

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - OCTOBER 16, 2006**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:00 p.m. in the City Hall Council Chamber, 100 N. Fifth Ave, Ann Arbor, Michigan.

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, Joan Lowenstein, Jean Carlberg, Leigh Greden, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 8.

ABSENT : Councilmember Robert M. Johnson, Margie Teall, Stephen Rapundalo, 3.

INTRODUCTIONS

UNITED NATIONS DAY PROCLAMATION

Mayor Hieftje read a proclamation honoring October 24, 2006 as United Nations Day. A copy of the proclamation is on file in the City Clerk's Office.

ANN ARBOR CAMERA CLUB'S 50TH ANNIVERSARY PROCLAMATION

Mayor Hieftje read a proclamation congratulating the 50th Anniversary of the Ann Arbor Camera Club. Rich Lawton, president of the Ann Arbor Camera Club, was present on behalf of the club to accept the proclamation. A copy of the proclamation is on file in the City Clerk's Office.

MOTOR MEALS AWARENESS MONTH PROCLAMATION

Mayor Hieftje read a proclamation honoring the month of November as Motor Meals Awareness Month. Judi Fyke, President of the Advisory Board of Motor Meals and Sharon Redmer, director of Community Health Services of the U of M Hospital, accepted the proclamation on behalf of Motor Meals. A copy of the proclamation is on file in the City Clerk's Office.

FALL LEAF PICK-UP PRESENTATION

Karla Henderson, Field Operations Services Manager, gave a slide presentation to Council regarding the annual fall leaf pick-up program. A copy of the presentation is on file in the City Clerk's Office.

PRESENTATION ON THE CREATION OF THE WASHTENAW HUMAN SERVICES COMMUNITY COLLABORATIVE

Jayne Miller, Community Services Area Administrator, presented to Council information on the creation of a Human Services Community Collaborative. The collaborative includes group service providers, funders, non-profits and business leaders throughout the community.

DJ Boam, a member of the Washtenaw Human Services Community Collaborative, gave a slide presentation regarding the changes to the collaborative. A copy of the slide presentation is on file in the City Clerk's Office.

PUBLIC COMMENTARY - RESERVED TIME

Stephen K. Postema, City Attorney, read a statement about public speaking.

BLAINE COLEMAN – PALESTINE

Blaine Coleman, P. O. Box 7038, addressed Council regarding issues in Palestine.

TOM PARTRIDGE – WRITE-IN CANDIDATE TOM PARTRIDGE FOR STATE SENATOR (18TH DISTRICT)

Tom Partridge addressed Council regarding his write-in candidacy for State Senator (18th District) and other social issues.

THOMAS J. MIREE – THE ANN ARBOR COMMUNITY CENTER

Thomas J. Miree, 2710 Tuebingen Parkway, updated Council about the Ann Arbor Community Center. He said that nine new members have been selected to the Board and that the center plans to remain operational and available to the public despite its recent economic hardships.

PUBLIC HEARINGS

SOUTH UNIVERSITY AVENUE DISTRICT ZONING (ORDINANCE NO. 38-06)

A public hearing was conducted on the proposed amendment to Chapter 55, Rezoning of South University Avenue District from C1A (Campus Business District), C1A/R (Campus Business/ Residential District), O (Office District) and R4C (Multiple-Family Dwelling District) to C2A (Central Business District) and P (Parking District). Notice of public hearing was published October 1, 2006.

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

SOLID WASTE AND NOISE CONTROL (ORDINANCE NO. 39-06)

A public hearing was conducted on the proposed amendment to Section 2:4 of Chapter 26 of Title II (Solid Waste Management), and Section 9:366 of Chapter 119 of Title IX (Noise Control) of the Code of the City of Ann Arbor. Notice of public hearing was published October 15, 2006.

Carl Luckenbach, 614 N. Fifth Ave., spoke in opposition of the proposed ordinance.

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

NADIA COURT SITE CONDOMINIUM SITE PLAN AND DEVELOPMENT AGREEMENT

A public hearing was conducted on the proposed Resolution to Approve Nadia Court Site Condominium Site Plan and Development Agreement, 2.35 Acres, located at 2590 Nixon Road. Notice of public hearing was published October 8, 2006.

