

**ANN ARBOR CITY COUNCIL MINUTES
REGULAR SESSION - SEPTEMBER 4, 2007**

Mayor John Hieftje called the regular session of the Ann Arbor City Council to order at 7:08 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 (8:00 p.m.), Mayor John Hieftje, 11;

ABSENT : 0.

APPROVAL OF AGENDA

AGENDA APPROVED AS PRESENTED

Councilmember Higgins moved, seconded by Councilmember Rapundalo, that the agenda be approved as presented.

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

INTRODUCTIONS

None.

PUBLIC COMMENTARY - RESERVED TIME

SCOT GREIG - NECTO PROVIDING SAFE ENVIRONMENT IN RESPONSE TO ARTICLE IN ANN ARBOR NEWS

Scot Greig, 3563 Elizabeth Road, manager of the Necto, expressed concern with a recent article in the Ann Arbor News regarding nightclubs kicking problem patrons out onto the street. Greig said that he works closely with the Ann Arbor Police Department and the State Street Association regarding police issues at the Necto.

KEN STAPLES – APPEAL ON ZONING ISSUE

Ken Staples, 5 Ridgemor Drive, addressed Council regarding a zoning issue on a home on Ridgemor Drive. He said that the home is not detrimental to the neighborhood and asked that the City stop the appeal process against 8 Ridgemor Drive.

THOMAS PARTRIDGE - STOP PLAYING FOOTBALL WITH PEOPLE'S LIVES ENACT PROGRESSIVE CITY – COUNTY PROGRAMS FOR PARA-TRANSIT TRANSPORTATION, AFFORDABLE HOUSING, HEALTHCARE AND EDUCATION

Thomas Partridge, 4220 Eyrie Dr., addressed Council regarding progressive city-county programs for para-transit transportation, affordable housing, health care and education.

MARIANA STAPLES – NEW HOUSE AT 4 RIDGEMOR

Mariana Staples, 5 Ridgemor Drive, spoke in support of the home adjacent to her property on Ridgemor Drive. She said that the setback of the home is not a concern for the neighborhood.

PUBLIC HEARINGS

MAPLE VILLAGE ZONING (ORDINANCE NO. 28-07)

A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 31.26 acres from C3 (Fringe Commercial District) and P (Parking District) to C3 (Fringe Commercial District), Maple Village property, located on the northwest corner of Maple and Jackson Roads. Notice of public hearing was published August 19, 2007.

Mike Grain, 2400 S. Huron Parkway, representing the petitioner, was available to answer questions of Council.

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

EDWARD BROTHERS, INC. INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

A public hearing was conducted on the proposed Application of Edwards Brothers, Inc. for an Industrial Facilities Exemption Certificate for Real Property Improvements to be Constructed and New Personal Property to be acquired and installed within Industrial Development District No. 2007-010. Notice of public hearing was published August 24, 2007.

Kathy Graham, representing the owners, was available to answer questions of Council.

There being further comment, the Mayor declared the hearing closed.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM COUNCIL

COUNCILMEMBER HIGGINS

Councilmember Higgins asked for follow up regarding sidewalk repair hardship cases. She asked the City Administrator to report how many hardship cases are pending and how they are being handled.

REPORTS FROM COUNCIL COMMITTEES

None.

APPROVAL OF COUNCIL MINUTES

MINUTES OF AUGUST 20, 2007 APPROVED

Councilmember Johnson moved, seconded by Councilmember Suarez, that the regular session minutes of August 20, 2007 be approved as presented.

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

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-408-9-07 APPROVED

RESOLUTION TO APPROVE A PURCHASE ORDER
TO MIDWEST MAINTENANCE SERVICES FOR JANITORIAL SERVICES
AT THE WATER TREATMENT PLANT BID NO. 3836

Whereas, Janitorial services are needed at the Water Treatment Plant;

Whereas, Bids were received for janitorial services at the Water Treatment Plant, and Midwest Maintenance Services submitted the lower bid under Bid No. 3836;

Whereas, The Public Services Area recommends accepting Midwest Maintenance Services' bid in the amount of \$30,912.24/year, with the option to extend the agreement for an additional year under the same terms and conditions; and

Whereas, Midwest Maintenance Services, Inc received the Human Rights and Living Wage approval on May 4, 2007;

RESOLVED, That Council accept Midwest Maintenance Services' bid of \$30, 912.24/year for janitorial services at the Water Treatment Plant;

RESOLVED, That the City Administrator be directed to issue a purchase order in the amount of \$30,913.00 for janitorial services at the Water Treatment Plant per Bid No 3836, with the option to extend the agreement for an additional year, upon approval by the City Administrator;

RESOLVED, That the said janitorial services during FY08 be funded from the approved FY08 Operation and Maintenance budget of the Water Supply System and the extension through FY09 be funded from the FY09 Operation and Maintenance Budget of the Water Supply System if so approved by the council; and

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

R-409-9-07 APPROVED

RESOLUTION TO APPROVE AN AGREEMENT
WITH COGSDALE CORPORATION FOR UTILITY BILLING SYSTEM
ANNUAL MAINTENANCE AND SERVICES FOR FY 07/08

Whereas, There is a need for on-going annual software maintenance for the Water Utilities Billing System and system enhancements;

Whereas, Cogsdale Corporation, the developer of this proprietary software, is the only vendor that can provide such Utility Billing System maintenance and enhancements; and

Whereas, Cogsdale Corporation received Contract Compliance and Living Wage approval on August 10, 2007;

RESOLVED, Council approve an Agreement with Cogsdale Corporation in the amount not to exceed \$93,473.00 for software maintenance and consulting services for the following categories:

Subtotal Annual System Maintenance (not to exceed)	\$ 43,473.00
Great Plains operating system Cogsdale Customer Service Module (including Billing, Auditor Meter Reading, Collection, EFT, Service Orders)	
Staff Training	\$ 18,000.00
Module Enhancements and Integrations	<u>\$ 32,000.00</u>
<i>Total Contract Amount</i>	<i>\$ 93,473.00</i>

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

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

RESOLVED, The Agreement with Cogsdale Corporation will be funded from the approved FY2007/08 Water Supply System (Customer Service Unit) Operations and Maintenance budget.

R-410-9-07 APPROVED

RESOLUTION TO APPROVE A CONTRACT WITH LOCAL INITIATIVE SUPPORT CORPORATION (LISC) FOR THE OFFICE OF COMMUNITY DEVELOPMENT

Whereas, The Office of Community Development currently administers CDBG, AAAHTF and HOME funds to develop and maintain affordable housing;

Whereas, Local nonprofit housing providers require technical assistance to build organizational capacity and development capacity to ensure that City-funded projects are viable; and

Whereas, LISC is a national expert on affordable housing development that provides technical assistance and training to nonprofit housing development organizations in the areas of organizational development and real estate development;

RESOLVED, That the Mayor and City Council approve a \$25,000.00 contract with LISC using Ann Arbor Affordable Housing Trust Funds to provide technical assistance to the Office of Community Development and local nonprofit housing providers;

RESOLVED, That the Mayor and City Clerk are hereby authorized and directed to execute this contract with LISC 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 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.

R-411-9-07 APPROVED

RESOLUTION TO APPROVE AN AMENDMENT TO THE DOMESTIC VIOLENCE PREVENTION GRANT SERVICE CONTRACT WITH THE DOMESTIC VIOLENCE PROJECT, INC., A.K.A. SAFEHOUSE CENTER TO EXTEND THE TERM OF THE CONTRACT FROM JUNE 30, 2007 TO DECEMBER 31, 2007

Whereas, The 15th Judicial District Court has been awarded and Council has accepted an Office on Violence Against Women of the Department of Justice Grant for the period of July 1, 2005 through June 30, 2007;

Whereas, The Grant award includes funds to compensate the Domestic Violence Project, Inc., a.k.a. SafeHouse Center for domestic violence victim support, referrals, staff training and case monitoring as well as other related domestic violence prevention services for the 15th Judicial District Court, 14A Judicial District Court and the 14B Judicial District Court;

Whereas, Council by Resolution R-217-06-0612-1-07 dated June 5, 2006, 2007 approved a prior Contract with Washtenaw County for domestic violence prevention services to terminate on June 30, 2007;

Whereas, The Department of Justice has extended the grant term to December 31, 2007; and

Whereas, It is in the best interests of the City to enhance domestic violence prevention by obtaining the services recited in this resolution;

RESOLVED, That City Council approve an amendment to the Domestic Violence Prevention Grant Service Contract extending the term of the Contract to December 31, 2007;

RESOLVED, That City Council authorize and direct the Mayor and City Clerk to execute the amendment to the Domestic Violence Prevention Service Contract after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That City Council authorize the City Administrator to take all 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

28-07 APPROVED

MAPLE VILLAGE ZONING (NORTHWEST CORNER OF MAPLE AND JACKSON ROADS)

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 31.26 acres, located on the northwest corner of Maple and Jackson Roads, from C3 (Fringe Commercial District) and P (Parking District) to C3 (Fringe Commercial District). (The complete text of Ordinance 28-07 is on file in the City Clerk's Office.)

