

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - MAY 1, 2006**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:14 p.m. in the City Hall Council Chamber, 100 N. Fifth Avenue, Ann Arbor.

Council stood for a moment of silence.

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

ROLL CALL OF COUNCIL

PRESENT : Councilmembers John Roberts, Robert M. Johnson, Joan Lowenstein, Stephen Rapundalo, Jean Carlberg, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

WAR RESOLUTION

The following people spoke in support of the proposed Resolution Urging Cessation of Combat Operations in Iraq and the Return of U.S. Troops:

Henry Herskovitz, 404 Mark Hannah
Lauren Helwig, 2832 Renfrew
Ismat Hamid, 3251 N. Maple
Bill Shea, 803 John A. Woods
Rev. Charles Booker-Hirsch, 601 Howley Court
Chuck Warpehoski, 2020 Winewood
Max Heirich, 1640 Broadway

Mozhgan Savabieasfahni, 710 E. Ann, said that the resolution was very focused on American interest and American losses.

Blaine Coleman, P. O. Box 7038, said that there is a duty to pass the City's own Human Rights Commission's resolution to cut off all military aid to Israel, in addition to ending the war in Iraq.

LAUREL FEDERBUSH – MILITARIZATION AND RADIO MILLAGE

Laurel Federbush, 2000 Anderson Court, addressed Council regarding the proposed Radio Millage on Tuesday's ballot and its relationship to militarization. She said that proposal A will appear on the May 2, 2006 ballot and should be defeated.

PUBLIC HEARINGS

PROPOSED 2006-2007 CITY OF ANN ARBOR BUDGET RECOMMENDATIONS AND PROPERTY TAX MILLAGE RATES

A public hearing was conducted on the proposed 2006-2007 City of Ann Arbor Budget Recommendations. Notice of public hearing was published April 26, 2006.

Jim Mogensen, 3780 Greenbrier Blvd., #354C, expressed concern with the old YMCA site and issues relating to affordable housing on that site. Mr. Mogensen stated that portions of the proposed development for this site are on land that is still owned by the AATA.

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

SOUTH POND VILLAGE PROPERTY ZONING (ORDINANCE NO. 9-06)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 048.49 acre from TWP (Township District) to R1B (Single-Family Dwelling District), South Pond Village property, located north of Arborland, east of Woodcreek Subdivision, South of Huron River Drive and West of US-23. Notice of public hearing was published April 9, 2006.

Jim Mogensen, 3780 Greenbrier Blvd., #354C, said that access to this site is still a concern, even with a less intense zoning proposed.

Blair Gerdes, 3480 Woodale Court, thanked Council and the Planning Commission for hearing and addressing the concerns of taxpayers, residents and area businesses affected by the proposed South Pond Village.

Jim Haeussler, 229 S. Williams, Saline, MI, owner of Peter's Building Company and the subject property, requested that this rezoning be denied or tabled, as it is not the requested R4A zoning that was requested by the petitioner and recommended by the City's Planning Commission.

Michael Homel, 3473 Woodale Ct., said that the currently proposed rezoning is consistent with the existing neighborhood.

Brenda VanPell, owner at Woodcreek Estates, thanked everyone for keeping an eye on the proposed plan, and asked that staff continue to pay close attention to the development of this property.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Councilmember Johnson moved, seconded by Councilmember Carlberg, that the agenda be approved with the following changes:

MOTIONS AND RESOLUTIONS

Move: Resolution to Set Renewable Energy Goals for Ann Arbor (Mayor Hieftje ***(Added 4/25/06) (Consider after Consent Agenda)***)

Move: Resolution Urging Cessation of Combat Operations in Iraq and the Return of U.S. Troops (Councilmembers Woods, Johnson and Carlberg) ***(Added 4/26/06 and Revised 4/28/06) (Consider before D-3)***

ORDINANCES FIRST READING

Move: Amendment to Chapter 55, Zoning of 4.2 Acres from TWP (Township District) to PL (Public Land District), Evergreen Park, East and West Sides of Parkwood, North of Valley and South of and Including Kingwood (Planning Commission Recommendation: Approval – 9 Yeas and 0 Nays) (Planning and Development Services – Jayne Miller, Community Services Area Administrator) ***(Consider with other Rezonings)***

Move: Amendment to Chapter 55, Zoning of 0.29 Acre from TWP (Township District) to R1C (Single-Family Dwelling District), Kennedy Property, 3300 Dexter Road (Planning Commission Recommendation: Approval – 6 Yeas and 0 Nays) (Planning and Development Services – Jayne Miller, Community Services Area Administrator) ***(Consider with other Rezonings)***

Move: Amendment to Chapter 55, Zoning of 1.19 Acres from TWP (Township District) to R1C (Single-Family Dwelling District), O’Conner Property, 460 Rose Drive (Planning Commission Recommendation: Approval – 6 Yeas and 0 Nays) (Planning and Development Services – Jayne Miller, Community Services Area Administrator) ***(Consider with other Rezonings)***

Move: Amendment to Chapter 55, Zoning of 0.9 Acre from TWP (Township District) to R1C (Single-Family Dwelling District), Pritula Property, 3328 Dexter Road (Planning Commission Recommendation: Approval – 6 Yeas and 0 Nays) (Planning and Development Services – Jayne Miller, Community Services Area Administrator) **(Consider with other Rezonings)**

Move: Amendment to Chapter 55, Zoning of 2.1 Acres from TWP (Township District) to R1C (Single-Family Dwelling District), Ross/Freund Property, 2 Ridgemor Drive (Planning Commission Recommendation: Approval – 7 Yeas and 0 Nays) (Planning and Development Services – Jayne Miller, Community Services Area Administrator) **(Consider with other Rezonings)**

Move: Amendment to Chapter 55, Zoning of 1.04 Acres from TWP (Township District) to R1C (Single-Family Dwelling District), Schesky Property, 2760 Nixon Road (Planning Commission Recommendation: Approval – 6 Yeas and 0 Nays) (Planning and Development Services – Jayne Miller, Community Services Area Administrator) **(Consider with other Rezonings)**

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF APRIL 10 AND 17, 2006 APPROVED

Councilmember Woods moved, seconded by Councilmember Teall, that the working session minutes of April 10, 2006 and the regular session minutes of April 17, 2006 be approved as presented.

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

CONSENT AGENDA

CONSENT AGENDA ITEMS REMOVED

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

(Resolution to Approve a Contract with Trendway Corporation and its Authorized Dealer, Audette Office Equipment Company, for Purchase of Trendway Corporation Office System Equipment and Furnishings)

CONSENT AGENDA ITEMS APPROVED

Councilmember Greden moved, seconded by Councilmember Johnson, that the following Consent Agenda items be approved as presented:

R-158-5-06 APPROVED

RESOLUTION TO APPROVE PROPERTY APPRAISAL SERVICES RELATED TO INSURANCE REQUIREMENTS IN THE AMOUNT OF \$30,030.00 WITH ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC.

Whereas, The City has no records of the last commissioned appraisal of significant property;

Whereas, Accurate appraisal of property ensures that the City is appropriately covered for potential loss;

Whereas, Accurate appraisal of property ensures that policy premiums charged to the City are commensurate with the associated risks;

Whereas, City Council has approved Arthur J. Gallagher Risk Management Services, Inc. to provide risk related advice and service; and

Whereas, Arthur J. Gallagher Risk Management Services, Inc. received Human Rights approval on August 25, 2005 and complies with the living and prevailing wage ordinance;

RESOLVED, That City Council approve appraisal services to be provided by Arthur J. Gallagher Risk Management Services, Inc. in an amount not to exceed \$30,030.00; and

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

R-159-5-06 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH INSPECTION SERVICES CORPORATION (\$56,145.00) FOR THE 2006 ANNUAL STREET RESURFACING PROJECT CONSTRUCTION MATERIAL TESTING

Whereas, It is necessary to retain a qualified testing firm to perform testing services for the 2006 Annual Street Resurfacing Project;

Whereas, Proposals for the testing services were received and evaluated by the Project Management Service Unit;

Whereas, Inspection Services Corporation of Plymouth, 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 therefore, all of which are agreeable to the City;

Whereas, Inspection Services Corporation received Human Rights and Living Wage approval on August 25, 2005; and

Whereas, Sufficient funds for the above services are included in the approved 2006 Annual Resurfacing project budget.

RESOLVED, That a Professional Services Agreement with Inspection Services Corporation in the amount of \$56,145.00 be approved for construction testing services for the 2006 Annual Street Resurfacing project;

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 authorize the City Administrator to approve amendments to the professional services agreement within the approved project budget; and

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

R-160-5-06 APPROVED

RESOLUTION TO APPROVE A SECOND AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH THE GREENWAY COLLABORATIVE, INCORPORATED FOR THE CITYWIDE NON-MOTORIZED PLAN

Whereas, On December 1, 2003, the City Council approved the Citywide Non-motorized Transportation Plan Project and established a project budget in the amount of \$119,957.00;

Whereas, The approved project budget included \$109,957.00 for professional and consulting assistance;

Whereas, The Greenway Collaborative, Inc., was selected as the contractor and entered into an Agreement with the City to prepare this plan;

Whereas, To complete the plan and address issues that may arise in the final public review process additional consulting and professional services are necessary;

Whereas, City Council deems it necessary to complete the plan;

Whereas, Sufficient funds exist in the Alternative Transportation fund for this amendment; and

Whereas, The Greenway Collaborative, Inc., received Human Rights approval on September 8, 2005, and complies with the Living Wage Ordinance;

RESOLVED, The City Council approve an Amendment to the Professional Services Agreement with the Greenway Collaborative, Incorporated, in the amount of \$15,000.00, for the completion of the Citywide Non-motorized Transportation Plan;

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

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

R-161-5-06 APPROVED

RESOLUTION AUTHORIZING SANITARY SEWER, WATER AND SIDEWALK
IMPROVEMENT CHARGES FOR 1680 S. STATE STREET

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

Parcel ID 09-09-32-400-006 (1680 S. State Street)
8" Sanitary Sewer in Shady Lane: File No. 9324B23; District #434
 Constructed in 1985
 \$3,729.39/connection*1 connection = \$3,729.39