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

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

INTRODUCTIONS

Add: United Nations Day Proclamation – Mayor Hieftje **(Added 10/16/06)**

Add: Ann Arbor Camera Club's 50th Anniversary Proclamation – Mayor Hieftje **(Added 10/16/06)**

Add: Motor Meals Awareness Month Proclamation – Mayor Hieftje **(Added 10/16/06)**

MOTIONS AND RESOLUTIONS

Delete: ~~Resolution to Approve Amendment No. 1 to the Ann Arbor Hands-On Museum Lease (Old Fire Station) (8 Votes Required) (Public Services – Sue F. McCormick, Area Administrator) (Removed from the Agenda 10/12/06)~~

Delete: ~~Resolution to Approve Housing Rehabilitation Agreement with Washtenaw Affordable Non-Profit Housing Corporation for Parkhurst Apartments at 1500 Pauline (\$186,419.00 CDBG) (Community Development – Jayne Miller, Community Services Area Administrator) (Removed from the Agenda 10/16/06)~~

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

APPROVAL OF COUNCIL MINUTES

MINUTES OF OCTOBER 3, 2006 APPROVED

Councilmember Woods moved, seconded by Councilmember Carlberg, that the regular session minutes of October 3, 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 THE CREATION OF A SINGLE FAMILY ENERGY EFFICIENCY PROGRAM)

CONSENT AGENDA ITEMS APPROVED

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

R-452-10-06 APPROVED

RESOLUTION TO APPROVE PURCHASE OF GRANULATED ACTIVATED CARBON FOR WATER TREATMENT FROM CALGON CARBON CORP, BID NO. 3812

Whereas, The Water Treatment Division uses Granular Activated Carbon (GAC) in its water filtration process,

Whereas, Contracts for supplying estimated requirements are the most stable and cost-effective way of meeting water treatment needs;

Whereas, Sufficient funds are available in the Water Supply System fund;

Whereas, Of the bids received to supply GAC per Bid No. 3812, Calgon Carbon Corp submitted the lowest bid; and

Whereas, Calgon Carbon Corp received Human Rights approval on September 13, 2006;

RESOLVED, That Council accept Calgon Carbon Corp's bid of \$28.83/ft³ for GAC in accordance with the terms of Bid No. 3812;

RESOLVED, That the City Administrator be directed to enter into a purchasing agreement in accordance with this resolution at a projected cost of approximately \$144,150.00 for a one-year term ending on September 30, 2007;

RESOLVED, That the agreement may be renewed for up to five one-year periods provided both parties agree to an extension. The contract provides for annual price adjustments equal to the Producers Price Index for Industrial Commodities;

RESOLVED, That the City Administrator be authorized and directed to sign a purchase order with Calgon Carbon Corp for the purchase of GAC; and

RESOLVED, That the purchase of GAC, be funded from the 2006/2007 Operation and Maintenance Budget of the Water Supply System.

R-453-10-06 APPROVED

RESOLUTION TO PLACE DELINQUENT WATER UTILITIES CHARGES ON 2006 TAX ROLL

Whereas, On September 5, 2006 the City Administrator reported to Council that there were \$73,749.29 of unpaid charges for water, sanitary sewer and stormwater services furnished to certain premises in the City, which on March 31, 2006 had remained unpaid for a period of six months or more;

Whereas, In accordance with Michigan Public Act 94 of the Public Acts of 1933 and Ann Arbor City Ordinance Code; Chapter 13, Section 2:92; Chapter 29, Section 2:72 and Chapter 33, Section 2:206; collection notices were sent by first class mail on September 12, 2006, to the owners of such premises giving notice of the total amount due and that such amounts would be assessed with a 10% penalty by Council on December 1, 2006, unless paid prior to October 12, 2006, as a tax against said premises; and

Whereas, Payments and reductions of delinquent utility charges have been processed, and as of September 21st delinquent utility charges of \$68,121.21 remain, which may further be reduced by additional amounts received prior to placement on the tax roll; therefore;

RESOLVED, That such outstanding (over 6 months) delinquent utilities charges be levied against such owners and premises and that the City Assessor shall place the same with a 10% penalty on 2006 winter tax statements and that the said charges so assessed shall be collected in the same manner as general City taxes.

(Note: A copy of the charges is on file in the City Clerk's Office.)

R-454-10-06 APPROVED

RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MEETING MINUTES OF SEPTEMBER 22, 2006

RESOLVED, That the attached Board of Insurance Administration Minutes of September 22, 2006 be accepted and that the recommended course of action therein, including payments, be approved and authorized.

