

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - DECEMBER 18, 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 Ronald Suarez, Robert M. Johnson, Joan Lowenstein, Stephen Rapundalo, Stephen Kunselman, Leigh Greden, Margie Teall, Marcia Higgins, Christopher Easthope, Wendy A. Woods, Mayor John Hieftje, 11.

ABSENT : 0.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

Councilmember Woods moved, seconded by Councilmember Teall, that the agenda be approved with the following changes:

INTRODUCTIONS

Add: Allen Creek Greenway Report – Peter Pollack **(Added 12/18/06)**

MOTIONS AND RESOLUTIONS

Added After Newspaper Deadline:

Add: Resolution Consenting to the Transfer of Employment from the City Of Ann Arbor to the Charter Township of Pittsfield, Michigan (Re: Midwest Eye-Banks) (Councilmember Johnson) **(Added 12/15/06)**

Add: Resolution to Authorize Renewal of the Lease for 40 Apartments at Tuscan Creek Apartments (\$52,084.00) and to Authorize an Amendment to the Service Contract with Washtenaw Community Health Organization (\$60,000.00) to Extend the Temporary Housing Program through April, 2007 (Community Services - Jayne Miller, Area Administrator) **(Added 12/15/06)**

Add: Resolution to Approve a Housing Rehabilitation Agreement, Housing Affordability Agreement, Mortgage, Note and Subordination Agreement with Parkhurst Apartments, Limited Dividend Housing Association Limited Partnership for Parkhurst Apartments at 1500 Pauline (\$186,419.00 CDBG and \$300,000.00 CDBG) (Community Development - Jayne Miller, Community Services Area Administrator) **(Added 12/15/06)**

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

INTRODUCTIONS

ALLEN CREEK GREENWAY TASKFORCE REPORT

Peter Pollack presented the completed Greenway Task Force Report to Council. The Task Force is very supportive of a greenway within the floodway at a minimum, said Pollack.

The Mayor thanked Mr. Pollack and the task force for their work. Further review of the report will occur at an upcoming working session of Council. (A copy of the report is in file in the City Clerk's Office.)

PUBLIC COMMENTARY - RESERVED TIME

LAUREL FEDERBUSH – DIVESTMENT FROM ISRAEL

Laurel Federbush, 2000 Anderson Court, urged Council to pass the Human Rights Commission resolution to divest from Israel.

THOMAS PARTRIDGE – PROTECTING AMERICA'S MOST VULNERABLE

Thomas Partridge, 4220 Erie, addressed Council regarding protection for America's most vulnerable people.

HENRY HERSKOVITZ – PALESTINE

Henry Herskovitz, 404 Mark Hannah Place, addressed Council regarding his recent arrest and accusations that he disrupted a speech at the University of Michigan. Mr. Herskovitz stated he was arrested for protecting another woman.

DAVID BOYLE – DARFUR

David Boyle, member of the audience, addressed Council regarding public access to City meetings, including live web casting. Mr. Boyle also asked Council for help to end the holocaust in Darfur.

NON-MOTORIZED TRANSPORTATION PLAN

The following people spoke in support of the proposed Non-Motorized Transportation Plan:

Erica Briggs, member of GetDowntown program
Kris Talley, member of the audience

PUBLIC HEARINGS

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER EASTHOPE

Councilmember Easthope announced that he attended the National League of Cities convention. He suggested that the City send a bigger representation next year as the conference provides very useful information and resources, as well as networking opportunities.

REPORTS FROM COUNCIL COMMITTEES

A2D2 COMMITTEE

Councilmember Higgins announced that a report from A2D2 was submitted. The report addresses current committee initiatives and future plans.

APPROVAL OF COUNCIL MINUTES

MINUTES OF NOVEMBER 27, DECEMBER 2 AND 4, 2006 APPROVED

Councilmember Rapundalo moved, seconded by Councilmember Kunselman, that the special session minutes of November 27, 2006, the Council retreat session of December 2, 2006 and the regular session minutes of December 4, 2006 be approved as presented.

Councilmember Higgins requested that the City Administrator provide Council with a written synopsis regarding the goals discussed at the retreat on December 2, 2006.

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

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-511-12-06 APPROVED

RESOLUTION TO APPROVE A GRANT CONTRACT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION, INCLUDING THE TERMS AND CONDITIONS OF ACCEPTING AIRPORT IMPROVEMENT PROGRAM GRANTS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR THE DESIGN AND CONSTRUCTION ENGINEERING SERVICES OF A NEW SNOW REMOVAL EQUIPMENT STORAGE AND MAINTENANCE BUILDING FOR THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, The existing airport maintenance equipment facility is a wood pole building that was built in the 1970s without water and sewer service and is inadequate for the type and size of equipment now used for snow removal and maintenance of airport facilities;

Whereas, The Federal Aviation Administration (FAA) and the Michigan Department of Transportation (MDOT) - Bureau of Aeronautics have approved funding and support for the design and construction engineering services for this project in the amount of \$90,000.00;

Whereas, The MDOT-Bureau of Aeronautics, the Airport Advisory Committee, and City staff recommend that City Council approve the grant agreement, including the Terms and Conditions of Accepting Airport Improvement Program Grants required by the FAA;

Whereas, The City Attorney's Office and the Public Services Area have reviewed the grant contract and Terms and Conditions agreement; and

Whereas, The local matching funds (\$2,250.00) for this agreement are available in the Airport Fund;

RESOLVED, That the City Council approve grant contract number FM 81-01-C31 with the Michigan Department of Transportation in the amount of \$90,000.00 for design and construction engineering services for a Snow Removal Equipment Storage and Maintenance Building;

RESOLVED, That the \$2,250.00 that be available in the approved FY07 Airport Fund budget be designated to pay for the airport's share of said agreements, to be expended without regard to fiscal year;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign said agreements upon approval as to form by the City Attorney, and upon approval as to substance by the City Administrator; and

