20, 2001 and the plan will go into effect on July 1, 2002. The Capital Improvements Plan is a guide for infrastructure needs and outlines the projects for the next six years.

FINANCIAL STATUS OF THE PENSION FUND – PENSION OFFICE

Larry Hahn, Chairman of the Employees' Retirement System Board of Trustees, gave a report on the City's Pension Fund. The Pension Fund is 139% funded, with a surplus of

over 120 million. The Retirement System is in excellent condition due to actuarial assets substantially exceeding liabilities.

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

DAVID SPONSELLER – EMPLOYEE RETIREMENT SYSTEM

David Sponseller, 2648 Antietam, stressed concern with the retirement system and gave recommendations to Council regarding the retirement system.

NANCY SYLVESTER – UNION NEGOTIATION

Nancy Sylvester, 6815 Park, housing inspector in the Building Department, stressed concern with AFSCME Union Local 369 negotiations. AFSCME Local 369 has worked together with the City in the past to reach contract resolutions. The AFSCME union has been and continues to be willing to work together.

BOB COLLER – COPE

Bob Coller, 2260 Platt Road, director of the COPE Program, stated that he was present to answer questions and take suggestions for the COPE Program. The program provides alternative education programs to at-risk youth in Ann Arbor and Washtenaw County.

LARRY KELSAW – UNION

Larry Kelsaw, 3555 Stone School Road, president of AFSCME Local 369, read a letter from a union member. The letter talked about the increase in construction and development in Ann Arbor, how union positions will not be filled after employees retire

and how the additional work load will be shifted under the catch phrase "re-organization" onto the shoulders of the remaining members.

DAVID TERRY – CLOSING OF PERFORMANCE NETWORK AND TECH CENTER

David Terry, 7281 Webbs Landing, Gregory, MI 48137, stressed concern with the closing of the Performance Network and Tech Center. He asked that the City help to find and develop a place where these artists can work.

CARL BAIRD – STATEMENT OF CONCERN FOR HUMAN RIGHTS COMMISSION

Carl Baird, 2422 Packard, read a letter to Council expressing concern regarding the detention of a member of his community, who was detained indefinitely, without bail, in an undisclosed location on December 14, 2001. The Human Rights Commission expressed opposition to the program of interviewing and questioning Muslim and Middle Eastern non-immigrant visa holders.

JOHN GRIFFIN – COALITION FOR INDEPENDENT ARTISTS

John Griffin, 560 S. First, expressed concern with the closing of the Performance Network and Tech Center. Not only will the closing affect musicians and artists, but also how the community is viewed.

PAUL SNABES – COALITION FOR INDEPENDENT ARTISTS

Paul Snabes, 2813 Sagebrush Circle, stated that having the Network and Tech Center as a place for musicians to practice is important. Mr. Snabes hoped that the City would support any efforts that it may take to continue having this type of center around.

PUBLIC HEARINGS

FY 2003-2008 CAPITAL IMPROVEMENTS PLAN

A public hearing was conducted on the proposed FY 2003-2008 Capital Improvements Plan. Notice of public hearing was published December 9, 2001.

The following people appeared:

Robert Klingler, Ann Arbor resident, supported using all the money that could be received from federal, state, county and private foundations, to increase trails in the parks, and along the Huron River.

Jim Mogensen, 3780 Greenbrier Blvd., suggested having more discussion on the issues associated with the Capital Improvements Plan.

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

HURON HILLS BAPTIST CHURCH REVISED SITE PLAN

A public hearing was conducted on the proposed Huron Hills Baptist Church Revised Site

Plan, 9.74 acres, 3150 Glazier Way. Notice of public hearing was published December 9, 2001.

The following person appeared:

Mike Nicklowitz, project architect for this project, was available to answer questions.

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

APPLICATION OF RVP FIBER COMPANY, LLC

A public hearing was conducted on the proposed Application of RVP Fiber Company, LLC, for Telecommunications Right-of-Way Permit Agreement for use of Public Rights-of-Way in the City of Ann Arbor to Provide Telecommunications Services. Notice of public hearing was published December 7, 2001.

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

HOUSING, COMMUNITY DEVELOPMENT AND HUMAN SERVICES NEEDS FOR FY 2002-2003

A public hearing was conducted on the proposed Housing, Community Development and Human Services Needs for FY 2002-2003. Notice of public hearing was published December 13, 2001.

The following people spoke in support of funding for human services needs:

Brenda Macon, Housing Innovation Coordinator
Nail Harper, President of Religious Action for Affordable Housing
Molly Resnick, representing Safe House
Joan Chesler, Executive Director of the Corner Health Center
A number of students representing the Neutral Zone
Amy Kullenberg, Executive Director of the Ann Arbor Tenants Union
Jennie McAlpine, representing Child Care Network
Elaine McIntosh, Director of the Nurse Manage Centers
Charles Coleman, representing Dawn Farm
Doug, resident of Chapin Street
Ruth Zweifler, representing the Student Advocacy Center
Ellen Schulmeister, Director of the Shelter Association of Washtenaw County
Diane Davidson, Executive Director of the Washtenaw Housing Alliance
Gary Bell, Executive Director of SOS Community Services
Carolyn Hastings, Director of the Housing Bureau for Seniors

Jim Mogensen, 3780 Greenbrier Blvd.

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

The Mayor declared a recess at 9:50 p.m.