MINUTES
CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION
September 22, 2006

PRESENT: Joan Lowenstein, Councilmember
Matthew Horning, Treasurer
Robert West, Assistant city Attorney
Jack Tallerico, Arthur J. Gallagher & Company
Abigail Elias, Chief Assistant City Attorney
Sarah Singleton, Management Assistant

OLD BUSINESS
None

NEW BUSINESS

CLAIMS APPROVED BY INSURANCE BOARD

CC063-06 Carol Buatti
Property Damage
Discussed by Sarah Singleton, Management Assistant

CLAIMS DENIED BY INSURANCE BOARD

CC061-06 Margo and Emiko Mori
Property Damage
Discussed by Sarah Singleton, Management Assistant

CC062-06 James Mazak
Vehicle Damage
Discussed by Sarah Singleton, Management Assistant

CLAIMS APPROVED BY CHIEF FINANCIAL OFFICER
None

CLAIMS DENIED BY CHIEF FINANCIAL OFFICER
None

Prepared by: Sarah Singleton, Management Assistant
Date: October 16, 2006

R-455-10-06 APPROVED

RESOLUTION TO APPROVE HOUSING REHABILITATION AGREEMENT WITH DAVID AND BARBARA MALCOLM FOR 1021 GOTT STREET

Whereas, An application was received from David and Barbara Malcolm for rehabilitation assistance for their home located at 1021 Gott Street;

Whereas, The homeowners meet the City's criteria for participation in the Housing Rehabilitation Program;

Whereas, On August 23, 2006, based on the staff estimates, the Community Development Waiver and Review Board approved a request to waive the maximum program assistance amount up from \$32,800.00 to \$62,576.00 to complete the housing rehabilitation work at 1021 Gott Street; and

Whereas, Four bids were received on September 14, 2006, and Mr. and Mrs. Malcolm will be executing an agreement with Call On Him Construction, the lowest responsible bidder, who has Human Rights and Living Wage Approval, to complete the rehabilitation work;

RESOLVED, That City Council approve the Housing Rehabilitation Agreement with David and Barbara Malcolm in the amount of \$51,983.00 in CDBG Funds as a 0% interest, deferred payment loan, to be repaid in full after 30 years or at the time the property changes ownership either by sale, gift, mortgage, land contract, conversion to rental property, inheritance, or change of the use of the property from a single-family residence;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute a Housing Rehabilitation Agreement with David and Barbara Malcolm consistent with this resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney with funds to be available without regard to fiscal year;

RESOLVED, That as a condition of loan disbursement, David and Barbara Malcolm will execute a mortgage and promissory note, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator, or his designee, be authorized to take necessary administrative actions and to execute any documents necessary to complete this transaction and to implement this resolution.

R-456-10-06 APPROVED

RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH J.C. WALKER & SONS CORPORATION IN THE AMOUNT OF \$36,876.80 AND ESTABLISH A TOTAL CONSTRUCTION BUDGET OF \$40,564.80 FOR IMPROVEMENTS AT BROOKSIDE PARK - BID #3817

Whereas, Development of neighborhood park facilities at Brookside Park were requested by residents in south-central Ann Arbor;

Whereas, Residents neighboring Brookside Park were invited to participate in planning for improvements at Brookside Park;

Whereas, Competitive bids were sought by the Procurement Office with bids received on September 12, 2006 and J.C. Walker & Sons Corporation was identified as the lowest responsible bidder;

Whereas, Funds are available in FY 2006-2007 Parks Rehabilitation and Development Millage Neighborhood Parks Project to make neighborhood park improvements at this site; and

Whereas, J.C. Walker & Sons Corporation received Human Rights approval on September 14, 2006 and complies with the living wage and prevailing wage requirements;

RESOLVED, That City Council approve a construction contract, per bid #3817, with J.C. Walker & Sons Corporation in the amount of \$36,876.80 for park improvements at Brookside Park;

RESOLVED, That City Council approve a construction contingency in the amount of \$3,688.00 (10%) to cover potential contract change orders for a total construction budget of \$40,564.80 for the life of the project without regard to fiscal year;

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; and

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.

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

Councilmember Greden was not present at the time of voting.

R-457-10-06 APPROVED

RESOLUTION TO APPROVE THE CREATION OF A SINGLE FAMILY ENERGY EFFICIENCY PROGRAM

Whereas, A HUD study has documented the negative impact increased utility costs have on low-income homeowners;

Whereas, The Office of Community Development has created guidelines to implement a Single Family Energy Efficiency Program;

Whereas, Existing Community Development Block Grant (CDBG) Single Family Rehabilitation Program funds will be used; and

Whereas, The Waiver and Review Board unanimously approved the creation a Single Family Energy Efficiency Program on August 23, 2006;

RESOLVED, That City Council approve the Single Family Energy Efficiency Program effective November 1, 2006; and

RESOLVED, That the City Administrator, or his designee, be authorized to take necessary administrative actions and to execute any documents necessary to complete this transaction and to implement this resolution.