12" Water Main in S. State Street: File No. 9324B23; District #83043
 Constructed in 1985
 \$2,145.33/connection * 1 connection = \$2,145.33

Sidewalk constructed in 1984; File #81084
 4" Sidewalk: \$8.75/LF * 16.44 LF = \$143.85;
 7" Sidewalk: \$12.50/LF * 30 LF = \$375.00
 Subtotal Sidewalk \$518.85 x 1.777858 cost forward = \$922.44

GRAND TOTAL OF IMPROVEMENT CHARGES \$6,797.16;

Whereas, The owner of 1680 S. State Street paid all connection charges and is being furnished sanitary sewer and water service;

Whereas, The owner of 1680 S. State Street signed Outside City Service Agreements on February 21, 2005, to be eligible for sanitary sewer and water improvement charges applicable at that time; and

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

RESOLVED,

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

<u>Annexation Address from Ann Arbor Township:</u>	1680 S. State St
<u>City Assessor Code:</u>	09-09-32-400-006
<u>Planning File No.:</u>	9324B23.1 and .2

COM AT SE COR OF SEC 32, TH E 46.64 FT IN S LINE OF SEC 33, TH DEFL 111 DEG 04' 40" TO LEFT 200 FT FOR PL OF BEG, TH CONTINUING NWLY 6.56FT IN SAME COURSE, TH DEFL 22 DEG 30' TO RIGHT 39.88 FT, TH DEFL 91 DEG 25' 20" TO LEFT 90 FT, TH DEFL 90 DEG 10' 15" TO LEFT 46 FT, TH DEFL 89 DEG 49' 45" TO THE LEFT 90 FT TO PL OF BEG, BEING PART OF SE 1/4 SEC. 32 T2S R6E 0.10 AC; previously Ann Arbor Township and now situated in the City of Ann Arbor, Washtenaw County, Michigan;

- 2. That the improvement charge levied is \$6,797.16;
- 3. That this improvement charge is divided into 6 equal installments; the first to be due on June 15, 2006, and the 5 subsequent installments to be due on June 1 of each and every year thereafter, with the deferred installments of the improvement charge to bear interest at the rate of 7.1% per annum commencing June 15, 2006;
- 4. That the Public Services Area be directed to send a copy of this resolution by first class mail to the owners of the property and to promptly have this resolution recorded in the office of the Register of Deeds of Washtenaw County, Michigan; and

That this levied improvement charge is to be invoiced to the owner, Thomas Schulz, of the property known as 1680 S. State Street, City of Ann Arbor, Washtenaw County, Michigan, and to be credited in the amount of \$3,729.39 to Fund 0043-073-8000-7151, \$2,145.33 to Fund 0042-073-8000-7151, \$922.44 to Fund 0060-019-1200-1625.

R-162-5-06 APPROVED

RESOLUTION TO GRANT WATER AND SEWER SERVICE OUTSIDE CITY LIMITS TO 1515 CHALMERS DRIVE

Whereas, Alan M. Cordeiro and Lorraine M. Cordeiro (owners) of the property at 1515 Chalmers Drive on March 22, 2005, have requested that the City extend public water and sewer service to their property in Ann Arbor Township in accordance with the Policy Statement of February 1, 1994 and the Amendment of October 22, 2004 between the City of Ann Arbor and Ann Arbor Township and desire to enter into agreements with the City for such services; and

Whereas, As part of these agreements, the owners agree to cooperate with the City and to diligently pursue all actions necessary to bring about the annexation no later than December 31, 2007;

RESOLVED, That the Mayor and Clerk be authorized to sign the water and sanitary sewer agreements to allow City water and sewer services to the property during the time it is still outside of the corporate city limits; and

RESOLVED, That the Public Services Area promptly record the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an approved copy of the resolution and executed copy of the agreements to the owners.

R-163-5-06 APPROVED

RESOLUTION TO RESCIND R-431-9-05 RESOLUTION TO GRANT WATER AND SEWER SERVICES OUTSIDE CITY LIMITS TO 1865 NEWPORT ROAD AND APPROVE RESOLUTION TO GRANT WATER AND SEWER SERVICES OUTSIDE CITY LIMITS TO 1865 NEWPORT ROAD AND PAYMENT OF IMPROVEMENT CHARGE IN INSTALLMENTS

Whereas, Sally Kapp the owner of the property at 1865 Newport Road on March 25, 2005, has requested that the City extend public water and sewer service to her property in Ann Arbor Township in accordance with the Policy Statement of February 1, 1994 and the Amendment of October 22, 2004 between the City of Ann Arbor and Ann Arbor Township;

Whereas, The owner desires to enter into an agreement with the City to provide an equitable method of obtaining City services outside of its corporate boundaries;

Whereas, The owner has paid applicable connection charges and is being furnished City water and sewer service as of May 18, 2005;

Whereas, The owner has paid the historic water improvement charge and requests to pay the historic sewer improvement charge of \$16,536.00 in payments and Section 1:278 of the City Code authorizes the City Council to approve installment payments of improvement charges;

Whereas, As part of this agreement, the owner shall diligently pursue all actions necessary to bring about the annexation no later than December 31, 2007; and

Whereas, Mayor and Council approved Resolution R-431-9-05 on September 6, 2005, that did not include payment terms;

RESOLVED, That Mayor Council rescind Resolution R-431-9-05, dated September 6, 2005, and replace with this resolution;

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;

RESOLVED, That the Mayor and Council approve payment of the sanitary sewer improvement charge of \$16,536.00 in installments over a 14 year period, to be billed and paid quarterly on the property owner’s sewer bill, at a 5% interest rate per annum, and to be billed on a lot assessment subsequent to annexation;

RESOLVED, That the City Administrator be authorized to take any other necessary administrative actions to implement this resolution; and

RESOLVED, That the Public Services Area promptly record this resolution and the agreements in the office of the Register of Deeds of Washtenaw County, Michigan and send an executed copy of the resolution and the agreements to the owners.

R-164-5-06 APPROVED

RESOLUTION TO AMEND PREVIOUSLY APPROVED R-427-9-05 RESOLUTION TO GRANT WATER AND SEWER SERVICE OUTSIDE CITY LIMITS TO 442 HUNTINGTON PLACE

Whereas, Council has previously approved a resolution for outside city service agreements to a specific property address identified as a township parcel;

Whereas, We have found minor discrepancies and wish to correct those to enable us to finalize the agreements; and

Whereas, Council approval of this resolution results in amendment of the previous resolution so that the resolution number assigned and the approval date do not change;

RESOLVED, That Council amend resolution R-427-9-05 approved on September 6, 2005, as follows:

- (Resolution Title) RESOLUTION TO GRANT ~~[WATER AND]~~SEWER SERVICE OUTSIDE CITY LIMITS TO 442 HUNTINGTON PLACE
- (First) Whereas, Marian **P. Gates** **REVOCABLE TRUST** the owner of the property at 442 Huntington Place on March 9, 2005 has requested that the City extend public sewer service to their property in Ann Arbor Township in accordance with the Policy Statement of February 1, 1994 and the Amendment of October 22, 2004 between the City of Ann Arbor and Ann Arbor Township;

- Whereas, The owners desire to enter into an agreement with the City to provide an equitable method of obtaining City services outside of its corporate boundaries; and

RESOLVED, That the City Clerk be directed to make all necessary changes in the minutes and resolutions in accordance with this resolution.

R-165-5-06 APPROVED

RESOLUTION TO RESCIND R-437-9-05 RESOLUTION TO GRANT WATER SERVICE OUTSIDE CITY LIMITS TO 2410 NEWPORT ROAD

Whereas, On March 18, 2005, Laura Newton signed an Outside City Service Agreement to request water service for her property at 2410 Newport Road;

Whereas, On September 6, 2005, Council approved resolution R-437-9-05 to grant water service outside City limits to the property at 2410 Newport Road; and

Whereas, On March 23, 2006, the owner of the property orally requested the City to terminate this agreement and refund payment of water improvement charge and provided this same request in writing on March 29, 2006;

RESOLVED, That Council rescind resolution R-437-9-05 Resolution to Grant Water Service Outside City Limits to 2410 Newport Road; and

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

R-166-5-06 APPROVED

RESOLUTION TO AMEND PREVIOUSLY APPROVED R-435-9-05 RESOLUTION TO GRANT WATER AND SEWER SERVICES OUTSIDE CITY LIMITS TO 2120 NEWPORT ROAD

Whereas, Council has previously approved a resolution for outside city service agreement to a specific property address identified as a township parcel;

Whereas, We have found minor discrepancies and wish to correct those to enable us to finalize the agreements; and

Whereas, Council approval of this resolution results in amendment of the previous resolution so that the resolution number assigned and the approval date do not change;

RESOLVED, That Council amend resolution R-435-9-05 approved on September 6, 2005, as follows:

- (First) Whereas, The [~~Gail O'Neill~~] **NEIL D. BUCHOLZ AND ALICE T. BUCHOLZ (DECEASED)** (ownerS) of the property at 2120 Newport Road on March 30, 2005 [~~has~~] **HAVE** requested that the City extend public water and sewer service to their property in Ann Arbor Township in accordance with the Policy Statement of February 1, 1994 and the Amendment of October 22, 2004 between the City of Ann Arbor and Ann Arbor Township;
- Whereas, The ownerS desire[~~s~~] to enter into an agreement with the City to provide an equitable method of obtaining City services outside of its corporate boundaries; and

RESOLVED, That the City Clerk be directed to make all necessary changes in the minutes and resolutions in accordance with this resolution.