The Mayor called the meeting to order at 10:00 p.m.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

CONSENT AGENDA

Delete: Resolution Authorizing Water Main and Sanitary Sewer Improvement Charges to 1720 S. State Street (\$8,552.57) (Water Utilities)

Delete: Resolution to Approve First Amendment to Agreement with the Ann Arbor Area Chamber of Commerce and the Downtown Development Authority Regarding the Housing Innovation Initiative (\$13,500.00) (Community Development)

MOTIONS AND RESOLUTIONS

Move: Resolution to Award a Construction Contract to Douglas N. Higgins, Inc. and Establish a Project Budget for the Sheehan Avenue Water Main Project (Bid No. 3504, \$121,700.00) (Public Services) (**8 Votes Required**) (*Consider with R-545-12-01*)

Delete: Resolution to Approve Contract and Establish Budget for Installation of Pump Assemblies and Isolation Gates for the Wastewater Treatment Plant, Bid No. 3250 (\$108,000.00) (Water Utilities)

Move: Resolution Accepting Easement for Pedestrian Access from Robert W. and Donna J. Phillips (vacant lots on West Liberty Street) (Attorney) (**8 Votes Required**) (*Consider with R-549-12-01*)

Add: Resolution to Appoint Councilmembers Marcia Higgins and Chris Easthope to the Environmental Commission (Councilmember Carlberg)

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF NOVEMBER 26, AND DECEMBER 3 APPROVED

Councilmember Johnson moved that the working session minutes of November 26, 2001 and the regular session minutes of December 3, 2001 be approved with the following corrections being made to the November 26 and December 3 minutes:

Page 4 of the December 3 minutes:

AGENDA APPROVED WITH CHANGES

Councilmember [~~Robertson~~] **ROBINSON** moved that the agenda....

Page 1 of the November 26 minutes:

PRESENT : Councilmembers Jean Robinson, **ROBERT JOHNSON**, Michael R.

Reid...

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 NEIGHBORHOOD IMPACT STUDY PROCESS

CONSENT AGENDA ITEMS APPROVED

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

R-529-12-01 APPROVED

RESOLUTION FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH CH2M HILL FOR CONSULTING SERVICES FOR PHASES 2 AND 3 OF THE FILTER OPERATING CONTROLS PROJECT

Whereas, It is necessary to replace the operating controls for the filters at the Water Treatment Plant to provide reliability of operation;

Whereas, The current operating controls are beyond their useful life and spare parts are no longer available; and

Whereas, CH2M HILL has received Human Rights and Living Wage Ordinance approval on November 16, 2001;

RESOLVED, That the professional services agreement in the amount of \$584,334.00 to CH2M HILL be approved for Phases 2 and 3 of the filter operating controls project;

RESOLVED, That Council approve a project budget of \$644,334.00 consisting of \$584,334.00 of consulting services and \$60,000.00 for a contingency for potential change orders to be approved by the City Administrator; and

RESOLVED, That the funds be available from the Water Supply System Capital

Reserves for the life of the project until expended without regard to the fiscal year.

R-530-12-01 APPROVED

RESOLUTION TO APPROVE QUICKLIME PURCHASE FOR WATER TREATMENT WITH HURON LIME COMPANY BID NO. 3355

Whereas, The Water Treatment Division requires quicklime in daily operations;

Whereas, Beachville Lime, the primary supplier, is shut down temporarily;

Whereas, Marblehead Lime, the secondary supplier, is unable to conform to specifications;

Whereas, Huron Lime Company submitted a quote of \$70.41/ton and does meet specifications; and

Whereas, Huron Lime Company received Human Rights approval on November 27, 2001;

RESOLVED, That City Council approve a requirements purchase order for quicklime to Huron Lime Company; and

RESOLVED, That the City Administrator be directed to enter into a purchasing agreement in accordance with this resolution at a projected cost of approximately \$170,000.00 for FY 2001/02.

R-531-12-01 APPROVED

RESOLUTION TO APPROVE PAYMENT TO THE HURON RIVER WATERSHED COUNCIL FOR MIDDLE HURON RIVER INITIATIVE WORK PLAN

Whereas, On August 17, 1998 Council approved an agreement with the Huron River Watershed Council for the Middle Huron River Initiative;

Whereas, The Huron River Watershed Council requests that the City fund its fair share of Initiative from October 1, 2000 to March 31, 2003; and

Whereas, The Huron River Watershed Council received Human Rights and Ann Arbor Living Wage Ordinance 2000 approval on October 29, 2001;

RESOLVED, That Council approve payment of \$67,851.00 to the Huron River Watershed Council for the Middle Huron River Initiative; and

RESOLVED, That \$15,000.00 be paid from the current Fiscal Year 2001/2002 Stormwater operating budget and \$15,000.00 be paid from the current Fiscal Year 2001/2002 Sewage Disposal System Operating Budget and \$37,851.00 be split equally between the Stormwater and Sewage Disposal Systems FY 2002/2003 operating budgets.

R-532-12-01 APPROVED

RESOLUTION AUTHORIZING WATER MAIN, SANITARY SEWER AND STORMWATER IMPROVEMENT CHARGES TO 1125 ARLINGTON BLVD.

Whereas, The City has previously constructed water main, sanitary sewer and storm sewer improvements described as follows:

Water Main: \$6.00/front foot * 612.52 feet = \$3,675.12.00

Sanitary Sewer: Trunkline Charges: District No. 314, \$83.05/connection *2 connections = \$166.10; 8" Sanitary in Aberdeen: District No. 314, \$1,107.58/connection * 1 connection = \$1,107.58

Storm Sewer: District No. 27, \$0.023418931381/sq. ft. * 154,638 sq. ft. = \$3,621.46

GRAND TOTAL OF IMPROVEMENT CHARGES \$8,570.26; and

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

RESOLVED,

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

<u>Annexation Address:</u>	1125 Arlington Blvd
<u>City Assessor Code:</u>	09-09-34-108-020
<u>Annexation Number :</u>	A00-15
<u>Planning File No. :</u>	9341K12.1

BEG AT THE INTERSECTION OF THE C/L OF ABERDEEN DR WITH THE C/L OF ARLINGTON PLV, PRT OF NE ¼ OF SEC 34, T2S, T6E, TH N 52 DEG 23'00" E 319.99 FT; TH NELY 153.62 FT ALONG THE ARC OF A 201.66 FT RAC CURV TO THE LEFT, CH BEARS N 30 DEG 32'22" E 149.93 FT; TH S 53 DEG 59'08" E 234.11 FT; TH S 03 DEG 32'34" E 349.43 FT; TH S 86 DEG 25' 12" W 431.65 FT; TH N 23 DEG 39'56" W 20.27 FT; TH NWLY 198.91 FT ALONG TH ARC OF A 795.30 FT RAD CURV TO THE LEFT, CH BEARS N 30 DEG 49'50" W 198.39 FT TO THE POB; BEING PRT OF NE ¼ SEC 34, T3S, R6E; CONT 4.06 ACRES +/- BEING SUBJECT TO ROW OVER NELY 30 FT AND SE 30 FT OF ARLINGTON BLV AND ABERDEEN DRIVE SUBJECT TO ANY EASEMENTS OF RECORD, IF ANY. Now situated in the City of Ann Arbor.