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

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

ORDINANCES - SECOND READING

38-06 APPROVED

SOUTH UNIVERSITY AVENUE DISTRICT ZONING

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

This ordinance would change the zoning of South University Avenue District from C1A (Campus Business District), C1A/R (Campus Business/ Residential District), O (Office

District) and R4C (Multiple-Family Dwelling District) to C2A (Central Business District) and P (Parking District). (The complete text of Ordinance 38-06 is on file in the City Clerk's Office.)

Councilmember Easthope moved, seconded by Councilmember Carlberg, that the ordinance be adopted at second reading.

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

39-06 POSTPONED

**SOLID WASTE MANAGEMENT
AND NOISE CONTROL**

An Ordinance to Amend Section 2:4 of Chapter 26 of Title II, and Section 9:366 of Chapter 119 of Title IX of the Code of the City of Ann Arbor

(The complete text of Ordinance 39-06 is on file in the City Clerk's Office.)

Councilmember Lowenstein moved, seconded by Councilmember Carlberg, that the ordinance be adopted at second reading.

Councilmember Easthope moved, seconded by Councilmember Roberts, to postpone the resolution until November 9, 2006.

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

ORDINANCES - FIRST READING

None.

MOTIONS AND RESOLUTIONS

R-458-10-06 APPROVED

**RESOLUTION TO AWARD CONTRACT FOR THE SLUDGE AND DRAIN PUMP
REPLACEMENT AND PIPING MODIFICATIONS PROJECT
TO MONROE PLUMBING AND HEATING COMPANY (\$338,800.00)
AND MODIFY THE PROJECT BUDGET (\$226,800.00)**

Whereas, It is necessary to complete the Sludge and Drain Pump Replacement and Piping Modifications Project to replace critical treatment equipment that is beyond repair;

Whereas, The Sludge and Drain Pump Replacement and Piping Modifications Project is included in the approved FY07-12 CIP;

Whereas, Of the six bids received, Monroe Plumbing and Heating Company provided the lowest responsible bid in the amount of \$338,800.00, and was selected as the most qualified firm to provide the services requested at the lowest price; and

Whereas, Monroe Plumbing and Heating Company has received Human Rights approval on September 28, 2006, and complies with the living wage ordinance;

RESOLVED, That Council accept the proposal and award a contract to Monroe Plumbing and Heating Company in the amount of \$338,800.00 for the Contract for the Sludge and Drain Pump Replacement and Piping Modifications Project;

RESOLVED, That a contingency in the amount of \$40,000.00 be approved to finance change orders to the contract with Monroe Plumbing and Heating Company to be approved by the City Administrator;

RESOLVED, That funds for this project amendment (\$226,800.00) be appropriated from the Water Supply System Unobligated Fund Balance to be repaid pending the sale of water revenue bonds;

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

RESOLVED, That the City makes the following declaration for the purpose of complying with the reimbursement rules of Treas. Reg. 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended, that the City reasonably expects to reimburse itself for expenditures for the costs of the Project with proceeds of Bonds; and

RESOLVED, That the following budget is approved and that funds be available for the life of the project until expended without regard to fiscal year.

Section I – Revenue

Advance from Water Supply System Unobligated Fund Balance pending the sale of Water Revenue Bonds	\$	226,800.00
FY07 Capital Budget	\$	350,000.00
TOTAL	\$	576,800.00

Section II – Expenses

Contract with Monroe Plumbing and Heating Company	\$338,800.00
Professional Services Agreement with CDM	\$110,000.00
Project Management and Inspection Services by City Staff	\$ 20,000.00
Bond Issue Fee	\$ 23,000.00
Pre-purchased Equipment	\$ 35,000.00
Contingency to finance change orders to be approved by the City Administrator	<u>\$ 50,000.00</u>
TOTAL	\$576,800.00

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

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

R-459-10-06 APPROVED

RESOLUTION TO APPROVE CHAMPLEY ANNEXATION

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

Whereas, Michael E. Champley and Elizabeth Jo Champley are the owners of said property; and

Whereas, It is the desire of Michael E. Champley and Elizabeth Jo Champley to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 279 of the Public Acts of the State of Michigan for the year 1909, as amended;