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

R-512-12-06 APPROVED

RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH URS CORPORATION GREAT LAKES FOR THE DESIGN AND CONSTRUCTION ENGINEERING SERVICES OF A NEW SNOW REMOVAL EQUIPMENT STORAGE AND MAINTENANCE BUILDING FOR THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, The existing airport maintenance equipment facility is a wood pole building that was built in the 1970s without water and sewer service and is inadequate for the type and size of equipment now used for snow removal and maintenance of airport facilities;

Whereas, The Federal Aviation Administration (FAA) and the Michigan Department of Transportation (MDOT) - Bureau of Aeronautics have approved funding and support for this project;

Whereas, URS Corporation Great Lakes (URS) was interviewed and selected as the airport's engineering and planning consultant for this and several other projects, in accordance with FAA and MDOT-Bureau of Aeronautics consultant selection guidelines;

Whereas, URS submitted a proposal to design and provide construction engineering services for this project for the fee of \$84,000.00;

Whereas, The MDOT-Bureau of Aeronautics, the Airport Advisory Committee, and City staff have reviewed the proposal and recommend that City Council approve a professional services agreement with URS for design and construction engineering services of this project;

Whereas, URS received Human Rights and Living Wage approval on March 10, 2006; and

Whereas, The City Attorney's Office and the Public Services Area have reviewed the professional services agreement;

RESOLVED, That City Council approve a professional services agreement with URS Corporation Great Lakes in the amount of \$84,000.00 for the design and construction engineering services of a snow removal equipment maintenance building project for the Ann Arbor Municipal Airport;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign said agreement upon approval as to form by the City Attorney, and upon approval as to substance by the City Administrator; and

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

R-513-12-06 APPROVED

RESOLUTION TO APPROVE LICENSE AGREEMENT WITH METROPCS MICHIGAN INC., D/B/A METROPCS TO ERECT AND USE TELECOMMUNICATIONS EQUIPMENT ON THE MANCHESTER WATER TOWER SITE

Whereas, MetroPCS Michigan Inc., d/b/a MetroPCS (“MetroPCS”) has asked to install antennae and related facilities on the Manchester Water Tower site;

Whereas, MetroPCS has agreed to the terms of a license agreement that would require an annual fee starting at a pro rated amount of \$14,926.00 for approximately the first six months, beginning upon execution of the agreement and running through June 30, 2007;

Whereas, The license agreement requires MetroPCS to pay an annual fee escalating on July 1 of each year from the first year annual fee at the rate of 4% per year every year for a term of approximately five and on-half years, ending on June 20, 2012, with options to renew for four additional five-year terms; and

Whereas, The terms of the license agreement between the City of Ann Arbor and Sprint are similar to license agreements between the City and other telecommunications providers that have installed antennae and related facilities on the Manchester Water Tower and Plymouth Road Water Tower sites;

RESOLVED That the City Council approve the license agreement with MetroPCS Michigan Inc. for the Manchester Water Tower site, and that the Mayor and City Clerk be authorized to sign the license agreement, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney.

R-514-12-06 APPROVED

RESOLUTION TO APPROVE A CONTRACT EMPLOYMENT AGREEMENT WITH
FRANCIE KRAWCKE FOR SERVICES IN CONNECTION WITH THE RAPTOR
PROGRAM AT THE LESLIE SCIENCE CENTER

Whereas, Leslie Science Center has partnered with the River Raisin Raptor Center in Manchester, Michigan to provide care for, and develop educational programming with non-releasable birds of prey;

Whereas, The River Raisin Raptor Center holds all of the necessary federal and state permits and has named the Leslie Science Center as a satellite facility (sub-permittee) for a three-year period, at which time the Leslie Science Center will make application for, and obtain the required federal and state permits for the raptors;

Whereas, Construction has been completed for three outdoor enclosures to house the birds at the Leslie Science Center;

Whereas, It is necessary to contract for services for the on-site care and training of the raptors and to expand and develop the Raptor Program at Leslie Science Center as part of its environmental education programming; and

Whereas, Francie Krawcke has ten years experience with care and programming with birds of prey and has been determined to possess the skills and ability to perform the necessary services required to maintain the Raptor Program at Leslie Science Center;

RESOLVED, That City Council approve a contract employment agreement with Francie Krawcke for the provision of services in connection with the Raptor Program at Leslie Science Center for a term of six-months with the provision for extension of the agreement for one additional six-month term;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the Agreement, and any extension thereof, 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 any necessary administrative action to implement this resolution.

R-515-12-06 APPROVED

RESOLUTION TO APPROVE A CHANGE ORDER TO THE CONTRACT WITH MARGOLIS COMPANIES, INC., BID NO. 3803 - IMPROVEMENTS AT LANSDOWNE PARK IN THE AMOUNT OF \$4,197.00

Whereas, Competitive bids were sought for Bid No. 3803 by the Procurement Office with bids received on July 20, 2006 and Margolis Companies, Inc. was identified as the lowest responsible bidder;

Whereas, Margolis Companies, Inc. was awarded a service contract in the amount of \$24,294.00 and the additional \$4,197.00 for this Change Order exceeds the \$25,000.00 contract threshold requiring Council approval;

Whereas, The additional work on this contract was made necessary due to unforeseen underground site conditions, increased timber retaining edge materials, sand box modifications, two new picnic tables, and a new bench; and

Whereas, Funding remains in the Lansdowne Park, Park Rehabilitation and Development Millage 2006-2007 budget account to cover all charges;

RESOLVED, That City Council approve a Change Order in the amount of \$4,197.00 with Margolis Companies, Inc. for additional work at Lansdowne Park and approve a total project budget of \$28,491.00 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 Change Order as directed by this resolution.

R-516-12-06 APPROVED

RESOLUTION TO APPROVE A HOUSING REHABILITATION AGREEMENT WITH COMMUNITY HOUSING ALTERNATIVES NONPROFIT HOUSING CORPORATION FOR 1911 AND 1913 DEXTER AVE.

Whereas, An application was received from Community Housing Alternatives Nonprofit Housing Corporation (CHA) for rehabilitation of 1911 and 1913 Dexter;

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

Whereas, Two bids were received on November 3, 2006, and CHA will be executing an agreement with Burton's Plumbing and Heating, 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 Community Housing Alternatives Nonprofit Housing Corporation (CHA) in the amount of \$58,496.00 in CDBG funds as a grant;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute a Housing Rehabilitation Agreement with Community Housing Alternatives Nonprofit Housing Corporation (CHA) 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; 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-517-12-06 APPROVED

RESOLUTION TO APPROVE AN AMENDMENT TO THE PREVIOUSLY APPROVED HOUSING REHABILITATION AGREEMENT, R-436-10-06, WITH MINNETTE BURKS

Whereas, On October 3, 2006 City Council approved a Housing Rehabilitation Agreement with Minnette Burks for rehabilitation assistance for her home located at 2166 Hemlock, R-436-10-06; and

Whereas, Black mold was discovered at the time the work began and additional funds are necessary to complete the black mold remediation;

RESOLVED, That City Council approve the Amended Housing Rehabilitation Agreement with Minnette Burks for an additional \$20,000.00 to bring the total contract amount to \$61,360.00 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 single-family residence;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute an amended Housing Rehabilitation Agreement with Minnette Burks 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, Minnette Burks will execute an amended 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-518-12-06 APPROVED

RESOLUTION TO APPROVE AN AGREEMENT BETWEEN
THE CITY OF ANN ARBOR AND THE WASHTENAW COUNTY
PUBLIC HEALTH DEPARTMENT FOR THE ESTABLISHMENT OF
A DISTRIBUTION NODE DURING A PUBLIC HEALTH EMERGENCY

Whereas, Strategic National Stockpiles (SNS) have been established by the federal government under the management of the Center for Disease Control and Prevention to augment local supplies of critical emergency medical supplies;

Whereas, The Michigan Department of Public Health has issued a mandate to all county public health department requiring the establishment of distribution nodes and/or dispensing sites for these critical medical supplies during an emergency or disaster;

Whereas, The Washtenaw County Public Health Department has requested the City of Ann Arbor make available for designation as distribution nodes and/or dispensing sites existing City-owned property that has been evaluated as adequate to meet the SNS regional deployment;

Whereas, In order for the SNS Distribution Node to be successful, cooperation must occur among several agencies, and Memorandum of Understanding is necessary to clarify the respective roles and expectations of each of the participating agencies; and

Whereas, The City of Ann Arbor Office of Emergency Management and the Public Services Area staff reviewed the expectations of a participating agency and support the use of City-owned property for this purpose;

RESOLVED, That City Council approve a Memorandum of Understanding between the City of Ann Arbor and Washtenaw County Public Health Department for the use of City-owned property during a public health emergency as a Distribution Node;

RESOLVED, That the Mayor and Clerk be authorized and directed to execute a Memorandum of Understanding with Washtenaw County Public Health Department after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

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

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

ORDINANCES - SECOND READING

None.

ORDINANCES - FIRST READING

47-06 APPROVED

BARTON GREEN 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 31.93 acres, located on the west side of Pontiac Trail, north of Skydale Drive, from TWP (Township District) to R4A (Multiple-Family Dwelling District). (The complete text of Ordinance 47-06 is on file in the City Clerk's Office.)

Councilmember Higgins moved, seconded by Councilmember Teall, that the ordinance be approved at first reading.

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

MOTIONS AND RESOLUTIONS

POSTPONED

RESOLUTION TO APPROVE THE FY 2007-2008 AND FY 2008-2009 HUMAN SERVICE FUNDING PRIORITIES AND CATEGORIES

Whereas, The City of Ann Arbor’s Community Development Executive Committee (CDEC) is preparing for the FY 2007-08 and FY 2008-09 Human Services General Fund and CDBG funding cycle;

Whereas, The CDEC has advised that the FY 2007-08 and FY 2008-09 funding categories be the same as FY 2006-07, which are Housing Stability, Youth, Health and Economic Stability;

Whereas, The CDEC would like to advise City Council on the percentage amounts allocated to each category as follows:

<u>2007-09</u>	<u>% of Budget:</u>
Housing Stability	50%
Youth	10%
Health	20%
Economic Stability	20%

Whereas, The Economic Stability category will be reduced by 5% from last’s years percentage based on low funding requests within the category;

Whereas, The Health Category will be reduced by 5% from last year’s funding;

Whereas, The Housing Stability category will be increased by 10% due to the amount of requests within the category and is consistency aligned with the 10-year Plan to End Homelessness; and

RESOLVED, That City Council approve the funding categories and the percentages allocated:

<u>2007-09</u>	<u>% of Budget:</u>
Housing Stability	50%
Youth	10%
Health	20%
Economic Stability	20%

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

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

Councilmember Rapundalo moved, seconded by Councilmember Greden, to postpone the resolution until January 22, 2007.