2. That the improvement charge levied be \$8,570.26 and be designated as Utilities Improvement Charge No. 712;

3. That this improvement charge be divided into 8 equal installments; the first to be due on February 1, 2002, and the 7 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the

improvement charge to bear interest at the rate of 5.1% per annum commencing February 1, 2002.

4. That the Water Utilities Department be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and

5. That this levied improvement charge be invoiced to the owners, Dee and Vera Kapur, 9335 Huron River Drive, Ypsilanti, MI 48197, of the property known as 1125

Arlington Blvd., and be credited in the amounts of \$3,675.12 to Fund 0042-073-7151, \$1,273.68 to Fund 0043-073-7151 and \$3,621.46 to Fund 0069-073-7151.

R-533-12-01 APPROVED

RESOLUTION AUTHORIZING TRUNKLINE AND SANITARY SEWER IMPROVEMENT CHARGES TO 350 PINWOOD STREET

Whereas, The City has previously constructed trunkline and sanitary sewer improvements described as follows:

Trunkline: Dist. No. 359, \$69.66/ connection, one connection = \$69.66, Dist. No 326, \$19.39/ connection, one connection = \$19.39, West Park Relief, \$17.42/ connection, one connection = \$17.42

Sanitary Sewer Charges: Dist. No 444, File No. 86053, \$6,059.03/ connection, one connection = \$6,059.03

GRAND TOTAL OF IMPROVEMENT CHARGES \$6,165.50 ; and

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

RESOLVED,

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

<u>Annexation Address:</u>	Eagle Holdings
<u>City Assessor Code:</u>	09-08-24-405-020
<u>Annexation Number:</u>	A97-06
<u>Planning File No:</u>	8244D2.1 and .2

Lot 29 Evergreen Subdivision. Now situated in the City of Ann Arbor;

2. That the improvement charge levied be \$6,165.50 and be designated as Utilities Improvement Charge No. 692;

3. That this improvement charge be divided into 6 equal installments; the first to be

due on February 1, 2002, and the 5 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 6.5% per annum commencing February 1, 2002;

4. That the Water Utilities Department be directed to send a copy of this resolution by first class mail to the owner of the property. This resolution will be recorded in the office of the Register of Deeds of Washtenaw County, Michigan by the Water Utilities Department; and

5. That this levied improvement charge be invoiced to the owner, Eagle Holdings, of the property known as 350 Pinewood, and be credited in the amount of \$6,165.50.

R-534-12-01 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER IMPROVEMENT CHARGES
TO 342 PINWOOD STREET

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

Trunkline: Dist. No. 359, \$69.66/ connection, one connection = \$69.66, Dist. No. 326. \$19.39/ connection, one connection = \$19.39, West Park Relief, \$17.42/ connection, one connection = \$17.42.

Sanitary Sewer: Dist. No. 444, File No. 86035, \$6,059.03/ connection, one connection = \$6,095.03

GRAND TOTAL OF IMPROVEMENT CHARGES \$6,165.50 ; and

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

RESOLVED,

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

<u>Annexation Address:</u>	342 Pinewood St.
<u>City Assessor Code:</u>	09-08-24-405-017
<u>Annexation Number :</u>	A97-07
<u>Planning File No :</u>	8244C2.1 and .2

Lot 27 the Evergreens. Now situated in the City of Ann Arbor;

2. That the improvement charge levied be \$6,165.50 and be designated as Utilities Improvement Charge No. 693;

3. That this improvement charge be divided into 6 equal installments; the first to be due on February 1, 2002, and the 5 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the

improvement charge to bear interest at the rate of 6.5% per annum commencing February 1, 2002.

- 4. That the Water Utilities Department be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
- 5. That this levied improvement charge be invoiced to the owners, Thomas & Laurel Golding, of the property known as 342 Pinewood, and be credited in the amounts of \$6,0593.03 to Fund 0043-073-7151 and \$106.47 to Fund 0062-019-7151.

R-535-12-01 APPROVED

RESOLUTION AUTHORIZING WATER MAIN, AND STORMSEWER IMPROVEMENT CHARGES TO 2060 W. LIBERTY STREET

Whereas, The City has previously constructed water main and storm sewer improvements described as follows:

Water Main: Job No. A-234W; \$257.64/ connection * 9 connections = \$2,318.85

Storm Sewer: District No. 30, \$381.252/ acre * 6 acres = \$3,431.27

GRAND TOTAL OF IMPROVEMENT CHARGES \$5,750.12; and

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

RESOLVED,

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

<u>Annexation Address:</u>	2060 W. Liberty St.
<u>City Assessor Code:</u>	09-09-30-309-009
<u>Annexation Number :</u>	A00-10
<u>Planning File No :</u>	9303N14.1, .2 and .4

COM AT THE CENTER OF SEC 30, T2S, R6E; TH W 811.14 FT; THE S 00 DEG 25'00" E 1347.37 FT FOR A POB; TH N 00 DEG 25'00" W 389.24 FT; TH S 76 DEG 42'00" W 32.50 FT; TH 166.75 FT ALONG TH ARC OF A CURV RIGHT, RAD 510 FT, CH BEARS S 86 DEG 04'00" W 166.01 FT; TH

