

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - OCTOBER 7, 2002**

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, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

INTRODUCTIONS

PROCLAMATION FOR NATIONAL ARTS AND HUMANITIES MONTH

Mayor Hieftje presented a proclamation to Deborah Pollack for National Arts and Humanities Month. Mayor Hieftje declared the month of October as National Arts and Humanities Month in Ann Arbor and encouraged citizens to celebrate arts and culture in our nation and encouraged children to participate in educational programs and activities in the arts and humanities. (Proclamation on file in the City Clerk's Office)

CLEAN COMMUNITIES PROGRAM UPDATE

Mayor Hieftje asked for the community's help with the Clean Communities Program. The program has made progress in cleaning up neighborhoods in the city. Six hundred calls have been received from the start of the program on April 16, 2002 through the end of August. Three hundred calls were made during the month of September. The system is unable to keep up with clean up in the neighborhoods. Some homes have been visited repeatedly.

Mayor Hieftje stated that at the next Council meeting, an ordinance will be brought forth to impose a fine on properties that have been visited repeatedly.

PUBLIC COMMENTARY - RESERVED TIME

HELEN FOX – HUMAN RIGHTS COMMISSION

Helen Fox, 2266 Georgetown Blvd., expressed concern with the resignation of David Ferber, Director of Human Recourses.

JIM MOGENSEN – CITY REORGANIZATION

Jim Mogensen, 3780 Green Brier, spoke to City Council regarding the city's reorganization.

BROOKSIDE WATER SEWER PROJECT

The following people spoke in regards to the Brookside Water Sewer Project:

Nick Valentino, 3150 Dwight.
Dan Lanuti, 3142 Baylis Drive.
Brian Shensky, 3181 Baylis Drive.

ALAN HABER – PEACE

Alan Haber, 531 Third Street, spoke to Council regarding the issues in Israel.

PUBLIC HEARINGS

ARBORLAND SHOPPING CENTER SITE PLAN

A public hearing was conducted on the proposed Arborland Shopping Center Revised Site Plan, 35.47 acres, north side of Washtenaw Avenue, west of US-23. Notice of public hearing was published October 6, 2002.

Mike Conter, representing the petitioner, was available to answer questions of Council.

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

CARROT WAY DEVELOPMENTS (FOOD GATHERERS) PUD SITE PLAN

A public hearing was conducted on the proposed Carrot Way Developments (Food Gatherers) PUD Site Plan, 2.3 acres, 1731 Dhu Varren Road. Notice of public hearing was published October 6, 2002.

Gary Bruder, president of Food Gathers, was present to answer questions of Council.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

INTRODUCTIONS

Add: Clean Communities Program Update – Mayor Hieftje

CONSENT AGENDA

Move: Resolution to Approve the 2001- 2006 AFSCME Local 369 Collective Bargaining Agreement (Administrator – Roger Fraser, City Administrator)

ORDINANCES – FIRST READING

Add: Amendment to Chapter 50, Section 4:71 and adopting a New Chapter 38 – Telecommunications Providers (Attorney - Abigail Elias, City Attorney)

MOTIONS AND RESOLUTIONS

Revise: Resolution to Accept Board of Insurance Administration Minutes of September 16, 2002 (Administrative Services – Ron Olson, Associate Administrator) (*Discussion Portion Postponed until October 7, 2002*)

Add: Resolution to Appropriate and Transfer \$1,400,000.00 from the City Parking System Fund to the General Fund in Fiscal Year 2001-2002 (8 Votes Required) (Administrator – Roger Fraser, City Administrator)

Add: Resolution to Grant 2 New Class C Liquor Licenses (Councilmembers Reid, Woods and Johnson)

Move: Resolution to Approve the 2001-2006 AFSCME Local 369 Collective Bargaining Agreement (Administrator – Roger Fraser, Administrator) (Moved from Consent Agenda)

COMMUNICATIONS FROM THE ADMINISTRATOR

Add: Approval of a Permit to Discharge Treated Waters to the Storm Water System, Berkshire Creek, LLC – Utilities

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

Add: Ann Arbor/Ypsilanti Smart Zone Tax Increment Financing Plan - LFDA

On a voice vote the Mayor declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF September 9, and 17, 2002 APPROVED

Councilmember Robinson moved that the working session minutes of September 9, 2002 and the regular session minutes of September 17, 2002 be approved as presented.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

With unanimous consent of Council, the following items were removed from the Consent Agenda:

Resolution to Approve the 2001-2006 AFSCME Local 369 Collective Bargaining Agreement (Administrator – Roger Fraser, City Administrator)

Resolution to Approve Issuance of a Permit to Discharge Treated Waters to the Storm Water System, Berkshire Creek, LLC (Utilities – Sue F. McCormick, Director)

R-415-10-02 APPROVED

RESOLUTION TO APPROVE THE 2001-2006 AFSCME LOCAL 369 COLLECTIVE BARGAINING AGREEMENT

Whereas, The current collective bargaining agreement between the City of Ann Arbor and AFSCME Local 369 expired on June 30, 2001;

Whereas, The parties have reached a settlement on a new five (5) year labor agreement (July 1, 2001 through June 30, 2006) that provides for a general across-the-board wage increases of; 3.74%, retroactive to July 1, 2001, for the period of July 1, 2001 to June 30, 2002, 3.0%, retroactive to July 1, 2002, for the period of July 1, 2002 to June 30, 2003, 3.0% for the period of July 1, 2003 to June 30, 2004, 3.0% for the period of July 1, 2004 to June 30, 2005, and 3.0% for the period of July 1, 2005 to June 30, 2006;

Whereas, The only other economic revision to the new labor agreement was the elimination of the “Me Too” clause, and there were minor language revisions that updated the Equal Employment Opportunity article, grievance time limits, and a re-ordering of the contents of the labor agreement to improve reference capabilities; and

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

RESOLVED, That the City Council approve the five (5) year labor agreement that provides for the wages increases outlined above; and

RESOLVED, That the Mayor and City Clerk be hereby authorized to sign the new five (5) year collective bargaining agreement on behalf of the City, after approval as to form by the City Attorney.

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

POSTPONED

RESOLUTION TO ISSUANCE OF A PERMIT TO DISCHARGE TREATED
WATERS TO THE STORM WATER SYSTEM, BERKSHIRE CREEK, LLC

Whereas, Ground water contaminated by petroleum product(s) exist on the Berkshire Creek site;

Whereas, Berkshire Creek; LLC has proposed a system to treat the ground water and discharge the treated ground water to the City's storm water system;

Whereas, The Michigan Department of Environmental Quality has issued a National Pollution Discharge Elimination System (NPDES) permit for the proposed treatment system;

Whereas, Staff of the Water Utilities and Public Services Departments have reviewed the proposed treatment system and find the proposed system acceptable; and

Whereas, The proposed permit has been reviewed and approved by the Water Utilities Director as to substance and by the City Attorney as to form;

RESOLVED, That issuance by the Water Utilities Director of a permit to discharge treated ground water to the city's storm water system by Berkshire Creek, LLC be approved.

Councilmember Upton moved that the resolution be adopted.

Councilmember Upton moved to table the resolution until October 21, 2002.

On a voice vote the Mayor declared the motion carried.

CONSENT AGENDA ITEMS APPROVED

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

R-416-10-02 APPROVED

RESOLUTION TO APPROVE PURCHASE OF MATERIAL HANDLING
BOOM TRUCK CANNON EQUIPMENT – TROY, MICHIGAN
BID #3568

Whereas, The Fleet Services Division of the Public Services Department needs to purchase a replacement Material Handling Boom Truck for the City's fleet;

Whereas, Cannon Equipment was the lowest responsible bidder, Bid #3568, in the amount of \$117,792.00; and

Whereas, Cannon Equipment received Human Rights approval on September 19, 2002;

RESOLVED, The City Council approve the issuance of a purchase order to Cannon Equipment for the purchase of a Material Handling Boom Truck in the amount of \$117,792.00 from the 2002-03 budgeted Motor Equipment Funds, with the funds to be available without regard to the fiscal year.

R-417-10-02 APPROVED

RESOLUTION AUTHORIZING A PURCHASE ORDER TO
WASHTENAW COUNTY FOR THE CITY OF ANN ARBOR'S
SHARE OF THE MAINTENANCE OF 800 MHz SIMULCAST SYSTEM

Whereas, The City of Ann Arbor uses the 800 MHz simulcast radio system;

Whereas, Washtenaw County is responsible for maintenance of the 800 MHz Simulcast System;

Whereas, The cost for maintenance for FY 2002-2003 is \$132.00 per radio, and the Radio division of the Public Services Department collects this service fee from all 640 City of Ann Arbor users and remits the payment to the County; and

Whereas, Washtenaw County received Human Rights approval on February 21, 2002 and complies with the living wage ordinance;

RESOLVED, That the City Administrator be authorized to approve the issuance of a sole source purchase order to Washtenaw County for \$84,480.00 for FY2002-2003 maintenance of the 800 MHz radio system.

R-418-10-02 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT
WITH NORTHWEST CONSULTANTS, INC. AND ESTABLISH A PROJECT
BUDGET FOR THE 2002 BRIDGE INSPECTION PROGRAM

Whereas, It is necessary to retain the services of a professional consulting engineering firm to perform the 2002 Bridge Inspection Program;

Whereas, The professional engineering firm of Northwest Consultants, Inc., of Toledo, Ohio has submitted to the City a proposal for the necessary services, setting forth the services to be performed by said firm, and the payments to be made by the City therefore, all of which are agreeable to the City; and

Whereas, Northwest Consultants, Inc. received Human Rights approval on September 17, 2002 and complies with the living wage ordinance;

RESOLVED, That a professional services agreement with Northwest Consultants, Inc. in the amount of \$57,700.00 be approved;

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; and

RESOLVED, That the following project budget be adopted for the life of the project, to be available without regard to fiscal year;

Section I – Revenue

\$65,200	Major Street Fund
<u>\$ 7,500</u>	Sewage Disposal Fund
\$72,700	TOTAL

Section II – Expense

\$57,700	Consulting engineering services
\$10,000	Other charges including City engineering services, City owned vehicles, printing, materials and supplies, etc.
<u>\$ 5,000</u>	Contingencies to be approved by the City Administrator
\$72,700	TOTAL; and

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

R-419-10-02 APPROVED

RESOLUTION AUTHORIZING A PURCHASE ORDER TO RICHARD KEMNER'S TRUCK RENTAL FOR THE RENTAL OF THREE REAR LOAD REFUSE TRUCKS

Whereas, The City of Ann Arbor uses rental trucks in the Fall Leaf Collection Program;

Whereas, Competitive bids were received by the Street Maintenance Division of the Public Services Department and Richard Kemner's Truck Rental, of Tampa, Florida, was the lowest responsible bidder; and

Whereas, Richard Kemner's Truck Rental received Human Rights approval on September 27, 2002;

RESOLVED, That the City Administrator be authorized to approve the issuance of a purchase order to Richard Kemner's Truck Rental for \$27,759.00, after approval of the rental agreement as to substance by the City Administrator and as to form by the City Attorney.

R-420-10-02 APPROVED

REVISED RESOLUTION AUTHORIZING SANITARY SEWER IMPORVEMENT CHARGES TO NORTHSIDE COMMONS

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

Sanitary Sewer: 8” sanitary sewer in Dhu Varren Road, File No 96062, Dist. No. 474, \$16,147.34 per connection x 2 connections = \$32,294.68

GRAND TOTAL OF ADDITIONAL IMPROVEMENT CHARGES \$32,294.68; 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 to 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>	Northside Commons
<u>City Assessor Code:</u>	09-16-200-001
<u>Annexation Number :</u>	A99-02
<u>Planning File No .:</u>	9162T21-1&2

Beginning at the North ¼ corner of Section 16, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence N 85°48'08" E 298.14 feet along the North line of said Section and the centerline of Dhu Varren Road; thence S 01°06'40" E 352.44 feet; thence S 85°48'08" W 50.00 feet; S 01°06'40" E 472.61 feet; thence S 85°48'08" W 248.14 feet to a point on the North and South ¼ line of said Section; thence S 01°06'40" E 499.57 feet along said North and South ¼ line; thence S 86°06'50" W 759.70 feet to a point on the centerline of Pontiac Trail; thence N 06°19'30" E 1348.22 feet along said centerline to a point on the north line of said Section and the centerline of Dhu Varren Road; thence N 86°29'10" E 584.84 feet along said North line and said centerline to a point of Beginning. Excepting therefrom the Westerly 33 feet of the Northerly 200 feet. Being a part of the North ½ of Section 16, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan, and containing 25.41 acres of land, more or less. Being subject to the rights of the public over the Southerly 33 feet of Dhu Varren Road and the Easterly 33 feet of Pontiac Trail. Also being subject to a 20-foot wide private drive easement as described in Liber 542, Page 281, Liber 901, Page 139, Liber 1568, Page 479 and Liber 1881, Page 163, Washtenaw County Records. Also being subject to other easements and restrictions of record, if any. Now situated in the City of Ann Arbor.

2. That the improvement charge levied be an additional \$32,294.68 and be

designated as Utilities Improvement Charge No. 684.

3. That this improvement charge be divided into 15 equal installments; the first to be due on November 1, 2002, and the 14 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 7.2% per annum commencing November 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 additional improvement charge be invoiced to the owners of the property known as Northside Commons and to be credited in the amount of \$32,294.68 to Fund 0043-073-7151.

R-421-10-02 APPROVED

RESOLUTION TO GRANT SEWER SERVICE OUTSIDE CITY LIMITS TO 3390 EAST HURON RIVER DRIVE

Whereas, John Newby, owner of the property at 3390 East Huron River Dr. on September 30, 2002 has requested that the City extend public sewer service to their property in Ann Arbor Township in accordance with the Policy Statement of February 1, 1994 between the City of Ann Arbor and Ann Arbor Township;

Whereas, John Newby desires to enter into an agreement with the City to provide an equitable method of obtaining City service outside of its corporate boundaries; and

Whereas, As part of this agreement, the owners shall have this property annexed not later than five (5) years from the date of the agreement;

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

R-422-10-02 APPROVED

RESOLUTION APPROVING STREET CLOSING FRIDAY, OCTOBER 18, 2002 FOR THE STATE STREET

AREA ASSOCIATION RENOVATION PARTY

Whereas, The State Street Area Association (AKA the sponsor) will be sponsoring a Renovation Party on Friday, October 18, 2002 to celebrate the completion of the first phase of the State Street renovation project;

Whereas, It is necessary to close Maynard Street north of the parking structure to Liberty Street to provide a staging area for the celebration activities;

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

Whereas, The street closure will be barricaded and properly supervised by both the sponsor and the Ann Arbor Police Department; and

Whereas, The sponsor will obtain all necessary permits, provide evidence of proper liability insurance and pay all costs and fees associated with their sponsorship of this event;

RESOLVED, That City Council authorize the closing of Maynard between the parking structure entrance and Liberty Street from 6:00 – 10:00 p.m. on Friday, October 18, 2002 as requested to facilitate this event.

R-423-10-02 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION AGREEMENT
WITH BEULAH MCDONALD

Whereas, An application was received from Beulah McDonald for rehabilitation assistance for her home located at 517 Felch Street;

Whereas, The homeowner meets the City's criteria for participation in the Housing Rehabilitation Program; and

Whereas, Five bids were received on September 5, 2002 and Ms. McDonald will be executing an agreement with Miracle Heating & Cooling, the lowest responsible bidder, who has Human Rights and Living Wage Approval, to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with Beulah McDonald in the amount of \$25,757.00 as a deferred payment loan and authorize the Mayor and City Clerk to execute the necessary documents substantially in the form on file in the office of the City Clerk with funds to be available without regard to fiscal year.

R-424-10-02 APPROVED

RESOLUTION TO APPOINT CITY TREASURER

Whereas, Section 12.1 (b) of the Charter of the City of Ann Arbor provides that the City Treasurer shall be appointed by Council on recommendation of the City Administrator,

Whereas, A statewide recruitment resulted in candidates for the position of City Treasurer;

Whereas, Mary L. Siefert has demonstrated her capabilities and is qualified to serve as the Treasurer; and

Whereas, Mary L. Siefert was selected as the preferred candidate in the selection process and received a favorable background review;

RESOLVED, That the City Council, upon the recommendation of the City Administrator, does hereby appoint Mary L. Siefert to the position of Treasurer, effective October 28, 2002, in accordance with the terms and conditions of employment contained in the attached letter dated September 27, 2002, and which letter hereby is made a part of this resolution of appointment.

R-425-10-02 APPROVED

**RESOLUTION TO APPROVE TRANSFER OF A CLASS C
LIQUOR LICENSED BUSINESS LOCATED AT
201-203 E. WASHINGTON ST. – D/B/A THE ARENA, INC.**

RESOLVED, That the request of The Arena Inc., (d/b/a The Arena, Inc.) to transfer the ownership a 2001 Class C licensed business, located at 201-203 E. Washington St., from Garvest, L.L.C. (d.b.a. Joey G's) to The Arena, Inc., be approved; and

RESOLVED, That the outdoor service area, located on city sidewalk, be approved.

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

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

38-02 APPROVED

SNOW PARKING RESTRICTIONS

An Ordinance To Amend Section 10:143 Of Chapter 126
Of Title X Of The Code Of The City Of Ann Arbor

(The complete text of Ordinance 38-02 is on file in the City Clerk's Office).

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

On a voice vote the Mayor declared the motion carried.

39-02 APPROVED

MITCHELL 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 10.29 acres, located at 1720 South State Street, from TWP (Township District) to O (Office District). (The complete text of Ordinance 39-02 is on file in the City Clerk's Office.)

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

On a voice vote the Mayor declared the motion carried.

40-02 APPROVED

TELECOMMUNICATIONS PROVIDERS

An Ordinance To Repeal Chapter 38, Title II Of The Code Of The City Of Ann Arbor, To Amend The Code Of The City Of Ann Arbor By Adopting A New Chapter, Which New Chapter Shall Be Designated As Chapter 38 Of Title II Of The Code Of The City Of Ann Arbor, And To Amend Section 4:71 Of Chapter 50 Of Title IV Of The Code Of The City Of Ann Arbor

(The complete text of Ordinance 40-02 is on file in the City Clerk's Office.)

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

On a voice vote the Mayor declared the motion carried.

MOTIONS AND RESOLUTIONS

DEFERRED

(RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MINUTES OF SEPTEMBER 16, 2002)

Councilmember Easthope moved that the resolution be adopted.

Councilmember Easthope moved that the resolution be deferred to the end of the meeting after discussion at the closed session.

On a voice vote the Mayor declared the motion carried.

POSTPONED

RESOLUTION TO REVISE THE GEORGETOWN TRAFFIC CALMING VOTING DISTRICT

Whereas, The traffic calming program for Georgetown Boulevard was recently re-started, as a result of the City Council resolution approved on August 19, 2002, and this action closely followed the unsuccessful vote on a previous plan for the area;

Whereas, The traffic calming program, as amended by the City Council on August 5, 2002, would create a new voting district which would disenfranchise a large section of the neighborhood which had been actively involved in the traffic calming process since the inception of the process on this street in April 2000; and

Whereas, Residents requested that the re-started process add the participant list and voting district as originally designed to the one established by the recent council resolution;

RESOLVED, That City Council direct the voting district for traffic calming on Georgetown Boulevard include the households specified by the rules in the August, 2002 Council resolution and in addition any household that was in the voting district used in the previous vote in July 2002.

Councilmember Johnson moved that the resolution be adopted.

Councilmember Easthope moved to postpone the resolution until October 21, 2002.

On a voice vote the Mayor declared the motion carried.

R-426-10-02 APPROVED

RESOLUTION TO APPROVE ARBORLAND SHOPPING CENTER REVISED SITE PLAN AND FIRST AMENDMENT TO AND RESTATEMENT OF DEVELOPMENT AGREEMENT

Whereas, Arborland, L.L.C. has requested revised site plan approval in order to construct a 6,720-square foot addition onto the south side of Building 1 (Starbucks) and a 14,400-square foot addition onto the north side of Building 5 (Office Max) at the Arborland Shopping Center;

Whereas, The Ann Arbor City Planning Commission, on September 19, 2002, 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 Chapter 57; and

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

RESOLVED, That City Council approve the First Amendment to and Restatement of the Development Agreement, substantially in the form on file in the City Clerk’s Office, dated September 30, 2002; and

RESOLVED, That City Council approve the Arborland Shopping Center Revised Site Plan upon the conditions that (1) the First Amendment to and Restatement of the Development Agreement is signed by all necessary parties and (2) all terms of the First Amendment to and Restatement of the Development Agreement are satisfied.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Arborland Shopping Center revised Site Plan and First Amendment to and Restatement of Development Agreement, 35.47 acres, north side of Washtenaw Avenue, west of US-23.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-427-10-02 APPROVED

RESOLUTION TO APPROVE CARROT WAY DEVELOPMENTS
(FOOD GATHERERS) PUD SITE PLAN AND
DEVELOPMENT AGREEMENT

Whereas, Food Gatherers has requested PUD site plan approval in order to construct a 16,656-square foot warehouse with 28 parking spaces at 1731 Dhu Varren Road;

Whereas, The Ann Arbor City Planning Commission, on September 19, 2002, 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 Chapter 57; and

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

RESOLVED, That City Council approve the Development Agreement, substantially in the form on file in the City Clerk’s Office, dated September 13, 2002; and

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

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Carrot Way Developments (Food Gatherers) PUD Site Plan and Development Agreement, 2.3 acres, 1731 Dhu Varren Road.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-428-10-02 APPROVED

RESOLUTION TO APPROVE LORMAND ANNEXATION

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

Whereas, Eric Lormand is the owner of said property; and

Whereas, It is the desire of the Eric Lormand to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

Lot 1 of The Uplands, as recorded in Liber 5 of Plats, page 41, Washtenaw County Records, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Lormand Annexation, 0.92 acre, 1990 Upland Drive.

Councilmember Carlberg moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-429-10-02 APPROVED

RESOLUTION TO APPROVE TAYLOR ANNEXATION

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

Whereas, Evelyn Seeley Taylor Irrevocable Trust and Robert Cooper Taylor Irrevocable Trust are the owners of said property; and

Whereas, It is the desire of the Evelyn Seeley Taylor Irrevocable Trust and the Robert Cooper Taylor Irrevocable Trust to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

RESOLVED, That the following described lands and premises situated and being in the Township of Ann Arbor, Washtenaw County, Michigan, be detached from said Township of Ann Arbor and annexed to the City of Ann Arbor, to-wit:

Commencing at a point in the N and S ¼ line 1264.73 feet S of the N ¼ post of Section 34, T2S, R6E, Meridian of Michigan; thence northeasterly along a line making a northeasterly angle of 72°30' with said ¼ line 573.52 feet; thence deflecting 27°28' to the left 315.78 feet; thence deflecting 15°25' to the left 144.06 feet for a place of beginning; thence deflecting 90°00' to the left 228.23 feet; thence deflecting 39°29'30" to the right 143.85 feet; thence deflecting 99°54'30" to the right 51.73 feet; thence deflecting 40°36'30" to the right 300 feet to the centerline of Heather Way; thence deflecting 90°00' to the right 125 feet to the place of beginning; excepting and reserving a right-of-way over a strip of land 30 feet wide from the SE side of the above described land for public highway purposes, being a part of the NE ¼ of Section 34, T2S, R6E, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Taylor Annexation, 0.73 acre, 850 Heather Way.

Councilmember Woods moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-430-10-02 APPROVED

RESOLUTION TO APPROVE A CONTRACT TO PROVIDE ILLICIT DISCHARGE ELIMINATION SERVICES BY THE CITY TO THE WASHTENAW COUNTY DRAIN COMMISSIONER AND APPROPRIATE FUNDS RECEIVED FOR SERVICES TO THE STORM WATER SYSTEM FUND

Whereas, The Washtenaw County Drain Commissioner and the City of Ann Arbor have cooperated on planning for restoration of Mallets Creek;

Whereas, Phosphorous reduction is a goal of the Mallets Creek plan;

Whereas, The Washtenaw County Drain Commissioner has received a MDEQ grant for illicit connection elimination program; and

Whereas, The Washtenaw County Drain Commissioner has solicited the services of the City of Ann Arbor Water Utilities Department in conducting the illicit connection elimination program;

RESOLVED, That the Mayor and City Council approve a contract for provision of services by the Water Utilities Department to the Washtenaw County Drain Commissioner in connection with the Mallets Creek illicit discharge elimination program in the amount of \$327,000.00;

RESOLVED, That the City Administrator be authorized to execute a contract for services, and any amendments or change orders, with the Washtenaw County Drain Commissioner after approval as to form by the City Attorney; and

RESOLVED, That Council approve a budget in the amount of \$327,000.00 and that the funds be appropriated to the Stormwater System Fund from the contract with the Washtenaw County Drain Commissioner without regard to fiscal year.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-431-10-02 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM
YU XIE AND YIJUN GU, MICHAEL A. BREIDER AND
CYNTHIA L. BREIDER, SANTOS CARVAJAL GONZALEZ
AND CHRISTINE MARIE POISSON AND MARK D. DOROGI AND
KATHLEEN M. SOMMERS – 2605, 2609, 2615 AND
2619 TRAVER

Whereas, Yu Xie and Yijun Gu, 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 3765, Page 0187, recorded September 21, 1998;

Whereas, Michael A. Breider and Cynthia L. Breider, 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 3880, Page 396, recorded on June 22, 1999;

Whereas, Santos Carvajal Gonzalez and Marie Christine Poisson, 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 4137, Page 654, recorded on June 26, 2002;

Whereas, Mark D. Dorogi and Kathleen M. Sommers, Husband and Wife, are the owners in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 3765, Page 0182, recorded September 21, 1998; and

Whereas, Yu Xie and Yijun Gu, Husband and Wife, Michael A. Breider and Cynthia L. Breider, Husband and Wife, Santos Carvajal Gonzalez and Marie Christine Poisson, Husband and Wife, and Mark D. Dorogi and Kathleen M. Sommers, Husband and Wife, have delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

30.0 FT. WIDE SANITARY SEWER EASEMENT

A 30.00 foot wide easement for public utilities with sidelines being parallel with and 15 feet each side of the following described centerline: Commencing at the North $\frac{1}{4}$ corner of Section 15, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence $S01^{\circ}10'23''E$ 2140.07 feet along the N-S $\frac{1}{4}$ line of said section; thence $N82^{\circ}35'47''E$ 444.66 feet along the centerline of Traver Boulevard for a PLACE OF BEGINNING; thence $N07^{\circ}23'1.94''$ to a Place of Ending, being a part of the NE $\frac{1}{4}$ of said Section 15, being subject to easements and restrictions of record, if any.

RESOLVED, That the City hereby accept said easement.

Councilmember Herrell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-432-10-02 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM
WASHTENAW COUNTY – ANN ARBOR SHELTER/DOWNTOWN CENTER

Whereas, Washtenaw County, a Michigan municipal 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 3942, Page 661, recorded May 1, 2000;

Whereas, A Resolution of the Washtenaw County Board of Commissioners dated July 5, 2000, authorized the delivery of a perpetual easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system; and

Whereas, Washtenaw County, a Michigan municipal corporation, has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

Commencing at the Southeast Corner of Block 1 North, Range 1 East, Original Plat of Ann Arbor; thence S 90°00'00" W 138.15 feet along the North right-of-way line of Huron Street (82.5 feet wide) to the POINT OF BEGINNING;

thence continuing S 90°00'00" W 88.66 feet along said North right-of-way line;
thence N 00°00'00" E 132.00 feet;
thence N 90°00'00" E 74.19 feet;
thence S 00°00'00" W 8.83 feet;
thence S 90°00'00" W 32.19 feet;
thence S 00°00'00" W 108.34 feet;
thence N 90°00'00" E 46.66 feet;
thence S 00°00'00" W 14.83 feet to the POINT OF BEGINNING, being a part of the NW 1/4 of Section 29, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan.

RESOLVED, That the City hereby accept said grant of easement.

Councilmember Easthope moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-433-10-02 APPROVED

RESOLUTION ACCEPTING ROAD RIGHT-OF-WAY EASEMENT FROM
ARBOR LAKE VILLAGE APARTMENTS LIMITED LIABILITY COMPANY
LAKE VILLAGE OF ANN ARBOR APARTMENTS

Whereas, Arbor Lake Village Apartments Limited Liability Company, a Delaware limited liability company, is the fee simple owner of property located in the City of Ann Arbor, Michigan, as described in Washtenaw County Records at Liber 4076, Page 298 recorded December 13, 2001;

Whereas, A Certificate of Authorization, dated September 12, 2002 by the Assistant Secretary, certified the authority of the sole member of the company to execute and deliver a perpetual easement to the City for road right-of-way; and

Whereas, Arbor Lake Village Apartments Limited Liability Company, a Delaware limited liability company, has delivered an easement to the City for road right-of-way along the east side of South Main Street, to run with the land and burden the respective property perpetually, being more particularly described as follows:

RIGHT-OF-WAY DEDICATION

Description for 17 foot wide additional right-of-way along South Main Street

A part of the NE 1/4 of Section 5, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; more particularly described as:

Commencing at the center of said Section 5; thence N03° 19' 55" E, 13.87 feet, along the N and S 1/4 line of said Section 5; thence S88° 05' 34" E, 210.91 feet; thence N01° 55' 13" E, 166.00 feet; thence N88° 05'27" W, 176.30 feet, to the POINT OF BEGINNING; Thence N88° 05' 27" W, 17.07 feet, to the Easterly right-of-way of S. Main Street (33-1/2 foot row); thence N03° 22' 39" W, 60.65 feet, along the Easterly right-of-way of said S. Main Street; thence S88° 03' 19" E, 17.07 feet; thence S03° 22' 39" E, 60.64 feet, to the POINT OF BEGINNING.

RESOLVED, That the City hereby accept said grant of easement.

Councilmember Robinson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-434-10-02 APPROVED

RESOLUTION TO APPOINT THE EMERGENCY MANAGER (DISASTER PREPAREDNESS COORDINATOR) AND ASSISTANT EMERGENCY MANAGERS (ASSISTANT DISASTER PREPAREDNESS COORDINATORS) AND TO AMEND THE FY 2002/2003 BUDGET BY TRANSFERRING FUNDS

Whereas, Emergency mitigation, preparedness, response and recovery is a fundamental function of city government and an important service provided to residents;

Whereas, The City of Ann Arbor has severe weather events and the potential for other incidents that would require a coordinated city response;

Whereas, The City of Ann Arbor is required to exercise emergency scenarios at several of its facilities;

Whereas, Recent events have heightened the need for municipalities to prepare for terrorist and other human-made threats;

Whereas, City ordinance provides for the mitigation, preparedness, response and recovery from natural and human-made disasters within the City of Ann Arbor; establishes an office for this purpose; provides for the coordination and utilization of resources in the city in an emergency or disaster situation; and provides a means through which the mayor, administrator, and council may exercise the authority and discharge the responsibilities

vested in them by the ordinance and Act 390 of the Public Acts of 1976;

Whereas, City ordinance calls for a program to coordinate mitigation, preparedness, response and recovery activities for all emergency and disaster situations;

Whereas, City ordinance calls for a person appointed by the mayor, on recommendation of the city administrator, to act for and at the direction of the mayor in the coordination of all emergency services, disaster preparedness, disaster planning, and recovery assistance within the City of Ann Arbor; and

Whereas, Matthew Naud, Environmental Coordinator, has (1) developed emergency response plans and exercises for federal and state government agencies; (2) supported Emergency Operations Center operations; and (3) been trained by FEMA as an exercise evaluator and by the State of Michigan in Emergency Operations Center design;

RESOLVED, Disaster preparedness functions are elevated to the Administrator's Office;

RESOLVED, That Matthew Naud be appointed as the Emergency Manager (Disaster Preparedness Coordinator) and assumes the functions outlined in City Code;

RESOLVED, That Lucy Teets, Fire Department, be appointed as Assistant Emergency Manager (Assistant Disaster Preparedness Coordinator);

RESOLVED, That Joe Campbell, Police Department, be appointed as Assistant Emergency Manager (Assistant Disaster Preparedness Coordinator);

RESOLVED, That Amy Brow, Fire Department, be appointed as Assistant Emergency Manager (Assistant Disaster Preparedness Coordinator);

RESOLVED, That Myron Blackwell, Police Department, be appointed as Assistant Emergency Manager (Assistant Disaster Preparedness Coordinator);

RESOLVED, That the FY 2002/2003 budget of \$155,476.00 (\$146,814.00 plus \$8,662.00 fringe costs) for the Fire Department Emergency Management Division be transferred to the City Administrator's Budget; and

RESOLVED, That the Office of Disaster Preparedness will prepare a report by March 30, 2003 describing the status of planning preparedness and make appropriate recommendations to City Council to ensure the City's level of preparedness.

Councilmember Johnson moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

R-435-10-02 APPROVED

RESOLUTION TO APPROPRIATE AND TRANSFER
\$1,400,000.00 FROM THE CITY PARKING SYSTEM FUND
TO THE GENERAL FUND IN FISCAL YEAR 2001-2002

Whereas, The 2002-2003 budget anticipated a transfer from the City Parking System Fund to the General Fund to maintain a reasonable fund balance at the end of the 2001-2002 fiscal year;

Whereas, By adopting this resolution, the City will maintain the minimum unrestricted fund balance level of 8% of total expenditures set by the City's Strategic Financial Plan (\$7,600,000.00); and

Whereas, To maintain the City's excellent bond ratings while improving the fiscal health of the City's general fund for the 2001-2002 fiscal year;

RESOLVED, The 2001-2002 Budget for the Parking System be amended by an expenditure of \$1,400,000.00 and;

RESOLVED, That the amount of \$1.4 million of unrestricted assets of the Parking System be transferred to the 2001-2002 General Fund budget.

Councilmember Johnson moved that the resolution be adopted.

Councilmember Higgins left at 9:00 p.m.

On roll call the vote was as follows:

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

Nays, Councilmembers Upton, Reid, 2;

Absent, Councilmember Higgins, 1.

The Mayor declared the motion carried.

POSTPONED

RESOLUTION TO GRANT TWO NEW CLASS C LIQUOR LICENSES

Whereas, The City of Ann Arbor was notified by the State of Michigan Liquor Control Commission that the City was granted an additional 2 Liquor Licenses to be awarded to eligible Ann Arbor businesses; and

Whereas, New Liquor Licenses are available because of the population increase in the City of Ann Arbor as a result of the 2000 U.S. Census; and

Whereas, The Special Liquor Committee has:

1. Published a public notice of availability and invitations to submit written applications in the Ann Arbor News on June 2, 2002;
2. Mailed out questionnaires to all applicants who requested to be considered for the granting of a new license;
3. Carefully reviewed all information provided by applicants; and

Whereas, The applications have been the subject of a successful background check and review by the Ann Arbor Police Department;

RESOLVED, That the Mayor and the Ann Arbor City Council approve the Special Liquor Committee's recommendation to grant a new Class C liquor license to:

1. Achilles Restaurant, 3075 Packard Rd., 48103
2. Yamato Japanese Restaurant, 403 N. Fifth Ave., 48104; and

RESOLVED, That the above licenses are granted with the understanding that they shall not be sold or transferred without the approval of the Ann Arbor City Council;

RESOLVED, That the City Clerk forward a copy of this resolution to the businesses listed above and the State Liquor Control Commission; and

RESOLVED, That the City Clerk send a written notification to all unsuccessful applicants notifying them of the Ann Arbor City Council decision.

Councilmember Johnson moved that the resolution be adopted.

The Mayor declared a recess at 9:38 p.m.

The Mayor again called the meeting to order at 9:40 p.m.

Councilmember Reid moved to postpone the resolution until October 21, 2002.

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 Hieftje recommended the following appointments at the September 17, 2002 regular session of Council:

Community Development Citizen Participation Executive Committee

James Mogensen (Reappointment)
3780 Greenbrier Blvd. #354C
Ann Arbor, MI 48105
Term: October 7, 2002 – June 30, 2005

Floyd Robinson (Reappointment)
2852 Page
Ann Arbor, MI 48104
Term: October 7, 2002 – June 30, 2005

Steven J. Sheldon (Fill a vacancy from Ikeita Cantu Hinojosa)
2352 Pinecrest Avenue
Ann Arbor, MI 48104
Term: October 7, 2002 – June 30, 2005

NOMINATIONS PLACED ON TABLE

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

Hospitality Committee

Joyce Chesbrough (Reappointment)
P.O. Box 2423
Ann Arbor, MI 48106
Term: October 21, 2002 – January 1, 2005

Gina Dailey (Reappointment)
645 N. Fifth Avenue
Term: October 21, 2002 – January 1, 2005

Kevin Dailey (Reappointment)
645 N. Fifth Avenue
Ann Arbor, MI 48104
Term: October 21, 2002 – January 1, 2005

Makha Fall (Reappointment)
2673 Arrowwood Tr.
Ann Arbor, MI 48105
Term: October 21, 2002 – January 1, 2005

Gregory Fox (Reappointment)
554 S. First St.
Ann Arbor, MI 48103
Term: October 21, 2002 – January 1, 2005

Rev. Emmett Green (Reappointment)
Second Baptist Church
850 Red Oak Road
Ann Arbor, MI 48103
Term: October 21, 2002 – January 1, 2005

Mary Hall Thiam, Ed.D (Reappointment)
2755 Arrowwood Tr.
Ann Arbor, MI 48105
Term: October 21, 2002 – January 1, 2005

Ebba Hierta
915 Miner St.
Ann Arbor, MI 48103
Term: October 21, 2002 – January 1, 2005

Bridgett Maassen, Co-Chair (Reappointment)
1178 Heatherway
Ann Arbor, MI 38104
Term: October 21, 2002 – January 1, 2005

Cecilia Paas, Co-Chair (Reappointment)
2392 Grant Drive
Ann Arbor, MI 48108
Term: October 21, 2002 – January 1, 2005

Mary Pfaus (Reappointment)
7609 Cottonwood Lane
Dexter, MI 48130
Term: October 21, 2002 – January 1, 2005

Richard Ross, Sr., Dr. (Reappointment)
1835 Franklin Ct.
Ann Arbor, MI 48103
Term: October 21, 2002 – January 1, 2005

Ulla Roth (Reappointment)
1317 Franklin Blvd.
Ann Arbor, MI 48103
Term: October 21, 2002 – January 1, 2005

Hiromi Sano (Reappointment)
1050 Wall St., #1A
Ann Arbor, MI 48105
Term: October 21, 2002 – January 1, 2005

Rowena Wilhelm (Reappointment)
710 Greenhills Dr.
Ann Arbor, MI 48105
Term: October 21, 2002 – January 1, 2005

Housing Policy Board

Ashley Zwick (Fill a vacancy from James Miller)
821 W. Liberty
Ann Arbor, MI 48103
Term: October 21, 2002 – October 20, 2005

Sign Board of Appeals

Helen M. Corey (Fill a vacancy from Robert Lilienfeld)
1015 Rose Ave.
Ann Arbor, MI 48104
Term: October 21, 2002 – October 20, 2005

Zoning Board of Appeals

Al Raymond (Reappointment)
2375 Mershon Dr.
Ann Arbor, MI 48103
Term: October 21, 2002 – October 20, 2005

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

On a voice vote the Mayor declared the motion carried.

ANNOUNCEMENTS

- The Mayor announced that he is continuing to have lunch at Liberty Park on Mondays. He encouraged all to come out and have lunch in the park.

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Purchase of Natural Gas from Exelon Energy – Environmental Services
2. Summer Festival Living Wage Exemption Follow Up – Human Resources
3. Repair of Plymouth Road Utility Trench – Public Services
4. Acceptance of Donation – Police
5. Halloween – Police
6. August 2002 Investment Portfolio Report – Finance
7. Discussion of MDEQ's Determination of the City's Phosphorus Contribution from the Wastewater Treatment Plant – Environmental Services
8. Environmental Commission Recommendation to City Council Concerning An Ordinance reducing Phosphorus Application to Turf – Environmental Commission
9. Item #CA-7 Approval of a Permit to Discharge Treated Waters to the Storm Water System, Berkshire Creek, LLC - Utilities

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER UPTON

Councilmember Upton stated that he received a report regarding the destruction of trees in the community caused by the Emerald Ashborer. There are as many as 5,000 street trees that could be impacted by this and could require removal within the next 4 years.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Ann Arbor/Ypsilanti Smart Zone Tax Increment Financing Plan – LFDA

The following minutes were referred as indicated:

1. Local Development Finance Authority Board – August 26, 2002
2. Human Rights Commission – August 21, 2002
3. City Market Commission (Farmers Market) – August 15, 2002
4. Ann Arbor Transportation Authority Board – September 18, 2002
5. Retiree Health Care Board of Trustees – August 15, 2002
6. Employees Retirement System Board – August 15, 2002
7. Ann Arbor Energy Commission – September 4, 2002
8. Housing Commission – August 21, 2002
9. Planning Commission – August 6 and 20, 2002

(Communications and minutes on file in the City Clerk's Office)

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 pending litigation.

On roll call the vote was as follows:

Yeas, Councilmembers Robinson, Johnson, Upton, Reid, Carlberg, Herrell, Hartwell, Easthope, Woods, Mayor Hieftje, 10.

Nays, 0;

Absent, Councilmember Higgins, 1.

The Mayor declared the motion carried and the meeting recessed at 9:52 p.m.

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

On a voice vote the Mayor declared the motion carried and the meeting reconvened at 11:20 p.m.

MOTIONS AND RESOLUTIONS REVISITED

R-436-10-02 APPROVED

**RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION
MINUTES OF SEPTEMBER 16, 2002**

RESOLVED, That the attached Board of Insurance Administration Minutes of September 16, 2002 be accepted and that the recommended courses of action therein, including payments, be authorized.

**MINUTES
September 16, 2002
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION**

Present: Chris Easthope – Councilperson
James Armstrong - Risk Manager
Abigail Elias – City Attorney
Marilyn Mack – Claims Specialist
Bob West – Assistant City Attorney
Joe Upton – Councilperson
Ron Olson – Administration
Terri Renard – Parks Supervisor

CLAIMS DENIED:

- CC067-02 Maria Huffman
Sewer Back Up
Discussed by James Armstrong, Risk Manager
- CC058-02 Nancy Hannan
Property Damage
Discussed by James Armstrong, Risk Manager
- CC062-02 Marvin/Claudia Sauer
Sewer Back Up
Discussed by James Armstrong, Risk Manager

CC053-02 FSA Properties/H. David Fee
Property Damage
Discussed by James Armstrong, Risk Manager

CLAIMS APPROVED:

CC061-02 Elaine Jordan
Sewer Back Up
Discussed by James Armstrong, Risk Manager

CC059-02 Joshua Fish
Property Damage
Discussed by James Armstrong, Risk Manager

CLAIMS TABLED:

CC054-02 Andrew Johnson
Sewer Back Up
Discussed by James Armstrong, Risk Manager

AGENDA ACTION ITEMS DISCUSSED:

Nievaard lawsuit
Discussed by Robert West, Assistant City Attorney
Settlement strategy approved

Englebert class action lawsuit settlement
Discussed by Abigail Elias, City Attorney
\$800,000.00 settlement – payments to be made by DiscoverRe

Fidelity Insurance/Janet Roth subrogation suit settlement
Discussed by Abigail Elias, City Attorney
Settlement of \$10,250.00 was approved

Bull Transport case
Discussed by Robert West, Assistant City Attorney

Prepared by:
Marilyn Mack, Claims Specialist
10/3/02

Councilmember Hartwell moved that the resolution be adopted.

On a voice vote the Mayor declared the motion carried.

ADJOURNMENT

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

On a voice vote the Mayor declared the motion carried and the meeting adjourned at 11:20 p.m.

Kathleen M. Root
Clerk of the Council

Anissa R. King
Recording Secretary

MEETING DATE

I hereby certify that Council agenda material was delivered to the following:

COUNCILMEMBERS _____ HOME ADDRESS _____ WHERE DELIVERED

HOMEOTHER

- | | | | |
|-----|----------------------|-------------------------|---|
| 1. | John Hieftje, Mayor | 1800 Traver Rd. | X |
| 2. | Jean Robinson | 1020 Cedar Bend Dr. | X |
| 3. | Robert M. Johnson | 1413 Culver Rd. | X |
| 4. | Joseph Upton | 2019 Seneca Ave. | X |
| 5. | Mike Reid | 1070 Chestnut St. | X |
| 6. | Jean Robinson | 1902 Independence Blvd. | X |
| 7. | Heidi Cowing Herrell | 2896 Sharon Dr. | X |
| 8. | Stephen C. Hartwell | 417 Sumark Way | X |
| 9. | Marcia Higgins | 1512 Mariane Ave. | X |
| 10. | Christopher Easthope | 520 W. Madison St. | X |
| 11. | Wendy A. Woods | 1035 Newport Rd. | X |

Date: _____

Officer in Charge

1. Council Mail Boxes 7. Council Mailboxes

2. " 8. "

3. " 9. _____

4. _____ 10. Council Mailboxes

5. _____ 11. _____ "

6. _____ "

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