



Action Minutes

City Council

April 7, 2003

..Title

ANN ARBOR CITY COUNCIL MINUTES REGULAR SESSION - MONDAY, APRIL 7, 2003

..Body

Mayor Pro Tem Jean Carlberg called the regular session of the Ann Arbor City Council to order at 7:40 p.m. in the City Hall Council Chamber.

Council stood for a moment of silence.

Mayor Pro Tem Carlberg led Council in the recitation of the Pledge of Allegiance.

ROLL CALL OF COUNCIL

PRESENT: Council Members Kim Groome, Robert M. Johnson, Joan Lowenstein, Michael R. Reid, Heidi Cowing Herrell, Margie Teall, Marcia Higgins, Wendy A. Woods, Mayor Pro Tem Jean Carlberg, 9;

ABSENT: Christopher Easthope, Mayor John Hieftje, 2.

INTRODUCTIONS

Mayor Pro Tem Carlberg read the following proclamations:

Proclamation to Honor the Community High School Mock Trial Team - Mayor Hieftje

The City of Ann Arbor honored the students and coaches in taking first place in the State of Michigan in this yearly tournament. The group will continue on in the next phase of the competition to take place in New Orleans, LA.

Proclamation to Honor the 'Take Back The Night' Event - Mayor Hieftje

The yearly event raises community awareness of the societal problem of sexualized violence, and gives residents an opportunity to speak out against it. The City recognizes with appreciation the continued efforts of the Ann Arbor Coalition Against Rape, which is in its 24th year. The City encourages the community to attend this event.

PUBLIC COMMENTARY - RESERVED TIME

DEATH OF RACHEL CORRIE

The following people spoke on the Death of Rachel Corrie:

Henry Herskovitz, 404 Mark Hannah Place, spoke about the Death of Rachel Corrie on March 16th, 2003. She worked for a group called the International Solidarity Movement.

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Mozhgan Savabi and Blain Coleman, 1501 Ardmoor, asked Council to remember Rachel Corrie and to Divest from Israel.

NORTH QUAD PUD

The following people spoke about the proposed North Quad PUD:

Tracy Skinner, 2779 Holyoke Lane, said that the Planning commission acted without input from residents.

Thomas Fayfer, 1607 Harbal Drive, wants to know more about the development and asked the City to table the motion until more information was given.

PROGRESSIVE REFORMS NEEDED IN THE WHITE HOUSE, MICHIGAN GOVERNOR'S OFFICE AND THE MAYOR'S OFFICE

Thomas Partridge, 100 South 4th Avenue, #1010, compared the current Federal Government to the eras of Richard Nixon, Gerald Ford, and Ronald Regan, and asked that progressive political movement begin here with the City of Ann Arbor.

JURISDICTION OF THE ANN ARBOR POLICE DEPARTMENT

Mike Bassett, 2720 Radcliffe Avenue, spoke about policing areas outside of the City's jurisdiction.

PUBLIC HEARINGS

775 SOUTH MAPLE ROAD REZONING (ORDINANCE 4-03)

A public hearing was conducted on the proposed rezoning of 2.14 acres, located at 775 South Maple Road from C1

(Local Business District) to O (Office District). Notice of Public Hearing was published April 6, 2003.

George Miller, 775 South Maple, spoke in opposition to the City's proposed rezoning.

Judith Marks, 2509 West Liberty, spoke in support of the rezoning. She said she did not want the commercial areas to creep into the remaining residential area.

There being no one else present to speak, Mayor Pro Tem Carlberg declared the hearing closed.

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CHAPTER 35 - WELLS (ORDINANCE NO. 8-03)

A public hearing was conducted on the Proposed Ordinance to Amend the Code of the City of Ann Arbor by Adopting a New Chapter which New Chapter shall be Designated as Chapter 35 (Wells) of Title II of the Code of the City of Ann Arbor and to Amend Section 1:17(1) of Chapter 1 of Title I of the Code of the City of Ann Arbor. Notice of public hearing was published April 6, 2003.

There being no one present to speak, Mayor Pro Tem Carlberg declared the hearing postponed until May 5, 2003.

HISTORIC DISTRICT CODE (ORDINANCE NO. 7-03)

A public hearing was conducted on the proposed ordinance Repealing the Existing Title VI of the Historic District Code, and Adopt a New Title VI of the Historic District Code, Chapter 103, Title VIII of the Code of the City of Ann Arbor. Notice of public hearing was published April 6, 2003.

The following people spoke in opposition of the proposed ordinance to amend the Historic District Code:

Jared Frost, 700 South State Street

Mary Beth Siler, 5911 East Silo Ridge Drive

Maura Stiencamp, 615 Otswego Street

Jason Harris, 520 Packard Road

Robin K. Chand, 1004 Olivia Avenue

Nicholas Kowalczyk, 700 South State Street

Charles Royer,

Richard DeMuro, 3505 Fox Hunt Drive

Pat Montgomery, 1416 Grainger

Bill McPherson, 541 Thompson Street

James Montgomery, 1416 Grainger

Betsy French, 3225 Dexter Road

Jeff DeBoer, 1515 Cambridge Road

Allen Wasserman, 1435 Cambridge Road

Marsha DeBoer, 1515 Cambridge Road

Mayor Pro Tem Carlberg declared a recess at 9:53 p.m.

Mayor Pro Tem Carlberg reconvened the meeting at 10:06 p.m.

The following people spoke in opposition of the proposed ordinance to amend the Historic District Code:

Ann Wilhite, 2101 Hill Street

Joseph Fattore, 3593 Burbank Drive

Merton Shill, 924 Baldwin Avenue

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Emily Salvette, 2016 Devonshire Road

Nora Galgan, 3417 Tothhill Road, Troy, MI - Owns 1402 Hill Street

James Biga, 35354 Lancashire, Livonia, MI (House Corp. Pres. For Alpha Thi House)

Susan Smith Grey, 1414 Washtenaw (Rep. For Kappa Alpha Theta)

Jason Kantz, 509 S. Street

Phelps Connell, 1696 Inverness, Pittsfield Township (On the Board of 707 Oxford Road)

Jacklyn Ugjowski, (Rep. For 1212 Hill Street)

Bill McPherson, 1432 Washtenaw Avenue (Pastor & Rep. For First Presbyterian Church)

Bob Trees, 1412 Cambridge Road

Kate Erdman, 2226 Pine Grove Court (Member of House Corp., 1525 Washtenaw and 1st Presbyterian Church)
(Wants to Work with the City)

The following people spoke in support of the proposed ordinance to amend the Historic District Code:

Julia McCuen, University of Michigan student

Steve Stanton, 827 Asa Gray Drive

Tom Ewing, 529 Elizabeth Street

Tim Lang, 1530 Hill Street

Peter Negurney, 914 Lincoln

Michelle Derr, 929 Olivia Avenue

Richard W. Bailey, 1609 Cambridge Road
 Sven Kasser, 1410 Hill Street
 Ann Larimore, 916 Olivia Avenue
 Gwen Nystuen, 1016 Olivia Avenue
 Holde Borcherts, 1555 Washtenaw Avenue
 Ethel Potts, 1014 Elder Boulevard
 David Logan, 1710 Cambridge Avenue
 Lars Bjorn, 712 E. Ann Street
 Robert Harrington, 1324 Pontiac Trail (Lund House)
 Eric Meves, 1706 Cambridge
 David Fisher, 1125 Martin Place
 Cynthia Heywood-Pleitner, 2017 Hill Street
 Madelene Thomas Schneider, 2110 Hill Street
 Margaret Weston, 1322 Hill Street,
 Marilyn Studor, 911 Olivia Avenue (Speaking on behalf of Marlena Studor)
 Jane Ferguson, 1935 Cambridge Avenue
 Donna Tope, 1606 Cambridge Avenue
 Karen Coulter, 1819 Hill Street
 Sonia Schmerl, 539 S. Street
 Kristy Gilbert, 307 W. William
 Peter Platner, 2017 Hill Street
 Susan Weinberg, 712 E. Ann
 There being no one else present to speak, Mayor Pro Tem Carlberg declared the hearing closed.

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WASHTENAW UNITED WAY SITE PLAN

A public hearing was conducted on the proposed Washtenaw United Way Site Plan, 0.88 acre, 2305 Platt Road. Notice of public hearing was published April 6, 2003.

Tom Phillips, V. P. with Hobson/Black Assoc. Architects, speaking on behalf of Washtenaw United Way, said that his company was there to answer any questions.

There being no one else present to speak, Mayor Pro Tem Carlberg declared the hearing closed

THE RAVINES 2 SITE PLAN

A public hearing was conducted on the proposed Ravines 2 Site Plan and Development Agreement, 0.55 acre, 914-922 West Huron Street. Notice of public hearing was published April 6, 2003.

The following people spoke in opposition to the proposed plan:

Richard Green, 921 W. Huron

Jeff Green, 1 Edmund Place

Ethel Potts, 1014 Elder Boulevard

David Weiss, 111 N. Street

Katy Weiss, spoke on behalf of a neighbor

Mike Forgacs, 112 N. Street

Laura Mackin, 921 Bath Street

The following people spoke in support of the proposed plan:

Tom Bourque, 1615 Kearney Road, rep. on behalf of the developer

Steve Konzicki, Midwestern Consulting, spoke on behalf of the developer

Brad Millar, Architectural Firm/Developer

Tom Phillips, Vice President with Hob and Black

There being no one else present to speak, Mayor Pro Tem Carlberg declared the hearing closed.

APPROVAL OF AGENDA

AGENDA APPROVED WITH CHANGES

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

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ORDINANCES - SECOND READING

Move: An ordinance to Repeal the Existing Title VI of the Historic District Code, and Adopt a New Title VI of the Historic District Code, Chapter 103, Title VIII of the Code of the City of Ann Arbor.

ORDINANCES - SECOND READING

Move Amendment to Chapter 55, Rezoning of 5.42 acres from TWP (Township District) to PUD (Planned Unit Development District), North Quad by Melrose, 1756 Broadway Street. (Planning Commission Recommendation: Approval - Motion to Approve passed - 7 Yeas, 1 Nay) (Planning - Karen Popek Hart, Director)

MOTIONS AND RESOLUTIONS

Revise Resolution to Establish Membership and Other Requirements for the Community Development Executive Committee (Mayor Hieftje) (Postponed from 3-17-03 Regular and 3-24-03 Special Council Meetings)

Added After Newspaper Deadline:

Add: Resolution to Approve an Amendment to the Housing Rehabilitation Agreement with John and June Aldea (\$53,000.00) (Kathleen Hines, Interim Administrator, Community Development)

Add: Resolution to Support the Implementation of the Ann Arbor Greenway Initiative in Collaboration with the Adopted Washtenaw County Greenways Initiative and the Adopted City of Ann Arbor Park Recreation and Open Space Plan (Council Member Herrell)

Add &: Resolution to Appoint a Member to the City of Ann Arbor

Revise Environmental Commission. (Council Members Johnson and Woods)

Add.

Move & Resolution to Establish a Procedure for Appointments to Council

Revise: Communities (Council Member Johnson and Woods)

Add: Resolution for Community Events Fund Disbursements from the 2002-2003 Budget (Council Members Higgins and Teall)

Add: Resolution to Approve the Addition of a Temporary .25 Cents Per Trip Surcharge to the Established Taximeter Rates for the City of Ann Arbor (Council Member Teall)

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Add: Resolution to Amend the City of Ann Arbor Brownfield's Implementation Plan to Provide for a Brownfield's Plan Review Committee and Community Participation (Council Members Groome and Higgins)

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

APPROVAL OF COUNCIL MINUTES

MINUTES OF MARCH 10, 2003, MARCH 17, 2003 & MARCH 24, 2003 APPROVED

Council Member Groome moved, seconded by Council Member Reid that the working session minutes of March 10, 2003 and the regular session minutes of March 17, 2003 be approved as presented. The special session minutes of March 24, 2003 and the budget session minutes of March 24, 2003 were approved with minor changes.

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

CONSENT AGENDA

CONSENT AGENDA ITEMS APPROVED

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

R-97-4-03 APPROVED

RESOLUTION TO APPROVE TRANSFER LOCATION OF AN SDD AND SDM LICENSED BUSINESS FROM 1930 W. STADIUM TO 1940 W. STADIUM FROM NAWAL, INC., D/B/A STADIUM PARTY SHOPPE

RESOLVED, That the request of Nawal, Inc. D/B/A Stadium Party Shoppe to transfer the location of a SDD and SDM Licensed Business from 1930 W. Stadium to 1940 W. Stadium be approved.

R-98-4-03 APPROVED

RESOLUTION TO APPROVE CONTRACT WITH BARRETT PAVING MATERIALS, INC., AND TO ESTABLISH PROJECT BUDGET FOR THE 2003 ANNUAL STREET RESURFACING PROGRAM - BID NO. 3585

Whereas, The 2001-2007 Capital Improvements Program includes the Annual Resurfacing Program in its Capital Program Summary of Street Construction;

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Whereas, Competitive bids were received by the Purchasing Division on March 17, 2003, and Barrett Paving Materials, Inc. was the lowest responsible bidder at \$4,096,717.25;

Whereas, Barrett Paving Materials, Inc. has received Human Rights approval on April 7, 2003, and its employees will receive compensation in accordance with the Living Wage Ordinance; and

Whereas, Funding for this project is available from Fund 0062 (Street Millage Fund) and the Utilities Department's proposed 2003/2004 budget as detailed below;

RESOLVED, That City Council approve a contract, per Bid No. 3585, with Barrett Paving Materials, Inc. in the amount of \$4,096,717.25 for the construction of the 2003 Annual Street Resurfacing Program, and that the Mayor and City Clerk be authorized and directed to sign the agreement substantially in the form on file with the City Clerk, following approval as to substance by the City Administrator and as to form by the City Attorney; and

RESOLVED, That City Council adopt the following budget for the life of the project, to be available until expended without regard to fiscal year:

Section I, Revenue

- \$4,657,000.00 Street Millage Fund (Fund 0062)
- 110,000.00 Proposed 03/04 Utilities Dept. budget (Water O/M)
- 90,000.00 Proposed 03/04 Utilities Dept. budget (Sanitary System O/M)
- 255,000.00 Proposed 03/04 Utilities Dept. budget (Storm Water O/M)
- \$5,112,000.00 TOTAL

Section II, Expense

- \$4,097,000.00 Construction
- 95,000.00 Design Engineering
- 375,000.00 Construction Engineering
- 95,000.00 Testing, Consulting and Professional Services
- 400,000.00 Contingencies approved by the City Administrator
- 50,000.00 Miscellaneous Costs
- \$5,112,000.00 TOTAL;

RESOLVED, That Council authorize the City Administrator to delete streets from the Project Street List if necessary to keep the project cost within the available funds; and

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

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R-99-4-03 APPROVED

RESOLUTION TO APPROVE A GRANT CONTRACT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION (\$368,000.00), AND TO APPROVE A CONSTRUCTION CONTRACT WITH AJAX PAVING INDUSTRIES, INC., (\$310,732.32) FOR THE CONSTRUCTION OF NEW FENCE, ACCESS DRIVE, AND TERMINAL APRON ADDITION AT THE ANN ARBOR MUNICIPAL AIRPORT

Whereas, It is desirable to construct additional fencing along the perimeter of the airport to reduce the significant danger to aircraft and occupants posed by deer and other wildlife on the airport property;

Whereas, It is desirable to construct a new airport access drive from Ellsworth Road to the northwest T-hangar area to reduce the possibility of runway incursions and crashes between automobiles and aircraft;

Whereas, It is desirable to add to the existing paved apron area in front of the airport terminal building to increase its usefulness;

Whereas, The Federal Aviation Administration and the Michigan Department of Transportation Bureau of Aeronautics (MDOT-BOA) have recommended that these proposed projects be constructed;

Whereas, the Airport Advisory Committee has reviewed the design of these projects, recommended applying for a grant to help fund the projects, and recommended that City Council approve these projects;

Whereas, The MDOT-BOA subsequently determined that said projects are eligible for grant funding with a cost split of 90% (\$331,200.00) federal, 5% (\$18,400.00) state, and 5% (\$18,000.00) city, for a total estimated project cost of \$368,000.00;

Whereas, On February 7, 2003, bids were received by MDOT-BOA for construction of said projects, with the bid by Ajax Paving Industries, Inc. in the amount of \$310,732.32, being the lowest, responsible bid; and

Whereas, The City Attorney's Office and the Public Services Department have reviewed the Grant Contract and the Construction Contract;

RESOLVED, That City Council approve a grant contract (No. 2003-0176) with the Michigan Department of Transportation in the amount of \$368,000.00 for the airport fencing, access drive, and terminal apron addition project;

RESOLVED, That City Council approve a contract (per MDOT bids for Contract ID 81129-72734) with Ajax Paving Industries, Inc. in the amount of \$310,732.32 for the airport fencing, access drive, and terminal apron addition project;

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

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

R-100-04-03 APPROVED

RESOLUTION TO APPROVE CONSTRUCT AND ESTABLISH PROJECT BUDGET FOR REMOVAL AND

REPLACEMENT OF FINAL CLARIFIER WEIR TROUGHS AT THE WASTEWATER TREATMENT PLANT, RFP NO. 555

Whereas, The City's Wastewater Treatment Plant (WWTP) needs to replace the weir troughs on one final clarifier located in the older portion of the plant (West Plant);

Whereas, The WWTP requires significant improvements due to the age and condition of plant equipment, and throughout the process of upgrading its facilities needs to maintain effluent quality;

Whereas, Replacing the weir troughs in one final clarifier located in the West Plant will enable the WWTP to meet its current and future treatment capacity needs during the construction of plant improvements and avoid the risk of exceeding its discharge permit limits and associated potential fines;

Whereas, Proposals to remove, fabricate and install weir troughs on one final clarifier in the West Plant were solicited through RFP No. 559, and of the three proposals received and reviewed by WWTP staff, Monarch Welding & Engineering, Inc. was found to be the qualified responsible respondent with the lowest price quotation for this work; and

Whereas, On October 11, 2002, the Human Resources Department approved Monarch Welding & Engineering, Inc. to perform work for the City and Monarch Welding & Engineering, Inc. has signed the City's "Notice of Intent to Comply with Living Wage Ordinance";

RESOLVED, That Council accept the proposal and approve the repair services contract with Monarch Welding & Engineering, Inc. in the amount of \$101,532.00 to perform the work specified in RFP No. 559, and that Mayor and City Clerk be authorized to sign the contract approved as to form by the City Attorney;

RESOLVED, That Council approve a project budget for these services in the amount of \$120,000.00, including \$101,532.00 for the contract with Monarch Welding & Engineering, Inc. and a contingency in the amount of \$18,468.00 to finance change orders to be approved by the City Administrator; and

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RESOLVED, That the project budget in the amount of \$120,000.00 be funded from the approved FY 02/03 Operation and Maintenance Budget of the Sewage Disposal System with funds to be available until expended without regard to fiscal year.

R-101-04-03 APPROVED

RESOLUTION TO APPROVE A PURCHASE ORDER TO WASHTENAW COUNTY FOR INFORMATION SERVICES FOR 15TH DISTRICT COURT CASE PROCESSING & OFFICE AUTOMATION INFORMATION SYSTEMS)

Whereas, Washtenaw County's Information & Technology Services Department provides case processing & office automation software support, hardware support and maintenance to the 15th District Court pursuant to a consulting services contract previously approved by Council and currently in full force and effect;

Whereas, Funds to fulfill the City's contractual obligation to the County pursuant to the contract have been appropriated in the Court's FY 02/03 budget; and

RESOLVED, That City Council authorize the issuance of a purchase order to Washtenaw County, pursuant to the consulting services contract previously approved by Council and on file in the City Clerk's Office, for FY 02/03 in an amount not to exceed \$80,000.00.

R-102-04-03 APPROVED

RESOLUTION TO APPROVE STREET TREE PRUNING CONTRACT WITH J & M TREE SERVICE FOR \$52,250.00

Whereas, The Forestry & Park Operations Division of the Parks and Recreation Department solicited competitive bids from several local tree care firms on February 19, 2003;

Whereas, Six local firms bid on the specified street tree pruning work that is needed in seven management units; of these seven units, three will be awarded to private firms, three will be pruned with in-house crews, and one unit (management unit 2) will not be pruned due to the high number of ash trees that show emerald ash borer infestation, which will likely need to be removed in the near future;

Whereas, In management unit 16, which contains 2,750 street trees in the area bounded by Washtenaw, E. Stadium, Packard and Hill Streets, commonly referred to as the Burns Park neighborhood, our lowest responsible bidder exceeds \$25,000.00 and thus requires City Council approval;

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Whereas, The lowest responsible bid of J & M Tree Service of \$52,250.00 is considerably lower than that of the second low bidder (Urban Foresters, \$96,500.00) and the third low bidder (Advanced Tree Care, \$113,300.00);

Whereas, This is a very good value for the City of Ann Arbor, with an average estimated cost of only \$19.00 per tree, and where trees are fairly large in size and parking issues impede the progress of our in-house crews;
 Whereas, Such contracting of street tree pruning is currently budgeted in the fiscal 2002-03 Park Maintenance and Repair Millage; and
 Whereas, J & M Tree Service has successfully completed previous contracts for the City of Ann Arbor for similar street tree pruning and has obtained Human Rights and Living Wage compliance approval on May 22, 2002;
 RESOLVED, That the Mayor and Council approve a contract with J & M Tree Service in the amount of \$52,250.00, for pruning all street trees located with management unit 16; and
 RESOLVED, That the Mayor and City Clerk are authorized execute said pruning contract after approval as to substance by City Administrator and approval as to form by the City Attorney.

R-103-04-03 APPROVED
 RESOLUTION TO APPROVE AN AMENDMENT TO THE EMPLOYMENT
 AGREEMENT BETWEEN ALVAN P. KNOT AND THE CITY OF ANN ARBOR

Whereas, Alvan P. Knot was hired as a contract attorney to provide legal services as an assistant City Attorney effective July 15, 2002;
 Whereas, The term of the contract allowed for two extensions of the original contract period with the contract terminating on February 25, 2003;
 Whereas, After assessment of the current staffing levels in the City Attorney's Office, the City Attorney has determined that it is in the best interest of the City to amend its agreement with Mr. Knot to allow for an additional ninety days extension of the contract allowing current matters being handled by Mr. Knot to be resolved or transitioned to other attorneys in a manner that provides the best uninterrupted representation of the City;
 Whereas, Mr. Knot is agreeable to amendment of his contract to allow for future extension for a period of ninety days; and Council - April 7, 2003 13
 Whereas, There are sufficient funds in the City Attorney's FY02-03 budget to cover compensation of Mr. Knot for the additional ninety day period;
 RESOLVED, City Council approves the amendment of the employment agreement with Alvan P. Knot to allow for the additional ninety days extension of the contract period; and
 RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the amendment agreement subject to approval as to form and substance by the City Attorney.

R-104-04-03 APPROVED
 RESOLUTION APPROVE A CONTRACT FOR LEGAL SERVICES
 WITH DYKEMA GOSSETT

Whereas, Section 5.2(c) of the Ann Arbor City Charter authorizes City Council, on the recommendation of the City Attorney, to retain special legal Counsel to assist the City Attorney;
 Whereas, The City Attorney has recommended that the law firm of Dykema Gossett be retained for a period of sixty (60) days to handle employment and labor matters for the City;
 Whereas, The firm of Dykema Gossett was selected based on the firm's general experience in providing legal services in such matters and member, Melvin Muskovitz's, previous experience in representing the City;
 Whereas, The firm of Dykema Gossett received Human Rights clearance on April 7, 2003;
 Whereas, Sufficient funds exist in the City Attorney's FY02-03 budget to meet anticipated legal fees not otherwise chargeable to the Insurance Fund for the sixty (60) day period; and
 Whereas, It is the intention of the City Attorney during that period to evaluate the continuing use of outside counsel for employment and labor issues and make a recommendation to City Council;
 RESOLVED, That City Council approves a contract for legal services with the law firm of Dykema Gossett for an amount not to exceed Twenty Thousand (\$20,000.00); and
 RESOLVED, That the Mayor and City Clerk be authorized and directed to execute a standard legal services contract with Dykema Gossett after approval as to form and substance by the City Attorney.

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R-105-04-03 APPROVED
 RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MINUTES
 OF FEBRUARY 21, 2003 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of February 21, 2003 be accepted and that the recommended courses of action therein, including payments, be authorized.

MINUTES
 February 21, 2003
 CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

Present: James Armstrong - Risk Manager
 Marilyn Mack - Claims Specialist
 Bob West - Assistant City Attorney
 Joan Lowenstein - City Council Person
 Mary Siefert - Treasurer
 Ron Olson - Assistant City Administrator
 Abigail Elias - Chief Assistant City Attorney
 David Swan - Assistant City Attorney
 Mary Fales - Assistant City Attorney
 Connie Hayes - Administrative Assistant
 Roger Fraser, City Administrator

CLAIMS DENIED:

CC107-02 Eric/Marilyn Ketchum
 Sewer Back Up
 Discussed by James Armstrong, Risk Manager

CC108-02 Gabriel Trejo
 Vehicle Damage
 Discussed by James Armstrong, Risk Manager

CLAIMS APPROVED:

CC076-02 Barbara Annis
 Bodily Injury
 Discussed by James Armstrong, Risk Manager

CC103-02 Elizabeth Litznerski
 Sewer Back Up
 Discussed by James Armstrong, Risk Manager

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 CC110-02 Andrea Blome
 Property Damage

Discussed by James Armstrong, Risk Manager
 CC004-03 William Mueller
 Vehicle Damage

Discussed by James Armstrong, Risk Manager
 OTHER BUSINESS:

Settlement authority provided for resolution of the Bryant v City of Ann Arbor litigation.
 Authority provided to create claim and pay legal defense fees in the Ferber employment matter.
 Litigation status update provided regarding Jonas v City of Ann Arbor.
 Brokerage RFQ comparisons and references discussed.

Prepared by:
 Marilyn Mack, Claims Specialist
 2/21/03

R-106-04-03 APPROVED
 RESOLUTION TO ACCEPT BOARD OF INSURANCE ADMINISTRATION MINUTES
 OF MARCH 21, 2003 AND TO AUTHORIZE PAYMENTS

RESOLVED, That the attached Board of Insurance Administration Minutes of March 21, 2003 be accepted and that the recommended courses of action therein, including payments, be authorized.

MINUTES

March 21, 2003

CITY OF ANN ARBOR BOARD OF INSURANCE ADMINISTRATION

Present: James Armstrong - Risk Manager
 Marilyn Mack - Claims Specialist
 Bob West - Assistant City Attorney
 Joan Lowenstein - City Council Person
 Mary Siefert - Treasurer
 Ron Olson - Associate City Administrator
 Mary Fales -Assistant City Attorney
 Connie Hayes - Administrative Assistant
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 Carol Hollis - Recreation Facility Supervisor II

CLAIMS DENIED:

CC001-03 Dan Pampreen

Sewer Back Up

Discussed by James Armstrong, Risk Manager

CC008-03 Brent Schomaker

Vehicle Damage

Discussed by James Armstrong, Risk Manager

CC023-03 Tassos Valtadoros

Vehicle Damage

Discussed by James Armstrong, Risk Manager

CC003-03 Ann Nicholson-Cates

Vehicle Damage

Discussed by James Armstrong, Risk Manager

CC002-03 Michael Roth

Vehicle Damage

Discussed by James Armstrong, Risk Manager

CC006-03 Jennifer Miller

Property Damage

Discussed by James Armstrong, Risk Manager

CLAIMS APPROVED:

CC010-03 Joe Collins/USAA Insurance

Vehicle Damage Subrogation

Discussed by James Armstrong, Risk Manager

CC105-02 Dan Pampreen

Sewer Back Up

Discussed by James Armstrong, Risk Manager

BI061-00 Tammi Johnson

Workers' Compensation

Discussed by Marilyn Mack, Claims Specialist

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OTHER BUSINESS:

Insurance coverages for Cobblestone Farms and Kempf House were discussed by Robert West, Assistant City Attorney. Approval granted for assessment and appraisal of contents of both buildings to ensure proper coverages are being maintained.

Subrogation recovery efforts discussed by Marilyn Mack, Claims Specialist. Approval provided for Associate City Administrator to proceed with notification to all service area leaders to ensure compliance with subrogation recoveries through Risk Management.

James Armstrong, Risk Manager, discussed and received approval to proceed with purchasing a two month extension with a third month option on our current brokerage contract.

FM Global representatives provided information on Terrorism Insurance changes and purchase options. The Board approved waiting for our 8/15/03 renewal date to discuss purchasing additional terrorism insurance coverage.

Mary Fales discussed the dismissal of the City from a property damage lawsuit.

Prepared by:

Marilyn Mack, Claims Specialist

3/21/03

R-107-04-03 APPROVED

RESOLUTION TO APPROVE A TEMPORARY EXTENSION TO MARSH USA, INC., FOR INSURANCE BROKERAGE AND CONSULTING SERVICES CONTRACT FOR TWO (2) ONE-MONTH EXTENSIONS, WITH AN OPTION FOR A THIRD MONTH

Whereas, The City's contract with Marsh USA, Inc. expired on March 1, 2003;

Whereas, The City has placed the service out for proposals and is currently reviewing responses;

Whereas, Marsh USA, Inc has offered to extend the contract for two one- month periods with the option for a third month at \$5,375 per month and;

Whereas, Marsh USA, Inc. is in compliance with the Living Wage Ordinance, and obtained Human Rights approval on September 4, 2002; and

Whereas, The Risk & Safety Manager, Board of Insurance Administration, and the City Administrator recommend the continuation of this consulting service;

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RESOLVED, That the City Administrator be authorized to execute the extension of the contract with Marsh, USA, Inc. beginning March 2, 2003 to May 3, 2003 with an option for a third month after approval as to form by the City Attorney.

R-108-04-03 APPROVED
RESOLUTION TO APPROVE THE FIRST AMENDMENT TO THE
FY2002/03 CITY OF ANN ARBOR AGREEMENT
WITH MICHIGAN ABILITY PARTNERS

Whereas, On March 17, 2003, City Council approved Resolution R-95-3-03 allocating \$7,300.00 to Michigan Ability Partners from the Housing and Human Services Contingency Fund;

Whereas, Michigan Ability Partners has an existing contract for FY2002/03 dated August 29, 2002 for services to mental health consumers, including street outreach and case management;

Whereas, Michigan Ability Partners will also provide payee services from April 1 to June 30, 2003; and

Whereas, Michigan Ability Partners received Living Wage approval and Human Rights Compliance in July 2002;

RESOLVED, That City Council approve the first amendment to the FY2002/03 City of Ann Arbor Agreement with Michigan Ability Partners for a total of \$43,300.00, and that the Mayor and City Clerk be authorized to sign the agreement substantially in the form on file with the City Clerk.

R-109-4-03 APPROVED AS AMENDED
(RESOLUTION TO ESTABLISH MEMBERSHIP FOR THE CDBG COMMITTEE)

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

With unanimous consent of Council the resolution was amended as follows:

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II Functions, Section B

„,HUMAN SERVICES GENERAL FUND ALLOCATIONS.

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

The resolution as amended reads as follows:

RESOLUTION TO ESTABLISH MEMBERSHIP FOR THE CDBG COMMITTEE

Whereas, The City’s Community Development Executive Committee was originally established when City Council acted to approve the Community Development Block Grant Citizen Participation Plan by resolution on May 22, 1978 (R-186-5-78) but with no separate resolution to establish the functions or membership requirements for the Committee;

Whereas, City Council has periodically approved both revisions to the Citizen Participation Plan and amendments to the Committee’s by-laws;

Whereas, The Housing and Community Development Act of 1974, as amended, holds the local government, accountable for the performance of the Community Development program for the City and the authority of the Community Development Executive Committee is expressly derived from the actions of the City Council of Ann Arbor; and

Whereas, City Council desires to establish by resolution the purpose, functions and membership requirements of the Community Development Executive Committee;

RESOLVED, That the Community Development Executive Committee, originally established in May of 1978 by virtue of the Community Development Block Grant Citizen Participation Plan, be re-established with the following purpose, functions and membership requirements:

I. PURPOSE

The purpose of the Community Development Executive Committee is to oversee the citizen participation process of the Community Development program of the City of Ann Arbor.

II. FUNCTIONS

The functions the Community Development Executive Committee will perform include, but are not limited to, the following:

- A. Promote of citizen participation by representing citizen and neighborhood interests and providing a forum for recognizing community input;
Make recommendations regarding Community Development Block Grant and Human Services General Fund Allocations.
- B. General Fund allocations, programs, activities and other pertinent concerns for submission to the Mayor and City Council;
- C. Review citizen grievances regarding issues other than those concerning housing programs;

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D. Make recommendations regarding the planning, implementation and evaluation of all phases of the Community Development Block Grant and General Fund human service programs, including the proposal review process;

E. Make recommendations to the Mayor and City Council and other governmental units as necessary; and

F. Participate in the proposal process.

III. MEMBERSHIP REQUIREMENTS, INCLUDING TERM OF APPOINTMENT

The Community Development Executive Committee membership shall be composed of not more than thirteen (13) members nominated by the Mayor and appointed by the City Council as follows:

- A. Two (2) members shall be members of the City Council, appointed on an annual basis by virtue of their office, with the right to vote.
- B. Not more than nine (9) voting members appointed for three-year terms. One third of the terms will expire each year. Membership should include representatives from lower-income neighborhoods, community based advocacy groups representing target populations such as seniors, youth-at-risk, the homeless, etc., other City boards and commissions such as the Housing Commission, Planning Commission, Waiver and Review Board, and the private sector. No member serving continuously for six (6) years shall be eligible for reappointment until a lapse of three years. Members may continue serving after expiration of their term until they have been reappointed or replaced.
- C. Two (2) non-voting youth members who shall be 16 or 17 years old at the time of appointment and whose terms shall be one year. A youth member may be appointed for a second term, provide he or she has not yet turned 18 at the time of the second appointment. Youth members shall not be counted for purposes of establishing a quorum of the Committee.
- D. Board membership should include minorities, women, and persons with disabilities and priority consideration for appointment shall be given to applicants from lower income neighborhoods.

RESOLVED, That in the event of an inconsistency between this Resolution and the by-laws of the Community Development Executive Committee, including any future amendments thereto, the Resolution shall override the by-laws (on file in the City Clerk's office);

RESOLVED, That if the Citizen Participation Plan approved by City Council on May 1, 2000, is not amended simultaneously with this resolution to eliminate inconsistencies, then in the event of an inconsistency between this Resolution and the Citizen Participation Plan approved by City Council on May 1, 2000, the Citizen Participation Plan shall override this Resolution; and

RESOLVED, That amendments to the Citizen Participation Plan that change the purpose and/or functions of the Community Development Executive Committee shall override the

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corresponding provisions in this Resolution upon approval of the amended Citizen Participation Plan by City Council.

ORDINANCES - SECOND READING

7-03 TABLED

HISTORIC DISTRICT CODE

An Ordinance to Repeal the Existing Title VI of the Historic District Code, and Adopt a New Title VI of the Historic District Code, Chapter 103, Title VIII of the Code of the City of Ann Arbor Chapter 55 of Title V of the Code of the City of Ann Arbor

(The complete text of Ordinance 7-03 is on file in the City Clerk's office.)

Council Member Herrell moved, seconded by Council Member Teall that the Ordinance be approved at second reading.

Council Member Reid moved, seconded by Council Member Higgins that the item be tabled.

On a roll call, the vote was as follows:

Yeas: Council Members Johnson, Lowenstein, Reid, Carlberg, Higgins and Woods, 6.

Nays: Council Members Groome, Herrell, and Teall, 3;

Mayor Pro Tem Carlberg declared the motion carried.

5-03 DEFEATED

775 SOUTH MAPLE REZONING

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

This ordinance would change the zoning of 2.14 acres, located at 775 South Maple Road from C1 (Local Business District) to O (Office District). (The complete text of Ordinance

5-03 is on file in the City Clerk's office).

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Council Member Woods moved, seconded by Council Member Teall that the ordinance be approved at second reading.

On roll call, the vote was as follows:

Yeas: Council Members Groome, Johnson, Lowenstein, Carlberg, Herrell, Teall and Woods, 7;

Nays: Council Members Reid and Higgins, 2.

Mayor Pro Tem Carlberg declared the motion defeated.

8-03 POSTPONED
WELLS

An Ordinance to Amend the Code of the City of Ann Arbor
by Adopting a New Chapter, which New Chapter Shall be Designated as
Chapter 35 ("Wells") of Title II of the Code
of the City of Ann Arbor and to Amend Section 1:17 (1)
of Chapter 1 of Title I of the Code of the City of Ann Arbor

(The complete text of ordinance 8-03 is on file in the City Clerk's office)

Council Member Woods moved, seconded by Council Member Johnson that the ordinance be approved at second reading.

Council Member Woods moved, seconded by Council Member Groome, to postpone the ordinance until the April 21, 2003 Regular Session.

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

ORDINANCES - FIRST READING
TABLED

NORTH QUAD BY MELROSE REZONING

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

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This ordinance would rezone 5.42 acres, located at 1756 Broadway Street from TWP (Township District) to PUD (Planned Unit Development). (The complete text of this ordinance is on file in the City Clerk's office).

Council Member Woods moved, seconded by Council Member Groome that the ordinance be approved at first reading.

Council Member Johnson moved, seconded by Council Member Groome that the ordinance be tabled.

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

9-03 APPROVED

BANKS AND SIMILAR FINANCIAL INSTITUTIONS; MEDICAL AND DENTAL OFFICES AND CLINICS; AND PARKING
LOT AISLE WIDTH REQUIREMENTS

An Ordinance to Amend the Zoning Map Being a Part of Chapter 59
of Title V of the Code of the City of Ann Arbor

(The complete text of ordinance 9-03 is on file in the City Clerk's office).

Council Member Lowenstein moved, seconded by Council Member Herrell that the ordinance be approved at first reading.

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

10-03 APPROVED

SOMERSET ESTATES REZONING

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

This ordinance would change the zoning of 2.14 acres located at Dhu Varren Road between Birchwood and Omlesaad from R1C (Single-Family Dwelling District) to R1D (Single-Family Dwelling District) (The complete text of Ordinance No. 10-03 is on file in the City Clerk's office.).

Council Member Woods moved, seconded by Council Member Teall that the ordinance be approved at first reading.

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

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11-03 APPROVED

STONE SCHOOL TOWNHOMES REZONING

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

This ordinance would change the zoning of 4.6 acres, located at 3625-3683 Stone School Road, from TWP (Township District) and R1C (Single-Family Dwelling District) to R4B (Multiple-Family Dwelling District). (The complete text of ordinance 11-03 is on file in the City Clerk's office).

Council Member Reid moved, seconded by Council Member Groome that the ordinance be approved at first reading.

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

POSTPONED

RESOLUTION TO AMEND THE COMMUNITY DEVELOPMENT
CITIZEN PARTICIPATION PLAN

Whereas, The Community Development Executive Committee is the citizen participation committee that oversees the Community Development Block Grant and City General Fund Human Services programs;

Whereas, The Community Development Citizen Participation Plan is the document that establishes the Committee's purpose and governs its functions; and

Whereas, Certain changes in the Community Development Citizen Participation Plan are warranted at this time to clarify its functions and to conform to the Committee membership requirements approved by City Council by separate resolution;

RESOLVED, That City Council approve the Community Development Citizen Participation Plan as amended and attached;

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

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

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With unanimous consent of Council, the resolution was postponed until the April 21, 2003 regular session.

R-110-4-03 APPROVED

RESOLUTION FOR APPROVAL TO AMEND PROFESSIONAL SERVICE AGREEMENT WITH D. KERRY LAYCOCK FOR MANAGEMENT CONSULTING SERVICES

Whereas, First initiatives for change have been identified which will provide significant opportunity for improvements that will reduce overall operational expenses and prepare employees to provide services meeting or exceeding customer expectations;

Whereas, D. Kerry Laycock has facilitated the City through the process of identifying the first initiative for change and is experienced in the methods required to work with staff to continue identifying areas that can provide significant improvements and reduce overall operational expenses;

Whereas, D. Kerry Laycock submitted a proposal in the amount of \$97,500.00 for continued assistance in these change initiatives; and

Whereas, D. Kerry Laycock is the sole proprietor, has no employees, and therefore does not require Human Rights approval;

RESOLVED, That Council approve a contract amendment with D. Kerry Laycock in the amount of \$97,500.00 for continued management consulting services for various areas of the organization;

RESOLVED, That the contract with D. Kerry Laycock be funded from the FY 2002/03 Operations and Maintenance Budgets of the City as allocated below and that the funds may be expended without regard to fiscal year:

- Police Department \$21,315.00
- Building Department \$ 9,555.00
- Water Utilities Field Service \$10,231.00
- Water Utilities Customer Service \$24,000.00
- Public Service Department \$12,789.00
- Solid Waste Department \$ 9,379.00
- Parks Department \$10,231.00
- TOTAL \$97,500.00

and;

RESOLVED, That the funds may be expended without regard to fiscal year.

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

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

R-111-4-03 APPROVED

RESOLUTION TO ALLOCATE \$5,750.00 TO MOTORCITY STREETLIFE, INC. FOR NONPROFIT CAPACITY BUILDING

Whereas, MotorCity StreetLife, Inc. is a Michigan Nonprofit Corporation, whose parent organization has a history of successfully serving the homeless in other communities;

Whereas, MotorCity StreetLife, Inc. has educated the public about poverty related issues and has established the selling of StreetWise newspapers as an alternative to giving money to panhandlers in other communities;

Whereas, The City of Ann Arbor is interested in new and innovative approaches to working with panhandlers in the downtown area and homeless citizens in the community;

Whereas, In FY2002-03, the Community Development Department budgeted \$5,750.00 for non-profit capacity building for new and innovative programs and services; and

Whereas, At their meeting on February 10, 2003, the Community Development Executive Committee recommend funding

this project with available capacity building funds;
RESOLVED, That City Council approves the allocation of \$5,750.00 to MotorCity StreetLife, Inc. for capacity building to implement a homeless newspaper in Ann Arbor; and

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

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

Council Member Groome moved, seconded by Council Member Teall to postpone the resolution until the May 5, 2003 Regular Session.

On a voice vote, Mayor Pro Tem Carlberg declared the motion defeated.

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

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POSTPONED
RESOLUTION TO ADOPT AND IMPLEMENT A REVISED
COMMUNITY TELEVISION NETWORK PUBLIC
ACCESS CHANNEL POLICY MANUAL

Whereas, The City of Ann Arbor manages and operates what is now known as Community Television Network (CTN);
Whereas, CTN continues to provide "public access television services" in the form of television production training, television production equipment, and a public access cable television channel for the distribution of video programming provided by Ann Arbor citizens and non-profit agencies;

Whereas, The City's Cable Communications Commission (CCC) and CTN management developed a Public Access Channel Policy Manual originally adopted by City Council on May 25, 1994 as subsequently revised May 9, 1995 and September 4, 1997;

Whereas, The CCC and CTN management staff have determined that revising the CTN Public Access Channel Policy Manual into two separate documents is necessary, to be referred to as the "CTN Public Access Channel Policy Manual" and the "CTN Public Access Channel Procedures Manual", to create a more effective method for understanding the rules and regulations applicable to this service while providing the CCC and CTN management staff with more flexibility in revising procedural elements by not requiring City Council review for non-policy changes;

Whereas, Primary revisions to the CTN Public Access Channel Policy Manual and CTN Public Access Channel Procedures Manual include: (1) clarification that the program schedule for the CTN Public Access Channel is determined by CTN staff; (2) a requirement to disclose certain content that may be unsuitable for viewing by children and/or is intended for a mature audience; (3) the creation of a revised "Viewer Comment Form" and new procedure for responding to viewer complaints regarding program content;

Whereas, The CCC and CTN have developed a program scheduling plan that calls for scheduling programs submitted by Ann Arbor citizens and non-profit agencies into logically defined "blocks" intended to create improved program promotion opportunities and increase viewership; and

Whereas, The CCC approved a motion unanimously at their November 26, 2002 business meeting to forward the "CTN Public Access Channel Policy Manual" and the associated "CTN Public Access Channel Procedures Manual" to City Council for their consideration and approval;

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RESOLVED, That City Council approves the "CTN Public Access Channel Policy Manual", as revised, and directs that it be promptly implemented in conjunction with the revised "CTN Public Access Channel Procedures Manual" by the Cable Communications Commission and Community Television Network staff.

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

Council Member Higgins moved, seconded by Council Member Woods that the resolution be postpone until the June 2, 2003 regular session.

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

R-112-4-03 APPROVED
RESOLUTION TO APPROVE WASHTENAW UNITED WAY
SITE PLAN, 0.88 ACRE, 2305 PLATT ROAD

Whereas, The Washtenaw United Way has requested site plan approval in order to construct a 7,240-square foot, one-story office building at 2305 Platt Road;

Whereas, The Ann Arbor City Planning Commission, on March 18, 2003, recommended approval of the site plan;

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

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

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

RESOLVED, That City Council approve the Washtenaw United Way Site Plan, subject to the impact on the sanitary sewer system being mitigated before the issuance of a certificate of occupancy.

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

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

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DEFEATED

RESOLUTION TO APPROVE THE RAVINES 2 SITE PLAN AND DEVELOPMENT AGREEMENT, 0.55 ACRE, 914-922 WEST HURON STREET

Whereas, SCL, Inc. has requested site plan approval in order to construct a 2.5-story, 17,030-square foot residential building at 914-922 West Huron Street;

Whereas, A development agreement has been prepared to address a park contribution, footing drain disconnects, and the affordable rental unit;

Whereas, The Ann Arbor City Planning Commission, on March 4, 2003, reviewed said request;

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

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

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

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated February 13, 2003; and

RESOLVED, That City Council approve The Ravines 2 Site Plan upon the conditions that (1) the Development Agreement is signed by all necessary parties, (2) all terms of the Development Agreement are satisfied, (3) there is mitigation of sanitary sewer flow equivalent to the disconnection of three footing drains before issuance of the first certificate of occupancy, and (4) one affordable dwelling unit is provided.

A communication was received from the City Planning Commission transmitting its recommendation of denial of the proposed Ravines 2 Site Plan and Development Agreement, 0.55 acre, 914-922 West Huron Street.

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

Council Member Herrell moved, seconded by Council Member Groome that the resolution be tabled.

On roll call, the vote was as follows:

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Yeas, Council Members Groome, Herrell, 2;

Nays, Council Members Johnson, Lowenstein, Reid, Carlberg, Teall, Higgins, Woods, 7;

Mayor Pro Tem Carlberg declared the motion to table defeated.

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

On roll call, the vote was as follows:

Yeas, Council Members Teall, Higgins, Lowenstein, Reid, 4;

Nays, Council Member Herrell, Woods, Groome, Johnson, Mayor Pro Tem Carlberg, 5.

The Mayor declared the motion defeated.

R-113-4-03 APPROVED

RESOLUTION TO PROTECT THE "CLEAN WATER ACT"

Whereas, The U.S. Army Corps of Engineers and the Environmental Protection Agency have requested public input regarding issues related to what waters are subject to Federal jurisdiction under the Clean Water Act (CWA) and other laws designed to protect the environment and particularly have requested public input regarding how "waters of the United States" shall be defined;

Whereas, Clean water is essential for drinking, for recreational, industrial, commercial, and agricultural uses and for aquatic life and wildlife;

Whereas, For 30 years, the Clean Water Act has played an essential role in protecting and restoring our nation's waterways;

Whereas, This progress would not have been possible if the Act had not applied to all our nation's waters,

Whereas, A more restrictive definition of the waters subject to the Clean Water Act would be detrimental to the health, safety, and welfare of the CITY OF ANN ARBOR for the following reasons:

A. Scientific studies repeatedly show the interconnectedness of surface waters, wetlands, and ground waters. Therefore adequate protection of navigable waters relies on protection of non-navigable tributaries and adjacent wetlands; and

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B. Isolated wetlands provide essential groundwater recharge services. In recent years, Southeastern Michigan aquifer levels have been declining, negatively affecting the amount of water available for residential, commercial and industrial use; and

C. Smaller, isolated wetlands have been shown to provide as many ecological services to the Huron River Watershed as larger wetlands contiguous to water bodies; and

D. Flood control is dependent on proper management of the entire watershed draining to the Huron River; and

Whereas, Enforcement of water protection for isolated, ephemeral, non-navigable or adjacent water bodies at the state level, without federal support under the Clean Water Act, would be inadequate because:

1. Enforcement by the state of Michigan of existing water protection programs is under funded and regularly inadequate; and

2. Without the leverage provided by Clean Water Act requirements, state compliance with water protection rules would be much less likely to occur;

RESOLVED, That the City of Ann Arbor affirms that the definition of U.S. waters subject to the Clean Water Act should include, in addition to traditionally navigable waters, all non navigable tributaries, intermittent and ephemeral streams, waters that pass through man-made conveyances, and all wetlands whether or not there is a visible connection to surface waters.

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

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

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R-114-4-03 APPROVED

RESOLUTION TO APPROVE A REIMBURSEMENT AGREEMENT WITH WASHTENAW COUNTY FOR THE INSTALLATION OF AN AMBASSADOR SWITCH ON THE CENTRAL ELECTRONICS BANK OF THE 800 MHz RADIO SYSTEM, ACCEPT A DEPARTMENT OF JUSTICE OFFICE OF EMERGENCY PREPAREDNESS GRANT FOR COMMUNICATION SYSTEMS INTEROPERABILITY TECHNOLOGIES AND APPROPRIATE THE GRANT FUNDS FOR THE REIMBURSEMENT OF WASHTENAW COUNTY

Whereas, The City of Ann Arbor is a member participant of the 800 MHz Consortium;

Whereas, The City of Ann Arbor operates on the Motorola Enhanced Trunked 800 MHz radio system;

Whereas, The City of Ann Arbor shares the operation of the Central Electronics Bank of the 800 MHz system;

Whereas, The 800 MHz Consortium Executive Board has requested and approved a proposal to install the Ambassador switch at a total cost of \$207,246.00;

Whereas, Washtenaw County has agreed to act as the contractor with Motorola, Inc., to install an Ambassador switch to the Central Electronics Bank as proposed;

Whereas, Police Department staff have reviewed the system description, statement of work, acceptance test plan proposed by Motorola, Inc., dated February 18, 2003, and approved its contents as it relates to the City of Ann Arbor's portion of the proposal as a member participant in the 800 MHz Consortium;

Whereas, The calculated shared costs to the City of Ann Arbor are \$171,000.00;

Whereas, The funds for the City of Ann Arbor share of this Project are available from grant funds from the Department of Justice for the Office of Disaster Preparedness and the Local Law Enforcement Block Grants in the Police Department; and

Whereas, Washtenaw County has requested the City of Ann Arbor to enter into a reimbursement agreement to pay for the \$171,000.00 shared costs;

RESOLVED, That City Council approve a Reimbursement Agreement with Washtenaw County for the shared costs associated with the upgrade of the Central Electronics Bank in accordance with the proposal reviewed by the Ann Arbor Police Department and the terms of the 800 MHz Consortium Agreement;

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

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RESOLVED: That City Council formally accept the Department of Justice Grant in the amount of \$84,426.00 to the Office of Disaster Preparedness for communication systems interoperability technologies; and

RESOLVED, That City Council approve of the expenditure of funds from the Local Law Enforcement Block Grant which have already been received and appropriated for the purpose of buying equipment and appropriates the full Department of Justice grant amount of \$84,426.00 for expenditure to cover the City's shared costs for this Project for the life of the agreement without regard to fiscal year.

Council Member Groome moved, seconded by Council Member Herrell that the resolution be adopted.

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

R-115-4-03 APPROVED

RESOLUTION TO APPROPRIATE INTEREST EARNED TOWARDS LOCAL LAW ENFORCEMENT BLOCK GRANT EXPENDITURES

Whereas, The Police Department received two Local Law Enforcement Block Grants from the US Bureau of Justice Assistance;

Whereas, The funds from these grants were placed into a separate, interest bearing account; and

Whereas, The grant agreements require the interest earned from the funds be used for grant authorized projects;

RESOLVED, That City Council approve appropriation of the interest revenues generated from money obtained through the Local Law Enforcement Block Grant funding towards expenditures related to the projects authorized by the grants; and

RESOLVED, That City Council authorize the appropriation of these revenues to the Local Law Enforcement Fund Expenditure Budget within the Police Department without regard to fiscal year.

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

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

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R-116-04-03 APPROVED

RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO COLLECT A \$10.00 FEE FOR PROCESSING BOND FUNDS FROM ARREST WARRANT SERVICES

AND THE ESTABLISHMENT OF A FUND SEPARATE FROM THE GENERAL FUND TO ACCOUNT FOR THE FUNDS AND APPROPRIATION OF THE COLLECTED FUNDS TO THE POLICE DEPARTMENT FOR EXPENDITURES

AUTHORIZED

BY STATE STATUTE

Whereas, Public Act 631 of 2002 of the Michigan compiled laws became effective on December 23, 2002;

Whereas, PA 631 authorizes police department to collect a \$10.00 fee to defray the costs associated with processing bonds from the service of arrest warrants;

Whereas, the Ann Arbor Police Department fee analysis shows that the associated costs for processing bondable arrests exceeds the \$10.00 amount authorized by statute; and

Whereas, PA 631 designates the expenditure of the funds to defray specific costs;

RESOLVED, That the City Council authorizes the establishment of a separate fund and or account to receive funds collected under authority of Michigan PA 631 of 2002, appropriate the collected funds to the designated account, and authorizes the expenditure of these funds to defray the costs identified by PA 631 of 2002, by the police department regardless of the fiscal year collected or expended.

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

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

R-117-4-03 APPROVED

RESOLUTION TO APPROVE AN AMENDMENT TO THE CONTRACT FOR LEGAL SERVICES WITH PEAR, SPERLING, EGGAN AND MUSKOVITZ

Whereas, City Council Resolution R-327-6-00 approved, on the recommendation of the City Attorney, a contract with Pear, Sperling, Eggan, and Muskovitz for legal services in connection with various labor and employment matters;

Whereas, City Council Resolution R-261-6-02 approved, on the recommendation of the City Attorney, an amendment to the contract for legal services with Pear, Sperling, Eggan and Muskovitz increasing the total compensation to a not to exceed amount of \$370,000.00;

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Whereas, The City Attorney has determined that it is necessary to continue the contractual legal representation relationship with Pear, Sperling, Eggan and Muskovitz on selective labor and employment matters to ensure the continuity and effective representation of the City's interests;

Whereas, It is necessary to amend the existing contract to increase the total compensation payable under the contract in response to additional legal service referrals in the amount of \$38,000.00; and

Whereas, Pear, Sperling, Eggan and Muskovitz received Human Rights clearance on September 17, 2002, and are in compliance with the Living Wage ordinance;

RESOLVED, That City Council approves the amendment of the contract for legal services with Pear, Sperling, Eggan and Muskovitz in the amount of \$38,000.00; and

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

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

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

R-118-4-03 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PEDESTRIAN ACCESS FROM JAMES S. HALL AND MARIE E. HALL - 2314 PACKARD

Whereas, James S. Hall and Marie E. Hall, Husband and Wife, are the fee simple owners of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 03574, Page 0305, dated January 29, 1998; and

Whereas, James S. Hall and Marie E. Hall, Husband and Wife, have delivered an easement to the City for pedestrian access over land located on the west side of Packard Road, to run with the land and burden the respective property perpetually, being more particularly described as follows:

The Westerly six (6) feet of the Easterly 10.4 feet measured perpendicular to the Easterly property line of the following described property:

Lot 12, Ardmore Gardens Subdivision, as recorded in Liber 2 of Plats, Page 44, Washtenaw County Records, Washtenaw, Michigan.

RESOLVED, That said easement be hereby accepted.

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Council Member Teall moved, seconded by Council Member Johnson that the motion be approved.

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

R-119-4-03 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PUBLIC UTILITIES FROM SOUTH STATE COMMONS, L.L.C. - S. STATE STREET AND OAKBROOK DRIVE STORM SEWERS & WATER MAIN

Whereas, South State Commons, L.L.C., a Michigan limited liability company, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 4032, Page 780, recorded July 12, 2001; and

Whereas, A Resolution of the Sole Member, dated March 3, 2003, authorized the delivery of a perpetual easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system;

Whereas, South State Commons, L.L.C., a Michigan limited liability company, has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

DESCRIPTION F 30 FOOT WIDE STORM SEWER

IN THE SW 1/4 OF SECTION 4, T3S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN

Commencing at the SW corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 01°53'00" W 250.00 feet along the West line of said Section 4; thence N 87°09'00" E 51.25 feet; thence N 02°03'20" W 1261.81 feet along the Easterly right-of-way line of State Street; thence N 87° 01'00" E 321.68 feet; thence Southeasterly 385.85 feet along the arc of a curve to the right, radius 499.00 feet, central angle 44°18'15" and chord S 70°49'52" E 376.31 feet; thence S 48°40'45" E 155.20 feet; thence Southeasterly 7.66 feet along the arc of a curve to the left, radius 429.00 feet, central angle 01° 01'24" and chord S 49°11'27" E 7.66 feet to the POINT OF BEGINNING;

thence N 77°43'23" E 137.53 feet; thence S 33°16'07" E 67.43 feet;

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thence N 57°22'03" E 72.98 feet; thence N 29°33'23" W 151.71 feet; thence N 72°07'15" E 64.90 feet; thence N 03°15'32" E 109.28 feet; thence N 69°16'51" E 22.99 feet; thence S 21°09'34" E 30.00 feet along the Westerly right-of-way line of Boardwalk Drive; thence S 69°16'51" W 3.73 feet; thence S 03°15'32" W 110.36 feet; thence S 72°07'15" W 48.63 feet; thence S 29°33'23" E 143.30 feet; thence S 57°22'03" W 118.66 feet; thence S 76°06'33" W 49.83 feet;

thence Northwesterly 48.74 feet along the arc of a curve to the right, radius 429.00 feet, central angle 06°30'34" and chord N 65°52'40" W 48.71 feet;

thence N 76°06'33" E 64.50 feet; thence N 33°16'07" W 36.16 feet;

thence S 77°43'23" W 89.50 feet;
 thence Northwesterly 44.67 feet along the arc of a curve to the right, radius 429.00 feet, central angle 05°57'59" and chord N 52°41'08" W 44.65 feet to the POINT OF BEGINNING, being a part of the SW 1/4 of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, subject to easements and restrictions of record, if any.

DESCRIPTION G
 STORM SEWER

IN THE SW 1/4 OF SECTION 4, T3S, R6E, CITY OF ANN ARBOR,
 WASHTENAW COUNTY, MICHIGAN

Commencing at the SW corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan;
 thence N 01°53'00" W 250.00 feet along the West line of said Section 4; thence N 87°09'00" E 51.25 feet;
 thence N 02°03'20" W 1201.80 feet along the Easterly right-of-way line of State Street; thence N 87°01'00" E 322.66 feet; thence Southeasterly 339.46 feet along the arc of a curve to the right, radius 439.00 feet, central angle 44°18'15" and chord S 70°49'53" E 331.06 feet; thence S 48°40'45" E 155.20 feet;
 thence Southeasterly 368.73 feet along the arc of a curve to the left, radius 489.00 feet, central angle 43°12'15" and chord S 70°16'53" E 360.06 feet; thence N 88°07'00" E 36.24 feet to the POINT OF BEGINNING;

thence continuing N 88°07'00" E 23.51 feet;

thence along the Westerly right-of-way line of Boardwalk Drive in the following two (2) courses:

Southerly 10.00 feet along the arc of a curve to the right, radius 1137.72 feet, central angle 00°30'13" and chord S 02°08'08" E 10.00 feet;

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S 01°53'00" E 25.78 feet;

thence S 87°01'00" W 3.99 feet;

thence N 30°30'56" W 40.85 feet to the POINT OF BEGINNING, being a part of the SW 1/4 of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, subject to easements and restrictions of record, if any.

DESCRIPTION H
 WATER MAIN

IN THE SW 1/4 OF SECTION 4, T3S, R6E, CITY OF ANN ARBOR,
 WASHTENAW COUNTY, MICHIGAN

Commencing at the SW corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan;
 thence N 01°53'00" W 250.00 feet along the West line of said Section 4; thence N 87°09'00" E 51.25 feet;
 thence N 02°03'20" W 1201.80 feet along the Easterly right-of-way line of State Street;
 thence N 87°01'00" E 300.47 feet to the POINT OF BEGINNING;
 thence continuing N 87°01'00" E 22.19 feet;
 thence Southeasterly 61.01 feet along the arc of a curve to the right, radius 439.00 feet, central angle 07°57'45" and chord S 89°00'08" E 60.96 feet;

thence S 02°59'00" E 35.92 feet;

thence S 87°01'00" W 23.79 feet;

thence S 02°59'00" E 221.04 feet;

thence S 47°19'13" W 74.84 feet;

thence S 02°03'38" W 26.79 feet;

thence S 87°01'00" W 40.16 feet;

thence N 02°03'38" E 46.99 feet;

thence N 47°19'13" E 72.74 feet;

thence N 02°59'00" W 167.38 feet;

thence S 87°01'00" W 182.89 feet;

thence S 02°59'00" E 20.00 feet;

thence S 87°01'00" W 40.00 feet;

thence N 02°59'00" W 60.00 feet;

thence N 87°01'00" E 33.56 feet;

thence N 02°59'00" W 27.83 feet;

thence N 87°01'00" E 169.04 feet;

thence N 05°27'17" E 7.28 feet to the POINT OF BEGINNING, being a part of the SW 1/4 of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, subject to easements and restrictions of record, if any.

RESOLVED, That the City hereby accept said easement.

Council Member Johnson moved, seconded by Council Member Herrell that the motion be approved.

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On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

R-120-4-03 APPROVED

RESOLUTION ACCEPTING EASEMENT FOR PUBLIC UTILITIES FROM SOUTH STATE COMMONS, L.L.C. - S.
STATE STREET AND OAKBROOK DRIVE
SANITARY SEWERS

Whereas, South State Commons, L.L.C., a Michigan limited liability company, is the fee simple owner of property located in the City of Ann Arbor, Washtenaw County, Michigan, as described in the Washtenaw County Records at Liber 4032, Page 780, recorded July 12, 2001;

Whereas, A Resolution of the Sole Member, dated March 3, 2003, authorized the delivery of a perpetual easement to the City for the construction and maintenance of municipally operated public services comprising the public utilities system; and

Whereas, South State Commons, L.L.C., a Michigan limited liability company, has delivered an easement to the City for the construction and maintenance of municipally operated public services to run with the land and burden the respective property perpetually, being more particularly described as follows:

DESCRIPTION C
SANITARY SEWER

THE SW 1/4 OF SECTION 4, T3S, R6E, CITY OF ANN ARBOR,
WASHTENAW COUNTY, MICHIGAN

Commencing at the SW corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 01°53'00" W 250.00 feet along the West line of said Section 4; thence N 87°09'00" E 51.25 feet; thence N 02°03'20" W 1261.81 feet along the Easterly right-of-way line of State Street; thence N 87° 01'00" E 321.68 feet; thence Southeasterly 385.85 feet along the arc of a curve to the right, radius 499.00 feet, central angle 44°18'15" and chord S 70°49'53" E 376.31 feet; thence S 48°40'45" E 155.20 feet; thence Southeasterly 154.31 feet along the arc of a curve to the left, radius 429.00 feet, central angle 20° 36'32" and chord S 58°59'01" E 153.48 feet to the POINT OF BEGINNING;

thence N 89°28'37" E 182.81 feet;

thence N 02°04'20" W 84.35 feet;

thence N 17°19'31" W 272.96 feet;

thence N 20°42'26" W 262.26 feet;

thence N 09°30'19" E 42.17 feet;

thence N 87°01'00" E 5.82 feet;

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thence along the Westerly right-of-way line of Boardwalk Drive in the following three (3) courses:

Southeasterly 103.95 feet along the arc of a curve to the left, radius 1290.90 feet, central angle 04°36'49" and chord S 18°51'10" E 103.92 feet;

S 21°09'34" E 276.24 feet;

Southerly 216.74 feet along the arc of a curve to the right, radius 1137.72 feet, central angle 10°54'54" and chord S 15°42'07" E 216.41 feet;

thence S 02°04'20" E 95.43 feet;

thence S 88°07'00" W 48.02 feet;

thence Westerly 169.18 feet along the arc of a curve to the right, radius 429.00 feet, central angle 22° 35'43" and chord N 80°35'08" W 168.09 feet; to the POINT OF BEGINNING, being a part of the SW 1/4

of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, subject to easements and restrictions of record, if any.

DESCRIPTION D
SANITARY SEWER

THE SW 1/4 OF SECTION 4, T3S, R6E, CITY OF ANN ARBOR,
WASHTENAW COUNTY, MICHIGAN

Commencing at the SW corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 01°53'00" W 250.00 feet along the West line of said Section 4; thence N 87°09'00" E 51.25 feet; thence N 02°03'20" W 1261.81 feet along the Easterly right-of-way line of State Street; thence N 87° 01'00" E 407.90 feet; thence N 01°53'00" W 295.86 feet; thence N 87°01'00" E 204.86 feet to the POINT OF BEGINNING;

thence continuing N 87°01'00" E 335.73 feet;

thence S 09°30'19" W 15.48 feet;

thence S 86°26'01" W 99.00 feet;

thence N 89°01'29" W 233.94 feet to the POINT OF BEGINNING, being a part of the SW 1/4 of Section 4, T3S,

R6E, City of Ann Arbor, Washtenaw County, Michigan, subject to easements and restrictions of record, if any.

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DESCRIPTION E
SANITARY SEWER

THE SW 1/4 OF SECTION 4, T3S, R6E, CITY OF ANN ARBOR,
WASHTENAW COUNTY, MICHIGAN

Commencing at the SW corner of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence N 01°53'00" W 250.00 feet along the West line of said Section 4; thence N 87°09'00" E 51.25 feet; thence N 02°03'20" W 1201.80 feet along the Easterly right-of-way line of State Street; thence N 87° 01'00" E 322.66 feet; thence Easterly 111.97 feet along the arc of a curve to the right, radius 439.00 feet, central angle 14°36'51" and chord S 85°40'34" E 111.67 to the POINT OF BEGINNING;

thence Southeasterly 227.48 along the arc of a curve to the right, radius 439.00 feet, central angle 29° 41'24" and chord S 63°31'27" E 224.95 feet;

thence S 48°40'45" E 13.28 feet;

thence N 62°42'16" W 237.81 feet to the POINT OF BEGINNING, being a part of the SW 1/4 of Section 4, T3S, R6E, City of Ann Arbor, Washtenaw County, Michigan, subject to easements and restrictions of record, if any.

RESOLVED, That the City hereby accept said easement.

Council Member Johnson moved, seconded by Council Member Teall that the motion be approved.

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

TABLED

RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF
ORDINANCE 8-03, WHICH REPEALS TITLE VI OF THE HISTORIC DISTRICT CODE AND ADOPT A NEW TITLE VI OF
CHAPTER 103, TITLE VIII OF THE CODE OF
THE CITY OF ANN ARBOR

Whereas, Section 7:4 of the City Charter authorizes the publication of summary ordinances over 500 words in length; RESOLVED, That Ordinance No. 8-03 be published by the following summary:

Ordinance No. 8-03 repeals Title VI of the Historic District Code and adopts a new Title VI of Chapter 103, Title VIII of the Code of the City of Ann Arbor. The reason for the repeal and adoption of a new Title VI is to allow for a new ordinance to accompany the proposed expansion of the Washtenaw-Hill Historic District. Specifically, this new ordinance will allow administrative approval of

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some replacement of architectural features using materials that appear like the original; allow design review for any proposed demolition and new construction; and safeguard the resources in the neighborhood from incongruous and inappropriate treatment.

The complete text of this ordinance is available for inspection at the City Clerk's office on the 2nd floor of the Guy C. Larcom Municipal Building, 100 N. Fifth Avenue, Ann Arbor.

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

Council Member Johnson moved, seconded by Council Member Groome that the resolution be tabled until further notice.

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

R-121-4-03 APPROVED

RESOLUTION TO APPROVE AMENDMENT TO THE HOUSING REHABILITATION AGREEMENT
WITH JOHN AND JUNE ALDEA

Whereas, On Friday, March 28, 2003 the Community Development Department Waiver and Review Board approved a waiver of the maximum assistance for housing rehabilitation assistance.

Whereas, A Housing Rehabilitation Agreement in the amount of \$31,587.00 was approved for John and June Aldea on February 3, 2003 (R-24-2-03) for rehabilitation assistance for their home located at 559 Archwood;

Whereas, The unforeseen occurrences of the sewer collapse and driveway obstruction have caused emergency health and safety issues for the homeowners;

Whereas, On March 25, 2003 the emergency work was bid and the accepted bid amount was \$20,092.00 to which a 10% contingency was added bringing the total additional amount to \$22,101.00; and

Whereas, Mr. and Mrs. Aldea will be executing a new agreement with A.H. Construction, the lowest responsible bidder, which has Human Rights, Living Wage Approval, to complete the rehabilitation work;

RESOLVED, That City Council approve the amended Housing Rehabilitation Agreement with John and June Aldea for \$53,688.00 in CDBG funds as a 0% deferred payment loan with funds to be available until expended without regard to fiscal year; and

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

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

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

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

R-122-4-03 APPROVED

RESOLUTION TO SUPPORT THE IMPLEMENTATION OF THE ANN ARBOR GREENWAY INITIATIVE IN COLLABORATION WITH THE ADOPTED WASHTENAW COUNTY GREENWAYS INITIATIVE AND THE ADOPTED CITY OF ANN ARBOR PARK RECREATION AND OPEN SPACE PLAN

Whereas, Greenways are linear open spaces, including habitats and trails, that connect parks, nature reserves, cultural features or historic sites with each other for recreation and conservation purposes;

Whereas, Greenways improve recreational opportunities, provide efficient inter-community non-motorized transportation to cultural, institutional and recreational sites, and facilitate continued protection and appreciation of natural features;

Whereas, Significant funding opportunities shall be used including The GreenWays Initiative of the Community Foundation of Southeastern Michigan which has a five-year program to encourage the development of linked greenways throughout Wayne, Oakland, Macomb, Livingston, Monroe, St Clair and Washtenaw counties to fund and create opportunities for collaboration among the communities of the seven-county region in a comprehensive effort to expand and enhance greenways development and interconnection;

Whereas, Other significant funding sources will be used, including the Michigan Natural Resources Trust Fund, the Land and Water Conservation Fund and the Federal Transportation Enhancement T21 Fund, to achieve matching funds to implement the envisioned projects;

Whereas, The GreenWays Initiative of the Community Foundation of Southeastern Michigan has also established the GreenWays Endowment Fund which will provide a permanent source of support for the development and maintenance of connected open spaces, trails and habitats in southeast Michigan forever;

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Whereas Washtenaw County adopted a Greenways Initiative in 2000 and the City of Ann Arbor Parks and Recreation Department has received funds from the GreenWays Initiative of the Community Foundation of Southeastern Michigan and from the Michigan Natural Resources Trust Fund and the Federal Transportation Enhancement T21 Fund (through MDOT) for important Green Way projects to date; and

Whereas, Ann Arbor has been playing a key role in completing the greenway segment of the Huron River Greenway (Border to Border Trail) along the Huron River through Ann Arbor as well as in making greenway connections to surrounding townships and the City of Ypsilanti, and has also

received funds from the GreenWays Initiative of the Community Foundation of Southeastern Michigan, the DNR and MDOT;

RESOLVED, That the City of Ann Arbor continue to maintain a high priority on advancing the Ann Arbor GreenWays Initiative in order to best take advantage of this 5-year window of opportunity to collaborate with the GreenWays Initiative of the Community Foundation of Southeastern Michigan, Michigan Natural Resources Trust Fund and the Greenways Initiative adopted by Washtenaw County to connect communities of this area through the continuing effort to plan and implement in Ann Arbor an interconnected greenway infrastructure, including biking and hiking paths, linked conservation corridors and habitats by:

- 1) Continuing to aggressively complete the Ann Arbor Huron River Greenway (a part of the Border-to-Border Trail) through Ann Arbor with the acquisition of easements, leases, and acquisitions of the remaining links and construction of trails and bridges as proposed in the Adopted Park Recreation and Open Space Plan;
- 2) Making a comprehensive effort to expand and enhance connecting links between Ann Arbor, Pittsfield, Scio, and Ypsilanti Townships, and the City of Ypsilanti;
- 3) Planning, acquisition, and construction of the greenway segments within Ann Arbor that will connect townships from the southeast, southwest, northeast and northwest to the Huron River Greenway, the greenways primarily following the Allen Creek, Mallets Creek***, Traver and Miller Creek ravines, parks, public lands, major institutions, public and private schools, colleges, universities, and private entities that may provide links, many identified in the details of the Ann Arbor Section of the Washtenaw Greenways Inventory Map*and in the Ann Arbor Park Recreation and Open Space Plan.**

* Washtenaw Greenways Inventory Map, October 1999 prepared by The Greenway Collaborative, Inc. This map illustrates the greenway resources and opportunities identified in county workshops held in 1993.

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**Many of the greenway and trail links within Ann Arbor are identified in the Parks and Open Space Plan, Section J: The Plan for Action - Meeting Tomorrow's Needs. See Potential Park Land Acquisitions - Consolidated List, and also the West Area, South Area, Central, and Northeast Area Trail/bikeway connections/green way connections lists and River Access list.

*** An example of some of the potential for a Malletts Creek Greenway segment would make connections with Pittsfield Township's Lily Parks and then utilize some of the lands under jurisdiction of Washtenaw County and the City of Ann Arbor--Southeast Park, Recycling Center/Landfill grasslands, Scarlett-Mitchell Woods, Brown Park, the new Ann Arbor Malletts Creek Library, Buhr Park, Washtenaw County Farm Park, Scheffler Park, Redbud Nature Area, and Huron Parkway.

Council Member Herrell moved, seconded by Council Member Teall the resolution be adopted. On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

R-123-4-03 APPROVED AS AMENDED
(RESOLUTION TO APPOINT NOMINATE A MEMBER OF TO THE CITY OF ANN ARBOR ENVIRONMENTAL COMMISSION)

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

With unanimous consent of Council, the resolution was amended as follows:

Amend RESOLVED Clause:

...RESOLVED, that Dr. Rita Loch Caruso is nominated to continue as a member of the Environmental Commission for a term of three years, effective APRIL 21, 2003.

Amend Resolution Title:

RESOLUTION TO ~~APPOINT~~ NOMINATE A MEMBER ~~OF~~ TO THE CITY OF ANN ARBOR ENVIRONMENTAL COMMISSION

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

The resolution title as amended reads as follows:

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RESOLUTION TO NOMINATE A MEMBER TO THE CITY OF ANN ARBOR ENVIRONMENTAL COMMISSION

Whereas, the appointment of members of the Environmental Commission is a prerogative of the City Council;

Whereas, The City Council did appoint three members of the Environmental Commission at its meeting of March 17, 2003;

Whereas, One of the members so appointed has chosen not to accept the appointment, creating a vacancy on the Commission;

Whereas, Rita Loch Caruso is eminently qualified to serve on the Environmental Commission, as she is Professor of Toxicology in the Department of Environmental Health Sciences at the University of Michigan;

Whereas, Dr. Loch Caruso also serves on the Environmental Health Sciences Review Committee for the National Institute of Environmental Health Sciences, NIH, and holds other positions in the environmental field; and

Whereas, Dr. Loch Caruso has been an effective member of the Environmental Commission, and would accept re-appointment;

RESOLVED, That Dr. Rita Loch Caruso is nominated to continue as a member of the Environmental Commission for a term of three years, effective April 21, 2003.

R-124-4-03 APPROVED
(RESOLUTION TO ESTABLISH A PROCEDURE FOR APPOINTMENTS TO COUNCIL COMMITTEES)

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

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

Add a RESOLVE clause:

...RESOLVED, That vacancies for Council Appointed Committees are listed on the City's web site and applications are available at the City Clerk's Office.

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

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The resolution as amended reads as follows:

RESOLUTION TO ESTABLISH A PROCEDURE FOR APPONTIMENTS TO COUNCIL COMMITTEES

Whereas, The appointment of members to certain Commissions is a prerogative of the City Council; and

Whereas, It is important to have an established procedure for such appointments, allowing adequate time for careful consideration of the appointment;

RESOLVED, Vacancies for Council Committees are listed on the City's Web Site and Applications are available at the City Clerk's Office;

RESOLVED, That Council appointments to committees will follow a two-step procedure, in which

nominations are presented at one City Council meeting, and are voted on at the next subsequent regular meeting of the Council; and
RESOLVED, That vacancies for Council Appointed Committees are listed on the City's web site and applications are available at the City Clerk's Office.

R-125-4-03 APPROVED
RESOLUTION FOR COMMUNITY EVENTS FUND DISBURSEMENTS
FROM THE 2002-2003 BUDGET

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

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

Whereas, The Committee recommends the following allocations:

- 1) Ann Arbor Coalition Against Rape- \$1,500.00 to cover police services during the march on April 11, 2003.

RESOLVED, That the Ann Arbor, City Council approve the recommended allocations from the 2002-2003 Community Events Fund;

Council Member Higgins moved, seconded by Council Member Teall that the resolution be adopted. On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

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R-126-4-03 APPROVED
RESOLUTION TO APPROVE THE ADDITION OF A TEMPORARY .25 CENTS
PER TRIP SURCHARGE TO THE ESTABLISHED TAXIMETER RATES
FOR THE CITY OF ANN ARBOR

Whereas, The current taxicab rate have been in effect since February 22, 2000;

Whereas, The cost of gas has fluctuated from an average of \$1.14 to \$1.90 per gallon in Michigan;

Whereas, The Taxicab Board convened a public meeting on March 27, 2003 to discuss the proposed .25 cents per trip surcharge for fuel cost;

Whereas, All taxicab companies licensed to operate in the City of Ann Arbor were notified and no objections to the proposed surcharge were received;

Whereas, The Taxicab Board voted unanimously to recommend to City Council a temporary surcharge of .25 cents per trip for a period of 12 months unless the price for Michigan's unleaded gas falls below \$1.40 per gallon for four consecutive weeks; and

Whereas, The surcharge would automatically be reinitiated if the price of gas went above \$1.40 per gallon for four consecutive weeks; and

RESOLVED, That City Council approve the addition to the established taximeter rates of the recommended temporary 25 cents per trip surcharge for fuel cost effective April 21, 2003; and

RESOLVED, That notice of the approved surcharge shall be noticed in the same manner as required for taximeter rates in Chapter 85 of the Ann Arbor City Code.

Council Member Teall moved, seconded by Council Member Woods that the resolution be adopted. On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

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R-127-4-03 APPROVED
RESOLUTION TO AMEND THE CITY OF ANN ARBOR BROWNFIELDS IMPLEMENTTION PLAN
TO PROVIDE FOR A BROWNFIELDS PLAN REVIEW COMMITTEE AND COMMUNITY
PARTICIPATION

Whereas, City Council adopted on September 27, 2002, a Brownfields Implementation Plan;

Whereas, The Plan, as adopted, did not include an adequate process for fact-finding, community input and Council review and/or action as an application progressed through the application process to the Washtenaw County Brownfields Redevelopment Authority to final action, if necessary, by City Council; and

Whereas, It is in the best interest of the City to amend the Brownfields Implementation Plan to revise the application process to include:

1.) Establishment of a Brownfields Plan Review Committee comprised of up to four Council members and staff appointed by the City Administrator, formerly described as and functioning under the Plan as the Brownfields Advisory Group (BAG), and City Attorney, or his/her designee, for the purpose of co-coordinating the application submission process, up to and through, a determination by the Washtenaw County Brownfields Redevelopment Authority. The Committee may conduct any fact-finding it determines necessary to the application process and may recommend specific actions at any stage of the process to Council; and

2.) Development of a community forum on the Brownfields Implementation Plan to be conducted prior to submission of any application to the Washtenaw County Brownfields Redevelopment Authority to provide greater public participation at the initial stages of the process.

RESOLVED, That the Brownfields Implementation Plan be amended as described above; and

RESOLVED, That Council members Carlberg, Groome, Johnson and Reid be named to serve on the Brownfields Plan Review Committee until such time as Council decides to alter the composition of the Committee or the named Council members wish to withdraw from the Committee.

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

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

Council Member Higgins left the meeting at 2:30 a.m.

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REPORTS FROM COUNCIL COMMITTEES

None.

COUNCIL PROPOSED BUSINESS

None.

COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS APPROVED

Mayor Pro Tem Carlberg read the appointments as recommended by Mayor Hieftje from the February 18, 2003 regular session of Council:

CDBG Executive Committee

David F. Boehnke (to fill one youth position)

2311 Delaware Drive

Ann Arbor, MI 48103

Term: Expires June 30, 2004

Chloe Peak (to fill one youth position)

335 Pinewood

Ann Arbor, MI 48103

Term: Expires June 30, 2004

Housing Policy Board

Kate Warner (Re-appointment)

1804 Linwood Avenue

Ann Arbor, MI 48103

Term: April 7, 2003 - February 21, 2006

Robert Gillett (Re-appointment)

420 N. Fourth Avenue

Ann Arbor, MI 48104

Term: April 7, 2003 - February 21, 2006

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Zoning Board of Appeals

Peter Falkenstein (Re-appointment)

630 Kuehnle Avenue

Ann Arbor, MI 48103

Term: April 7, 2003 - December 18, 2005

Cable Communications Commission

Barbara Clarke (Re-appointment)

2330 South Circle Drive

Ann Arbor, MI 48103

Term: April 7, 2003 - April 5, 2008

Michael E. Mouradian (Re-appointment)

1336 Culver Road

Ann Arbor, MI 48103

Term: April 7, 2003 - April 5, 2008

Council Member Groome moved, seconded by Council Member Johnson that Council concur with the recommendations of the Mayor.

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

NOMINATIONS PLACED ON TABLE

Mayor Pro Tem Carlberg read the following nominations for approval at a later date by Mayor Hieftje:

Cable Communications Commission

Paul Bancel 1115 Kuehnle

Ann Arbor, MI 48103

Term: April 21, 2003 - (unspecified)

Ann Arbor Housing Commission

Tammy Leavett Weatherspoon (Re-appointment)

3543 Burbank

Ann Arbor, MI 48105

Term: May 1, 2003 - May 5, 2008

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Community Development and Waiver Review Board

Judy L. Gardner (Filling Vacancy)

10 W. Eden

Ann Arbor, MI 48108

Term: April 21, 2003 - April 18, 2004

Laurie J. Wechter (Filling Richard Cole's spot)

1410 Coler Road

Ann Arbor, MI 48104

Term: April 21, 2003 - December 18, 2005

COMMUNICATIONS FROM THE CITY ADMINISTRATOR

REPORTS SUBMITTED

City Administrator Roger Fraser submitted the following reports for information of Council (Reports on file in the City Clerk's office):

1. Avalon Housing & Washtenaw County - Shelter Plus Care Grant
2. Annual Report of Potential Lien Assessments for Delinquent Water Utility Accounts.
3. Sidewalk Occupancy Permits
4. Living Wage Annual Increase
5. Environmental Bond Expenditures

The City Administrator announced that Joseph Gorman has accepted the position of Fire Chief with the City of Ann Arbor and plans to arrive between May 7, 2003 and May 12, 2003.

COMMUNICATIONS FROM THE CITY ATTORNEY

REPORT ON COMPLETED ANNEXATIONS

City Attorney Stephen Postema submitted reports on the following completed annexations (Reports on file in the City Clerk's Office):

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Pittsfield Township:

1. Stone School Townhomes, a.k.a. Marvin L. Vaneck property, 4.6 acres, located at 3625-3683 Stone School Road. (City File No. 12103Q1, .2 & .5)
2. Thomas property, 0.13 acre, located at 2931 Shady Lane. (City File No. 12033B3.1)
3. Lindner property, 0.57 acre, located at 3090 Cherry Tree Lane. (City File No. 12111U10.1)

Ann Arbor Township:

4. Taylor property, 0.73 acre, located at 850 Heather Way. (City File No. 9341T7.1)

5. North Quad by Melrose, a.k.a. Integroup Realty Trust property, 5.42 acres, located at 1756 Broadway. (City File No. 9222G2.1)

COMMUNICATIONS FROM COUNCIL

COUNCIL MEMBER HERRELL

Council Member Herrell asked the City Administrator to contact the two new youth appointees of the CDBG Executive Committee post haste, as this was a time sensitive issue.

COUNCIL MEMBER GROOME

Council Member Groome asked for a copy of the full draft of the proposed City budget. She also asked the City Administrator for a program to be developed for employee appreciation and recognition.

COUNCIL MEMBER WOODS

Council Member Woods asked the City Administrator to shed more light on the case presented this evening during Public Commentary regarding speeding tickets on US-23. She asked where the City's jurisdiction in this matter lies.

CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS

The following communications were referred as indicated (Reports on File in the City Clerk's Office):

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1. Communication from Comcast Cable Communications, Inc., submitting FCC Form 1205 (Determining Regulated Equipment and Installation Costs)
2. Communication from Comcast Cable Communications, Inc., Regarding New Service of Home Networking and Customer Survey Website
3. Communication from the State of Michigan, Department of Agriculture regarding a Notice of the Determination of Necessity for the Stony Creek Inter-County Drain
4. Correspondence from Resident of 775 South Maple Road and Adjacent Property Owners Regarding Pending Rezoning of said Property
 5. Resolution from Township of Northville in Support of Rebuilding Maybury State Park
 6. Communication from Michael Harris, Ph.D., Resigning from the Ann Arbor Building Authority Committee

The following minutes were received for file (Reports on file in the City Clerk's Office):

1. Market Commission - February 20, 2003
2. Downtown Development Authority - February 5, 2003
3. Ann Arbor-Ypsilanti SmartZone - January 8, 2003 and January 22, 2003
4. City of Ann Arbor Employees Retirement System - February 20, 2003
5. Housing Board of Appeals - September 17, 2002 & December 3, 2002
6. Ann Arbor Transportation Authority Minutes - March 19, 2003
7. Taxicab Board Minutes - January 30, 2003
8. Housing Policy Board Minutes - February 3, 2003

Council Member Lowenstein moved, seconded by Council Member Reid that the Clerk's Report be accepted.

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried.

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PUBLIC COMMENTARY - GENERAL

THE CRITICAL STATE OF THE NATION AND THE NEED FOR REFORMS WITH FEDERAL AND STATE OFFICIALS

Thomas Partridge, 100 S. 4th Street, Apt. #1010, Ann Arbor, MI 48104, spoke about the condition of the City, the State and the Nation.

ADJOURNMENT

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

On a voice vote, Mayor Pro Tem Carlberg declared the motion carried and the meeting adjourned at 2:45 a.m.

Kathleen M. Root
Clerk of the Council

Brenda Acquaviva
Recording Secretary