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

Parcel A

Commencing at the North ¼ corner of said Section 34; Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, thence S 00°00'00" W 726.31 feet along the North-South ¼ line of said Section 34 for a PLACE OF BEGINNING; thence N 69°07'15" E 208.39 feet; thence S 14°55'20" E 97.29 feet; thence S 70°29'08" W 233.16 feet; thence N 00°00'00" E 97.63 feet to the Place of Beginning, containing 20,810 square feet (0.48 acres) of land, more or less, together with a variable width access easement described as: commencing at the North ¼ corner of said Section 34; thence S 00°00'00" W 607.41 feet along the North-South ¼ line of said Section 34; thence N 74°01'52" E 176.68 feet for a PLACE OF BEGINNING; thence N 87°05'15" E 181.19 feet; thence S 15°33'30" E 30.75 feet along the Westerly right-of-way line of Arlington Boulevard (60 feet wide); thence S 87°05'15" W 126.16 feet; thence 35.61 feet along the arc of a 20-foot radius circular curve to the left, having a chord bearing and distance of S 36°04'58" W 31.09 feet; thence S 14°55'20" E 54.83 feet; thence S 75°04'40" W 30.00 feet; thence N 14°55'20" W 116.58 feet to the Place of Beginning, also being subject to easements and restrictions of record, if any.

Parcel B

Commencing at the North ¼ corner of said Section 34; Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, thence S 00°00'00" W 607.41 feet along the North-South ¼ line of said Section 34 for a PLACE OF BEGINNING; thence N 74°01'52" E 176.68 feet; thence S 14°55'20" E 96.50 feet; thence S 69°07'15" W 208.39 feet; thence N 00°00'00" E 118.91 feet to the Place of Beginning, containing 20,100 square feet (0.46 acres) of land, more or less, together with a variable width access easement described as: commencing at the North ¼ corner of said Section 34; thence S 00°00'00" W 607.41 feet along the North-South ¼ line of said Section 34; thence N 74°01'52" E 176.68 feet for a PLACE OF BEGINNING; thence N 87°05'15" E 181.19 feet; thence S 15°33'30" E 30.75 feet along the Westerly right-of-way line of Arlington Boulevard (60 feet wide); thence S 87°05'15" W 126.16 feet; thence 35.61 feet along the arc of a 20-foot radius circular curve to the left, having a chord bearing and distance of S 36°04'58" W 31.09 feet; thence S 14°55'20" E 54.83 feet; thence S 75°04'40" W 30.00 feet; thence N 14°55'20" W 116.58 feet to the Place of Beginning, also being subject to easements and restrictions of record, if any.

Parcel C

Commencing at the North ¼ corner of said Section 34; Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, thence S 00°00'00" W 823.94 feet

along the North-South $\frac{1}{4}$ line of said Section 34; thence N $70^{\circ}29'08''$ E 233.16 feet for a PLACE OF BEGINNING; thence N $14^{\circ}55'20''$ W 193.79 feet; thence N $87^{\circ}05'15''$ E 213.37 feet; thence S $14^{\circ}55'20''$ E 132.63 feet along the centerline of Arlington Boulevard (60 feet wide); thence S $70^{\circ}29'08''$ W 209.37 feet to the Place of Beginning, containing 34,062 square feet (0.78 acres) of land, more or less, being subject to the rights of the public over the Easterly 30.00 feet thereof as occupied by said Arlington Boulevard, being subject to a variable width access easement described as: commencing at the North $\frac{1}{4}$ corner of said Section 34; thence S $00^{\circ}00'00''$ W 607.41 feet along the North-South $\frac{1}{4}$ line of said Section 34; thence N $74^{\circ}01'52''$ E 176.68 feet for a PLACE OF BEGINNING; thence N $87^{\circ}05'15''$ E 181.19 feet; thence S $15^{\circ}33'30''$ E 30.75 feet along the Westerly right-of-way line of Arlington Boulevard (60 feet wide); thence S $87^{\circ}05'15''$ W 126.16 feet; thence 35.61 feet along the arc of a 20-foot radius circular curve to the left, having a chord bearing and distance of S $36^{\circ}04'58''$ W 31.09 feet; thence S $14^{\circ}55'20''$ E 54.83 feet; thence S $75^{\circ}04'40''$ W 30.00 feet; thence N $14^{\circ}55'20''$ W 116.58 feet to the Place of Beginning, also being subject to easements and restrictions of record, if any.