N 84 DEG 34'00" W 162 FT; TH 133.45 FT ALONG THE ARC OF A 232.40 FT RAD CURV, CH BEARS S 78 DEG 59'00" W 131.62 FT; TH 62.25 FT ALONG THE ARC OF A 52.96 FT RAD CURV LEFT, CH BEARS S 28 DEG 51'30"W 58.73 FT; TH S 04 DEG 49'00" E 432.75 FT; TH N 75 DEG 48'00" E 497.76 FT ALONG C/L OF LIBERTY ST TO THE POB. BEING PRT OF THE SW ¼ OF SAID SEC 30 AND CONT 5.055 ACRES OF LAND +/-, SUBJECT TO ROW OVER SLY 33 FT, ALSO SUBJECT TO EASEMENTS OR RESTRICTIONS OF RECORD. Now situated in the City of Ann Arbor;

- 2. That the improvement charge levied be \$5,750.12 and be designated as Utilities Improvement Charge No. 710;
- 3. That this improvement charge be divided into 5 equal installments; the first installment to be due on February 1, 2002, and the 4 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 6.1% per annum commencing February 1, 2002;
- 4. That the Water Utilities Department be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
- 5. That this levied improvement charge be invoiced to the owners, Doug Ziesemer and Lauren Zahn, 576 Glendale Circle, Ann Arbor, MI 48103 for the property known as 2060 W. Liberty Street and be credited in the amounts of \$2,318.85 to Fund 0042-073-7151 and \$3,431.27 to Fund 0069-073-7151.

R-536-12-01 APPROVED

RESOLUTION AUTHORIZING WATER MAIN IMPROVEMENT CHARGES TO 3905 STONE SCHOOL ROAD

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

Parcel ID 12-10-360-017 (3985 Stone School Road)

16" Water Main in Ellsworth Road: District No. A-358W, \$5.4262/ assessable foot x 317 assessable feet = \$1,720.11

16" Water Main in Stone School Road: District No. A-408W, \$6.3060/ assessable foot x 317 assessable feet = \$1999.01

Parcel ID 12-10-360-016 (Vacant Parcel)

16" Water Main in Stone School Road: District No. A-408W, \$6.3060/
 assessable foot x 304.22 assessable feet = \$1,918.41

GRAND TOTAL OF IMPROVEMENT CHARGES \$5,637.53; and

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

RESOLVED,

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

<u>Annexation Address:</u>	3905 Stone School Rd.
<u>City Assessor Code:</u>	09-12-10-304-020
<u>Annexation Number :</u>	A00-03
<u>Planning File No :</u>	12103A1.1 and .2

COM AT THE SW COR OF SEC 10, T3S, R6E: TH N 0 DEG 53'05" W 500 FT TO THE POB; TH CONT N 0 DEG 53'05" W 304.22; TH N 87 DEG 54'55" E 572.96 FT; TH S 0 DEG 53' 05" E 504.22 FT; TH S 87 DEG 54'55" W 222.96 FT; TH N 0 DEG 53'05" W 200 FT; TH S 87 DEG 54'55" W 350 FT TO THE POB; BEING PRT OF SW ¼ SEC 10' T3S, R6E. Now situated in the City of Ann Arbor;

2. That the improvement charge levied be \$5,637.53 and be designated as Utilities Improvement Charge No. 707;

3. That this improvement charge be divided into 5 equal installments; the first to be due on February 1, 2002 and the 4 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 6.2% per annum commencing February 1, 2002;

4. That the Water Utilities Department be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and

5. That this levied improvement charge be invoiced to the owners, Eugenuis ABC and Rosa Gan Chiong Ang, of the property known as 3905 Stone School Road, and

be credited in the amount of \$5,637.53 to Fund 0042-073-7151.

R-537-12-01 APPROVED

RESOLUTION AUTHORIZING WATER MAIN, SANITARY SEWER AND
STORMWATER IMPROVEMENT CHARGES TO 6 RIDGEMORE DRIVE

Whereas, The City has previously constructed water main, sanitary sewer and storm sewer improvements described as follows:

Water main: \$6.00/front foot * 171.49 front feet = \$1,028.94

Sanitary Sewer: Dist. No. 327, \$426.58/acre * 1.78 acres = \$759.31

Storm Sewer: Dist. No. 19, \$1,314.70/acre * 1.78 acres = \$2,340.17

GRAND TOTAL OF IMPROVEMENT CHARGES \$4,128.42; and

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

RESOLVED,

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

<u>Annexation Address:</u>	6 Ridgemor Drive
<u>City Assessor Code:</u>	09-30-420-024
<u>Annexation Number :</u>	A99-11
<u>Planning File No .:</u>	9304N7.1 and .2

COM AT THE NW COR OF "EBER WHITE FIRST ADDITION"; TH S 75 DEG 28' 00" W 731.43 FT; TH S 00 DEG 05'00" W 225.77 FT FOR A POB; TH S 80 DEG 35' 21" E 197.55 FT; TH S 25 DEG 55' 00" W 27.75 FT; TH 43.35 FT ALONG THE ARC OF A 122.66 FT RAD CURV TO THE LEFT, CH BEARS S 15 DEG 47' 26" W 43.13 FT; TH N 83 DEG 33' 14" W 171.80 FT' TH N 00 DEG 05'00" E 80.37 FT TO THE POB; BEING PRT OF SE ¼ OF SEC 30, T2S, R63 OF ANN ARBOR TWP., SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. Now situated in the City of Ann Arbor;

2. That the improvement charge levied be \$4,128.42 and be designated as Utilities Improvement Charge No. 694;

3. That this improvement charge be divided into 4 equal installments; the first to be due on February 1, 2002, and the 3 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 5.5% per annum commencing February 1, 2002;

4. That the Water Utilities Department be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and

5. That this levied improvement charge be invoiced to the owners, David Gregorka and Joan Morrell, of the property known as 6 Ridgemor Drive, and be credited in the amounts of \$1,028.94 to Fund 0042-073-7151, \$759.31 to Fund 0043-073-7151 and \$2,234.17 to Fund 0069-073-7151.

R-538-12-01 APPROVED

RESOLUTION AUTHORIZING WATER MAIN AND SANITARY SEWER IMPROVEMENT CHARGES TO 2025 S. STATE STREET

Whereas, The City has previously constructed water main and sanitary sewer improvements described as follows:

Water Main: Dist. No. 83043, File No. 83043, Job No. 0837 \$46.20/ front foot * 55.44 front feet = \$2,561.33

Sanitary Sewer: Dist. No. 405, Job No. 3683, \$243.47/Ac.*0.69 Ac=\$167.99

GRAND TOTAL OF IMPROVEMENT CHARGES \$2,729.32 ; and

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

RESOLVED,

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

<u>Annexation Address:</u>	2025 S. State Street
<u>City Assessor Code:</u>	09-12-04-200-041
<u>Annexation Number :</u>	A97-14
<u>Planning File No :</u>	12042X1.1 and .2

Now situated in the City of Ann Arbor. COM NW COR SEC 4, T3S, R6E, TH S 89 DEG 25 MIN 0 SEC E 97.26 FT FOR POB, TH CONT S 89 DEG 25 MIN 0 SEC E 108.40 FT, TH S 20 DEG 48 MIN 30 SEC E 160.02 FT, TH N 89 DEG 25 MIN 0 SEC W 336.93 FT, TH N 6 DEG 59 MIN 30 SEC W 55.44 FT, TH S 89 DEG 25 MIN 0 SEC E 175 FT, TH N 2 DEG 1 MIN 30 SEC E 94.08 FT TO POB, BEIN PRT OF NW ¼ OF SEC 4 AND PRT

OF NEW ¼ OF SEC 5, T3S, R6E, CONTAINING .69 AC +/- SUBJECT TO ANY EASEMENTS;

2. That the improvement charge levied be \$2,729.32 and be designated as Utilities Improvement Charge No. 690;

3. That this improvement charge be divided into 3 equal installments; the first to be

due on February 1, 2002, and the 2 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 7.10% per annum commencing February 1, 2002;

4. That the Water Utilities Department be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and
5. That this levied improvement charge be invoiced to the owners, State Street Enterprises, L.L.C., 39577 Woodward Avenue, Suite 210, Bloomfield Hills, MI 48304-2839 of the property known as 2025 S. State Street, and be credited in the amounts of \$2,561.33 to Fund 0042-073-7151 and \$167.99 to Fund 0043-073-7151.

R-539-12-01 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER AND IMPROVEMENT
CHARGES TO 4040 E. HURON RIVER DRIVE

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

Sanitary Sewer: Non District Job # 1716, \$4.72/ front foot of sewer x 50 front feet = \$236.00; \$147.22/ acre if residential development x 4.282 acres = \$630.40

GRAND TOTAL OF IMPROVEMENT CHARGES \$866.40; and

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

RESOLVED,

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

<u>Annexation Address:</u>	4040 East Huron River Drive
<u>City Assessor Code:</u>	09-09-36-300-001
<u>Annexation Number :</u>	A99-21
<u>Planning File No :</u>	9363R1.1 and .2

A PARCEL OF LAND LOCATED IN THE SW ¼ OF SEC 36, T2S, R6E, DESCRIBED AS ; COM AT SW COR OF SAID SEC 36; TH N 01 DEG 15'25" w 1342.32 FT ALONG WLINE OF SEC TO THE POB; TH N 01 DEG 25'25"W 849.43 FT; TH S 80 DEG 02'40" E 422.11 FT; TH S 35 DEG 54'20" W 51.94 FT; TH S 52 DEG 54'20" W 151 FT; TH 314.81 FT ALONG TH ARC OF A 218.70 RAD CURV TO THE LEFT, CH BEARS S 11 DEG 59'35" W 296.46 FT; TH S 88 DEG 34'5 W 65.29 FT TO THE POB. CONT 4.29 ACRES +/- SUBJECT TO THE PUBLIC ROW OVER THE ELY 33 FT AND ANY RECORD EASEMENTS OF RECORD IF ANY. Now situated in the City of Ann Arbor;

2. That the improvement charge levied be \$866.40 and be designated as Utilities Improvement Charge No. 698;

3. That this improvement charge be divided into 2 equal installments; the first to be due on February 1, 1002, and the subsequent installment to be due on February 1 2003, with the deferred installment of the improvement charge to bear interest at the rate of 6.6% per annum commencing February 1, 2002;

4. That the Water Utilities Department be directed to send a copy of this resolution by first class mail to the owner of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and

5. That this levied improvement charge be invoiced to the owners, Robert and Freda Delosh, of the property known as 4040 E. Huron River Drive, and be credited in the amount of \$866.40 to Fund 0043-073-7151.

R-540-12-01 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES OUTSIDE CITY LIMITS TO 871 NORTH MAPLE ROAD

Whereas, On November 30, 2001, the owner of the property at 871 N. Maple Road requested that the City extend public water and sewer service to his property in Scio Township prior to the completion of the annexation process;

Whereas, The owner desires 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 September 7, 2001 the owner petitioned the City for annexation under Planning Department file number 8244L23.1 and 8244L23.2;

RESOLVED, That the Water Utilities Department 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 Water Utilities Department be directed to send a copy of this resolution by first class mail to the above property owner; 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 owner.

R-541-12-01 APPROVED

RESOLUTION TO PLACE DELINQUENT CHARGES FOR SIDEWALK
SNOW AND ICE REMOVAL CHARGES ON THE JULY 2002 TAX ROLL

Whereas, There are delinquent charges owed to the Public Services Department for sidewalk snow and ice removal as shown on "Appendix A" (on file in the City Clerk's Office); and

Whereas, Notice has been given by certified mail to the owner of the premises of the total amount due as required by City Code;

RESOLVED, That such charges, if unpaid as of May 17, 2002, be levied as a special assessment against the property, together with an additional penalty charge of 10% of the total unpaid, as provided in Section 1:292 of the City Code, and that the City Assessor place the same on the next tax roll of the City and that such charges be collected in the same manner as general City taxes; and

RESOLVED, That the funds collected be reimbursed to the Public Services Department Local Street Fund.

R-542-12-01 APPROVED

RESOLUTION TO APPROVE PURCHASE OF ONE PRODUCTION TRUCK,
GERLING AND ASSOCIATES, INC.

Whereas, Community Television Network Division needs to purchase a vehicle for the City's fleet;

Whereas, The purchase of this vehicle will allow for the on-location production of programming, and increase our local presence while better serving the community at large, a primary goal of Community Television Network;

Whereas, Gerling and Associates, Inc. was the lowest responsible bidder, for a total of \$83,000.00; and

Whereas, Gerling and Associates, Inc. received Human Rights approval on December 13, 2001;

RESOLVED, That the City Council approve the issuance of a purchase order to Gerling and Associates, Inc. for the purchase of one 1998 Ford E450 Diesel / 2000 Gerling

15' Nomad Rack-Ready Electronic Field Production truck for the amount of \$83,000.00 from the Production/Capital Equipment Fund.

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

TABLED

RESOLUTION TO APPROVE NEIGHBORHOOD IMPACT STUDY PROCESS

Whereas, In June 2000, as part of the resolution approving funding for the shelters, City Council approved language stating that the City will work with the Washtenaw Housing Alliance, Neighborhood Advisory Council, Downtown Development Association (DDA) and interested stakeholders to do an impact study focusing on the neighborhood's viability and the social services performed in the neighborhood;

Whereas, Since September 2000, meetings have been held to solicit input about what should be included in a Neighborhood Impact Study;

Whereas, the Neighborhood Impact Study Group and City staff have agreed upon the scope of the study, the area, the data, the timelines and the oversight; and

Whereas, The amount of \$34,500.00 of General Funds was allocated in the Community Development FY 2001-02 Budget for the study and these funds should be carried forward in the budget until expended;

RESOLVED, That City Council approve the concepts identified in the memo relating to the Neighborhood Impact Study scope, study area, data, timelines and oversight (on file in the City Clerk's Office); and

RESOLVED, That the \$34,500.00 of General Funds allocated in the Community Development FY 2001-02 Budget for the study be carried forward in the budget until expended without regard to fiscal year.

Councilmember Herrell moved that the resolution be adopted.

Councilmember Herrell moved that the resolution be tabled to get a better description of the study's purpose.

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 Easthope moved that the ordinance be postponed until January 22, 2002 regular session of Council to organize a meeting with some of the association directors, Administrator Ron Olson and Susan Pollay for further discussion regarding the permits on January 11, 2001.

On a voice vote the Mayor declared the motion carried.

52-01 APPROVED

AMVEST ZONING

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

This ordinance would change the zoning of 1.12 acres, located at 2058 South State Street, from TWP (Township District) to O (Office District). (The complete text of Ordinance No. 52-01 is on file in the City Clerk's Office).

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

On a voice vote the Mayor declared the motion carried.

53-01 APPROVED

JEFFERSON COURT 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 0.98 acre, located at 2½ Jefferson Court, from R2A (Two-Family Dwelling District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance No. 53-01 is on file in the City Clerk's Office).

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

On a voice vote the Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

R-543-12-01 APPROVED

RESOLUTION TO APPROVE FY 2003-2008 CAPITAL IMPROVEMENTS PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed FY 2003-2008 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 FY 2003-2008 Capital Improvements Plan, which was prepared through a CIP Review Subcommittee 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 November 20, 2001; and

Whereas, The Ann Arbor City Planning Commission adopted the Capital Improvements Plan at its meeting of November 20, 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 FY 2003-2008 Capital Improvements Plan.

Councilmember Woods moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-544-12-01 APPROVED

RESOLUTION TO APPROVE HURON HILLS BAPTIST CHURCH
REVISED SITE PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Huron Hills Baptist Church Revised Site Plan, 9.74 acres, 350 Glazier Way.

Whereas, Huron Hills Baptist Church has requested revised site plan approval in order to construct a classroom addition, housing six classrooms, to the existing church at 3150 Glazier Way, as well as an enclosure of the northern entrance and coverage of the new concrete walk and entry at the southern entrance;

Whereas, The Ann Arbor City Planning Commission, December 4, 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 Huron Hills Baptist Church Revised Site Plan.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-545-12-01 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO DOUGLAS N. HIGGINS, INC., AND ESTABLISH A PROJECT BUDGET FOR THE WEST LIBERTY STREET WATER MAIN REPLACEMENT PROJECT BID NO. 3509

Whereas, It has been found necessary to replace the corroded water main in West Liberty Street between Stadium Boulevard and Virginia Avenue prior to the West Liberty Street Reconstruction Project;

Whereas, City Council approved resolution R-487-11-01 on November 8, 2001 authorizing the design of this project;

Whereas, Competitive bids were received by the Purchasing Division on December 7, 2001 and Douglas N. Higgins, Inc. of Ann Arbor, Michigan was the lowest responsible bidder at \$417,078.00;

Whereas, The contractual proposal sets forth the services to be performed by said company, and the payments to be made by the City therefore, all of which are agreeable to the City;

Whereas, It is now necessary to enter into a Contract with said company for said construction project; and

Whereas, Douglas N. Higgins, Inc. received Human Rights approval on November 27, 2001 and complies with the living wage ordinance;

RESOLVED, That a contract in the amount of \$417,078.00 be awarded to Douglas N. Higgins, Inc. for the construction of West Liberty Street Water Main Replacement Project (Bid No. 3509);

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

RESOLVED, That the following project budget be adopted and funds appropriated for the life of the project, to be available until expended without regard to fiscal year:

Section I – Revenue

\$ 642,500.00	Water Supply System Operating Fund Balance (pending the sale of appropriate bonds)
\$ 642,500.00	TOTAL

Section II - Expenses

\$ 417,500.00	Construction Contract
50,000.00	Design Engineering
62,500.00	Construction Engineering
21,000.00	Consulting and Testing
21,000.00	Miscellaneous Costs (city vehicles, materials, supplies, etc.)
42,000.00	Contingencies approved by the Administrator
28,500.00	Bond User Fee/Overhead Charge
\$ 642,500.00	TOTAL; and

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

Councilmember Woods moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-546-12-01 APPROVED

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO
DOUGLAS N. HIGGINS, INC. AND ESTABLISH A PROJECT BUDGET
FOR THE SHEEHAN AVENUE WATER MAIN PROJECT
BID NO. 3504

Whereas, The 2002-2007 Capital Improvements Plan contains project number UT-WS-02-29, the Sheehan Avenue Water Main Project, which provides for the construction of a new water main in Sheehan Avenue in fiscal year 2001/2002;

Whereas, On September 20, 2001, Council approved Resolution R-394-9-01 which established a design budget in the amount of \$15,000.00 for the Sheehan Avenue Water Main Project;

Whereas, Competitive bids for construction of the Project were received by the Purchasing Division on November 21, 2001 and Douglas N. Higgins, Inc. was the lowest responsible bidder at \$75,300.00; and

Whereas, Douglas N. Higgins received human rights approval on November 27, 2001 and complied with the Living Wage Ordinance;

RESOLVED, That a contract in the amount of \$75,300.00 be awarded to Douglas N. Higgins, Inc. for the construction of the Sheehan Avenue Water Main Project (Bid No. 3504);

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

RESOLVED, That City Council adopt the following budget for the life of the project to be available until expended without regard to fiscal year:

Section I, Revenue

\$121,700.00 Advanced from the Water Supply System Fund pending
the sale of the appropriate Water Revenue Bonds.

\$121,700.00 TOTAL

Section II, Expense

\$ 75,300.00 Construction

R-548-12-01 APPROVED

RESOLUTION TO APPROVE CONTRACT AND ESTABLISH BUDGET FOR
INSTALLATION OF PUMP ASSEMBLIES AND ISOLATION GATES FOR THE
WASTEWATER TREATMENT PLANT, BID NO. 3250

Whereas, The City’s Wastewater Treatment Plant (WWTP) needs to replace the assemblies for three failed screw pumps;

Whereas, The replacement of the pump assemblies will eliminate the risk of sewage overflow to the Huron River and provide adequate pumping capacity into the WWTP;

Whereas, Bids to install three pump assemblies and isolation gates were solicited through Bid No. 3250, and of the three bids received by the City’s Purchasing Division, Schaedler Enterprises, Inc. submitted the lowest responsible bid; and

Whereas, On December 5, 2001, the Human Resources Department approved Schaedler Enterprises, Inc. to perform work for the City and Schaedler Enterprises, Inc. has signed the City’s “Notice of Intent to Comply with Living Wage Ordinance”;

RESOLVED, That Council approve a total project budget of \$108,000.00 to be available until expended without regard to fiscal year, including \$94,000.00 for the contract with Schaedler Enterprises, Inc. and a contingency of \$14,000.00 to finance change orders to be approved by the City Administrator; and

RESOLVED, That the project be funded from the unobligated fund balance of the Sewage Disposal System Operating Fund with reimbursement, if necessary, from proceeds of revenue bond sales by the Water Utilities Department.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-549-12-01 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PEDESTRIAN ACCESS FROM
MICHIGAN ABILITY PARTNERS (2815, 2817, 2837 AND 2839 BURTON ROAD)

Whereas, Michigan Ability Partners, a Michigan non-profit 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 3982, Page 532 dated December 4, 2000; and

Whereas, A Resolution of the Board of Directors of Michigan Ability Partners, a Michigan non-profit corporation, authorized the delivery of an easement to the City for a pedestrian access over land located on the east side of Burton Road, to run with the land and burden the respective property perpetually, being more particularly described as follows:

The W 12.00 feet of Lot 12, Assessor's Plat Number 1, as recorded in Liber 9 of Plats, Page 49, Washtenaw County Records, Michigan, being more particularly described as:

Commencing at the SW corner of Lot 10, Assessor's Plat Number 1, as recorded in Liber 9 of Plats, Page 49, Washtenaw County Records, Michigan; thence N00° 59' 40" E 310.80 feet along the W line of said Lot 10 to the SW corner of Lot 11, Assessor's Plat Number 1; thence N00° 56' 40" E 129.00 feet along the W line of said Lot 11 to the PLACE OF BEGINNING; thence continuing N00° 56' 40" E 129.00 feet along the W line of Lot 12; thence S89° 01' 26" E 12.00 feet along the N line of said Lot 12; thence S00° 56' 40" W 129.00 feet; thence N89° 01' 26" W 12.00 feet to the PLACE OF BEGINNING.

Also known as 2815, 2817, 2837 AND 2839 Burton Road;

RESOLVED, That said easement be hereby accepted.

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-550-12-01 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PEDESTRIAN ACCESS FROM ROBERT W. AND DONNA J. PHILLIPS (VACANT LOTS ON WEST LIBERTY STREET)

Whereas, Robert W. and Donna J. Phillips, Husband and Wife, are the fee simple owners of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3024, Page 84, dated September 2,

1994; and

Whereas, Robert W. and Donna J. Phillips, Husband and Wife, have delivered an easement to the City for a pedestrian access over land located on the south side of West Liberty Street, to run with the land and burden the respective property perpetually, being more particularly described as follows:

Beginning at the NE corner of Lot 6 of West Liberty Heights, located in the SE 1/4 of Section 25, T3S, R5E, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 6 of Plats, Page 16, Washtenaw County Records,

thence S 02°01'55" E 9.96 feet along the East line of said Lot 6;
thence S 82°25'11" W 58.45 feet to the North line of Lot 7 of said West Liberty Heights and the Southerly right-of-way line of Liberty Street (variable width);
thence N 72°56'43" E 60.23 feet along the North line of Lots 6 and 7 of said West Liberty Heights and the Southerly right-of-way line of said Liberty Street to the POINT OF BEGINNING. Being a part of Lots 6 and 7 of said West Liberty Heights, containing 289.74 square feet or 0.0067 acres of land, more or less. Being subject to easements and restrictions of record, if any.

RESOLVED, That said easement be hereby accepted.

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-551-12-01 APPROVED

RESOLUTION TO APPROVE PERMIT AGREEMENT #2001-1 FOR RVP FIBER COMPANY, LLC, TO USE PUBLIC RIGHTS-OF-WAY TO PROVIDE TELECOMMUNICATION SERVICES

Whereas, RVP Fiber Company, LLC, has applied for a permit to install and operate telecommunications facilities in public rights-of-way in the City of Ann Arbor; and

Whereas, The application of RVP Fiber Company, LLC, for this permit was reviewed and recommended for approval by staff in the Building Department, Public Services Department and City Attorney's Office;

RESOLVED, That City Council approve and authorize the Mayor and City Clerk to execute Telecommunications Permit Agreement #2001-1 for RVP Fiber Company, LLC, to use public rights-of-way in the City to provide telecommunication services substantially in the form on file in the City Clerk's Office for a term which ends December 31, 2011.

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-552-12-01 APPROVED

RESOLUTION TO ACCEPT \$127,902.00 IN GRANT FUNDS FROM WASHTENAW COUNTY FOR THE DOMESTIC VIOLENCE JUDICIAL OVERSIGHT DEMONSTRATION INITIATIVE AND TO ENTER INTO A CONTRACT WITH WASHTENAW COUNTY FOR PURPOSES OF ADMINISTERING THIS GRANT

Whereas, The Washtenaw County Prosecutor, working in conjunction with the Domestic Violence Project/SAFE House, 14A, 14B, and 15th District Courts, the Ann Arbor Police Department, Washtenaw County Sheriff’s Department and other law enforcement agencies, applied for a grant to engage in uniform and consistent responses to incidents of domestic violence in Washtenaw County;

Whereas, Washtenaw County was awarded a grant for this purpose;

Whereas, A portion of the grant is intended to fund a Community Services Assistant in the Ann Arbor Police Department (\$54,756) and a second amount to fund an intensive supervision Probation Officer in 15th District Court (\$73,146) for the purposes of allowing more focused resources, by both entities, in cases involving domestic assaults; and

Whereas, The contract period is April 1, 2001 through May 31, 2002 and represents portions of two consecutive fiscal years;

RESOLVED, That the City Council accept this grant award in a form acceptable to the City Attorney;

RESOLVED, That the City Administrator or his designee be authorized to take all necessary administrative action to implement these provisions and appropriate the funds for the life of the grant; and

RESOLVED, That the Mayor and City Clerk be authorized to execute each of the above referenced contracts on behalf of the City of Ann Arbor after approval as to form by the City Attorney and approval as to substance by the Interim City Administrator.

Councilmember Robinson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-553-12-01 APPROVED

RESOLUTION TO EXTEND LEASE AGREEMENT WITH DAHLMANN APARTMENTS, LTD. FOR SPACE FOR DISTRICT COURT STORAGE

Whereas, The City of Ann Arbor currently leases space in the City Center Building from Dahlmann Apartments Ltd. for storage of 15th District Court records and files; and

Whereas, Dahlmann Apartments, Ltd. has proposed modifications to extend the lease term to February 28, 2002 with a change in lease payments from \$865.00 to \$900.00 per month;

RESOLVED, That City Council approve the proposed extension to the lease for space in the City Center Building for 15th District Court records and files, and that the Mayor and City Clerk be authorized to sign the agreement substantially corresponding to that on file with the City Clerk.

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-554-12-01 APPROVED

RESOLUTION TO APPOINT COUNCILMEMBERS MARCIA HIGGINS AND CHRIS EASTHOPE TO THE ENVIRONMENTAL COMMISSION

RESOLVED, That Councilmembers Marcia Higgins and Chris Easthope be appointed to the Environmental Commission to serve until November 2002.

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

APPOINTMENTS APPROVED

Mayor Heitje recommended the following appointments at the December 3, 2001 regular session of Council:

Market Commission

Thomas Rumble (Fill a vacancy as Daily Grower Representative)
774 Jennings Road
Term: January 1, 2002 – December 31, 2004

Luis Vazquez (Fill a vacancy)
1442 Pontiac Trail
Ann Arbor, MI 48105
Term: January 2, 2002 – December 31, 2004

Individual Historic Properties Historic District Study Committee

Kristi Gilbert (Fill vacancy due to resignation of Megan Laitala)
307 W. William
Ann Arbor, MI 48103
Term: December 17, 2001 – May 1, 2003

Councilmember Hartwell 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 Ron Olson submitted the following reports for information of Council:

1. COPE Proposal in SE Area Park – Parks and Recreation
2. Status of Health and Safety Program in Water Utilities Department – Water Utilities

3. Brownfield Redevelopment Plan – Quarterly Status Report – Public Services
(Reports on file in the City Clerk's Office)

COMMUNICATIONS FROM THE CITY ATTORNEY

REPORT ON COMPLETED ANNEXATIONS

City Attorney Abigail Elias submitted reports on the following completed annexations:

1. Roebuck property, 0.22 acre, located on the southeast corner of Kingwood Street and Barber Avenue, from Scio Township.
2. Amvest property, 1.12 acres, located at 2058 South State Street, from Pittsfield Township.

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

COMMUNICATIONS FROM COUNCIL

None.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Peggy M. Haines, Washtenaw County Clerk/Register of Deeds – 2001 Apportionment Report – Finance.
2. "What's Happening in Washtenaw County" – Nancy Thelen, County Extension Director – Michigan State University Extension – File.

The following minutes were received for file:

1. Downtown Development Authority – November 7, 2001
2. Housing Policy Board – December 6, 2001
3. Ann Arbor Housing Commission Special Meeting – October 9, 2001, Regular Board Meeting October 17, 2001, Special Meeting November 2, 2001
4. Ann Arbor Energy Commission – November 8, 2001
5. Zoning Board of Appeals – September 20, 2001
6. Community Development Block Grant Citizen Participation Executive Committee – October 8, 2001

Councilmember Herrell 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 Herrell 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, Easthope, Woods, Mayor Hieftje, 10;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 10:13 p.m.

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

On a voice vote the Mayor declared the motion carried and the meeting reconvened at 11:10 p.m.

ADJOURNMENT

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

On a voice vote the Mayor declared the motion carried and the meeting adjourned at 11:10 p.m.

Yvonne Carl
Interim Clerk of the Council

Anissa R. King
Recording Secretary