

**ANN ARBOR CITY COUNCIL MINUTES  
REGULAR SESSION - JANUARY 18, 2005**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:11 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, Michael R. Reid, Jean Carlberg, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

**INTRODUCTIONS**

**MARTIN LUTHER KING JR. RECOGNITION**

Council Member Groome read two quotes from Martin Luther King Jr. in honor of his birthday.

**PUBLIC COMMENTARY - RESERVED TIME**

**MIKE GARFIELD**

Mike Garfield, 117 N. Division, Chairperson of the Greenbelt Advisory Commission, asked that Council approve the contracts for the Greenbelt Program Coordinator and the Implementation Consultant.

## **PUBLIC HEARINGS**

### 2004 FARMER' MARKET MASTER PLAN

A public hearing was conducted on the proposed 2004 Farmers' Market Master Plan. Notice of public hearing was published December 19, 2004.

Jamison Brown, consultants on the project were present to answer questions of Council.

The following spoke in opposition of the proposed Farmers' Market Master Plan:

JoaQuin Gracia, 38499 Judd Rd., Belleville MI.  
Carmin Argiero, 300 Detroit St.  
Glenn Thompson, 100 Logman  
Scott Robertello, 4245 Rogers Highway, Britton, MI.  
Bruce Upston, 6095 Judd Rd., Milan, MI.  
Karen Sidney, 100 Longman  
Delores Grassio (customer at the market.)  
Kathy Griswold, 3565 Fox Hunt Dr.  
Andrew Matthews, 3646 W. Huron Dr.  
Christine Hildebrand, 245 Devonshire Rd.  
Richard Janko, 2112 Devonshire Rd.  
Michele Hannoosh, 2112 Devonshire Rd.

The following people spoke in support of the proposed Farmers' Market Master Plan:

Peter Stark, 445 Valentine Rd., Whitmore Lake, MI  
Luis Vazquez, 1442 Pontiac Trail  
Leslie Morris, 1023 Young Place, supported the alternative proposal to keep the markets existing in place while adding more in the center aisle.  
Christina Stark, 445 Valentine Rd., Whitmore Lake, MI

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

### BROOKSIDE SUBDIVISION PARCELS ZONING (ORDINANCE NO. 44-04)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning Brookside Subdivision parcels from TWP (Township District) to R1C (Single-Family Dwelling District). Notice of public hearing was published January 6, 2005.

There being no one present for comment, the Mayor declared the hearing closed.

828 GREENE STREET APARTMENTS SITE PLAN

A public hearing was conducted on the proposed 828 Greene Street Apartments Site Plan, 0.37 Acre, 824 and 828 Greene Street. Notice of public hearing was published January 7, 2005.

Eduardo Icaza, owner, presented the proposed site plan to Council.  
Scott Munzel, attorney for the owner, spoke in support of the site plan.

The following people spoke in support of the proposed site plan:

Mr. Icaza (son of Eduardo Icaza), U of M student  
Brunan Brum U of M student  
Ben Swanson, U of M Student  
Doug Markah, Ann Arbor Resident  
Lila Icaza wife of owner

The following people spoke in opposition of the proposed site plan:

Corlye Crisler, 2999 Override  
George Kachadoorian, 204 E. Davis  
Richard Murphy, 1512 Gilbert Ct., U of M student  
Julie Weatherbee, 837 S. Main St.  
Mary Minock, 1539 Clark St. (owner of 902 Brown St. in Ann Arbor)  
Stan and Laura Baker, 829 S. Main  
Thomas and Edith Bletcher, 834 Brown St.  
Robert Droppleman, 827 S. Main St.  
Laura Baker, 829 S. Main  
Thomas O'Dell and Diane Hall O-Dell, 122 Adams St.

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

**APPROVAL OF AGENDA**

AGENDA APPROVED WITH CHANGES

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

## INTRODUCTIONS

MARTIN LUTHER KING JR. RECOGNITION – COUNCIL MEMBER GROOME

## MOTIONS AND RESOLUTIONS

Revise: Resolution to Create a Housing and Human Services Advisory Board and Eliminate the Existing CDBG Executive Committee and Housing Policy Board (Community Development – Jayne Miller, Community Services Area Administrator) (***Postponed from the 12/20/04 Regular Session***)(**REVISED 1/11/05 and 1/18/05**)

**Added After Newspaper Deadline:**

Add: Resolution to Appoint a Member to the City Environmental Commission (Council Members Teall and Higgins) (**Added 1/18/05**)

Add: Resolution for Community Events Fund Disbursements from the 2004-2005 Budget (Council Members Higgins and Teall) (**Added 1/18/05**)

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

**APPROVAL OF COUNCIL MINUTES**MINUTES OF JANUARY 3, 2005 APPROVED

Council Member Teall moved, seconded by Council Member Woods that the regular session minutes of January 3, 2005 be approved as presented.