R-167-5-06 APPROVED

(RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH RELIANCE BUILDING COMPANY – BID NO. 3779, IN THE AMOUNT OF \$41,500.00 FOR INSTALLATION OF POOL BACKWASH DE-CHLORINATION SYSTEMS AND TO ESTABLISH A CONSTRUCTION BUDGET OF \$45,650.00)

Whereas, A requirement of the MDEQ Stormwater Permit Number MI0053856 issued to the City states that swimming pool discharges must be de-chlorinated;

WHEREAS, ALL FOUR OF THE CITY’S PUBLIC SWIMMING POOL BACKWASH WATERS SYSTEMS MUST MEET THE REQUIREMENT FOR DE-CHLORINATION OF DISCHARGE WATERS FOR COMPLIANCE WITH THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIREMENTS UNDER PART I, SECTION A.1.C.17 OF THE STORMWATER DISCHARGE PERMIT;

Whereas, Parks and Recreation Services Unit hired an engineering consultant to design de-chlorination systems for the swimming pool facilities, which complied with MDEQ requirements and received their approval;

Whereas, On March 28, 2006, competitive bids were sought by the Procurement Office, and the sole bid was received from Reliance Building Co., a responsible bidder;

Whereas, Funding for the construction work is available in the FY 05-06 Parks Rehabilitation and Development Millage budget; and

Whereas, Reliance Building Co. received Human Rights approval on August 25, 2005 and complies with the living wage and prevailing wage requirements;

RESOLVED, That City Council approve a construction contract, per bid #3779, with Reliance Building Co in the amount of \$41,500.00 for installation of Pool Backwash De-Chlorination Systems, a construction contingency in the amount of \$4,150.00 (10%) to cover potential contract change orders, and a total project budget of \$45,650.00 for the life of the project without regard to fiscal year;

RESOLVED, That the City Administrator be authorized to take all necessary administrative actions to implement this resolution including the authority to approve change orders within the approved contingency; and

RESOLVED, That the Mayor and City 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.

R-168-5-06 APPROVED

RESOLUTION TO APPROVE INCREASE OF PURCHASE ORDER WITH GRAPHIC SCIENCES, INC. BY \$5,250.00 TO COMPLETE THE MICROFILMING OF PLANNING AND DEVELOPMENT DOCUMENTS – BID NO. 3719

Whereas, The Planning & Development Services Unit requires approval of an additional \$5,250.00 in funds to complete microfilming of documents; and

Whereas, Funds for the project are contained in the FY 2005-2006 approved budget for Planning & Development Services in both the General and Construction Code Funds;

RESOLVED, That City Council approve an increase in the purchase order with Graphic Sciences, Inc. in the amount of \$5,250.00 to complete the microfilming of Planning & Development documents; and

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

R-169-5-06 APPROVED

RESOLUTION TO APPROVE THE REQUEST FOR A NEW 12-MONTHS RESORT B-HOTEL LICENSE AND NEW SDM LICENSE (TO BE HELD IN CONJUNCTION WITH THE 12-MONTHS RESORT B-HOTEL LICENSE), LOCATED AT 3155 BOARDWALK – D/B/A ANN ARBOR LODGING, L.L.C.

RESOLVED, That the request of Ann Arbor Lodging, L.L.C. for a new 12-Months Resort B-Hotel License and new SDM License (to be held in conjunction with the 12-Months Resort B-Hotel License), located at 3155 Boardwalk – D/B/A Ann Arbor Lodging, L.L.C., be approved.

R-170-5-06 APPROVED

RESOLUTION TO APPROVE TRANSFER OF STOCK IN A 2005 CLASS “C” LICENSED BUSINESS, LOCATED AT 1950 S. INDUSTRIAL D/B/A COLONIAL LANES

RESOLVED, That the request from CLAA, Inc. to transfer stock (2004 licensing year) in a 2005 Class C licensed business with a dance and entertainment permit, located at 1950 S. Industrial, by dropping James Buhr as stockholder through transfer of 240 shares back to the corporation and 40 shares each to existing stockholders Robert P. Ufer, Pamela S. Wood, David S. Ufer and Thomas W. Ufer; by dropping Richard J. Buhr as stockholder through transfer of 240 shares back to the corporation and 40 shares each to existing stockholders Robert P. Ufer, Pamela S. Wood, David S. Ufer and Thomas W. Ufer; by dropping Martha Grimes as stockholder through transfer of her (400 shares total) 240 shares back to the corporation and 40 shares each to existing stockholders, Robert P. Ufer, Pamela S. Wood, David S. Ufer and Thomas W. Ufer; by dropping John J. Carver as stockholder through transfer of his (600 shares total) 360 shares back to the corporation and 60 shares to existing stockholders, Robert P. Ufer, Pamela S. Wood, David S. Ufer and Thomas W. Ufer; and by dropping Candace Carver Dufek and Donald P. Dufek as joint stockholders through transfer of their 600 shares to existing stockholders, Robert P. Ufer, Pamela S. Wood, David S. Ufer and Thomas W. Ufer (150 shares each); and change stockholder name from Marth B. Hahn to Martha Grimes be approved.

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

R-171-5-06 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH
TRENDWAY CORPORATION AND ITS AUTHORIZED DEALER,
AUDETTE OFFICE EQUIPMENT COMPANY, FOR PURCHASE
OF TRENDWAY CORPORATION OFFICE SYSTEM
EQUIPMENT AND FURNISHINGS

Whereas, Current space needs for administrative offices in the City Hall building require maximum utilization of all available space and square footage inside the Information Technology Services Unit offices;

Whereas, The City of Ann Arbor issued Request for Proposal No. 617 for the design and installation of an office furniture system;

Whereas, The City received four proposals which have been evaluated by 6 members of ITSU staff;

Whereas, City ITSU staff, after appropriate consideration of design, experience, quality of the furnishings and cost, recommends a contract with Trendway Corporation and its authorized dealer, Audette Office Equipment Company, for the purchase and installation of a Trendway Corporation Choices system;

Whereas, Trendway Corporation is a western Michigan company with the majority of supply sources located in Michigan;

Whereas, Trendway's business practices and processes are aligned with the environmental goals of the City of Ann Arbor; and

Whereas, Trendway Corporation received Human Rights approval on April 12, 2006;

RESOLVED, That City Council approve a contract with Trendway Corporation and its authorized dealer, Audette Office Equipment Company, in the amount \$61,994.35 to purchase and install the office system;

RESOLVED, That the Mayor and Clerk be authorized and directed to execute the contract with Trendway Corporation and its authorized dealer, Audette Office Equipment, 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.

Councilmember Easthope moved, seconded by Councilmember Rapundalo, to approve the resolution.

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

R-172-5-06 APPROVED

RESOLUTION TO SET RENEWABLE ENERGY GOALS FOR ANN ARBOR

Whereas, Traditional non-renewable fossil fuel energy sources make up over 95% of the energy used in the United States;

Whereas, Increasing demand for fossil fuels, along with diminishing supplies, has caused energy prices to become increasingly unstable, causing City energy costs to rise over 38% in three years;

Whereas, Money spent on renewable energy sources stays in the local economy, supports local businesses and farms and keeps petroleum dollars from leaving the country;

Whereas, Renewable energy sources greatly reduce global warming emissions compared to fossil fuels;

Whereas, Renewable energy sources produce less air pollution than fossil fuel based energy and contribute to making our air cleaner and meeting EPA clean air standards; and

Whereas, Renewable energy sources, like wind, allow for long-term, fixed-price contracts that can help to stabilize the City energy budget and provide a hedge against future increases in energy cost;

RESOLVED, That the Ann Arbor City Council sets a goal of 30% renewable energy for municipal operations by 2010, a goal of 20% renewable energy for the Ann Arbor community by 2015 and a goal of 20% reduction in greenhouse gas emissions from 2000 levels for the Ann Arbor community by 2015; and

RESOLVED, That the Ann Arbor City Council directs staff to explore available technologies for energy efficiency and renewable energy use in municipal operations and to prepare and implement a plan to reach a goal of 30% renewable energy for all municipal operations by 2010; and

RESOLVED, That the Ann Arbor City Council directs staff to evaluate options to purchase long-term, fixed-rate “green” electricity from windmills constructed in Michigan and provide recommendations to Council by October, 2006 on moving forward with a green electricity purchase; and

RESOLVED, That the Ann Arbor City Council directs staff to prepare and begin implementation of a plan to move the entire Ann Arbor community to 20% renewable energy by 2015.

Councilmember Johnson moved, seconded by Councilmember Teall, that the resolution be adopted.

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

ORDINANCES - SECOND READING

9-06 APPROVED

SOUTH POND VILLAGE ZONING
NORTH OF ARBORLAND, EAST OF WOODCREEK SUBDIVISION,
SOUTH OF HURON RIVER DRIVE AND WEST OF US-23

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 48.49 acres, located north of Arborland, east of Woodcreek Subdivision, South of Huron River Drive and west of US-23, from TWP (Township District) to R1B (Single-Family Dwelling District). (The complete text of Ordinance 9-06 is on file in the City Clerk's Office.)

Councilmember Rapundalo moved, seconded by Councilmember Roberts, that the ordinance be adopted at second reading.

Councilmember Woods recused herself from discussion and voting on the proposed ordinance.

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

ORDINANCES - FIRST READING

17-06 APPROVED

**EVERGREEN PARK ZONING
(EAST AND WEST SIDES OF PARKWOOD, NORTH OF VALLEY AND
SOUTH OF AND INCLUDING KINGWOOD)**

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 4.2 acres, located on the east and west sides of Parkwood, north of Valley and South of and including Kingwood, from TWP (Township District) to PL (Public Land District). (The complete text of Ordinance 17-06 is on file in the City Clerk's Office.)

18-06 APPROVED

**KENNEDY ZONING
(3300 DEXTER ROAD)**

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

This ordinance would change the zoning of 0.29 acre, located at 3300 Dexter Road, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 18-06 is on file in the City Clerk's Office.)

19-06 APPROVED

**O'CONNER ZONING
(460 ROSE DRIVE)**

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

This ordinance would change the zoning of 1.19 acres, located at 460 Rose Drive, from TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of Ordinance 19-06 is on file in the City Clerk's Office.)

20-06 APPROVED

PRITULA ZONING
(3328 DEXTER ROAD)

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

This ordinance would change the zoning of 0.9 acre, located at 3328 Dexter Road, from
TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of
Ordinance 20-06 is on file in the City Clerk's Office.)