Councilmember Higgins moved, seconded by Councilmember Teall, that the ordinance be adopted at second reading.

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

ORDINANCES - FIRST READING

None.

MOTIONS AND RESOLUTIONS

R-412-9-07 APPROVED

RESOLUTION RECOGNIZING GEORGETOWN COUNTRY CLUB AS A CIVIC NONPROFIT ORGANIZATION OPERATING IN ANN ARBOR FOR THE PURPOSE OF OBTAINING A CHARITABLE GAMING LICENSE

Whereas, P.A. 382 of 1972, as amended, requires that local civic nonprofit organizations be recognized by resolution adopted by the local governmental subdivision in which the organization conducts its principal activities and that a copy of said resolution be filed with any application for a license to conduct a bingo, raffle or charity game(s);

Whereas, Georgetown Country Club has requested that it be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license; and

Whereas, Georgetown Country Club is a local civic nonprofit organization as defined by P.A. 382 of 1972, as amended, providing recreational amenities for the community including golf, swimming and tennis;

RESOLVED, That City Council hereby approve recognition of Georgetown Country Club as a local civic nonprofit organization operating in the Ann Arbor community for the purposes of its charitable gaming license application as required by P.A. 382 of 1972, as amended; and

RESOLVED, That the City Clerk be directed to provide a certified copy of this Resolution to Georgetown Country Club and to take all necessary administrative actions to provide notice of this Resolution to the Charitable Gaming Division, Michigan Department of Treasury.

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

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

R-413-9-07 APPROVED

RESOLUTION SUPPORTING HB 4616, 4617, AND 4618 TO LIFT CRIMINAL RESTRICTIONS AGAINST EMBRYONIC STEM CELL RESEARCH

Whereas, The University of Michigan is a world leader in life sciences research through, among other things, its Life Sciences Institute and Center for Stem Cell Biology;

Whereas, Many States have recognized the potentially significant scientific, health, and economic benefits that may be derived from embryonic stem cell research, and have committed resources to encourage such research, including a voter-approved initiative in the California to invest \$3 billion in public funds to support stem cell research, a \$50 million state-sponsored stem cell institute as part of a \$450 million investment over 10 years to fund stem cell research in New Jersey, and \$1 billion in funding by Massachusetts over 10 years partly to establish stem cell banks;

Whereas, The State of Michigan is one of few States that maintains strict criminal prohibitions against embryonic stem cell research;

Whereas, The State of Michigan risks losing human and economic capital to other States and nations that by some estimates could mean \$2.18 in new direct economic activity for every \$1.00 invested, not to mention the hundreds of millions of dollars in lost tax revenue

and royalty payments, and potential risks in losing the opportunity to develop potential life-saving health research, because of our State’s significant criminal restrictions against embryonic stem cell research;

Whereas, Eliminating Michigan’s severe restrictions against embryonic stem cell research is critical to fostering economic growth in the Ann Arbor region, which is home to the University of Michigan and many researched-based businesses and organizations;

Whereas, Many Republicans and Democrats both in Congress and the Michigan legislature support easing restrictions against embryonic stem cell research, in recognition of the potentially significant scientific, health, and economic benefits that may be derived from such research;

Whereas, Public surveys show consistent public support for embryonic stem cell research in Michigan and throughout the nation; and

Whereas, HB 4616, 4617, and 4618, introduced by Rep. Andrew Meisner, would lift Michigan’s severe restrictions against embryonic stem cell research while continuing necessary prohibitions against human reproductive cloning, and would therefore enhance Michigan’s ability to attract human and economic capital and help develop potential life-saving technology;

RESOLVED, That the Ann Arbor City Council urges Governor Granholm, the Michigan Senate, and the Michigan House of Representatives to lift restrictions against embryonic stem cell research in Michigan by supporting HB 4616, 4617, and 4618;

RESOLVED, That the City Administrator shall send copies of this Resolution to Governor Jennifer M. Granholm, Senator Liz Brater, Representative Pam Byrnes, Representative Rebekah Warren, and Representative Andy Meisner.

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

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

R-414-9-07 APPROVED

RESOLUTION TO APPROVE ANGELOS ANNEXATION

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

Whereas, Unitex Financial Group, Inc. is the owner of said property; and

Whereas, It is the desire of Unitex Financial Group, Inc. to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 359 of the Public Acts of the State of Michigan for the year 1947, as amended;

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

Old SID – L 12-190-014-00 PL 55-14, Lot 14, Walden Woods, Pittsfield Township, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to approve the Angelos Annexation, 0.12 Acre, located at 2950 Shady Lane.

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

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

R-415-9-07 APPROVED

RESOLUTION TO APPROVE BIRD 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, Richard N. Bird and Roswitha E. Bird are the owners of said property; and

Whereas, It is the desire of Richard N. Bird and Roswitha E. Bird to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 359 of the Public Acts of the State of Michigan for the year 1947, 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:

Old SID – I 09-142-022-00, AA 70A-22, Lot 75, Hillwood Subdivision #5, Ann Arbor Township, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to approve the Bird Annexation, 0.46 Acre, located at 213 Pineview Court.

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

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

R-416-9-07 APPROVED

RESOLUTION TO APPROVE DEC 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, Jeffrey and Karen Dec are the owners of said property; and

Whereas, It is the desire of Jeffrey and Karen Dec to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 359 of the Public Acts of the State of Michigan for the year 1947, 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:

Lot 6, Long Shore Park, a part of Section 17, Ann Arbor Township, Washtenaw County, Michigan, as recorded in Liber 5 of Plats, page 39, Washtenaw County Records.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to approve the Dec Annexation, 0.58 Acre, located at 135 Barton Drive.

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

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

R-417-9-07 APPROVED

RESOLUTION TO APPROVE DELCAMP 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, Richard and Ora Lee Delcamp are the owners of said property; and

Whereas, It is the desire of Richard and Ora Lee Delcamp to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 359 of the Public Acts of the State of Michigan for the year 1947, 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:

Lots 99, 100 and 101, Washtenaw Hills Estates Number One, Ann Arbor Township, Washtenaw County, Michigan, as recorded in Liber 8 of Plats, page 32, Washtenaw County Records, subject to easements and restrictions of record.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Delcamp Annexation, 1.88 Acres, located at 3671 Riverside Drive.

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

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

R-418-9-07 APPROVED

RESOLUTION TO APPROVE ELLIS/LAWTON 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, James H. Ellis and Jean A. Lawton are the owners of said property; and

Whereas, It is the desire of James H. Ellis and Jean A. Lawton to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 359 of the Public Acts of the State of Michigan for the year 1947, 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:

COM AT NE COR OF SEC 27, TH W 622.32 FT ON N/L OF SEC TO POB, TH S 7-25-23 E 216.3 FT, TH W 243.54 FT, TH N 13-42-30 E 220.78 FT, TH E 163.28 FT TO POB, PART NE ¼ SEC 27 T2S R6E 0.99 AC, ANN ARBOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve Ellis/Lawton Annexation, 0.99 Acre, located at 2930 Glazier Way

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

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

R-419-9-07 APPROVED

RESOLUTION TO APPROVE FAGAN/FOERSTER 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, William Fagan and David Foerster are the owners of said property; and

Whereas, It is the desire of William Fagan and David Foerster to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 359 of the Public Acts of the State of Michigan for the year 1947, 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:

OLD SID – I 09-095-005-10 AA 45-5B BEG AT SE COR OF LOT 5, TH WLY 29.04 FT IN ARC OF CURVE LEFT, RADIUS 100.00 FT, CHORD N 88-39-20 W 28.94 FT, TH W 75.41 FT TH N 2-46 W 140.00 FT, TH S 89-41-36 E 116.86 FT, TH S 2-21 W 140.00 FT TO POB, BEING PART OF LOTS 5 & 6 GEDDES AVENUE RIVER VIEW HEIGHTS, WASHTENAW COUNTY, MICHIGAN.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to approve the Fagan/Foerster Annexation, 0.35 Acre, located at 3081 Dover Place.

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

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

R-420-9-07 APPROVED

RESOLUTION TO APPROVE FAYLOR 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, Barton and Sarah Faylor are the owners of said property; and

Whereas, It is the desire of Barton and Sarah Faylor to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 359 of the Public Acts of the State of Michigan for the year 1947, 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:

OLD SID – I 09-125-007-00 AA 67-6, LOT 34, HILLWOOD SUBDIVISION #1, ANN ARBOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to approve the Faylor Annexation, 0.30 Acre, located at 580 Rock Creek Drive.

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

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

R-421-9-07 APPROVED

RESOLUTION TO APPROVE GADWAY 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, Keith and Elizabeth Gadway are the owners of said property; and

Whereas, It is the desire of Keith and Elizabeth Gadway to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 359 of the Public Acts of the State of Michigan for the year 1947, 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:

AA 27-22C COM AT S 1/4 POST OF SEC 27, TH N 0-57-30 W 1524.06 FT, TH N 89-02-30 E 150 FT TO POB, TH N 0-57-30 W 290.40 FT, TH N 89-02-30 E 150 FT, TH S 0-57-30 E 290.40 FT, TH S 89-02-30 W 150 FT TO POB PT SE 1/4 SEC 27 T2S R6E 1.00 AC, ANN ARBOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to approve the Gadway Annexation, 1.0 Acre, located at 310 Huntington Drive.