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

**CONSENT AGENDA**CONSENT AGENDA ITEMS APPROVED

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

R-11-1-05 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT FOR MATERIALS TESTING WITH INSPECTION SERVICES COMPANY, INC., (ISC) FOR THE HURON PARKWAY RECONSTRUCTION PROJECT – PHASE V

Whereas, It is necessary to retain the services of a professional materials testing firm for the Huron Parkway Reconstruction Project – Phase V;

Whereas, The professional materials testing firm of Inspection Services Company, Inc., of Milford, Michigan 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 therefor, all of which are agreeable to the City;

Whereas, Inspection Services Company, Inc. received Human Rights and Living Wage approval on December 15, 2004; and

Whereas, The required funds for the materials testing services are provided for in the approved Huron Parkway Reconstruction Project – Phase V budget that was approved by the City Council on December 20, 2004, Resolution No. R-519-12-04;

RESOLVED, That a professional services agreement with Inspection Services Company, Inc. in the amount of \$73,023.00 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 City Administrator be authorized to take the necessary administrative actions to implement this resolution.

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

**ORDINANCES - SECOND READING**

44-05 APPROVED

**BROOKSIDE 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 Brookside Subdivision Parcels, located on Baylis Drive, Dwight Street and Stone School Road, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 44-04 is on file in the City Clerk's Office.)

Council Member Carlberg moved, seconded by Council Member Teall that the ordinance be adopted at second reading.

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

The Mayor declared a recess at 8:52 p.m. and reconvened the meeting at 9:07 p.m.

### **ORDINANCES - FIRST READING**

None.

### **MOTIONS AND RESOLUTIONS**

#### **R-12-1-05 APPROVED AS AMENDED**

(RESOLUTION TO APPROVE THE APPROPRIATION OF FUNDS FROM  
FY 2003/04 GENERAL FUND END BALANCE TO FY 2004/05 AND  
TO APPROVE A CONTRACT WITH WASHTENAW DEVELOPMENT  
COUNCIL FOR BUSINESS SUPPORT SERVICES)

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

Council Member Easthope moved, seconded by Council Member Lowenstein to amend the resolution as follows:

Delete 1<sup>st</sup> RESOLVED Clause:

~~RESOLVED, That City Council approve appropriation of funds in the amount of \$40,000 from FY 2003/04 General Fund End Balance to FY 2004/05;~~

2<sup>nd</sup> RESOLVED Clause:

...RESOLVED, That City Council approve a ~~two~~**ONE**-year contract in the amount of \$~~80~~**40**,000 with Washtenaw Development Council for business support services for the period of July 1, 2003~~4~~ to June 30, 2005;...

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 unanimously, thus satisfying the eight-vote requirement.

The resolution as amended reads as follows:

RESOLUTION TO APPROVE THE APPROPRIATION OF FUNDS FROM  
FY 2003/04 GENERAL FUND END BALANCE TO FY 2004/05 AND  
TO APPROVE A CONTRACT WITH WASHTENAW DEVELOPMENT  
COUNCIL FOR BUSINESS SUPPORT SERVICES

Whereas, The City has had a long-standing relationship with the Washtenaw Development Council since 1982 to provide services related to the economic development of the area;

Whereas, The Washtenaw Development Council provides a variety of services that relate to the economic development of the area including services to businesses, marketing efforts, improved coordination with other economic development and nonprofit entities and continues to identify entry-level job openings;

Whereas, The Washtenaw Development Council received Human Rights approval on July 15, 2004;

Whereas, Funding for services for FY 2003/04 were budgeted in the citywide membership account in the amount of \$40,000.00 but were not spent; and

Whereas, Funding for services for FY 2004/05 are budgeted within the approved budget under the citywide membership account in the amount of \$40,000.00;

RESOLVED, That City Council approve appropriation of funds in the amount of \$40,000.00 from FY 2003/04 General Fund End Balance to FY 2004/05;

RESOLVED, That City Council approve a two-year contract in the amount of \$80,000.00 with Washtenaw Development Council for business support services for the period of July 1, 2003 to June 30, 2005;

RESOLVED, That the Mayor and Clerk be authorized and directed to execute the contract 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 all necessary actions to implement this resolution.

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R-13-1-05 APPROVED AS AMENDED

(RESOLUTION TO APPROVE AND ADOPT THE 2004 FARMERS' MARKET MASTER PLAN)

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

Council Member Carlberg moved, seconded by Council Member Lowenstein to amend the resolution as follows:

New RESOLVED Clause:

...RESOLVED, That the City Council approve and adopt the 2004 Farmers Market Master Plan as presented. **CITY COUNCIL ACCEPTS THE PLAN AND WILL USE IT AS A REFERENCE TOOL FOR FUTURE DEVELOPMENT OF THE MARKET. THIS ACCEPTANCE DOES NOT REQUIRE THE IMPLEMENTATION OF ANY OF THE DETAILS OF THE PLAN. ANY PROPOSAL ON IMPROVEMENTS IN THE MARKET WILL GO THROUGH THE NORMAL CITY PLANNING PROCESS, WITH OPPORTUNITY FOR PUBLIC INPUT. ...**

(RESOLUTION TO APPROVE AND ADOPT **ACCEPT** THE 2004 FARMERS' MARKET MASTER PLAN)

On roll call, the vote was as follows:

Yeas, Council Members Groome, Johnson, Lowenstein, Carlberg, Greden, Easthope, Mayor Hieftje, 7;

Nays, Council Members Reid, Teall, Higgins, Woods, 4.

The Mayor Declared the motion carried.

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

Add a RESOLVED Clause:

**...RESOLVED, THAT THE ACCEPTED PLAN BE REFERRED TO PAC AND PLANNING FOR ANALYSIS AND RECOMMENDATION TO CITY COUNCIL.**

On a voice vote, the Mayor declared the motion defeated with one yes vote made by Council Member Groome.

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

Delete the last Whereas Clause:

~~...Whereas, The 2004 Farmers Market Master Plan document will provide a substantive direction to implementing the expansion and improved function to the Farmers Market facility; ...~~

On roll call, the vote was as follows:

Yeas, Council Members Groome, Johnson, 2;

Nays, Carlberg, Greden, Teall, Higgins, Easthope, Woods, Lowenstein, Reid, Mayor Hieftje, 9.

The Mayor declared the motion defeated.

The question being the resolution as amended by Council Member Carlberg, on roll call, the vote was as follows:

Yeas, Council Members Carlberg, Greden, Teall, Easthope, Johnson, Lowenstein, Mayor Hieftje, 7;

Nays, Council Members Groome, Reid, Higgins, Woods, 4.

The Mayor declared the motion carried.

The resolution as amended reads as follows:

RESOLUTION TO ACCEPT THE  
2004 FARMERS' MARKET MASTER PLAN

Whereas, The Market Commission and Parks and Recreation Services Unit desire to expand the operation and function of the Farmers Market facility;

Whereas, A ten member Farmers Market Master Plan Steering Committee was organized in order to ensure that many of the groups with a vested interest in the Market area were represented in the plan development;

Whereas, The consultant team of Johnson Hill – Land Ethics Studio were contracted to provide professional design services in the preparation of a Master Plan for the Farmers Market;

Whereas, The consultant team conducted numerous interviews, surveys, public meetings, and several design alternatives for the project over the past two years;

Whereas, A Revised Master Plan design and supporting documentation has been prepared by the consultant team that meets a majority of the goals established by the Steering Committee; and

Whereas, The 2004 Farmers Market Master Plan document will provide a substantive direction to implementing the expansion and improved function to the Farmers Market facility;

RESOLVED, That City Council accept the plan and will use it as a reference tool for future development of the market, that this acceptance does not require the implementation of any of the details of the plan and any proposal on improvements in the market will go through the normal city planning process, with opportunity for public input.

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R-14-1-05 APPROVED

RESOLUTION TO DIRECT STAFF TO WORK WITH  
THE COMMUNITY DEVELOPMENT EXECUTIVE COMMITTEE  
AND HOUSING POLICY BOARD TO MAKE RECOMMENDATIONS ON  
THE COMMUNITY DEVELOPMENT ADVISORY BOARDS

Whereas, HUD requires communities that receive CDBG and HOME funds to have a citizen participation process;

Whereas, When the City of Ann Arbor originally received federal funds, neighborhood groups facilitated this citizen participation process through the CDBG Executive Committee;

Whereas, The Housing Policy Board (HPB) was created to monitor the implementation of Housing Policy and the creation of a City Housing Coordinator to oversee, carry out and coordinate these policies;

Whereas, The role of the CDBG Executive Committee and the Housing Policy Board have evolved over the years to a Committee and Board that reviews project details and recommends specific funding allocations; and

Whereas, There has been an expressed desire and need to have higher-level discussions about priorities and policies and development of a plan to provide a clear vision to address the housing and human service needs of the low-income residents of the community;

RESOLVED, That City Council dissolve the current Housing Policy Board and CD Executive Committee and in their place create a Housing and Human Services Advisory Board (HHSAB) to provide policy direction to the City Council and City administration around the housing and human service needs of low-income residents of the City as detailed in the attached advisory board charter; and

RESOLVED, That City Council direct the new board to develop a 12-month work plan and by-laws within three months of their initial meeting that once adopted by the board, be brought forward for City Council approval.

#### Attachment

#### Proposed Ann Arbor Housing and Human Services Advisory Board

Purpose: To make recommendations to the City Council, City Administration and Community Development Office regarding policies and programs to address the needs of low income residents of the City of Ann Arbor

Members: This will be a thirteen-member board with 3-year terms.

3 Consumer representatives

3 Business representatives

(preferably representing development community, banking community, legal community and architect community)

2 Non-profit representatives

- 3 At large representatives  
(preferably including 1 or 2 youth representatives)
- 1 Social Service Professional
- 1 Academic Professional

Bylaws: To be approved by City Council at a later date.

Specific Tasks of Board:

1. Develop annual HHSAB work plan, for approval by City Council, for the implementation of housing and human service policies and programs.
2. Provide leadership in developing the Consolidated Strategy and Plan and its Annual elements, as required by HUD.
3. Make recommendations to City Council regarding citywide housing and human service policies.
4. Annually, make recommendations to City Council regarding funding priorities for federal, state and city allocations and grants for housing and human services.
5. Oversee citizen participation process to assess community housing and human service needs.

Community Development Staff Role and Relationship to Advisory Commission:

1. Provide administrative support to the Board.
2. Provide professional advice to the Advisory Commission on:
  - a. Trends in community housing and human services needs
  - b. Grant-related regulations
  - c. Development of the Consolidated Strategy and Plan and Annual Plan elements
  - d. Need for new or revised housing and human services policies
  - e. Implications of funding priority changes
  - f. Potential work plan items
  - g. Other areas, as needed
3. Implement the annual work plan and provide periodic progress reports to the Advisory Commission
4. Administer related housing and human service programs
5. Develop and administer Community Development budget

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

On roll call, the vote was as follows:

Yeas, Council Members Carlberg, Greden, Teall, Higgins, Easthope, Woods, Groome,

Johnson, Lowenstein, Reid, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried unanimously.

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R-15-1-05 APPROVED

RESOLUTION TO APPROVE COOPER ANNEXATION

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

Whereas, Courtney Ann Cooper is the owner of said property; and

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

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

Lot 27, Walden Woods Subdivision, as recorded in Liber 10, Page 50, of Washtenaw County Records, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Cooper Annexation, 0.12 Acre, 2979 Shady Lane.

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

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

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R-16--05 APPROVED

RESOLUTION TO APPROVE GRANT ANNEXATION

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

Whereas, Linda L. Grant is the owner of said property; and

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

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

COM AT SW COR OF LOT 1, KIMBERLEY HILLS, A RECORDED PLAT, TH S 1 DEG 06' 30" W 300 FT FOR A PL OF BEG, TH S 1 DEG 06' 30" W 176.80 FT, TH S 50 DEG 18' E 378.34 FT, TH N 0 DEG 58' 30" E 419.15 FT, TH S 89 DEG 52' 30" W 294.81 FT TO THE PL OF BEG, EXC THE W 150 FT IN WIDTH THEREOF, BEING A PART OF THE W 1/2 OF SW 1/4 OF SEC 3, T3S, R6E.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Grant Annexation, 1.19 Acres, 2655 Packard Road.

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

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

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R-17-1-05 APPROVED AS AMENDED

(ESOLUTION TO APPROVE 828 GREENE STREET APARTMENTS SITE PLAN)

A communication was received from the City Planning Commission transmitting its recommendation of denial of the proposed 828 Greene Street Apartments Site Plan, 0.37 Acre, 824 and 828 Greene Street.

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

Councilmember Groome moved, seconded by Council Member Teall to postpone the resolution until February 22, 2005.

On roll call, the vote was as follows:

Yeas, Council Members Groome, Teall, Easthope, Woods, Mayor Hieftje, 5;

Nays, Council Members Johnson, Lowenstein, Reid, Carlberg, Greden, Higgins, 6.

The Mayor declared the motion defeated.

Council Member Carlberg moved, seconded by Council Member Higgins to amend the resolution as follows:

Last RESOLVED Clause:

...RESOLVED, That City Council approve the 828 Greene Street Apartments Site Plan, subject to mitigation of sanitary sewer flow equivalent to the disconnection of one footing drain before issuance of the first certificate of occupancy; **AND WITH THE FOLLOWING CONTINGENCIES:**

1. **A SECOND FOOTING DRAIN DISCONNECT WARRANTED BY 36 BEDROOMS,**
2. **SINGLE OCCUPANCY IN ALL THE BEDROOMS,**
3. **PROVISION OF COVERED BICYCLE PARKING WITHIN OR OUTSIDE THE BUILDING,**
4. **THE INCLUSION OF THE ARCHITECTURAL DETAILS ON THE ELEVATIONS IN THE SITE PLAN,**
5. **A YEARLY ENGINEER'S REPORT THAT THE STORMWATER DETENTION SYSTEM IS FULLY OPERATIONAL AND IS SUBMITTED TO THE PLANNING AND DEVELOPMENT SERVICES.**

On a voice vote, the Mayor declared the motion carried with one no vote made by Council Member Higgins.

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

Yeas, Council Members Carlberg, Greden, Easthope, Woods, Johnson, Lowenstein, Reid, Mayor Hieftje, 8;

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

The Mayor declared the motion carried.

The resolution as amended reads as follows:

#### RESOLUTION TO APPROVE 828 GREENE STREET APARTMENTS SITE PLAN

Whereas, Eduardo Icaza has requested site plan approval in order to construct a three-story, 11,790-square foot, six-unit apartment building at 824 and 828 Greene Street;

Whereas, The Ann Arbor City Planning Commission, on December 7, 2004, reviewed 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 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 828 Greene Street Apartments Site Plan, subject to mitigation of sanitary sewer flow equivalent to the disconnection of one footing drain before issuance of the first certificate of occupancy; and with the following contingencies:

1. A second footing drain disconnect warranted by 36 bedrooms,
2. Single occupancy in all the bedrooms,
3. Provision of covered bicycle parking within or outside the building,
4. The inclusion of the architectural details on the elevations in the site plan,
5. A yearly engineer's report that the stormwater detention system is fully operational and is submitted to the Planning and Development Services.

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R-18-1-05 APPROVED

RESOLUTION TO APPROVE SIBLEY ANNEXATION

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

Whereas, Carol Sibley is the owner of said property; and

Whereas, It is the desire of Carol Sibley 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 Scio, Washtenaw County, Michigan, be detached from said Township of Scio and annexed to the City of Ann Arbor, to-wit:

Lot 167, Evergreens Subdivision, part of the SW ¼ of Section 24, T2S, R5E, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Sibley Annexation, 0.21 Acre, 435 Barber Avenue.

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

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

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R-19-1-05 APPROVED

RESOLUTION TO APPROPRIATE FUNDS AND APPROVE THE PURCHASE OF FUEL MANAGEMENT SYSTEM FROM RAPAC NETWORK INTERNATIONAL, INC.

Whereas, The Fleet and Facilities Unit needs to purchase a replacement Fuel Management System for the City’s fleet;

Whereas, Rapac Network International, Inc. is the lowest responsible bidder;

Whereas, Adequate funds are available in the Motor Equipment Fund’s fund balance to cover the \$73,200.00 cost; and

Whereas, Rapac Network International, Inc. received Human Rights and Living Wage approval on December 16, 2004;

RESOLVED, That City Council approve a contract, per request for Proposal No. 585, with Rapac Network International, Inc. in the amount of \$73,200.00 for a Fuel Management System;

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;

RESOLVED, That City Council appropriate \$73,200.00 from Motor Equipment Fund fund balance with the funds to be available until expended without regard to fiscal year; and

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

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

On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

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R-20-1-05 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM YVES LEPOTTIER AND CHRISTINE LEPOTTIER – NO. 3 JEFFERSON COURT; WILLIAM M. HARRIS AND MARCIA A. HARRIS – NO. 5 JEFFERSON COURT; SARA J. TUCKER – NO. 7 JEFFERSON COURT; SCOTT E. MUNZEL AND LORI M. WARD – NO. 9 JEFFERSON COURT; MICHAEL E. SERR AND MOLINA D. SERR – NO. 11 JEFFERSON COURT

Whereas, Yves and Christine LePottier, Husband and Wife, are the fee simple owners of No. 3 Jefferson Court, as described in Liber 4275, Page 695, recorded on June 25, 2003; William M. Harris and Marcia A. Harris, Husband and Wife, are the fee simple owners of No. 5 Jefferson Court, as described in Liber 4275, Page 482, recorded on June 25, 2003; Sara J. Tucker, Trustee of the Sara J. Tucker Living Trust, dated March 22, 1999, is the fee simple owner of No. 7 Jefferson Court, as described in Liber 4171, Page 523, recorded on October 11, 2002; Scott E. Munzel and Lori M. Ward, Husband and Wife, are the fee simple owners of No. 9 Jefferson Court, as described in Liber 4171, Page 517, recorded on October 11, 2002; and, Michael E. Serr and Molina D. Serr, Husband and Wife, are the fee simple owners of No. 11 Jefferson Court, as described in Liber 4171, Page 524, recorded on October 11, 2002; and

Whereas, Yves and Christine LePottier, Husband and Wife, of No. 3 Jefferson Court; William M. Harris and Marcia A. Harris, Husband and Wife, of No. 5 Jefferson Court; Sara J. Tucker, Trustee of the Sara J. Tucker Living Trust, dated March 22, 1999, of No. 7 Jefferson Court; Scott E. Munzel and Lori M. Ward, Husband and Wife, of No. 9 Jefferson Court; and, Michael E. Serr and Molina D. Serr, Husband and Wife, of No. 11 Jefferson Court, have delivered an easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system to run with the land and burden the respective property perpetually, being more particularly described as follows:

Water Main Easement Description:

A 30-foot wide easement for water main and sanitary sewer together with ingress and egress for public safety services including but not limited to fire and police, described as:

Beginning at a point on the S'yly line of Jefferson Court R/O/W, distant W, 95.13 feet from the NE corner of Lot 8; Kurtz Subdivision, of part of Lot 158 of the Plat of Eberwhite First Addition to the City of Ann Arbor, and of parts of Lots 4, 5, 6, 7, and 8 of Thompson, Spoor and Thompson's Addition to the City of Ann Arbor, part of Section 29 & 30, T2S, R6E, Washtenaw, County, Michigan, according to the Plat thereof as

Recorded in Liber 12 of Plats, Page 18, Washtenaw County Records; thence S 140.21 feet to the S'ly line of Lot 7, Kurtz Subdivision; thence S87° 20' 37" W, along said S'ly line, 30.03 feet to a point on the S'ly line of Lot 6, Kurtz Subdivision; thence N 156.60 feet; thence E 14.93 feet; thence S00° 16' 20" E 15.00 feet; thence E 15.00 feet to the POINT OF BEGINNING of said easement;

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

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

On a voice vote, the Mayor declared the motion carried unanimously, thus satisfying the eight-vote requirement.

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DEFEATED

RESOLUTION TO INCREASE THE ESTABLISHED CONTRACT CONTINGENCY FOR THE FARMERS' MARKET MASTER PLAN PROJECT (\$23,500.00) AND APPROVE AMENDMENT NO. 1 TO THE JOHNSON HILL – LAND ETHICS STUDIO CONTRACT

Whereas, City Council awarded Johnson Hill – Land Ethics Studio a Professional Services Contract on March 3, 2003, Resolution No. R-70-03-03;

Whereas, The unforeseen number of meetings, the number of design concept revisions, the need for additional services, and the need for additional study of an alternative designs for City Council consideration are required to satisfactorily complete the preparation of the Farmers Market Master Plan; and

Whereas, Sufficient funds are available from FY 2004-2005 Park Rehabilitation and Development Millage operating budget for consulting services for the requested increase in the contract contingency;

RESOLVED, City Council approve the increase of the contract contingency for the Farmers Market Master Plan in the amount of \$23,500.00 to be expended during the life of the project without regard to fiscal year;

RESOLVED, City Council approve Amendment No. 1 to the Johnson Hill-Land Ethics Studio contract to revise the scope of work to include the additional study of an alternative

design consideration and increase the funds allotted to finalization of the Master Plan document to allow for potential changes in response to the study and public comments and increase the total compensation payable under the contract to \$79,875.00 based on the previously contract for services; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the Amendment No. 1 after approval as to substance by the City Administrator and approval as to form by the City Attorney.

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

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

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R-21-1-05 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH GERRY CLARK TO SERVE AS COORDINATOR OF THE OPEN SPACE AND PARKLAND PRESERVATION MILLAGE PROGRAM PER BID NO. 560 AND ESTABLISH A TOTAL PROJECT BUDGET OF \$45,000.00 FOR YEAR ONE AND A ONE-YEAR RENEWAL OPTION WITH A TOTAL PROJECT BUDGET OF \$46,125.00 FOR THE RENEWAL YEAR

Whereas, City Administration determined the need for coordination of land acquisition proposals recommended by the Greenbelt Advisory Commission and the Park Advisory Commission and a single point of contact for the organization and handling of City processes and procedures related to the acquisitions;

Whereas, The City issued RFP No. 560 seeking proposals from individuals and firms to perform the necessary coordination services;

Whereas, The Greenbelt Advisory Commission and the Park Advisory Commission were supportive of the proposal;

Whereas, Gerry Clark has submitted to the City a proposal for the necessary services, setting forth the services to be performed, and the payments to be made by the City therefore, all of which are agreeable to the City;

Whereas, There is sufficient funding in the Open Space and Parkland Millage to cover the cost of these services; and

Whereas, On December 16, 2004, Gerry Clark received Human Rights approval and has agreed to comply with the Living Wage Ordinance;

RESOLVED, That City Council approve a one-year contract for services with Gerry Clark to serve as Coordinator of the Open Space and Parkland Preservation Millage Program in accordance with the provisions of Bid No. 560 for an amount not to exceed \$45,000.00 with the option to renew the contract under the same terms and conditions for an additional one-year period for an amount not to exceed \$46,125.00;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said contract 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 Johnson moved, seconded by Council Member Woods that the resolution be adopted.

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

### **COUNCIL RULES WAIVED**

Council Member Groome moved, seconded by Council Member Teall to suspend Council Rule 21 to have the closed session after 11 p.m.

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

### **R-22-1-05 APPROVED AS AMENDED**

(RESOLUTION TO APPROVE A CONTRACT WITH THE CONSERVATION FUND IN THE AMOUNT OF \$377,427.00 FOR PROFESSIONAL SERVICES TO PROVIDE PROJECT OVERSIGHT AND IMPLEMENTATION OF THE GREENBELT DISTRICT OF THE OPEN SPACE AND PARKLAND PRESERVATION MILLAGE PROGRAM PER BID NO. 589 AND ESTABLISH A TOTAL PROJECT BUDGET OF \$415,170.00 FOR YEAR ONE AND A ONE-YEAR RENEWAL OPTION WITH A TOTAL PROJECT BUDGET OF \$415,170.00 FOR THE RENEWAL YEAR)

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

The mayor called a recess at 10:56 p.m. and reconvened the meeting at 11:00 p.m.

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

Final RESOLVED clause:

...RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution including the authority to approve change orders within the approved contingency and the authority to approve renewal of the contract for an additional one-year term on the same terms and conditions; **AND THAT NO AMOUNT MAY BE EXPENDED IN EXCESS OF THE LIMITS SPECIFIED IN THE CITY CODE.**

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

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

The resolution as amended reads as follows:

RESOLUTION TO APPROVE A CONTRACT WITH THE CONSERVATION FUND IN THE AMOUNT OF \$377,427.00 FOR PROFESSIONAL SERVICES TO PROVIDE PROJECT OVERSIGHT AND IMPLEMENTATION OF THE GREENBELT DISTRICT OF THE OPEN SPACE AND PARKLAND PRESERVATION MILLAGE PROGRAM PER BID NO. 589 AND ESTABLISH A TOTAL PROJECT BUDGET OF \$415,170.00 FOR YEAR ONE AND A ONE-YEAR RENEWAL OPTION WITH A TOTAL PROJECT BUDGET OF \$415,170.00 FOR THE RENEWAL YEAR

Whereas, In November 2003, City of Ann Arbor voters approved a ballot proposal commonly known as the Parks and Greenbelt Proposal, to provide funds for the preservation and protection of parkland, open space, natural habitats, and city sourcewaters by the acquisition and management of land and land rights within and outside the City of Ann Arbor;

Whereas, City Council adopted “Chapter 42, Open Space and Parkland Preservation” of the Ann Arbor City Code to establish and define a Greenbelt District and the criteria and selection process for the purchase of development rights (PDR) and other property rights within the District;

Whereas, City Administration determined that the most effective means of implementing the goals and objectives identified in Chapter 42 was to solicit the services of a qualified consultant for the oversight and implementation process;

Whereas, The City issued RFP No. 589 seeking proposals from individuals and firms to perform the necessary coordination services;

Whereas, Proposals were solicited from seven (7) land conservation firms and two responses were received, the submitter's interviewed and the proposals evaluated;

Whereas, The Conservation Fund was selected and a contract negotiated for the necessary services, setting forth the services to be performed, and the payments to be made by the City therefore, all of which are agreeable to the City;

Whereas, There is sufficient funding in the Open Space and Parkland Millage to cover the cost of these services; and

Whereas, On December 16, 2004, The Conservation Fund received Human Rights approval and complies with the Living Wage Ordinance;

RESOLVED, That City Council approve a one-year contract for services with The Conservation Fund in the amount of \$377,427.00 for the oversight and implementation for the Greenbelt District of the Open Space and Parkland Preservation Millage Program with the option to renew the contract for an additional one-year period under the same terms and conditions for an amount not to exceed \$415,170.00;

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

RESOLVED, That City Council approve a contingency in the amount of \$37,743.00 (10%) to cover potential contract change orders and approve a total project budget of \$415,170.00 for year one of the project and a total project budget of \$415,170.00 for year two of the project without regard to fiscal year; and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution including the authority to approve change orders within the approved contingency and the authority to approve renewal of the contract for an additional one-year term on the same terms and conditions; and that no amount may be expended in excess of the limits specified in the City Code.

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R-23-1-05 APPROVED

RESOLUTION TO APPOINT A MEMBER TO THE CITY ENVIRONMENTAL COMMISSION

Whereas, City Council passed an ordinance creating a City Environmental Commission;

Whereas, The ordinance requires City Council to nominate and appoint the members of the Commission;

RESOLVED, That the following are nominees are place before you:

- Planning Commission: Stephen Kunzelman is appointed to a three-year term beginning January 18, 2005.
- Democratic Caucus: Margie Teall is appointed through November 2005.
- Republican Caucus: Mike Reid is appointed through November 2005

RESOLVED, That the City Clerk notify the newly elected commission member and the chair of the Environmental Commission.

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

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

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R-24-1-05 APPROVED

RESOLUTION FOR COMMUNITY EVENTS FUND DISBURSEMENTS FROM THE 2004-2005 BUDGET

Whereas, The Ann Arbor City Council wishes to support activities that promote or bring the community together to celebrate its richness;

Whereas, The Council Community Events Committee met and reviewed funding requests from various community groups; and

Whereas, The Committee recommends the following allocation:

- 1) Ann Arbor Film Festival - \$2,000.00 to provide free tickets to under-served community members and staff/volunteers of non-profit organizations to attend Festival screenings March 15-20, 2005;

RESOLVED, That the Ann Arbor, City Council approve the recommended allocations from the 2004-2005 Community Events Fund.

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

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

## **REPORTS FROM COUNCIL COMMITTEES**

### **BUDGET AND FINANCE COMMITTEE**

Council Member Easthope said that the Budget and Finance Committee met with staff last week and set out a detailed time line of when they will meet again and what will be discussed. A work session is also scheduled for March 14, 2005 and 3 citywide budget presentations will take place the first week of April 2005. Locations would be determined later.

## **COUNCIL PROPOSED BUSINESS**

None.

## **COMMUNICATIONS FROM THE MAYOR**

### **APPOINTMENTS APPROVED**

Mayor Hieftje recommended the following appointments at the January 3, 2005 regular session of Council:

City Market Commission

Racquel B. Agranoff (Re-appointment)  
1942 Boulder Drive  
Ann Arbor, MI 48104  
Term: January 18, 2005 – December 31, 2007

Luis Vazques (Re-appointment)  
1442 Pontiac Trail  
Ann Arbor, MI 48105  
Term: January 18, 2005 – December 31, 2007

Ted Windish (Daily Grower Representative)  
128 Miles Street  
Ypsilanti, MI 48198  
Term: January 18, 2005 – December 31, 2007

Council Member Reid moved, seconded by Council Member Lowenstein 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:

Ann Arbor Transportation Authority

Ted C. Annis ( filling the vacancy of Adiele Nwankwo)  
2997 Devonshire Rd.  
Ann Arbor, MI 48104  
Term: February 7, 2005- May 1,2010

Board of Review

Timothy Williams (Re-appointment)  
2630 Gladstone Ave.  
Ann Arbor, MI 48104  
Term: February 7, 2005- February 3, 2008

Community Development Executive Committee

Dana Barton (Re-appointment)  
1730 David Court  
Ann Arbor, MI 48105  
Term: February 7, 2005- June 30, 2007

Rebekah Warren (Re-appointment)  
234 Eighth St.  
Ann Arbor, MI 48103  
Term: February 7, 2005-June 30, 2007

City Market Commission

Peter Pollack  
515 Detroit St.  
Ann Arbor, MI 48104  
Term: February 7, 2005- December 31, 2008

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

None.

**COMMUNICATIONS FROM THE CITY ATTORNEY**

None.

**COMMUNICATIONS FROM COUNCIL**COUNCIL MEMBER CARLBERG

Council Member Carlberg asked for a hard copy of the State of the Environment Report.

COUNCIL MEMBER GROOME

Council Member Groome asked that the Council Rules be placed on the February 7, 2005 agenda.

**COUNCIL MEMBER EASTHOPE**

Council Member Easthope said that he received a memo from Don Todd regarding the 2004 Street Resurfacing Program procedures. He said that a number of bike lanes were added.

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

The following communication was referred as indicated:

1. Communication from the State of Michigan, DEQ, Regarding Information on a Permit from the U of M Board of Regents to Dredge for Removal of Sediment Buildup from a Detention Basin that Discharges to Allen Creek – cc: Utilities

The following minutes were received for file:

1. Downtown Development Authority – October 6, December 1 Regular Meetings; December 15, 2004 Retreat
2. Housing Policy Board – October 6 and October 27, 2004
3. CDBG Executive Committee – July 28 and September 8, 2004
4. City Market Commission – March 18, April 15, May 20, June 17, July 15, September 16, October 21, November 5 and November 18, 2004

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

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

**PUBLIC COMMENTARY - GENERAL**

**JULIE WEATHERBEE – 828 GREENE STREET SITE PLAN**

Julie Weatherbee, 837 S. Main St., addressed Council regarding the resolution to approve the 828 Greene Street Site Plan.

**LAUREL FEDERBUSH – HUMAN RIGHTS RESOLUTION**

Laurel Federbush, 2000 Anderson Court, addressed Council regarding the passage of a Human Rights Resolution to stop aid to Israel.

**HENRY HERSKOVITZ – ISRAEL**

Henry Herskovitz, 404 Mark Hannah, addressed Council regarding the issue in Israel.

**RECESS FOR CLOSED SESSION**

Council Member Lowenstein moved, seconded by Council Member Teall that the regular session of Council be recessed for a closed session to discuss pending litigation and attorney client privileged communication.

On roll call, the vote was as follows:

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

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 11:19 p.m.

Council Member Groome moved, seconded by Council Member Woods that the regular session of Council be reconvened.

On a voice vote the Mayor declared the motion carried and the meeting reconvened at 11:55 p.m.

**ADJOURNMENT**

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 11:55 p.m.

Anissa R. King  
Acting Clerk of the Council  
Recording Secretary