21-06 APPROVED

ROSS/FREUND ZONING
(2 RIDGEMOR DRIVE)

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 2.1 acres, located at 2 Ridgemor Drive, from
TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of
Ordinance 21-06 is on file in the City Clerk's Office.)

22-06 APPROVED

SCHESKY ZONING
2760 NIXON ROAD

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

This ordinance would change the zoning of 1.04 acres, located at 2760 Nixon Road, from
TWP (Township District) to R1C (Single-Family Dwelling District). (The complete text of
Ordinance 22-06 is on file in the City Clerk's Office.)

Councilmember Johnson moved, seconded by Councilmember Woods, that the ordinances
be approved at first reading.

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

23-06 APPROVED

OPEN SPACE AND PARKLAND PRESERVATION

(The complete text of Ordinance 23-06 is on file in the City Clerk's Office.)

Councilmember Johnson moved, seconded by Councilmember Woods, that the ordinance be approved at first reading.

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

24-06 APPROVED

ORGANIZATION OF BOARDS AND COMMISSIONS
(ENVIRONMENTAL COMMISSION)

(The complete text of Ordinance 24-06 is on file in the City Clerk's Office.)

Councilmember Johnson moved, seconded by Councilmember Woods, that the ordinance be approved at first reading.

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

MOTIONS AND RESOLUTIONS

REFERRED TO THE BUDGET AND LABOR COMMITTEE

RESOLUTION REQUIRING FINANCIAL CONTRIBUTIONS
FOR HEALTH INSURANCE BY NON-BARGAINING UNIT
CITY EMPLOYEES FOR FISCAL YEAR 2006-2007

Whereas, The cost of health care and health insurance premiums is rising at rates exceeding the rate of inflation throughout the United States and the State of Michigan;

Whereas, The cost to the taxpayers of the City of Ann Arbor of providing health insurance to City employees and retirees has compounded by at least 10% in recent years;

Whereas, Non-bargaining unit City employees began contributing to the cost of health care in the 2004-2005 fiscal year, with contributions set at monthly rates of \$20.00, \$40.00, and \$80.00 respectively for single, double, and family coverage.

Whereas, The Administrator has compiled data regarding the expected cost of providing health insurance to the City’s non-bargaining unit employees for single, double, and family coverage for the 2006-2007 fiscal year; and

Whereas, An increase in financial contributions by non-bargaining unit City employees for City-provided health insurance is fair, consistent and important to ensuring prudent fiscal policy on behalf of the taxpayers of the City of Ann Arbor;

RESOLVED, That non-bargaining unit employees of the City of Ann Arbor shall pay the following toward the cost of their employer-sponsored health insurance provided by the City of Ann Arbor, effective July 1, 2006:

Single coverage:	\$ 40.00/month
Double coverage:	\$ 60.00/month
Family coverage:	\$ 100.00/month

RESOLVED, That the Administrator shall take all action necessary to implement this policy including delaying the enrollment period;

RESOLVED, That the Administrator shall make recommendations to the Budget Committee yearly, in March.

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

Councilmember Easthope moved, seconded by Councilmember Greden, to refer this resolution to the Budget and Labor Committee for review and to bring it back to Council at a later date.

On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Greden, Teall, Easthope, Woods, Roberts, Johnson, Lowenstein, Rapundalo, Mayor Hieftje, 10;

Nays, Councilmembers Higgins, 1.

The Mayor declared the motion carried.

POSTPONED

RESOLUTION TO ORDER ELECTION AND TO DETERMINE
BALLOT QUESTION FOR CHARTER AMENDMENT FOR RENEWAL
OF STREET RECONSTRUCTION MILLAGE

Whereas, The Street Reconstruction Millage has been the principle funding source for the resurfacing and reconstruction of the City’s streets and bridges; and

Whereas, The last Street Reconstruction Millage was approved by the voters in 2001 for five years beginning in 2002 and ending in 2006;

RESOLVED, That the Ann Arbor City Council proposes that the City Charter be amended by modifying Section 8:20 to read as follows:

Funds for Street Reconstruction

Section 8.20. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property by this Charter or any other provision of law, the City shall, in [~~2002~~] **2007** through [~~2006~~] **2011**, annually levy a tax of up to 2 mills on all taxable real and personal property situated within the City for the purpose of providing funds for the reconstruction or resurfacing of streets.

RESOLVED, That November 7, 2006 is designated as the day for holding an election on the proposed Charter amendment;

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

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form:

ANN ARBOR CITY CHARTER AMENDMENT
REGARDING TAX FOR STREET RECONSTRUCTION

The Charter previously authorized a tax up to 2 mills for street reconstruction for 2002 through 2006. Shall the Charter be amended by authorizing a tax up to 2 mills for street reconstruction for 2007 through 2011, which will raise in the first year of the levy the estimated revenue of \$8,860,239?

Yes

No

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

RESOLVED, That if the amendment is adopted, it shall take effect on January 1, 2007.

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

Councilmember Greden moved, seconded by Councilmember Roberts, that the resolution be postponed until the Regular Session of Council on June 5, 2006.

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

R-173-5-06 APPROVED

RESOLUTION URGING CESSATION OF COMBAT OPERATIONS
IN IRAQ AND THE RETURN OF U.S. TROOPS

Whereas, The Authorization for Use of Military Force Against Iraq Resolution of 2002 was passed by the U.S. Congress on October 11, 2002,

Whereas, Public Law 107-243 cited Iraq’s possession of weapons of mass destruction as a primary reason for the use of United States Armed Forces against Iraq;

Whereas, On January 12, 2005, President Bush officially declared an end to the search for weapons of mass destruction in Iraq;

Whereas, The United States initiated combat operations in Iraq on March 19, 2003;

Whereas, Hundreds of thousands of members of the United States Armed Forces have served with honor and distinction in Iraq;

Whereas, More than 2,600 members of the United States Armed Forces have been killed and more than 12,000 members of the Armed Forces have been wounded in accomplishing the stated purpose of the United States of giving the people of Iraq a reasonable opportunity to decide their own future;

Whereas, The funds spent by Ann Arbor taxpayers on the war and occupation in Iraq could have provided Head Start for one year for 10,982 children, medical insurance for one year for 49,630 children, 1436 public school teachers for one year, or 746 additional housing units, according to the National Priorities Project;

Whereas, The United States military occupation of Iraq has placed significant strains on the capacity of the United States Armed Forces, both active duty, reserves and the National Guard;

Whereas, The armed forces of Iraq number more than 76,000 troops as of June 8, 2005, and are growing in number and capability daily;

Whereas, More than \$250 billion has been spent by Congress to fund military operations and reconstruction in Iraq;

Whereas, Ann Arbor residents' share of this cost now exceeds \$82,917,000.00;

Whereas, Numerous non-combatant civilians of various nationalities have become victims of acts of kidnapping and killing in the Iraqi theater;

Whereas, The war and continued occupation have resulted in the devastation of Iraq's physical and social infrastructure and led to widespread and continuous resistance to U.S. occupation that threatens the lives of Iraqi civilians and the men and women who compose the ranks of U.S. and other occupying forces;

Whereas, The presence of United States forces in Iraq and the alleged torture of prisoners at Abu Ghraib, Guantanamo Bay, Cuba, and other facilities have inflamed anti-American passions in the Muslim world provided a pretext for terrorist threats to United States citizens, both at home and abroad;

Whereas, Polls show that less than half of the American people continue to support the war; and

Whereas, Ann Arbor and the southeastern Michigan area have sustained the loss of military members;

RESOLVED, That the Ann Arbor City Council urges the United States government to commence an orderly and rapid withdrawal of United States military personnel from Iraq;

RESOLVED, That the Ann Arbor City Council, recognizing that the stability of Iraq is crucial to the security of the citizens of Ann Arbor and to all Americans, urges the United States government to provide the people of Iraq with all necessary non-military material aid as shall be necessary for the security of Iraq's citizens and for the rebuilding of Iraq;

RESOLVED, That the Ann Arbor City Council urges that financial resources used to prosecute the war be redirected to address the urgent human needs of America's most vulnerable people; and

RESOLVED, That a suitable copy of this resolution shall be sent to President George W. Bush, Vice-President Richard Cheney, and to members of the Michigan Congressional delegation.

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

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

R-174-5-06 APPROVED

RESOLUTION AUTHORIZING A SECOND DELAY IN THE SUBMITTAL OF THE REQUEST FOR PROPOSALS FOR THE SALE AND REDEVELOPMENT OF THE S. ASHLEY (KLINE LOT) SITE

Whereas, On August 1, 2005 City Council approved “Resolution Requesting Preparation of Requests for Proposals for The Redevelopment of City-Owned Properties” which established goals for the redevelopment of the Kline Lot and First & Washington and set December 5, 2005 as the deadline for the completion of these RFP’s;

Whereas, On November 21, 2005 City Council voted to extend the deadline for the Kline Lot RFP until April 2006;

Whereas, The DDA/City Partnerships Committee commissioned an analysis of the Kline site by Strategic Economics (SE), and as part of their work, SE assessed the supply and possible demand for downtown residential units already under development and recommended that the Kline lot RFP be delayed until March 2007;

Whereas, The DDA will commission a comprehensive downtown parking study which will help determine the number of parking spaces to construct on the Kline lot to meet current and future needs, and it is anticipated this study will be completed by the end of the year; and

Whereas, The DDA has voted to request a second delay in the submittal of the RFP for the redevelopment of the Kline lot until March 2007;

RESOLVED, City Council authorize a delay in the submittal of the S. Ashley (Kline) lot RFP until March 2007.

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

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

R-175-5-06 APPROVED

RESOLUTION TO APPROVE A SOBRIETY COURT GRANT PROGRAM CONTRACT WITH DAWN FARM, INC. TO PROVIDE IN-PATIENT AND OUT-PATIENT DRUG ABUSE COUNSELING AND REHABILITATION SERVICES TO 15TH JUDICIAL DISTRICT COURT DEFENDANTS

Whereas, The Michigan Supreme Court State Court Administrative Office (SCAO) has awarded \$85,500.00 to the 15th Judicial District Court for in-patient and out-patient drug abuse counseling and rehabilitation services for 15th Judicial District Court defendants who are participants in the Court’s Sobriety Court program for Grant Years 2005 & 2006;

Whereas, The 15th Judicial District Court has determined that Dawn Farm, Inc. is an appropriate and skilled provider of such services;

Whereas, The 15th Judicial District Court and the City Administrator have met with officers of Dawn Farm, Inc. and are satisfied that demonstrated evidence supporting an exemption from the provisions of Chapter 23, Living Wage Requirements in City Contract and Grants has been provided; and

Whereas, It is in the best interests of the City of Ann Arbor and in the best interests of justice to enter into a service contract with Dawn Farm, Inc.;

RESOLVED, That City Council approve a contract with Dawn Farm, Inc. to provide patient drug abuse counseling and rehabilitation services subject to terms of the SCAO Sobriety Court Grant for 2005 and 2006;

RESOLVED, That City Council grants Dawn Farm, Inc. in connection with this contract a complete exemption from the requirements of Chapter 23, Living Wage Requirements in City Contracts and Grants, as provided for in Section 1:817(2) of the City Code based on the following:

- a. That Dawn Farm, Inc. in a recognized community non-profit organization which qualifies as a “covered employer” under Section 1:813 of the City Code.
- b. That Employees rendering service under the terms of the City’s contract with Dawn Farm, Inc. who are paid less than a “living wage” receive a non-cash benefit in the form of on-site housing that has a tangible and measurable value.
- c. That Employees compensation should be considered, for the purposes of this contract only, as including this housing benefit.
- d. That the economic harm in mandating Dawn Farm, Inc. pay a “living wage” outweighs the benefits of strict application in the present circumstances.

- e. That Dawn Farm, Inc.'s compensation package of salary and housing benefits shall be considered equivalent to a written plan to comply with Chapter 23 of the City Code and satisfies the conditions of Section 1:813(2)(b);

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the contract with Dawn Farm, Inc. after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

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

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

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

R-176-5-06 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH EFI ACTUARIES
FOR AN AUDIT OF ACTUARIAL VALUATION OF PENSION
AND VEBA BENEFIT PLANS AS OF JUNE 30, 2005

Whereas, The City's pension funding level has fallen from 158% (in June 2000) to 104% (in June 2005);

Whereas, The City's retiree health care costs have risen at a much higher rate than anticipated when the VEBA plan was established;

Whereas, The City is facing a difficult financial environment;

Whereas, The City of Ann Arbor Employees' Retirement Board and the City of Ann Arbor VEBA Board have historically contracted with the same actuary;

Whereas, The City would like to have an actuarial audit on its own behalf to insure its fiduciary obligation has been met;

Whereas, A request for proposals solicited two (2) responses;

Whereas, The EFI Actuaries proposal was determined by staff to be the best proposal, as well as the lowest responsible proposal at \$28,950.00;

Whereas, EFI Actuaries has received Human Rights approval on April 14, 2006 and is in compliance with the Living Wage Ordinance; and

Whereas, Funding for this project is in the FY 2006-07 Requested Budget;

RESOLVED, That City Council approve a contract with EFI Actuaries for auditing services;

RESOLVED, That City Council establish a project budget in the amount of \$31,845.00, including a ten percent (10%) contingency for change orders, for the life of the contract without regard to fiscal year;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the contract with EFI Actuaries 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, including the approval of any necessary change orders.

Councilmember Rapundalo moved, seconded by Councilmember Roberts, that the resolution be adopted.

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

R-177-5-06 APPROVED

RESOLUTION SETTING A PUBLIC HEARING FOR MAY 15, 2006 ON THE PROPOSED TERMINATION OF EISENHOWER PARKWAY INDUSTRIAL DEVELOPMENT DISTRICT 'A' - 777 EAST EISENHOWER BOULEVARD

Whereas, Pursuant to Public Act 198 of 1974, as amended, ("the Act") the City Council has the authority to terminate an existing "Industrial Development District" within the City of Ann Arbor if there are no industrial facilities exemption certificates in effect in the industrial development district on the date City Council adopts the resolution to terminate;

Whereas, Prior to acting on a proposed resolution terminating an industrial development district, the City Council must give at least 14 days' written notice by certified mail to the owners of all real property within the industrial development district as determined by the tax records in the Office of the City Assessor and hold a public hearing on the termination of the industrial development district at which those owners and other residents or taxpayers of the City or others have a right to appear and be heard; and

Whereas, The Chief Financial Officer of the City has requested that Council terminate

Eisenhower Parkway Industrial Development District A more fully described in Attachment No. 1 to this Resolution, and there being no industrial facilities exemption certificates in effect for Eisenhower Parkway Industrial Development District A;

RESOLVED, That the City Council of the City of Ann Arbor hereby sets a public hearing for May 15, 2006 at 7:00 p.m. or as soon thereafter as it may be convened in the City Council Chambers, 2nd floor, Guy Larcom Municipal Building, 100 N. Fifth Avenue to receive public comment on the proposed termination of Eisenhower Parkway Industrial Development District A as described in Attachment 1 (on file in the City Clerk’s Office) to this Resolution; and

RESOLVED, That the City Clerk be directed to publish notice of public hearing by newspaper advertisement in a newspaper of general circulation in the City and serve notice by certified mail on all owners of real property located within Eisenhower Parkway Industrial Development District A as indicated by the records of the City Assessor.

Councilmember Johnson moved, seconded by Councilmember Rapundalo, that the resolution be adopted.

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

R-178-5-06 APPROVED

RESOLUTION SETTING A PUBLIC HEARING FOR MAY 15, 2006 ON THE PROPOSED TERMINATION OF EISENHOWER PARKWAY INDUSTRIAL DEVELOPMENT DISTRICT ‘B’ -789 EAST EISENHOWER BOULEVARD

Whereas, Pursuant to Public Act 198 of 1974, as amended, (“the Act”) the City Council has the authority to terminate an existing “Industrial Development District” within the City of Ann Arbor if there are no industrial facilities exemption certificates in effect in the industrial development district on the date City Council adopts the resolution to terminate;

Whereas, Prior to acting on a proposed resolution terminating an industrial development district, the City Council must give at least 14 days’ written notice by certified mail to the owners of all real property within the industrial development district as determined by the tax records in the Office of the City Assessor and hold a public hearing on the termination of the industrial development district at which those owners and other residents or taxpayers of the City or others have a right to appear and be heard; and

Whereas, The Chief Financial Officer of the City has requested that Council terminate Eisenhower Parkway Industrial Development District B more fully described in Attachment No. 1 to this Resolution, and there being no industrial facilities exemption certificates in effect for Eisenhower Parkway Industrial Development District B;

RESOLVED, That the City Council of the City of Ann Arbor hereby sets a public hearing for May 15, 2006 at 7:00 p.m. or as soon thereafter as it may be convened in the City Council Chambers, 2nd floor, Guy Larcom Municipal Building, 100 N. Fifth Avenue to receive public comment on the proposed termination of Eisenhower Parkway Industrial Development District B as described in Attachment 1 (on file in the City Clerk’s Office) to this Resolution; and

RESOLVED, That the City Clerk be directed to publish notice of public hearing by newspaper advertisement in a newspaper of general circulation in the City and serve notice by certified mail on all owners of real property located within Eisenhower Parkway Industrial Development District B as indicated by the records of the City Assessor.

Councilmember Rapundalo moved, seconded by Councilmember Roberts, that the resolution be adopted.

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

R-179-5-06 APPROVED

RESOLUTION TO APPROVE STREET CLOSINGS FOR THE 27TH ANNUAL BURNS PARK RUN ON SUNDAY, MAY 7, 2006

Whereas, The City has received a request from the Burns Park PTO to hold the 27th Annual Burns Park Run on Sunday, May 7, 2006;

Whereas, the Sponsor requests the City provide the following services:

- 1) Closing the following streets between 7:30 a.m. and 10:00 a.m.

Baldwin Avenue from Wells Street to Cambridge Road; Cambridge Road from Baldwin Avenue to Martin Place; Martin Place from Cambridge Road to Wells Street; Wells Street from Martin Place to Lincoln Avenue; Lincoln Avenue from Wells Street to Cambridge Road; Cambridge Road from Lincoln Avenue to S. Forest Avenue; S. Forest Avenue from Cambridge Road to Granger Avenue; Granger Avenue from S. Forest Avenue to Baldwin Avenue; Baldwin Avenue from Granger Avenue to Brooklyn Avenue; Brooklyn Avenue from Baldwin Avenue to Lincoln Avenue; Lincoln Avenue from Brooklyn Avenue to Shadford Road; Shadford Road from Lincoln Avenue to Woodside Road; Woodside Road from Shadford Road to Scottwood

Avenue; Norway Road from Scottwood Avenue to Ferdon Road; Ferdon Road from Norway Road to Wells Street; Wells Street from Ferdon Road to Baldwin Avenue.

- 2) Provide directional cones and barricades

Whereas, The Sponsor has agreed to pay the costs associated with the event for Police and Project Management support;

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

Whereas, The Sponsor will obtain the necessary permits and provide evidence of proper liability insurance;

Whereas, Burns Park PTO, Stadium Market, Pizza House, and Pfizer supports the event; and

Whereas, The Sponsor will provide written notification to all religious institutions affected by this event not less than 15 days prior to the race;

RESOLVED, That City Council approve the street closings for the 27th Annual Burns Park Run; with the closing of Baldwin Avenue from Wells Street to Cambridge Road; Cambridge Road from Baldwin Avenue to Martin Place; Martin Place from Cambridge Road to Wells Street; Wells Street from Martin Place to Lincoln Avenue; Lincoln Avenue from Wells Street to Cambridge Road; Cambridge Road from Lincoln Avenue to S. Forest Avenue; S. Forest Avenue from Cambridge Road to Granger Avenue; Granger Avenue from S. Forest Avenue to Baldwin Avenue; Baldwin Avenue from Granger Avenue to Brooklyn Avenue; Brooklyn Avenue from Baldwin Avenue to Lincoln Avenue; Lincoln Avenue from Brooklyn Avenue to Shadford Road; Shadford Road from Lincoln Avenue to Woodside Road; Woodside Road from Shadford Road to Scottwood Avenue; Norway Road from Scottwood Avenue to Ferdon Road; Ferdon Road from Norway Road to Wells Street; Wells Street from Ferdon Road to Baldwin Avenue from 7:30 a.m. to 10:00 a.m. on Sunday May 7, 2006.

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

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

R-180-5-06 APPROVED

RESOLUTION TO APPROVE GRANT APPLICATION TO THE FEDERAL FARM AND RANCH LAND PROTECTION PROGRAM (FRPP) FOR THE PURCHASE OF DEVELOPMENT RIGHTS (PDR) FOR THE JOHN ALEXANDER AND BEVERLY BRENNER FARM IN NORTHFIELD TOWNSHIP

Whereas, FRPP has matching grant funds available for up to 50% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000.00 per acre;

Whereas, Chapter 42 of The Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase development rights on property within the district;

Whereas, Purchase of Development Rights may be funded through the Open Space and Parkland Preservation Millage;

Whereas, The owners have completed a Voluntary Agreement for the Sale of Farmland/ Agricultural Land Development Rights and agree to establish a Farmland Development Rights Grant of Easement that conforms to standards established by the City of Ann Arbor and the Natural Resources Conservation Service; and

Whereas, The Greenbelt Advisory Commission approved a resolution recommending approval of this application;

RESOLVED, That City Council approve the application to the Farm and Ranch Lands Protection Program for matching grant funds for the Purchase of Development Rights for the Alexander and Brenner property described as:

West ½ of southeast ¼ of Section 30, Township 1 South, Range 6 East, Northfield Township, Washtenaw County, Michigan, excepting the South 1/8 of the East ½ of the West ½ of the Southeast ¼ of Section 30, Town 1 South, Range 6 East.

RESOLVED, That approval of this grant application be subject to establishment of a fair market price for the development rights to be determined by an appraisal; conveyance of good and marketable title to the development rights by Farmland Development Rights Easement and acceptance of the Farmland Development Rights Easement by Ann Arbor City Council; and

RESOLVED, That City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the requirements of the Federal Farm and Ranch Land Protection Program after approval as to form by the City Attorney.

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

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

R-181-5-06 APPROVED

RESOLUTION TO APPROVE GRANT APPLICATION TO THE FEDERAL FARM AND RANCH LAND PROTECTION PROGRAM (FRPP) FOR THE PURCHASE OF DEVELOPMENT RIGHTS (PDR) FOR THE SUSAN CAUMARTIN AND TODD STEWART FARM IN SALEM TOWNSHIP)

Whereas, FRPP has matching grant funds available for up to 50% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000.00 per acre;

Whereas, Chapter 42 of The Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase development rights on property within the district;

Whereas, Purchase of Development Rights may be funded through the Open Space and Parkland Preservation Millage;

Whereas, The owners have completed a Voluntary Agreement for the Sale of Farmland/ Agricultural Land Development Rights and agree to establish a Farmland Development Rights Grant of Easement that conforms to standards established by the City of Ann Arbor and the Natural Resources Conservation Service; and

Whereas, The Greenbelt Advisory Commission approved a motion recommending approval of this application;

RESOLVED, That City Council approve the application to the Farm and Ranch Lands Protection Program for matching grant funds for the Purchase of Development Rights for the Caumartin and Stewart property described as:

The West ½ of the Southeast ¼ of Section 35, Town 1 South, Range 7 East, Salem Township, Washtenaw County, Michigan; excepting the property conveyed to the Detroit Edison Company by a Warranty Deed dated April 10, 1962, and recorded at Liber 986, Page 16 of the Washtenaw County Records.

RESOLVED, That the approval of this grant application be subject to establishment of a fair market price for the development rights to be determined by an appraisal; conveyance of good and marketable title to the development rights by Farmland Development Rights Easement and acceptance of the Farmland Development Rights Easement by Ann Arbor City Council; and

RESOLVED, That City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the requirements of the Federal Farm and Ranch Land Protection Program after approval as to form by the City Attorney.

Councilmember Johnson moved, seconded by Councilmember Lowenstein, that the resolution be adopted.

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

R-182-5-06 APPROVED

RESOLUTION TO APPROVE GRANT APPLICATION TO THE FEDERAL FARM AND RANCH LAND PROTECTION PROGRAM (FRPP) FOR THE PURCHASE OF DEVELOPMENT RIGHTS (PDR) FOR THE THOMAS AND HOLLY ALEXANDER FARM IN WEBSTER TOWNSHIP

Whereas, FRPP has matching grant funds available for up to 50% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000 per acre;

Whereas, Chapter 42 of The Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase development rights on property within the district;

Whereas, Purchase of Development Rights may be funded through the Open Space and Parkland Preservation Millage;

Whereas, The owners have completed a Voluntary Agreement for the Sale of Farmland/ Agricultural Land Development Rights and agree to establish a Farmland Development Rights Grant of Easement that conforms to standards established by the City of Ann Arbor and the Natural Resources Conservation Service; and

Whereas, The Greenbelt Advisory Commission approved a resolution recommending approval of this application;

RESOLVED, That City Council approve the application to the Farm and Ranch Lands Protection Program for matching grant funds for the Purchase of Development Rights for the Alexander property described as:

East ½ of Northeast ¼ of Section 35, Town 1 South, Range 5 East, Webster Township, Washtenaw County, Michigan.

RESOLVED, That the approval of this grant application be subject to establishment of a fair market price for the development rights to be determined by an appraisal; conveyance of good and marketable title to the development rights by Farmland Development Rights

Easement and acceptance of the Farmland Development Rights Easement by Ann Arbor City Council; and

RESOLVED, The City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the requirements of the Federal Farm and Ranch Land Protection Program after approval as to form by the City Attorney.

Councilmember Johnson moved, seconded by Councilmember Easthope, that the resolution be adopted.

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

R-183-5-06 APPROVED

RESOLUTION TO APPROVE GRANT APPLICATION TO THE FEDERAL FARM AND RANCH LAND PROTECTION PROGRAM (FRPP) FOR THE PURCHASE OF DEVELOPMENT RIGHTS (PDR) FOR THE ZIEGLER FARM IN SALEM TOWNSHIP

Whereas, FRPP has matching grant funds available for up to 50% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000.00 per acre;

Whereas, Chapter 42 of The Ann Arbor City Code establishes the Greenbelt District and enables the City to purchase development rights on property within the district;

Whereas, Purchase of Development Rights may be funded through the Open Space and Parkland Preservation Millage;

Whereas, The owners have completed a Voluntary Agreement for the Sale of Farmland/ Agricultural Land Development Rights and agree to establish a Farmland Development Rights Grant of Easement that conforms to standards established by the City of Ann Arbor and the Natural Resources Conservation Service; and

Whereas, The Greenbelt Advisory Commission approved a resolution recommending approval of this application;

RESOLVED, That City Council approve the application to the Farm and Ranch Lands Protection Program for matching grant funds for the Purchase of Development Rights for the Ziegler property described as:

South ½ of Northeast ¼ of Section 32, Town 1 South, Range 7 East, Salem Township, Washtenaw County, Michigan.

RESOLVED, That the approval of this grant application be subject to establishment of a fair market price for the development rights to be determined by an appraisal; conveyance of good and marketable title to the development rights by Farmland Development Rights Easement and acceptance of the Farmland Development Rights Easement by Ann Arbor City Council; and

RESOLVED, That City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the requirements of the Federal Farm and Ranch Land Protection Program after approval as to form by the City Attorney.

Councilmember Johnson moved, seconded by Councilmember Greden, that the resolution be adopted.

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

R-184-5-06 APPROVED

RESOLUTION TO APPROVE AND ACCEPT A RIGHT OF FIRST REFUSAL AGREEMENT FOR THE V. JOAN MOESSNER PROPERTY ADJACENT TO HANSEN PARK

Whereas, Purchase of parkland may be funded through the Open Space and Park Land Preservation Millage;

Whereas, V. Joan Moessner is the owner of the property located in Ann Arbor, commonly known as 1140 and 1146 S. Maple Road (“Property”) and more specifically described as:

COM AT NE COR OF SEC, TH S 1 DEG 19” E 954.44 FT IN E LINE OF SEC FOR PL OF BEG TH CONT S 1 DEG 19’ E 155.0 FT IN E LINE OF SEC, TH S 88 DEG 09’ W 320.0 FT, TH N 4 DEG 27’ W 155.23 FT, TH N 88 DEG 09’ E; 328.50 FT TO PL OF BEG, BEING PART OF E ½ OF NE ¼ SEC 36 T2S R5E (1.15 AC)

Parcel ID Number H-08-36-150-006;

Whereas, If purchased the Property would be suitable for passive recreation as an addition to Hansen Park; and

Whereas, Although the Property is not currently on the market, Ms. Moessner has agreed to grant to the City a right to acquire title to the Property if it is offered for sale at any point within the next twenty (20) years subject to the terms and conditions of a Right of First Refusal Agreement;

RESOLVED, That City Council approve and accept the Right of First Refusal Agreement for the Moessner Property for a term of twenty (20) years; and

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the Right of First Refusal Agreement for the Property.

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

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

R-185-5-06 APPROVED

RESOLUTION TO APPROVE AGREEMENTS WITH WASHTENAW COUNTY FOR AN INDEFEASIBLE RIGHT OF USE OF FIBER IN CITY CABLE IN CITY OF ANN ARBOR COMMUNICATIONS SYSTEM CONDUITS AND FOR MAINTENANCE OF THE SYSTEM AND FIBER OPTIC CABLE

Whereas, Washtenaw County has a need to use fiber within fiber optic cable in the City of Ann Arbor’s communications system conduits; and

Whereas, Allowing Washtenaw County to use fiber in the City’s communication conduits will result in some cost recovery of investments in the system;

RESOLVED, That Council approve an Indefeasible Right of Use Agreement with Washtenaw County;

RESOLVED, That Council approve a Maintenance Agreement with Washtenaw County for the maintenance of the conduit system and the cable contained within;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said Indefeasible Right of Use Agreement and said Maintenance Agreement with Washtenaw County after approval as to form by the City Attorney and approval as to substance by the City Administrator; and

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

Councilmember Teall moved, seconded by Councilmember Rapundalo, that the resolution be adopted.

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

R-186-5-06 APPROVED

RESOLUTION TO APPROVE A LEASE WITH THE BIRD CENTER OF WASHTENAW COUNTY, INC. – 926 MARY STREET

Whereas, The Bird Center of Washtenaw County, Inc. (“Bird Center”) has requested and City Administration, after discussion, recommends the lease on a month-to-month basis of 926 Mary Street to the Bird Center subject to the following conditions:

1. The Bird Center will pay all utility, cleaning and routine maintenance costs resulting from its occupation of the property;
2. The Bird Center will coordinate with the City Clerk the use of the property for scheduled elections as a polling site during the term of the lease;

Whereas, Lease of the property on this basis allows the City Administration to evaluate its options for continue use or sale of the property while having the building occupied for security purposes; and

Whereas, The Bird Center has reviewed and agreed to the conditions of tenancy;

RESOLVED, That City Council approve a month-to-month lease with The Bird Center of Washtenaw County, Inc., effective May 1, 2006 through July 31, 2006, in accordance with the terms stated above;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the lease document 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, including but not limited to authorizing the City Attorney to terminate the lease, if or when necessary.

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

Assistant City Attorney Abigail Elias noted that an administrative correction needed to be made to the date of the contract.

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

R-187-5-06 APPROVED

RESOLUTION ACCEPTING AN EASEMENT FOR STORM WATER
MANAGEMENT SYSTEM FROM PETERS BUILDING CO. –
LIBERTY HEIGHTS CONDOMINIUM

Whereas, Peters Building Co., a Michigan corporation, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 4052, Page 482, recorded September 20, 2001;

Whereas, A Resolution of the Board of Directors of Peters Building Co., a Michigan corporation, dated April 4, 2006, authorizes the delivery of a perpetual easement to the City for public utilities including a storm water management system; and

Whereas, Peters Building Co., a Michigan corporation, has 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:

DESCRIPTION OF A VARIABLE WIDTH DRAINAGE EASEMENT
IN THE SOUTHWEST ¼ OF
SECTION 30, T2S, R6E, ANN ARBOR TOWNSHIP,
WASHTENAW COUNTY MICHIGAN

Commencing at the Center of Section 30, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence N90°00'00"W 811.14 feet along the E-W ¼ line of said Section 30; thence S00°25'00"E 1347.37 feet (previously recorded as 1347.22 feet) for a PLACE OF BEGINNING; thence continuing S00°25'00"E 4.83 feet; thence S10°39'14"W 83.94 feet; thence S49°09'45"E 21.53 feet; thence S00°24'00"E 228.55 feet; thence S00°23'03"W 15.17 feet; thence S86°19'09"W 108.83 feet; thence N64°01'42"W 32.56 feet; thence N00°02'52"E 61.41 feet; thence N78°45'47"E 26.11 feet; thence N04°19'12"E 84.00 feet; thence N68°08'52"W 13.10 feet; thence N03°33'47"E 85.02 feet; thence N75°45'51"E 67.69 feet; thence N10°36'42"E 75.16 feet; thence along the South line of Thayer Avenue (50.00 feet wide) and the South line of "Boulevard Manor" Subdivision as recorded in Liber 8 of Plats, Page 22, Washtenaw County Records N76°42'00"E 31.88 feet to the Place of Beginning, being part of the Southwest quarter of said Section 30, containing 0.76 acres of land, more or less, and subject to all easements and restrictions of record, if any.

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

Councilmember Woods recused herself from voting and discussion on the resolution.

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

R-188-6-06 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM PETERS BUILDING CO. – LIBERTY HEIGHTS CONDOMINIUM

Whereas, Peters Building Co., a Michigan corporation, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 4052, Page 482, recorded September 20, 2001;

Whereas, A Resolution of the Board of Directors of Peters Building Co., a Michigan corporation, dated April 4, 2006, authorizes the delivery of a perpetual easement to the City for public utilities; and

Whereas, Peters Building Co., a Michigan corporation, has 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:

WATERMAIN AND SANITARY SEWER DESCRIPTION
IN THE SOUTHWEST ¼ OF
SECTION 30, T2S, R6E, ANN ARBOR TOWNSHIP,
WASHTENAW COUNTY MICHIGAN

Commencing at the Center of Section 30, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence N90°00'00"W 811.14 feet along the E-W ¼ line of said Section 30; thence S00°25'00"E 1457.90 feet; thence S76°42'00"W 32.50 feet along the Southerly right-of-way line of Thaler Avenue (50.00 feet wide); thence continuing along said Southerly right-of-way line 166.75 feet along the arc of a 510.00 foot radius circular curve to the right, having a chord which bears S86°04'00"W 166.01 feet; thence N84°34'00"W 93.14 feet for a PLACE OF BEGINNING; thence S01°20'12"E 124.00 feet to a reference point A; thence S86°26'13"E 120.05 feet; thence S04°20'53"W 94.58 feet; thence S32°58'08"W 34.04 feet; thence S59°34'58"W 110.36 feet; thence S27°40'48"E 108.26 feet; thence S75°48'00"W 41.13 feet along the Northerly line of Liberty Road; thence N27°40'48"W 113.18 feet; thence S82°02'46"W 51.46 feet; thence S07°58'55"E 9.33 feet; thence S82°01'05"W 28.44 feet; thence N04°50'40"W 145.67 feet; thence S85°09'20"W 1.97 feet; thence 20.16 feet along the arc of a 19.96 foot radius circular curve to the right, having a chord which bears N65°58'17"W 19.31 feet; thence N37°02'34"W 0.04 feet; thence S85°09'20"W 45.50 feet; thence N53°48'58"W 27.48 feet; thence N04°49'00"W 101.24 feet along the Easterly line of Carolina Avenue (50.00 feet wide and vacated in Ann Arbor Township Resolution recorded

in Liber 2978, Page 471, Washtenaw County Records) and the Easterly line of “Boulevard Manor” Subdivision as recorded in Liber 8 of Plats, Page 22, Washtenaw County Records; thence continuing along said Easterly line 23.68 feet along the arc of a 53.01 foot radius circular curve to the right, having a chord which bears N08°01’00”E 23.48 feet; thence N45°16’54”E 44.91 feet; thence 46.69 feet along the arc of a 232.40 foot radius, having a chord which bears N70°10’28”E 46.61 feet along the Southerly right-of-way line of said Thaler Avenue; thence S19°08’48”E 15.64 feet; thence S25°51’12”W 18.85 feet; thence S45°16’54”W 76.68 feet; thence S08°48’58”E 52.25 feet; thence S53°48’58”E 15.78 feet; thence N85°09’20”E 10.22 feet; thence N79°29’00”E 148.96 feet; thence N01°20’12”W 120.89 feet; thence S84°34’00”E 30.21 feet along said Southerly right-of-way line of Thaler Avenue to the Place of Beginning, EXCEPTING the area of land being described as follows: commencing at said reference point A; thence S01°20’12”E 40.15 feet for a PLACE OF BEGINNING; thence S86°26’13”E 41.13 feet ; thence S63°17’53”E 33.49 feet; thence S17°52’34”W 50.87 feet; thence S59°34’58”W 81.61 feet; thence S82°02’46”W 72.16 feet; thence N04°50’40”W 109.11 feet; thence N79°29’00”E 59.78 feet; thence S86°26’13”E 37.00 feet to the Place of Beginning.

Councilmember Teall moved, seconded by Councilmember Johnson, that the resolution be adopted.

Councilmember Woods recused herself from voting and discussion on the resolution.

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

R-189-5-06 APPROVED

RESOLUTION ACCEPTING AN EASEMENT FOR A STORM WATER MANAGEMENT SYSTEM FROM MORNINGSIDE ANN ARBOR COMMERCIAL, L.L.C. – LIBERTY LOFTS CONDOMINIUM

Whereas, Morningside Ann Arbor Commercial, LLC, a Michigan limited liability company, is the owner in fee simple of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 4484, Page 913, recorded June 13, 2005;

Whereas, The Operating Agreement of Morningside Ann Arbor Commercial, LLC, a Michigan limited liability company, dated May 1, 2005, authorized the delivery of an easement to the City for the maintenance of a storm water management system; and

Whereas, Morningside Ann Arbor Commercial, LLC, a Michigan limited liability company, has delivered an easement to the City for the maintenance of a storm water management system to run with the land and burden the respective property perpetually, being more particularly described as follows:

Description of City’s storm water conveyance pipes and Grantor’s storm water detention and treatment system

A VARIABLE WIDTH EASEMENT FOR DRAINAGE PURPOSES OVER A PORTION OF LOTS 5, 6, 7, 8, 11 AND 14 OF THE PLAT OF WILLIAM S. MAYNARD’S FIRST ADDITION TO THE VILLAGE OF ANN ARBOR, COUNTY OF WASHTENAW, STATE OF MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A POINT THAT IS N.00°00'00"E. 197.77 FEET ALONG THE EAST RIGHT-OF-WAY OF SECOND STREET (66.00 FEET WIDE) AND S.90°00'00"E. 67.63 FEET FROM THE SOUTHWEST CORNER OF LOT 16 OF THE PLAT OF WILLIAM S. MAYNARD’S FIRST ADDITION TO THE VILLAGE OF ANN ARBOR RECORDED IN LIBER 3, PAGE 548 WASHTENAW COUNTY RECORDS; THENCE S.90°00'00"E. 2.39 FEET; THENCE N.17°07'16"E. 43.39 FEET; THENCE S.89°50'33"W. 9.14 FEET; THENCE N.00°09'27"W. 146.29 FEET TO THE SOUTH RIGHT-OF-WAY OF WEST LIBERTY STREET (66.00 FEET WIDE); THENCE N.75°45'56"E. 7.03 FEET ALONG THE SOUTH RIGHT-OF-WAY OF SAID WEST LIBERTY STREET; THENCE N.89°50'33"E. 15.29 FEET; THENCE N.00°09'27"W. 3.84 FEET TO THE SOUTH RIGHT-OF-WAY OF SAID WEST LIBERTY STREET; THENCE N.75°45'56"E. 30.93 FEET ALONG THE SOUTH RIGHT-OF-WAY OF SAID WEST LIBERTY STREET; THENCE S.00°09'27"E. 11.36 FEET; THENCE N.89°50'33"E. 9.89 FEET; THENCE S.00°09'27"E. 148.00 FEET; THENCE S.89°50'33"W. 15.64 FEET; THENCE S.00°00'00"W. 6.38 FEET; THENCE S.90°00'00"W. 7.76 FEET; THENCE S.17°07'16"W. 50.06 FEET; THENCE S.87°52'34"W. 29.90 FEET; THENCE N.00°00'00"E. 13.76 FEET TO THE **POINT OF BEGINNING**.

RESOLVED, That the City of Ann Arbor hereby accepts said grant of easement.

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

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

R-190-5-06 APPROVED

RESOLUTION ACCEPTING UTILITY EASEMENT FROM
KENNETH A. RAUPP, II AND STEPHANIE E. WILLIBEY,
1680 N. MAPLE ROAD

Whereas, Kenneth A. Raupp, II and Stephanie E. Willibey are the fee simple owners of property located in the City of Ann Arbor, Washtenaw County, Michigan as described in the Washtenaw County Records at Liber 4500, Page 739, recorded August 17, 2005; and

Whereas, Kenneth A. Raupp, II and Stephanie E. Willibey 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:

The Northerly thirty (30) feet of the following described parcel:

Beginning at the NW Corner of Lot 112, Garden Homes Park Subdivision, a subdivision of part of the W ½ of Section 19, T2S, R6E, and a part of the NE ¼ of Section 24, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 20 of Plats, Pages 92 through 94 inclusive, Washtenaw County Records; thence S89° 20' 16" E 90.68 feet along the N line of said Lot 112; thence S00° 02' 29" W 94.51 feet; thence N89° 20' 51" W 92.93 feet to a point on the Easterly right-of-way line of Maple Road; thence along said Easterly right-of-way line N01° 24' 25" E 94.53 feet to the Point of Beginning. Being part of the N 12 feet of Lot 111 and a part of Lot 112 of said "Garden Homes Park Subdivision a subdivision of part of the W ½ of Section 19, T2S, R6E, and a part of the NE ¼ of Section 24, T2S, R5E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 20 of Plats, Pages 92 through 94, inclusive, Washtenaw County Records and containing 8,677 sf of land, more or less. Also being subject to and together with a 42 foot wide easement for ingress and egress and the installation and maintenance of utilities being 12 feet N and 30 feet S of a line described as follows: Beginning at the NW corner of said Lot 112, thence S89° 20' 16" E 275.38 feet along the N line of said Lot 112 to the POINT OF TERMINATION.

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

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

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

POSTPONED

RESOLUTION DISSOLVING THE NATURAL FEATURES
ORDINANCE COMMITTEE

Whereas, From as early as 1981 people of the City of Ann Arbor have worked persistently to establish recognition, strong concern, and protection for natural features in the City;

Whereas, In 1990 the Council appointed the Natural Features Ordinance Committee to advise them on changes that might be needed to City Code;

Whereas, A number of code changes have been adopted over these years which truly allow impacts of development upon natural features within the City to be minimized, while diminishing time delays and controversy surrounding proposed projects;

Whereas, A Natural Features Master Plan was passed by the Council in 2004, setting a long term framework for sustaining the City's natural features;

Whereas, Ongoing work of the members and many supporters of the Natural Features Ordinance Committee is complementary to the work of members the Environmental Commission;

Whereas, The work of the Natural Features Committee will begin as a logical extension of work underway by NFOC, including (but not limited to) making recommendations toward: a more accurate and comprehensive map of the City's natural features; a comprehensive steep slopes map and related scenery management guidelines; a Floodplain Management Ordinance; revisions to the Landscape Ordinance to improve storm water runoff controls; and an update of the Landmark Tree list among others;

Whereas, The work of both groups could be enhanced if a Natural Features Committee were established within the Environmental Commission;

Whereas, The Environmental Commission hereby established a new standing committee to be called the Natural Features Committee;

Whereas, The primary goal of the Natural Features Committee be to recommend to City Council best practices to implement provisions of the Natural Features Master Plan; and

RESOLVED, That City Council dissolve the Natural Features Ordinance Committee.

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

Councilmember Johnson moved, seconded by Councilmember Rapundalo, to postpone the resolution until the Regular Session of May 15, 2006.

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

REPORTS FROM COUNCIL COMMITTEES

ALLEN CREEK GREENWAY TASK FORCE

Councilmember Carlberg gave an update on the public meeting held by the Allen Creek Greenway Taskforce on April 29, 2006. The taskforce discussed the pros and cons of the various proposals surrounding the greenway. Additional public meetings are scheduled for some time in June, with the exact dates still to be determined.

COUNCIL PROPOSED BUSINESS

COUNCILMEMBER ROBERTS

Councilmember Roberts requested that staff consider looking at a proposed residential parking district for the Old 4th Ward, given the fact that the University of Michigan intends to construct a new dormitory on the Frieze building site.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the April 17, 2006 regular session of Council:

Housing Commission

Jim Jackson Re-Appointment
1432 Ardmoor Ave.
Ann Arbor, MI 48103
Term: May 1, 2006- May 2, 2011

Housing Policy Board

Charles Kieffer Re-Appointment
263 Crest Ave.
Ann Arbor, MI 48103
Term: May 1, 2006-May 1, 2009

Chris Burnett Filling Vacancy
42879 Kent Dr.
Belleville, MI 48111
Term: May 1, 2006- May 1, 2009

Parks Advisory Commission

Gwen Nystuen Replacing–Willard Rogers
1016 Olivia Ave.
Ann Arbor, MI 48104
Term: May 1, 2006- May 1, 2009

Councilmember Johnson moved, seconded by Councilmember Carlberg, 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 Commission on Art in Public Places

Jan Onder Downtown Business / Re-appointment
2671 Apple Way
Ann Arbor, MI 48104
Term: May 15, 2006- December 31, 2009

Margaret Parker DDA Citizens Adv. / Re-appointment
1218 Olivia Ave.
Ann Arbor, MI 48104
Term: May 15, 2006- December 31, 2009

Marsha Chamberlin Re-appointment
1613 Shadford
Ann Arbor, MI 48104
Term: May 15- December 31, 2009

Sean Ulmer Re-appointment
715 Carbeck
Ann Arbor, MI 48103
Term: May 15, 2006- December 31, 2009

Parks Advisory Commission

Samuel Offen Re-appointment
1191 Boulder Dr.
Ann Arbor, MI 48104
Term: May 15, 2006- May 15, 2009

Zoning Board of Appeals

Kathryn Loomis
2316 Fernwood
Ann Arbor, MI 48104
Term: May 15, 2006- May 15, 2009

COMMUNICATIONS FROM THE CITY ADMINISTRATORREPORTS SUBMITTED

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

1. Annual Survey of Traffic Calming Projects Constructed in 2004 (Transportation – Sue F. McCormick, Public Services Area Administrator)
2. FY 2004-05 Green Fleets Progress Report (Energy Office – Sue F. McCormick, Public Services Area Administrator)
3. Modifying the Overnight Monthly Parking Permit Rate and Establishing an Hourly Parking Rate for the Temporary Surface Parking Lot at First and Washington (Downtown Development Authority – Susan Pollay, Executive Director)
4. March 2006 Investment Portfolio Report (Treasurer – Tom Crawford, Chief Financial Officer – Financial and Administrative Services)

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

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER WOODS

Councilmember Woods advised that Ken Clark is leaving the Environmental Commission, creating a vacancy. Citizens who may be interested in serving on the Environmental Commission may contact the Mayor's Office or their City Councilmember for consideration for appointment.

COUNCILMEMBER HIGGINS

Councilmember Higgins advised the Mayor that an appointment to the Zoning Board of Appeals is needed.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from the Allen Creek Greenway Initiative regarding a Community Events Calendar from April 22 through April 29, 2006 - File
2. Communication from SEMCOG regarding "the "Our Water. Our Future. Ours to Protect program." - Environmental
3. Notice of Hearing for Customers of the Detroit Edison Company regarding Case No. U-14838 – A public hearing and pre-hearing conference at 9:00 a.m. regarding retail rates for sale and distribution of electric energy and their possible reduction - File
4. Communication from the Office of the Governor, Jennifer M. Granholm, concerning Revenue Sharing for Municipalities and Townships for FY 2006 - File
5. Communication from MichUHCAN, Michigan Universal Health Care Access Network, regarding the city's endorsement of the Michigan Health Care Finance Resolution – File
6. Communication from the State of Michigan Public Service Commission regarding Notice of Hearing for the Electric Customers of the Detroit Edison Company, Case No. U-14275-R and U-14817 on May 11, 2006 – File **(Added 5/1/06)**

The following minutes were received for file:

1. Planning Commission – February 7 and 22, 2006
2. Zoning Board of Appeals – February 22, 2006

3. Housing Board of Appeals – August 2, 2005
4. Ann Arbor Transportation Authority – March 22, 2006

Councilmember Johnson moved, seconded by Councilmember Woods, that the Clerk's Report be accepted.

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

PUBLIC COMMENTARY - GENERAL

SEAN BENNETT – MAY 1 LOYALTY DAY

Sean Bennett informed Council that May 1 is Loyalty Day. He said that Loyalty Day is a day to be loyal to concept of liberty and justice for all and being loyal to the Constitution.

RECESS FOR CLOSED SESSION

None.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:11 p.m.

Anissa R. King
Recording Secretary

Jacqueline Beaudry
Clerk of the Council