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

R-519-12-06 APPROVED

RESOLUTION CONSENTING TO THE TRANSFER OF EMPLOYMENT FROM THE CITY OF ANN ARBOR TO THE CHARTER TOWNSHIP OF PITTSFIELD, MICHIGAN (RE: MIDWEST EYE-BANKS)

Whereas, Midwest Eye-Banks, a Michigan nonprofit corporation, which previously operated two facilities in the City of Ann Arbor, has acquired, renovated and equipped an existing facility in the Charter Township of Pittsfield to which it has transferred more than 20 full-time employees from its prior locations in the City of Ann Arbor; and

Whereas, The acquisition, renovation, furnishing and equipping of the Charter Township of Pittsfield facility by Midwest Eye-Banks is to be financed and re-financed in part through the issuance of limited obligation revenue bonds by The Economic Development Corporation of the Charter Township of Pittsfield; and

Whereas, Section 8(3) (MCL 125.1608(3)) of the Economic Development Corporations Act ("EDC Act") requires a consent by resolution of the governing body of any municipality from which employment of more than 20 full-time persons is to be transferred by reason of the completion of a project for which revenue bond financing under the EDC Act is sought;

RESOLVED, That the City Council consents to such transfer of employment from the City of Ann Arbor to the Charter Township of Pittsfield as may result from Midwest Eye-Banks' project to be financed in part with revenue bonds by The Economic Development Corporation of the Charter Township of Pittsfield;

RESOLVED, That the City Clerk be and is directed to deliver a certified copy of this Resolution to The Economic Development Corporation of the Charter Township of Pittsfield; and

RESOLVED, That all resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and are rescinded.

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

Councilmember Greden recused himself from voting and discussion of this resolution.

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

R-520-12-06 APPROVED

(RESOLUTION TO APPROVE THE PURCHASE OF AND APPROPRIATE FUNDS FOR THE ACQUISITION OF THE STEPHEN AND BARBARA A. ANDRES PARCELS ADJACENT TO EVERGREEN PARK FROM THE OPEN SPACE AND PARKLAND PRESERVATION BOND PROCEEDS IN THE AMOUNT OF \$162,000.00)

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

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

POSTPONED

RESOLUTION TO APPROVE NON-MOTORIZED TRANSPORTATION PLAN

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Non-motorized Transportation Plan.

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

Councilmember Higgins moved, seconded by Councilmember Rapundalo, to postpone the resolution until January 8, 2007 in order to establish a public hearing for the same date and provide an opportunity for public input.

On roll call, the vote was as follows:

Yeas, Councilmembers Teall, Higgins, Easthope, Woods, Suarez, Rapundalo, 6;

Nays, Councilmembers Johnson, Lowenstein, Greden, Kunselman, Mayor Hieftje, 5.

The Mayor declared the motion carried.

Council requested that staff members provide Council with annual progress reports on the Plan.

Council requested that all future master planning document resolutions include a public hearing at Council as part of the process.

R-521-12-06 APPROVED

RESOLUTION TO SUPPORT SCIO TOWNSHIP’S GRANT APPLICATION TO THE MICHIGAN PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM FOR THE PURCHASE OF DEVELOPMENT RIGHTS ON THE KEVIN AND STACY WING FARM IN SCIO TOWNSHIP AND TO APPROVE MATCHING FUNDS IN THE AMOUNT OF \$1,000,000.00

Whereas, Michigan PDR has matching grant funds available for up to 75% of Purchase of Development Rights on eligible agricultural land not to exceed \$5,000.00 per acre;

Whereas, Scio Township has adopted a Land Preservation Ordinance to permanently preserve farmland and open space throughout the Township;

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; and

Whereas, The Greenbelt Advisory Commission approved a resolution recommending approval of \$1,000,000.00 in matching funds, in support of the Scio Township application to the Michigan PDR program;

RESOLVED, That City Council approve matching funds for the application to the Michigan PDR for matching grant funds for the Purchase of Development Rights for the Kevin and Stacy Wing property;

RESOLVED, That the approval of matching funds for this grant application be subject to establishment of a fair market price for the development rights to be determined by an appraisal; completion of a Phase I environmental site assessment and acceptance of environmental condition of property; conveyance of good and marketable title to the

development rights by Farmland Development Rights Easement and approval of a partnership agreement between the City of Ann Arbor and Scio Township by the respective governing bodies; and

RESOLVED, That City Council authorize the Mayor, City Clerk and City Administrator to execute all documents necessary to complete the application requirements of the Michigan PDR after approval as to form by the City Attorney.

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

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

POSTPONED

RESOLUTION TO APPROVE A CONTRACT WITH THE CONSERVATION FUND IN THE AMOUNT OF \$235,105.00 FOR PROFESSIONAL SERVICES TO PROVIDE PROGRAM ADMINISTRATION FOR THE GREENBELT AND PARKLAND ACQUISITION MILLAGE PROGRAM PER BID #645 AND ESTABLISH A TOTAL PROJECT BUDGET OF \$258,616.00 FOR YEAR ONE AND TWO, ONE-YEAR RENEWAL OPTIONS WITH A TOTAL PROJECT BUDGET OF \$272,850.00 FOR THE FIRST RENEWAL YEAR AND \$286,534.00 FOR THE SECOND RENEWAL YEAR

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

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

Whereas, In 2004 the City hired The Conservation Fund (TCF) to provide project oversight and implementation of the Open Space and Parkland Preservation Millage Program for two consecutive one-year contracts;

Whereas, The City issued RFP #645 to solicit bids for the continued Program Administration of the Open Space and Parkland Preservation Millage Program and received only one proposal from TCF in response to the RFP;

Whereas, The City has been satisfied with the work of TCF and has selected TCF and negotiated a contract for the necessary services, setting forth the services to be performed, and the payments to be made by the City therefore, all of which are agreeable to the City;

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

Whereas, On December 1, 2006, The Conservation Fund received Human Rights approval and complies with the living wage ordinance;

RESOLVED, That City Council approve a one-year contract for services with The Conservation Fund in the amount of \$235,105.00 for the administration of the Greenbelt and Parkland Acquisition Millage Program with the option to renew the contract for up to two, one-year periods under the same terms and conditions for an amount not to exceed \$248,045.00 for the first renewal period and \$260,485.00 for the second renewal period;

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

RESOLVED, That City Council approve a contingency in the amount of \$23,511.00 (10%) to cover potential increases in the volume of work or additional work necessitated by public response to the voluntary millage program and approve a total project budget of \$258,616.00 for year one of the project and a total project budget of \$272,850 for the first renewal year and a total project budget of \$286,534.00 for the second renewal year of the project without regard to fiscal year; and

RESOLVED, That the City Administrator is authorized to take the necessary administrative actions to implement this resolution including the authority to approve changes to scope of work under the contract within the approved contingency and the authority to approve renewal of the contract for additional one-year terms on the same terms and conditions.

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

Councilmember Johnson moved, seconded by Councilmember Rapundalo, to postpone the resolution until January 8, 2007.

Councilmembers requested that staff provide more information regarding Conservation Fund expenses, including travel, supplies and office space usage.

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

R-522-12-06 APPROVED

RESOLUTION TO APPROVE THE PURCHASE OF ELGIN WATERLESS STREET SWEEPER FROM BELL EQUIPMENT COMPANY

Whereas, The Fleet & Facilities Unit needs to purchase a replacement Elgin street sweeper for the City's fleet;

Whereas, It is in the City's best interest to continue to standardize street cleaning equipment;

Whereas, Bell Equipment Company is the sole regional Elgin dealer; and

Whereas, Bell Equipment Company received Human Rights approval on July 11, 2006;

RESOLVED, That City Council approve the issuance of a purchase order to Bell Equipment Company for the purchase of one 2007 Elgin Pelican Waterless street sweeper in the amount of \$147,915.00 from the approved 2006-07 Fleet and Facilities Unit budget; and

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

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

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

R-523-12-06 APPROVED

RESOLUTION TO AUTHORIZE RENEWAL OF THE LEASE FOR 40 APARTMENTS
AT TUSCAN CREEK APARTMENTS (\$52,084) AND TO AUTHORIZE AN
AMENDMENT TO THE SERVICE CONTRACT WITH WASHTENAW COMMUNITY
HEALTH ORGANIZATION (\$60,000) TO EXTEND THE TEMPORARY HOUSING
PROGRAM THROUGH APRIL, 2007

Whereas, The City Administrator determined in October, 2005 that conditions existed at 350 South Fifth Avenue (old YMCA residential tower), which necessitated the emergency relocation of the residents to temporary housing;

Whereas, On January 9, 2006, City Council approved a Temporary Housing Project Budget of \$1,079,600.00 and appropriated necessary funds (R-11-1-06) to pay the costs associated with providing housing and support services at Tuscan Creek Apartments and other associated costs for eligible low-income participants in the City Temporary Housing Program;

Whereas, On January 9, 2006, City Council authorized a one-year lease for up to 44 apartments at Tuscan Creek Apartments (R-12-1-06) and a sole source service contract with the Washtenaw Community Health Organization (R-13-1-06) to provide property management and on-site support services for the City Temporary Housing Program;

Whereas, The lease with Tuscan Creek Apartments and the service contract with the Washtenaw Community Health Organization were duly executed in February, 2006 and are valid through January 31, 2007;

Whereas, City Council recognizes that the City is not legally obligated to provide housing or human services for the former YMCA residents, but is committed to the City's guiding principles to provide support to at-risk residents by continuing to provide housing and human services for this low-income and vulnerable population; and

Whereas, A permanent housing solution on the former YMCA site has not yet been finalized, requiring an extension of the City Temporary Housing Program at Tuscan Creek Apartments beyond January 31, 2007;

RESOLVED, That City Council approve a three-month lease renewal, through April 30, 2007, with Tuscan Creek Apartments, located at 212 Stevens Drive, Ypsilanti Township, for the rental of up to 40 apartments for an amount not to exceed \$52,084.00, to provide housing for eligible low-income participants in the City Temporary Housing Program;

RESOLVED, That City Council approve a three-month service contract amendment, through April 30, 2007, with the Washtenaw Community Health Organization for an amount

not to exceed \$60,000.00 to provide on-site property management and support services at Tuscan Creek Apartments for the City Temporary Housing Program;

RESOLVED, That the Mayor and City Clerk be authorized to sign the lease renewal and service contract amendment 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 and directed to take all necessary actions to implement this Resolution.

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

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

(RESOLUTION TO APPROVE A HOUSING REHABILITATION AGREEMENT, HOUSING AFFORDABILITY AGREEMENT, MORTGAGE, NOTE AND SUBORDINATION AGREEMENT WITH PARKHURST APARTMENTS, LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP FOR PARKHURST APARTMENTS AT 1500 PAULINE)

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

Councilmember Higgins moved, seconded by Councilmember Teall that the resolution be heard after the closed session.

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

RECESS FOR CLOSED SESSION

Councilmember Higgins moved, seconded by Councilmember Rapundalo, 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 Kunselman, Greden, Teall, Higgins, Easthope, Woods, Suarez, Johnson, Lowenstein, Rapundalo, Mayor Hieftje, 11;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 8:47 p.m.

Councilmember Rapundalo moved, seconded by Councilmember Johnson, that the regular session of Council be reconvened.

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:16 p.m.

R-524-12-06 APPROVED AS AMENDED

(RESOLUTION TO APPROVE A HOUSING REHABILITATION AGREEMENT,
HOUSING AFFORDABILITY AGREEMENT, MORTGAGE, NOTE AND
SUBORDINATION AGREEMENT WITH PARKHURST APARTMENTS,
LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP
FOR PARKHURST APARTMENTS AT 1500 PAULINE)

Councilmember Rapundalo moved, seconded by Councilmember Greden, to amend the resolution as follows:

5th RESOLVED Clause:

...RESOLVED, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP shall meet the following conditions prior to the release of any City funds:

1. Parkhurst Apartments LP shall provide the City with a market-based appraisal, acceptable to the City Attorney and Office of Community Development, valuing the Parkhurst property at a minimum of \$~~2,931,540~~**2,706,540.00**

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

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

The resolution as amended reads as follows:

(RESOLUTION TO APPROVE A HOUSING REHABILITATION AGREEMENT,
HOUSING AFFORDABILITY AGREEMENT, MORTGAGE, NOTE AND
SUBORDINATION AGREEMENT WITH PARKHURST APARTMENTS,
LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP
FOR PARKHURST APARTMENTS AT 1500 PAULINE)

Whereas, An application was received from Washtenaw Affordable Housing Corporation (WAHC) on behalf of Parkhurst Apartments Limited Dividend Housing Association Limited Partnership (Parkhurst Apartments LP) to rehabilitate Parkhurst Apartments and add a community room;

Whereas, An application was received from WAHC on behalf of Parkhurst Apartments LP to refinance Parkhurst Apartments in partnership with the National Equity Fund and Mercy Loan Fund to preserve 48 units of affordable housing;

Whereas, WAHC and the National Equity Fund are working with the Office of Community Development to stabilize the property's finances and improve the property conditions, and WAHC and the OCD are working to improve WAHC's management of it's properties; and

Whereas, Three bids were received on August 18, 2006 for the rehabilitation work, and WAHC will be executing an agreement with L.J.M. Construction, the lowest responsible bidder, who has Human Rights and Living Wage Approval, to complete the rehabilitation and community room work;

RESOLVED, That City Council approve the allocation of up to \$186,419.00 of CDBG Funds to Parkhurst Apartments LP, or an affiliated ownership entity, for the rehabilitation of 48 units of affordable housing at 1500 Pauline as a grant;

RESOLVED, That City Council approve the allocation of up to \$300,000.00 of CDBG Funds to Parkhurst Apartments LP, or an affiliated ownership entity, to refinance existing debt as a 0% interest, deferred payment, 99-year loan to be repaid if the property is transferred or the use changes from low-income residential within the term of the loan and further, to be extended at the discretion of Council at the term end;

RESOLVED, That City Council agrees to subordinate the HOME and CDBG loans to the loan of the private lender that provides permanent financing;

RESOLVED, That City Council agrees to no less than a shared second loan position with the Michigan State Housing Development Authority;

RESOLVED, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP shall meet the following conditions prior to the release of any City funds:

1. Parkhurst Apartments LP shall provide the City with a market-based appraisal, acceptable to the City Attorney and Office of Community Development, valuing the Parkhurst property at a minimum of \$2,706,540.00;

2. Parkhurst Apartments LP shall provide the City with evidence that they have secured the commitment of Mercy Loan Fund or another lender for approximately \$1,200,000.00 for refinancing of the existing private debt, with terms acceptable to the Office of Community Development and the City Attorney;
3. Parkhurst Apartments LP shall provide the City with a formal commitment from National Equity Fund, for a minimum funding match of \$175,000.00, with terms acceptable to the Office of Community Development and the City Attorney;

RESOLVED, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP shall close on the \$1,200,000.00 loan from Mercy Loan Fund or another lender, and have received the funding from the National Equity Fund prior to or at the time of closing of the City loan and payment of the City grant;

RESOLVED, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP and WAHC and its affiliated ownership entities must agree to the following terms in the Housing Affordability Agreement and Rehabilitation Agreement with the City, or any other documents as required by the City Attorney, and that if any of these terms are not incorporated in the Housing Affordability Agreement and/or are not met by Parkhurst Apartments LP and WAHC and its affiliated ownership entities, the City has the right to accelerate its loans and require Parkhurst Apartments LP and WAHC to sell any and all of their City-funded properties to another housing provider to be selected by the City:

1. The OCD and other funders will provide an advisor to assist Parkhurst Apartments LP and WAHC to manage their properties and finances through December 31, 2007.
2. Parkhurst Apartments LP and WAHC will give the advisor and the OCD complete access to all of the books, records and financial information of Parkhurst Apartments LP, WAHC and other affiliated ownership entities.
3. Parkhurst Apartments LP and WHAC will respond in writing to the advisor's advice and comments regarding Parkhurst Apartments and WAHC's management and operation, including, but not limited to the management of finances, provision of tenant services, compliance with HUD regulations, property management practices, staffing, and board practices consistent with terms and conditions subject to approval by the City Administrator and City Attorney.
4. Parkhurst Apartments LP and WAHC will provide the OCD and the advisor with a copy of all written communications with all lenders on all WAHC and affiliated ownership entity owned and managed properties through December 31, 2007.
5. Parkhurst Apartments LP and WAHC will sign a 2-year contract with an HVAC contractor to seasonally (twice a year) inspect and maintain the common HVAC systems for all of WAHC's properties by January 15, 2007. WAHC will be required to file a copy of the contract with the OCD and the advisor within 30 days of its execution and WAHC must provide the contractor's reports and invoices within 30

days of the inspection and maintenance work to the OCD during the contract period and the advisor through 2007.

6. Parkhurst Apartments LP will submit a preventative maintenance plan specifying how Parkhurst Apartments LP will address internal inspections, track work orders, track response times, and file work orders to the OCD and advisor by January 15, 2007. The submitted plan must be approved by the OCD staff and the advisor. WAHC will be required to provide monthly reports to the advisor and the OCD for all of 2007 by the 15th of the following month.
7. Parkhurst Apartments LP and WAHC will submit a copy of the property management company's monthly financial reports to the OCD and the advisor for every month in 2007 by the 15th of the following month.
8. Parkhurst Apartments LP and WAHC will notify the OCD and the advisor of all Board meetings and Board subcommittee meetings and provide copies of Board and subcommittee communications and packets to the OCD and the advisor a minimum of 48 hours prior to such meetings.
9. By October 31, 2007, the OCD will consult with WAHC, other funders and the advisor to determine if WAHC should sell property, merge with another nonprofit housing organization, take other steps to improve management and operation of its affordable housing, or continue to operate based on improvements made during the first nine (9) months of 2007. The basis for that decision will be a result of:
 - a. The above mentioned materials (1 – 8) provided throughout the first nine (9) months of 2007.
 - b. The information, as spelled out in the attached proposed advisor responsibilities (which are subject to approval as to substance by the City Administrator and approval as to form by the City Attorney), that is provided by the advisor regarding WAHC's management of their finances, provision of tenant services, compliance with HUD regulations, property management practices, staffing practices, and board practices over the first nine (9) months of 2007.
 - c. OCD's ongoing conversations and dialog with WAHC, other funders and the advisor over the first nine (9) months of 2007;

RESOLVED, That by December 1, 2007, the OCD will provide City Council with their decision and recommendation on whether WAHC should sell property, merge with another nonprofit housing organization, take other steps to improve management and operation of its affordable housing, or continue to operate based on improvements made during the first nine (9) months of 2007;

RESOLVED, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP, or WHAC, will execute a Rehabilitation Agreement, Housing Affordability Agreement, mortgage and promissory note consistent with this Resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP and WAHC will execute any other document required to implement the terms of this Resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign a Housing Affordability Agreement consistent with this resolution and any other documents required to implement the terms of 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 until expended without regard to fiscal year; 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.

Note: Council amended this resolution again on March 5, 2007 (R-86-3-07). The amended resolution reads as follows:

R-524-12-06 AMENDED 3/5/07

RESOLUTION TO APPROVE A HOUSING REHABILITATION AGREEMENT, HOUSING AFFORDABILITY AGREEMENT, MORTGAGE, NOTE AND SUBORDINATION AGREEMENT WITH PARKHURST APARTMENTS, LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP FOR PARKHURST APARTMENTS AT 1500 PAULINE (\$186,419.00 CDBG AND \$300,00.00 CDBG)

Whereas, An application was received from Washtenaw Affordable Housing Corporation (WAHC) on behalf of Parkhurst Apartments Limited Dividend Housing Association Limited Partnership (Parkhurst Apartments LP) to rehabilitate Parkhurst Apartments and add a community room;

Whereas, An application was received from WAHC on behalf of Parkhurst Apartments LP to refinance Parkhurst Apartments in partnership with the National Equity Fund and Mercy Loan Fund to preserve 48 units of affordable housing;

Whereas, WAHC and the National Equity Fund are working with the Office of Community Development to stabilize the property's finances and improve the property conditions, and WAHC and the OCD are working to improve WAHC's management of it's properties; and

Whereas, Three bids were received on August 18, 2006 for the rehabilitation work, and WAHC will be executing an agreement with L.J.M. Construction, the lowest responsible bidder, who has Human Rights and Living Wage Approval, to complete the rehabilitation and community room work;

RESOLVED, That City Council approve the allocation of up to \$186,419 of CDBG Funds to Parkhurst Apartments LP, or an affiliated ownership entity, for the rehabilitation of 48 units of affordable housing at 1500 Pauline as a grant;

RESOLVED, That City Council approve the allocation of up to \$300,000 of CDBG Funds to Parkhurst Apartments LP, or an affiliated ownership entity, to refinance existing debt as a 0% interest, deferred payment, 99-year loan to be repaid if the property is transferred or the use changes from low-income residential within the term of the loan and further, to be extended at the discretion of Council at the term end;

RESOLVED, That City Council agree to subordinate the HOME and CDBG loans to the loans of the private lenders that provide financing;

RESOLVED, That City Council agree to no less than a shared third loan position with the Michigan State Housing Development Authority;

RESOLVED, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP shall meet the following conditions prior to the release of any City funds:

4. Parkhurst Apartments LP shall provide the City with a market-based appraisal, acceptable to the City Attorney and Office of Community Development, valuing the Parkhurst property at a minimum of \$2,626,540.00;
5. Parkhurst Apartments LP shall provide the City with evidence that they have secured the commitment of Mercy Loan Fund and/or another lender for approximately \$1,130,000.00 for refinancing of the existing private debt, with terms acceptable to the Office of Community Development and the City Attorney;
6. Parkhurst Apartments LP shall provide the City with a formal commitment from National Equity Fund, for a minimum funding match of \$175,000.00, with terms acceptable to the Office of Community Development and the City Attorney;

RESOLVED, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP shall close on the \$1,130,000.00 loan from Mercy Loan Fund and/or another lender, and have received the funding from the National Equity Fund and/or another lender prior to or at the time of closing of the City loan and payment of the City grant;

RESOLVED, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP and WAHC and its affiliated ownership entities must agree to the following terms in the Housing Affordability Agreement and Rehabilitation Agreement with the City, or any other documents as required by the City Attorney, and that if any of these terms are not

incorporated in the Housing Affordability Agreement and/or are not met by Parkhurst Apartments LP and WAHC and its affiliated ownership entities, the City has the right to accelerate its loans and require Parkhurst Apartments LP and WAHC to sell any and all of their City-funded properties to another housing provider to be selected by the City:

10. The OCD and other funders will provide an advisor to assist Parkhurst Apartments LP and WAHC to manage their properties and finances through December 31, 2007.
11. Parkhurst Apartments LP and WAHC will give the advisor and the OCD complete access to all of the books, records and financial information of Parkhurst Apartments LP, WAHC and other affiliated ownership entities.
12. Parkhurst Apartments LP and WAHC will respond in writing to the advisor's advice and comments regarding Parkhurst Apartments and WAHC's management and operation, including, but not limited to the management of finances, provision of tenant services, compliance with HUD regulations, property management practices, staffing, and board practices consistent with terms and conditions subject to approval by the City Administrator and City Attorney.
13. Parkhurst Apartments LP and WAHC will provide the OCD and the advisor with a copy of all written communications with all lenders on all WAHC and affiliated ownership entity owned and managed properties through December 31, 2007.
14. Parkhurst Apartments LP and WAHC will sign a 2-year contract with an HVAC contractor to seasonally (twice a year) inspect and maintain the common HVAC systems for all of WAHC's properties by March 15, 2007. WAHC will be required to file a copy of the contract with the OCD and the advisor within 30 days of its execution and WAHC must provide the contractor's reports and invoices within 30 days of the inspection and maintenance work to the OCD during the contract period and the advisor through 2007.
15. Parkhurst Apartments LP will submit a preventative maintenance plan specifying how Parkhurst Apartments LP will address internal inspections, track work orders, track response times, and file work orders to the OCD and advisor by March 15, 2007. The submitted plan must be approved by the OCD staff and the advisor. WAHC will be required to provide monthly reports to the advisor and the OCD for all of 2007 by the 15th of the following month.
16. Parkhurst Apartments LP and WAHC will submit a copy of the property management company's monthly financial reports to the OCD and the advisor for every month in 2007 by the 15th of the following month.
17. Parkhurst Apartments LP and WAHC will notify the OCD and the advisor of all Board meetings and Board subcommittee meetings and provide copies of Board and subcommittee communications and packets to the OCD and the advisor a minimum of 48 hours prior to such meetings.
18. By October 31, 2007, the OCD will consult with WAHC, other funders and the advisor to determine if WAHC should sell property, merge with another nonprofit housing organization, take other steps to improve management and operation of its affordable housing, or continue to operate based on improvements made during the first nine (9) months of 2007. The basis for that decision will be a result of:

- d. The above mentioned materials (1 – 8) provided throughout the first nine (9) months of 2007.
- e. The information, as spelled out in the attached proposed advisor responsibilities (which are subject to approval as to substance by the City Administrator and approval as to form by the City Attorney), that is provided by the advisor regarding WAHC's management of their finances, provision of tenant services, compliance with HUD regulations, property management practices, staffing practices, and board practices over the first nine (9) months of 2007.
- f. OCD's ongoing conversations and dialog with WAHC, other funders and the advisor over the first nine (9) months of 2007;

RESOLVED, That by December 1, 2007, the OCD will provide City Council with their decision and recommendation on whether WAHC should sell property, merge with another nonprofit housing organization, take other steps to improve management and operation of its affordable housing, or continue to operate based on improvements made during the first nine (9) months of 2007;

RESOLVED, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP, or WAHC, will execute a Rehabilitation Agreement, Housing Affordability Agreement, mortgage and promissory note consistent with this Resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That as a condition of the grant and loan disbursement, Parkhurst Apartments LP and WAHC will execute any other document required to implement the terms of this Resolution, subject to approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That the Mayor and City Clerk be hereby authorized and directed to sign a Housing Affordability Agreement consistent with this resolution and any other documents required to implement the terms of 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 until expended without regard to fiscal year; 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.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the December 4, 2006 regular session of Council:

Cable Communications Commission

Jeffrey Meyers Filling vacant position
1503 Granger Ave.
Ann Arbor, MI 48104
Term: December 18, 2006- December 18, 2009

Employees' Retirement System Board of Trustees

Alexa Nerdrum Replacing- Phil Zepeda
3176 Lakewood Dr.
Ann Arbor, MI 48103
Term: December 31, 2006- December 31, 2009

Robert N. Pollock Re-appointment
2038 Winsted
Ann Arbor, MI 48103
Term: December 31, 2006- December 31, 2009

Councilmember Greden moved, seconded by Councilmember Suarez, 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

Cathy Gendron Replacing Sean Ulmer
2965 Hickory Lane
Ann Arbor, MI 48104
Term: January 8, 2007- December 31, 2010

Housing Policy Board

Ashley Zwick Re-Appointment

1. Communication from Michigan State University Extension regarding the November 2006 Issue of “Bringing Knowledge to Life in Washtenaw County”
2. Communication from The Concannon Company regarding the proposed development and sale West Town Condominiums - Planning and Development Services
3. Communication from S.E.M.C.O.G. regarding their Regional Update of November 27, 2006 – Vol. 11, No. 24
4. Communication from the Washtenaw County Department of Planning & Environment (Brownfield Redevelopment Program) regarding applying for a \$200,000.00 EPA Community Wide Brownfields Hazardous Substance Assessment Grant - Planning and Development Services
5. Communication from the Law Offices of Conlin, McKenney & Philbrick, P.C. regarding notice of Intent to Establish Condominium Project located at 101 W. Liberty Street and 303 S. Main Street - Planning and Development Services
6. Communication from County Clerk regarding appointment of members to the Washtenaw County/City of Ann Arbor Community Corrections Advisory Board

The following minutes were received for file:

1. Environmental Commission – September 28, 2006
2. Planning Commission – October 5 and 17, 2006

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

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

PUBLIC COMMENTARY - GENERAL

PURCHASE OF DEVELOPMENT RIGHTS ON THE KEVIN AND STACY WING FARM IN SCIO TOWNSHIP

Diane McCowen, 4680 Willow Brook, expressed concern with the PDR application for the Wing Farm that was approved tonight. Ms. McCowen asked that Council look into this application and the Wings' location of a cellular tower on their property.

Ed Rice expressed concern with the proposed PDR grant for the Wing Farm considering the cell tower that is planned to be erected on the property.

MIKE NAUGHTON – NON-MOTORIZED PLAN

Mike Naughton addressed Council regarding the non-motorized transportation plan. He expressed concern that the plan only addresses bike plans. He stated the plan is not a comprehensive non-motorized plan, but a plan for bike paths.

THOMAS PARTRIDGE – GIVE A GIFT AT CHRISTMAS OF AFFORDABLE HOUSING TO VULNERABLE PEOPLE

Thomas Partridge, addressed council regarding affordable housing and the most vulnerable citizens.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:31 p.m.

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary