

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - MONDAY, AUGUST 19, 2002**

The regular session of the Ann Arbor City Council was called to order at 7:36 p.m. in the City Hall Council Chamber by Mayor John Hieftje.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT: Councilmembers Jean Robinson, Robert M. Johnson, Joseph Upton, Michael R. Reid, Jean Carlberg, Heidi Cowing Herrell, Stephen C. Hartwell, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT: 0.

INTRODUCTIONS

PRESENTATION OF ARTWORK FROM THE KING'S CHOSEN ART FAIR BY JOHANNA ASGTALOS TO THE CITY OF ANN ARBOR

Mayor Hieftje accepted \$3,500.00 worth of artwork on behalf of the City, from Johanna Agstalos. The King's Chosen Art Fair gives art to the City of Ann Arbor each year. The artwork will be distributed throughout City Hall departments.

CITY LIVABILITY AWARDS

The United States Conference of Mayors 2002 City Livability Award was presented to the Solid Waste Department by Mayor Hieftje. The City of Ann Arbor School Recycling Program has conserved over a quarter million pounds of paper. The City works with the Ann Arbor Public Schools to educate them on recycling. The recyclables translate into a savings of over 10,860 trees worth of paper, 700,000 gallons of water, 37,500 gallons of oil as well as reducing pollution and conserving energy between September and December of 2001.

PUBLIC COMMENTARY - RESERVED TIME**DIVEST FROM ISRAEL**

The following people spoke to Council regarding the situation in Palestine:

Blaine Coleman, resident of Ann Arbor
Henry Herskovitz, 404 Mark Hannah Place
Alan Haber, 531 Third.

AFSCME LOCAL 369

The following people spoke in support of renewing AFSCME Local 369's contract:

Don Ratliff, 2311 Shelby, President of the AFSCME Local 369.
Richard Cronn, Ann Arbor resident and a member of AFSCME Local 369.
Nancy Sylvester, 6815 Park Road, member of AFSCME Local 369.

STEVEN RAPUNDALO – PARKS MILLAGE

Steven Rapundalo, 3106 Bluett spoke in support of the Park Maintenance and Repair Millage.

ERIC LIPSON – TRAFFIC CALMING

Eric Lipson, 1318 Rosewood spoke in support of revising the Traffic Calming Resolution.

PUBLIC HEARINGS**FERENCZY ZONING (ORDINANCE NO. 30-02)**

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 0.34 acre from TWP (Township District) to R1D (Single-Family Dwelling District), Ferenczy property, Ferry and Porter Streets (Lots 31 and 37, Westover Hills Subdivision). Notice of public hearing was published August 4, 2002.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

INTRODUCTIONS

Add: City Livability Awards – Mayor Hieftje

CONSENT AGENDA

Revise: Resolution to Approve Contract with Bodman, Longley & Dahling, LLP, for Legal Services Representing the City Relative to a Michigan Department of Environmental Quality Administrative Hearing Entitled *In Re Petitions On Modified Permits Issued To Pall Life Sciences, Inc.; NPDES Permit MI-0048453* and Relative to a Related Circuit Court Lawsuit Entitled *Pall Life Sciences, Inc. VS. City of Ann Arbor, Et Al., 02-881-CF* (\$32,500.00) (Attorney – Abigail Elias, City Attorney)

Move: Resolution to Approve a Purchase Order with International Business Machines (IBM) for the Operating System Software Lease and Hardware Maintenance of the Mainframe Computing System (MCS) for Fiscal Year 2002-2003 (\$110,250.00) (Information Services – Steven Hampton, Director) (*Consider at the end of the Consent Agenda*)

MOTIONS AND RESOLUTIONS

Revise: Resolution to Place Park Maintenance and Repair Millage Proposition on the November 5, 2002 Election Ballot (Parks and Recreation – Ronald Olson, Superintendent) (7 Votes Required) (*Postponed 8/5/02*)

Add & Revise: Resolution to Establish a Policy Regarding the Park Repair and Restoration Millage and to Establish Municipal Service Charge Allocation Guidelines for the Parkland Acquisition Millage and Park Rehabilitation and Development Millage (Mayor Hieftje, Councilmember Johnson) (*Consider with D-1*)

Move: Resolution to Approve the Appointment of Michael J. Gatti as Magistrate of 15th Judicial District Court (15th District Court – Keith Zeisloft, Court Administrator) (*Move to beginning of Motions and Resolutions*)

Revise: Resolution Regarding Traffic Calming on Rosewood Street and Georgetown Boulevard (~~Public Services~~ **Mayor Hieftje, Councilmembers Reid, Upton**) (Correct Sponsor; Attachment "A" distributed 8/16/02; Revised Memo & Resolution distributed 8/19/02)

Add: Resolution to Appoint Local Development Finance Authority Board (Councilmembers Higgins, Woods)

Add: Resolution to Develop a City-Wide Flood Mitigation Plan (Councilmembers Higgins, Easthope)

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF AUGUST 5, 2002 APPROVED

Councilmember Robinson moved that the regular session minutes of August 5, 2002 be approved with minor changes.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

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

Resolution to Approve a Purchase Order International Business Machines (IBM) for the Operating System Software Lease and Hardware Maintenance of the Mainframe Computing System (MCS) for Fiscal Year 2002-2003 (\$110,250.00) (Information Services – Steven Hampton, Director)

CONSENT AGENDA ITEMS APPROVED

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

R-359-8-02 APPROVED

RESOLUTION TO APPROVE THE REMOVAL OF THE FEDERAL SURPLUS PROPERTY PROGRAM DESIGNATING A COORDINATOR AS SURPLUS PROPERTY DONEE AND CUSTODIAN

Whereas, The Fire Department and the City of Ann Arbor desire to renew the Federal Surplus Property Program designating a Coordinator as Surplus Property Donee and Custodian; and

Whereas, It is a requirement that a resolution be adopted by the governing body specifically designating a coordinator as Surplus Property Donee and Custodian, to be responsible for the acceptance and accountability and authorized to sign for surplus property;

RESOLVED, That the City Council for the City of Ann Arbor of the State of Michigan, hereby designates Assistant Chief Michael Skrypec as the person responsible for accepting Federal Surplus Property, with the power and full authority to sign for such surplus property,

RESOLVED, The coordinator named above is to be held responsible for the accountability and will maintain the necessary records for all surplus property obtained for public purposes until relieved from accountability by State and or Federal authorities,

RESOLVED, That money is available to pay service charges for surplus property obtained,

RESOLVED, The coordinator named above is further hereby authorized to direct payment of service charges for surplus property to complete all transactions, and

RESOLVED, That all provisions of this contract are subject to the Charter and Code of the City of Ann Arbor.

R-360-8-02 APPROVED

RESOLUTION TO APPROVE PURCHASE OF ELGIN STREET SWEEPER FROM BELL EQUIPMENT COMPANY

Whereas, The Fleet Services Division needs to purchase a replacement Elgin street sweeper for the City's fleet;

Whereas, Bell Equipment Company is the sole regional Elgin dealer and its quote of \$105,844 is a 2% per year price increase over a similar unit purchase in September 2000;

Whereas, It is in the City's best interest to continue to standardize street cleaning equipment; and

Whereas, Bell Equipment Company received Human Rights approval on February 6, 2002;

RESOLVED, The City Council approve the issuance of a purchase order to Bell Equipment Company for the purchase of one 2002 Elgin Pelican "P" series street sweeper in the amount of \$105,844.00 from 2002-03 budgeted Motor Equipment Funds.

R-361-8-02 APPROVED

RESOLUTION TO ACCEPT ROAD CERTIFICATION FROM WASHTENAW COUNTY ROAD COMMISSION

Whereas, On May 7, 2002, the Board of Road Commissioners of Washtenaw County approved a resolution relinquishing certification of the following roads: Dhu Varren Road, 0.33 mile from Pontiac Trail easterly; Pontiac Trail, 0.25 mile from Dhu Varren Road southerly and 0.24 mile from Dhu Varren northerly;

Whereas, Act 51 of the Public Acts of 1951 as amended provides for the transfer of certification of roads between jurisdictions;

Whereas, Acceptance of these roads will increase annual state weight and gas tax payments to the City's Major and Local Street Funds; and

Whereas, City certification of these roads will insure that improvements within the rights-of-way meet City Standards;

RESOLVED, That the Mayor and City Council accept certification of the public roads listed below:

Dhu Varren Road, 0.33 mile from Pontiac Trail easterly;
Pontiac Trail, 0.25 mile from Dhu Varren Road southerly; and
Pontiac Trail, 0.24 mile from Dhu Varren northerly; and

RESOLVED, That the Street Administrator (William R. Wheeler, Public Services Director) be authorized to alter the official City of Ann Arbor Act 51 certification map to reflect this acceptance and submit this resolution along with the resolution relinquishing the certification of these roads by the Washtenaw County Board of Road Commissioners to the Michigan Department of Transportation.

R-362-8-02 APPROVED

SPECIAL ASSESSMENT RESOLUTION NO. 3 – ESTABLISH
A PUBLIC HEARING DATE
ON THE ELDER BOULEVARD-JEFFERSON COURT WATER MAIN PROJECT

Whereas, City Council has ordered the City Assessor to prepare a Special Assessment Roll for the purpose of defraying that part of the cost of the following described water main construction project to be defrayed by Special Assessment:

The construction of an 8" water main to serve Elder Boulevard and Jefferson Court between Eberwhite Boulevard and S. Seventh Street, District 2002027; File Number 2002027; and

Whereas, The City Assessor has prepared a proposed Special Assessment Roll and has the same on file in the Assessor's Office with his certificate attached thereto;

RESOLVED,

1. That said proposed Special Assessment Roll be on file in the office of the City Assessor and shall be made available for public examination;
2. That the City Council meet on September 3, 2002, at 7:30 o'clock p.m. at the Council Chambers in the Guy C. Larcom, Jr. Municipal Building in said city for the purpose of reviewing said Special Assessment Roll;
3. That the City Clerk give notice of said hearing to review the proposed Special Assessment Roll by having notice thereof published in The Ann Arbor News not less than ten (10) full days prior to the date of hearing, and by mailing notice at least ten (10) days prior to the date of hearing to the owner of each lot and parcel of land subject to the assessment, as indicated by the records of the City Assessor's Office; and
4. That said notice so published and mailed be in substantially the following form:

**NOTICE OF REVIEW OF
SPECIAL ASSESSMENT ROLL**

PLEASE TAKE NOTICE That the City Council has caused to be prepared a Special Assessment Roll for the purposes of defraying the private property's share of the cost of described as follows:

The construction of an 8" water main to serve Elder Boulevard and Jefferson Court between Eberwhite Boulevard and S. Seventh Street, District 2002027; File Number 2002027

TAKE FURTHER NOTICE That the property to be included in said Special Assessment District is as follows:

TAKE FURTHER NOTICE That said Special Assessment Roll is on file in the Office of the City Assessor and is available for public examination.

TAKE FURTHER NOTICE That the City Council will meet on September 3, at the Council Chambers in the Guy C. Larcom, Jr. Municipal Building at 7:30 o'clock p.m., for the purpose of reviewing said Special Assessment Roll. Any person aggrieved by the Special Assessment Roll or the necessity of the improvement may file his/her objections thereto in writing prior to the close of said hearing.

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

City Clerk

**PROPOSED SPECIAL ASSESSMENT ROLL
RESOLUTION 3
Elder Boulevard - Jefferson Court Water Main
Project
District Number 2002027 File Number 2002027**

<u>Parcel Number</u>	<u>Property Owner</u>	<u>Estimated Property Share</u>
09-29-323-012	Scott Munzel & Lori Ward 116 W. Washington St Ann Arbor, MI 48103-4244	\$8,161.25
09-29-323-013	Scott Munzel & Lori Ward 116 W. Washington St Ann Arbor, MI 48103-4244	\$8,161.25
09-29-323-014	Scott Munzel & Lori Ward 116 W. Washington St Ann Arbor, MI 48103-4244	\$8,161.25
09-29-323-015	Scott Munzel & Lori Ward 116 W. Washington St Ann Arbor, MI 48103-4244	\$8,161.25
09-29-323-016	Scott Munzel & Lori Ward 116 W. Washington St Ann Arbor, MI 48103-4244	\$8,161.25
09-29-309-054	Gordon Ebbitt & Janice Hendric 848 Brookwood PI Ann Arbor, MI 48104	\$8,161.25
Total Property Share		\$48,967.50

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

Whereas, On August 8, 2002 the owners petitioned the City for annexation under Planning Department file number 9341T7.1 and 9341T7.2.

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

R-365-8-02 APPROVED

RESOLUTION TO APPROVE CONTRACT WITH BODMAN, LONGLEY & DAHLING, LLP, FOR LEGAL SERVICES REPRESENTING THE CITY RELATIVE TO A MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY ADMINISTRATIVE HEARING ENTITLED *IN RE PETITIONS ON MODIFIED PERMITS ISSUED TO PALL LIFE SCIENCES, INC.; NPDES PERMIT MI-0048453* AND RELATIVE TO A RELATED CIRCUIT COURT LAWSUIT ENTITLED *PALL LIFE SCIENCES, Inc. VS. CITY OF ANN ARBOR, ET AL., CASE NO. 02-881-CF*

Whereas, The City Attorney has recommended that the City retain Bodman, Longley & Dahling, LLP, for legal services representing the City relative to a Michigan Department of Environmental Quality administrative hearing entitled *In re Petitions on Modified Permits Issued to Pall Life Sciences, Inc.; NPDES No. MI-0048453*;

Whereas, The City Attorney has recommended that the City also retain Bodman, Longley & Dahling, LLP, for legal services representing the City relative to a Related Circuit Court Lawsuit Entitled *Pall Life Sciences, Inc. vs. City of Ann Arbor, et al., Case No. 02-881-CF*;

Whereas, Bodman, Longley & Dahling, LLP, was selected to represent the City in these matter based on the firm's experience in such environmental administrative hearings and because the firm represented the City and others in a prior contested case in 1999 regarding the same NPDES Permit as it was then issued to Gelman Sciences;

Whereas, Bodman, Longley & Dahling, LLP, received Human Rights clearance on August 7, 2002, has agreed to comply with the City's living wage ordinance, and has received approval with respect to such compliance; and

Whereas, Although Bodman, Longley & Dahling, LLP, does not have any actual conflict of interest, the firm does represent other clients who are in positions that are or may be perceived as adverse to the City in other matters;

RESOLVED, That the City waive the appearance of conflict of interest relative to the retention of Bodman, Longley & Dahling, LLP; and

RESOLVED, That the Mayor and City Council be authorized to sign a standard legal services agreement with Bodman, Longley & Dahling, LLP, approved as to form by the City Attorney, for legal services in these matters in an amount not to exceed \$32,500.00.

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

R-366-8-02 APPROVED

RESOLUTION TO APPROVE A PURCHASE ORDER WITH INTERNATIONAL BUSINESS MACHINE (IBM) FOR THE OPERATING SYSTEM SOFTWARE LEASE AND HARDWARE MAINTENANCE OF THE MAINFRAME COMPUTING SYSTEM (MCS) FOR FISCAL YEAR 2002-2003

Whereas, The Information Technology Services Division of the Administrative Services Department seeks authorization to continue the operating system software lease and hardware maintenance for the Mainframe Computing System for the period of July 1, 2002 through June 30, 2003;

Whereas, Continued and uninterrupted performance is required of the Mainframe Computing System due to the two critical business applications it hosts (Financial and Human Resources);

Whereas, IBM is the sole source provider of upgrades to the operating system software and to the Micro code within the hardware;

Whereas, IBM received Human Rights Approval on April 30,2002;

Whereas, IBM received Living Wage Approval on April 30, 2002; and

Whereas, The source of funds is located in the FY 2002-2003 operating budget of the Information Technology Services Department and IBM guarantees to hold this price firm for the fiscal year 2002-2003;

RESOLVED, That the purchase order be issued to International Business Machines in the amount of \$110,250.00.

Councilmember Reid moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

ORDINANCES - SECOND READING

30-02 APPROVED

FERENCZY 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 0.34 acre, located at Ferry and Porter Streets (Lots 31 and 37, Westover Hills Subdivision), from TWP (Township District) to R1D (Single-Family Dwelling District). (The complete text of Ordinance 30-02 is on file in the City Clerk's Office).

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

On a voice vote the Mayor declared the motion carried.

ORDINANCES - FIRST READING

35-02 APPROVED

STORM WATER MANAGEMENT

An Ordinance to Amend Sections 5:651, 5:652, 5:654, 5:656, 5:658, 5:665, 5:667 and 5:670 of Chapter 63 of Title V of the Code of the City

(The complete text of Ordinance 35-02 is on file in the City Clerk's Office).

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

On a voice vote the Mayor declared the motion carried.

36-02 APPROVED

KESSLER COMMONS REZONING

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 0.30 acre, located at 936 Wall Street, from R5 (Hotel-Motel District) to R4C (Multiple-Family Dwelling District). (The complete text of Ordinance 36-02 is on file in the City Clerk's Office).

Councilmember Robinson moved that the ordinance be adopted at first reading.

On a voice vote the Mayor declared the motion carried.

37-02 APPROVED

FOOTING DRAIN DISCONNECTION
PROGRAM REIMBURSEMENT

An Ordinance to Amend Section 2:51.1 of Chapter 28
Of Chapter 28 of Title II of the Code of the City of Ann Arbor

(The complete text of Ordinance 37-02 is on file in the City Clerk's Office.)

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

On a voice vote the Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

R-367-8-02 APPROVED

RESOLUTION TO APPROVE THE APPOINTMENT OF
MICHAEL J. GATTI AS MAGISTRATE OF
THE 15TH JUDICIAL DISTRICT COURT

Whereas, The Magistrate of the 15th Judicial District presides over approximately 8,700 cases per year, accepts pleas, arraigns defendants, issues search and arrest warrants, sets bail and bond and in other ways authorized by statute assists the judges of the 15th Judicial District Court;

Whereas, The office of Magistrate of the 15th Judicial District Court is necessary for the equitable, effective and efficient administration of justice;

Whereas, MCL 600.8501(2) authorizes the judges of the 15th Judicial District to appoint one or more magistrates;

Whereas, MCL 600.8501(2) further requires the approval of the appointment of Michael J. Gatti as Magistrate by the Ann Arbor City Council;

Whereas, Magistrate James Sexsmith of the 15th Judicial District is retiring effective 30 August 2002; and

Whereas, Chief Judge Ann Mattson has appointed Michael J. Gatti as Magistrate of the 15th Judicial District to succeed Magistrate Sexsmith;

RESOLVED, That the Ann Arbor City Council approve the appointment of Michael J. Gatti by Chief Judge Ann Mattson as Magistrate of the 15th Judicial District effective this

date.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-368-8-02 APPROVED

RESOLUTION REGARDING TRAFFIC CALMING
ON ROSEWOOD STREET AND GEORGETOWN BOULEVARD

Whereas, Traffic calming plans on Rosewood Street and Georgetown Boulevard were recently defeated by narrow margins; and

Whereas, These plans might benefit from application of the revised traffic calming procedures approved by Council on August 5, 2002;

RESOLVED, That the City Administrator be authorized to restart the Rosewood Street and Georgetown Boulevard traffic calming projects, beginning with the third meeting in the revised process, including the creation of new participant lists and re-voting in accordance with the revised process.

Council unanimously agreed to alter the agenda to consider the Resolution Regarding Traffic Calming on Rosewood Street and Georgetown Boulevard.

Councilmember Upton moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-369-8-02 APPROVED AS AMENDED

RESOLUTION TO PLACE PARK MAINTENANCE AND REPAIR
MILLAGE PROPOSITION ON THE NOVEMBER 5, 2002
GENERAL ELECTION BALLOT

Councilmember Johnson moved that the resolution be adopted.

The Mayor declared a recess at 9:54 p.m.

The Mayor again called the meeting to order at 10:06 p.m.

Councilmember Upton moved to consider the Park Maintenance and Repair Millage Proposition resolution separately from the Policy Regarding the Park Repair and Restoration Millage resolution.

On roll call the vote was as follows:

Yeas, Councilmembers Reid, Higgins, Upton, 3;

Nays, Councilmembers Carlberg, Herrell, Hartwell, Easthope, Woods, Robinson, Johnson, Mayor Hieftje, 8.

The Mayor declared the motion defeated.

Councilmember Upton moved to amend the resolution by adding the following language:

RESOLUTION ORDERING ELECTION AND DETERMINING BALLOT
QUESTION FOR CHARTER AMENDMENT

.... which will raise in the first year of the levy estimated revenue of \$1,705,000.00 of which part may be disbursed to the Ann Arbor Downtown Development Authority as required by law, **to finance the Park Maintenance and Repair Millage** [~~to finance park repair and restoration in the horticulture in parks, municipal service charges, and non-routine repair and restoration activities (defined as those done only periodically or on a cycle of 12 or more months) for the park system infrastructure?~~]....

On roll call the vote was as follows:

Yeas, Councilmembers Reid, Higgins, Upton, 3;

Nays, Councilmembers Carlberg, Herrell, Hartwell, Easthope, Woods, Robinson, Johnson, Mayor Hieftje, 8.

The Mayor declared the motion defeated.

With unanimous consent of Council, the following language was changed:

ANN ARBOR CITY CHARTER AMENDMENT
AUTHORIZING A REPLACEMENT OF A TAX FOR PARKS

... of which part [~~may~~] **will** be disbursed to the Ann Arbor Downtown Development Authority as required by law...

Councilmember Reid moved to amend the ballot and charter amendment language as follows:

Charter Amendment

...annually levy a tax of [~~.4725~~] **.4632** mil on all taxable and real personal property....

Ballot Question

Shall the Charter be amended to authorize a [~~.4725~~] **.4632** mil tax for four years,...

On roll call the vote was as follows:

Yeas, Councilmembers Reid, Upton, 2;

Nays, Councilmembers Carlberg, Herrell, Hartwell, Higgins, Easthope, Woods, Robinson, Johnson, Mayor Hieftje, 9.

The Mayor declared the motion defeated.

Councilmember Reid moved to amend the resolution establishing a policy regarding the Park Repair and Restoration Millage and to establish municipal service charge allocation guidelines for the Parkland Acquisition Millage and Park Rehabilitation and Development Millage as follows:

1st Resolved Clause

RESOLVED, That the Mayor and Council **develop and** adopt [the following] policy guidelines for the proposed Park Repair and Restoration Millage, if it is adopted by the voters November[4] 5, 2002[:]; **and...**

- ~~1. The attached Park Repair and Restoration Millage policy guidelines (Attachment A) are established to distinguish between routine and non-routine maintenance activities.~~
- ~~2. The Natural Area Preservation Program budget will be increased by 10% each of the park areas. Also if the millage is not renewed after the four years, the Natural Area Preservation Program would receive the same proportion of any remaining fund balance as was budgeted in the fourth year of the millage.~~
- ~~3. That the Municipal Service Charge allocation to the Park Repair and Restoration Millage not exceed 2% of the expenditure of the funds in each fiscal year;]~~

On roll call the vote was as follows:

Yeas, Councilmembers Reid, Higgins, Woods, Upton, 4;

Nays, Councilmembers Carlberg, Herrell, Hartwell, Easthope, Robinson, Johnson, Mayor Hieftje, 7.

The Mayor declared the motion defeated.

The question being the resolution as originally presented, on roll call the vote was as follows:

Yeas, Councilmembers Carlberg, Herrell, Hartwell, Higgins, Easthope, Woods, Robinson, Johnson, Mayor Hieftje, 9;

Nays, Councilmembers Reid, Upton, 2.

The Mayor declared the motion passed.

The resolution as amended reads as follows:

RESOLUTION TO PLACE PARK MAINTENANCE AND REPAIR
MILLAGE PROPOSITION ON THE NOVEMBER 5, 2002
GENERAL ELECTION BALLOT

RESOLVED, That the Ann Arbor City Council proposes that Section 8.22 of the City Charter be amended to read as follows:

FUNDS FOR ~~[MAINTENANCE AND REPAIR OF PARK FACILITIES]~~ **PARK REPAIR AND RESTORATION**

SECTION 8.22. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property by this Charter or any other provision of law, the City shall, in ~~[1998]~~**2003** through ~~[2002]~~**2006**, annually levy a tax of .4725 mil on all taxable real and personal property situated within the City for the purpose of financing ~~[the maintenance and repair of park facilities-]~~ **park repair and restoration in the following categories: natural area preservation, forestry and horticulture in parks, municipal service charges, and non-routine repair and restoration activities (defined as those done only periodically or on a cycle of 12 or more months) for the park system infrastructure.**

RESOLVED, That November 5, 2002 is designated as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the Clerk shall transmit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and shall perform all other acts required by the law for holding the election;

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form, which includes the statement of purpose:

ANN ARBOR CITY CHARTER AMENDMENT
AUTHORIZING A REPLACEMENT OF A TAX FOR PARKS

Shall the Charter be amended to authorize a .4725 mil tax for four years, starting in 2003, to replace the expiring Park Maintenance and Repair Millage of .4725 mil (reduced by the required millage reduction to .4632 mil), which will raise in the first year of the levy estimated revenue of \$1,705,000.00, of which part may be disbursed to the Ann Arbor Downtown Development Authority as required by law, to finance park repair and restoration in the following categories: natural area preservation, forestry and horticulture in parks, and non-routine repair and restoration activities for the park system

infrastructure?

YES

NO

; and

RESOLVED, That the proposed Charter amendment and proposed ballot question, shall be published in full not fewer than two times in the Ann Arbor News.

R-370-8-02 APPROVED

RESOLUTION TO ESTABLISH A POLICY REGARDING THE PARK REPAIR AND RESTORATION MILLAGE AND TO ESTABLISH MUNICIPAL SERVICE CHARGE ALLOCATION GUIDELINES FOR THE PARKLAND ACQUISITION MILLAGE AND PARK REHABILITATION AND DEVELOPMENT MILLAGE

Whereas, The Park Maintenance and Repair Millage is expiring on June 30, 2003.

Whereas, There is a need to replace the millage to provide funds for repair and restoration of parks;

Whereas, The adopted ballot language declares that the millage funds must be used for Natural Area Preservation, Forestry and Horticulture in parks, municipal service charges and non-routine repair and restoration activities defined as those done only periodically or on a cycle of 12 or more months for the park system infrastructure;

Whereas, There is a need to establish a policy guideline that clarifies the intent of the proposed ballot language;

Whereas, A proposed Park Repair and Restoration Millage Expenditure Policy Guideline has been developed to differentiate between routine maintenance and non-routine park repair and restorations; and

Whereas, The Municipal Service Charge was included in this millage, requiring a clarification for this and the existing Parkland Acquisition Millage and Park Rehabilitation and Development Millage;

RESOLVED, That the Mayor and Council adopt the following policy guidelines for the proposed Park Repair and Restoration Millage, if it is adopted by the voters November 5, 2002:

1. The attached Park Repair and Restoration Millage policy guidelines (Attachment A) are established to distinguish between routine and non-routine maintenance activities.
2. The Natural Area Preservation Program budget will be increased by 10% each of the four years of the millage to enhance the stewardship of increased acreage of natural park areas. Also, if the millage is not renewed after the four years, the Natural Area Preservation Program would receive the same proportion of any remaining fund balance as was budgeted in the fourth year of the millage.
3. That the Municipal Service Charge allocation to the Park Repair and Restoration Millage not exceed 2% of the expenditure of the funds in each fiscal year; and

RESOLVED, That the Mayor and Council adopt a policy regarding assessment of a municipal services charge to the Parkland Acquisition Millage and the Park Rehabilitation and Development Millage as follows:

- Parkland Acquisition Millage: Commencing in FY 2003/2004, no Municipal Service Charge will be assessed this millage.

Park Rehabilitation and Development Millage: This millage may have a municipal service charge assessed commencing in 2003/2004, not to exceed 6% of the expenditures of this millage in each fiscal year.

Councilmember Johnson moved that the resolution be adopted.

On roll call the vote was as follows:

Yeas, Councilmembers Carlberg, Herrell, Hartwell, Higgins, Easthope, Woods, Robinson, Johnson, Mayor Hieftje, 9;

Nays, Councilmembers Reid, Upton, 2.

R-371-8-02 APPROVED AS AMENDED

RESOLUTION TO FORM HURON/JACKSON CORRIDOR TRAFFIC AND PEDESTRIAN SAFETY TASK FORCE

With unanimous consent Council agreed to alter the agenda to consider the Resolution to Form Huron/Jackson Corridor Traffic and Pedestrian Safety Task Force.

Councilmember Easthope moved that the resolution be adopted.

Councilmember Woods moved to amend the resolution by adding the following language:

3rd Resolved Clause

...The City bicycle and Pedestrian Safety Officer

2 residents at large to be appointed by Council outside the Huron/Jackson corridor area;...

On a voice vote the Mayor declared the motion carried.

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

The resolution as amended reads as follows:

RESOLUTION TO FORM HURON/JACKSON CORRIDOR TRAFFIC AND
PEDESTRIAN SAFETY TASK FORCE

Whereas, Speeding, unsafe driving and pedestrian safety are major concerns of the residents of the City of Ann Arbor;

Whereas, Residents along the Huron/Jackson corridor have raised serious concerns about speeding, pedestrian and bicycle safety along the corridor;

Whereas, Because the Huron/Jackson Corridor is a MDOT controlled trunkline and therefore does not qualify under the City's traffic Calming Program; and

Whereas, It is a vital governmental function to work towards solutions that improve the quality of life of residents within this city;

RESOLVED, That the City will form a task force to formulate traffic calming recommendations to City Council that can be forwarded to the MDOT for implementation;

RESOLVED, That the study area will be between Chapin/Third Streets to the East and the Jackson/Maple intersection to the West;

RESOLVED, That the task force shall consist of the following persons:

3 members from the Huron/Jackson Neighborhood Association, to be appointed by the association;

1 person from the Public Services Department

1 person from the Police Department

- 1 Councilperson from the 5th Ward
- The City Bicycle and Pedestrian Safety Officer
- 2 residents at large to be appointed by council outside the Huron/Jackson corridor area;

RESOLVED, That the task force should consult with and work in conjunction with officials from the Michigan Department of Transportation (MDOT), the Michigan State Police and with our State representatives from this district in formulating their recommendations to Council,

RESOLVED, That the City Administer assist in delegating the facilitation of the task force meetings with the first meeting to be scheduled in September, 2002, and;

RESOLVED, That the task force should present its' recommendation(s) to Council no later the last council meeting in February, 2003.

R-372-8-02 APPROVED AS AMENDED

RESOLUTION FOR IMPLEMENTING FOOD WASTE
COMPOSTING PILOT PROGRAM

Councilmember Easthope moved that the resolution be adopted.

Councilmember Upton moved to amend the resolution as follows:

Last Resolved Clause

RESOLVED, That the Solid Waste Department report back **the results of the pilot** to City Council by September, 2003 with ~~[recommendations on how to continue and expand vegetative food waste composting in Ann Arbor]~~ **a detailed cost benefit analysis and a recommendation as to whether or not the program can be expanded.**

On a voice vote the Mayor declared the motion carried.

The question being the resolution as amended, on roll call the vote was as follows:

Yeas, Councilmembers Herrell, Hartwell, Higgins, Easthope, Woods, Robinson, Johnson, Mayor Hieftje, 8;

Nays, Councilmembers Reid, Carlberg, Upton, 3.

The Mayor declared the motion carried.

The resolution as amended reads as follows:

RESOLUTION FOR IMPLEMENTING FOOD WASTE
COMPOSTING PILOT PROGRAM

Whereas, City Council adopted a new 5-year Solid Waste Plan on May 4, 2002;

Whereas, The Solid Waste Plan identifies vegetative food waste composting as a critical initiative to be undertaken in the next 5-years; and

Whereas, City Council adopted a resolution on July 1, 2002 requesting the Solid Waste Department provide a plan for implementing a food waste composting pilot;

RESOLVED, That the Solid Waste Department will proceed with implementing a food waste composting pilot, with pre-pilot testing to begin by September, 2002, and a full

scale pilot including 10 to 15 businesses to begin April, 2003; and

RESOLVED, That the Solid Waste Department report back to City Council by September, 2003 with recommendations on how to continue and expand vegetative food waste composting in Ann Arbor.

R-373-8-02 APPROVED

RESOLUTION RECOGNIZING THE HOLISTIC MIDWIFERY INSTITUTE AS A NONPROFIT ORGANIZATION IN THE CITY OF ANN ARBOR

Whereas, The Holistic Midwifery Institute is a non-profit organization;

Whereas, The United States Department of Treasury-Internal Revenue Service recognizes The Holistic Midwifery Institute as a tax exempt, non-profit organization; and

Whereas, The Holistic Midwifery Institute needs the City to recognize it as a non-profit organization in the community in order to conduct fundraising activities with State approval,

RESOLVED, That the Mayor and City Council recognize The Holistic Midwifery Institute as a non-profit organization in the City of Ann Arbor.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-374-8-02 APPROVED AS AMENDED

RESOLUTION TO ACCEPT AND APPROPRIATE FUNDS RECEIVED
THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S
FIRE ACT GRANT

Councilmember Woods moved that the resolution be adopted.

Councilmember Herrell moved to amend the resolution as follows:

Add a 2nd Resolved Clause

RESOLVED, That the grant monies will be used to purchase Thermal Imaging Cameras and on the development and implementation of a wellness program;

Add a 3rd Resolved Clause

RESOLVED, That two reports on the success of the wellness program be submitted to Council at six month intervals after the initiation of the program, with statistics to be developed by the City Administrator and approved by City Council.

Last Resolved Clause

RESOLVED, Funds received from Federal Emergency Management Agency be appropriated to the Fire Department major grant account and funds be available until fully expended **at which time the health and wellness program will be evaluated for future funding.**

The Mayor declared a recess at 11:36 p.m.

The Mayor again called the meeting to order at 11:43 p.m.

On a voice vote the Mayor declared the motion carried.

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

The motion as amended reads as follows:

RESOLUTION TO ACCEPT AND APPROPRIATE FUNDS RECEIVED
THROUGH FEDERAL EMERGENCY MANAGEMENT AGENCY'S

FIRE ACT GRANT

Whereas, The Fire Department has received approval for a Federal Emergency Management Agency grant to help pay for development and implementation of a wellness program for fire department employees and for the purchase of thermal imagery cameras;

Whereas, The Fire Department wants to be proactive in its approach to the health and well being of its fire personnel;

Whereas, The Thermal Imaging Camera will enhance Firefighter safety and citizens safety by allowing firefighters to perform rescue and overhaul work quickly and efficiently; and

Whereas, The capability to “see through smoke” will allow the Fire Department personnel to rescue the trapped or disoriented and will shorten the duration firefighters are subjected to dangerous environments;

RESOLVED, That City Council accept the grant from Federal Emergency Management Agency for reimbursement of costs associated with “Fire Operations and Firefighter Safety Program”;

RESOLVED, That the grant monies be used to purchase Thermal Imaging Cameras and on the development and implementation of a wellness program;

RESOLVED, That two reports on the success of the wellness program be submitted to Council at six month intervals after the initiation of the program, with statistics to be developed by the City Administrator and approved by City Council; and

RESOLVED, Funds received from Federal Emergency Management Agency be appropriated to the Fire Department major grant account and funds be available until fully expended at which time the health and wellness program will be evaluated for future funding.

R-375-8-02 APPROVED

RESOLUTION APPROVING THE LEASE AGREEMENT BETWEEN
THE CITY OF ANN ARBOR AND EXPERIMENTAL AIRCRAFT ASSOCIATION
CHAPTER 333 FOR SMALL HANGAR ON SOUTH STATE STREET

Whereas, Local chapter 333 of the Experimental Aircraft Association (E.A.A.) is based at the Ann Arbor Airport;

Whereas, The chapter has experienced growth, and is now providing more programs and services such as the annual pancake breakfast and Young Eagles program at the airport;

Whereas, The chapter has taken a previous opportunity of this nature to complete a successful job of rehabilitating the airport's old terminal building on South State Street, in exchange for a low-rent lease;

Whereas, The small hangar on State Street is in poor condition and needs renovation;

Whereas, E.A.A. is fully advised as to the current condition of the hangar and is willing to rent it "as-is" with the expectation that E.A.A. will renovate the structure on taking possession;

Whereas, Airport staff negotiated a lease with E.A.A., outlining expected renovations, and established controls over the use of the facility; and

Whereas, The rental rate will be \$100.00 annually, reflecting the significant amount of time and materials the lessee will provide for the renovation, and the ultimate benefit to the airport and community;

RESOLVED, That the City Council approve the lease agreement with E.A.A. Chapter 333; and

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

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-376-8-02 APPROVED

RESOLUTION OF INTENT TO SET A PUBLIC HEARING DATE
TO CONSIDER RENEWAL OF THE ANN ARBOR
DOWNTOWN DEVELOPMENT AUTHORITY

Whereas, The Ann Arbor Downtown Development Authority was created by the City of Ann Arbor in 1982 under State of Michigan Public Acts 197 of 1975 as a vehicle for urban renewal with the mission to: “undertake public improvements that have the greatest impact in strengthening the downtown area and attracting new private investments”;

Whereas, The Ann Arbor DDA is now in its 20th year, with its expiration scheduled for 2012 and there are compelling reasons for renewing the DDA with a new 30-Year Plan before its expiration;

Whereas, The DDA has approved a 2002-2032 DDA/TIF Plan which would guide its efforts upon renewal;

Whereas, The first step in the State-prescribed process of renewal is City Council approval of a resolution of intent to set the date of a public hearing to consider the renewal of the development authority; and

Whereas, After this public hearing there will be other opportunities for public input before City Council is asked to approve DDA renewal, including a public hearing associated with first reading of the ordinance amendment;

RESOLVED, That the City of Ann Arbor will hold a public hearing on the renewal of the Ann Arbor Downtown Development Authority district on Thursday, November 21, 2002, at 7:30 PM at the Ann Arbor City Hall, Council Chambers, 100 North Fifth Avenue, Ann Arbor, MI 48107 for the purpose of taking public comment on the renewal of this district.

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-377-8-02 APPROVED AS AMENDED

RESOLUTION TO APPOINT LOCAL DEVELOPMENT
FINANCE AUTHORITY BOARD

Councilmember Higgins moved that the resolution be adopted.

Councilmember Johnson moved to amend the resolution as follows:

2nd Resolved Clause

RESOLVED, That the Ann Arbor City Council approve the following [~~four (4)~~] **two (2)** appointments to the Local Development Finance Authority Board...

On a voice vote the Mayor declared the motion carried.

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

The resolution as amended reads as follows:

RESOLUTION TO APPOINT LOCAL DEVELOPMENT
FINANCE AUTHORITY BOARD

Whereas, The City of Ann Arbor established a Local Development Finance Authority, in conjunction with the City of Ypsilanti, at a joint meeting of both cities on June 27, 2002; and

Whereas, The Local Development Finance Authority shall consist of six (6) members from the City of Ann Arbor and appointed by the City Council, and three (3) members, who were appointed on July 2, 2002 from the City of Ypsilanti;

RESOLVED, That the Ann Arbor City Council approve the following two (2) appointments to the Local Development Finance Authority Board based on the terms established in the approved Agreement Between City of Ann Arbor and City of Ypsilanti, County of Washtenaw, Michigan:

- Maria A. Thompson to a term ending June 30, 2004
- Christine Ballman to a term ending June 30, 2005; and

RESOLVED, That the City Clerk forward these names to Susan Lackey of the Washtenaw Development Council and is the organization providing administrative support to this board.

RESOLUTION TO DEVELOP A CITY-WIDE FLOOD
MITIGATION PLAN

Whereas, The City of Ann Arbor is experiencing pressure for further development in the floodplain and floodway;

Whereas, The City currently participates in the National Flood Insurance Program (NFIP), a program that provides for the insurance from flood damage of buildings constructed within the City's floodways and floodplains that meet the City's building codes, state laws, and the minimum NFIP guidelines;

Whereas, The City is required to adopt and enforce a floodplain management ordinance or resolution that meets minimum NFIP requirements to participate in the NFIP;

Whereas, The City's failure to continue to meet the NFIP requirements may result in probation or suspension from the NFIP, increased costs for, or difficulty obtaining, property flood insurance from alternate sources, the potential for the cancellation of existing mortgages if alternate insurance sources cannot be obtained, and the potential for FEMA to scrutinize other federal funding received for streets, utilities, or similar programs;

Whereas, The Federal Emergency Management Agency (FEMA) has established the Flood Mitigation Assistance program to provide assistance to states and communities for activities that will reduce the risk of flood damage to structures insurable under the NFIP;

Whereas, In order to be eligible for Project Grants under the Flood Mitigation Assistance program the City must have a FEMA-approved Flood Mitigation Plan;

Whereas, Planning Grants are available through the Flood Mitigation Assistance program to be used for state and local flood mitigation planning; and

Whereas, The Environmental Commission passed a resolution on July 25 that recommends that the City of Ann Arbor formulate a Flood Mitigation Plan for FEMA approval;

RESOLVED, That the City Council support development of a Flood Mitigation Plan;
and

RESOLVED, That the City Administrator pursue Flood Mitigation Assistance (FMA) Program Planning Grants that assist in developing Flood Mitigation Plans.

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

REPORTS FROM COUNCIL COMMITTEES

E-COUNCIL COMMITTEE

Councilmember Higgins reported that on September 3, 2002, Council will receive laptops and that a working session has been scheduled for September 9, 2002 to go over the process and procedures for the laptops. September 17, 2002 will be the first trial run of an actual E-Council meeting.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the August 5 ,2002 regular session of Council:

Planning Commission (Nominated on July 15, 2002)

Braxton Blake (Fill a Vacancy)
2209 Stellar Road
Ann Arbor, MI 48105
Term: August 5, 2002 – June 30, 2005

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

Councilmember Upton moved that the Planning Commission be voted on separately.

On roll call the vote was as follows:

Yeas, Councilmembers Carlberg, Herrell, Hartwell, Easthope, Woods, Robinson, Johnson, Mayor Hieftje, 8;

Nays, Councilmember Reid, Higgins, Upton 3.

The Mayor declared the motion carried.

Bicycle Coordinating Committee

Deborah Biggs (Replacing Karl Kleitsch)
1303 Brooks
Ann Arbor, MI 48103
Term: August 19, 2002 – January 31, 2006

Jeanne L. Horvath (Replacing Eric Britner)
1871 Lindsay Lane
Ann Arbor, MI 48104
Term: August 19, 2002 – November 8, 2003

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

On roll call the vote was as follows:

Yeas, Councilmembers, Reid, Carlberg, Herrell, Hartwell, Higgins, Easthope, Woods, Robinson, Johnson, Upton, Mayor Hieftje, 11;

Nays, 0.

Cable Communications Commission

R. Thomas Bray (Replacing Tomas Chavez)
801 Amherst
Ann Arbor, MI 48105
Term: August 19, 2002 – January 17, 2005

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

On roll call the vote was as follows:

Yeas, Councilmembers, Reid, Carlberg, Herrell, Hartwell, Higgins, Easthope, Woods, Robinson, Johnson, Upton, Mayor Hieftje, 11;

Nays, 0.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REVENUE SHARING VETO

City Administrator Roger Fraser informed Council that letters have been typed up that he would like to have signed by City Council, thanking the legislature for the work that they did on the reversal of Governor Engler's veto.

REPORTS SUBMITTED

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

1. Amendments to Chapter 63 (Storm Water management and Soil Erosion and Sedimentation Control) – Planning

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER EASTHOPE

Councilmember Easthope stated that the local Habitat For Humanity has asked to come before Council at a working session to talk about taxes on their property.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from State Representative Chris Kolb regarding R-283-6-02 (Michigan Sex Offenders Registry)

The following minutes were received for file:

1. City Market Commission (Farmers Market) – June 20 and July 19, 2002
2. Employees Retirement System Board – July 18, 2002

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

On a voice vote the Mayor declared the motion carried.

PUBLIC COMMENTARY - GENERAL

ALAN HABER – PEACE

Alan Haber, 531 Third, spoke to council regarding the situation in Israel.

ADJOURNMENT

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

On a voice vote the Mayor declared the motion carried and the meeting adjourned at 12:14

a.m.

Anissa R. King
Interim Clerk of the Council
Recording Secretary