Parcel D

Commencing at the North $\frac{1}{4}$ corner of said Section 34; Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, thence S $00^{\circ}00'00''$ W 446.41 feet along the North-South $\frac{1}{4}$ line of said Section 34 for a PLACE OF BEGINNING; thence N $90^{\circ}00'00''$ E 349.50 feet; thence along the centerline of Arlington Boulevard (60 feet wide) the following two courses: 61.73 feet along the arc of a 418.68-foot radius circular curve to the right, having chord bearing S $20^{\circ}39'57''$ E 61.68 feet and S $14^{\circ}55'20''$ E 45.37 feet; thence S $87^{\circ}05'15''$ W 213.37 feet; thence S $74^{\circ}01'52''$ W 176.68 feet; thence N $00^{\circ}00'00''$ E 161.00 feet to the Place of Beginning, containing 41,078 sq. ft. (0.94 acres) of land, more or less, being subject to the rights of the public over the Easterly 30.00 feet thereof as occupied by said Arlington Boulevard, together with a variable width access easement described as: commencing at the North $\frac{1}{4}$ corner of said Section 34; thence S $00^{\circ}00'00''$ W 446.41 feet along the North-South $\frac{1}{4}$ line of said Section 34; thence N $90^{\circ}00'00''$ E 57.13 feet for a PLACE OF BEGINNING; thence N $00^{\circ}00'00''$ E 30.00 feet; thence N $90^{\circ}00'00''$ E 193.65 feet; thence N $00^{\circ}00'00''$ E 43.63 feet; thence N $90^{\circ}00'00''$ E 16.68 feet; thence 88.47 feet along the arc of a 388.68-foot radius circular curve to the right, having a chord bearing S $33^{\circ}28'49''$ E 88.28 feet along the Westerly right-of-way line of Arlington Boulevard (60 feet wide); thence S $90^{\circ}00'00''$ W 259.03 feet to the Place of Beginning, also being subject to easements and restrictions of record, if any.

Parcel E

Commencing at the North $\frac{1}{4}$ corner of said Section 34; Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, thence S $00^{\circ}00'00''$ W 340.00 feet along the North-South $\frac{1}{4}$ line of said Section 34 for a PLACE OF BEGINNING;

thence N 90°00'00" E 278.61 feet; thence along the centerline of Arlington Boulevard (60 feet wide) 128.36 feet along the arc of a 418.68-foot radius circular curve to the right, having chord bearing S 33°40'24" E 127.86 feet; thence S 90°00'00" W 349.50 feet; thence N 00°00'00" E 106.41 feet along said North-South ¼ line to the Place of Beginning, containing 33,837 sq. ft. (0.78 acres) of land, more or less, being subject to the rights of the public over the Easterly 30.00 feet thereof as occupied by said Arlington Boulevard, being subject to a variance width access easement described as: commencing at the North ¼ corner of said Section 34; thence S 00°00'00" W 446.41 feet along the North-South ¼ line of said Section 34; thence N 90°00'00" E 57.13 feet for a PLACE OF BEGINNING; thence N 00°00'00" E 30.00 feet; thence N 90°00'00" E 193.65 feet; thence N 00°00'00" E 43.63 feet; thence N 90°00'00" E 16.68 feet; thence 88.47 feet along the arc of a 388.68-foot radius circular curve to the right, having a chord bearing S 33°28'49" E 88.28 feet along the Westerly right-of-way line of Arlington Boulevard (60 feet wide); thence S 90°00'00" W 259.03 feet to the Place of Beginning, also being subject to easements and restrictions of record, if any.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Champley Annexation, 3.52 Acres, located at 788 Arlington Boulevard.

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

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

R-460-10-06 APPROVED

RESOLUTION TO APPROVE NADIA COURT SITE CONDOMINIUM SITE PLAN AND DEVELOPMENT AGREEMENT

Whereas, Mohammad Sarwar has requested site plan approval in order to develop ten detached single-family homes at 2590 Nixon Road;

Whereas, A development agreement has been prepared to address public and private utilities, on-site storm water management, a park contribution, a street tree planting escrow, use of lawn care chemicals and fertilizers, and footing drain disconnections;

Whereas, The Ann Arbor City Planning Commission, on September 7, 2006, recommended approval of said request;

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

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in Chapter 57; and

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

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that which is on file in the City Clerk's Office, dated August 31, 2006;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign the Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That City Council approve the Nadia Court Site Condominium Site Plan, upon the conditions that (1) the Development Agreement is signed by all necessary parties, and (2) all terms of the Development Agreement are satisfied.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Nadia Court Site Condominium Site Plan and Development Agreement, 2.35 Acres, located at 2590 Nixon Road.

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

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

POSTPONED

RESOLUTION TO AUTHORIZE SUMMARY PUBLICATION ORDINANCE 39-06 – AMENDMENTS TO SECTIONS 2:4 OF CHAPTER 26 OF TITLE II, AND 9:366 OF CHAPTER 119 OF TITLE IX OF THE CODE OF THE CITY OF ANN ARBOR

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

RESOLVED, That Ordinance 39-06 be published by the following summary:

Ordinance 39-06 amends Sections 2:4 of Chapter 26 of Title II, and 9:366 of Chapter 119 of Title IX of the City Code as follows:

- 1) Curbside Solid Waste Setout in the DDA: With the exception of single or two family homes, customers with curbside solid waste collection shall not leave containers at the curb earlier than 5 pm the day before collection or 12:00 noon on the designated day of collection.
- 2) Solid Waste Service Providers in the DDA: Will not begin collection of non-metal solid waste containers before 5:00 am and will complete collection by 12:00 noon each day. Metal solid waste containers will not be serviced before 6 am.

The complete text of this ordinance is available at the Office of the City Clerk, 2nd floor of the Guy C. Larcom, Jr. Municipal Building, 100. N. Fifth Ave., Ann Arbor.

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

Councilmember Carlberg moved, seconded by Councilmember Woods, to postpone until November 9, 2006.

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

R-461-10-06 APPROVED

RESOLUTION TO ESTABLISH PILOT PROGRAM FOR ISSUANCE OF SIDEWALK
OCCUPANCY PERMITS IN DOWNTOWN AREA

Whereas, A pilot program containing criteria for the issuance of sidewalk occupancy permits for temporary portable signs in the downtown area was prepared by City staff to establish a clearly defined process for temporary advertising to assist businesses in the downtown area;

Whereas, The downtown area is that area of the City defined by the boundaries of the Downtown Development Authority (DDA); and

Whereas, The Mayor's Downtown Marketing Task Force has recommended approval of said pilot program;

RESOLVED, That City Council approve the Downtown Ann Arbor Pilot Program Temporary Portable Sign Policy for temporary signage in the downtown area; and

RESOLVED, That the program will be in effect for a period of one year commencing March 1, 2007 and ending March 1, 2008 to allow adequate time for review by staff, with staff preparing a report at the end of the year to identify all findings.

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

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

REPORTS FROM COUNCIL COMMITTEES

A2D2 COMMITTEE

Councilmember Higgins announced that October 19 is the first lecture series on Design Guidelines. The lecture will take place at the Ann Arbor District Library. Other lecture dates are October 26, November 16 and November 29. Lectures are open to the public.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje announced that there were no appointments to confirm from the October 3, 2006 meeting.

NOMINATIONS PLACED ON TABLE

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

Community Development Executive Committee

Wendy Lockwood Banka (Replacing -Maureen O'Rourke)
3291 Rosedale
Ann Arbor, MI 48108
Term: November 9, 2006- June 30, 2009

David Blanchard (Replacing- James Mogensen)
1230 Broadway
Ann Arbor, MI 48105
Term: November 9, 2006-June 30, 2009

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. August 2006 Investment Portfolio Report - Financial and Administrative Services - Tom Crawford, Chief Financial Officer
2. Finance Committee Report – Fiscal year 2006 - Financial and Administrative Services - Tom Crawford, Chief Financial Officer

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

ANNOUNCEMENT

Mr. Fraser announced that a Working Session has been scheduled for October 30, 2006 to discuss the proposed Police Station/Courthouse construction project. He also announced that the annual Council retreat would be held on Saturday, December 2, 2006.

COMMUNICATIONS FROM THE CITY ATTORNEY

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER LOWENSTEIN

Councilmember Lowenstein announced that she attended a forum of the Governor's Council on Sports Physical Fitness and Health. There was an announcement regarding which cities were determined best at fostering physical activity. The City of Ann Arbor finished at the top as the city in Michigan that is best at fostering physical activity. Ann Arbor received the Gold Designation as the best.

COUNCILMEMBER WOODS

Councilmember Woods announced that the Adelia Achiever Program is having a speaker series for monthly opportunities for women. The program will be held in the University residence halls to provide an opportunity for the residents to meet women leaders in our community and to hear about their journeys to leadership. The invited guests for this month are the Ann Arbor City Council women. The meeting is scheduled for October 31, 2006 at 6:30 p.m. in the Betsy Barber Hall.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from Janis A. Bobrin, Washtenaw County Drain Commissioner, regarding a flyer titled "Frequently Asked Questions About Drain Special Assessments"
2. Communication from Janis A. Bobrin, Washtenaw County Drain Commissioner, regarding 2006 Special Assessments for Washtenaw County Drains

3. Communication from Lawrence Kestenbaum, Washtenaw County Clerk, regarding a Resolution Honoring Winners of the 2006 Environmental Excellence Awards approved by the Washtenaw County Board of Commissioners
4. Communication from Steve E. Chester, Director of the Dept. of Environmental Quality, regarding a request for Clean Corporate Citizen (C3) designation for Subaru Research and Development, Inc. in Ann Arbor being approved - Environmental Coordination Services
5. Communication from S.E.M.C.O.G. regarding an invitation to a discussion of Southeast Michigan and how local government and educational arenas play a key role in its success on October 26, 2006
6. S.E.M.C.O.G. Regional Update bi-weekly publications September 18 and October 2, 2006
7. Communication from Comcast Corporate Affairs regarding a schedule change in their channel line up, effective October 18, 2006
8. Communication from Pittsfield Charter Township Clerk Feliziana Meyer regarding Hearing Notices for RZ#06-06 South State Tech Unit #2, LLC on October 19, 2006
9. Communication from S.E.M.C.O.G. regarding “Our Water. Our Future. Ours to Protect. – Seven Simple Steps to Clean Water” public education campaign
10. Communication from James Sotiroff, General Manager, of Prime Student Housing, Inc., regarding support of the proposed plan for rezoning of South University business district - Planning and Development Services
11. Communication from Lawrence Kestenbaum, Washtenaw County Clerk, regarding approval of a Resolution Setting the 2006 Washtenaw County Millage rate at 5.6768 by the Washtenaw County Board of Commissioners on September 20, 2006 – City Assessor and City Treasurer
12. Communication from Washtenaw County regarding public notice announcing appointments to be made by the Washtenaw County Board of Commissioners to various Boards, Committees and Commissions in Washtenaw County on November 15, 2006
13. Communication from W.A.T.S. regarding holding five public participation meetings for the Transit Plan for Washtenaw County

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

The following minutes were received for file:

1. Employees' Retirement System Board – August 17, 2006
2. Retiree Health Care Board of Trustees – August 17, 2006
3. Housing Commission – August 23, 2006
4. Recreation Advisory Commission – June 6, 2006
5. Youth Development Executive Subcommittee – March 27 and 28, 2006
6. Community Development Executive Committee – May 18 and June 22, 2006
7. Community Development Executive Subcommittee Housing Stability & Economic Stability – February 16, 2006
8. Community Development Executive Subcommittee Housing and Homeless and Economic Stability Subcommittee – March 20, and 24 2006
9. Cable Communications Commission – July 25, 2006
10. Housing Policy Board – June 23 and July 21, 2006
11. Ann Arbor Commission on Disability Issues – July 19, 2006

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

Councilmember Carlberg moved, seconded by Councilmember Lowenstein, that the Clerk's Report be accepted.

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

PUBLIC COMMENTARY - GENERAL**JIM MOGENSEN – WASHTENAW COMMUNITY SERVICES COMMUNITY COLLABORATIVE AND ROUNDABOUTS**

Jim Mogensen, 3780 Greenbrier Blvd., #354C, addressed Council regarding the Washtenaw County Community Collaborative. Mr. Mogensen also talked about traffic roundabouts and their impact.

RECESS FOR CLOSED SESSION

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

On roll call, the vote was as follows:

Yeas, Councilmembers Carlberg, Greden, Higgins, Easthope, Woods, Roberts, Lowenstein, Mayor Hieftje, 8;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 8:41 p.m.

Councilmember Greden moved, seconded by Councilmember Easthope, that the regular session of Council be reconvened.

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:15 p.m.

City Attorney Stephen Postema read a proposed resolution regarding City of Ann Arbor v. Gellman Sciences, Inc.

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

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

R-462-11-06

RESOLUTION

Whereas, The City of Ann Arbor filed two lawsuits against Gelman Sciences, Inc., d/b/a Pall Life Sciences (“Pall”), one known as *City of Ann Arbor vs. Gelman Sciences, Inc. d/b/a Pall Life Sciences, Case No. 04-513-CF (Washtenaw County Circuit Court)*, and one known as *City of Ann Arbor vs. Gelman Sciences, Inc. d/b/a Pall Life Sciences, Case No. 05-73100 (U.S. Dist. Ct., E.D. Mich.)*, and also filed a petition to challenge modifications of Pall’s NPDES Permit for discharge to Honey Creek Tributary, known as *City’s Petition to the MDEQ on NPDES Permit No. MI0048453 Issued to Pall Corporation*; and

Whereas, The City has engaged in settlement discussions with Pall and desires to proceed with settlement of these three actions;

RESOLVED, That the City Attorney be authorized to proceed with settlement of all three actions as outlined and discussed by the City Attorney in closed session; and

RESOLVED, That the Mayor, City Clerk and City Administrator be authorized to execute settlement documents as needed, provided that the final terms of a settlement agreement are subject to the approval of the City Attorney.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:19 p.m.

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary