

**ANN ARBOR CITY COUNCIL MINUTES  
REGULAR SESSION - NOVEMBER 6, 2003**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:34 p.m. in the City Hall Council Chamber.

Council stood for a moment of silence.

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

**ROLL CALL OF COUNCIL**

PRESENT : Council Members Kim Groome, Robert M. Johnson, Joan Lowenstein, Jean Carlberg, Heidi Cowing Herrell, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11. Council Member Reid arrived at 7:45 PM.

ABSENT : 0.

**INTRODUCTIONS**

PIONEER HIGH SCHOOL GIRLS SWIM TEAM OF 2002

Mayor Hieftje read a proclamation, and presented street signs to be placed at the entrance of the City, honoring the Pioneer High School Girls Swim Team of 2002 for becoming State and National Champions.

2002 MOLIN/MORRIS AWARD PRESENTATION TO VIRGINIA JOHANSEN

Mayor Hieftje presented the Monlin/Morris Award to Virginia Johansen for her outstanding volunteer contributions to the City of Ann Arbor Parks and Recreation system and the community.

NATIONAL AWARD OF EXTRAORDINARY ASSISTANCE – ANN ARBOR POLICE DEPARTMENT'S K-9 TEAM

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Mayor Hieftje presented the National Award of Extraordinary Assistance to Officer Mark Brayton and K-9 companion, Cliff, for their help in a homicide investigation with the Bellville Police Department.

SISTER CITY RELATIONSHIP BETWEEN THE CITY OF ANN ARBOR AND REMEDIOS, CUBA

Jack Kenney, Tom Port, Lisa Gottlieb, and Kurt Bergren, talked about the proposed sister city relationship between the City of Ann Arbor and Remedios, Cuba.

#### TRIBUTE TO COUNCIL MEMBER HEIDI HERRELL

State Representative Chris Kolb read a proclamation to Council Member Herrell for her commitment of eight years of service to residents of the Third Ward and to the City of Ann Arbor.

### **PUBLIC COMMENTARY - RESERVED TIME**

#### CHANDRA MONTGOMERY NICOL – EXPANSION OF WASHTENAW HILL HISTORIC DISTRICT

Chandra Montgomery Nicol addressed Council regarding the expansion of the Washtenaw Hill Historic District.

#### THOMAS PARTRIDGE – PROGRESSIVE DEMOCRATIC GOALS AND POLICIES VS. THE LIFE THREATENING POLICIES OF PRESIDENT BUSH, GOVERNOR GRANHOLM AND MAYOR HIEFTJE

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Thomas Partridge addressed Council regarding the progressive democratic goals and policies vs. the life threatening policies of President Bush, Governor Granholm and Mayor Hieftje.

#### BERNARD VAN'T HUL – CITY CODE CHAPTER 119 – NOISE ORDINANCE

Bernard Van'T Hul addressed Council regarding the City's Noise Ordinance.

### **PUBLIC HEARINGS**

#### FEES AND BONDS REQUIRED, CIRCUSES, SHOWS AND EXHIBITIONS, ANIMALS, ANIMAL CONTROL ORDINANCE, HORSE DRAWN VEHICLES FOR HIRE (ORDINANCE NO. 42-03)

A public hearing was conducted on the proposed Ordinance to amend Sections 7:33 - Licenses for A-D; 7:34 - Licenses for E-H and 7:37 - Licenses for Q-T of Chapter 77 - Fees and Bonds Required of Title VII; to amend Sections 7:331 - Show License and 7:332 - Animal Shows and Exhibitions of Chapter 88 - Circuses, Shows and Exhibitions of Title VII; to Repeal the Existing Chapter 107 – Animals, except for Section 9:39 – Bees and add a new Chapter 107 – Animal Control Ordinance of Title IX, and to Repeal the Existing Chapter 129 – Horse Drawn Vehicles for Hire of Title X of the Code of the City of Ann Arbor. Notice of public hearing was published October 19, 2003.

The following people expressed concern with the proposed ordinance:

Eric Toban,  
Dr. Kathryn Tosney  
Joanne Kinnelly  
Cindy Cooke  
Dr. Paula Rode  
Tom Petiet  
R. Mennon  
Steve Diuble, member of Ann Arbor Kennel Club  
Betsy Dale  
Chris Packo, member of the Ann Arbor Kennel Club

The following people spoke in opposition to the proposed Animal Ordinance:

Chris Pesto, Ann Arbor resident  
Gwen Dickerson, Ann Arbor resident

The following people asked that the ordinance be postponed for further review:

Janet Ledford  
Patrick Clancy, Ann Arbor resident, spoke in opposition and asked that it be postponed.  
Dr. Al W. Stinson  
Jason Schroeder, University of Michigan student  
Cheryl Bruening, Ann Arbor resident  
Donna Hatch, owner of a pet shop  
Melinda Hart, president of the Ann Arbor Kennel Club  
Ann Arbor resident

The following people spoke in support of the proposed ordinance:

Greg Smith, Ann Arbor resident  
Jean King, Ann Arbor resident spoke in support of the sanitation section of the ordinance.

There being no further comment, the Mayor declared the hearing closed.

NORTH QUAD BY MELROSE ZONING (ORDINANCE NO. 40-03)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of, 5.42 acres from TWP (Township District) to PUD (Planned Unit Development), North Quad by Melrose property, located at 1756 Broadway Street. Notice of public hearing was published October 19, 2003.

The following people spoke to council regarding the proposed ordinance:

Wayne Senacle, petitioner  
Robert Kerr, of Metro Group Architects  
Jerold Lax, representing the developer

The following people expressed concern with the proposed ordinance:

Thomas Fayfer  
Paul Green, 1615 Harbal Drive  
Laura Strough  
Thomas Partridge  
Richard Hideman,  
Dale Nest, resident on Harbal Drive  
Katherine Clark, Ann Arbor resident  
Victor Hawthorn  
Gregory Marks

There being no further comment, the Mayor declared the hearing closed.

NORTH QUAD BY MELROSE PUD SITE PLAN

A public hearing was conducted on the proposed North Quad by Melrose PUD Site Plan and Development agreement, 5.42 acres, located at 1756 Broadway Street. Notice of public hearing was published November 2, 2003.

The following people addressed Council regarding the proposed site plan:

Wayne Senacle  
Robert Kerr, of Metro Group Architects  
Jerold Lax, representing the developer

The following people expressed concern with the proposed site plan:

Thomas Fayfer  
Richard Hideman  
Katherine Clark, Ann Arbor resident  
Thomas Partridge, 100 S. 4th Avenue, #1010  
Dale Nest, resident on Harbal Drive  
Paul Green, 1615 Harbal Drive

There being no further comment, the Mayor declared the hearing closed.

The Mayor called a recess at 9:55 p.m. and reconvened the meeting at 10:10 p.m.

## **APPROVAL OF AGENDA**

### AGENDA APPROVED WITH CHANGES

Council Member Groome moved, seconded by Council Member Carlberg that the agenda be approved with the following changes:

#### ORDINANCE FIRST READING

Revise: Ordinance Authorizing the Acquisition and Construction of Extensions and Improvements to the Water Supply System of the City of Ann Arbor; Authorizing and Providing for the Issuance and Sale of Revenue Bonds of Equal Standing with Certain Outstanding Water Supply System Revenue Bonds for the Purpose of Paying the Cost of Said Extensions and Improvements; to Provide for the Collection of Revenues from the System Sufficient for the Purpose of Paying the Costs of Operation and Maintenance of the System and to Pay the Principal of and Interest on the Bonds and Certain Outstanding Bonds of the System to Provide an Adequate Reserve Fund for the Bonds and Outstanding Bonds of the System; to Provide for the Segregation and Distribution of the Revenues; to Provide for the Rights of the Holders of the Bonds and Outstanding Bonds of the System in Enforcement thereof; and to Provide for Other Matters Relating to the System and the Bonds and Outstanding Bonds of the System (Finance– Brenda L. Smith, Director) **(Roll Call Vote Required) (Requires Only One Reading) (Revised 11/3/03)**

Revise: Ordinance Authorizing the Acquisition and Construction of Extensions and Improvements to the Sewage Disposal System of the City of Ann Arbor; Authorizing and Providing for the Issuance and Sale of Revenue Bonds of Equal Standing with Certain Outstanding Sewage Disposal System Revenue Bonds for the Purpose of Paying the Cost of Said Extensions and Improvements; to Provide for the Collection of Revenues from the System Sufficient for the Purpose of Paying the Costs of Operation and Maintenance of the System and to Pay the Principal of And Interest on the Bonds and Certain Outstanding Bonds of the System; to Provide an Adequate Reserve Fund for the Bonds and Outstanding Bonds of the System; to Provide for the Segregation and Distribution of the Revenues; to Provide for the Rights of the Holders of the Bonds and Outstanding Bonds of the System in Enforcement thereof; and to Provide for Other Matters Relating to the System and the Bonds and Outstanding Bonds of the System (Finance - Brenda L. Smith, Director) **(Roll Call Vote Required) (Requires Only One Reading) (Revised 11/3/03)**

MOTIONS AND RESOLUTIONS

Move: Resolution to Approve North Quad by Melrose PUD Site Plan and Development Agreement, 5.42 Acres, 1756 Broadway Street (Planning Commission Recommendation: Approval - Motion to Approve Passed - 6 Yeas and 2 Nays) **(Consider Ordinance No. 40-03)**

CLERK’S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

Add: Communication from the Washtenaw County Treasurer regarding a meeting to give an update to the Revenue and Record Keeping Community of Interest on November 20, 2003 at 9 a.m.

On a voice vote, the Mayor declared the motion carried.

**APPROVAL OF COUNCIL MINUTES**

MINUTES OF OCTOBER 20, 2003 APPROVED

Council Member Woods moved, seconded by Council Member Teall that the regular session minutes of October 20, 2003 be approved as presented.

On a voice vote, the Mayor declared the motion carried.

**CONSENT AGENDA**

CONSENT AGENDA ITEM REMOVED

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

Resolution to Approve Amendment to Resolution R-247-6-03 for the Amount of \$27,100.00 for the Purchase of Additional Call Center Equipment and the Installation of an IVR (Interactive Voice Response) System for the Treasury Division, Thereby Increasing the Total Project Budget to \$142,100.00 (Information Technology Services – Steven Hampton, Director)

CONSENT AGENDA ITEMS APPROVED

Council Member Woods moved, seconded by Council Member Teall that the following Consent Agenda items be approved as presented:

R-458-11-03 APPROVED

RESOLUTION TO TRANSFER ALL STOCK IN A 2001 12-MONTHS RESORT CLASS "C" LICENSED BUSINESS LOCATED IN ESCROW AT 903 W. EISENHOWER PARKWAY, ANN ARBOR, MICHIGAN, WASHTENAW COUNTY, BY DROPPING LONE STAR STEAKHOUSE & SALOON, INC., AS STOCKHOLDER, THROUGH THE TRANSFER OF 100 SHARES OF STOCK TO A NEW STOCKHOLDER - LONE STAR FINANCE, INC.

RESOLVED, That the request from Lone Star Steakhouse & Saloon of Michigan, Inc. to transfer all stock in a 2001 12-Months Resort Class "C" Licensed Business, located in escrow at 903 W. Eisenhower Parkway, Ann Arbor, Michigan, Washtenaw County, by dropping LoneStar Steakhouse & Saloon, Inc. as stockholder through the transfer of 100 shares of stock to new stockholder, Lone Star Finance, Inc. be approved.

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R-459-11-03 APPROVED

RESOLUTION TO ESTABLISH A PROJECT DESIGN BUDGET FOR THE CHEROKEE AND FERDON WATER MAIN REPLACEMENT PROJECT - \$27,000.00

Whereas, The existing 6-inch water main at Cherokee and Ferdon is in poor condition and must be

replaced with new 8-inch water main;

Whereas, Project Management is prepared to complete the necessary design as expeditiously as possible; and

Whereas, It is expected that said project would be constructed in the first and second quarters of 2004;

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

Section I – Revenue

<u>\$27,000.00</u>	Advanced from the Water Supply System Operating Fund Balance pending the sale of Water Revenue Bonds
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\$27,000.00	TOTAL
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Section II – Expense

\$25,000.00	Design Engineering
<u>2,000.00</u>	Consulting and Testing
\$27,000.00	TOTAL; and

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

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R-460-11-03 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICES  
OUTSIDE CITY LIMITS TO 2021 PONTIAC TRAIL

Whereas, On September 16, 2003, the owner of the property at 2021 Pontiac Trail requested that the City extend public water and sewer service to his property in Ann Arbor Township prior to the completion of the annexation process;

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

Whereas, On September 16, 2003 the owner petitioned the City for annexation under Planning

Department file number 9163D14.1 and 9163D14.2.

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 owner; 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 owner.

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R-461-11-03 APPROVED

RESOLUTION TO AUTHORIZE THE PURCHASE OF  
A 4-WHEEL DRIVE TRACTOR LOADER/BACKHOE,  
FROM K & W EQUIPMENT, INC. BID NO. 3623 - \$61,495.00

Whereas, The Water Utilities Department needs to purchase a replacement for a 1994 loader/backhoe;

Whereas, K & W Equipment, Inc. was the lowest responsible bidder, Bid No. 3623; and

Whereas, K & W Equipment, Inc. received Human Rights approval on September 24, 2003;

RESOLVED, That City Council authorize the issuance of a purchase order to K & W Equipment, Inc. for the purchase of a 4-wheel drive tractor loader/backhoe in the amount of \$61,495.00; and

RESOLVED, That the purchase be funded from the approved FY 2003/04 operating budget of the Water Supply System for \$61,495.00.

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R-462-11-03 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION AGREEMENT  
WITH MARGARET S. WAYNE - \$49,060.00

Whereas, An application was received from Margaret S. Wayne for rehabilitation assistance for her home located at 1307 Jones Drive;

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

Program; and

Whereas, Three bids were received on September 4, 2003 and Ms. Wayne will be executing an agreement with Success Enterprises, the lowest responsible bidder, who has Human Rights and Living Wage Approval, to complete the rehabilitation work;

RESOLVED, That the Mayor and Council approve the Housing Rehabilitation Agreement with Margaret S. Wayne in the amount of \$49,060.00 as a 0% interest, deferred payment loan; and

RESOLVED, That the Mayor and City Clerk be authorized to sign the agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available without regard to fiscal year.

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R-463-11-03 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION  
MINUTES OF OCTOBER 17, 2003, AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of October 17, 2003 be accepted and that the recommended courses of action therein, including payments, be approved and authorized.

MINUTES  
OCTOBER 17, 2003  
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

- Present: Jim Armstrong - Risk Manager
- Joan Lowenstein - City Council Member
- Mary Siefert -Treasurer (via email)
- Ronald Olson - Associate City Administrator
- Abigail Elias - Chief Assistant City Attorney
- Robert West - Assistant City Attorney

Claims Recommended for Approval:

CC054-03 Tanya Whitehead  
Vehicle Damage

Discussed by Jim Armstrong, Risk Manager

- CC088-03 Susan Ficarro/Travelers Insurance  
Vehicle Damage Subrogation  
Discussed by Jim Armstrong, Risk Manager
- CC057-03 Edward Brooks  
Vehicle Damage Subrogation  
Discussed by Jim Armstrong, Risk Manager
- CC059-03 Betty Schnople  
Bodily Injury  
Discussed by Jim Armstrong, Risk Manager
- CC095-03 Tina Stiffler  
Vehicle Damage  
Discussed by Jim Armstrong, Risk Manager
- CC119-03 Norman/Ilene Tyler  
Property Damage  
Discussed by Jim Armstrong, Risk Manager

Claims Recommended for Denial:

- CC083-03 Howard Hane, Jr.  
Vehicle Damage  
Discussed by Jim Armstrong, Risk Manager
- CC056-03 Calvin Abraham/Hartford Insurance  
Bodily Injury  
Discussed by Jim Armstrong, Risk Manager
- CC100-03 Anita Drain  
Bodily Injury  
Discussed by Jim Armstrong, Risk Manager
- CC075-03 Herb David Guitar Studio  
Sewer Back Up  
Discussed by Jim Armstrong, Risk Manager
- CC085-03 Anthony Putman  
Vehicle Damage  
Discussed by Jim Armstrong, Risk Manager

CC092-03 Valerie Ifill/State Farm Insurance  
Vehicle Damage Subrogation  
Discussed by Jim Armstrong, Risk Manager

CC078-03 Maurice Fletcher  
Vehicle Damage  
Discussed by Jim Armstrong, Risk Manager

Old Business:

New Business:

Streer/Haney claims discussed by Abigail Elias, Chief Assistant City Attorney. The Board approved recommendation to deny representation and indemnification of involved City employee. The claim is still being investigated by the TPA.

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

R-464-11-03 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO  
RESOLUTION R-247-6-03 FOR THE AMOUNT OF \$27,100.00  
FOR THE PURCHASE OF ADDITIONAL CALL CENTER EQUIPMENT  
AND THE INSTALLATION OF AN IVR (INTERACTIVE VOICE RESPONSE) SYSTEM  
FOR THE TREASURY DIVISION, THEREBY INCREASING  
THE TOTAL PROJECT BUDGET TO \$142,100.00

Whereas, City Council approved a project budget in the amount of \$115,000.00 for the new call center telephone system and associated software integration within the Public Services Area;

Whereas, It is desirable to have one telephone-number public access for services, to integrate the proposed telephone switch with existing City software, and to ensure the new telephone system is expandable to accommodate the future administrative telephone needs of the balance of the City;

Whereas, The Treasury Division will be included in the installation of the call center and IVR project;

Whereas, The Treasury Division will achieve operational efficiencies and improved customer service;  
and

Whereas, The cost of Treasury’s call center and IVR equipment will be paid from the Technology Fund;

RESOLVED, That City Council approve the amendment to resolution R-247-6-03 for an additional \$27,100.00 from the ITS Technology Fund budget for a total project budget of \$142,100.00.

Council Member Herrell moved, seconded by Council Member Carlberg that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

**ORDINANCES - SECOND READING**

40-03 APPROVED

NORTH QUAD BY MELROSE 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 5.42 acres, located at 1756 Broadway Street, from TWP (Township District) to PUD (Planned Unit Development District). (The complete text of Ordinance 40-03 is on file in the City Clerk's Office.)

Council Member Reid moved, seconded by Council Member Johnson that the ordinance be adopted at second reading.

On a voice vote, the Mayor declared the motion carried.

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R-465-11-03 APPROVED AS AMENDED

RESOLUTION TO APPROVE NORTH QUAD BY MELROSE PUD SITE PLAN AND DEVELOPMENT AGREEMENT

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed resolution to approve the North Quad by Melrose Site Plan and Development Agreement, located at 5.42 acres, located at 1756 Broadway Street.

Council Member Reid moved, seconded by Council Member Johnson that the resolution be adopted.

Council Member Johnson moved, seconded by Council Member Groome to amend the resolution as follows:

Add RESOLVED Clauses:

**... RESOLVED, Contingent on the University of Michigan approval of the Murfin Avenue exit and submission of a revised site plan indicating the underground parking garage entrance and exit to the east side of the building; and**

**FURTHER RESOLVED, That should the petitioner be unable to comply with this contingency, this site plan shall be returned to city council for additional consideration.**

Council Member Easthope recused himself from the discussion and voting.

Council Member Carlberg moved, seconded by Council Member Herrell to amend the Development Agreement attached to the resolution as follows:

- 1. The developer will utilize maximum standard insulation for interior walls in accordance with the Building Code.**
- 2. An annual engineering report on the operation of the stormwater management system will be reported to the city.**

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:

R-465-11-03 APPROVED AS AMENDED

RESOLUTION TO APPROVE NORTH QUAD BY MELROSE PUD SITE PLAN  
AND DEVELOPMENT AGREEMENT

Whereas, Integroup Realty Trust has requested PUD site plan approval in order to construct 896 bedrooms in up to 375 units at 1756 Broadway;

Whereas, A development agreement has been prepared to address public and private improvements, easements for the construction and maintenance of public utilities, installation of detention facilities, a street tree planting escrow, a park contribution, rental rates, restriction of low or no-phosphorous lawn

fertilizers, and footing drain disconnections;

Whereas, The Ann Arbor City Planning Commission, on November 19, 2002, recommended approval of said request;

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

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

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

RESOLVED, That City Council approve the Development Agreement, substantially in the form on file in the City Clerk’s Office, dated October 14, 2003;

RESOLVED, That City Council approve the North Quad by Melrose PUD Site Plan upon the conditions that (1) the development agreement be signed by all necessary parties, (2) all terms of the development agreement be satisfied, (3) utility and access easements be recorded, and (4) final approval from the Washtenaw County Drain Commissioner be obtained prior to the issuance of building permits;

RESOLVED, That City Council approve the Alternative Mitigation Plan to allow 74 percent of the required mitigation to be off-site in the form of \$127,840.00 paid to the city for the street tree escrow program; and

RESOLVED, That the Mayor and the Clerk be authorized and directed to execute the North Quad by Melrose Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney.

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42-03 POSTPONED

FEEES AND BONDS REQUIRED; CIRCUSES, SHOWS AND EXHIBITIONS;  
REPEAL ANIMALS EXCEPT BEES AND ADD NEW CHAPTER – ANIMAL CONTROL  
ORDINANCE; AND REPEAL HORSE DRAWN VEHICLES FOR HIRE

An Ordinance to Amend Sections 7:33, 7:34 and 7:37 of Chapter 77 of Title VII, to Amend Sections 7:331 and 7:332 of Chapter 88 of Title VII, to Repeal the Existing Chapter 107, Except for Section 9:39 and Add a New Chapter 107 of Title IX, and to Repeal the Existing Chapter 129 of Title X of the Code of the City of Ann Arbor

(The complete text of Ordinance 42-03 is on file in the City Clerk's Office.)

Council Member Herrell moved, seconded by Council Member Lowenstein that the ordinance be adopted at second reading.

Council Member Herrell moved, seconded by Council Member Carlberg to amend the ordinance as follows:

9:36(8)(7) Display. ~~Includes but is not limited to a~~ Any promotion, exhibition, act, circus, public show, trade show, photographic opportunity, carnival, ride, parade, horse drawn vehicle, petting zoo, race, or performance or similar undertaking in which animals are viewed or required to perform tricks, fight, or participate in performances for the amusement or entertainment of an audience....

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Herrell, Easthope, Groome, Johnson, Lowenstein, Reid, 7;

Nays, Council Members Teall, Higgins, Woods, Mayor Hieftje, 4.

The Mayor declared the motion carried.

Council Member Herrell moved, seconded by Council Member Carlberg to amend the ordinance as follows:

9:36(9)(8) Domestic Animal. **The following animals when kept as pets:** Dogs (canis familiaris), cats (felis catus), mice, gerbils, rats (**rattus norvegicus**, not including any African species), hamsters, guinea pigs, ferrets, rabbits, fish, parrots, canaries, parakeets, cockatoos, and other species of commonly caged birds. **and small animals commonly classified as pets, which are customarily kept or housed inside dwellings as**

**household pets. Provided, however, that the definition of domestic animal does not include venomous animals, venomous invertebrates snakes longer than 10 feet at maturity, or other reptiles longer than 4 feet at maturity.** The definition of domestic animal **also** does not include an animal taken from the wild, or a wolf-dog cross as defined by State Law....

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Herrell, Teall, Higgins, Easthope, Woods, Groome, Johnson, Lowenstein, Reid, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried.

Council Member Herrell moved, seconded by Council Member Carlberg to amend the ordinance as follows:

9:37(1)(a) By commission or omission, torture, torment, beat, cruelly kill, cruelly treat, molest, poison, endanger, administer electric shock (except by a **n** invisible electric fence), or otherwise abuse any animal. This does not apply to an owner, owner's agent, or occupant of any property who traps or ensnares rats or mice, or to fishing. ...

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Herrell, Teall, Higgins, Easthope, Woods, Groome, Johnson, Lowenstein, Reid, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried.

Council Member Herrell moved, seconded by Council Member Carlberg to amend the ordinance as follows:

9:37(s)(a) Fail to provide an animal with **adequate care by failing to provide** any of the following as appropriate to the species: ...

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Herrell, Teall, Easthope, Groome, Johnson, Lowenstein, 7;

Nays, Council Members Reid, Higgins, Woods, Mayor Hieftje, 4.

The Mayor declared the motion carried.

Council Member Herrell moved, seconded by Council Member Carlberg that the ordinance be amended as follows:

9:55(4) All Breeder's Permits shall expire on June 1~~4~~<sup>30</sup> of each year. ...

On a voice vote, the Mayor declared the motion carried.

Council Member Herrell moved, seconded by Council Member Carlberg to amend the ordinance as follows:

- (1) 9:54(1) No person shall own, possess, shelter, keep, harbor, or maintain more than twelve domestic animals four months of age or older, only six of which can be dogs or cats or a combination of dogs and cats, on his or her premises at any one time. This does not apply to veterinary clinics, research facilities, or registered caretakers of feral cat colonies. State licensed nonprofit shelters that are in non-residential areas and were established before the year 2000 are exempt from the numeric limit of the animals sheltered. Licensed pet shops are exempt only from the numeric limit of this Section. **Aquaria and terraria are exempt from the numeric limit of this Section....**

On a voice vote, the Mayor declared the motion carried.

Council Member Higgins moved, seconded by Council Member Woods to postpone the ordinance until December 15, 2003 for further review.

On roll call, the vote was as follows:

Yeas, Council Members Herrell, Teall, Higgins, Easthope, Woods, Lowenstein, Reid, Mayor Hieftje, 8;

Nays, Council Members Groome, Lowenstein, Carlberg, 3.

The Mayor declared the motion carried.

**ORDINANCES - FIRST READING**

**45-03 POSTPONED**

**FIRE PREVENTION**

An Ordinance to Amend Chapter 111 of Title IX of the Code of the City of Ann Arbor, a New Section Which New Section Shall be Designated as Section 9:114 of Chapter 111 of Title IX of the Code of the City of Ann Arbor

Council Member Groome moved, seconded by Council Member Teall that the ordinance be approved at first reading.

Council Member Groome moved, seconded by Council Member Johnson to postpone the ordinance until November 17, 2003 for further review.

On a voice vote, the Mayor declared the motion carried.

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**46-03 APPROVED**

**BALMORAL CONDOMINIUMS 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

(The complete text of Ordinance 46-03 is on file in the City Clerk's Office.)

This ordinance would change the zoning of 5.95 acres, located on the northwest corner of Oakbrook Drive and Main Street, from TWP (Township District) to R4A (Multiple-Family Dwelling District). (The complete text of Ordinance 45-03 is on file in the City Clerk's Office.)

Council Member Carlberg moved, seconded by Council Member Lowenstein that the ordinance be approved at first reading.

On a voice vote, the Mayor declared the motion carried.

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47-03 POSTPONED

WATER SUPPLY SYSTEM REVENUE BONDS, SERIES Z  
(Requires Only One Reading)

An Ordinance Authorizing the Acquisition and Construction of Extensions and Improvements to the Water Supply System of the City of Ann Arbor; Authorizing and Providing for the Issuance and Sale of Revenue Bonds of Equal Standing with Certain Outstanding Water Supply System Revenue Bonds for the Purpose of Paying the Cost of Said Extensions and Improvements; to Provide for the Collection of Revenues from the System Sufficient for the Purpose of Paying the Costs of Operation and Maintenance of the System and to Pay the Principal of and Interest on the Bonds and Certain Outstanding Bonds of the System to Provide an Adequate Reserve Fund for the Bonds and Outstanding Bonds of the System; to Provide for the Segregation and Distribution of the Revenues; to Provide for the Rights of the Holders of the Bonds and Outstanding Bonds of the System in Enforcement thereof; and to Provide for Other Matters Relating to the System and the Bonds and Outstanding Bonds of the System

(The complete text of Ordinance 47-03 is on file in the City Clerk's Office.)

Council Member Easthope moved, seconded by Council Member Johnson that the ordinance be approved at first reading.

Council Member Easthope moved, seconded by Council Member Reid to postpone the ordinance until November 17, 2003 for further review.

On roll call, the vote was as follows:

Yeas, Council Members Groome, Johnson, Lowenstein, Reid, Carlberg, Teall, Higgins, Easthope, Woods, Mayor Hieftje, 10;

Nays, Council Member Herrell, 1.

The Mayor declared the motion carried.

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## 48-03 POSTPONED

## SEWAGE DISPOSAL SYSTEM REVENUE BONDS, SERIES XIX

An Ordinance Authorizing the Acquisition and Construction of Extensions and Improvements to the Sewage Disposal System of the City of Ann Arbor; Authorizing and Providing for the Issuance and Sale of Revenue Bonds of Equal Standing with Certain Outstanding Sewage Disposal System Revenue Bonds for the Purpose of Paying the Cost of Said Extensions and Improvements; to Provide for the Collection of Revenues from the System Sufficient for the Purpose of Paying the Costs of Operation and Maintenance of the System and to Pay the Principal of And Interest on the Bonds and Certain Outstanding Bonds of the System; to Provide an Adequate Reserve Fund for the Bonds and Outstanding Bonds of the System; to Provide for the Segregation and Distribution of the Revenues; to Provide for the Rights of the Holders of the Bonds and Outstanding Bonds of the System in Enforcement thereof; and to Provide for Other Matters Relating to the System and the Bonds and Outstanding Bonds of the System

(The complete text of Ordinance 48-03 is on file in the City Clerk's Office.)

Council Member Easthope moved, seconded by Council Member Teall that the ordinance be approved at first reading.

Council Member Easthope moved, seconded by Council Member Reid to postpone the ordinance until November 17, 2003 for further review.

On a voice vote, the Mayor declared the motion carried.

**MOTIONS AND RESOLUTIONS**

## R-466-11-03 APPROVED

**RESOLUTION TO APPROVE AMENDMENT NO. 1 TO BLUE CROSS BLUE SHIELD  
CONTRACT TO ADD AGGREGATE STOP LOSS POLICY COVERAGE AND REDUCE  
CURRENT SPECIFIC STOP LOSS POLICY COVERAGE**

Whereas, The City entered into a contract with Blue Cross Blue Shield to provide City employees, retirees and their dependents Health Care Insurance coverage beginning July 1, 2003;

Whereas, The City Administration determined in early 1990's that aggregate stop loss coverage was not cost effective based on the then current claims experience history;

Whereas, The current approved contract does not include aggregate stop loss coverage and the City's administration believes that risk assumptions have changed and it is prudent to revise our coverage to include aggregate stop loss coverage at this time;

Whereas, The City's insurance brokers have provided an analysis of the City's specific stop loss coverage and recommended 1) the addition of aggregate stop loss coverage and 2) reduction of the specific stop loss coverage based on the City's claim experience; and

Whereas, The cost for these modifications to the City's existing coverage will offset each other so that no additional funds will be required above those budgeted for health insurance premiums in the FY2003-2004 budget;

RESOLVED, That City Council approve Amendment No. 1 to the Blue Cross Blue Shield contract to add aggregate stop loss coverage to the City's policy and reduce the specific loss coverage to \$50,000.00 from \$75,000.00 under the current terms of the policy as recommend by the City's brokers and City Administration; and

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

Council Member Reid moved, seconded by Council Member Johnson that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

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POSTPONED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE NO. 42-03 AMENDING SECTIONS 7:33 (LICENSES FOR A-D), 7:34 (LICENSES FOR E-H) AND 7:37 (LICENSES FOR Q-T) OF CHAPTER 77 (FEES AND BONDS REQUIRED) OF TITLE VII, REPEALING THE EXISTING CHAPTER 107 (ANIMALS) EXCEPT FOR SECTION 9:39 (BEES) AND ADDING A NEW CHAPTER 107 (ANIMAL CONTROL ORDINANCE) OF TITLE IX, AND REPEALING THE EXISTING CHAPTER 129 (HORSE DRAWN VEHICLES FOR HIRE) OF TITLE X OF THE CODE OF THE CITY OF AN ARBOR

Whereas, Section 7.4 of the City Charter authorizes the publication by summary of ordinances over 500 words in length;

RESOLVED, That Ordinance No. 42-03 be published by the following summary:

Ordinance No. 42-03 amends the City Code by repealing the existing Chapter 107 (Animals), which governs rights and responsibilities with regard to animals within the City, and replaces it with a new Chapter 107 (Animal Control Ordinance), Sections 9:35 - 9:59, to govern rights and responsibilities with regard to animals within the City, amends Sections 7:33, 7:34, and 7:37 of Chapter 77 of Title VII and Sections 7:331 and 7:332 of Chapter 88 of Title VII to eliminate City licensing of animal shows and circuses, and repeals the existing Chapter 129 to eliminate City licensing of horse drawn vehicles for hire.

The complete text of this ordinance is available for inspection at the City Clerk’s office on the 2nd floor of the Guy C. Larcom Municipal Building, 100 N. Fifth Ave., and Ann Arbor.

Council Member Carlberg moved, seconded by Council Member Herrell that the resolution be adopted.

Council Member Carlberg moved, seconded by Council Member Higgins to postpone the resolution until December 15, 2003 for further review.

On a voice vote, the Mayor declared the motion carried.

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R-467-11-03 APPROVED

RESOLUTION ESTABLISHING A SISTER CITY RELATIONSHIP BETWEEN THE CITY OF ANN ARBOR AND REMEDIOS, CUBA

Whereas, Many Ann Arbor citizens expressed interest in establishing a sister city relationship with a city in Cuba, and, as a result, an Ad Hoc Committee (“the Committee”) was formed to investigate and pursue such a relationship;

Whereas, With the assistance of the US-Cuba Sister Cities Association, the Committee began an inquiry regarding a possible sister city relationship and contact was made with the Cuban officials responsible for sister city relationships;

Whereas, As a result of the cooperation of the US-Sister Cities Association and its Cuba counterpart, a letter dated December 17, 2002 was received from Enrique Suárez Torres, Director of International Relations for the People’s Assembly of Villa Clara Province, Cuba, indicating that “The government of the Remedios municipality has accepted to work towards building this sister city relationship with your city government.”;

Whereas, Following receipt of this letter, the Committee presented the sister city proposal with Remedios to the Ann Arbor Sister City Hospitality Committee (“AASCHC”) and met with AASCHC in four separate meetings over a six-month period;

Whereas, The City of Ann Arbor has a long tradition of friendship, tolerance, and universal goodwill toward all people, as well as many fruitful and friendly existing sister city relationships;

Whereas, President Dwight D. Eisenhower founded the concept of “sister cities” to empower, encourage, and engage US citizens to serve as “citizen diplomats” and “ambassadors of good will” to promote respectful international exchanges;

Whereas, The City of Ann Arbor presently supports, and has supported, the principles underlying sister city relationships, including promoting understanding of other peoples and other cultures through participating in mutually beneficial exchanges between individuals, community groups, organizations, and institutions in our community and the sister cities;

Whereas, Establishing a sister city relationship with Remedios, Cuba will not obligate the City of Ann Arbor to provide funds to Remedios or the Committee; and

Whereas, In forming such a union, Ann Arbor would be joining many other forward-thinking US cities, such as Mobile, Alabama (Havana), Madison, Wisconsin (Camaguey), Pittsburgh, Pennsylvania (Matanzas), Richmond, California (Regla), Oakland, California (Santiago de Cuba), Tacoma, Washington (Cienfuegos), Bloomington, Indiana (Santa Clara), East Hampton, New York (Playa), Milwaukee, Wisconsin (Nuevitas), Santa Fe, New Mexico (Holguin), Las Vegas, Nevada (Bañes), Santa Cruz, California (Guamas), Brunswick, Maine (Trinidad) whose citizens have also committed to creating bridges of friendship to the Cuban people;

Whereas, The city of Remedios, Cuba has been responsive and has honored and invited the city of Ann Arbor to join in a sister city relationship to promote friendship, peace, culture, arts, history, public education, health, economic and other mutually beneficial people-to-people exchanges by establishing a formal sister city relationship; and

Whereas, The June 24, 2003 letter from Kurt Berggren, on behalf of the Committee, and Director Torres’ letter relative to a sister city relationship with Remedios and the actual sister city proposal from the Committee that was presented to the AASCHC in support of the sister city request, set out the underlying philosophy of the sister city relationship and the specifics of the sister city proposal between Ann Arbor, Michigan and Remedios, Cuba;

RESOLVED, The Ann Arbor City Council hereby approve this resolution and establish a sister city relationship with Remedios, Cuba and hereby authorize the Committee, in conjunction with the Mayor’s office and/or the City Administrator’s office, to take all appropriate actions, consistent with the proposal,

to establish a viable sister city relationship and to begin the process of international friendship through exchanges of community groups and leaders, individuals, and organizations between the respective cities.

Council Member Groome moved, seconded by Council Member Johnson that the resolution be adopted.

On roll call, the vote was as follows:

Yeas, Council Members Groome, Johnson, Lowenstein, Carlberg, Herrell, Teall, Easthope, Woods, Mayor Hieftje, 9;

Nays, Council Members Reid, Higgins, 2.

The Mayor declared the motion carried.

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R-468-11-03 APPROVED

RESOLUTION TO APPOINT COUNCIL REPRESENTATIVE AND MAYOR'S NOMINEE TO THE TASK FORCE TO REVIEW THE CITY OF ANN ARBOR'S ANIMAL RELATED PROGRAMS, POLICIES, PROCEDURES AND ORDINANCES

Whereas, On March 6, 2000 the Task Force To Review The City of Ann Arbor's Animal Related Programs, Policies, Procedures and Ordinances was established;

Whereas, Council member Heidi Herrell has been serving as the Council representative on the Task Force;

Whereas, Council member Herrell has completed her term of office; and,

Whereas, The Task Force has yet to review related programs, policies, and procedures including but not limited to: fees, permit forms, U of M pamphlets for responsible animal ownership, outreach letter to local veterinarians asking for their help in licensing animals, summary ordinance for pet owners, Letter/resolution to State Representatives to ask for statewide efforts to provide low cost spay/neuter clinics, research regarding dog and cat census;

RESOLVED, That Kim Groome be appointed as the Council representative to the Task Force To Review The City of Ann Arbor's Animal Related Programs, Policies, Procedures and Ordinances; and

RESOLVED, That Heidi Herrell be appointed as the Mayor’s nominee to the Task Force To Review The City of Ann Arbor’s Animal Related Programs, Policies, Procedures and Ordinances.

Council Member Carlberg moved, seconded by Council Member Groome that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

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R-469-11-03 APPROVED

RESOLUTION TO APPROVE DISTRIBUTION OF THE CITY OF ANN ARBOR NATURAL FEATURES MASTER PLAN

Whereas, City Council, on September 2, 2003, endorsed the goals as stated in the June 2003 Draft City of Ann Arbor Natural Features Master Plan;

Whereas, City Council has requested that the Ann Arbor City Planning Commission review the Draft Natural Features Master Plan for inclusion in the City Master Plan consistent with State law; and

Whereas, MCL 125.37b of the Municipal Planning Act (PA 285 of 1931 as amended) requires that the legislative body of the municipality approve the distribution of any draft master plan and notify the secretary of the municipal planning commission to distribute the plan accordingly;

RESOLVED, That City Council approve the distribution of the June 2003 Draft City of Ann Arbor Natural Features Master Plan; and

RESOLVED, That City Council notify the secretary of the City Planning Commission to submit a copy of the proposed master plan for review and comment to the following, as required by State law: The Planning Commission or legislative body of each city, village or township located within or contiguous to the municipality; the Washtenaw County Board of Commissioners; and local public utility and railroad companies, and that a copy of the draft plan also be submitted to other relevant groups and organizations that may be interested in the Natural Features Master Plan.

Council Member Herrell moved, seconded by Council Member Teall that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

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## R-470-11-03 APPROVED

RESOLUTION TO APPROVE A BARGAIN PURCHASE/DONATION AGREEMENT  
FOR 7.4 ACRES OF LAND OWNED BY THE JOHNSON HOLDING COMPANY -  
SUNSET BROOKS FOR PARK USE FOR \$423,700.00 - \$410,000.00 PLUS \$13,700.00  
REMAINING UTILITY ASSESSMENT ON THE PROPERTY

Whereas, The 7.4 acres of vacant land owned by The Johnson Holding Company is for sale and Parks and Recreation Services and Park Advisory Commission recommend that the site be acquired for public park use;

Whereas, The required Environmental Assessment of the property was completed with no findings;

Whereas, The 7.4 acres of land was appraised by Thomas L. Bosserd, Certified General Appraiser as required by Section 1:320 of the Ann Arbor City Code;

Whereas, The owner has agreed to sell the property to the City for use as park land for the reduced consideration of \$423,700.00 (\$410,000.00 plus \$13,700.00 remaining utility assessment) a cost less than the appraised value of \$525,000.00;

Whereas, The difference between the purchase price and the appraised value of the property may be considered a non-cash charitable contribution to the City under IRS regulations;

Whereas, There are sufficient funds in the Park Acquisition Millage (Fund 0024) to match the total purchase price of \$423,700.00 plus tax proration and filing fees at closing and other incidental fees and costs related to the purchase; and

Whereas, The Greater Sunset Brooks Neighborhood Association has pledged a contribution of at least \$80,000.00 to the City of Ann Arbor to reimburse the Land Acquisition Millage Fund;

RESOLVED, That City Council approve a bargain purchase/donation agreement for the purchase of the 7.4 acres of park land owned by The Johnson Holding Company, described as:

Commencing at the southwest corner of Ganzhorn Hills Subdivision, as recorded in Liber 7 of Plats, page 34, Washtenaw County Records; thence north 01° 12' 06" east (recorded as north 01° 09' east) 636.95 feet along the west line of said Ganzhorn Hills Subdivision to the place of beginning; thence south 35° 46' 00" west 341.23 feet; thence north 54° 14' 00" west 237.43 feet; thence north 62° 15' 00" east 88.86 feet; thence north 54° 14' 00" west 425.42 feet; thence north 01° 14' 05" east 303.41 feet to the south right-of-way line of Highway M-14; thence south 82° 05' 15" east 665.01 feet along said right-of-way to the west line of Ganzhorn Hills subdivision; thence south 01°

12' 06" west 373.17 feet along said west line to the place of beginning, being a part of the northwest ¼ of Section 20, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan, together with rights-of-way recorded in Liber 292 Deeds, Page 581 and Liber 506, page 488, and in Liber 2971, Page 558, Washtenaw County Records.

for park use;

RESOLVED, It is acknowledged that the Park Advisory Commission's support of this acquisition be contingent on Parks and Recreation Services staff reaching an agreement with property owners for the execution of conservation easement on neighboring parcels at 716 Sunset, 810 Sunset, 902 Sunset, 904 Sunset, 906 Sunset, 910 Sunset and 826 Vesper;

RESOLVED, That City Council authorize the expenditure of \$423,700.00 from the Park Acquisition Millage (Fund 0024) for the purchase plus tax proration and filing fees at closing and other incidental fees and costs related to the purchase to be available for expenditure without regard to fiscal year;

RESOLVED, That the Mayor and Clerk be directed to execute the bargain purchase/donation agreement after approval as to form by the City Attorney; and

RESOLVED, That the City Administrator, or designee, be authorized to act as the closing agent for the City with the authority to execute any closing documents necessary to complete the transaction, including any documentation required by IRS regulations as evidence of the non-cash charitable contribution made by Johnson Holding Company in connection with this purchase.

Council Member Woods moved, seconded by Council Member Johnson that the resolution be adopted.

Council Member Higgins moved, supported by Council Member Easthope to amend the resolution as follows:

Remove Whereas Clause:

~~Whereas, The Greater Sunset Brooks Neighborhood Association has pledged a contribution of at least \$80,000 to the City of Ann Arbor to reimburse the Land Acquisition Millage Fund.~~

On roll call, the vote was as follows:

Yeas, Council Members Groome, Reid, Higgins, 3;

Nays, Council Members Johnson, Lowenstein, Carlberg, Herrell, Teall, Easthope, Woods, Mayor

Hieftje, 8.

The Mayor declared the motion defeated.

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

Yeas, Council Members Johnson, Lowenstein, Carlberg, Herrell, Teall, Easthope, Woods, Mayor Hieftje, 8;

Nays, Council Members Groome, Reid, Higgins, 3.

The Mayor declared the motion carried.

Council Member Higgins left at 1:20 a.m.

The Mayor called a recess at 1:20 a.m. and reconvened the meeting at 1:23 a.m.

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R-471-11-03 APPROVED

RESOLUTION TO APPROVE A LAND LEASE AND USE AGREEMENT FOR MID-MICHIGAN RECYCLING TO OPERATE THE EMERALD ASH BORER MARSHALLING YARD FOR WOOD DISPOSAL AT THE CITY'S COMPOST CENTER

Whereas, The Michigan Department of Agriculture (MDA) has approved the establishment of an Emerald Ash Borer (EAB) marshalling yard for the City of Ann Arbor, to be located at the Compost Center on Platt Road;

Whereas, The MDA has selected Mid-Michigan Recycling, a division of CMS Energy to operate the marshalling yard, which will be one of two in Washtenaw County;

Whereas, The City of Ann Arbor and Pittsfield Township have agreed to the location and establishment of the marshalling yard at a designated 5 -acre parcel adjacent to the City's composting operations at the City of Ann Arbor Compost Center on Platt Road which meets current township zoning requirements;

Whereas, Mid-Michigan Recycling will operate the yard independent of our compost operations at no cost to the City of Ann Arbor;

Whereas, Mid-Michigan Recycling currently manages one EAB marshalling yard for MDA in Macomb County, and has the staff and expertise to handle and process all ash wood waste that it will receive at the yard, and will comply with all MDA program requirements;

Whereas, Having the EAB marshalling yard within the City of Ann Arbor will allow free wood and chip disposal for the City's Park Operations & Forestry Division, and free ash wood disposal for all city and county residents, other local government agencies, and private firms and organizations;

Whereas, Mid-Michigan Recycling's operations will not interfere with the City's existing composting operations;

Whereas, The City and it's residents, and others in Washtenaw County will be able to have their non-ash wood disposed of free of charge, so long as there is 10% or greater ash wood content in each load of wood;

Whereas, The City of Ann Arbor has, as a term of the lease and use agreement, agreed to provide temporary road improvements so that the EAB marshalling yard can accept large vehicle traffic for dropping of and transporting ash wood debris and ash logs to the Consumer's electrical cogeneration plant in Flint;

Whereas, The City's cost to prepare this site, for labor and materials, is estimated to be \$38,500 of which \$32,500.00 is available in the approved FY04 Park Operations & Forestry Division outside contracting budget and the balance, \$6,000.00 is available in the approved FY04 Solid Waste personnel budget; with an estimate savings in future hauling and disposal costs of approximately \$100,000.00 per year for the next three years, until the EAB epidemic is under control; and

Whereas, If the lease and use agreement with Mid-Michigan Recycling is approved by City Council, the EAB marshalling yard will be fully operational by December 2003;

RESOLVED, That City Council approve a land lease and use agreement with Mid-Michigan Recycling to establish the 5-acre EAB marshalling yard at the City's Compost Center on Platt Road for a period of three years, with up to one two year renewal thereafter;

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

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

Council Member Teall moved, seconded by Council Member Carlberg that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

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R-472-11-03 APPROVED

RESOLUTION TO APPROVE THE SIXTH AMENDMENT TO THE LEASE BETWEEN THE CITY OF ANN ARBOR AND HURON ASHLEY LIMITED PARTNERSHIP FOR THE FIRST AND HURON PARKING LOT

Whereas, The City has had a lease with Huron Ashley Limited Partnership for the First and Huron parking lot since 1982;

Whereas, The DDA is the sub leaser of the lot through its lease for management and operations of public parking facilities with the City;

Whereas, The current lease provisions for the First and Huron Parking Lot include an early termination fee which has been determined to be inadequate to cover the actual cost of repair and resurfacing the parking lot expected to be incurred by the DDA if the property owner terminates the lease prior to the end of the lease term;

Whereas, The DDA and Huron Ashley Limited Partnership have negotiated an amendment to the early termination fee provision which would increase the early termination fee and more accurately approximate the cost expected to be incurred for repair and resurfacing the parking lot in the current market;

Whereas, All other terms and conditions remaining unchanged; and

Whereas, The DDA has recommended approval of the proposed amendment as negotiated;

RESOLVED, That City Council approve Amendment Six to the lease between the City of Ann Arbor and Huron Ashley Limited Partnership for the First and Huron parking lot substantially in the form on file in the City Clerk’s Office; and

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

Council Member Teall moved, seconded by Council Member Easthope that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

Council Member Johnson was absent at the time of the vote.

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R-473-11-03 APPROVED

RESOLUTION TO RESCIND COUNCIL RESOLUTION R-265-6-03 AND ADOPT A REVISED RESOLUTION TO ALLOCATE HOME FUNDS TO COMMUNITY HOUSING ALTERNATIVES FOR HOMEOWNER ASSISTANCE IN THE STONE SCHOOL TOWNHOMES DEVELOPMENT AND TO APPROVE THE AFFORDABLE HOUSING COVENANT - \$464,000.00

Whereas, An application was received from Community Housing Alternatives to assist eleven first time low-income homebuyers;

Whereas, The City's Consolidated Strategy and Plan identifies expanding the supply of affordable housing stock for homeowners as a high priority need;

Whereas, At its meeting on May 28, 2003 the Housing Policy Board recommended an allocation of \$386,000.00 in HOME funds to provide additional subsidy for 9 units to be affordable to persons earning 60% of the area median income (AMI);

Whereas, At its meeting on July 7, 2003 City Council allocated \$386,000.00 in HOME funds (R-265-7-03) to provide a subsidy for 9 units to be affordable to persons earning up to 60% of the area median income;

Whereas, At its meeting on August 6, 2003, the Housing Policy Board recommended approval of an additional \$78,000.00 for a maximum of \$464,000.00 in HOME funds for up to 11 units for households up to 60% AMI; and

Whereas, Human Rights and Living Wage approval was received for the contractor on July 1 2003;

RESOLVED, That City Council rescind Resolution R-265-7-03, adopted July 7, 2003 for the purposes of replacing it with a new resolution for greater project funding;

RESOLVED, That City Council approve the allocation to Community Housing Alternatives in the amount of \$464,000.00 in HOME funds to provide a subsidy for 11 homeowner units in the Stone School Townhomes development to make them available to households earning up to 60% AMI;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign the revised Housing Affordability Covenant, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney, with funds to be available until expended without regard to fiscal year; and

RESOLVED, That the City Administrator be authorized to execute on behalf of the City any action necessary to implement this resolution.

Council Member Carlberg moved, seconded by Council Member Teall that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

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R-474-11-03 APPROVED

RESOLUTION FOR APPROVAL TO AMEND PROFESSIONAL SERVICE AGREEMENT WITH D. KERRY LAYCOCK FOR MANAGEMENT CONSULTING SERVICES - \$123,120.00

Whereas, initiatives for change have been identified which will provide significant opportunity for improvements that will reduce overall operational expenses and prepare employees to provide services meeting or exceeding customer expectations;

Whereas, D. Kerry Laycock has facilitated the City through the process of identifying the initiatives for change and is experienced in the methods required to work with staff to continue identifying areas that can provide significant improvements and reduce overall operational expenses;

Whereas, D. Kerry Laycock submitted a proposal in the amount of \$123,120.00 for continued assistance in these change initiatives; and

Whereas D. Kerry Laycock is the sole proprietor, has no employees, and therefore does not require Human Rights approval;

RESOLVED, That Council approve a contract amendment with D. Kerry Laycock in the amount of \$123,120.00 for continued management consulting services for various areas of the organization;

RESOLVED, The contract with D. Kerry Laycock be funded from the FY 2003/04 Operations and Maintenance Budgets of the City as allocated below:

Community Services Area	\$ 49,140.00
Public Services Area	\$ 28,620.00
Safety Services Area	\$ 3,780.00
Support Services Area	\$ 30,780.00
Financial Services Area	\$ 10,800.00
TOTAL	\$123,120.00

; and

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

Council Member Easthope moved, seconded by Council Member Teall that the resolution be adopted.

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Herrell, Teall, Higgins, Easthope, Woods, Groome, Johnson, Lowenstein, Mayor Hieftje, 10;

Nays, Council Member Reid, 1.

The Mayor declared the motion carried.

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R-475-11-03 APPROVED

RESOLUTION AUTHORIZING STREET CLOSINGS FOR THE  
15TH ANNUAL CHILDREN'S HOLIDAY PARADE

Whereas, The Main Street Area Association will be sponsoring the 15th Annual Children's Holiday Parade on Sunday, December 7, 2003 commencing at 12:00 noon and ending at approximately 1:00 p.m.;

Whereas, In order to accommodate the (approximated) 1000 people participating in the parade, the Main Street Area Association has requested that the following downtown area streets be closed from 11:30 a.m. until approximately 1:30 p.m.:

- William from South Fourth Avenue to South Ashley
- Liberty from South Fifth Avenue to South Ashley
- Washington from South Fifth Avenue to South Ashley

- South Fourth Avenue from East William to East Huron
- South Main from Packard to East Huron;

Whereas, The street closures will be signed and barricaded by the sponsor and properly supervised by the sponsor and the Ann Arbor Police Department Explorers Unit;

Whereas, The sponsor will obtain all necessary permits and comply with all procedures, rules and regulations required by the City and State to stage such an event and pay the following estimated service charges associated with their sponsorship of the event:

Transportation Division	
(barricades)	<u>\$300.00</u>

; and

Whereas, The Main Street Area Association agrees to defend and indemnify and save the City harmless against any claim arising from their sponsorship of this event,

RESOLVED, That Mayor and City Council hereby approve the closing of the requested streets at the indicated times.

Council Member Woods moved, seconded by Council Member Easthope that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

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R-476-11-03 APPROVED

RESOLUTION RECOGNIZING THE GLAVES FOUNDATION AS  
A NON-PROFIT ORGANIZATION IN THE CITY OF ANN ARBOR

Whereas, The Glaves Foundation is a non-profit organization and a project of the National Heritage Foundation;

Whereas, The United States Department of Treasury-Internal Revenue Service recognizes the Glaves Foundation and the Heritage Foundation as a tax exempt, non-profit organization; and

Whereas, The Glaves Foundation 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 Graves Foundation as a non-profit organization in the City of Ann Arbor.

Council Member Teall moved, seconded by Council Member Reid that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

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R-477-11-03 APPROVED

RESOLUTION TO RECOMMEND TO THE COUNTY BOARD OF COMMISSIONERS  
THE APPOINTMENT OF SCOTT KOLL AS THE RESIDENT REPRESENTATIVE  
TO THE NEIGHBORHOOD ADVISORY COMMISSION

Whereas, The County Board of Commissioners requested from City Council a recommendation on appointment of a resident representative to the Neighborhood Advisory Council to the Delonis Center (Downtown Shelter); and

Whereas, Scott Koll has attended meetings of the Neighborhood Advisory Council since its inception and has taken an active role in devising a nd implementing beautification projects for the current shelter;

RESOLVED, That City Council recommend that the County Board of Commissioners appoint Scott Koll to serve as the resident representative on the Neighborhood Advisory Commission to the Delonis Center.

Council Member Groome moved, seconded by Council Member Carlberg that the resolution be adopted.

On a voice vote, the Mayor declared the motion carried.

**REPORTS FROM COUNCIL COMMITTEES**

TASKFORCE ON ANIMAL-RELATED PROGRAMS, POLICIES, AND ORDINANCES

Council Member Herrell asked that the Council advise members of the Task Force exactly what their concerns are with the proposed ordinance before the ordinance returns to Council in December. She said that an assigned staff person for the Task Force is also needed.



Council Member Easthope asked that the citizens interested in the Animal Ordinance send their comments to Council or directly to the Task Force. He asked that the Task Force reach out to different agencies for their comments on the ordinance as well.

### **COUNCIL PROPOSED BUSINESS**

None.

### **COMMUNICATIONS FROM THE MAYOR**

#### **APPOINTMENTS APPROVED**

Mayor Hieftje recommended the following appointments at the October 20, 2003 regular session of Council:

#### **Ann Arbor Commission on Disability Issues**

Julie A. Harrison  
1725 Saxon  
Ann Arbor, MI 48103  
Term: November 6, 2003 – November 6, 2006

#### **Housing Board of Appeals**

Susan E. Caya– (Taking the place of Amy Starr)  
7073 W. Liberty  
Ann Arbor, MI 48103  
Term: November 6, 2003 – June 30, 2005

#### **Economic Development Corporation Board**

Fred Beal (Taking the place of James Bradley)  
2008 Morton Avenue  
Ann Arbor, MI 48104  
Term: November 6, 2003 – June 16, 2008

Ann Arbor Building Authority

Douglas L. Smith  
510 Eberwhite  
Ann Arbor, MI 48103  
Term: November 6, 2003 – June 30, 2009

Community Development Block Grant Executive Committee

Dana Barton (Fill the vacancy from Bernard Cherkasov)  
1730 David Court  
Ann Arbor, MI 48105  
Term: October 7, 2003 – June 30, 2004

John Austin  
817 Berkshire  
Ann Arbor, MI 48104  
Term: 6, 2003 to June 30, 2004

Council Member Easthope moved, seconded by Council Member Teall that Council concur with the recommendations of the Mayor.

On a voice vote, the Mayor declared the motion carried.

NOMINATIONS PLACED ON TABLE

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

Cool Cities Task Force

Eugene Yue-Hin Chan  
L209 West Quadrangle, 541 Thompson Street  
Ann Arbor, MI 48109-1360  
Term: until task force is completed

Brandt Coultas  
414 Wesley  
Ann Arbor, MI 48103  
Term: until task force is completed

Maureen English  
504 S. 4<sup>th</sup> Street Apt 6  
Ann Arbor, MI 48104  
Term: until task force is completed

Robert Goodspeed  
306 Thompson Street #5  
Ann Arbor, MI 48104  
Term: until task force is completed

Melissa Schulte  
555 E. William #4B  
Ann Arbor, MI 48104  
Term: until task force is completed

Economic Development Corporation Board

James Frenza (re-appointment)  
Ann Arbor Hands-On-Museum  
220 E. Huron Street  
Ann Arbor, MI 48104  
Term: November 17, 2003 – September 30, 2008

Stephen Lange Ranzini  
101 N. Main Street #1004  
Ann Arbor, MI 48104  
Term: November 17, 2003 – September 30, 2008

Planning Commission

Eric B. Lipson (Taking the place of Sandra Arlinghaus)  
1318 Rosewood  
Ann Arbor, MI 48104  
Term: November 17, 2003 – September 30, 2004

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

City Administrator Roger Fraser announced that new panels were installed in the Council Chambers and thanked the employees from Facilities Maintenance.

## **COMMUNICATIONS FROM THE CITY ATTORNEY**

None.

## **COMMUNICATIONS FROM COUNCIL**

### **FAREWELLS**

Council Members Easthope, Johnson, Carlberg, Groome, Lowenstein, Woods and Mayor Hieftje presented gifts of appreciation to Council Member Herrell and expressed their appreciation for Ms. Herrell's years of dedicated service as a representative of the Third Ward and as a member of Council.

Council Member Herrell expressed her appreciation for serving the community and working with all Council Members.

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

The following communications were referred as indicated:

1. Communication from the City Market Commission regarding a list of members and contact information
2. Communication from the State of Michigan, Office of Governor Granholm regarding approval of the proposed amendment to the Ann Arbor City Charter and the Home Rule Cities Act
3. Communication from the Chelsea School District and the Board of Education regarding a Letter with Attached Approved Resolution Transmitting its Opposition to House Bills 4820-4828 (Election Consolidation)
4. Communication from Washtenaw County regarding a resolution adopting the 2003 Preliminary Apportionment Report (Full Report on File in the City Clerk's Office)
5. Communication from the Washtenaw County Treasurer regarding a meeting on November 20, 2003 at 9 a.m. to give an update to the Revenue and Record Keeping Community of Interest

The following minutes were received for file (Minutes are on file in the City Clerk's Office):

1. Planning Commission – Business Meeting of September 4, 2003 and Regular Meeting of September 16, 2003
2. Building Board of Appeals – October 9, 2002 and November 13, 2002
3. Ann Arbor Housing Commission – Regular Meeting of September 25, 2003 and Special Board Meeting of September 26, 2003
4. Ann Arbor Human Rights Commission – September 17, 2003
5. Airport Advisory Board – June 18, 2003
6. Zoning Board of Appeals – February 26, 2003; March 26, 2003; April 23, 2003, and May 28, 2003
7. Ann Arbor Employees Retirement System – September 18, 2003
8. Ann Arbor Retiree Health Care Benefit Plan and Trust – Board of Trustees (V.E.B.A.) – September 18, 2003
9. Ann Arbor Transportation Authority – September 17, 2003

Council Member moved, seconded by Council Member that the Clerk's Report be accepted.

On a voice vote, the Mayor declared the motion carried.

### **PUBLIC COMMENTARY - GENERAL**

#### **THOMAS PARTRIDGE – ACCESS TO COUNCIL MEETINGS**

Thomas Partridge, 100 S. 4th Avenue, #1010, addressed Council regarding access to council meetings.

### **RECESS FOR CLOSED SESSION**

Council Member Easthope moved seconded by Council Member Johnson that the regular session of Council be recessed to discuss real estate purchase, pending litigation and attorney-client communication.

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Herrell, Teall, Easthope, Woods, Groome, Johnson, Lowenstein, Mayor Hieftje, 9;

Nays, Council Member Reid, 1;

Absent, Council Member Higgins, 1.

The Mayor declared the motion carried and the meeting recessed at 2:10 a.m.

Council Member Woods moved, seconded by Council Member Groome to reconvene the regular session of Council.

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 3:00 a.m.

### **ADJOURNMENT**

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 3:00 a.m.

Kathleen M. Root  
Clerk of the Council

Anissa R. King  
Recording Secretary