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

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

R-422-9-07 APPROVED

RESOLUTION TO APPROVE JOHNSON 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, Oliver Johnson Revocable Trust and Rosalind Johnson Revocable Trust are the owners of said property; and

Whereas, It is the desire of Oliver Johnson Revocable Trust and Rosalind Johnson Revocable Trust to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 359 of the Public Acts of the State of Michigan for the year 1947, 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:

Lot 73, Hillwood Subdivision #5, as recorded in Liber 21 of Plats, pages 42, 43 and 44, Washtenaw County Records, Ann Arbor Township, Washtenaw County, Michigan.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve the Johnson Annexation, 0.5 Acre, located at 192 Riverview Court.

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

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

R-423-9-07 APPROVED

RESOLUTION TO APPROVE SADER/GOLDSTEIN 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, Ira Goldstein and Laura Sader are the owners of said property; and

Whereas, It is the desire of Ira Goldstein and Laura Sader to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 359 of the Public Acts of the State of Michigan for the year 1947, 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:

OLD SID - I 09-027-074-00 27-28 COM AT SE COR OF LOT 6, HUNTINGTON WOODS SUB. NO. 1, TH N 01 DEG 36' W 13.32 FT FOR PL OF BEG, TH CONT N 01 DEG 36' W 161.07 FT, TH N 88DEG 24' E 71.74 FT, TH SE'LY 131.61 FT IN ARC OF CURVE CONCAVE TO NE OF RADIUS 115.85 FT, CHORD BEARS S 60 DEG 50' 19' 124.65 FT, TH S 49 DEG 49' W 13.89 FT, TH SW'LY 28.04 FT IN ARC OF CURVE CONCAVED TO NW OF 247.42 FT RADIUS CHORD BEARS S 53 DEG 03' 46" W 28.02 FT, TH S 4 DEG 20' E 14.05 FT, TH SW'LY 46.81 FT IN ARC OF CURVE CONCAVED TO NW OF 259.92 FT RADIUS, CHORD BEARS S 63 DEG 00' 25" W 46.75 FT, TH S 68 DEG 10' W 110.40 FT TO P.O.B., BEING PART S E 1/4 SEC 27 T2S R6E 0.39 AC.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve the Sader/Goldstein Annexation, 0.39 Acre, located at 448 Huntington Place.

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

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

R-424-9-07 APPROVED

RESOLUTION TO APPROVE SCHIEB 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, Ruth I. Schieb Trust is the owner of said property; and

Whereas, It is the desire of Ruth I. Schieb Trust to annex said territory to the City of Ann Arbor, pursuant to the provisions of Act 359 of the Public Acts of the State of Michigan for the year 1947, 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:

OLD SID - I 09-018-012-00 (18-3-I-) BEG AT ELY COR OF LOT 7 OF HURON RIVER ACRES, TH N 79 DEG 26' 30" WEST 212.0 FT, TH N 16 DEG 46' W 223.82 FT, TH NELY ALONG ARCOF CURVE LEFT OF RADIUS 160.0 FT, THE CHORD BEARS N 62 DEG 37' E 80 FT TH SELY IN ARC OF CURVE RIGHT OF RADIUS 1215.0 FT, THE CHORD BEARS S 51 DEG 12' E 332.24 FT, TH SWLY IN ARC OF CURVE RIGHT OF RADIUS 826.43 FT, THE CHORD BEARS S 35 DEG 13'50" W 58.73 FT, TH CONT IN SAME CURVE, THE CHORD BEARS S 38 DEG 56' W 48.13 FT TO PL OF BEG, BEING PART OF NE 1/4 SEC 18 T2S-R6E 1.18 AC.

A communication was received from the City Planning Commission transmitting its recommendation of approval of the proposed Resolution to Approve the Schieb Annexation, 1.18 Acres, located at 1400 Warrington Drive.

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

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

R-425-9-07 APPROVED

RESOLUTION TO APPROVE AN AMENDMENT TO THE DOMESTIC VIOLENCE PREVENTION GRANT SERVICE CONTRACT WITH WASHTENAW COUNTY TO EXTEND THE TERM OF THE CONTRACT FROM JUNE 30, 2007 TO DECEMBER 31, 2007

Whereas, The 15th Judicial District Court has been awarded and Council has accepted an Office on Violence Against Women of the Department of Justice Grant for the period of July 1, 2005 through June 30, 2007;

Whereas, The Grant award includes funds to compensate Washtenaw County for intensive domestic violence offender compliance monitoring services for cases in the 14A and 14B Judicial District Courts and "best practices" monitoring, program utilization reporting and database management services for the 15th, 14A & 14B Judicial District Courts;

Whereas, Council by Resolution R-12-1-07 dated January 8, 2007 approved a prior Contract with Washtenaw County for these services to terminate on June 30, 2007;

Whereas, The Department of Justice has extended the grant term to December 31, 2007; and

Whereas, It is in the best interests of the City to enhance domestic violence prevention by obtaining the services recited in this resolution;

RESOLVED, That City Council approve an amendment to the Domestic Violence Prevention Grant Service Contract extending the term of the Contract to December 31, 2007;

RESOLVED, That City Council authorize and direct the Mayor and City Clerk to execute the Domestic Violence Prevention Service Contract after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

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

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

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

R-426-9-07 APPROVED

RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH MARGOLIS COMPANIES FOR THE SWIFT RUN DOG PARK CONSTRUCTION, BID #3868, IN THE AMOUNT OF \$130,635.00 AND TO ESTABLISH A CONSTRUCTION BUDGET OF \$143,698.50

Whereas, For several years, residents of the City and County have requested an off-leash dog park site for their dogs;

Whereas, The City of Ann Arbor Parks and Recreation Services and the Washtenaw County Parks and Recreation Commission have entered into an intergovernmental partnership to provide a dog park facility at the Swift Run Park site and under the terms of the agreement the facility will be located on City-owned property and the City will be responsible for the development costs associated with the facility;

Whereas, Competitive bids were sought by the Procurement Office with bids received on August 10, 2007 and Margolis Companies was identified as the lowest responsible bidder;

Whereas, Funding for the multi-year Swift Run Dog Park project has been established with funds from the Park Rehabilitation and Development Millage; and

Whereas, Margolis Companies received Human Rights approval on April 23, 2007 and complies with the Living Wage requirements;

RESOLVED, That City Council approve a construction contract with Margolis Companies in the amount of \$130,635.00 to complete the improvements as identified in Bid #3868, approve a construction contingency in the amount of \$13,063.50 (10%) to cover potential contract change orders, and establish a total project budget of \$143,698.50 for the life of the project without regard to fiscal year;

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

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

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

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

R-427-9-07 APPROVED

RESOLUTION TO AUTHORIZE CITY ADMINISTRATOR TO WAIVE ANNEXATION,
ZONING, OR ANNEXATION AND ZONING FEES
FOR SINGLE OR TWO-FAMILY RESIDENTIAL PROPERTY OWNERS
UPON MEETING INCOME ELIGIBILITY REQUIREMENTS

Whereas, City Code provides for establishing Annexation and Zoning fees for single- and two-family dwellings based on City Council resolution;

Whereas, Annexation and Zoning fees are set annually by City Council to be effective July 1 of each fiscal year; and

Whereas, Some future residents have delayed the annexation process due to difficulty in

paying annexation and zoning fees, and we wish to address this affordability issue;

RESOLVED, That City Council approve the following eligibility criteria for consideration of an administrative waiver of annexation and zoning fees:

1. The properties must be located within the Envisioned Future Boundary of the City of Ann Arbor.
2. The property owner must occupy the property as his/her primary residence.
3. Applicant's annual household income may not exceed 80% of the Ann Arbor area median income, as established by the U.S. Department of Housing and Urban Development (HUD), adjusted for family size.
4. The value of the property may not exceed the Single Family Mortgage Limits under Section 203 of the National Housing Act, as adjusted. The Year 2004 limit is \$226,000.
5. The Administrator may make exceptions to items 3 and 4 above, based on the advice of the Community Services Area's Office of Community Development;

RESOLVED, That the Office of Community Development develops a handout that articulates the information required for fee waiver consideration, reviews the waiver application materials, and provides a waiver recommendation to the City Administrator within 5 business days of being provided with the complete waiver application information;

RESOLVED, That City Council authorize the City Administrator to waive City annexation and zoning fees based on the above criteria; and

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

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

Councilmember Higgins moved, seconded by Councilmember Kunselman, to amend the resolution as follows:

3rd RESOLVED Clause

... RESOLVED, That City Council authorize the City Administrator to City annexation and zoning fees based on the above criteria, **WHERE THE JURISDICTION FOR WHICH THE ANNEXATION IS OCCURRING TAKES A SIMILAR ACTION TO WAIVE ANNEXATION FEES AND AFFORDABILITY CIRCUMSTANCES**; and ...

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

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

- Staff to report back to Council if revenue losses exceed the estimated \$2500.00 to \$3000.00.
- City Administrator directed to work with the neighboring townships to establish a similar fee waiver program.

R-428-9-07 APPROVED

RESOLUTION TO APPROVE REIMBURSEMENT TO THE WASHTENAW COUNTY ROAD COMMISSION FOR CONSTRUCTION OF SANITARY SEWER WITHIN WAGNER ROAD

Whereas, The Washtenaw Country Road Commission (WCRC) will begin reconstructing Wagner Road between Jackson Road and Liberty Road as a three-lane concrete road with bicycle lanes, curb, gutter and storm sewer;

Whereas, The Wagner Road Sanitary Sewer Project consists of constructing approximately 160 linear feet of new 8-inch sanitary sewer within Wagner Road;

Whereas, The Wagner Road Sanitary Sewer Project is necessary to provide sanitary sewer service to vacant parcels;

Whereas, The Washtenaw County Road Commission competitively bid this work along with the reconstruction of Wagner Road between Jackson and Liberty, through the Michigan Department of Transportation as a Federal Aid project; and

Whereas, Funding for this project was approved as a part of the City’s adopted 2008 Capital Projects Budget;

RESOLVED, That City Council approve reimbursement of \$147,000.00 to the Washtenaw County Road Commission for construction of sanitary sewer within Wagner Road;

RESOLVED, That \$147,000.00 be advanced from the Sewage Disposal System Operating Fund Balance pending the sale of Sewer Revenue Bonds;

RESOLVED, That the City make the following declaration for the purpose of complying with

the reimbursement rules of Treasury Regulations 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 City Administrator be authorized to take the necessary administrative actions to implement this resolution.

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

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

R-429-9-07 APPROVED

RESOLUTION TO APPROVE PURCHASE OF SODIUM HYDROXIDE FOR WATER TREATMENT FROM JONES CHEMICALS INC, BID NO. ITB-3862

Whereas, The Water Treatment Service Unit uses sodium hydroxide to raise the pH of the water to avoid taste and odor in the water delivered to customers;

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

Whereas, Of the bids received to supply Sodium Hydroxide per Bid No. ITB-3862, Jones Chemicals Inc submitted the lowest bid; and

Whereas, Jones Chemicals Inc received the Human Rights approval on June 11, 2007;

RESOLVED, That Council accept the Jones Chemicals Inc bid of \$427.00/ton for sodium hydroxide in accordance with the terms of Bid No. ITB-3862;

RESOLVED, That the City Administrator be directed to approve a purchase order with Jones Chemicals Inc for purchase of sodium hydroxide in accordance with this resolution at \$427.00/ton, for a projected cost of approximately \$106,750.00 for FY08;

RESOLVED, That the City Administrator be authorized to renew the purchase order for up to two one-year periods provided both parties agree to an extension and subject to the availability of funding;

RESOLVED, That the City Administrator be directed to accept the next lowest responsible bidder if Jones Chemicals Inc is unable to furnish adequate supplies;

RESOLVED, That the purchase of sodium hydroxide be funded from the approved FY08 Operation and Maintenance Budget of the Water Supply System; and

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

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

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

R-430-9-07 APPROVED

RESOLUTION SETTING A PUBLIC HEARING ON SEPTEMBER 24, 2007
TO RECEIVE PUBLIC COMMENT ON THE PROPOSED INDUSTRIAL
DEVELOPMENT DISTRICT NO. 2007-020

Whereas, Pursuant to Public Act 198 of 1974, as amended, (“the Act”) the City Council has the authority to establish “Industrial Development Districts” within the City of Ann Arbor;

Whereas, On July 3, 2007, McKinley Inc. requested the City establish a new Industrial Development District on its property located in the City of Ann Arbor comprised of land being more particularly described in Attachment 1;

Whereas, Construction, acquisitions, alterations or installation of proposed real and personal property by McKinley Inc. or its tenant Michigan Technology Research Institute has not commenced at the time of filing the request to establish this district; and

Whereas, The Act requires that City Council set a public hearing to receive comment on the proposed new Industrial Development District No. 2007-020 and provide notice of the public hearing by mail to all owners of real property located within the proposed district and to the public by newspaper advertisement or public posting on the establishment of the proposed district;

RESOLVED, That the City Council of the City of Ann Arbor hereby sets a public hearing for September 24, 2007 at 7:00pm or as soon thereafter as it may be convened in the City Council Chambers, 2nd floor, Guy Larcom Municipal Building, 100 N. Fifth Avenue to receive public comment on the proposed new Industrial Development District No. 2007-020 as described in Attachment 1 to this Resolution; and

RESOLVED, That the City Clerk be directed to publish notice of public hearing in a newspaper of general circulation in the City and mail notice to all owners of real property located within the proposed district as indicated by the records of the City Assessor.

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

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

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Hieftje recommended the following appointments at the August 20, 2007 regular session of Council:

Ann Arbor Commission on Disability Issues

Kimberly S. Gutierrez
1590 W. Ellsworth Rd.
Ann Arbor, MI 48108
Term: September 4, 2007-September 4, 2010

Filling Vacant Position

Downtown Development Authority

Gary Boren
322 E. Washington St.
Ann Arbor, MI 48104
Term: September 4, 2007-July 31, 2011

Re-Appointment

John H. Mouat
719 W. Washington
Ann Arbor, MI 48103
Term: September 4, 2007-July 31, 2011

Replacing –Fred Beal

Kenneth King
11811 Beech Rd.
Brooklyn, MI 49230
Term: September 17, 2007- September 17, 2009

Annual Vendor

Shannon Brines
810 Sunrise Ct.
Ann Arbor, MI 48103
Term: September 17, 2007-September 17, 2009

Daily Vendor

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

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

1. Update on Affordable Housing Needs Assessment – Community Services

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

Announcement: No Council Working Session on the September 10 and the next regular session of Council is September 24.

COMMUNICATIONS FROM THE CITY ATTORNEY

REPORT ON COMPLETED ANNEXATIONS

City Attorney Stephen Postema submitted reports on the following completed annexations from Ann Arbor Township:

- Talbot property, 3.12 Acres, located at 2901 Heatherway
- Wong property, 1.0 acre, located at 3550 E. Huron River Dr.
- Diana Kay Trust/Schweiss property, 0.58 acre, located at 237 Pineview Ct.
- Phillips property, 0.26 acre, located at 344 Hilldale Dr.
- Morey property, 2.0 acres, located at 2012 Pontiac Tr.
- Larson property, 0.85 acre, located at 3575 E. Huron River Dr.
- Griffel property, 1.0 acre, located at 2054 Newport Rd.
- Grew property, 1.0 acre, located at 2814 Glazier Way
- Glaser property, 0.45 acre, located at 3122 Geddes

- Bucholz property, 0.49 acre, located at 2120 Newport Rd.

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

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated:

1. Communication from the City of Ann Arbor Board of Canvassers regarding the Canvass of the August 2007 Primary
2. Communication from McKinley Properties regarding their monthly flyer "McKinley News, Vol 1, Issue 2 – August 2007
3. Communication from S.E.M.C.O.G. regarding their Regional Update Publication, Vol. 12, No. 17 of August 13, 2007
4. Communication from Conlin, McKenney & Philbrink, P.C. regarding notice of intent to establish a condominium project Lofts at Plymouth Green Crossings - Planning and Development Services
5. Communication from Miller Canfield, Paddock & Stone, P.L.C. regarding notice of intent to establish Condominium Project Jones View Condominium – Planning and Development Services
6. Communication from Michigan State University Extension regarding the July 2007 issue of "Bringing Knowledge to Life in Washtenaw County" publication
7. Communication from Comcast regarding notice of channel line-up revisions which will take place on 9/18/07

The following minutes were received for file:

1. City Board of Canvassers – November 10, 2005
2. Ann Arbor Transportation Authority Board – June 10, 2007
3. Washtenaw Area Transportation Study – June 20, 2007
4. Ann Arbor Human Rights Commission – July 18, 2007

5. City of Ann Arbor Employees' Retirement System Board – July 19, 2007
6. City of Ann Arbor Retiree Health Care Benefit Plan & Trust Board of Trustees – July 19, 2007
7. Planning Commission – June 5, June 19 and July 5, 2007

Councilmember Rapundalo 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

THOMAS PARTRIDGE – RESPECT AND COMPASSION FOR PEOPLE NEEDING GOVERNMENT ASSISTANCE THE MOST

Thomas Partridge, 4220 Eyrie Dr., addressed Council regarding respect and compassion for people needing government assistance the most.

RECESS FOR CLOSED SESSION

Councilmember Suarez 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, Suarez, Johnson, Lowenstein, Rapundalo, Mayor Hieftje, 10;

Nays, 0.

The Mayor declared the motion carried and the meeting recessed at 8:02 p.m.

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

On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 8:30 p.m.

ADJOURNMENT

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

On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 8:30 p.m.

Jacqueline Beaudry
Clerk of the Council

Anissa R. Bowden
Recording Secretary